

House Bill No. 1593

An act relating to a public records exemption for information regarding foster parent applicants and licensed foster parents; amending s. 409.175, F.S.; expanding the exemption to include foster parent applicants and medical records of licensed foster parents and foster parent applicants; narrowing the exemption to remove information contained in neighbor references; making exempt the name, address, and telephone number of persons providing character or neighbor references; providing for expiration and retroactive application of the exemptions; clarifying language and making editorial changes; providing for future review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Notwithstanding the October 2, 2003, repeal of said subsection scheduled pursuant to the Open Government Sunset Review Act of 1995, subsection (16) of section 409.175, Florida Statutes, is amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(16)(a) ~~The following information contained in the licensing file held by the Department of Children and Family Services regarding a foster parent applicant and such applicant's spouse, minor child, and other adult household member department~~ is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless otherwise ordered by a court: the home, business, work, childcare, or school addresses and, telephone numbers,; social security numbers,; birthdates,; medical records; the floor plan of the home; and photographs of such persons. If a foster parent applicant does not receive a foster parent license, the information made exempt pursuant to this paragraph shall become public 5 years after the date of application, except that social security numbers and medical records shall remain exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to information made exempt by this paragraph before, on, or after the effective date of the exemption.

(b) ~~The following information held by the Department of Children and Family Services regarding a licensed foster parent and the foster parent's spouse, who are licensed under this section to be family foster parents and of their spouses, their minor child children, and other adult household member members~~ is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless otherwise ordered by a court: the home, business, work, childcare, or school addresses and telephone numbers; social security numbers; birthdates; medical records; identifying information about such persons in neighbor references; the floor plan of the foster home; and photographs of such persons. If a foster parent's license is no longer active, the information made exempt pursuant to this paragraph shall become public 5 years after the expiration date of such foster parent's foster

care license, except that social security numbers and medical records shall remain exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, exempt information regarding a licensed foster parent who has become an adoptive parent and exempt information regarding such foster parent's spouse, minor child, or other adult household member shall not become available to the public 5 years after expiration of such foster parent's license and shall remain exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to information made exempt by this paragraph before, on, or after the effective date of the exemption.

(c) The name, address, and telephone number of persons providing character or neighbor references regarding foster parent applicants or licensed foster parents held by the Department of Children and Family Services are exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and any identifying information about such persons contained in similar sensitive, personal information that is provided to the department by such persons. This subsection applies to foster parents whose homes are licensed under this section, including, but not limited to, all individuals who were foster parents and became adoptive parents. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Paragraphs (a) and (b) of subsection (16) of s. 409.175, Florida Statutes, are subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. The Legislature finds that it is a public necessity that the public records exemption found in s. 409.175(16), Florida Statutes, be expanded to include medical records and certain information regarding foster parent applicants, as well as information regarding a foster parent applicant's spouse, child, and other adult household members, in order to protect information of a sensitive personal nature. Public access to such records could cause harm or embarrassment to an individual and constitutes an unwarranted invasion into an individual's life and personal privacy. The harm from disclosing medical records outweighs any public benefit that can be derived from public access to such records. The Legislature also finds that the public records exemption for medical records is a public necessity because matters of personal health are traditionally private and confidential concerns between a patient and a health care provider. The private and confidential nature of personal health matters pervades both the public and private health care sectors. Furthermore, the public availability of medical records could lessen the willingness of prospective caregivers to reveal medical information, thus hindering the department's ability to assess foster parent applicants and licensed foster parents and hindering the department's attempts to make appropriate placements for foster children. The Legislature further finds that it is a public necessity to provide foster parent applicants with the same public records exemption afforded licensed foster

parents under s. 409.175(16), Florida Statutes, in order to encourage persons to apply to become licensed foster parents. The public availability of such information regarding foster parent applicants could have a negative, chilling effect on the recruitment of such persons. Accordingly, the public records exemption for such applicant information and for medical records is a public necessity for the effective and efficient operation of the foster care program.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor June 2, 2003.

Filed in Office Secretary of State June 2, 2003.