

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 287](#)

TITLE: Pub. Rec./Owners and Operators of Family Foster Homes

SPONSOR(S): McFarland and Conerly

COMPANION BILL: None

LINKED BILLS: None

RELATED BILLS: [SB 884](#) (Rodriguez)

Committee References

[Human Services](#)

16 Y, 0 N, As CS

[Government Operations](#)

[Health & Human Services](#)

SUMMARY

Effect of the Bill:

The PCS for HB 287 makes confidential and exempt from mandatory disclosure under Florida public records law certain personally identifiable information and other sensitive information held by the Department of Children and Families (DCF) regarding a family foster home applicant, or a current or former owner or operator of a family foster home, and his or her spouse, children, and other adult household members. The PCS also makes confidential and exempt certain information regarding character or neighbor references for a family foster home applicant or a current or former owner or operator of a family foster home.

The PCS makes the public records exemption subject to the Open Government Sunset Review Act and shall be repealed on October 2, 2031, unless reenacted by the Legislature.

Fiscal or Economic Impact:

The bill will likely have an insignificant, negative fiscal impact on DCF.

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ANALYSIS

EFFECT OF THE BILL:

Public Records Exemption and Confidentiality

Family Foster Home Owners and Operators

The PCS for HB 287 makes confidential and exempt from mandatory disclosure under Florida public records law¹ certain personally identifiable information and other sensitive information held by the Department of Children and Families (DCF) regarding a family foster home applicant, or a current or former owner or operator of a family foster home, and his or her spouse, children, and other adult household members. Specifically, the PCS makes confidential and exempt the following information:

- The home, business, work, child care, or school addresses and telephone numbers;
- Birth dates;
- Medical records;
- The floor plan of the home; and
- Photographs of such persons.

¹ See [s. 119.07\(1\), F.S.](#) and s. 24(a), Art. I, Fla. Const.

The PCS also makes confidential and exempt from mandatory disclosure under Florida public records law the name, address, and telephone number of persons providing [character or neighbor references](#) regarding a family foster home applicant or a current or former owner or operator of a family foster home, when DCF holds such information.

The PCS applies this public records exemption to such information made confidential and exempt before, on, or after the effective date of the bill. The PCS subjects the public records exemption to the Open Government Sunset Review Act,² which means the bill sets the exemption to an automatic repeal on October 2, 2031, unless the Legislature reviews and saves the exemption from the automatic repeal. (Section 1).

Although current law already [exempts](#) from mandatory public disclosure certain addresses and telephone numbers (i.e., the home, business, work, child care, and school), birth dates, medical records, the residential floor plan, and photographs of foster parent [applicants](#)³ and current and former [licensed foster parents](#), as well as their spouses, children, and other adult household members, the public records exemption is not permanent and current law does not require DCF to hold such exempt information as confidential for public records purposes.

Notwithstanding the 5-year time limit imposed by current law on exempt information for denied foster parent applicants and former foster parents with inactive licenses, current law already makes such exemption permanent for a licensed foster parent who goes on to become an adoptive parent as well as for character or neighbor references.

The PCS provides a public necessity statement as required by the Florida Constitution, specifying that the exemption is necessary to protect personally identifiable and other sensitive information as the release of such information could result in biological parents locating their biological children living at family foster homes as well as threats to harm, or actual harm, to any of the children, owners, and operators at family foster homes, including financial harm. (Section 2).

The PCS has an effective date of July 1, 2026. (Section 3).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill could have a minimal fiscal impact on DCF because agency staff responsible for complying with public record requests may require training related to the creation of the public record exemption. In addition, DCF could incur costs associated with redacting the exempt information before releasing a record. The costs, however, would be absorbed as they are part of the day-to-day responsibilities of DCF.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Public Record Exemptions

The Florida Constitution provides that every person is guaranteed a right to inspect or copy any public record⁴ of the legislative, executive, and judicial branches of government.⁵ The Legislature, however, may provide by general

² See [s. 119.15, F.S.](#)

³ An “operator” of a family foster home is the statutory term for a foster parent in [s. 409.175, F.S.](#) These terms may be used interchangeably; while courtrooms commonly use the term foster parent, operator is the official statutory term to describe the same individual.

⁴ A public record includes all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. [s. 119.011\(12\), F.S.](#)

⁵ [Art. I, s. 24\(a\), Fla. Const.](#)

law an [exemption](#)⁶ from public record requirements provided that the exemption passes by a two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.⁷

Current law addresses the public policy regarding access to government records, guaranteeing every person provides the right to inspect and copy any state, county, or municipal record, unless the record is exempt.⁸ Furthermore, the Open Government Sunset Review Act provides that a public record exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the "Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption."⁹ An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- Protect trade or business secrets.¹⁰

Pursuant to the Open Government Sunset Review Act,¹¹ a new public record exemption or substantial amendment of an existing exemption is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.¹²

Public Records Exemptions in Child Welfare

The [Department of Children and Families](#) (DCF) is the records custodian of personally identifiable information and other sensitive information on foster parent applicants, licensed foster parents, and licensed foster parents who become adoptive parents. For these individuals, DCF also maintains similar information on their spouses, minor children, other adult household members,¹³ and persons providing character or neighbor references.

Information Exempt from Mandatory Disclosure

Current law exempts certain [personally identifiable information and sensitive information](#) held by DCF from public records requests. For a foster parent [applicant](#) or [licensee](#) and his or her spouse, minor children, and other adult household members, exempted information includes:

- Home, business, work, child-care, or school addresses and telephone numbers;
- Birth dates;

⁶ A public record exemption means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of [s. 119.07\(1\), F.S.](#), [s. 286.011, F.S.](#), or [s. 24, Art. I](#) of the Florida Constitution. See [s. 119.011\(8\), F.S.](#) There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature designates confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. See Op. Att'y Gen. Fla. 04-09 (2004).

⁷ [Art. I, s. 24\(c\), FLA. CONST.](#)

⁸ [S. 119.01, F.S.](#)

⁹ [S. 119.15\(6\)\(b\), F.S.](#)

¹⁰ *Id.*

¹¹ [S. 119.15, F.S.](#)

¹² [S. 119.15\(3\), F.S.](#)

¹³ DCF rule describes an adult household member as a person 18 years of age or older who is present in the home on a permanent or indefinite basis or the adult paramour who frequents the home of a household member, regardless of whether the person has unsupervised contact with children. Rule 65C-30.001(4), F.S.

- Medical records;
- The floor plan of the home; and
- Photographs of such persons.

Current law grants the same exemption for licensed foster parents who become adoptive parents. For a person providing a [character or neighbor reference](#) for foster parent applicants or licensees, exempted information includes his or her name, address, and telephone number.¹⁴

For a denied foster parent applicant, an individual who no longer holds an active foster parent license, and his or her spouse, minor children, and other adult household members, current law limits the public records exemption for five years; however, the exemption permanently insulates medical records from public requests.¹⁵

For a licensed foster parent who becomes an adoptive parent and his or her spouse, minor children, and other adult household members, current law makes the public records exemption permanent.¹⁶

Current law holds state agency contractors to the same standard through the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the state agency.¹⁷

Public Records Made Exempt or Confidential and Exempt

There is a legal distinction between public records that the Legislature exempts from mandatory disclosure and public records designated as [confidential and exempt](#) by the Legislature. If a statute designates a record as exempt from public disclosure, it means the agency is not required to release it to the public. The exemption waives the agency's mandatory duty to disclose. In contrast, a record designated as confidential and exempt is not subject to inspection by the public as the agency is legally forbidden from voluntary disclosing it. Exempt and confidential information may only be released to certain person and entities designated in statute.¹⁸

Although current law grants foster parent applicants, licensed foster parents (including those who become adoptive parents), and their spouses, minor children, and other adult household members a measure of protection, the exempted personally identifiable information and sensitive information does not have concurrent confidentiality protection in statute. In other words, since certain personally identifiable information and sensitive information is exempt from disclosure via a public records request, but is not also deemed confidential in statute, current law does not prohibit DCF from voluntarily disclosing such information.¹⁹

Florida's Child Welfare System

Administered by DCF, Florida's child welfare system seeks to:

- Provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development;
- Ensure secure and safe custody;
- Promote the health and well-being of all children under the state's care; and

¹⁴ [S. 409.175\(16\), F.S.](#)

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ [S. 119.0701\(2\)\(b\), F.S.](#) For public records law, a contractor means an individual, partnership, corporation, or business entity that enters into a contract for services with a public agency and is acting on behalf of the public agency. [s. 119.0701\(1\)\(a\), F.S.](#)

¹⁸ *WFTV, Inc. v. Sch. Bd. of Seminole Co.*, 874 So.2d 48, 53-54 (5th DCA 2004).

¹⁹ Note that [s. 409.1678\(6\), F.S.](#) requires information about the location of a safe house (child-caring agency), safe foster home (Level III), or other residential facilities serving child victims of commercial sexual exploitation to be confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the Florida Constitution. Such confidential and exempt information may only be shared between state agencies as necessary to maintain the health and safety standards and to address emergency situations in the safe house, safe foster home, and other residential facility.

- Prevent the occurrence of child abuse, neglect, and abandonment.²⁰

DCF Interventions

In-Home Preventative Services

If a DCF child protective investigator discovers impending danger²¹ or present danger²² to a child, he or she must implement a specific, sufficient, feasible, and sustainable safety plan.²³ DCF may activate in-home prevention services like parental coaching, family therapy, and cognitive-behavioral interventions to mitigate danger. If these services are successful, DCF prevents a home removal, a disrupted family, and a foster care placement.²⁴

Temporary Shelter

The safety plan may not rely on a caregiver's promises of good behavior and may not offset his or her lack of capacity or ability to comply.²⁵ At any time during the life of the safety plan, should DCF develop probable cause that a child cannot remain safely at home, current law authorizes DCF to take custody of the child. Within 24 hours of the home removal, DCF must file a petition for a shelter hearing.^{26,27} DCF may temporarily shelter the child overnight with a relative or nonrelative or in a licensed home or facility.²⁸ At the shelter hearing, the court appoints a guardian ad litem for the child.²⁹

If the presiding judge agrees with the necessity of home removal and that in-home remedial services will not eliminate the necessity of out-of-home care, the judge will continue the child's shelter placement.³⁰ At the next scheduled hearing (i.e., disposition), the judge orders an out-of-home care placement for the child and, if necessary, the accompanying array of social and rehabilitative services.³¹

Out-of-Home Care Placements

Current law prioritizes out-of-home care placements that are the least restrictive, most family-like settings which are available in close proximity to the child's home and meets the child's needs.³² Licensed foster care consists of a

²⁰ S. [39.001\(1\)\(a\), F.S.](#)

²¹ "Impending danger" means a situation in which family behaviors, attitudes, motives, emotions, or situations pose a threat that may not be currently active but that can be anticipated to become active and to have severe effects on a child at any time. S. [39.01\(38\), F.S.](#)

²² "Present danger" means a significant and clearly observable family condition that is occurring at the current moment and is already endangering or threatening to endanger the child. Present danger threats are conspicuous and require that an immediate protective action be taken to ensure the child's safety. S. [39.01\(69\), F.S.](#)

²³ S. [39.301\(9\)\(a\), F.S.](#)

²⁴ S. [39.01\(70\), F.S.](#)

²⁵ S. [39.301\(9\), F.S.](#)

²⁶ "Shelter hearing" means a hearing in which the court determines whether probable cause exists to keep a child in shelter status pending further investigation of the case. S. [39.01\(82\), F.S.](#)

²⁷ Ss. [39.401\(1\), F.S.](#), [39.401\(3\), F.S.](#) To establish probable cause, DCF must find evidence of:

- Past abuse, neglect or abandonment to the child;
- Present suffering of the child from illness or injury as a result of abuse, neglect, or abandonment;
- Imminent suffering of the child from illness or injury as a result of abuse, neglect, or abandonment;
- A material violation of the court's order of protective supervision (Ss. 39.01(74),F.S., [39.521\(3\), F.S.](#)) or out-of-home placement; or
- The lack of an immediately known or available legal caregiver or kinship caregiver to provide care and supervision for the child.

²⁸ Ss. [39.01\(81\), F.S.](#), [39.402\(8\)\(a\), F.S.](#) DCF must determine the shelter placement according to the same standard as foster care placements – balance the child's best interests (see [s. 39.01375, F.S.](#)) against the statutory hierarchy of preferred placements (see [s. 39.4021, F.S.](#)).

²⁹ S. [39.402\(8\)\(c\), F.S.](#)

³⁰ Ss. [39.402\(2\), F.S.](#), [39.402\(8\)\(h\), F.S.](#)

³¹ S. [39.521\(1\)\(a\), F.S.](#)

³² Ss. [39.4021, F.S.](#), [39.523\(1\), F.S.](#) The statutory hierarchy of preferred placements for a child, in descending order, is with the nonoffending parent, a relative caregiver, an adoptive parent of the child's sibling, fictive kin with a close existing relationship to the child, a nonrelative caregiver who lacks an existing relationship with the child, licensed foster care, and group or congregate care.

range of placements for children in out-of-home care that vary in service level. The following chart displays the levels of licensed care.³³

Licensed Care Placements	
Placement Type	Description
Level I: Child-Specific Foster Home	Places a child with relatives or non-relatives who have an existing relationship with the child and are willing and able to provide care for the child.
Level II: Non-Child Specific Foster Home	Places a child with a foster parent without having a prior relationship between the child and foster parent.
Level III: Safe Foster Home for Victims of Human Trafficking	Places a victim of human trafficking in a safe and stable environment.
Level IV: Therapeutic Foster Home	Places a child with a foster parent that has received specialized training to care for children and adolescents that have significant emotional, behavioral, or social needs.
Level V: Medical Foster Home	Places a child with a foster parent with specialized training to care for children and adolescents with chronic medical conditions.
Group Homes	Places a child in a single family or multi-family community with no greater than 14 children to meet the physical, emotional, and social needs of the child.

Across all placement categories, DCF served an average of 14,634 children and young adults in out-of-home care per month in calendar year 2025. In calendar year 2024, the monthly average was 16,979, which means DCF served on average 13% less children and young adults per month in out-of-home care year-over-year.³⁴

As of June 2025, DCF records a total bed capacity of license Levels I through V at 14,078. This is a decrease in total bed capacity of 19.4% from 2023 levels, where DCF recorded total bed capacity at 17,470 in January 2023.³⁵

Foster Care Workforce

DCF licenses and regulates out-of-home care placement service providers (i.e., child-placing agencies)³⁶ and foster care providers (i.e., family foster homes and residential child-caring agencies).³⁷

³³ S. [409.175, F.S.](#); The Department of Children and Families, *Foster Home Licensing*, <https://www.myflfamilies.com/services/licensing/foster-care-licensing> (last visited Jan. 6, 2026).

³⁴ Office of Child and Family Well-Being, "Office of Child and Family Well-Being Dashboard: Monthly Trend," *Department of Children and Families*, (last updated Jan. 12, 2026) <https://www.myflfamilies.com/ocfw-dashboard> (last visited Jan. 14, 2026). Select the box for "Children and Young Adults in Out-of-Home Care". On the next page, click the grid symbol in the upper right-hand corner. On the next page, add up data entries for January 2025 through December 2025 yields 175,614. Divide that figure by 12 to yield monthly average. Repeat for calendar year 2024.

³⁵ Department of Children and Families, "Placement in Out-of-Home Care Data: Percent and Count of Foster Home Bed Capacity by License Type and CBC Lead Agency," (last updated Jun. 2025) <https://www.myflfamilies.com/services/child-family/placement-data> (last visited Jan. 13, 2025). Scroll down to "Percent and Count of Foster Home Bed Capacity by License Type and CBC Lead Agency" interactive graph chart. Note that bed capacity is highly concentrated in License Levels I and II.

³⁶ A child-placing agency is a person, corporation, or agency, public or private, other than the parent or legal guardian of the child or an adoption intermediary, that receives a child for placement and places or arranges for the placement of a child in a family foster home, residential child-caring agency, or adoptive home. [S. 409.175\(2\)\(d\), F.S.](#)

³⁷ "Residential child-caring agency" means any person, corporation, or agency, public or private, other than the child's parent or legal guardian, that provides staffed 24-hour care for children in facilities maintained for that purpose, regardless of whether operated for profit

Family Foster Homes

A family foster home is a DCF-licensed residence in which foster children are provided 24-hour care.³⁸ Current law distinguishes between an owner of a family foster home and an operator. An owner holds the license for the family foster home; the operator is the person onsite at the family foster home charged with ultimate responsibility for the overall operation of the family foster home. An owner and operator of a family foster home can be the same individual.³⁹ The table below records the number of family foster homes in Florida as of January 7, 2026.⁴⁰

Licensed Foster Care Providers	
License Class	Total Active Licenses (as of January 7, 2026)
Family Foster Homes	6,169

As of January 2026, the total number of family foster homes has decreased by 30% since 2023 levels, when DCF licensed 8,816 family foster homes in January 2023.⁴¹

OTHER RESOURCES:

[WFTV, Inc. v. The School Board of Seminole County, 874 So.2d 48 \(5th DCA 2004\).](#)

or whether a fee is charged. Such residential child-caring agencies include, but are not limited to, maternity homes, runaway shelters, group homes that are administered by an agency, emergency shelters that are not in private residences, and wilderness camps. Residential child-caring agencies do not include hospitals, boarding schools, summer or recreation camps, nursing homes, or facilities operated by a governmental agency for the training, treatment, or secure care of delinquent youth, or facilities licensed under s. 393.067 or s. 394.875 or chapter 397. s. 409.175(2)(l), F.S.

³⁸ S. 409.175(2)(e), F.S. The term does not include an adoptive home that has been approved by the department or approved by a licensed child-placing agency for children placed for adoption.

³⁹ S. 409.175(2)(h), F.S., s. 409.175(2)(i), F.S.

⁴⁰ Department of Children and Families, Agency Analysis for House Bill 287 (2026), pp. 2 (Jan. 7, 2026).

⁴¹ Department of Children and Families, "Placement in Out-of-Home Care Data: Foster Home Status," (last updated Aug. 2025)

<https://www.myflfamilies.com/services/child-family/placement-data> (last visited Jan. 13, 2025). Scroll down to "Foster Home Status" interactive graph chart.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Human Services Subcommittee	16 Y, 0 N, As CS	1/20/2026	Mitz	DesRochers

THE CHANGES ADOPTED BY THE COMMITTEE:	<p>Makes confidential and exempt from mandatory disclosure under Florida public records law:</p> <ul style="list-style-type: none"> • Certain personally identifiable information and other sensitive information held by the Department of Children and Families (DCF) regarding a family foster home applicant, or a current or former owner or operator of a family foster home, and his or her spouse, children, and other adult household members. • Certain information regarding character or neighbor references for a family foster home applicant or a current or former owner or operator of a family foster home.
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Makes the public records exemption subject to the Open Government Sunset Review Act and shall be repealed on October 2, 2031, unless reenacted by the Legislature.

[Government Operations](#)

[Subcommittee](#)

[Health & Human Services](#)

[Committee](#)

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.