

<b>Tab 1</b>	<b>SB 304 by Sharief; Identical to H 00511 Child Abuse Investigations</b>				
826378	D	S	CF, Sharief	Delete everything after	03/11 08:32 AM
<b>Tab 2</b>	<b>SB 558 by Grall; Identical to H 01537 Contracts for Postadoption Contact</b>				
435036	D	S	CF, Grall	Delete everything after	03/11 08:34 AM
<b>Tab 3</b>	<b>SB 738 by Burton; Similar to CS/H 00047 Child Care and Early Learning Providers</b>				
831124	A	S	CF, Burton	Delete L.127 - 450:	03/11 08:34 AM
<b>Tab 4</b>	<b>SB 1174 by Jones; Identical to H 00989 Licensure of Family Foster Homes</b>				
102620	A	S	CF, Jones	Delete L.25 - 33:	03/11 08:35 AM
<b>Tab 5</b>	<b>SB 1626 by Grall; Identical to H 01301 Child Welfare</b>				
393658	D	S	CF, Grall	Delete everything after	03/11 08:35 AM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**CHILDREN, FAMILIES, AND ELDER AFFAIRS**

**Senator Grall, Chair**  
**Senator Garcia, Vice Chair**

**MEETING DATE:** Wednesday, March 12, 2025

**TIME:** 8:30—10:30 a.m.

**PLACE:** 301 Senate Building

**MEMBERS:** Senator Grall, Chair; Senator Garcia, Vice Chair; Senators Brodeur, Harrell, Rouson, Sharief, and Simon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 304</b> Sharief (Identical H 511)	Child Abuse Investigations; Citing this act as "Patterson's Law"; requiring child protective investigators to inform subjects of their investigations of the right to request specified examinations of the alleged victim; authorizing an alleged perpetrator of child abuse to request specified examinations of the alleged victim under certain circumstances; prohibiting the request for or use of such examinations to obtain a second opinion on whether an alleged victim has been sexually abused, etc.	CF      03/12/2025 JU RC
2	<b>SB 558</b> Grall (Identical H 1537)	Contracts for Postadoption Contact; Authorizing certain parties to enter into a written contract for postadoption contact that permits contact between an adopted child and his or her legal relatives; authorizing any party to such contract to file the contract with the court; requiring the court to make the contract a part of the final adoption order; authorizing and providing requirements for enforcement, modification, or termination of the contract, etc.	CF      03/12/2025 JU RC
3	<b>SB 738</b> Burton (Similar CS/H 47)	Child Care and Early Learning Providers; Exempting public and private preschools from specified special assessments levied by a municipality; revising licensing standards for all licensed child care facilities and minimum standards and training requirements for child care personnel; requiring a county commission to affirm annually certain decisions; expanding the types of providers to be considered when developing and implementing a plan to eliminate duplicative and unnecessary inspections, etc.	CF      03/12/2025 AHS FP

**COMMITTEE MEETING EXPANDED AGENDA**

Children, Families, and Elder Affairs

Wednesday, March 12, 2025, 8:30—10:30 a.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 1174</b> Jones (Identical H 989)	Licensure of Family Foster Homes; Authorizing the transfer of certain licenses, etc.  CF      03/12/2025 AHS RC	
5	<b>SB 1626</b> Grall (Identical H 1301)	Child Welfare; Authorizing the Office of Statewide Prosecution in the Department of Legal Affairs to investigate and prosecute specified violations; revising the definition of the term "child who is found to be dependent"; defining the term "legal custodian"; authorizing a law enforcement officer or an authorized agent of the department to take a child into custody who is the subject of a specified court order; requiring a local government to exclude certain residential child-caring agencies from proximity limitations, etc.  CF      03/12/2025 AHS FP	

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Other Related Meeting Documents

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By Senator Sharief

35-00685A-25

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1                   A bill to be entitled  
2           An act relating to child abuse investigations;  
3           providing a short title; amending s. 39.301, F.S.;  
4           requiring child protective investigators to inform  
5           subjects of their investigations of the right to  
6           request specified examinations of the alleged victim;  
7           amending s. 39.304, F.S.; authorizing an alleged  
8           perpetrator of child abuse to request specified  
9           examinations of the alleged victim under certain  
10          circumstances; providing that the alleged perpetrator  
11          is responsible for paying for such examinations;  
12          prohibiting the request for or use of such  
13          examinations to obtain a second opinion on whether an  
14          alleged victim has been sexually abused; providing an  
15          effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. This act may be cited as "Patterson's Law."

20           Section 2. Paragraph (a) of subsection (5) of section  
21 39.301, Florida Statutes, is amended to read:

22           39.301 Initiation of protective investigations.—

23           (5) (a) Upon commencing an investigation under this part,  
24 the child protective investigator shall inform any subject of  
25 the investigation of the following:

- 26           1. The names of the investigators and identifying  
27 credentials from the department.  
28           2. The purpose of the investigation.  
29           3. The right to obtain his or her own attorney and ways

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30 that the information provided by the subject may be used.

31 4. The possible outcomes and services of the department's  
32 response.

33 5. The right of the parent or legal custodian to be engaged  
34 to the fullest extent possible in determining the nature of the  
35 allegation and the nature of any identified problem and the  
36 remedy.

37 6. The duty of the parent or legal custodian to report any  
38 change in the residence or location of the child to the  
39 investigator and that the duty to report continues until the  
40 investigation is closed.

41 7. The right of the subject to request examinations of the  
42 alleged victim as specified in s. 39.304(1)(c).

43 Section 3. Paragraph (c) is added to subsection (1) of  
44 section 39.304, Florida Statutes, to read:

45 39.304 Photographs, medical examinations, X rays, and  
46 medical treatment of abused, abandoned, or neglected child.—

47 (1)

48 (c) If an examination is performed on the child under  
49 paragraph (b), the alleged perpetrator may:

50 1. For the purpose of obtaining a second opinion, request  
51 that the alleged victim be examined by a licensed physician or  
52 advanced practice registered nurse who did not perform the  
53 initial examination and who routinely provides medical care to  
54 pediatric patients; and

55 2. For the purpose of ruling out a differential diagnosis,  
56 request that the alleged victim be examined by a licensed  
57 physician or an advanced practice registered nurse who routinely  
58 provides medical care to pediatric patients to determine whether

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59 the alleged victim has one or more of the following medical  
60 conditions:

61 a. Rickets.

62 b. Ehlers-Danlos syndromes.

63 c. Osteogenesis imperfecta, also known as brittle bone  
64 disease.

65 d. Vitamin D deficiency.

66 e. Any other medical condition known to appear to be caused  
67 by suspected abuse or to increase the risk of a misdiagnosis of  
68 abuse.

69  
70 Examinations requested under this paragraph are to be paid for  
71 by the alleged perpetrator or as otherwise covered by insurance  
72 or Medicaid. Examinations under this paragraph may not be  
73 requested or used to obtain a second opinion on whether an  
74 alleged victim has been sexually abused.

75 Section 4. This act shall take effect July 1, 2025.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 304

INTRODUCER: Senator Sharief

SUBJECT: Child Abuse Investigations

DATE: March 11, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tuszynski	Tuszynski	CF	<b>Pre-meeting</b>
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____

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**I. Summary:**

SB 304 amends child welfare law to allow an alleged perpetrator of abuse, abandonment, or neglect of a child to request a medical examination of an alleged child victim by a licensed physician or advanced practice registered nurse that routinely provides medical care to pediatric patients. The requested medical examinations are to obtain a second opinion and rule out certain medical conditions that are known to appear to be caused by suspected abuse or to increase the risk of a misdiagnosis of abuse.

The bill requires the requested examination to be paid for by the alleged perpetrator or as otherwise covered by insurance.

The bill also requires a child protective investigator that has commenced an investigation into a report of alleged child abuse to inform the parent being investigated of the right to request a medical examination for these purposes.

The bill does not appear to have a fiscal impact. *See* Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2025.

**II. Present Situation:**

**Florida's Child Welfare System**

Chapter 39, F.S., creates Florida's dependency system, which is charged with protecting child welfare. This system identifies children and families in need of services through reports to a

central child abuse hotline.<sup>1</sup> The Department of Children and Families (DCF) and Community-based Care Lead Agencies (CBC)<sup>2</sup> work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the system finds safe out-of-home placements for these children.

The DCF's practice model for child and family well-being is a safety-focused, family-centered, and trauma-informed approach. It is implemented to ensure:<sup>3</sup>

- Safety;
- The physical and emotional health of children;
- Strengthened families;
- Long-term secure relationships; and
- Community integration.

The DCF contracts for case management, out-of-home services, and related services with CBCs.<sup>4</sup> The outsourced provision of child welfare services is intended to increase local community ownership of service provision and design. CBCs contract with many subcontractors for case management and direct-care services to children and their families. There are 16 CBCs statewide that serve the state's 20 judicial circuits. However, the DCF remains responsible for the operation of the central abuse hotline and investigations of abuse, abandonment, and neglect.

Ultimately, the DCF is responsible for all program oversight and the overall performance of the child welfare system.

### ***Dependency System Process***

When a child is in danger of, or has suffered from, abuse, abandonment or neglect, the dependency system is set up to protect the child's welfare. The dependency process includes, among other things:<sup>5</sup>

- A report to the central abuse hotline.
- A child protective investigation to determine the safety of the child.
- The court finding the child dependent.
- Case planning to address the problems resulting in the child's dependency.
- Reunification with the child's parent or another option to establish permanency, such as adoption.

### ***Mandatory Reporting***

Florida law requires *any* person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected to report such knowledge or suspicion to the DCF central abuse

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<sup>1</sup> Section 39. 101, F.S.

<sup>2</sup> Section 409.986, F.S.; a "community-based care lead agency" or "lead agency" means a single entity with which the DCF has a contract for the provision of care for children in the child protection and child welfare system in a community that is no smaller than a county and no larger than two contiguous judicial circuits. The secretary of the DCF may authorize more than one eligible lead agency within a single county if doing so will result in more effective delivery of services to children.

<sup>3</sup> See *Generally*, Department of Children and Families, Florida's Child Welfare Practice Model, available at: [https://www.myflfamilies.com/sites/default/files/2022-12/FLCSPPracticeModel\\_0.pdf](https://www.myflfamilies.com/sites/default/files/2022-12/FLCSPPracticeModel_0.pdf) (last visited 3/5/25).

<sup>4</sup> See Part V, Chapter 409, F.S.

<sup>5</sup> See *generally*, Chapter 39, F.S.



hotline.<sup>6</sup> A person from the general public, while a mandatory reporter, may make a report anonymously.<sup>7</sup> However, a person with certain occupations such as a physician, nurse, teacher, law enforcement officer, or judge must provide his or her name to the central abuse hotline when making a report.<sup>8</sup>

### ***Central Abuse Hotline and Investigations***

The central abuse hotline (hotline) receives all reports or known or suspected child abuse, abandonment, or neglect.<sup>9</sup> The hotline must receive reports 24 hours a day, 7 days a week via telephone, writing, or electronic reporting.<sup>10</sup>

A report to the hotline is the first step that must be taken to initiate a safety assessment and an investigation.<sup>11</sup> When allegations are made against a parent, legal custodian, caregiver,<sup>12</sup> or other person responsible for the child's welfare,<sup>13</sup> the hotline counselor must assess whether the report meets the statutory definition of abuse, abandonment, or neglect.<sup>14</sup> If they do, the report is accepted for a protective investigation.<sup>15</sup> At the same time, the DCF makes a determination regarding the timeline for which a protective investigation must be initiated including, in part:

- Immediately if:
  - It appears the child's immediate safety or well-being is endangered;
  - The family may flee or the child will be unavailable for purposes of conducting a child protective investigation; or
  - The facts otherwise so warrant; or
- Within 24 hours in all other child abuse, abandonment, or neglect cases.<sup>16</sup>

For reports requiring an immediate onsite protective investigation, the central abuse hotline shall immediately notify the department's designated district staff responsible for protective investigations to ensure that an onsite investigation is promptly initiated.<sup>17</sup> For reports not requiring an immediate onsite protective investigation, the central abuse hotline shall notify the department's designated district staff responsible for protective investigations in sufficient time to allow for an investigation.<sup>18</sup>

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<sup>6</sup> Section 39.201(1)(a), F.S.

<sup>7</sup> Section 39.201(1)(b)1., F.S.

<sup>8</sup> Section 39.201(1)(b)2., F.S.

<sup>9</sup> Section 39.101(1)(a), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 39.101, F.S.

<sup>12</sup> Section 39.01(10), F.S., defines "caregiver" as the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare as defined in subsection (57).

<sup>13</sup> Section 39.01(57), F.S., defines "other person responsible for a child's welfare" to include the child's legal guardian or foster parent; an employee of any school, public or private child day care center, residential home, institution, facility, or agency; a law enforcement officer employed in any facility, service, or program for children that is operated or contracted by the Department of Juvenile Justice, with exceptions of specified personnel working in their official capacity.

Section 39.201(2)(f), F.S., requires reports of known or suspected institutional child abuse or neglect to be made in the same manner as other reports under s. 39.201, F.S.

<sup>14</sup> Section 39.201(4), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 39.101(2), F.S.

<sup>17</sup> Section 39.301(1), F.S.

<sup>18</sup> *Id.*

Once assigned, a child protective investigator must assesses the safety and perceived needs of the child and family, if in-home services are needed to stabilize the family, or if the safety of the child necessitates removal and the provision of out-of-home services.<sup>19</sup>

### ***Medical Examination***

A child protective investigator may refer a child to a licensed physician or an emergency department in a hospital without the consent of the child's parents or legal custodian if that child has visible areas of trauma that indicate a need for a medical examination, or if the child verbally complains or appears in distress as a result of injury through suspected child abuse, abandonment, or neglect.<sup>20</sup> Such examination may be performed by any licensed physician or an advanced practice registered nurse.<sup>21</sup>

Consent for non-emergency medical treatment must be obtained from a parent or legal custodian of the child, if available, or the DCF must obtain a court order for medical treatment.<sup>22</sup>

### ***Child Protection Teams***

A child protection team (CPT) is a medically directed, multidisciplinary team that supplements the child protective investigation efforts of DCF and local sheriffs' offices in cases of child abuse and neglect.<sup>23</sup> CPTs are independent community-based programs contracted by the Department of Health Children's Medical Services (CMS) program that provide expertise in evaluating alleged child abuse and neglect, assess risk and protective factors, and provide recommendations for interventions to protect children and enhance a caregiver's capacity to provide a safer environment when possible.<sup>24</sup>

Certain reports of child abuse, abandonment, and neglect to the hotline must be referred to CPTs, including:<sup>25</sup>

- Injuries to the head, bruises to the neck or head, burns, or fractures in a child of any age;
- Bruises anywhere on a child five years of age or younger;
- Any report alleging sexual abuse of a child;
- Any sexually transmitted disease in a prepubescent child;
- Reported malnutrition or failure of a child to thrive;
- Reported medical neglect of a child;
- A sibling or other child remaining in a home where one or more children have been pronounced dead on arrival or have been injured and later died as a result of suspected abuse, abandonment, or neglect; and

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<sup>19</sup> Section 39.301, F.S.; Part IV, Chapter 39, F.S.

<sup>20</sup> Section 39.304(1)(b), F.S.

<sup>21</sup> *Id.*

<sup>22</sup> Section 39.304(2)(a), F.S.

<sup>23</sup> Florida Department of Health, Children's Medical Services, *Child Protection Teams*, available at: <https://www.floridahealth.gov/%5C/programs-and-services/childrens-health/cms-specialty-programs/Child-Protection/index.html> (last visited 3/6/25).

<sup>24</sup> *Id.*

<sup>25</sup> Section 39.303(4), F.S.

- Symptoms of serious emotional problems in a child when emotional or other abuse, abandonment or neglect is suspected.
- A child who does not live in this state who is currently being evaluated in a medical facility in this state.

When a CPT accepts a referral from DCF or law enforcement, it may provide one or more of the following services:<sup>26</sup>

- Medical diagnosis and evaluation;
- Child forensic interviews;
- Child and family assessments;
- Psychological and psychiatric evaluations; and
- Expert court testimony.

### **III. Effect of Proposed Changes:**

SB 304 amends s. 39.304, F.S., to allow an alleged perpetrator of child abuse, abandonment, or neglect (parent) to request a medical examination of the alleged victim (child) by a licensed physician or advanced practice registered nurse. The physician or APRN must not have performed the initial medical examination and must also routinely provide medical care to pediatric patients.

These examinations can only be requested to obtain a second opinion and rule out a differential diagnosis to determine whether the child has one or more of the following medical conditions:

- Rickets.
- Ehlers-Danlos syndrome.
- Osteogenesis imperfecta, or brittle bone disease.
- Any other medical condition known to appear to be caused by suspected abuse or to increase the risk of a misdiagnosis of abuse.

The bill requires the parent pay for these requested medical examinations, or for them to be paid for as otherwise covered by insurance. The bill does not allow a request for a second opinion examination for a child alleged to have been sexually abused.

The bill also amends s. 39.301, F.S., to require a child protective investigator that has commenced an investigation to inform the parent being investigated of the right to request a medical examination for a second opinion or differential diagnoses rule out.

The bill provides an effective date of July 1, 2025.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>26</sup> See generally, s. 39.303(3), F.S.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 39.301, 39.304

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate

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House

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The Committee on Children, Families, and Elder Affairs (Sharief) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) is added to subsection (1) of section 39.201, Florida Statutes, to read:

39.201 Required reports of child abuse, abandonment, or neglect, sexual abuse of a child, and juvenile sexual abuse; required reports of death; reports involving a child who has exhibited inappropriate sexual behavior.—



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11 (1) MANDATORY REPORTING.—

12 (d) Any report made by a person whose occupation is listed  
13 in sub-subparagraph (b)2.a. must contain a summary of the  
14 analysis used to rule out a differential diagnosis of the  
15 conditions specified in s. 39.303(4) (b).

16 Section 2. Paragraph (a) of subsection (2), paragraph (a)  
17 of subsection (5), and paragraph (c) of subsection (14) of  
18 section 39.301, Florida Statutes, are amended to read:

19 39.301 Initiation of protective investigations.—

20 (2) (a) The department shall immediately forward allegations  
21 of criminal conduct to the municipal or county law enforcement  
22 agency of the municipality or county in which the alleged  
23 conduct has occurred, unless the parent or legal custodian:

24 1. Has alleged that the child has a preexisting diagnosis  
25 specified in s. 39.303(4) (b); or

26 2. Is requesting that the child have an examination under  
27 s. 39.304(1) (c).

28  
29 Allegations of criminal conduct that are not immediately  
30 forwarded to the law enforcement agency pursuant to subparagraph  
31 1. or subparagraph 2. must be immediately forwarded to the law  
32 enforcement agency upon completion of the investigation under  
33 this part if criminal conduct is still alleged.

34 (5) (a) Upon commencing an investigation under this part,  
35 the child protective investigator shall inform any subject of  
36 the investigation of the following:

37 1. The names of the investigators and identifying  
38 credentials from the department.

39 2. The purpose of the investigation.



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40           3. The right to obtain his or her own attorney and ways  
41 that the information provided by the subject may be used.

42           4. The possible outcomes and services of the department's  
43 response.

44           5. The right of the parent or legal custodian to be engaged  
45 to the fullest extent possible in determining the nature of the  
46 allegation and the nature of any identified problem and the  
47 remedy.

48           6. The duty of the parent or legal custodian to report any  
49 change in the residence or location of the child to the  
50 investigator and that the duty to report continues until the  
51 investigation is closed.

52           7. The duty of the parent or legal custodian to report any  
53 preexisting diagnosis for the child which is specified in s.  
54 39.303(4)(b) and provide any medical records that support that  
55 diagnosis in a timely manner.

56           (14)

57           (c) The department, in consultation with the judiciary,  
58 shall adopt by rule:

59           1. Criteria that are factors requiring that the department  
60 take the child into custody, petition the court as provided in  
61 this chapter, or, if the child is not taken into custody or a  
62 petition is not filed with the court, conduct an administrative  
63 review. Such factors must include, but are not limited to,  
64 noncompliance with a safety plan or the case plan developed by  
65 the department, and the family under this chapter, and prior  
66 abuse reports with findings that involve the child, the child's  
67 sibling, or the child's caregiver.

68           2. Requirements that if after an administrative review the





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69 department determines not to take the child into custody or  
70 petition the court, the department shall document the reason for  
71 its decision in writing and include it in the investigative  
72 file. For all cases that were accepted by the local law  
73 enforcement agency for criminal investigation pursuant to  
74 subsection (2), the department must include in the file written  
75 documentation that the administrative review included input from  
76 law enforcement. In addition, for all cases that must be  
77 referred to Child Protection Teams pursuant to s. 39.303(5) and  
78 (6) ~~s. 39.303(4) and (5)~~, the file must include written  
79 documentation that the administrative review included the  
80 results of the team's evaluation.

81 Section 3. Present subsections (4) through (10) of section  
82 39.303, Florida Statutes, are redesignated as subsections (5)  
83 through (11), respectively, a new subsection (4) is added to  
84 that section, and subsection (3) and present subsections (5) and  
85 (6) of that section are amended, to read:

86 39.303 Child Protection Teams and sexual abuse treatment  
87 programs; services; eligible cases.-

88 (3) The Department of Health shall use and convene the  
89 Child Protection Teams to supplement the assessment and  
90 protective supervision activities of the family safety and  
91 preservation program of the Department of Children and Families.  
92 This section does not remove or reduce the duty and  
93 responsibility of any person to report pursuant to this chapter  
94 all suspected or actual cases of child abuse, abandonment, or  
95 neglect or sexual abuse of a child. The role of the Child  
96 Protection Teams is to support activities of the program and to  
97 provide services deemed by the Child Protection Teams to be



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98 necessary and appropriate to abused, abandoned, and neglected  
99 children upon referral. The specialized diagnostic assessment,  
100 evaluation, coordination, consultation, and other supportive  
101 services that a Child Protection Team must be capable of  
102 providing include, but are not limited to, the following:

103 (a) Medical diagnosis and evaluation services, including  
104 provision or interpretation of X rays and laboratory tests, and  
105 related services, as needed, and documentation of related  
106 findings.

107 (b) Telephone consultation services in emergencies and in  
108 other situations.

109 (c) Medical evaluation related to abuse, abandonment, or  
110 neglect, as defined by policy or rule of the Department of  
111 Health.

112 (d) Such psychological and psychiatric diagnosis and  
113 evaluation services for the child or the child's parent or  
114 parents, legal custodian or custodians, or other caregivers, or  
115 any other individual involved in a child abuse, abandonment, or  
116 neglect case, as the team may determine to be needed.

117 (e) Expert medical, psychological, and related professional  
118 testimony in court cases.

119 (f) Case staffings to develop treatment plans for children  
120 whose cases have been referred to the team. A Child Protection  
121 Team may provide consultation with respect to a child who is  
122 alleged or is shown to be abused, abandoned, or neglected, which  
123 consultation shall be provided at the request of a  
124 representative of the family safety and preservation program or  
125 at the request of any other professional involved with a child  
126 or the child's parent or parents, legal custodian or custodians,



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127 or other caregivers. In every such Child Protection Team case  
128 staffing, consultation, or staff activity involving a child, a  
129 family safety and preservation program representative shall  
130 attend and participate.

131 (g) Case service coordination and assistance, including the  
132 location of services available from other public and private  
133 agencies in the community.

134 (h) Such training services for program and other employees  
135 of the Department of Children and Families, employees of the  
136 Department of Health, and other medical professionals as is  
137 deemed appropriate to enable them to develop and maintain their  
138 professional skills and abilities in handling child abuse,  
139 abandonment, and neglect cases. The training service must  
140 include training in the recognition of and appropriate responses  
141 to head trauma and brain injury in a child under 6 years of age  
142 as required by ss. 402.402(2) and 409.988.

143 (i) Educational and community awareness campaigns on child  
144 abuse, abandonment, and neglect in an effort to enable citizens  
145 more successfully to prevent, identify, and treat child abuse,  
146 abandonment, and neglect in the community.

147 (j) Child Protection Team assessments that include, as  
148 appropriate, medical evaluations, medical consultations, family  
149 psychosocial interviews, specialized clinical interviews, or  
150 forensic interviews.

151  
152 ~~A Child Protection Team that is evaluating a report of medical~~  
153 ~~neglect and assessing the health care needs of a medically~~  
154 ~~complex child shall consult with a physician who has experience~~  
155 ~~in treating children with the same condition.~~



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156           (4) A Child Protection Team shall consult with a physician  
157 licensed under chapter 458 or chapter 459 or an advanced  
158 practice registered nurse licensed under chapter 464 who has  
159 experience in and routinely provides medical care to pediatric  
160 patients when evaluating a report of:

161           (a) Medical neglect and assessing the needs of a medically  
162 complex child; or

163           (b) A child with a reported preexisting diagnosis of any of  
164 the following:

165           1. Rickets.

166           2. Ehlers-Danlos syndrome.

167           3. Osteogenesis imperfecta.

168           4. Vitamin D deficiency.

169           5. Any other medical condition known to appear to be caused  
170 by, or known to be misdiagnosed as, abuse.

171           (6)~~(5)~~ All abuse and neglect cases transmitted for  
172 investigation to a circuit by the hotline must be simultaneously  
173 transmitted to the Child Protection Team for review. For the  
174 purpose of determining whether a face-to-face medical evaluation  
175 by a Child Protection Team is necessary, all cases transmitted  
176 to the Child Protection Team which meet the criteria in  
177 subsection (5) ~~(4)~~ must be timely reviewed by:

178           (a) A physician licensed under chapter 458 or chapter 459  
179 who holds board certification in pediatrics and is a member of a  
180 Child Protection Team;

181           (b) A physician licensed under chapter 458 or chapter 459  
182 who holds board certification in a specialty other than  
183 pediatrics, who may complete the review only when working under  
184 the direction of the Child Protection Team medical director or a



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185 physician licensed under chapter 458 or chapter 459 who holds  
186 board certification in pediatrics and is a member of a Child  
187 Protection Team;

188 (c) An advanced practice registered nurse licensed under  
189 chapter 464 who has a specialty in pediatrics or family medicine  
190 and is a member of a Child Protection Team;

191 (d) A physician assistant licensed under chapter 458 or  
192 chapter 459, who may complete the review only when working under  
193 the supervision of the Child Protection Team medical director or  
194 a physician licensed under chapter 458 or chapter 459 who holds  
195 board certification in pediatrics and is a member of a Child  
196 Protection Team; or

197 (e) A registered nurse licensed under chapter 464, who may  
198 complete the review only when working under the direct  
199 supervision of the Child Protection Team medical director or a  
200 physician licensed under chapter 458 or chapter 459 who holds  
201 board certification in pediatrics and is a member of a Child  
202 Protection Team.

203 ~~(7)-(6)~~ A face-to-face medical evaluation by a Child  
204 Protection Team is not necessary when:

205 (a) The child was examined for the alleged abuse or neglect  
206 by a physician who is not a member of the Child Protection Team,  
207 and a consultation between the Child Protection Team medical  
208 director or a Child Protection Team board-certified  
209 pediatrician, advanced practice registered nurse, physician  
210 assistant working under the supervision of a Child Protection  
211 Team medical director or a Child Protection Team board-certified  
212 pediatrician, or registered nurse working under the direct  
213 supervision of a Child Protection Team medical director or a



214 Child Protection Team board-certified pediatrician, and the  
215 examining physician concludes that a further medical evaluation  
216 is unnecessary;

217 (b) The child protective investigator, with supervisory  
218 approval, has determined, after conducting a child safety  
219 assessment, that there are no indications of injuries as  
220 described in paragraphs (5) (a)-(h) ~~(4) (a)-(h)~~ as reported; or

221 (c) The Child Protection Team medical director or a Child  
222 Protection Team board-certified pediatrician, as authorized in  
223 subsection (6) ~~(5)~~, determines that a medical evaluation is not  
224 required.

225  
226 Notwithstanding paragraphs (a), (b), and (c), a Child Protection  
227 Team medical director or a Child Protection Team pediatrician,  
228 as authorized in subsection (6) ~~(5)~~, may determine that a face-  
229 to-face medical evaluation is necessary.

230 Section 4. Paragraph (c) is added to subsection (1) of  
231 section 39.304, Florida Statutes, to read:

232 39.304 Photographs, medical examinations, X rays, and  
233 medical treatment of abused, abandoned, or neglected child.—

234 (1)

235 (c) If an examination is performed on a child under  
236 paragraph (b), the parent or legal custodian from whom the child  
237 was removed pursuant to s. 39.401 may:

238 1. If the initial examination was not performed by the  
239 Child Protection Team, request that the child be examined by the  
240 Child Protection Team as soon as practicable;

241 2. If the initial examination was performed by the Child  
242 Protection Team, for the purpose of obtaining a second opinion



243 on diagnosis or treatment, request that the child be examined by  
244 a physician licensed under chapter 458 or chapter 459 or an  
245 advanced practice registered nurse licensed under chapter 464 of  
246 his or her choosing who routinely provides medical care to  
247 pediatric patients; or

248 3. For the purpose of ruling out a differential diagnosis,  
249 request that the child be examined by a physician licensed under  
250 chapter 458 or chapter 459 or an advanced practice registered  
251 nurse licensed under chapter 464 who routinely provides  
252 diagnosis of and medical care to pediatric patients for the  
253 conditions specified in s. 39.303(4) (b).

254  
255 An examination requested under subparagraph 2. or subparagraph  
256 3. must be paid for by the parent or legal custodian making such  
257 request or as otherwise covered by insurance or Medicaid. An  
258 examination may not be requested under this paragraph for the  
259 purpose of obtaining a second opinion as to whether a child has  
260 been sexually abused.

261 Section 5. This act shall take effect July 1, 2025.

262  
263 ===== T I T L E A M E N D M E N T =====

264 And the title is amended as follows:

265 Delete everything before the enacting clause  
266 and insert:

267 A bill to be entitled  
268 An act relating to specific medical diagnoses in child  
269 protective investigations; amending s. 39.201, F.S.;  
270 requiring that reports made by certain persons contain  
271 a summary of a specified analysis; amending s. 39.301,



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272 F.S.; providing an exception to the requirement that  
273 the Department of Children and Families immediately  
274 forward certain allegations to a law enforcement  
275 agency; requiring a child protective investigator to  
276 inform the subject of an investigation of a certain  
277 duty; conforming a cross-reference; amending s.  
278 39.303, F.S.; requiring Child Protection Teams to  
279 consult with a licensed physician or advanced practice  
280 registered nurse when evaluating certain reports;  
281 conforming provisions to changes made by the act;  
282 amending s. 39.304, F.S.; authorizing, under a certain  
283 circumstance, a parent or legal custodian from whom a  
284 child was removed to request specified examinations of  
285 the child; requiring that certain examinations be paid  
286 for by the parent or legal custodian making the  
287 request or as otherwise covered by insurance or  
288 Medicaid; prohibiting the request of an examination  
289 for a specified purpose; providing an effective date.



By Senator Grall

29-00963-25

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1                   A bill to be entitled  
2           An act relating to contracts for postadoption contact;  
3           amending s. 63.0427, F.S.; defining the term "legal  
4           relative"; authorizing certain parties to enter into a  
5           written contract for postadoption contact that permits  
6           contact between an adopted child and his or her legal  
7           relatives; providing that certain contract provisions  
8           are unenforceable; requiring that a postadoption  
9           contract include certain statements; authorizing any  
10          party to such contract to file the contract with the  
11          court; requiring the court to make the contract a part  
12          of the final adoption order; providing that the  
13          continuing validity of the adoption is not contingent  
14          upon compliance with the terms of the contract;  
15          authorizing and providing requirements for  
16          enforcement, modification, or termination of the  
17          contract; prohibiting enforcement of the contract in  
18          certain circumstances; providing for automatic  
19          termination of the contract in certain circumstances;  
20          providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Subsection (3) is added to section 63.0427,  
25 Florida Statutes, to read:

26           63.0427 Agreements for continued communication or contact  
27 between adopted child and siblings, parents, and other  
28 relatives; contracts for postadoption contact.-

29           (3) (a) As used in this section, the term "legal relative"

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30 means a person who, immediately before the entry of an order  
31 terminating parental rights, is related to the child subject to  
32 such order biologically or through any relationship established  
33 or recognized by law, court order, or marriage.

34 (b) In lieu of, or in addition to, a postadoption  
35 communication or contact order under subsection (1), an adoptive  
36 parent and a biological parent, and the adopted child, if the  
37 adopted child is 14 years of age or older, may voluntarily enter  
38 into a written contract for postadoption contact that permits  
39 continued contact between legal relatives and the adopted child  
40 until the child reaches 18 years of age. If the adopted child is  
41 14 years of age or older, he or she must be a party to the  
42 contract and is deemed to have the capacity to enter into a  
43 contract for the purposes of this subsection.

44 (c) A contract for postadoption contact may provide for  
45 privileges relating to the adopted child which include, but are  
46 not limited to, visitation with the child; communication and  
47 contact with the child, including, but not limited to, written  
48 correspondence and telephone calls; the sharing of information  
49 about the child; and the sharing of information about biological  
50 or adoptive parents.

51 (d) A provision of a contract for postadoption contact is  
52 unenforceable if the provision:

- 53 1. Permits contact between an adopted child and a person  
54 legally restrained from such contact; or  
55 2. Impairs the ability of the adoptive parents and child to  
56 change residence within or outside of this state.

57 (e) A contract for postadoption contact must include the  
58 following statements in at least 14-point boldface type:

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59 1. "Failure to follow the terms of this contract, or any  
60 amendment thereto, does not invalidate a final adoption order."

61 2. "A disagreement between the parties to, or any action  
62 brought to enforce, this contract may not serve as the basis for  
63 any action or order affecting the custody of the adopted child."

64 (f) Any party to a contract for postadoption contact may  
65 file the contract with the court. A contract for postadoption  
66 contact filed with the court must be made a part of the final  
67 adoption order, but the continuing validity of the adoption is  
68 not contingent upon compliance with the terms of the contract.

69 (g) A contract for postadoption contact may be modified or  
70 terminated upon the agreement of all parties to the contract. If  
71 there is a disagreement among such parties as to enforcement,  
72 modification, or termination of the contract, the contract may  
73 be enforced, modified, or terminated in the following manner:

74 1. Any party to a contract for postadoption contact may  
75 seek the enforcement of the contract. An adoptive parent or  
76 child, but not a biological parent, may unilaterally seek to  
77 modify or terminate the contract. The party seeking enforcement,  
78 modification, or termination, as applicable, must deliver by  
79 certified mail or personal service to all other parties to the  
80 contract a notice stating with reasonable particularity the  
81 requested action.

82 2. Any party who opposes the action sought may, within 30  
83 days, provide a response by certified mail or personal service.

84 3. If after the 30-day period no response is received, or  
85 if the received response is not satisfactory, the adoptive  
86 parent must seek and obtain, at his or her own expense, a  
87 written recommendation from a psychologist licensed under

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88 chapter 490 or a clinical social worker licensed under chapter  
89 491 addressing whether the requested action is in the child's  
90 best interests and providing other recommendations as  
91 appropriate regarding the child's continued contact with legal  
92 relatives. The opinion of the psychological professional must be  
93 provided to the other parties by the adoptive parents within 90  
94 days after delivery of the notice required under subparagraph 1.

95 4. If the parties are not thereafter able to reach an  
96 agreement, the parties must engage in mediation.

97 5. If the parties are not able to reach an agreement after  
98 two mediation sessions or if any party refuses to engage in  
99 mediation, the party seeking enforcement, modification, or  
100 termination, as applicable, may petition the court for such  
101 enforcement, modification, or termination.

102 6. In an action to enforce, modify, or terminate a contract  
103 for postadoption contact, the burden of proof is on the party  
104 seeking such enforcement, modification, or termination. The best  
105 interests of the child must be the court's primary consideration  
106 in determining whether to enforce, modify, or terminate the  
107 contract, but the good faith of each party, any change in  
108 circumstances since the execution of the contract, and the  
109 extent of each party's compliance with the contract may also be  
110 considered, as well as any other evidence the court finds  
111 appropriate. The court shall issue an enforcement, modification,  
112 or termination order, if appropriate, and make such order a part  
113 of the final adoption order.

114 (h) During any period of time in which the adoptive parents  
115 temporarily lose custody of the child, the contract for  
116 postadoption contact does not terminate but may not be enforced.

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117        (i) A contract for postadoption contact automatically  
118 terminates upon the adopted child reaching 18 years of age.

119        Section 2. This act shall take effect July 1, 2025.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 558

INTRODUCER: Senator Grall

SUBJECT: Contracts for Postadoption Contact

DATE: March 11, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rao	Tuszynski	CF	<b>Pre-meeting</b>
2.			JU	
3.			RC	

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**I. Summary:**

Florida law provides children that have been adopted from the child welfare system with a process for continuing contact with their siblings, or upon agreement of the adoptive parents, with their biological parents after adoption.

SB 558 expands this process by providing an option for the adopted child, adoptive parents, and the biological parent to voluntarily enter a postadoption contract that permits continued contact between legal relatives and the adopted child until the child reaches 18 years of age. This contract may be entered into in lieu of, or in addition to the postadoption communication or contact order provided under current law.

The bill specifies requirements for the contract for postadoption contact and provides a process for the enforcement, modification, or termination of the contract. Any party to the contract may seek to enforce the contract, but only the adopted child or adoptive parents are allowed to seek modification or termination of the contract.

The bill specifies the contract is unenforceable, but not terminated, during any period of time in which the adoptive parents temporarily lose custody of the adopted child. Additionally, the contract for postadoption contact automatically terminates upon the adopted child reaching 18 years of age.

The bill provides a definition for the term legal relative.

The bill has no fiscal impact on the private or government sector. *See* Section V., Fiscal Impact Statement.

The bill provides an effective date of July 1, 2025.

## II. Present Situation:

### Adoptions

The Florida Adoptions Act, codified in ch. 63, F.S., applies to all adoptions, whether private or from the child welfare system, involving the following entities:<sup>1</sup>

- The Department of Children and Families (DCF) under Chapter 39, F.S.;
- Child-placing agencies licensed by the DCF under s. 63.202, F.S.;
- Child-caring agencies registered under s. 409.176, F.S.;
- An attorney licensed to practice in Florida; or
- A child-placing agency licensed in another state which is licensed by the DCF to place children in Florida.

Adoption is the act of creating a legal relationship between a parent and child where one did not previously exist, declaring the child to be the legal child of the adoptive parents and entitled to all rights and privileges and subject to all the obligations of a child born to the adoptive parents.<sup>2</sup> Generally, adoptions can be referred to as “private adoptions” or “adoptions from the child welfare system.” Private adoptions begin upon a birth parent voluntarily surrendering their parental rights with the intent of placing a child in an adoptive home.<sup>3</sup> Adoptions from the child welfare system may be sought as a permanent placement for a child that cannot reunify to his or her home due to safety concerns.<sup>4</sup> Adoption is one of the legally recognized child-welfare permanency goals that may be ordered by a court for a child within the child welfare system.<sup>5</sup>

To free a child for adoption —both private adoptions and adoptions from the child welfare system— the legal relationship between the child and his or her current parents must be terminated in a proceeding known as a termination of parental rights.<sup>6</sup> Generally, the process of a termination of parental rights includes obtaining the social and medical histories and records of the child and making a diligent search for any parent whose location is unknown.<sup>7</sup> Once a court terminates parental rights, the adoptive parents can file a petition for the adoption of the child<sup>8</sup> and a final home investigation can be conducted to ensure the proposed adoption is in the best interest of the minor.<sup>9</sup>

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<sup>1</sup> Section 63.032(3), F.S.

<sup>2</sup> Section 63.032(2), F.S.

<sup>3</sup> *See generally*, Section 63.032, F.S.

<sup>4</sup> Section 39.811(2), F.S.; *See generally*, Parts VIII and X of ch. 39, F.S.

<sup>5</sup> Section 39.01(62), F.S., defines “permanency goal” to mean the living arrangement identified for the child to return to or identified as the permanent living arrangement of the child. The permanency goal is also the case plan goal. If concurrent case planning is being used, reunification may be pursued at the same time that another permanency goal is pursued. *See also* Section 39.621(3), F.S.

<sup>6</sup> Section 39.812, F.S. governs the termination of parental rights for a case in which a minor is adopted from the child welfare system. Section 63.087, F.S. governs the termination of parental rights for a private adoption.

<sup>7</sup> The Florida Bar, *Consumer Pamphlet: Adoption in Florida*, available at: <https://www.floridabar.org/public/consumer/pamphlet002/#general> (last visited 3/7/25).

<sup>8</sup> Section 63.112, F.S.; In “private” adoptions the petition for termination of parental rights and the petition for adoption are often filed simultaneously as it is rarely contested, and the adoptive placement is known. In adoptions from the child welfare system, the termination of parental rights is often contested, and an adoptive placement is not always identified at the time of termination, so the petition for adoption is often filed later.

<sup>9</sup> Section 63.125, F.S.

## Open Adoptions

Open adoptions generally refer to ongoing contact or information sharing between birth parents, adoptive parents, and the adopted child.<sup>10</sup> Typically, the degree of openness of the adoption varies on the wishes of the birth parents, adoptive parents, and the adopted child.

Communication between the adopted child and the birth parents can be limited to the exchange of letters and photos to as expansive as regular in-person visits.<sup>11</sup> Increased postadoption contact may be beneficial for older adopted children that had an attachment to birth relatives prior to adoption.<sup>12</sup> Additionally, open adoptions may offer adopted children a greater sense of identity, due to an increased opportunity to discuss their background and heritage with their birth parent.<sup>13</sup> Adoptive parents may find open adoptions allow for greater transparency with adopted children, and can help provide a better understanding of the child's origins which ultimately can lead to a supportive home environment.<sup>14</sup>

## Postadoption Communication and Contact

Postadoption contact agreements (PACA) are arrangements that allow contact or communication between a child, his or her adoptive family, and members of the child's birth family or other persons with whom the child has an established relationship, such as a foster parent, after the child's adoption has been finalized.<sup>15</sup> These arrangements, sometimes referred to as cooperative adoption or open adoption agreements, can range from informal, mutual understandings between the birth and adoptive families to written, formal contracts.

These PACA have become more prevalent in recent years due to several factors, to include:<sup>16</sup>

<sup>10</sup> American Bar Association, *The Evolution of Open Adoption: Legal Frameworks, Protocols, and Impact Analysis*, available at: [https://www.americanbar.org/groups/family\\_law/resources/committee-articles/evolution-open-adoption-legal-frameworks-protocols-impact-analysis/?\\_cf\\_chl\\_rt\\_tk=eIPq0B8BaJ8lDwBgFB6wIpMHa15hf4JsnBGAG\\_dqKY4-1733223995-1.0.1.1-FX3abjF9obwMm5N0QRxEE8yKmWGs.OfoKRfJ8tu04b8#:~:text=This%20article%20examines%20the%20shift%20from%20closed%20to,parents%2C%20and%20adoptive%20parents%2C%20weighing%20advantages%20and%20challenges.](https://www.americanbar.org/groups/family_law/resources/committee-articles/evolution-open-adoption-legal-frameworks-protocols-impact-analysis/?_cf_chl_rt_tk=eIPq0B8BaJ8lDwBgFB6wIpMHa15hf4JsnBGAG_dqKY4-1733223995-1.0.1.1-FX3abjF9obwMm5N0QRxEE8yKmWGs.OfoKRfJ8tu04b8#:~:text=This%20article%20examines%20the%20shift%20from%20closed%20to,parents%2C%20and%20adoptive%20parents%2C%20weighing%20advantages%20and%20challenges.)

(last visited 3/7/25).

<sup>11</sup> *Id.*

<sup>12</sup> Child Welfare Information Gateway, *Postadoption Contact Agreements Between Birth and Adoptive Families*, available at: [https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/cooperative.pdf?VersionId=\\_7jeA0qMdgmYy81k.6tMFikJNOmvdVt](https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/cooperative.pdf?VersionId=_7jeA0qMdgmYy81k.6tMFikJNOmvdVt) (last visited 3/7/25).

<sup>13</sup> American Bar Association, *The Evolution of Open Adoption: Legal Frameworks, Protocols, and Impact Analysis*, available at: [https://www.americanbar.org/groups/family\\_law/resources/committee-articles/evolution-open-adoption-legal-frameworks-protocols-impact-analysis/?\\_cf\\_chl\\_rt\\_tk=eIPq0B8BaJ8lDwBgFB6wIpMHa15hf4JsnBGAG\\_dqKY4-1733223995-1.0.1.1-FX3abjF9obwMm5N0QRxEE8yKmWGs.OfoKRfJ8tu04b8#:~:text=This%20article%20examines%20the%20shift%20from%20closed%20to,parents%2C%20and%20adoptive%20parents%2C%20weighing%20advantages%20and%20challenges.](https://www.americanbar.org/groups/family_law/resources/committee-articles/evolution-open-adoption-legal-frameworks-protocols-impact-analysis/?_cf_chl_rt_tk=eIPq0B8BaJ8lDwBgFB6wIpMHa15hf4JsnBGAG_dqKY4-1733223995-1.0.1.1-FX3abjF9obwMm5N0QRxEE8yKmWGs.OfoKRfJ8tu04b8#:~:text=This%20article%20examines%20the%20shift%20from%20closed%20to,parents%2C%20and%20adoptive%20parents%2C%20weighing%20advantages%20and%20challenges.)

(last visited 3/7/25).

<sup>14</sup> *Id.*

<sup>15</sup> Child Welfare Information Gateway. (2018). *Postadoption contact agreements between birth and adoptive families*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau, p. 1, available at:

<https://www.childwelfare.gov/resources/postadoption-contact-agreements-between-birth-and-adoptive-families/> (last visited 3/8/35).

<sup>16</sup> *Id.*, p. 2



- Many adopted children, especially older children, have attachments to one or more birth relatives with whom ongoing contact may be desirable.
- Birth parents who participate in selecting an adoptive family may have a wide range of choices and may base their decision on the willingness of the adoptive parent(s) to allow postadoption contact.
- Contact and communication with birth relatives can be a resource for adoptive parents and adopted children for information about the child's medical, social, and cultural history.

For a PACA to be enforceable, it must be approved by the court that has jurisdiction over the adoption.<sup>17</sup> Generally, all parties to be included in the agreement must agree in writing to all terms of the agreement prior to the adoption finalization. The court may approve the agreement only if all parties agree on its provisions, and the court finds the agreement is in the best interests of the child.<sup>18</sup> In multiple states, the court must consider the wishes of or obtain written consent of the adoptive child if they are 12 years of age or older.<sup>19</sup> In other states, that age is 14 years.<sup>20</sup>

#### Florida Law on Postadoption Communication

Florida law provides a process that allows a child adopted from the child welfare system to seek continued communication with his or her siblings, or their biological parents or other specified relatives after an adoption.<sup>21</sup> A child can have the court consider the appropriateness of postadoption communication if the child's parents had their parental rights terminated and whose custody has been awarded to the department pursuant to s. 39.811, and is now the subject of a petition for adoption under ch. 63, F.S.<sup>22</sup>

This postadoption communication and contact may include, but is not limited to, visits, written correspondence, or telephone calls. In determining the appropriateness of the postadoption communication or contact, the court shall consider the following information:<sup>23</sup>

- Any orders of the court pursuant to s. 39.811(7), F.S.
- Recommendations of the DCF, the foster parents if other than the adoptive parents, and the guardian ad litem.
- Statements of the prospective adoptive parents.
- Any other information deemed relevant and material to the court.

If postadoption communication or contact is in the best interest of the child, the court will enter an order stating the nature and frequency of the communication or contact.<sup>24</sup> This order must be included in the final adoption order, but the adoption's continuing validity is not contingent upon the postadoption communication or contact. Further, postadoption communication or contact is

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<sup>17</sup> *Id.*, p. 3

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*; Arizona, California, Connecticut, Indiana, Louisiana, Massachusetts, Pennsylvania, Rhode Island, and Utah.

<sup>20</sup> *Id.*; Delaware, Georgia, Nebraska, New Mexico, New Hampshire, Oregon, Vermont, Virginia, and the District of Columbia.

<sup>21</sup> Section 63.0427, F.S.

<sup>22</sup> Section 63.0427(1), F.S.

<sup>23</sup> Section 63.0427(1), F.S.

<sup>24</sup> Section 63.0427, F.S.

not allowed to impair the ability of the adoptive parents and child from changing residence within or outside Florida.<sup>25</sup>

Florida allows the adoptive parent to petition for review of a communication or contact order if the adoptive parent believes the best interests of the adopted child are being compromised.<sup>26</sup> Upon this petition, the court may order the postadoption communication or contact to be terminated or modified; however, the court is prohibited from increasing the contact between the adopted child and siblings, birth parents, or other relatives without the consent of the adoptive parents. During review of the postadoption communication or contact, the court may order the parties to engage in mediation.<sup>27</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill amends s. 63.0427, F.S. to authorize certain individuals to enter into a written contract for postadoption contact that permits contact between an adopted child and his or her legal relatives after an adoption is finalized.

The bill defines the term “legal relative” as a person who was related to the child biologically or through any relationship established or recognized by law, court, order, or marriage, immediately preceding the entry of an order terminating parental rights.

The bill allows the following parties to enter a written contract for postadoption contact:

- An adoptive parent;
- A biological parent;
- The adopted child, if he or she is 14 years of age or older.
  - The bill requires the adopted child to be a party to the contract if he or she is over 14 years of age and is deemed to have the capacity to enter the contract.

The contract for postadoption contact may be in lieu of, or in addition to, a postadoption communication or contact order that is ordered by the court. The parties entering into a contract for postadoption contact must do so voluntarily.

The bill allows any party to the contract for postadoption contact to file the contract with the court. The contract must be made a part of the final adoption order, but the continuing validity of the adoption is not contingent upon compliance with the terms of the contract.

The postadoption contract permits continued contact between legal relatives and the adopted child until the child reaches 18 years of age. The contract may provide for privileges relating to the adopted child such as visitation, as well as communication and contact with the child, which includes, but is not limited to:

- Written correspondence and telephone calls;
- Sharing of information about the child; and

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<sup>25</sup> Section 63.0427, F.S.

<sup>26</sup> Section 63.0427(2), F.S.

<sup>27</sup> Section 63.0427(2), F.S.

- Sharing of information about biological or adoptive parents.

A provision in a contract for postadoption contact is unenforceable if the provision permits contact between an adopted child and a person that is legally restrained from contacting the child or, the provision impairs the adoptive parents' and child's ability to change residence within or outside the state.

The bill requires a contract for postadoption contact to include the following statements in at least 14-point boldface type:

- "Failure to follow the terms of this contract, or any amendment thereto, does not invalidate a final adoption order."
- "A disagreement between the parties to, or any action brought to enforce, this contract may not serve as the basis for any action or order affecting the custody of the adopted child."

The bill establishes procedures for the enforcement, modification, or termination of the contract for postadoption contact. Any party (the adoptive parent, biological parent, and adopted child) may seek the enforcement of the contract for postadoption contact. However, only the adoptive parent or adopted child may unilaterally seek to modify or terminate the contract. The bill does not allow the biological parent to unilaterally seek to modify or terminate the contract.

The bill allows the contract for postadoption contact to be modified or terminated upon the agreement of all parties to the contract and establishes a process for enforcing, modifying, or terminating a contract upon disagreement between the parties of the contract, as follows:

- **Notice to all parties to the contract:** The party that is seeking enforcement, modification, or termination must deliver by certified mail or personal service to all other parties to the contract a notice stating with reasonable particularity the requested action.
- **Response period:** Any party who opposes the action sought may, within 30 days provide a response by certified mail or personal service.
- **Written recommendation from a Psychologist or Clinical Social Worker:** If a response from a party that opposes the action sought is not received during the 30-day period, or the received response is not satisfactory, the adoptive parent must seek and obtain a written recommendation from a licensed psychologist or a licensed clinical social worker addressing whether the requested action is in the child's best interest. The psychological professional must include other recommendations regarding the child's continued contact with legal relatives. The opinion of the psychological professional must be provided to the other parties to the contract by the adoptive parents within 90 days after delivery of the initial notice of the requested action to enforce, modify, or terminate the contract.
  - The bill requires the adoptive parent to seek and obtain the recommendation from the psychological professional at his or her own expense.
- **Mediation:** If the parties are not thereafter able to reach an agreement, the parties must engage in mediation.
- **Petition for Enforcement, Modification, or Termination:** After two mediation sessions, or refusal of any party to engage in mediation, the party that initially sought enforcement, modification, or termination may petition the court for enforcement, modification, or termination of the contract for postadoption contact.

- **Court Issuance of an Enforcement, Modification, or Termination of the Contract:** The court shall primarily consider the best interest of the child in determining whether to enforce, modify, or terminate the contract. However, the court shall also consider the good faith of each party, any change in circumstances since the execution of the contract, the extent of each party's compliance with the contract, and any other evidence the court finds appropriate.
  - The burden of proof is on the party that seeks the enforcement, modification, or termination of the contract.
- **Amendment to the Final Adoption Order:** If appropriate, the court shall issue an enforcement, modification, or termination order and make the order a part of the final adoption order.

The bill provides that the contract for postadoption contact does not terminate, but is unenforceable, during any period of time in which the adoptive parents temporarily lose custody of the child.

Upon the child reaching 18 years of age, the contract for postadoption contact automatically terminates.

**Section 2** of the bill provides an effective date of July 1, 2025.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends s.63.0427 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Children, Families, and Elder Affairs (Grall) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (3) is added to section 63.0427,  
Florida Statutes, to read:

63.0427 Agreements for continued communication or contact  
between adopted child and siblings, parents, and other  
relatives; contracts for postadoption contact.—

(3) (a) In lieu of, or in addition to, a postadoption



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11 communication or contact order under subsection (1), an adoptive  
12 parent and a biological parent, and the adopted child, if the  
13 adopted child is 12 years of age or older, may voluntarily enter  
14 into a written contract for postadoption contact that permits  
15 continued contact between a birth parent, siblings, and the  
16 adopted child until the child reaches 18 years of age. If the  
17 adopted child is 12 years of age or older, he or she must be a  
18 party to the contract and is deemed to have the capacity to  
19 enter into a contract for the purposes of this subsection.

20 (b) A contract for postadoption contact may provide for  
21 privileges relating to the adopted child which include, but are  
22 not limited to, visitation with the child; communication and  
23 contact with the child, including, but not limited to, written  
24 correspondence and telephone calls; the sharing of information  
25 about the child; and the sharing of information about biological  
26 or adoptive parents.

27 (c) A provision of a contract for postadoption contact is  
28 unenforceable if the provision:

29 1. Permits contact between an adopted child and a person  
30 legally restrained from such contact; or

31 2. Impairs the ability of the adoptive parents and child to  
32 change residence within or outside of this state.

33 3. Objected to by the adopted child who is 12 years of age  
34 or older.

35 (d) A contract for postadoption contact must include the  
36 following statements in at least 14-point boldface type:

37 1. "Failure to follow the terms of this contract, or any  
38 amendment thereto, does not invalidate a final adoption order."

39 2. "A disagreement between the parties to, or any action



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40 brought to enforce, this contract may not serve as the basis for  
41 any action or order affecting the custody of the adopted child.”

42 (e) If the contract states the parties intend that the  
43 contract shall be enforceable, the contract shall be filed with  
44 the court, approved by the court in the termination of parental  
45 rights and adoption proceedings in the best interest of the  
46 child, and incorporated into the final judgment terminating  
47 parental rights and final judgment of adoption as binding and  
48 enforceable. The continuing validity of the adoption is not  
49 contingent upon compliance with the terms of the contract. The  
50 court shall reserve jurisdiction for the purpose of enforcing  
51 the contract for postadoption contact.

52 (f) A contract for postadoption contact may be modified or  
53 terminated upon the agreement of all parties to the contract. If  
54 there is a disagreement among such parties as to enforcement,  
55 modification, or termination of the contract, the contract may  
56 be enforced, modified, or terminated in the following manner:

57 1. Any party to a contract for postadoption contact may  
58 seek the enforcement of the contract. An adoptive parent or  
59 child, but not a biological parent, may unilaterally seek to  
60 modify or terminate the contract. The party seeking enforcement,  
61 modification, or termination shall file a motion in the  
62 termination of parental rights proceeding and serve the motion  
63 on the other parties by the method designated in the contract.

64 2. Within 45 days of the filing of a motion under this  
65 subsection, the court shall issue a case management order.

66 3. In an action to enforce, modify, or terminate a contract  
67 for postadoption contact, the burden of proof is on the party  
68 seeking such enforcement, modification, or termination to show





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69 that such enforcement, modification, or termination is in the  
70 best interest of the child by a preponderance of the evidence.  
71 The best interests of the child must be the court's primary  
72 consideration in determining whether to enforce, modify, or  
73 terminate the contract, but the good faith of each party, any  
74 change in circumstances since the execution of the contract, and  
75 the extent of each party's compliance with the contract may also  
76 be considered, as well as any other evidence the court finds  
77 appropriate. The court shall issue an enforcement, modification,  
78 or termination order.

79 (g) During any period of time in which the adoptive parents  
80 temporarily lose custody of the child, the contract for  
81 postadoption contact does not terminate but may not be enforced.

82 (h) A contract for postadoption contact automatically  
83 terminates upon the adopted child reaching 18 years of age.

84 Section 2. Paragraph (e) of subsection (5) of section  
85 63.102, Florida Statutes, is amended to read:

86 63.102 Filing of petition for adoption or declaratory  
87 statement; venue; proceeding for approval of fees and costs.—

88 (5) PRIOR APPROVAL OF FEES AND COSTS.—A proceeding for  
89 prior approval of fees and costs may be commenced any time after  
90 an agreement is reached between the birth mother and the  
91 adoptive parents by filing a petition for declaratory statement  
92 on the agreement entitled "In the Matter of the Proposed  
93 Adoption of a Minor Child" in the circuit court.

94 (e) A declaratory statement as to the adoption contract,  
95 regardless of when filed, shall be consolidated with any related  
96 petition for adoption. The clerk of the court shall only assess  
97 one filing fee that includes the adoption action, the



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98 declaratory statement petition, ~~and~~ the petition for termination  
99 of parental rights, and any postadoption contract actions under  
100 s. 63.0427.

101 Section 3. This act shall take effect January 1, 2026.

102

103 ===== T I T L E A M E N D M E N T =====

104 And the title is amended as follows:

105 Delete everything before the enacting clause  
106 and insert:

107 A bill to be entitled  
108 An act relating to contracts for postadoption contact;  
109 amending s. 63.0427, F.S.; defining the term "legal  
110 relative"; authorizing certain parties to enter into a  
111 written contract for postadoption contact that permits  
112 contact between an adopted child and his or her legal  
113 relatives; providing that certain contract provisions  
114 are unenforceable; requiring that a postadoption  
115 contract include certain statements; authorizing any  
116 party to such contract to file the contract with the  
117 court; requiring the court to make the contract a part  
118 of the final adoption order; providing that the  
119 continuing validity of the adoption is not contingent  
120 upon compliance with the terms of the contract;  
121 authorizing and providing requirements for  
122 enforcement, modification, or termination of the  
123 contract; prohibiting enforcement of the contract in  
124 certain circumstances; providing for automatic  
125 termination of the contract in certain circumstances;  
126 providing an effective date.



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127

By Senator Burton

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1                                   A bill to be entitled  
2       An act relating to child care and early learning  
3       providers; amending s. 170.201, F.S.; exempting public  
4       and private preschools from specified special  
5       assessments levied by a municipality; defining the  
6       term "preschool"; amending s. 402.305, F.S.; revising  
7       licensing standards for all licensed child care  
8       facilities and minimum standards and training  
9       requirements for child care personnel; requiring the  
10      Department of Children and Families to conduct  
11      specified screenings of child care personnel within a  
12      specified timeframe and issue provisional approval of  
13      such personnel under certain conditions; providing an  
14      exception; revising minimum standards for sanitation  
15      and safety of child care facilities; making technical  
16      changes; deleting provisions relating to educating  
17      parents and children about specified topics; deleting  
18      provisions relating to specialized child care  
19      facilities for the care of mildly ill children;  
20      amending s. 402.306, F.S.; requiring a county  
21      commission to affirm annually certain decisions;  
22      amending s. 402.3115, F.S.; expanding the types of  
23      providers to be considered when developing and  
24      implementing a plan to eliminate duplicative and  
25      unnecessary inspections; revising requirements for an  
26      abbreviated inspection plan for certain child care  
27      facilities; requiring the department to review and  
28      update certain elements included in such abbreviated  
29      inspections; requiring the department to revise the

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30 abbreviated inspection plan as necessary; amending s.  
31 402.316, F.S.; providing that certain child care  
32 facilities are exempt from specified requirements;  
33 amending s. 627.70161, F.S.; defining the term "large  
34 family child care home"; providing that specified  
35 insurance provisions apply to large family child care  
36 homes; amending s. 1002.59, F.S.; conforming a cross-  
37 reference; providing an effective date.

38

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

40

41 Section 1. Subsection (2) of section 170.201, Florida  
42 Statutes, is amended to read:

43 170.201 Special assessments.—

44 (2) Property owned or occupied by a religious institution  
45 and used as a place of worship or education; by a public or  
46 private preschool, elementary school, middle school, or high  
47 school; or by a governmentally financed, insured, or subsidized  
48 housing facility that is used primarily for persons who are  
49 elderly or disabled shall be exempt from any special assessment  
50 levied by a municipality to fund any service if the municipality  
51 so desires. As used in this subsection, the term "religious  
52 institution" means any church, synagogue, or other established  
53 physical place for worship at which nonprofit religious services  
54 and activities are regularly conducted and carried on and the  
55 term "governmentally financed, insured, or subsidized housing  
56 facility" means a facility that is financed by a mortgage loan  
57 made or insured by the United States Department of Housing and  
58 Urban Development under s. 8, s. 202, s. 221(d)(3) or (4), s.

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59 232, or s. 236 of the National Housing Act and is owned or  
 60 operated by an entity that qualifies as an exempt charitable  
 61 organization under s. 501(c)(3) of the Internal Revenue Code. As  
 62 used in this subsection, the term "preschool" means any child  
 63 care facility licensed under s. 402.305.

64 Section 2. Paragraphs (a) and (c) of subsection (1),  
 65 paragraphs (a), (e), and (f) of subsection (2), paragraphs (a)  
 66 and (c) of subsection (7), and subsections (9), (13), and (17)  
 67 of section 402.305, Florida Statutes, are amended to read:

68 402.305 Licensing standards; child care facilities.—

69 (1) LICENSING STANDARDS.—The department shall establish  
 70 licensing standards that each licensed child care facility must  
 71 meet regardless of the origin or source of the fees used to  
 72 operate the facility or the type of children served by the  
 73 facility.

74 (a) The standards shall be designed to address ~~the~~  
 75 ~~following areas:~~

76 ~~1. the health and nutrition, sanitation, safety,~~  
 77 ~~developmental needs, and sanitary adequate physical conditions~~  
 78 ~~surroundings for all children served by in child care~~  
 79 ~~facilities.~~

80 ~~2. The health and nutrition of all children in child care.~~

81 ~~3. The child development needs of all children in child~~  
 82 ~~care.~~

83 (c) The minimum standards for child care facilities shall  
 84 be adopted in the rules of the department and shall address the  
 85 areas delineated in this section.

86 1. The department, in adopting rules to establish minimum  
 87 standards for child care facilities, shall recognize that

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88 different age groups of children may require different  
89 standards.

90 2. The department may adopt different minimum standards for  
91 facilities that serve children in different age groups,  
92 including school-age children.

93 3. The department may create up to three classification  
94 levels for violations of licensing standards that directly  
95 relate to the health and safety of a child. A class three  
96 violation is the least serious in nature and must be the same  
97 incident of noncompliance that occurs at least three times  
98 within a 2-year period.

99 4. The department shall ~~also~~ adopt by rule a definition for  
100 child care which distinguishes between child care programs that  
101 require child care licensure and after-school programs that do  
102 not require licensure. Notwithstanding any other provision of  
103 law to the contrary, minimum child care licensing standards  
104 shall be developed to provide for reasonable, affordable, and  
105 safe before-school and after-school care. After-school programs  
106 that otherwise meet the criteria for exclusion from licensure  
107 may provide snacks and meals through the federal Afterschool  
108 Meal Program (AMP) administered by the Department of Health in  
109 accordance with federal regulations and standards. The  
110 Department of Health shall consider meals to be provided through  
111 the AMP only if the program is actively participating in the  
112 AMP, is in good standing with the department, and the meals meet  
113 AMP requirements. Standards, at a minimum, shall allow for a  
114 credentialed director to supervise multiple before-school and  
115 after-school sites.

116 (2) PERSONNEL.—Minimum standards for child care personnel

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117 shall include minimum requirements as to:

118 (a) Good moral character based upon screening as defined in  
119 s. 402.302(15). This screening shall be conducted as provided in  
120 chapter 435, using the level 2 standards for screening provided  
121 ~~set forth~~ in that chapter, and include employment history  
122 checks, a search of criminal history records, sexual predator  
123 and sexual offender registries, and child abuse and neglect  
124 registry of any state in which the current or prospective child  
125 care personnel resided during the preceding 5 years. The  
126 department shall complete the screening and provide the results  
127 to the child care facility within 3 business days. If the  
128 department is unable to complete the screening within 3 business  
129 days, the department shall issue the current or prospective  
130 child care personnel a 45-day provisional-hire status while all  
131 required information is being requested and the department is  
132 awaiting results unless the department has reason to believe a  
133 disqualifying factor may exist. During the 45-day period, the  
134 current or prospective child care personnel must be under the  
135 direct supervision of a screened and trained staff member when  
136 in contact with children.

137 (e) Minimum training requirements for child care personnel.

138 1. Such minimum standards for training shall ensure that  
139 all child care personnel take an approved 40-clock-hour  
140 introductory course in child care, which course covers ~~at least~~  
141 the following topic areas:

- 142 a. State and local rules and regulations which govern child  
143 care.
- 144 b. Health, safety, and nutrition.
- 145 c. Identifying and reporting child abuse and neglect.



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146 d. Child development, including typical and atypical  
147 language, cognitive, motor, social, and self-help skills  
148 development.

149 e. Observation of developmental behaviors, including using  
150 a checklist or other similar observation tools and techniques to  
151 determine the child's developmental age level.

152 f. Specialized areas, including computer technology for  
153 professional and classroom use and early literacy and language  
154 development of children from birth to 5 years of age, as  
155 determined by the department, for owner-operators and child care  
156 personnel of a child care facility.

157 g. Developmental disabilities, including autism spectrum  
158 disorder and Down syndrome, and early identification, use of  
159 available state and local resources, classroom integration, and  
160 positive behavioral supports for children with developmental  
161 disabilities.

162

163 Within 90 days after employment, child care personnel shall  
164 begin training to meet the training requirements. Child care  
165 personnel shall successfully complete such training within 1  
166 year after the date on which the training began, as evidenced by  
167 passage of a competency examination. Successful completion of  
168 the 40-clock-hour introductory course shall articulate into  
169 community college credit in early childhood education, pursuant  
170 to ss. 1007.24 and 1007.25. Exemption from all or a portion of  
171 the required training shall be granted to child care personnel  
172 based upon educational credentials or passage of competency  
173 examinations. Child care personnel possessing a 2-year degree or  
174 higher that includes 6 college credit hours in early childhood

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175 development or child growth and development, or a child  
176 development associate credential or an equivalent state-approved  
177 child development associate credential, or a child development  
178 associate waiver certificate shall be automatically exempted  
179 from the training requirements in sub-subparagraphs b., d., and  
180 e.

181 ~~2. The introductory course in child care shall stress, to~~  
182 ~~the extent possible, an interdisciplinary approach to the study~~  
183 ~~of children.~~

184 2.3. The introductory course shall cover recognition and  
185 prevention of shaken baby syndrome; prevention of sudden infant  
186 death syndrome; recognition and care of infants and toddlers  
187 with developmental disabilities, including autism spectrum  
188 disorder and Down syndrome; and early childhood brain  
189 development within the topic areas identified in this paragraph.

190 3.4. On an annual basis in order to further their child  
191 care skills and, if appropriate, administrative skills, child  
192 care personnel who have fulfilled the requirements for the child  
193 care training shall be required to take an additional 1  
194 continuing education unit of approved inservice training, or 10  
195 clock hours of equivalent training, as determined by the  
196 department.

197 4.5. Child care personnel shall be required to complete 0.5  
198 continuing education unit of approved training or 5 clock hours  
199 of equivalent training, as determined by the department, in  
200 early literacy and language development of children from birth  
201 to 5 years of age one time. The year that this training is  
202 completed, it shall fulfill the 0.5 continuing education unit or  
203 5 clock hours of the annual training required in subparagraph 3.

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204 ~~4.~~

205 ~~5.6.~~ Procedures for ensuring the training of qualified  
206 child care professionals to provide training of child care  
207 personnel, including onsite training, shall be included in the  
208 minimum standards. It is recommended that the state community  
209 child care coordination agencies (central agencies) be  
210 contracted by the department to coordinate such training when  
211 possible. Other district educational resources, such as  
212 community colleges and career programs, can be designated in  
213 such areas where central agencies may not exist or are  
214 determined not to have the capability to meet the coordination  
215 requirements set forth by the department.

216 ~~6.7.~~ Training requirements do ~~shall~~ not apply to certain  
217 occasional or part-time support staff, including, but not  
218 limited to, swimming instructors, piano teachers, dance  
219 instructors, and gymnastics instructors.

220 ~~7.8.~~ The child care operator shall be required to take  
221 basic training in serving children with disabilities within 5  
222 years after employment, either as a part of the introductory  
223 training or the annual 8 hours of inservice training.

224 (f) Periodic health examinations for child care facility  
225 drivers.

226 (7) SANITATION AND SAFETY.—

227 (a) Minimum standards must ~~shall~~ include requirements for  
228 sanitary and safety conditions, first aid treatment, emergency  
229 procedures, and pediatric cardiopulmonary resuscitation. The  
230 minimum standards must ~~shall~~ require that at least one staff  
231 person trained in person in cardiopulmonary resuscitation, as  
232 evidenced by current documentation of course completion, ~~must~~ be

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233 present at all times that children are present.

234 ~~(c) Some type of communications system, such as a pocket~~  
235 ~~pager or beeper, shall be provided to a parent whose child is in~~  
236 ~~drop-in child care to ensure the immediate return of the parent~~  
237 ~~to the child, if necessary.~~

238 (9) ADMISSIONS AND RECORDKEEPING.—

239 (a) Minimum standards must ~~shall~~ include requirements for  
240 preadmission and periodic health examinations, requirements for  
241 immunizations, and requirements for maintaining emergency  
242 information and health records on all children.

243 ~~(b) During the months of August and September of each year,~~  
244 ~~each child care facility shall provide parents of children~~  
245 ~~enrolled in the facility detailed information regarding the~~  
246 ~~causes, symptoms, and transmission of the influenza virus in an~~  
247 ~~effort to educate those parents regarding the importance of~~  
248 ~~immunizing their children against influenza as recommended by~~  
249 ~~the Advisory Committee on Immunization Practices of the Centers~~  
250 ~~for Disease Control and Prevention.~~

251 ~~(c) During the months of April and September of each year,~~  
252 ~~at a minimum, each facility shall provide parents of children~~  
253 ~~enrolled in the facility information regarding the potential for~~  
254 ~~a distracted adult to fail to drop off a child at the facility~~  
255 ~~and instead leave the child in the adult's vehicle upon arrival~~  
256 ~~at the adult's destination. The child care facility shall also~~  
257 ~~give parents information about resources with suggestions to~~  
258 ~~avoid this occurrence. The department shall develop a flyer or~~  
259 ~~brochure with this information that shall be posted to the~~  
260 ~~department's website, which child care facilities may choose to~~  
261 ~~reproduce and provide to parents to satisfy the requirements of~~

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262 ~~this paragraph.~~

263 (b)~~(d)~~ Because of the nature and duration of drop-in child  
264 care, requirements for preadmission and periodic health  
265 examinations and requirements for medically signed records of  
266 immunization required for child care facilities shall not apply.  
267 A parent of a child in drop-in child care shall, however, be  
268 required to attest to the child's health condition and the type  
269 and current status of the child's immunizations.

270 (c)~~(e)~~ Any child shall be exempt from medical or physical  
271 examination or medical or surgical treatment upon written  
272 request of the parent or guardian of such child who objects to  
273 the examination and treatment. However, the laws, rules, and  
274 regulations relating to contagious or communicable diseases and  
275 sanitary matters shall not be violated because of any exemption  
276 from or variation of the health and immunization minimum  
277 standards.

278 (13) PLAN OF ACTIVITIES.—Minimum standards shall ensure  
279 that each child care facility has and implements a written plan  
280 for the daily provision of varied activities and active and  
281 quiet play opportunities appropriate to the age of the child.  
282 ~~The written plan must include a program, to be implemented~~  
283 ~~periodically for children of an appropriate age, which will~~  
284 ~~assist the children in preventing and avoiding physical and~~  
285 ~~mental abuse.~~

286 ~~(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF~~  
287 ~~MILDLY ILL CHILDREN. Minimum standards shall be developed by the~~  
288 ~~department, in conjunction with the Department of Health, for~~  
289 ~~specialized child care facilities for the care of mildly ill~~  
290 ~~children. The minimum standards shall address the following~~

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291 ~~areas: personnel requirements; staff to child ratios; staff~~  
292 ~~training and credentials; health and safety; physical facility~~  
293 ~~requirements, including square footage; client eligibility,~~  
294 ~~including a definition of "mildly ill children"; sanitation and~~  
295 ~~safety; admission and recordkeeping; dispensing of medication;~~  
296 ~~and a schedule of activities.~~

297 Section 3. Subsection (1) of section 402.306, Florida  
298 Statutes, is amended to read:

299 402.306 Designation of licensing agency; dissemination by  
300 the department and local licensing agency of information on  
301 child care.—

302 (1) (a) Any county whose licensing standards meet or exceed  
303 state minimum standards may:

304 1.(a) Designate a local licensing agency to license child  
305 care facilities in the county; or

306 2.(b) Contract with the department to delegate the  
307 administration of state minimum standards in the county to the  
308 department.

309 (b) The decision to designate a local licensing agency  
310 under subparagraph (a)1. must be annually affirmed by a majority  
311 vote of the county commission.

312 Section 4. Section 402.3115, Florida Statutes, is amended  
313 to read:

314 402.3115 Elimination of duplicative and unnecessary  
315 inspections; abbreviated inspections.—

316 (1) The Department of Children and Families and local  
317 governmental agencies that license child care facilities shall  
318 develop and implement a plan to eliminate duplicative and  
319 unnecessary inspections of child care facilities, family day

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320 care homes, and large family child care homes.

321 (2) (a) ~~In addition,~~ The department and the local  
322 governmental agencies shall develop and implement an abbreviated  
323 inspection plan for child care facilities that meet all of the  
324 following conditions:

325 1. Have been licensed for at least 2 consecutive years.

326 2. Have not had a ~~ne~~ Class 1 deficiency, as defined by  
327 rule, for at least 2 consecutive years.

328 3. Have not had more than three of the same ~~or~~ Class 2  
329 deficiencies, as defined by rule, for at least 2 consecutive  
330 years.

331 4. Have received at least two full onsite renewal  
332 inspections in the most recent 2 years.

333 5. Do not have any current uncorrected violations.

334 6. Do not have any open regulatory complaints or active  
335 child protective services investigations.

336 (b) The abbreviated inspection must include those elements  
337 identified by the department and the ~~local governmental agencies~~  
338 as being key indicators of whether the child care facility  
339 continues to provide quality care and programming. The  
340 department shall review and update these elements every 5 years.

341 (3) The department shall revise the plan under subsection  
342 (1) as necessary to maintain the validity and effectiveness of  
343 inspections.

344 Section 5. Subsection (1) of section 402.316, Florida  
345 Statutes, is amended to read:

346 402.316 Exemptions.—

347 (1) The provisions of ss. 402.301-402.319, except for the  
348 requirements regarding screening of child care personnel, shall

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349 not apply to a child care facility which is an integral part of  
350 church or parochial schools, or a child care facility that  
351 solely provides child care to eligible children as defined in s.  
352 402.261(1)(c), conducting regularly scheduled classes, courses  
353 of study, or educational programs accredited by, or by a member  
354 of, an organization which publishes and requires compliance with  
355 its standards for health, safety, and sanitation. However, such  
356 facilities shall meet minimum requirements of the applicable  
357 local governing body as to health, sanitation, and safety and  
358 shall meet the screening requirements pursuant to ss. 402.305  
359 and 402.3055. Failure by a facility to comply with such  
360 screening requirements shall result in the loss of the  
361 facility's exemption from licensure.

362 Section 6. Section 627.70161, Florida Statutes, is amended  
363 to read:

364 627.70161 Family day care and large family child care  
365 insurance.—

366 (1) PURPOSE AND INTENT.—The Legislature recognizes that  
367 family day care homes and large family child care homes fulfill  
368 a vital role in providing child care in Florida. It is the  
369 intent of the Legislature that residential property insurance  
370 coverage should not be canceled, denied, or nonrenewed solely on  
371 the basis of the ~~family~~ day care or child care services at the  
372 residence. The Legislature also recognizes that the potential  
373 liability of residential property insurers is substantially  
374 increased by the rendition of child care services on the  
375 premises. The Legislature therefore finds that there is a public  
376 need to specify that contractual liabilities that arise in  
377 connection with the operation of the family day care home or



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378 large family child care home are excluded from residential  
379 property insurance policies unless they are specifically  
380 included in such coverage.

381 (2) DEFINITIONS.—As used in this section, the term:

382 (a) “Child care” means the care, protection, and  
383 supervision of a child, for a period of less than 24 hours a day  
384 on a regular basis, which supplements parental care, enrichment,  
385 and health supervision for the child, in accordance with his or  
386 her individual needs, and for which a payment, fee, or grant is  
387 made for care.

388 (b) “Family day care home” means an occupied residence in  
389 which child care is regularly provided for children from at  
390 least two unrelated families and which receives a payment, fee,  
391 or grant for any of the children receiving care, whether or not  
392 operated for a profit.

393 (c) “Large family child care home” means an occupied  
394 residence in which child care is regularly provided for children  
395 from at least two unrelated families, which receives a payment,  
396 fee, or grant for any of the children receiving care, regardless  
397 of whether operated for profit, and which has at least two full-  
398 time child care personnel on the premises during the hours of  
399 operation. One of the two full-time child care personnel must be  
400 the owner or occupant of the residence. A large family child  
401 care home must first have operated as a licensed family day care  
402 home for at least 2 years, with an operator who has held a child  
403 development associate credential or its equivalent for at least  
404 1 year, before seeking licensure as a large family child care  
405 home. Household children under 13 years of age, when on the  
406 premises of the large family child care home or on a field trip

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407 with children enrolled in child care, must be included in the  
408 overall capacity of the licensed home. A large family child care  
409 home may provide care for one of the following groups of  
410 children, which must include household children under 13 years  
411 of age:

412 1. A maximum of eight children from birth to 24 months of  
413 age.

414 2. A maximum of 12 children, with no more than four  
415 children under 24 months of age.

416 (3) FAMILY DAY CARE AND LARGE FAMILY CHILD CARE; COVERAGE.-

417 A residential property insurance policy may ~~shall~~ not provide  
418 coverage for liability for claims arising out of, or in  
419 connection with, the operation of a family day care home or  
420 large family child care home, and the insurer shall be under no  
421 obligation to defend against lawsuits covering such claims,  
422 unless:

423 (a) Specifically covered in a policy; or

424 (b) Covered by a rider or endorsement for business coverage  
425 attached to a policy.

426 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.-An  
427 insurer may not deny, cancel, or refuse to renew a policy for  
428 residential property insurance solely on the basis that the  
429 policyholder or applicant operates a family day care home or  
430 large family child care home. In addition to other lawful  
431 reasons for refusing to insure, an insurer may deny, cancel, or  
432 refuse to renew a policy of a family day care home or large  
433 family child care home provider if one or more of the following  
434 conditions occur:

435 (a) The policyholder or applicant provides care for more

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436 children than authorized ~~for family day care homes~~ by s.  
437 402.302;

438 (b) The policyholder or applicant fails to maintain a  
439 separate commercial liability policy or an endorsement providing  
440 liability coverage for the family day care home or large family  
441 child care home operations;

442 (c) The policyholder or applicant fails to comply with the  
443 applicable ~~family day care home~~ licensure and registration  
444 requirements specified in chapter 402 ~~s. 402.313~~; or

445 (d) Discovery of willful or grossly negligent acts or  
446 omissions or any violations of state laws or regulations  
447 establishing safety standards for family day care homes or large  
448 family child care homes by the named insured or his or her  
449 representative which materially increase any of the risks  
450 insured.

451 Section 7. Subsection (1) of section 1002.59, Florida  
452 Statutes, is amended to read:

453 1002.59 Emergent literacy and performance standards  
454 training courses.—

455 (1) The department, in collaboration with the Just Read,  
456 Florida! Office, shall adopt minimum standards for courses in  
457 emergent literacy for prekindergarten instructors. Each course  
458 must consist of 5 clock hours and provide instruction in  
459 strategies and techniques to address the age-appropriate  
460 progress of prekindergarten students in developing emergent  
461 literacy skills, including oral communication, knowledge of  
462 print and letters, phonological and phonemic awareness,  
463 vocabulary and comprehension development, and foundational  
464 background knowledge designed to correlate with the content that

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465 students will encounter in grades K-12, consistent with the  
466 evidence-based content and strategies grounded in the science of  
467 reading identified pursuant to s. 1001.215(7). The course  
468 standards must be reviewed as part of any review of subject  
469 coverage or endorsement requirements in the elementary, reading,  
470 and exceptional student educational areas conducted pursuant to  
471 s. 1012.586. Each course must also provide resources containing  
472 strategies that allow students with disabilities and other  
473 special needs to derive maximum benefit from the Voluntary  
474 Prekindergarten Education Program. Successful completion of an  
475 emergent literacy training course approved under this section  
476 satisfies requirements for approved training in early literacy  
477 and language development under ss. 402.305(2)(e)4., 402.313(6),  
478 and 402.3131(5) ~~ss. 402.305(2)(e)5., 402.313(6), and~~  
479 ~~402.3131(5).~~

480 Section 8. This act shall take effect July 1, 2025.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 738

INTRODUCER: Senator Burton

SUBJECT: Child Care and Early Learning Providers

DATE: March 11, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rao	Tuszynski	CF	<b>Pre-meeting</b>
2.			AHS	
3.			FP	

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**I. Summary:**

Florida law directs the Department of Children and Families (DCF) to create minimum standards for the licensure of child care facilities. SB 738 makes several changes to these requirements for child care. Specifically, the bill:

- Directs the DCF to codify classification levels for violations relating to the health and safety of a child.
- Provides for a 45-day provisional-hire status upon a delayed background screening of child care personnel.
- Adjusts training requirements relating to the introductory course child care personnel must take and cardiopulmonary resuscitation training.
- Limits periodic health examinations to child care facility drivers.
- Removes language that requires facilities to provide parents with pagers or beepers during drop-in child care.
- Removes the requirement for child care facilities to provide parents with information about the influenza virus and the dangers of a distracted adult leaving a child in a vehicle.
- Removes the requirement for child care facilities to develop a program to assist in preventing and avoiding physical and mental abuse.
- Removes the requirement for the DCF to develop standards for specialized child care facilities for the care of mildly ill children.

The bill allows child care facilities to receive abbreviated inspections, upon meeting certain conditions. Additionally, the bill prohibits the cancelation, denial, or nonrenewal of residential property insurance solely on the basis that certain child care services are provided at the residence.

The bill requires the county commissions of the counties that elect to license their own child care facilities to annually affirm this decision to designate a local licensing agency.

The bill exempts preschools from special assessments levied by municipalities. Further, the bill provides an exemption from licensing, except for the screening of personnel, for a child care facility that solely provides child care to certain eligible children.

The bill has an indeterminate, but significant, negative fiscal impact on state government. *See* Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2025.

## II. Present Situation:

The present situation is presented in Section III under the Effect of Proposed Changes.

## III. Effect of Proposed Changes:

### Child Care Program Licensure

The Florida Department of Children and Families (DCF) provides licensing requirements for child-care programs in the state.<sup>1</sup> The program is accountable for the statewide licensure of Florida's child-care facilities<sup>2</sup>, specialized child-care facilities for the care of mildly ill children<sup>3</sup>, large family child-care homes<sup>4</sup> and licensure or registration of family day care homes.<sup>5</sup> The purpose of the program is to ensure a healthy and safe environment for the children in child-care settings and to improve the quality of their care. The DCF ensures that licensing requirements are met through on-going inspections of child-care facilities and homes.<sup>6</sup>

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<sup>1</sup> Florida Department of Children and Families, *About Child Care Licensure*, available at:

<https://www.myflfamilies.com/services/child-family/child-care/about-child-care-licensure#:~:text=The%20program%20is%20accountable%20for%20the%20statewide%20licensure,licensure%20or%20registration%20of%20family%20day%20care%20homes>. (last visited 3/4/25).

<sup>2</sup> Section 402.302(2), F.S. defines a "child care facility" as any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. Certain entities are excluded from the definition of a child care facility. *See* Section 402.302(2), F.S.

<sup>3</sup> The term "Specialized Child Care Facilities for the Care for Mildly Ill Children" refers to a child care facility that provides child care for more than five mildly ill children unrelated to the operator, and receives a payment, fee, or grant for any of the children receiving care. Specialized child care facilities may provide care for mildly ill children in a facility specialized for this purpose or as a component of other child care services offered in a distinct and separate part of a regularly licensed child care facility. *See* 65C-25.001, F.A.C.

<sup>4</sup> A "large family child care home" must have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. *See* Section 402.302(11), F.S.

<sup>5</sup> A "family day care home" regularly provides child care for children from at least two unrelated families and receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Family day care homes are restricted in the number of children it can provide child care to, based on the ages of the group of children in the family day care home. *See* Section 402.302(8), F.S.

<sup>6</sup> *Id.*

**Local Licensing Agencies**

***Present Situation***

Florida law allows any county whose licensing standards meet or exceed the state minimum standards to designate a local licensing agency to license child care facilities, rather than DCF licensure.<sup>7</sup> Counties that do not choose to administer their own child-care licensing programs are licensed by DCF.<sup>8</sup> Currently, DCF child-care licensing staff are responsible for the inspection and licensure of child-care facilities and homes in 63 out of 67 counties.<sup>9</sup> Local licensing agencies regulate child care programs in the following four counties: Broward, Palm Beach, Pinellas, and Sarasota.<sup>10</sup>

The following table displays the number of providers the DCF and local licensing agencies regulate:<sup>11</sup>

<b>Statewide Child Care Facility Licensure as of January 2025</b>			
	<b>DCF</b>	<b>Local Licensing Agency</b>	<b>Statewide</b>
Facilities	7,697	1,1820	9,517
Family Day Care Homes	1,601	433	2,034
Large Family Child Care Homes	330	78	408
Mildly Ill Facilities	1	0	1
<b>Total</b>	<b>9,629</b>	<b>2,331</b>	<b>11,960</b>

***Effect of the Proposed Language***

The bill amends s. 402.306, F.S., to require the county commission to annually affirm by majority vote the decision to designate a local agency for child care licensing.

**State Minimum Standards for Child Care Facilities**

***Present Situation***

Current law requires minimum standards for child care personnel that include minimum requirements as to:<sup>12</sup>

- Good moral character based on level 2 background screening.

<sup>7</sup> Section 402.306, F.S.

<sup>8</sup> Florida Department of Children and Families, *About Child Care Licensure*, available at: <https://www.myflfamilies.com/services/child-family/child-care/about-child-care-licensure#:~:text=The%20program%20is%20accountable%20for%20the%20statewide%20licensure,licensure%20or%20registration%20of%20family%20day%20care%20homes>. (last visited 3/4/25).

<sup>9</sup> Florida Department of Children and Families, *About Child Care Licensure*, available at: <https://www.myflfamilies.com/services/child-family/child-care/about-child-care-licensure#:~:text=The%20program%20is%20accountable%20for%20the%20statewide%20licensure,licensure%20or%20registration%20of%20family%20day%20care%20homes>. (last visited 3/4/25).

<sup>10</sup> Florida Department of Children and Families, 2025 Agency Analysis, p. 2 (on file with the Children, Families, and Elder Affairs Committee).

<sup>11</sup> *Id.*, p. 3.

<sup>12</sup> Section 402.305, F.S.

- Fingerprint submission.
- Exemptions from disqualification from working with children or the developmentally disabled.
- Minimum age requirements.
- Minimum training requirements. Periodic health examinations.
- Credentials for child care facility directors.

Background Screening: The DCF establishes minimum standards for child care personnel that include minimum requirements for good moral character based upon background screening.<sup>13</sup> This screening must be conducted using the level 2 standards for screening which include employment history checks, a search of criminal history records, sexual predator and sexual offender registries, and the child abuse and neglect registry of any state in which the current or prospective child care personnel resided during the preceding five years.<sup>14</sup>

A level 2 background screening is a multi-agency effort and includes the Florida Department of Law Enforcement and the Federal Bureau of Investigation.<sup>15</sup> While background screenings typically take a few business days, the request for additional out-of-state documents, incomplete information, or variations in agency processing times may delay the process of the background screening and delay employment of child care personnel.<sup>16</sup>

Training: The DCF also establishes minimum training requirements for child care personnel. The DCF has adopted the Child Care Facility Handbook to describe these requirements in detail.<sup>17</sup> Child care personnel must successfully complete 40 hours of child care training and pass competency examinations offered by the DCF.<sup>18</sup> This training must commence within 90 days of employment, and be completed within one year after the date on which the training began.<sup>19</sup> The training courses cover the following topic areas:<sup>20</sup>

- State and local rules and regulations which govern child care.
- Health, safety, and nutrition.
- Identifying and reporting child abuse and neglect.
- Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.
- Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine the child's developmental age level.

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<sup>13</sup> Section 402.302(15), F.S.

<sup>14</sup> Section 402.305(2), F.S.

<sup>15</sup> Upon the initiation of a background screening, fingerprints are sent to the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigations (FBI). Results from FDLE and the FBI are typically available within 24 to 48 hours; however, FDLE standards require results within 72 hours. *See* Florida Department of Children and Families, 2025 Agency Analysis, p. 6 (on file with the Children, Families, and Elder Affairs Committee).

<sup>16</sup> *Id.*

<sup>17</sup> Florida Department of Children and Families, *Child Care Facility Handbook, October 2021*, available at: [https://www.myflfamilies.com/sites/default/files/2022-12/FacilityHandbook\\_0.pdf](https://www.myflfamilies.com/sites/default/files/2022-12/FacilityHandbook_0.pdf) (last visited 3/5/25).

<sup>18</sup> *Id.*

<sup>19</sup> Section 402.305(2), F.S.

<sup>20</sup> Section 402.305(2), F.S.



- Specialized areas, including computer technology for professional and classroom use and early literacy and language development of children from birth to five years of age, as determined by the DCF, for owner-operators and child care personnel of a child care facility.
- Developmental disabilities, including autism spectrum disorder and Down syndrome, and early identification, use of available state and local resources, classroom integration, and positive behavioral supports for children with developmental disabilities.

#### Minimum Licensing Standards

Florida law has extensive licensing requirements for child care facilities that address the health, sanitation, safety, and adequate physical surroundings for all children in child care; the health and nutrition of all children in child care; and the child development needs of all children in child care.<sup>21</sup>

**Sanitation and Safety:** Current law includes minimum standards for sanitary and safety conditions that include cardiopulmonary resuscitation (CPR). At least one staff person trained in CPR must be present at all times the children are present.<sup>22</sup> There must be current documentation of course completion to be in compliance with Florida law.<sup>23</sup>

Additionally, minimum safety standards require a parent whose child is in drop-in child care to receive a communications system such as a pager or beeper to ensure the child can be immediately returned to the parent.<sup>24</sup>

**Information:** Each year, child care facilities must provide parents of children enrolled in the facility detailed information regarding:<sup>25</sup>

- The causes, symptoms, and transmission of the influenza virus and the importance of immunizing their children.
- The potential for a distracted adult to fail to drop off a child at the facility and instead leave the child in the adult's vehicle upon arrival at the adult's destination.

**Written Plans:** Each child care facility is required to implement a written plan for the daily provision of varied activities and active and quiet play opportunities appropriate to the age of the child.<sup>26</sup>

**Specialized Facilities for Mildly Ill Children:** The DCF oversees and implements minimum standards for specialized child care facilities for the care of mildly ill children.<sup>27</sup> The term mildly ill children refers to children with short term illness or symptoms of an illness or disability, provided either as an exclusive service in a center specialized for this purpose, or as a component

<sup>21</sup> Section 402.305(1), F.S.

<sup>22</sup> Section 402.305(7), F.S.

<sup>23</sup> *Id.*

<sup>24</sup> Drop-in child care refers to child care provided occasionally in a child care facility in a shopping mall or business establishment where a child is in care for no more than a 4-hour period and the parent remains on the premises of the shopping mall or business establishment at all times. *See* Section 402.302(6), F.S.

<sup>25</sup> Section 402.305(9), F.S.

<sup>26</sup> Section 402.305(13), F.S.

<sup>27</sup> Section 402.305(17), F.S.

of other child care services offered in a regularly licensed child care facility.<sup>28</sup> The DCF requires child care facilities to have one licensed health caregiver, at a minimum, that physically assesses the child; provides ongoing daily oversight; makes decisions on the exclusion of an ineligible child; and be present at the facility at all times during the hours of operation.<sup>29</sup>

Violations

If a child care facility is in noncompliance with licensing standards, Florida law allows the DCF to administer disciplinary sanctions for violations.<sup>30</sup> The DCF utilizes three classification levels for violations of licensing standards.<sup>31</sup>

- Class 1 violations are the most serious in nature, pose an imminent threat to a child include abuse or neglect and which could or does result in death or serious harm to the health, safety, and well-being of a child.
- Class 2 violations are less serious in nature than Class 1 violations and could be anticipated to pose a threat to the health, safety, or well-being of a child, although the threat is not imminent.
- Class 3 violations are less serious in nature than Class 1 or Class 2 violations and pose a low potential for harm to children.

The following table shows the number of violations recorded in Fiscal Year 2023-24.<sup>32</sup>

Violations in Fiscal Year 2023-24	
Classification	Number of Violations
Class 1	145
Class 2	3,908
Class 3	12,352
Total	16,405

A majority (75%) of the violations recorded in FY 2023-24 were classified as Class 3 violations. Specifically, 803 programs accumulated over five Class 3 violations during the fiscal year.<sup>33</sup>

***Effect of Proposed Changes***

The bill amends s. 402.305, F.S. to modify the minimum licensing standards child care facilities must follow. Specifically, the bill:

- Allows the Department of Children and Families (DCF) to create up to three classification levels of violations of licensing standards that relate to the health and safety of a child. The bill clarifies a class three violation as the least serious in nature and must be the same incident of noncompliance that occurs at least three times within a two year period.

<sup>28</sup> Florida Department of Children and Families, 2025 Agency Analysis, p. 6 (on file with the Children, Families, and Elder Affairs Committee).

<sup>29</sup> 65C-25.002, F.A.C.

<sup>30</sup> Section 402.310, F.S.

<sup>31</sup> Florida Department of Children and Families, 2025 Agency Analysis, p. 3 (on file with the Children, Families, and Elder Affairs Committee).

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

- Requires the DCF to complete the background screening for child care personnel and provide the results to the child care facility within three business days.
  - Upon failure to do so, the bill requires the DCF to issue the current or prospective child care personnel a 45-day provisional-hire status while all information is being requested and the DCF is awaiting results, unless the DCF believes a disqualifying factor may exist.
  - During the 45-day period, the current or prospective child care personnel must be under the direct supervision of a screened and trained staff member when in contact with children.
- Requires the 40-clock-hour introductory course in child care that must be taken by child care personnel to cover specified topics areas.
- Removes the requirement for the introductory course in child care to stress an interdisciplinary approach to the study of children.
- Limits periodic health examinations to child care facility drivers.
- Requires that the required training in cardiopulmonary resuscitation (CPR) must be in-person training.
- Removes language that requires facilities that provide drop-in child care to provide pagers or beepers to parents.
- Removes the requirement for child care facilities to provide parents with information about the influenza virus and the influenza vaccine during the months of August and September.
- Removes the requirement for child care facilities to provide parents with information on the dangers of a distracted adult leaving a child in a vehicle, and resources for avoiding this occurrence, during the months of April and September.
- Removes the requirement for a program to be implemented periodically by a child care facility to assist in preventing and avoiding physical and mental abuse.
- Removes a requirement for the DCF in conjunction with the Department of Health to develop standards for specialized child care facilities for the care of mildly ill children.

## **Abbreviated Inspections for Child Care Facilities**

### ***Present Situation***

The DCF and local licensing agencies are tasked with eliminating duplicative and unnecessary inspections of child care facilities.<sup>34</sup>

Child care facilities that have had no Class 1 or Class 2 deficiencies for at least two consecutive years are eligible to receive an abbreviated inspection, rather than a full routine inspection.<sup>35</sup> Abbreviated inspections include elements identified by the DCF and local licensing agency that ensure a child care facility continues to provide quality care and programming.<sup>36</sup>

In 2022, the DCF expanded the providers eligible for abbreviated inspections to include family day care homes and large family child care homes that meet the following criteria:<sup>37</sup>

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<sup>34</sup> Section 402.3115, F.S.

<sup>35</sup> Section 402.3115, F.S.; and Florida Department of Children and Families, 2025 Agency Analysis, p. 6 (on file with the Children, Families, and Elder Affairs Committee).

<sup>36</sup> *Id.*

<sup>37</sup> Florida Department of Children and Families, 2025 Agency Analysis, p. 6 (on file with the Children, Families, and Elder Affairs Committee).

- Have been licensed for at least two consecutive years.
- Have had no Class 1 violations or Class 2 violations for at least two consecutive years.
- Have received at least two full onsite renewals in the most recent two years.
- Have no current uncorrected violations.
- Have no open regulatory or active child protective services investigations.

The following table shows the number of inspections that were abbreviated in Fiscal Year 2023-24.<sup>38</sup>

<b>Abbreviated Inspections of Child Care Facilities FY 2023-24</b>	
Total Inspections Statewide	33,717
Abbreviated Inspections	2,044
% of Abbreviated Inspections	6%

***Effect of Proposed Changes***

The bill amends s. 402.3115, F.S. to codify current administrative rule that allows for child care facilities to receive an abbreviated inspection upon meeting all of the following conditions:

- Have been licensed for at least two consecutive years.
- Have not had a Class 1 deficiency for at least two consecutive years.
- Have not had more than three of the same Class 2 deficiencies for at least two consecutive years.
- Have received at least two full onsite renewal inspections in the most recent two years.
- Do not have any current uncorrected violations.
- Do not have any open regulatory complains or active child protective services investigations.

The bill removes local governmental agencies’ ability to identify elements included in the abbreviated inspection and leaves the responsibility solely to the DCF.

The bill requires the DCF to review and update the elements included in the abbreviated inspection every five years, and revise the overall plan as necessary.

**Child Care Licensure Exemptions**

***Present Situation***

Florida exempts child care facilities that are an integral part of a church or parochial school which is accredited by, or is a member of, an organization that publishes and requires compliance with its standards for health, safety, and sanitation from the child care licensure requirements.<sup>39</sup> However, child care facilities that are exempt from licensure must meet the child care personnel background screening requirements.<sup>40</sup> If the child care facility desires licensure

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<sup>38</sup> *Id.*, p. 7.

<sup>39</sup> Section 402.316, F.S.

<sup>40</sup> *Id.*

by the DCF, the facility must notify DCF to obtain a license.<sup>41</sup> Once licensed by the DCF, the facility cannot withdraw its licensure and continue to operate.<sup>42</sup>

Any county or city with state or local child care licensing programs that were in existence on July 1, 1974, are authorized to continue to license the child care facilities covered under such programs until and unless the licensing agency makes a determination to exempt the child care facility from licensure.<sup>43</sup>

### ***Effect of Proposed Language***

The bill amends s. 402.316, F.S. to provide an exemption from licensing, except for the screening of personnel, for a child care facility that solely provides child care to eligible children. The bill utilizes the same definition of eligible child that is used in s. 402.261, F.S., which refers to the child or grandchild of an employee of a taxpayer, if such employee is the child's or grandchild's caregiver.

## **Insurance and Child Care Homes**

### ***Present Situation***

Florida law recognizes that family day care homes fulfill a vital role in providing child care and that residential property insurance coverage should not be canceled, denied, or fail to be renewed solely on the basis of the family day care services at the residence.<sup>44</sup> The potential liability of residential property insurers is substantially increased by the rendition of child care services on the premises. Florida law excludes contractual liabilities that arise in connection with the operation of a *family day care home* from residential property insurance policies unless they are specifically included in such coverage.<sup>45</sup> Current law does not extend the insurance protections to *large family day care homes*.

### ***Effect of Proposed Language***

The bill amends s. 627.70161, F.S., to include large family child care homes in existing law that prevents the cancelation, denial, or nonrenewal of residential property insurance coverage solely on the basis of the day care or child care services at the residence. The bill excludes contractual liabilities that arise from the operation of the family day care home or large family child care homes in residential property insurance policies unless they are specifically included in the coverage. The bill defines "large family child care home," which is consistent with the definition provided in s. 402.3131, F.S.

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<sup>41</sup> Section 402.316(3), F.S.

<sup>42</sup> *Id.*

<sup>43</sup> Section 402.316, F.S.

<sup>44</sup> Section 627.70161, F.S.

<sup>45</sup> Section 627.70161, F.S.

## Special Assessments

### *Present Situation*

There are 67 county governments<sup>46</sup> and over 400 municipal governments<sup>47</sup> in the state of Florida. Municipalities levy and collect special assessments to fund capital improvements and municipal services including, but not limited to, fire protection, emergency medical services, garbage disposal, sewer improvement, street improvement, and parking facilities.<sup>48</sup> Small municipalities with a population of fewer than 100 persons may use special assessments to fund special security and crime prevention services and facilities.<sup>49</sup>

Florida law exempts properties with religious affiliations from special assessments levied by municipalities. Currently, property owned or occupied by a religious institution is exempt from special assessments if that property:<sup>50</sup>

- Is used as a place of worship or education;
- Is used by a public or private elementary, middle, or high school; or
- Is used by a governmentally financed, insured, or subsidized housing facility that is used primarily for persons who are elderly or disabled.

As of 2023, there were over 8,500 licensed preschools in Florida.<sup>51</sup>

### *Effect of Proposed Changes*

The bill amends s. 170.201, F.S., to include properties owned or occupied by a religious institution and used by a public or private preschool in the exemption from special assessments levied by local governments and municipalities.

The bill defines a preschool as a child care facility licensed under s. 402.305, F.S.

### **Other**

The bill updates cross references and makes other conforming changes to align statute with the substantive changes of the language.

The bill provides an effective date of July 1, 2025.

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<sup>46</sup> Florida Department of State, *County Governments*, available at: <https://dos.fl.gov/library-archives/research/florida-information/government/local-resources/fl-counties/> (last visited 3/4/25).

<sup>47</sup> Florida Department of State, *Florida Cities*, available at: <https://dos.fl.gov/library-archives/research/florida-information/government/local-resources/fl-cities/> (last visited 3/4/25).

<sup>48</sup> Section 170.201(1), F.S.

<sup>49</sup> *Id.*

<sup>50</sup> Section 170.201(2), F.S.

<sup>51</sup> Department of Children and Families, *Child Care Provider List 11-1-2024*, available at: <https://www.myflfamilies.com/sites/default/files/2023-11/Public%20-%202023-11-1%20-%20Statewide.pdf> (last visited 3/4/25).

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) of the Florida Constitution provides that, except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,<sup>52</sup> which is \$2.3 million or less for Fiscal Year 2025-2026.<sup>53</sup>

The bill, in part, limits the authority to collect special assessments on preschools. The Revenue Estimated Conference determined that this provision in a previous version of this bill [SB 820 (2024)] would reduce the authority of local governments to raise revenue by \$4.4 million in Fiscal Year 2024-2025. Therefore, this bill may be a mandate requiring a two-thirds vote of the membership of each house of the Legislature for approval.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

##### D. State Tax or Fee Increases:

Not applicable. The bill does not impose or raise a state tax or fee which would be subject to the provisions of Article VII, s. 19 of the Florida Constitution.

##### E. Other Constitutional Issues:

None Identified.

#### V. Fiscal Impact Statement:

##### A. Tax/Fee Issues:

None.

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<sup>52</sup> FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited March 8, 2025).

<sup>53</sup> Based on the Demographic Estimating Conference's estimated population adopted on April 1, 2024; Florida Population Estimates by County and Municipality Estimate, available at: [https://edr.state.fl.us/Content/population-demographics/data/2024\\_Pop\\_Estimates.pdf](https://edr.state.fl.us/Content/population-demographics/data/2024_Pop_Estimates.pdf) (last visited March 8, 2025).

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:****Child Care Facility Licensure**

The DCF reports the potential of an indeterminate but significant negative fiscal impact if the DCF must assume the responsibilities of child care licensure in a county in which the county commission does not confirm the current local licensing agency. The DCF would then have to assume the responsibility of and administer child care licensing in that county. This would require the establishment of a field office, as well as the recruitment and training of licensing staff. Additional funding and FTEs would be needed.<sup>54</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 170.201, 402.305, 402.306, 402.3115, 402.316, 627.70161, and 1002.59

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>54</sup> Florida Department of Children and Families, 2025 Agency Analysis, p. 7 (on file with the Children, Families, and Elder Affairs Committee).





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LEGISLATIVE ACTION

Senate

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. .  
. .  
. .

House

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The Committee on Children, Families, and Elder Affairs (Burton) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 127 - 450

and insert:

to the child care facility within 3 business days from the receipt of the criminal history record check. If the department is unable to complete the screening within 3 business days, the department shall issue the current or prospective child care personnel a 45-day provisional-hire status while all required information is being requested and the department is awaiting



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11 results unless the department has reason to believe a  
12 disqualifying factor may exist. During the 45-day period, the  
13 current or prospective child care personnel must be under the  
14 direct supervision of a screened and trained staff member when  
15 in contact with children.

16 (e) Minimum training requirements for child care personnel.

17 1. Such minimum standards for training shall ensure that  
18 all child care personnel take an approved 40-clock-hour  
19 introductory course in child care, which course covers ~~at least~~  
20 the following topic areas:

21 a. State and local rules and regulations which govern child  
22 care.

23 b. Health, safety, and nutrition.

24 c. Identifying and reporting child abuse and neglect.

25 d. Child development, including typical and atypical  
26 language, cognitive, motor, social, and self-help skills  
27 development.

28 e. Observation of developmental behaviors, including using  
29 a checklist or other similar observation tools and techniques to  
30 determine the child's developmental age level.

31 f. Specialized areas, including computer technology for  
32 professional and classroom use and early literacy and language  
33 development of children from birth to 5 years of age, as  
34 determined by the department, for owner-operators and child care  
35 personnel of a child care facility.

36 g. Developmental disabilities, including autism spectrum  
37 disorder and Down syndrome, and early identification, use of  
38 available state and local resources, classroom integration, and  
39 positive behavioral supports for children with developmental



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40 disabilities.

41 h. Online training coursework, provided at no cost by the  
42 department, to meet minimum training standards for child care  
43 personnel.

44

45 Within 90 days after employment, child care personnel shall  
46 begin training to meet the training requirements. Child care  
47 personnel shall successfully complete such training within 1  
48 year after the date on which the training began, as evidenced by  
49 passage of an in-person or online a competency examination.

50 Successful completion of the 40-clock-hour introductory course  
51 shall articulate into community college credit in early  
52 childhood education, pursuant to ss. 1007.24 and 1007.25.

53 Exemption from all or a portion of the required training shall  
54 be granted to child care personnel based upon educational  
55 credentials or passage of competency examinations. Child care  
56 personnel possessing a 2-year degree or higher that includes 6  
57 college credit hours in early childhood development or child  
58 growth and development, or a child development associate  
59 credential or an equivalent state-approved child development  
60 associate credential, or a child development associate waiver  
61 certificate shall be automatically exempted from the training  
62 requirements in sub-subparagraphs b., d., and e.

63 ~~2. The introductory course in child care shall stress, to~~  
64 ~~the extent possible, an interdisciplinary approach to the study~~  
65 ~~of children.~~

66 ~~2.3.~~ The introductory course shall cover recognition and  
67 prevention of shaken baby syndrome; prevention of sudden infant  
68 death syndrome; recognition and care of infants and toddlers



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69 with developmental disabilities, including autism spectrum  
70 disorder and Down syndrome; and early childhood brain  
71 development within the topic areas identified in this paragraph.

72 ~~3.4.~~ On an annual basis in order to further their child  
73 care skills and, if appropriate, administrative skills, child  
74 care personnel who have fulfilled the requirements for the child  
75 care training shall be required to take an additional 1  
76 continuing education unit of approved inservice training, or 10  
77 clock hours of equivalent training, as determined by the  
78 department.

79 ~~4.5.~~ Child care personnel shall be required to complete 0.5  
80 continuing education unit of approved training or 5 clock hours  
81 of equivalent training, as determined by the department, in  
82 early literacy and language development of children from birth  
83 to 5 years of age one time. The year that this training is  
84 completed, it shall fulfill the 0.5 continuing education unit or  
85 5 clock hours of the annual training required in subparagraph 3.  
86 4.

87 ~~5.6.~~ Procedures for ensuring the training of qualified  
88 child care professionals to provide training of child care  
89 personnel, including onsite training, shall be included in the  
90 minimum standards. It is recommended that the state community  
91 child care coordination agencies (central agencies) be  
92 contracted by the department to coordinate such training when  
93 possible. Other district educational resources, such as  
94 community colleges and career programs, can be designated in  
95 such areas where central agencies may not exist or are  
96 determined not to have the capability to meet the coordination  
97 requirements set forth by the department.



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98           ~~6.7.~~ Training requirements do ~~shall~~ not apply to certain  
99 occasional or part-time support staff, including, but not  
100 limited to, swimming instructors, piano teachers, dance  
101 instructors, and gymnastics instructors.

102           ~~7.8.~~ The child care operator shall be required to take  
103 basic training in serving children with disabilities within 5  
104 years after employment, either as a part of the introductory  
105 training or the annual 8 hours of inservice training.

106           (f) Periodic health examinations for child care facility  
107 drivers.

108           (7) SANITATION AND SAFETY.—

109           (a) Minimum standards must ~~shall~~ include requirements for  
110 sanitary and safety conditions, first aid treatment, emergency  
111 procedures, and pediatric cardiopulmonary resuscitation. The  
112 minimum standards must ~~shall~~ require that at least one staff  
113 person trained in person in cardiopulmonary resuscitation, as  
114 evidenced by current documentation of course completion, ~~must~~ be  
115 present at all times that children are present.

116           ~~(c) Some type of communications system, such as a pocket~~  
117 ~~pager or beeper, shall be provided to a parent whose child is in~~  
118 ~~drop-in child care to ensure the immediate return of the parent~~  
119 ~~to the child, if necessary.~~

120           (9) ADMISSIONS AND RECORDKEEPING.—

121           (a) Minimum standards must ~~shall~~ include requirements for  
122 preadmission and periodic health examinations, requirements for  
123 immunizations, and requirements for maintaining emergency  
124 information and health records on all children.

125           ~~(b) During the months of August and September of each year,~~  
126 ~~each child care facility shall provide parents of children~~



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127 ~~enrolled in the facility detailed information regarding the~~  
128 ~~causes, symptoms, and transmission of the influenza virus in an~~  
129 ~~effort to educate those parents regarding the importance of~~  
130 ~~immunizing their children against influenza as recommended by~~  
131 ~~the Advisory Committee on Immunization Practices of the Centers~~  
132 ~~for Disease Control and Prevention.~~

133 ~~(c) During the months of April and September of each year,~~  
134 ~~at a minimum, each facility shall provide parents of children~~  
135 ~~enrolled in the facility information regarding the potential for~~  
136 ~~a distracted adult to fail to drop off a child at the facility~~  
137 ~~and instead leave the child in the adult's vehicle upon arrival~~  
138 ~~at the adult's destination. The child care facility shall also~~  
139 ~~give parents information about resources with suggestions to~~  
140 ~~avoid this occurrence. The department shall develop a flyer or~~  
141 ~~brochure with this information that shall be posted to the~~  
142 ~~department's website, which child care facilities may choose to~~  
143 ~~reproduce and provide to parents to satisfy the requirements of~~  
144 ~~this paragraph.~~

145 ~~(b)(d)~~ Because of the nature and duration of drop-in child  
146 care, requirements for preadmission and periodic health  
147 examinations and requirements for medically signed records of  
148 immunization required for child care facilities do ~~shall~~ not  
149 apply. A parent of a child in drop-in child care shall, however,  
150 be required to attest to the child's health condition and the  
151 type and current status of the child's immunizations.

152 ~~(c)(e)~~ Any child shall be exempt from medical or physical  
153 examination or medical or surgical treatment upon written  
154 request of the parent or guardian of such child who objects to  
155 the examination and treatment. However, the laws, rules, and



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156 regulations relating to contagious or communicable diseases and  
157 sanitary matters shall not be violated because of any exemption  
158 from or variation of the health and immunization minimum  
159 standards.

160 (13) PLAN OF ACTIVITIES.—Minimum standards shall ensure  
161 that each child care facility has and implements a written plan  
162 for the daily provision of varied activities and active and  
163 quiet play opportunities appropriate to the age of the child.  
164 ~~The written plan must include a program, to be implemented~~  
165 ~~periodically for children of an appropriate age, which will~~  
166 ~~assist the children in preventing and avoiding physical and~~  
167 ~~mental abuse.~~

168 ~~(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF~~  
169 ~~MILDLY ILL CHILDREN. Minimum standards shall be developed by the~~  
170 ~~department, in conjunction with the Department of Health, for~~  
171 ~~specialized child care facilities for the care of mildly ill~~  
172 ~~children. The minimum standards shall address the following~~  
173 ~~areas: personnel requirements; staff-to-child ratios; staff~~  
174 ~~training and credentials; health and safety; physical facility~~  
175 ~~requirements, including square footage; client eligibility,~~  
176 ~~including a definition of "mildly ill children"; sanitation and~~  
177 ~~safety; admission and recordkeeping; dispensing of medication;~~  
178 ~~and a schedule of activities.~~

179 Section 3. Subsection (1) of section 402.306, Florida  
180 Statutes, is amended to read:

181 402.306 Designation of licensing agency; dissemination by  
182 the department and local licensing agency of information on  
183 child care.—

184 (1) (a) Any county whose licensing standards meet or exceed



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185 state minimum standards may:

186 1.~~(a)~~ Designate a local licensing agency to license child  
187 care facilities in the county; or

188 2.~~(b)~~ Contract with the department to delegate the  
189 administration of state minimum standards in the county to the  
190 department.

191 (b) The decision to designate a local licensing agency  
192 under subparagraph (a)1. must be annually affirmed by a majority  
193 vote of the county commission.

194 Section 4. Section 402.3115, Florida Statutes, is amended  
195 to read:

196 402.3115 Elimination of duplicative and unnecessary  
197 inspections; abbreviated inspections.-

198 (1) The Department of Children and Families and local  
199 governmental agencies that license child care facilities shall  
200 develop and implement a plan to eliminate duplicative and  
201 unnecessary inspections of child care facilities, family day  
202 care homes, and large family child care homes.

203 (2) (a) ~~In addition,~~ The department and the local  
204 governmental agencies shall develop and implement an abbreviated  
205 inspection plan for child care facilities, family day care  
206 homes, and large family child care homes that meet all of the  
207 following conditions:

208 1. Have been licensed for at least 2 consecutive years.

209 2. Have not had a ~~no~~ Class 1 deficiency, as defined by  
210 rule, for at least 2 consecutive years.

211 3. Have not had more than three of the same ~~or~~ Class 2  
212 deficiencies, as defined by rule, for at least 2 consecutive  
213 years.





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214           4. Have received at least two full onsite renewal  
215 inspections in the most recent 2 years.

216           5. Do not have any current uncorrected violations.

217           6. Do not have any open regulatory complaints or active  
218 child protective services investigations.

219           (b) The abbreviated inspection must include those elements  
220 identified by the department and the local governmental agencies  
221 as being key indicators of whether the child care facility  
222 continues to provide quality care and programming. The  
223 department shall review and update these elements every 5 years.

224           (3) The department shall revise the plan under subsection  
225 (1) as necessary to maintain the validity and effectiveness of  
226 inspections.

227           Section 5. Section 402.316, Florida Statutes, is amended to  
228 read:

229           402.316 Exemptions.—

230           (1) The provisions of ss. 402.301-402.319, except for the  
231 requirements regarding screening of child care personnel, do  
232 ~~shall~~ not apply to a child care facility which is an integral  
233 part of church or parochial schools, or a child care facility  
234 that solely provides child care to eligible children as defined  
235 in s. 402.261(1)(c), conducting regularly scheduled classes,  
236 courses of study, or educational programs accredited by, or by a  
237 member of, an organization which publishes and requires  
238 compliance with its standards for health, safety, and  
239 sanitation. However, such facilities shall meet minimum  
240 requirements of the applicable local governing body as to  
241 health, sanitation, and safety and shall meet the screening  
242 requirements pursuant to ss. 402.305 and 402.3055. Failure by a



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243 facility to comply with such screening requirements shall result  
244 in the loss of the facility's exemption from licensure.

245 (2) The provisions of ss. 402.301-402.319 do not apply to a  
246 child care facility or family day care home if the child care  
247 facility or family day care home has a certificate issued by the  
248 United States Department of Defense or by the United States  
249 Coast Guard to provide child care and has completed background  
250 screening by the United States Department of Defense pursuant to  
251 34 U.S.C. s. 20351 and 32 C.F.R. part 86 and received a  
252 favorable suitability and fitness determination. If the child  
253 care facility or family day care home elects to serve children  
254 ineligible for care under the United States Department of  
255 Defense Instruction 6060.02, the child care facility or family  
256 day care home must be licensed under chapter 402.

257 ~~(3)(2) Any county or city with state or local child care~~  
258 ~~licensing programs in existence on July 1, 1974, will continue~~  
259 ~~to license the child care facility facilities as covered by such~~  
260 ~~programs, notwithstanding the exemption under provisions of~~  
261 ~~subsection (1) which desires to be licensed may submit an~~  
262 ~~application to the department or local licensing agency pursuant~~  
263 ~~to s. 402.308(4), until and unless the licensing agency makes a~~  
264 ~~determination to exempt them.~~

265 ~~(4)(3) The department and the local licensing agency~~  
266 ~~pursuant to s. 402.308(4) shall adopt rules to administer and~~  
267 ~~implement this section, including, but not limited to, any~~  
268 ~~assessments of previous licensure history Any child care~~  
269 ~~facility covered by the exemption provisions of subsection (1),~~  
270 ~~but desiring to be included in this act, is authorized to do so~~  
271 ~~by submitting notification to the department. Once licensed,~~



272 ~~such facility cannot withdraw from the act and continue to~~  
273 ~~operate.~~

274  
275 ===== T I T L E   A M E N D M E N T =====

276 And the title is amended as follows:

277       Delete lines 27 - 36

278 and insert:

279       facilities, family day care homes, and large family  
280       child care homes; requiring the department to review  
281       and update certain elements included in such  
282       abbreviated inspections; requiring the department to  
283       revise the abbreviated inspection plan as necessary;  
284       amending s. 402.316, F.S.; providing that certain  
285       child care facilities and family day care homes are  
286       exempt from specified requirements; deleting a  
287       provision requiring a county or city with certain  
288       child care licensing programs in existence on a  
289       specified date to continue to license certain  
290       facilities under certain circumstances; authorizing  
291       certain exempt child care facilities to submit an  
292       application for licensure to the department or a local  
293       licensing agency; requiring the department and the  
294       local licensing agency to adopt rules; amending s.  
295       1002.59, F.S.; conforming a cross-

By Senator Jones

34-01014-25

20251174\_\_

1                   A bill to be entitled  
2       An act relating to licensure of family foster homes;  
3       amending s. 409.175, F.S.; authorizing the transfer of  
4       certain licenses; requiring the Department of Children  
5       and Families to adopt rules for such transfer;  
6       providing an effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

9  
10       Section 1. Paragraph (i) of subsection (6) of section  
11       409.175, Florida Statutes, is amended to read:

12       409.175 Licensure of family foster homes, residential  
13       child-caring agencies, and child-placing agencies; public  
14       records exemption.—

15       (6)

16       (i)1. Upon determination that the applicant meets the state  
17       minimum licensing requirements and has obtained a letter from a  
18       community-based care lead agency which indicates that the family  
19       foster home meets the criteria established by the lead agency,  
20       the department shall issue a license without charge to a  
21       specific person or agency at a specific location. A license may  
22       be issued if all the screening materials have been timely  
23       submitted; however, a license may not be issued or renewed if  
24       any person at the home or agency has failed the required  
25       screening. ~~The license is nontransferable.~~ A copy of the license  
26       shall be displayed in a conspicuous place. Except as provided in  
27       paragraph (k), the license is valid for 1 year from the date of  
28       issuance, unless the license is suspended or revoked by the  
29       department or is voluntarily surrendered by the licensee. The

34-01014-25

20251174\_\_

30 license is the property of the department.

31 2. A licensee may transfer its license to another location  
32 within this state. The department shall adopt rules to  
33 administer this subparagraph.

34 Section 2. This act shall take effect October 1, 2025.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 1174

INTRODUCER: Senator Jones

SUBJECT: Licensure of Family Foster Homes

DATE: March 11, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kennedy</u>	<u>Tuszynski</u>	<u>CF</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AHS</u>	_____
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

The Department of Children and Families (DCF) licenses certain child welfare placement types for children in the child welfare system. Section 409.175, F.S., details the licensing requirements for family foster homes, residential child-caring agencies, and child-placing agencies, with the purpose of protecting the health, safety, and well-being of children in such care. Under existing law, family foster home licenses are issued for a specific person or agency at a specific location.

Once issued, a family foster home license is nontransferable.

SB 1174 amends the licensure requirements for family foster homes, residential child-caring agencies, and child-placing agencies to allow the transfer of licenses. The bill requires the Department of Children and Families (DCF) to adopt rules to administer these transfers.

The bill likely does not have a fiscal impact on state government. See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2025.

**II. Present Situation:**

**Florida’s Child Welfare System – Generally**

Chapter 39, F.S., creates Florida’s dependency system charged with protecting children who have been abused, abandoned, or neglected.<sup>1</sup> Florida’s child welfare system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations. The Department of Children and Families (DCF) and community-based care lead

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<sup>1</sup> Chapter 39, F.S.

agencies (CBCs) work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.<sup>2</sup>

### ***Child Protective Investigations***

The DCF is required to operate and maintain a central abuse hotline (hotline)<sup>3</sup> to receive reports of known or suspected instances of child abuse<sup>4</sup>, abandonment<sup>5</sup>, or neglect<sup>6</sup>, or instances when a child does not have a parent, legal custodian, or adult relative available to provide supervision and care.<sup>7</sup> The hotline must operate 24 hours a day, 7 days a week, and accept reports through a single statewide toll-free telephone number or through electronic reporting.<sup>8</sup>

If the hotline determines a report meets the statutory criteria for child abuse, abandonment, or neglect, a DCF child protective investigator (CPI) must complete a child protective investigation.<sup>9</sup> Through face-to-face interviews with the child and family members, and assessments of the immediate safety of the children in the home, the CPI determines further actions.

When a CPI determines that in-home services are not enough to ensure a child's safety, the CPI must remove the child from the home and place him or her in a safe and appropriate temporary out-of-home placement.<sup>10</sup> These placements are aimed to be the least restrictive, most family-like placements available.<sup>11</sup> The DCF is required to consider a child's placement in the following priority order:<sup>12</sup>

- Nonoffending parent.

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<sup>2</sup> Chapter 39, F.S.

<sup>3</sup> Hereinafter cited as "hotline." The "Florida Abuse Hotline" is the DCF's central abuse reporting intake assessment center, which receives and processes reports of known or suspected child abuse, neglect or abandonment 24 hours a day, seven days a week. Chapter 65C-30.001, F.A.C. and Section 39.101, F.S.

<sup>4</sup> Section 39.01(2), F.S. defines "abuse" as any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired.

<sup>5</sup> Section 39.01(1), F.S. defines "abandoned" or "abandonment" as a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. "Establish or maintain a substantial and positive relationship" means, in part, frequent and regular contact with the child, and the exercise of parental rights and responsibilities.

<sup>6</sup> Section 39.01(53), F.S. states "neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired, except when such circumstances are caused primarily by financial inability unless services have been offered and rejected by such person.

<sup>7</sup> Section 39.201(1), F.S.

<sup>8</sup> Section 39.101(1), F.S.

<sup>9</sup> Prior to July 1, 2023, seven counties allowed the local sheriff's office to perform child protective investigations. The 2023 legislative session transitioned this responsibility fully back to the Department after changes in Florida's child welfare system aimed to integrate child protective investigations within existing crisis-oriented systems the DCF maintains. *See generally*: Laws of Fla. 2023-77.

<sup>10</sup> Section 39.4021, F.S.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

- Relative caregiver.
- Adoptive parent of the child’s sibling, when the DCF or CBC lead agency is aware of such sibling.
- Fictive kin with a close existing relationship to the child.
- Nonrelative caregiver that does not have an existing relationship with the child.
- *Licensed foster care.*
- *Group or congregate care.*

#### Licensed Foster Care

If a child is removed from his or her home and placed in a family foster home, those foster parents become a critical place in a child’s support network, ensuring their needs are met while in out-of-home placement and contributing to the potential reunification of the child with his or her biological family or some other permanency arrangement that is in the best interests of that child.<sup>13</sup>

### **Licensure of Family Foster Homes**

Section 409.175, F.S. establishes the licensing requirements for family foster homes,<sup>14</sup> residential child-caring agencies,<sup>15</sup> and child-placing agencies,<sup>16</sup> with the purpose of protecting the health, safety, and well-being of children in such care.<sup>17</sup> Under existing law, family foster home licenses are issued for a specific person or agency at a specific location.<sup>18</sup>

Once issued, a family foster home license is nontransferable.<sup>19</sup>

If a foster parent relocates, they are required to contact the DCF and the supervising lead agency in writing no less than 30 calendar days prior to the expected date of relocation.<sup>20</sup> Upon relocation, if relocating within the same region, the following is required of the foster parent:<sup>21</sup>

- New “Application for License to Provide Out-of-Home Care for Dependent Children;”

<sup>13</sup> See The Florida Department of Children and Families, Foster Care Overview, available at: <https://www.myflfamilies.com/services/child-family-services/foster-care/overview> (last visited 3/6/2025)

<sup>14</sup> Section 409.175(2)(e), F.S.; defined as a residence licensed by the department in which children who are unattended by a parent or legal guardian are provided 24-hour care. 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.

<sup>15</sup> Section 409.175(2)(l), F.S.; defined as 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 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.

<sup>16</sup> Section 409.175(2)(d), F.S.; defined as any person, corporation, or agency, public or private, other than the parent or legal guardian of the child or an intermediary acting pursuant to chapter 63, 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.

<sup>17</sup> Section 409.175(1)(a), F.S.

<sup>18</sup> See generally, s. 409.175, F.S.

<sup>19</sup> Section 409.175(6)(i), F.S.

<sup>20</sup> Rule 65C-45.009(7), F.A.C.

<sup>21</sup> *Id.*



- New Unified Home Study for the new location;
- Satisfactory environmental health inspection of the new residence;
- Disaster plan; and
- Home emergency evacuation plan.

If the foster parent is relocating between DCF regions, they must notify their supervising agency at least 30 days prior to move. The Coordination and responsibility for ensuring the transition of the license between regions is:<sup>22</sup>

- The supervising agency must assist the foster parent in finding a supervising agency in the new region.
- The lead agency and supervising agency must work in partnership to secure a commitment from the new supervising agency to complete the requirements for licensing the new home.
- The new supervising agency must contact the foster parent within five business days of notification of the relocation to begin the licensing process.
- The DCF regional licensing office in the new region must request any additional documentation required to ensure that all minimum standards are met within 10 business days of receipt of the application file, and if no addition information is required, the new license shall be issued within 10 business days.

### ***Federal Law***

Title IV-E of the Social Security Act<sup>23</sup> mandates that all children in foster care are placed in safe and appropriate environments and that the child's health and safety shall be the paramount concern.<sup>24</sup> Furthermore, federal law mandates that the state is responsible for establishing and maintaining standards for foster family homes, including standards related to safety and sanitation.<sup>25</sup> State Title IV-E child welfare agencies ensure safe and appropriate environments by performing home studies to check the criminal backgrounds of the people and physical environments of the homes in which they place children.<sup>26</sup> Florida's approved federal Title IV-E state plan details how Florida meets the health and safety requirements of federal law, and this includes a unified home study of both foster and potential adoptive homes.<sup>27</sup>

The DCF reports that without this home study of the physical location, the state could lose federal Title IV-E funding for foster care.<sup>28</sup>

<sup>22</sup> *Id.*

<sup>23</sup> Title IV-E of the Social Security Act authorizes the federal-state Foster Care, Prevention, and Permanency program. Under this program states are entitled to federal reimbursement for a part of the cost of providing foster care to children who, typically, due to abuse or neglect in their own homes, are removed from that home and placed in foster care.

<sup>24</sup> 42 U.S. Code § 671; 45 CFR 1356.21(b)

<sup>25</sup> 42 U.S.C. 671(a)(10); 42 U.S. Code § 672

<sup>26</sup> See generally, Children's Bureau, *Home Study Requirements for Prospective Foster Parents*, available at <https://www.childwelfare.gov/resources/home-study-requirements-prospective-foster-parents/> (last visited 3/8/25).

<sup>27</sup> See Generally, Agency Plan for Title IV-E of the Social Security Act, Foster Care and Adoption Assistance, State of Florida, available at <https://www.myflfamilies.com/sites/default/files/2023-05/TitleIVStatePlan-Approved01032020.pdf> (last visited on 3/8/25); Child and Family Services Plan, 2025-2029, Department of Children and Families, available at <https://www.myflfamilies.com/sites/default/files/2025-01/Child%20and%20Family%20Services%20Plan%202025-2029.pdf> (last visited 3/9/25).

<sup>28</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg.2 (on file with the Children, Families, and Elder Affairs Committee).

<sup>28</sup> *Id.*

**III. Effect of Proposed Changes:**

SB 1174 amends s. 409.175, F.S., to delete language making family foster home licenses nontransferable. This would allow the transfer of family foster home licenses. The bill does not remove any other standards for licensure.

The bill also requires the DCF to adopt rules to administer the transfer of licenses to another location within the state.

This change seeks to increase stability in the foster care system, by allowing already licensed foster parents to continue providing care without interruptions caused by relocation.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

Ln. 25 of the bill strikes the statutory language mandating that licenses to a home or agency are nontransferable.

Lns. 31- 33 of the bill creates a new section of law that allows license transfers to “another location within the state” and requires the DCF to adopt rules to administer these transfers.

The removal of “The license is nontransferable.” from s. 409.175(6)(i) could be interpreted to mean the intent is to allow the transfer of the license *between persons*, not the same person between locations.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends s. 409.175, of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate

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. .

House

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The Committee on Children, Families, and Elder Affairs (Jones) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 25 - 33

and insert:

screening. The license is nontransferable. A copy of the license shall be displayed in a conspicuous place. Except as provided in paragraph (k), the license is valid for 1 year from the date of issuance, unless the license is suspended or revoked by the department or is voluntarily surrendered by the licensee. The license is the property of the department.



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11           2. The department shall adopt rules to ensure that a  
12 licensee that moves to another location within this state may  
13 amend his or her current license without the need to submit a  
14 new application for licensure and that the amended license  
15 process receives priority.

16  
17 ===== T I T L E   A M E N D M E N T =====

18 And the title is amended as follows:

19           Delete lines 3 - 5

20 and insert:

21           amending s. 409.175, F.S.; requiring the Department of  
22           Children and Families to adopt rules to ensure and  
23           prioritize amended licenses for certain licensees;

By Senator Grall

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1                   A bill to be entitled  
2           An act relating to child welfare; amending s. 16.56,  
3           F.S.; authorizing the Office of Statewide Prosecution  
4           in the Department of Legal Affairs to investigate and  
5           prosecute specified violations; amending s. 39.01,  
6           F.S.; revising the definition of the term "child who  
7           is found to be dependent"; defining the term "legal  
8           custodian"; amending s. 39.206, F.S.; authorizing  
9           certain persons to petition the court to release a  
10          reporter's identity in order to file a lawsuit for  
11          civil damages; authorizing the court to issue an order  
12          for an in-camera inspection of certain records;  
13          prohibiting the Department of Children and Families  
14          from being made a party to such action; creating s.  
15          39.3011, F.S.; defining the term "Family Advocacy  
16          Program"; requiring the department to enter into  
17          agreements with certain military installations for  
18          child protective investigations involving military  
19          families; providing requirements for such agreements;  
20          amending s. 39.401, F.S.; authorizing a law  
21          enforcement officer or an authorized agent of the  
22          department to take a child into custody who is the  
23          subject of a specified court order; amending s.  
24          39.5075, F.S.; authorizing, rather than requiring, the  
25          department or a community-based care provider to  
26          petition the court for a specified order; providing  
27          that a certain order may be issued only if a certain  
28          petition is filed by specified entities; creating s.  
29          39.5077, F.S.; defining the term "unaccompanied alien

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30 child"; requiring any natural person who meets certain  
31 criteria to submit a specified report with the  
32 department; requiring such report be submitted within  
33 a specified time period; requiring any natural person  
34 who meets certain criteria to verify his or her  
35 relationship with an unaccompanied alien child in  
36 certain ways; requiring the person verifying his or  
37 her relationship with such child to pay for DNA  
38 testing; requiring such person to verify his or her  
39 relationship within a specified time period; requiring  
40 certain entities to submit a specified report to the  
41 department within a specified time period; requiring a  
42 specified attestation; providing criminal penalties  
43 and civil fines; requiring the department to notify  
44 certain persons or entities of certain requirements;  
45 requiring the department to notify the Department of  
46 Law Enforcement, the Office of Refugee Resettlement,  
47 and Immigration and Customs Enforcement under certain  
48 circumstances; authorizing the department to adopt  
49 certain rules; requiring certain persons or entities  
50 to submit a report to the central abuse hotline under  
51 certain circumstances; amending s. 39.905, F.S.;  
52 authorizing the department to waive a specified  
53 requirement if there is an emergency need for a new  
54 domestic violence center, to issue a provisional  
55 certification to such center under certain  
56 circumstances, and to adopt rules relating to  
57 provisional certifications; amending s. 125.901, F.S.;  
58 revising membership requirements for certain

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59 independent special districts; amending s. 402.305,  
60 F.S.; authorizing the department to grant certain  
61 exemptions from disqualification for certain persons;  
62 amending s. 409.145, F.S.; requiring the department to  
63 establish a fee schedule for daily room and board  
64 rates for certain children by a date certain, which  
65 may include different rates based on a child's acuity  
66 level or the geographic location of the residential  
67 child-caring agency; requiring the department to adopt  
68 rules; amending s. 409.175, F.S.; authorizing the  
69 department to grant certain exemptions from  
70 disqualification for certain persons; authorizing the  
71 department to extend the expiration date of a license  
72 by a specified amount of time for a certain purpose;  
73 amending s. 419.001, F.S.; providing that certain  
74 residential child-caring agencies are not subject to  
75 certain proximity requirements; requiring a local  
76 government to exclude certain residential child-caring  
77 agencies from proximity limitations; amending s.  
78 553.73, F.S.; prohibiting the Florida Building  
79 Commission from mandating the installation of fire  
80 sprinklers or a fire suppression system in certain  
81 agencies licensed by the department; amending s.  
82 633.208, F.S.; providing that certain residential  
83 child-caring agencies are not required to install fire  
84 sprinklers or a fire suppression system under certain  
85 circumstances; amending s. 937.0201, F.S.; revising  
86 the definition of the term "missing child"; amending  
87 s. 937.021, F.S.; specifying the entity with



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88 jurisdiction for accepting missing child reports under  
89 certain circumstances; authorizing law enforcement  
90 agencies to use reasonable force to take certain  
91 children into custody; amending ss. 402.30501,  
92 1002.57, and 1002.59, F.S.; conforming cross-  
93 references; providing effective dates.  
94

95 Be It Enacted by the Legislature of the State of Florida:  
96

97 Section 1. Effective January 1, 2026, paragraph (a) of  
98 subsection (1) of section 16.56, Florida Statutes, is amended to  
99 read:

100 16.56 Office of Statewide Prosecution.—

101 (1) There is created in the Department of Legal Affairs an  
102 Office of Statewide Prosecution. The office shall be a separate  
103 "budget entity" as that term is defined in chapter 216. The  
104 office may:

105 (a) Investigate and prosecute the offenses of:

106 1. Bribery, burglary, criminal usury, extortion, gambling,  
107 kidnapping, larceny, murder, prostitution, perjury, robbery,  
108 carjacking, home-invasion robbery, and patient brokering;

109 2. Any crime involving narcotic or other dangerous drugs;

110 3. Any violation of the Florida RICO (Racketeer Influenced  
111 and Corrupt Organization) Act, including any offense listed in  
112 the definition of racketeering activity in s. 895.02(8)(a),  
113 providing such listed offense is investigated in connection with  
114 a violation of s. 895.03 and is charged in a separate count of  
115 an information or indictment containing a count charging a  
116 violation of s. 895.03, the prosecution of which listed offense

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117 may continue independently if the prosecution of the violation  
118 of s. 895.03 is terminated for any reason;

119 4. Any violation of the Florida Anti-Fencing Act;

120 5. Any violation of the Florida Antitrust Act of 1980, as  
121 amended;

122 6. Any crime involving, or resulting in, fraud or deceit  
123 upon any person;

124 7. Any violation of s. 847.0135, relating to computer  
125 pornography and child exploitation prevention, or any offense  
126 related to a violation of s. 847.0135 or any violation of  
127 chapter 827 where the crime is facilitated by or connected to  
128 the use of the Internet or any device capable of electronic data  
129 storage or transmission;

130 8. Any violation of chapter 815;

131 9. Any violation of chapter 825;

132 10. Any criminal violation of part I of chapter 499;

133 11. Any violation of the Florida Motor Fuel Tax Relief Act  
134 of 2004;

135 12. Any criminal violation of s. 409.920 or s. 409.9201;

136 13. Any criminal violation of the Florida Money Laundering  
137 Act;

138 14. Any criminal violation of the Florida Securities and  
139 Investor Protection Act;

140 15. Any violation of chapter 787, as well as any and all  
141 offenses related to a violation of chapter 787; ~~or~~

142 16. Any criminal violation of chapter 24, part II of  
143 chapter 285, chapter 546, chapter 550, chapter 551, or chapter  
144 849; or

145 17. Any violation of s. 39.5077;

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146  
147 or any attempt, solicitation, or conspiracy to commit any of the  
148 crimes specifically enumerated above. The office shall have such  
149 power only when any such offense is occurring, or has occurred,  
150 in two or more judicial circuits as part of a related  
151 transaction, or when any such offense is connected with an  
152 organized criminal conspiracy affecting two or more judicial  
153 circuits. Informations or indictments charging such offenses  
154 shall contain general allegations stating the judicial circuits  
155 and counties in which crimes are alleged to have occurred or the  
156 judicial circuits and counties in which crimes affecting such  
157 circuits or counties are alleged to have been connected with an  
158 organized criminal conspiracy.

159 Section 2. Subsection (15) of section 39.01, Florida  
160 Statutes, is amended to read:

161 39.01 Definitions.—When used in this chapter, unless the  
162 context otherwise requires:

163 (15) "Child who is found to be dependent" means a child  
164 who, pursuant to this chapter, is found by the court:

165 (a) To have been abandoned, abused, or neglected by the  
166 child's parent or parents or legal custodians;

167 (b) To have been surrendered to the department, the former  
168 Department of Health and Rehabilitative Services, or a licensed  
169 child-placing agency for purpose of adoption;

170 (c) To have been voluntarily placed with a licensed child-  
171 caring agency, a licensed child-placing agency, an adult  
172 relative, the department, or the former Department of Health and  
173 Rehabilitative Services, after which placement, under the  
174 requirements of this chapter, a case plan has expired and the

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175 parent or parents or legal custodians have failed to  
176 substantially comply with the requirements of the plan;

177 (d) To have been voluntarily placed with a licensed child-  
178 placing agency for the purposes of subsequent adoption, and a  
179 parent or parents have signed a consent pursuant to the Florida  
180 Rules of Juvenile Procedure;

181 (e) To have no parent or legal custodians capable of  
182 providing supervision and care;

183 (f) To be at substantial risk of imminent abuse,  
184 abandonment, or neglect by the parent or parents or legal  
185 custodians; or

186 (g) To have been sexually exploited and to have no parent,  
187 legal custodian, or responsible adult relative currently known  
188 and capable of providing the necessary and appropriate  
189 supervision and care.

190  
191 For purposes of this subsection, the term "legal custodian"  
192 includes a sponsor to whom an unaccompanied alien child, as  
193 defined in s. 39.5077(1), has been released by the Office of  
194 Refugee Resettlement of the Department of Health and Human  
195 Services. Notwithstanding any other provision of law, an  
196 unaccompanied alien child may not be found to have been  
197 abandoned, abused, or neglected based solely on allegations of  
198 abandonment, abuse, or neglect that occurred before placement in  
199 this state or by a parent who is not in the United States.

200 Section 3. Subsection (10) of section 39.206, Florida  
201 Statutes, is amended to read:

202 39.206 Administrative fines for false report of abuse,  
203 abandonment, or neglect of a child; civil damages.—

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204 (10) A person who knowingly and willfully makes a false  
205 report of abuse, abandonment, or neglect of a child, or a person  
206 who counsels another to make a false report may be civilly  
207 liable for damages suffered, including reasonable attorney fees  
208 and costs, as a result of the filing of the false report. If  
209 there has not been a prior determination by the department that  
210 a person has filed a false report and the name of the person who  
211 filed the false report or counseled another to do so has not  
212 been disclosed under subsection (9), the person who alleges he  
213 or she is the subject of a false report may petition the court  
214 in the circuit in which the petitioner resides for a  
215 determination that the reporter's identity be released for the  
216 purpose of proceeding with a lawsuit for civil damages. Upon  
217 filing a legally sufficient petition by the petitioner that he  
218 or she is the subject of a false report, the court may issue a  
219 written order to the department to produce the report and  
220 records relating to such false report for an in-camera  
221 inspection. If ~~department as custodian of the records may be~~  
222 ~~named as a party in the suit until the dependency court~~  
223 ~~determines in a written order upon an in-camera in-camera~~  
224 inspection of the records and report the court finds that there  
225 is a reasonable basis for believing that the report was false,  
226 ~~and that~~ the identity of the reporter may be disclosed for the  
227 purpose of proceeding with a lawsuit for civil damages resulting  
228 from the filing of the false report. The person who was the  
229 subject of the alleged false report ~~alleged perpetrator~~ may  
230 submit witness affidavits to assist the court in making this  
231 initial determination. The department may not be made a party to  
232 such action.

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233 Section 4. Section 39.3011, Florida Statutes, is created to  
234 read:

235 39.3011 Protective investigations involving military  
236 families.—

237 (1) For purposes of this section, the term “Family Advocacy  
238 Program” means the program established by the United States  
239 Department of Defense to address child abuse, neglect, and  
240 domestic abuse in military families.

241 (2) The department shall enter into an agreement for child  
242 protective investigations involving military families with the  
243 Family Advocacy Program, or any successor program, of each  
244 United States military installation located in this state. Such  
245 agreement must include procedures for all of the following:

246 (a) Identifying the military personnel alleged to have  
247 committed the child abuse, neglect, or domestic abuse.

248 (b) Notifying and sharing information with the military  
249 installation when a child protective investigation implicating  
250 military personnel has been initiated.

251 (c) Maintaining confidentiality as required under state and  
252 federal law.

253 Section 5. Paragraph (b) of subsection (1) of section  
254 39.401, Florida Statutes, is amended to read:

255 39.401 Taking a child alleged to be dependent into custody;  
256 law enforcement officers and authorized agents of the  
257 department.—

258 (1) A child may only be taken into custody:

259 (b) By a law enforcement officer, or an authorized agent of  
260 the department, if the officer or authorized agent has probable  
261 cause to support a finding that the:

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262 1. ~~That the~~ Child has been abused, neglected, or abandoned,  
263 or is suffering from or is in imminent danger of illness or  
264 injury as a result of abuse, neglect, or abandonment;

265 2. Child is the subject of a court order to take the child  
266 into the custody of the department;

267 3.2. ~~That the~~ Parent or legal custodian of the child has  
268 materially violated a condition of placement imposed by the  
269 court; or

270 4.3. ~~That the~~ Child has no parent, legal custodian, or  
271 responsible adult relative immediately known and available to  
272 provide supervision and care.

273 Section 6. Subsection (4) of section 39.5075, Florida  
274 Statutes, is amended to read:

275 39.5075 Citizenship or residency status for immigrant  
276 children who are dependents.—

277 (4) If the child may be eligible for special immigrant  
278 juvenile status, the department or community-based care provider  
279 may shall petition the court for an order finding that the child  
280 meets the criteria for special immigrant juvenile status. The  
281 ruling of the court on this petition must include findings as to  
282 the express wishes of the child, if the child is able to express  
283 such wishes, and any other circumstances that would affect  
284 whether the best interests of the child would be served by  
285 applying for special immigrant juvenile status. An order finding  
286 that a child meets the criteria for special immigrant juvenile  
287 status may be issued only upon a petition filed by the  
288 department or a community-based care provider under this  
289 section.

290 Section 7. Effective January 1, 2026, section 39.5077,

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291 Florida Statutes, is created to read:

292 39.5077 Unaccompanied alien children.-

293 (1) For purposes of this section, the term "unaccompanied  
294 alien child" means a child who has no lawful immigration status  
295 in the United States, has not attained 18 years of age, and with  
296 respect to whom:

297 (a) There is no parent or legal guardian in the United  
298 States; or

299 (b) No parent or legal guardian in the United States is  
300 available to provide care and physical custody.

301 (2) (a) Any natural person who obtains or has obtained  
302 physical custody of an unaccompanied alien child through a  
303 corporation, public or private agency other than the department,  
304 or person other than the child's biological or adoptive parent,  
305 legal guardian, or court-appointed custodian; who retains such  
306 physical custody of the child for 10 or more consecutive days;  
307 and who is not the biological or adoptive parent, legal  
308 guardian, or court-appointed custodian of the child, must report  
309 such physical custody to the department and initiate proceedings  
310 under chapter 63, chapter 744, or chapter 751 to determine legal  
311 custody of the child.

312 (b)1. A person who obtains custody of an unaccompanied  
313 alien child on or after January 1, 2026, must comply with this  
314 subsection within 30 days after obtaining physical custody of  
315 such child.

316 2. A person who obtains custody of an unaccompanied alien  
317 child before January 1, 2026, must comply with this subsection  
318 within 90 days after January 1, 2026.

319 (3) (a) Any natural person who obtains or has obtained



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320 physical custody of an unaccompanied alien child through a  
321 corporation, a public or private agency other than the  
322 department, or any other person and who is the biological or  
323 adoptive parent, legal guardian, or court-appointed custodian of  
324 the child must verify his or her relationship to the child by  
325 submitting to the department a DNA test or other adequate  
326 documentation as determined by the department. The cost of DNA  
327 testing is borne by the person verifying his or her relationship  
328 to the child.

329 (b)1. A person who obtains custody of an unaccompanied  
330 alien child on or after January 1, 2026, must comply with this  
331 subsection within 30 days after obtaining physical custody of  
332 such child.

333 2. A person who obtains custody of an unaccompanied alien  
334 child before January 1, 2026, must comply with this subsection  
335 within 90 days after January 1, 2026.

336 (4) An entity that takes placement of or transfers, or  
337 assists in the transfer of, physical custody of an unaccompanied  
338 alien child to any natural person or entity must report to the  
339 department within 30 days after such placement or transfer all  
340 identifying information of the unaccompanied alien child and the  
341 natural person or entity that received such placement or  
342 transfer of physical custody of the child. An entity that takes  
343 placement of or transfers, or assists in the transfer of,  
344 physical custody of an unaccompanied alien child must attest to  
345 notifying the natural person or entity obtaining physical  
346 custody of the child of all applicable requirements of this  
347 section.

348 (5) A natural person or an entity that willfully violates

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349 subsections (2) and (3) commits a felony of the third degree,  
350 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
351 If the natural person or entity is convicted, the court shall  
352 impose a fine of \$1,000 on the natural person or a fine of  
353 \$10,000 on an entity.

354 (6) If the department believes that a natural person or an  
355 entity has failed to report as required by this section, the  
356 department must notify in writing such person or entity of the  
357 obligation to report and the requirements of this section.

358 (7) The department shall notify the Department of Law  
359 Enforcement, the Office of Refugee Resettlement, and Immigration  
360 and Customs Enforcement if a natural person or an entity fails  
361 to report information required under this section within 30 days  
362 after receipt of the written notification required in subsection  
363 (6).

364 (8) The department may adopt rules to implement this  
365 section, including rules relating to:

366 (a) The specific information that must be reported to the  
367 department.

368 (b) Verifying biological or adoptive parentage, legal  
369 guardianship, or court-appointed custody as required under  
370 subsections (2) and (3).

371 (c) The creation of forms for all reports required under  
372 this section.

373 (9) A natural person or an entity that is involved with or  
374 interacts with an unaccompanied alien child and suspects abuse,  
375 abandonment, or neglect of such child must immediately submit a  
376 report to the central abuse hotline.

377 Section 8. Paragraph (h) of subsection (1) of section

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378 39.905, Florida Statutes, is amended to read:

379 39.905 Domestic violence centers.—

380 (1) Domestic violence centers certified under this part  
381 must:

382 (h) Demonstrate local need and ability to sustain  
383 operations through a history of 18 consecutive months' operation  
384 as a domestic violence center, including 12 months' operation of  
385 an emergency shelter as provided in paragraph (c), and a  
386 business plan which addresses future operations and funding of  
387 future operations. The department may waive this requirement if  
388 there is an emergency need for a new domestic violence center to  
389 provide services in an area, and no other viable options exist  
390 to ensure continuity of services. If there is an emergency need,  
391 the department may issue a provisional certification to the  
392 domestic violence center as long as the center meets all other  
393 criteria in this subsection. The department may adopt rules to  
394 provide minimum standards for a provisional certificate,  
395 including increased monitoring and site visits and the time  
396 period such certificate is valid.

397 Section 9. Paragraphs (a) and (b) of subsection (1) of  
398 section 125.901, Florida Statutes, are amended to read:

399 125.901 Children's services; independent special district;  
400 council; powers, duties, and functions; public records  
401 exemption.—

402 (1) Each county may by ordinance create an independent  
403 special district, as defined in ss. 189.012 and 200.001(8)(e),  
404 to provide funding for children's services throughout the county  
405 in accordance with this section. The boundaries of such district  
406 shall be coterminous with the boundaries of the county. The

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407 county governing body shall obtain approval at a general  
408 election, as defined in s. 97.021, by a majority vote of those  
409 electors voting on the question, to annually levy ad valorem  
410 taxes which shall not exceed the maximum millage rate authorized  
411 by this section. Any district created pursuant to the provisions  
412 of this subsection shall be required to levy and fix millage  
413 subject to the provisions of s. 200.065. Once such millage is  
414 approved by the electorate, the district shall not be required  
415 to seek approval of the electorate in future years to levy the  
416 previously approved millage. However, a referendum to increase  
417 the millage rate previously approved by the electors must be  
418 held at a general election, and the referendum may be held only  
419 once during the 48-month period preceding the effective date of  
420 the increased millage.

421 (a) The governing body of the district shall be a council  
422 on children's services, which may also be known as a juvenile  
423 welfare board or similar name as established in the ordinance by  
424 the county governing body. Such council shall consist of 10  
425 members, including the superintendent of schools; a local school  
426 board member; the district administrator from the appropriate  
427 district of the Department of Children and Families, or his or  
428 her designee who is a member of the Senior Management Service or  
429 of the Selected Exempt Service; one member of the county  
430 governing body; and the judge assigned to juvenile cases who  
431 shall sit as a voting member of the board, except that said  
432 judge shall not vote or participate in the setting of ad valorem  
433 taxes under this section. If there is more than one judge  
434 assigned to juvenile cases in a county, the chief judge shall  
435 designate one of said juvenile judges to serve on the board. The

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436 remaining five members shall be appointed by the Governor, ~~and~~  
437 ~~shall, to the extent possible, represent the demographic~~  
438 ~~diversity of the population of the county. After soliciting~~  
439 ~~recommendations from the public,~~ The county governing body may  
440 ~~shall~~ submit to the Governor recommendations ~~the names of at~~  
441 ~~least three persons~~ for each vacancy and the Governor must make  
442 a selection within 45 days after receipt of the recommendations  
443 from the county governing body ~~occurring among the five members~~  
444 ~~appointed by the Governor, and the Governor shall appoint~~  
445 ~~members to the council from the candidates nominated by the~~  
446 ~~county governing body. The Governor shall make a selection~~  
447 ~~within a 45-day period or request a new list of candidates. All~~  
448 members appointed by the Governor must ~~shall~~ have been residents  
449 of the county for the previous 24-month period. Such members  
450 shall be appointed for 4-year terms, except that the length of  
451 the terms of the initial appointees shall be adjusted to stagger  
452 the terms. The Governor may remove a member for cause or upon  
453 the written petition of the county governing body. If any of the  
454 members of the council required to be appointed by the Governor  
455 under ~~the provisions of this subsection~~ resigns, dies, or is  
456 removed from office ~~shall resign, die, or be removed from~~  
457 ~~office,~~ the vacancy thereby created shall, as soon as  
458 practicable, be filled by appointment by the Governor, ~~using the~~  
459 ~~same method as the original appointment,~~ and such appointment to  
460 fill a vacancy shall be for the unexpired term of the person who  
461 resigns, dies, or is removed from office.

462 (b) However, any county as defined in s. 125.011(1) may  
463 instead have a governing body consisting of 33 members,  
464 including the superintendent of schools, or his or her designee;

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465 two representatives of public postsecondary education  
466 institutions located in the county; the county manager or the  
467 equivalent county officer; the district administrator from the  
468 appropriate district of the Department of Children and Families,  
469 or the administrator's designee who is a member of the Senior  
470 Management Service or the Selected Exempt Service; the director  
471 of the county health department or the director's designee; the  
472 state attorney for the county or the state attorney's designee;  
473 the chief judge assigned to juvenile cases, or another juvenile  
474 judge who is the chief judge's designee and who shall sit as a  
475 voting member of the board, except that the judge may not vote  
476 or participate in setting ad valorem taxes under this section;  
477 an individual who is selected by the board of the local United  
478 Way or its equivalent; a member of a locally recognized faith-  
479 based coalition, selected by that coalition; a member of the  
480 local chamber of commerce, selected by that chamber or, if more  
481 than one chamber exists within the county, a person selected by  
482 a coalition of the local chambers; a member of the early  
483 learning coalition, selected by that coalition; a representative  
484 of a labor organization or union active in the county; a member  
485 of a local alliance or coalition engaged in cross-system  
486 planning for health and social service delivery in the county,  
487 selected by that alliance or coalition; a member of the local  
488 Parent-Teachers Association/Parent-Teacher-Student Association,  
489 selected by that association; a youth representative selected by  
490 the local school system's student government; a local school  
491 board member appointed by the chair of the school board; the  
492 mayor of the county or the mayor's designee; one member of the  
493 county governing body, appointed by the chair of that body; a

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494 member of the state Legislature who represents residents of the  
495 county, selected by the chair of the local legislative  
496 delegation; an elected official representing the residents of a  
497 municipality in the county, selected by the county municipal  
498 league; and 4 members-at-large, appointed to the council by the  
499 majority of sitting council members. The remaining seven members  
500 shall be appointed by the Governor in accordance with procedures  
501 set forth in paragraph (a), except that the Governor may remove  
502 a member for cause or upon the written petition of the council.  
503 ~~Appointments by the Governor must, to the extent reasonably~~  
504 ~~possible, represent the geographic and demographic diversity of~~  
505 ~~the population of the county.~~ Members who are appointed to the  
506 council by reason of their position are not subject to the  
507 length of terms and limits on consecutive terms as provided in  
508 this section. The remaining appointed members of the governing  
509 body shall be appointed to serve 2-year terms, except that those  
510 members appointed by the Governor shall be appointed to serve 4-  
511 year terms, and the youth representative and the legislative  
512 delegate shall be appointed to serve 1-year terms. A member may  
513 be reappointed; however, a member may not serve for more than  
514 three consecutive terms. A member is eligible to be appointed  
515 again after a 2-year hiatus from the council.

516 Section 10. Subsection (2) of section 402.305, Florida  
517 Statutes, is amended to read:

518 402.305 Licensing standards; child care facilities.—

519 (2) PERSONNEL.—Minimum standards for child care personnel  
520 shall include minimum requirements as to:

521 (a) Good moral character based upon screening as defined in  
522 s. 402.302(15). This screening shall be conducted as provided in

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523 chapter 435, using the level 2 standards for screening set forth  
524 in that chapter, and include employment history checks, a search  
525 of criminal history records, sexual predator and sexual offender  
526 registries, and child abuse and neglect registry of any state in  
527 which the current or prospective child care personnel resided  
528 during the preceding 5 years.

529 (b) Fingerprint submission for child care personnel, which  
530 shall comply with s. 435.12.

531 ~~(c) The department may grant exemptions from~~  
532 ~~disqualification from working with children or the~~  
533 ~~developmentally disabled as provided in s. 435.07.~~

534 (c) ~~(d)~~ Minimum age requirements. Such minimum standards  
535 shall prohibit a person under the age of 21 from being the  
536 operator of a child care facility and a person under the age of  
537 16 from being employed at such facility unless such person is  
538 under direct supervision and is not counted for the purposes of  
539 computing the personnel-to-child ratio.

540 (d) ~~(e)~~ Minimum training requirements for child care  
541 personnel.

542 1. Such minimum standards for training shall ensure that  
543 all child care personnel take an approved 40-clock-hour  
544 introductory course in child care, which course covers at least  
545 the following topic areas:

546 a. State and local rules and regulations which govern child  
547 care.

548 b. Health, safety, and nutrition.

549 c. Identifying and reporting child abuse and neglect.

550 d. Child development, including typical and atypical  
551 language, cognitive, motor, social, and self-help skills



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552 development.

553 e. Observation of developmental behaviors, including using  
554 a checklist or other similar observation tools and techniques to  
555 determine the child's developmental age level.

556 f. Specialized areas, including computer technology for  
557 professional and classroom use and early literacy and language  
558 development of children from birth to 5 years of age, as  
559 determined by the department, for owner-operators and child care  
560 personnel of a child care facility.

561 g. Developmental disabilities, including autism spectrum  
562 disorder and Down syndrome, and early identification, use of  
563 available state and local resources, classroom integration, and  
564 positive behavioral supports for children with developmental  
565 disabilities.

566

567 Within 90 days after employment, child care personnel shall  
568 begin training to meet the training requirements. Child care  
569 personnel shall successfully complete such training within 1  
570 year after the date on which the training began, as evidenced by  
571 passage of a competency examination. Successful completion of  
572 the 40-clock-hour introductory course shall articulate into  
573 community college credit in early childhood education, pursuant  
574 to ss. 1007.24 and 1007.25. Exemption from all or a portion of  
575 the required training shall be granted to child care personnel  
576 based upon educational credentials or passage of competency  
577 examinations. Child care personnel possessing a 2-year degree or  
578 higher that includes 6 college credit hours in early childhood  
579 development or child growth and development, or a child  
580 development associate credential or an equivalent state-approved

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581 child development associate credential, or a child development  
582 associate waiver certificate shall be automatically exempted  
583 from the training requirements in sub-subparagraphs b., d., and  
584 e.

585 2. The introductory course in child care shall stress, to  
586 the extent possible, an interdisciplinary approach to the study  
587 of children.

588 3. The introductory course shall cover recognition and  
589 prevention of shaken baby syndrome; prevention of sudden infant  
590 death syndrome; recognition and care of infants and toddlers  
591 with developmental disabilities, including autism spectrum  
592 disorder and Down syndrome; and early childhood brain  
593 development within the topic areas identified in this paragraph.

594 4. On an annual basis in order to further their child care  
595 skills and, if appropriate, administrative skills, child care  
596 personnel who have fulfilled the requirements for the child care  
597 training shall be required to take an additional 1 continuing  
598 education unit of approved inservice training, or 10 clock hours  
599 of equivalent training, as determined by the department.

600 5. Child care personnel shall be required to complete 0.5  
601 continuing education unit of approved training or 5 clock hours  
602 of equivalent training, as determined by the department, in  
603 early literacy and language development of children from birth  
604 to 5 years of age one time. The year that this training is  
605 completed, it shall fulfill the 0.5 continuing education unit or  
606 5 clock hours of the annual training required in subparagraph 4.

607 6. Procedures for ensuring the training of qualified child  
608 care professionals to provide training of child care personnel,  
609 including onsite training, shall be included in the minimum

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610 standards. It is recommended that the state community child care  
611 coordination agencies (central agencies) be contracted by the  
612 department to coordinate such training when possible. Other  
613 district educational resources, such as community colleges and  
614 career programs, can be designated in such areas where central  
615 agencies may not exist or are determined not to have the  
616 capability to meet the coordination requirements set forth by  
617 the department.

618 7. Training requirements shall not apply to certain  
619 occasional or part-time support staff, including, but not  
620 limited to, swimming instructors, piano teachers, dance  
621 instructors, and gymnastics instructors.

622 8. The child care operator shall be required to take basic  
623 training in serving children with disabilities within 5 years  
624 after employment, either as a part of the introductory training  
625 or the annual 8 hours of inservice training.

626 (e)~~(f)~~ Periodic health examinations.

627 (f)~~(g)~~ A credential for child care facility directors. The  
628 credential shall be a required minimum standard for licensing.

629

630 The department may grant limited exemptions authorizing a person  
631 to work in a specified role or with a specified population.

632 Section 11. Paragraph (e) is added to subsection (3) of  
633 section 409.145, Florida Statutes, to read:

634 409.145 Care of children; "reasonable and prudent parent"  
635 standard.—The child welfare system of the department shall  
636 operate as a coordinated community-based system of care which  
637 empowers all caregivers for children in foster care to provide  
638 quality parenting, including approving or disapproving a child's

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639 participation in activities based on the caregiver's assessment  
640 using the "reasonable and prudent parent" standard.

641 (3) ROOM AND BOARD RATES.—

642 (e) By July 1, 2026, the department shall, in coordination  
643 with its providers, establish a fee schedule for daily room and  
644 board rates for children in out-of-home care who are placed in a  
645 residential child-caring agency as defined in s. 409.175(2)(1).  
646 The fee schedule may include different payment rates based on  
647 factors including, but not limited to, the acuity level of the  
648 child being placed and the geographic location of the  
649 residential child-caring agency. The department shall adopt  
650 rules to implement this paragraph.

651 Section 12. Paragraph (b) of subsection (5), subsection  
652 (7), and paragraph (e) of subsection (14) of section 409.175,  
653 Florida Statutes, are amended to read:

654 409.175 Licensure of family foster homes, residential  
655 child-caring agencies, and child-placing agencies; public  
656 records exemption.—

657 (5) The department shall adopt and amend rules for the  
658 levels of licensed care associated with the licensure of family  
659 foster homes, residential child-caring agencies, and child-  
660 placing agencies. The rules may include criteria to approve  
661 waivers to licensing requirements when applying for a child-  
662 specific license.

663 (b) The requirements for licensure and operation of family  
664 foster homes, residential child-caring agencies, and child-  
665 placing agencies shall include:

666 1. The operation, conduct, and maintenance of these homes  
667 and agencies and the responsibility which they assume for

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668 children served and the evidence of need for that service.

669 2. The provision of food, clothing, educational  
670 opportunities, services, equipment, and individual supplies to  
671 assure the healthy physical, emotional, and mental development  
672 of the children served.

673 3. The appropriateness, safety, cleanliness, and general  
674 adequacy of the premises, including fire prevention and health  
675 standards, to provide for the physical comfort, care, and well-  
676 being of the children served.

677 4. The ratio of staff to children required to provide  
678 adequate care and supervision of the children served and, in the  
679 case of family foster homes, the maximum number of children in  
680 the home.

681 5. The good moral character based upon screening,  
682 education, training, and experience requirements for personnel  
683 and family foster homes.

684 ~~6. The department may grant exemptions from~~  
685 ~~disqualification from working with children or the~~  
686 ~~developmentally disabled as provided in s. 435.07.~~

687 6.7. The provision of preservice and inservice training for  
688 all foster parents and agency staff.

689 ~~7.8.~~ Satisfactory evidence of financial ability to provide  
690 care for the children in compliance with licensing requirements.

691 ~~8.9.~~ The maintenance by the agency of records pertaining to  
692 admission, progress, health, and discharge of children served,  
693 including written case plans and reports to the department.

694 ~~9.10.~~ The provision for parental involvement to encourage  
695 preservation and strengthening of a child's relationship with  
696 the family.

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697       ~~10.11.~~ The transportation safety of children served.  
698       ~~11.12.~~ The provisions for safeguarding the cultural,  
699 religious, and ethnic values of a child.  
700       ~~12.13.~~ Provisions to safeguard the legal rights of children  
701 served.  
702       ~~13.14.~~ Requiring signs to be conspicuously placed on the  
703 premises of facilities maintained by child-caring agencies to  
704 warn children of the dangers of human trafficking and to  
705 encourage the reporting of individuals observed attempting to  
706 engage in human trafficking activity. The signs must advise  
707 children to report concerns to the local law enforcement agency  
708 or the Department of Law Enforcement, specifying the appropriate  
709 telephone numbers used for such reports. The department shall  
710 specify, at a minimum, the content of the signs by rule.  
711  
712 The department may grant limited exemptions authorizing a person  
713 to work in a specified role or with a specified population.  
714       (7) The department may extend a license expiration date  
715 once for a period of up to 90 ~~30~~ days to allow for the  
716 implementation of corrective measures. However, the department  
717 may not extend a license expiration date more than once during a  
718 licensure period.  
719       (14)  
720       (e)1. In addition to any other preservice training required  
721 by law, foster parents, as a condition of licensure, and agency  
722 staff must successfully complete preservice training related to  
723 human trafficking which must be uniform statewide and must  
724 include, but need not be limited to, all of the following:  
725       a. Basic information on human trafficking, such as an

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726 understanding of relevant terminology, and the differences  
727 between sex trafficking and labor trafficking.~~†~~

728 b. Factors and knowledge on identifying children at risk of  
729 human trafficking.~~†~~~~and~~

730 c. Steps that should be taken to prevent at-risk youths  
731 from becoming victims of human trafficking.

732 2. Foster parents, before licensure renewal, and agency  
733 staff, during each full year of employment, must complete  
734 inservice training related to human trafficking to satisfy the  
735 training requirement under subparagraph (5) (b) 6 ~~(5) (b) 7~~.

736 Section 13. Subsection (2), paragraph (c) of subsection  
737 (3), and subsection (4) of section 419.001, Florida Statutes,  
738 are amended to read:

739 419.001 Site selection of community residential homes.-

740 (2) Homes of six or fewer residents which otherwise meet  
741 the definition of a community residential home are considered  
742 ~~shall be deemed~~ a single-family unit and a noncommercial,  
743 residential use for the purpose of local laws and ordinances.  
744 Homes of six or fewer residents which otherwise meet the  
745 definition of a community residential home must ~~shall~~ be allowed  
746 in single-family or multifamily zoning without approval by the  
747 local government, provided that such homes are not located  
748 within a radius of 1,000 feet of another existing such home with  
749 six or fewer residents or within a radius of 1,200 feet of  
750 another existing community residential home. Such homes with six  
751 or fewer residents are not required to comply with the  
752 notification provisions of this section; provided that, before  
753 licensure, the sponsoring agency provides the local government  
754 with the most recently published data compiled from the

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755 licensing entities that identifies all community residential  
756 homes within the jurisdictional limits of the local government  
757 in which the proposed site is to be located in order to show  
758 that there is not a home of six or fewer residents which  
759 otherwise meets the definition of a community residential home  
760 within a radius of 1,000 feet and not a community residential  
761 home within a radius of 1,200 feet of the proposed home. At the  
762 time of home occupancy, the sponsoring agency must notify the  
763 local government that the home is licensed by the licensing  
764 entity. For purposes of local land use and zoning  
765 determinations, this subsection does not affect the legal  
766 nonconforming use status of any community residential home  
767 lawfully permitted and operating as of July 1, 2016.

768 (3)

769 (c) The local government may ~~shall~~ not deny the siting of a  
770 community residential home unless the local government  
771 establishes that the siting of the home at the site selected:

772 1. Does not otherwise conform to existing zoning  
773 regulations applicable to other multifamily uses in the area.

774 2. Does not meet applicable licensing criteria established  
775 and determined by the licensing entity, including requirements  
776 that the home be located to assure the safe care and supervision  
777 of all clients in the home.

778 3. Would result in such a concentration of community  
779 residential homes in the area in proximity to the site selected,  
780 or would result in a combination of such homes with other  
781 residences in the community, such that the nature and character  
782 of the area would be substantially altered. A home that is  
783 located within a radius of 1,200 feet of another existing



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784 community residential home in a multifamily zone shall be an  
785 overconcentration of such homes that substantially alters the  
786 nature and character of the area. A home that is located within  
787 a radius of 500 feet of an area of single-family zoning  
788 substantially alters the nature and character of the area.

789 (4) Community residential homes, including homes of six or  
790 fewer residents which would otherwise meet the definition of a  
791 community residential home, which are licensed by the Department  
792 of Children and Families as a residential child-caring agency as  
793 defined in s. 409.175(2)(1) or located within a planned  
794 residential community are not subject to the proximity  
795 requirements of this section and may be contiguous to each  
796 other. A planned residential community must comply with the  
797 applicable local government's land development code and other  
798 local ordinances. A local government may not impose proximity  
799 limitations between homes within a planned residential community  
800 if such limitations are based solely on the types of residents  
801 anticipated to be living in the community. A local government  
802 shall exclude a home that has six or fewer residents licensed by  
803 the Department of Children and Families as a residential child-  
804 caring agency, as defined in s. 409.175(2)(1), when imposing  
805 proximity limitations on community residential homes licensed by  
806 another licensing entity.

807 Section 14. Paragraph (c) is added to subsection (20) of  
808 section 553.73, Florida Statutes, to read:

809 553.73 Florida Building Code.—

810 (20) The Florida Building Commission may not:

811 (c) Mandate the installation of fire sprinklers or a fire  
812 suppression system in a residential child-caring agency licensed

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813 by the Department of Children and Families under s. 409.175  
814 which operates in a single-family residential property that is  
815 licensed for a capacity of five or fewer children who are  
816 unrelated to the licensee.

817 Section 15. Subsection (12) is added to section 633.208,  
818 Florida Statutes, to read:

819 633.208 Minimum firesafety standards.-

820 (12) Notwithstanding subsection (8), a residential child-  
821 caring agency licensed by the Department of Children and  
822 Families under s. 409.175 which operates in a single-family  
823 residential property that is licensed for a capacity of five or  
824 fewer children who are unrelated to the licensee is not required  
825 to install fire sprinklers or a fire suppression system as long  
826 as the licensee meets the requirements for portable fire  
827 extinguishers, fire alarms, and smoke detectors under this  
828 chapter.

829 Section 16. Subsection (3) of section 937.0201, Florida  
830 Statutes, is amended to read:

831 937.0201 Definitions.-As used in this chapter, the term:

832 (3) "Missing child" means a person younger than 18 years of  
833 age whose temporary or permanent residence is in, or is believed  
834 to be in, this state, whose location has not been determined,  
835 and who has been reported as missing to a law enforcement  
836 agency. The term includes a child who is the subject of a court  
837 order to take the child into the custody of the Department of  
838 Children and Families.

839 Section 17. Subsection (3) of section 937.021, Florida  
840 Statutes, is amended, and subsection (9) is added to that  
841 section, to read:

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842 937.021 Missing child and missing adult reports.—

843 (3) A report that a child or adult is missing must be  
844 accepted by and filed with the law enforcement agency having  
845 jurisdiction in the county or municipality in which the child or  
846 adult was last seen. The filing and acceptance of the report  
847 imposes the duties specified in this section upon the law  
848 enforcement agency receiving the report. This subsection does  
849 not preclude a law enforcement agency from accepting a missing  
850 child or missing adult report when agency jurisdiction cannot be  
851 determined. If agency jurisdiction cannot be determined for  
852 cases in which there is a child who is the subject of a court  
853 order to take the child into the custody of the Department of  
854 Children and Families, the sheriff's office of the county in  
855 which the court order was entered must take jurisdiction.

856 (9) A law enforcement officer or agency may use reasonable  
857 force as necessary to take a missing child who is already in the  
858 custody of the Department of Children and Families or who is the  
859 subject of a court order to take the child into the custody of  
860 the Department of Children and Families.

861 Section 18. Section 402.30501, Florida Statutes, is amended  
862 to read:

863 402.30501 Modification of introductory child care course  
864 for community college credit authorized.—The Department of  
865 Children and Families may modify the 40-clock-hour introductory  
866 course in child care under s. 402.305 or s. 402.3131 to meet the  
867 requirements of articulating the course to community college  
868 credit. Any modification must continue to provide that the  
869 course satisfies the requirements of s. 402.305(2)(d) ~~s.~~  
870 ~~402.305(2)(e)~~.

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871 Section 19. Subsections (3) and (4) of section 1002.57,  
872 Florida Statutes, are amended to read:

873 1002.57 Prekindergarten director credential.—

874 (3) The prekindergarten director credential must meet or  
875 exceed the requirements of the Department of Children and  
876 Families for the child care facility director credential under  
877 s. 402.305(2)(f) ~~s. 402.305(2)(g)~~, and successful completion of  
878 the prekindergarten director credential satisfies these  
879 requirements for the child care facility director credential.

880 (4) The department shall, to the maximum extent  
881 practicable, award credit to a person who successfully completes  
882 the child care facility director credential under s.  
883 402.305(2)(f) ~~s. 402.305(2)(g)~~ for those requirements of the  
884 prekindergarten director credential which are duplicative of  
885 requirements for the child care facility director credential.

886 Section 20. Subsection (1) of section 1002.59, Florida  
887 Statutes, is amended to read:

888 1002.59 Emergent literacy and performance standards  
889 training courses.—

890 (1) The department, in collaboration with the Just Read,  
891 Florida! Office, shall adopt minimum standards for courses in  
892 emergent literacy for prekindergarten instructors. Each course  
893 must consist of 5 clock hours and provide instruction in  
894 strategies and techniques to address the age-appropriate  
895 progress of prekindergarten students in developing emergent  
896 literacy skills, including oral communication, knowledge of  
897 print and letters, phonological and phonemic awareness,  
898 vocabulary and comprehension development, and foundational  
899 background knowledge designed to correlate with the content that

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900 students will encounter in grades K-12, consistent with the  
901 evidence-based content and strategies grounded in the science of  
902 reading identified pursuant to s. 1001.215(7). The course  
903 standards must be reviewed as part of any review of subject  
904 coverage or endorsement requirements in the elementary, reading,  
905 and exceptional student educational areas conducted pursuant to  
906 s. 1012.586. Each course must also provide resources containing  
907 strategies that allow students with disabilities and other  
908 special needs to derive maximum benefit from the Voluntary  
909 Prekindergarten Education Program. Successful completion of an  
910 emergent literacy training course approved under this section  
911 satisfies requirements for approved training in early literacy  
912 and language development under ss. 402.305(2)(d)5. ~~ss.~~  
913 ~~402.305(2)(e)5.~~, 402.313(6), and 402.3131(5).

914 Section 21. Except as otherwise expressly provided in this  
915 act, this act shall take effect July 1, 2025.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 1626

INTRODUCER: Senator Grall

SUBJECT: Child Welfare

DATE: March 11, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rao	Tuszynski	CF	<b>Pre-meeting</b>
2.			AHS	
3.			FP	

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**I. Summary:**

SB 1626 amends multiple sections of law relating to Unaccompanied Alien Children (UAC) and Special Immigrant Juvenile (SIJ) status. Specifically, the bill:

- Includes sponsors that obtain custody of a UAC in the term legal custodian, to allow for the Department of Children and Families (DCF) to find sponsors as having abused, abandoned, or neglected a UAC.
- Prohibits the finding of a UAC as having been abused, abandoned, or neglected based solely on allegations that occurred before placement in Florida, or by a parent who is not in the U.S.
- Provides a definition of a UAC.
- Requires an individual who has custody of a UAC to notify the DCF and initiate proceedings relating to the adoption (ch. 63), guardianship (ch. 744), or temporary custody by extended family (ch. 751), or, verify his or her relationship to the child, if the individual is the child's biological or adoptive parent, legal guardian, or court-appointed custodian.
- Requires a natural person or entity that suspects abuse, abandonment, or neglect of a UAC to immediately submit a report to the central abuse hotline.
- Restricts circumstances in which an order finding a child meets the criteria for special immigrant juvenile (SIJ) status can be issued.

The bill clarifies the process for a person that has had a false report of abuse, abandonment, or neglect of a child filed against them for the purpose of filing a lawsuit against the false reporter for civil damages.

The bill creates a new section of law to require the DCF to enter into agreements with the Family Advocacy Program to conduct child protective investigations at military institutions located in Florida.

The bill amends current law to include children that are the subject of a court order to take the child into the custody of the DCF in the definition of “missing child,” allowing the Florida Department of Law Enforcement to deploy additional resources to locate the child. The bill also assigns agency jurisdictions in situations in which a child is the subject of a court order to take the child into custody of the DCF and allows law enforcement to use reasonable force as necessary to take the child into the custody of the DCF upon such an order.

The bill allows the DCF to administer provisional licenses for new domestic violence centers and waive operational experience requirements if there is an emergency need for a new domestic violence center and no other viable option is available.

The bill revises the requirements for Governor’s appointees to councils on children services.

The bill provides the DCF the ability to grant limited exemptions to disqualification from background screenings due to certain disqualifying offenses, and limits individuals who receive the exemption to working with specific populations.

The bill increases the extension period for certain child care facilities from 30 days to 90 days.

The bill requires the DCF to establish a fee schedule for daily room and board rates for residential child-caring agencies.

The bill removes zoning requirements and clarifies fire suppression requirements for child-caring agencies.

The bill is not expected to have a fiscal impact on the government or private sector. *See* Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2025, except otherwise stated in the bill.

## **II. Present Situation:**

The present situation is presented in Section III under the Effect of Proposed Changes.

## **III. Effect of Proposed Changes:**

### **Unaccompanied Alien Children and Special Immigration Juvenile (SIJ) Visas**

#### ***Present Situation***

##### Federal Immigration Policy

The federal government has several agencies that carry out federal immigration law, including the regulation of minors that come into the U.S. without lawful immigration status. The responsibility for enforcing immigration laws rests with the Department of Homeland Security’s

(DHS) U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS).<sup>1</sup>

The federal government defines an unaccompanied alien child (UAC) as a child who<sup>2</sup>:

- Has no lawful immigration status in the United States.
- Is under 18 years of age.
- Has no parent or legal guardian in the United States or no parent or legal guardian in the United States available to provide care and physical custody.

The Department of Health and Human Services is required to provide care to and have physical custody of an unaccompanied alien child.<sup>3</sup> There are a myriad of reasons why a UAC enters the United States, such as escaping violent conditions or family in their home country or rejoining family already in the United States. Additionally, some UAC may come to the United States to find better employment opportunities to support their families.<sup>4</sup> Furthermore, UAC may be especially vulnerable to human trafficking or exploitation due to their age, isolation from loved ones, and dangers of entering the United States.<sup>5</sup>

#### Office of Refugee Resettlement

The Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services is responsible for the care and custody of UAC.<sup>6</sup> The ORR is typically made aware of UAC after apprehension by Border Patrol agents after attempting to enter the United States without legal authorization.<sup>7</sup> The ORR collects background information on the child to assess if the child is a danger to themselves or others, if there are any known medical and/or mental health issues, and if the child has specific individualized needs.<sup>8</sup> Upon collecting this background information, the ORR places the child in the least restrictive setting appropriate for the child, such as<sup>9</sup>:

- A shelter facility;
- Transitional or long-term foster care;
- Heightened supervision facility or secure facility;
- Other care facility that can provide for the child's specific needs.

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<sup>1</sup> U.S. Department of Homeland Security Office of Homeland Security Statistics, *Immigration Enforcement*, available at: <https://ohss.dhs.gov/topics/immigration/immigration-enforcement> (last visited 3/8/25).

<sup>2</sup> U.S. Department of Health & Human Services Office of Refugee Resettlement, *About the Program*, available at: <https://acf.gov/orr/programs/ucs/about> (last visited 3/8/25).

<sup>3</sup> 6 U.S.C. § 279(g)(2)

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> U.S. Department of Health & Human Services Office of Refugee Resettlement, *Unaccompanied Alien Children*, available at: <https://acf.gov/orr/programs/uac> (last visited 3/8/25).

<sup>7</sup> U.S. Department of Health & Human Services Office of Refugee Resettlement, *ORR Unaccompanied Alien Children Bureau Policy Guide: Section 1*, available at: <https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide> (last visited 3/8/25).

<sup>8</sup> U.S. Department of Health & Human Services Office of Refugee Resettlement, *ORR Unaccompanied Alien Children Bureau Policy Guide: Section 1*, available at: <https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide> (last visited 3/8/25).

<sup>9</sup> U.S. Department of Health & Human Services Office of Refugee Resettlement, *ORR Unaccompanied Alien Children Bureau Policy Guide: Section 1*, available at: <https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide> (last visited 3/8/25).



The ORR can release a UAC to the child’s parents, guardians, relatives, or sponsor, which refers to an individual that is designated by the child’s parents to obtain custody of the child.<sup>10</sup> The ORR has a process for releasing the child to a sponsor that includes<sup>11</sup>:

- The identification of sponsors;
- Sponsor application;
- Interviews;
- The assessment of sponsor suitability including verification of the sponsor’s identity and relationship to the child (if any), background checks, and in some cases, home studies; and
- Post-release planning.

In Fiscal Year 2015, a total of 27,340 UAC were released into the custody of sponsors in the U.S.<sup>12</sup> In Fiscal Year 2022, 127,447 UAC were released to sponsors, nearly five times the amount of UAC released in FY 2015.<sup>13</sup>

#### Florida’s Response to Unaccompanied Alien Children

In FY 2022, of the 127,447 total UAC released into the custody of sponsors nationwide, 13,195 UAC were released into the custody of their sponsors in Florida.<sup>14</sup> Despite the ORR’s process for releasing a child to a sponsor, children may be placed in potentially unsafe situations.<sup>15</sup>

In 2022, Governor DeSantis filed a petition for the Florida Supreme Court to “impanel a statewide grand jury to investigate criminal or wrongful activity in Florida relating to the smuggling or endangerment of unaccompanied alien children brought into the state.”<sup>16</sup> The grand jury report found that some children are given to sponsors who do not have the child’s best interests in mind and may expose them to sexual exploitation or labor exploitation.<sup>17</sup> Additionally, some UAC ultimately flee their sponsors or are abandoned by their sponsors and become involved in the dependency or criminal justice system.<sup>18</sup>

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<sup>10</sup> U.S. Department of Health & Human Services Office of Refugee Resettlement, *ORR Unaccompanied Alien Children Bureau Policy Guide: Section 2*, available at: <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.1> (last visited 3/9/25).

<sup>11</sup> *Id.*

<sup>12</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 4, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>13</sup> *Id.*

<sup>14</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 4, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>15</sup> *Id.*

<sup>16</sup> Case No.: SC22-796, Petition for Order to Impanel a Statewide Grand Jury, available at: <https://flgov.com/eog/sites/default/files/press/Petition-for-Order-to-Impanel-a-Statewide-Grand-Jury.pdf> (last visited 3/9/25).

<sup>17</sup> Case No.: SC22-796, Third Presentment of the Twenty-First Statewide Grand Jury Regarding Unaccompanied Alien Children (UAC), available at: <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/651d8f68-f322-4cd0-831f-74dc9b0d77a8/docketentrydocuments/8437d6e2-1c46-4575-bd21-47de83302c61> (last visited 3/9/25).

<sup>18</sup> *Id.*

The Dependency System Process – Generally

When child welfare necessitates that the DCF remove a child from the home to ensure his or her safety, a series of dependency court proceedings must occur to place that child in an out-of-home placement, adjudicate the child dependent, and if necessary, terminate parental rights and free the child for adoption. Steps in the dependency process usually include:

- A report to the Florida Abuse Hotline.
- A child protective investigation to determine the safety of the child.
- The court finding the child dependent.
- Case planning for the parents to address the problems resulting in the child’s dependency.
- Placement in out-of-home care, if necessary.
- Reunification with the child’s parent or another option to establish permanency, such as adoption after termination of parental rights.<sup>19</sup>

Dependency Proceeding	Description of Process	Controlling Statute(s)
<b>Removal</b>	The DCF may remove a child from his or her home if there is probable cause to believe the child has been abused, neglected, or abandoned, or that the parent or legal custodian of the child is unable or unavailable to care for the child.	s. 39.401, F.S.
<b>Shelter Hearing</b>	The court must hold a shelter hearing within 24 hours after removal. At this hearing, the judge determines whether the child can return to his or her home upon receiving DCF services, or keep the child in out-of-home care if services do not eliminate the need for removal.	s. 39.401, F.S. s. 39.402, F.S.
<b>Petition for Dependency</b>	The DCF must file a petition for dependency within 21 days of the shelter hearing. This petition seeks to find the child dependent, generally meaning the child has been abandoned, abused, or neglected by his or her parent’s or legal custodians, or has no parent or legal custodian that can provide supervision or care.	s. 39.501, F.S. s. 39.01, F.S.
<b>Arraignment Hearing and Shelter Review</b>	The court must hold an arraignment and shelter review within 28 days of the shelter hearing. The hearing allows the parent to admit, deny, or consent to the allegations within the petition for dependency and allows the court to review any previous shelter placement.	s. 39.506, F.S.
<b>Adjudicatory Trial</b>	If the parent or legal custodian denies any allegations of the petition during the arraignment hearing, the court must hold an adjudicatory trial within 30 days of arraignment. The judge determines whether a child is dependent during this trial.	s. 39.507, F.S.
<b>Disposition Hearing</b>	If, at the arraignment hearing, the parent or legal custodian consents to any allegations of the dependency petition, the court must hold a disposition hearing within 15 days of arraignment. If, at the adjudicatory trial, the court finds the child dependent, the disposition hearing must be held within	s. 39.506, F.S. s. 39.521, F.S.

<sup>19</sup> The state has a compelling interest in providing stable and permanent homes for adoptive children in a prompt manner, in preventing the disruption of adoptive placements, and in holding parents accountable for meeting the needs of children. See Section 63.022, F.S.

Dependency Proceeding	Description of Process	Controlling Statute(s)
	30 days after the adjudicatory hearing. At the disposition hearing, the judge reviews the case plan and placement of the child and orders if the current case plan and placement should continue or be changed.	
<b>Postdisposition Change of Custody Hearing</b>	The court may change the temporary out-of-home placement of a child at a postdisposition hearing any time after disposition but before the child is residing in the permanent placement approved at a permanency hearing. The DCF or the current caregiver can file for this postdisposition change of custody.	s. 39.522, F.S.
<b>Judicial Review Hearings</b>	After the initial judicial review hearing held within 90 days of the disposition hearing or approval of the case plan, the court must hold additional hearings to review the child’s case plan and placement at least every 6 months, or upon motion of a party.	s. 39.701, F.S.
<b>Permanency Hearings</b>	The courts are required to conduct a permanency hearing within 12 months after a child is removed from his or her home. At this hearing, the judge will evaluate the progress of achieving the permanency goal, and determine if another permanency option needs to be pursued.	s. 39.621, F.S.
<b>Petition for Termination of Parental Rights</b>	If the DCF determines that reunification is no longer a viable goal and termination of parental rights is in the best interest of the child, and other requirements are met, a petition for termination of parental rights is filed. The DCF, the child’s Guardian ad Litem, and any person knowledgeable about the facts of the case is able to file this petition.	s. 39.802, F.S. s. 39.8055, F.S. s. 39.806, F.S. s. 39.810, F.S.
<b>Advisory Hearing</b>	The court must hold an advisory hearing as soon as possible after all parties have been served with the petition for termination of parental rights. The hearing allows the parent to admit, deny, or consent to the allegations within the petition for termination of parental rights.	s. 39.808, F.S.
<b>Adjudicatory Hearing</b>	The court must hold an adjudicatory trial within 45 days after the advisory hearing. The judge determines whether to terminate parental rights to the child at this trial.	s. 39.809, F.S.

A child is found to be dependent if he or she has been found by the court<sup>20</sup>:

- To have been abandoned, abused, or neglected by the child’s parent or parents or legal custodians;
- To have been surrendered to the DCF, the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption;
- To have voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the DCF, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of this chapter, a case plan has

<sup>20</sup> Section 39.01(15), F.S.

expired and the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;

- To have no parent or legal custodians capable of providing supervision and care;
- To be at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians; or
- To have been sexually exploited and to have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care.

A petition for dependency may be filed by an attorney for the DCF or another person who has knowledge of the facts alleged or is informed of them and believes they are true.<sup>21</sup> At an adjudicatory hearing, a judge will determine whether or not the facts support the allegations stated in the petition for dependency.<sup>22</sup> A preponderance of evidence in the petition for dependency is required to establish the child as dependent.<sup>23</sup>

UAC are not considered dependent children under state law and their whereabouts are not tracked or monitored by the DCF.

#### Special Immigration Juvenile (SIJ) Visas

If a noncitizen child is the subject of abuse, abandonment, or neglect at the hands of their parent, they may be eligible for a Special Immigration Juvenile (SIJ) classification at the national level.<sup>24</sup> Upon SIJ classification, the child may qualify for lawful permanent residency (also known as obtaining a Green Card).<sup>25</sup> A child is eligible for SIJ classification if they meet all of the following requirements<sup>26</sup>:

- Is under 21 years of age at the time of filing the petition;
- Is unmarried at the time of filing and adjudication;
- Is physically present in the United States;
- Has a valid juvenile court order issued by a state court in the U.S. which finds that:
  - The child is dependent on the court, or in the custody of a state agency or department or an individual or entity appointed by the court;
  - The child cannot be reunified with one or both of their parents due to abuse, abandonment, neglect, or a similar basis under state law and it is not in the child's best interest to return to the child's country of nationality.
- Is eligible for U.S. Citizenship and Immigration Services (USCIS) consent, meaning they have sought the juvenile court order to obtain relief from abuse, neglect, abandonment, or a similar basis under state law and not primarily to obtain an immigration benefit.
- Has written consent from the Department of Health and Human Services/Office of Refugee Resettlement to the court's jurisdiction if:

<sup>21</sup> Section 39.501, F.S.

<sup>22</sup> Section 39.01(4), F.S.

<sup>23</sup> Section 39.507, F.S.

<sup>24</sup> U.S. Citizenship and Immigration Services, *Special Immigrant Juveniles*, available at: <https://www.uscis.gov/working-in-US/eb4/SIJ> (last visited 3/9/25).

<sup>25</sup> *Id.*

<sup>26</sup> 8 C.F.R. §204.11, See also U.S. Citizenship and Immigration Services, *Special Immigrant Juveniles Eligibility*, available at: <https://www.uscis.gov/working-in-US/eb4/SIJ> (last visited 3/9/25).

- The child is currently in the custody of the Department of Health and Human Services, and
- The juvenile court order also changes the child’s custody status or placement.

In the current fiscal year, 143,712 individuals filed the I-360 form.<sup>27</sup> Of these forms, 86,023 petitions were approved.<sup>28</sup> There are still 89,627 petitions pending.<sup>29</sup> In recent years, there has been concern that individuals may be exploiting SIJ visas and could potentially pose a danger to the security and safety of Florida.<sup>30</sup>

### *Effect of Proposed Changes*

**Section 1** of the bill allows the Office of Statewide Prosecution within the Department of Legal Affairs to investigate and prosecute violations of s. 39.5077, which is a new section of law created in section 7 of the bill.

**Section 2** of the bill amends s. 39.01, F.S. to further define what a legal custodian is for use within the definition of a “child who is found to be dependent.” The bill includes sponsors who have obtained custody of an unaccompanied alien child after the child was released to them by the Office of Refugee Resettlement of the U.S. Department of Health and Human Services in the term “legal custodian.” This change provides that sponsors of an unaccompanied alien child can be found to have abused, abandoned, or neglected the child, thereby meeting the criteria of a child who is found to be dependent.

The bill also prohibits the finding of an unaccompanied alien child as having been abandoned, abused, or neglected based solely on allegations that occurred before placement in Florida, or by a parent who is not in the United States.

**Section 7** of the bill creates s. 39.5077, F.S. to create a process for the DCF to be notified of the transfer and custody of an unaccompanied alien child (UAC) in Florida.

The bill defines an unaccompanied alien child as a child who has no lawful immigration status in the United States, has not attained 18 years of age, and with respect to whom:

- There is no parent or legal guardian in the United States; or
- No parent or legal guardian in the United States is available to provide care and physical custody.

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<sup>27</sup> The U.S. Citizenship and Immigration Services utilizes form I-360 for several groups of individuals petitioning for immigration. There are 15 classifications included in this form. Thus, not every I-360 petition that was filed in the current fiscal year was regarding a SIJ classification. See U.S. Department of Homeland Security, *Petition for Amerasian, Widow(er), or Special Immigrant Form I-360*, available at: <https://www.uscis.gov/sites/default/files/document/forms/i-360.pdf> (last visited 3/9/25).

<sup>28</sup> U.S. Citizenship and Immigration Services, *All USCIS Application and Petition Form Types (Fiscal Year 2024)*, available at: [https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data?topic\\_id%5B%5D=33649&ddt\\_mon=&ddt\\_yr=&query=&items\\_per\\_page=10](https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data?topic_id%5B%5D=33649&ddt_mon=&ddt_yr=&query=&items_per_page=10) (last visited 3/9/25).

<sup>29</sup> *Id.*

<sup>30</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 3, on file with the Senate Committee on Children, Families, and Elder Affairs.

The bill provides notification requirements for a natural person that obtains custody of a UAC through a corporation, public or private agency other than the DCF, or person other than the child's biological or adoptive parent, legal guardian, or court-appointed custodian. A natural person must notify the DCF of such custody of the child if they retain custody for 10 or more consecutive days. The bill establishes different notification requirements depending on the relationship between a UAC and the natural person who has custody of the child, detailed below:

- **If the natural person with custody of the child is not the biological or adoptive parent, legal guardian, or court-appointed custodian of the child:**
  - The bill requires the natural person to report such custody to the DCF and initiate proceedings under chapter 63 (regulating adoptions), chapter 744 (establishing guardianship), or chapter 751 (providing temporary custody of minor children by extended family).
    - If the natural person obtained custody of the child on or after January 1, 2026: they must report such custody and initiate proceedings within 30 days after obtaining physical custody of the child.
    - If the natural person obtained custody of the child before January 1, 2026: they must report such custody and initiate proceedings within 90 days after January 1, 2026.
- **If the natural person with custody of the child is the biological or adoptive parent, legal guardian, or court-appointed custodian of the child:**
  - The bill requires the natural person to verify his or her relationship to the child by submitting a DNA test or other adequate documentation to the DCF, at the expense of the natural person verifying his or her relationship to the child.
    - If the natural person obtained custody of the child on or after January 1, 2026: they must verify their relationship to the child within 30 days after obtaining physical custody of the child.
    - If the natural person obtained custody of the child before January 1, 2026: they must verify their relationship to the child within 90 days after obtaining physical custody of the child.

The bill requires an entity that transfers physical custody or assists in the transfer of the physical custody of a UAC to report the transfer to the DCF within 30 days and notify the natural person obtaining custody of the child of the requirements of the statute.

The bill establishes that a natural person or entity that willfully violates these requirements to report custody of a UAC to the DCF and/or verify their relationship to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S. The bill requires the court to impose a fine of \$1,000 on the natural person or a fine of \$10,000 on an entity if the natural person or entity is convicted.

The bill requires the DCF to notify in writing a natural person or entity of their obligations under this statute if the DCF believes a natural person or entity has failed to report their custody or relationship to an unaccompanied alien child. If the natural person or entity fails to report the required information within 30 days of the written notification, the DCF is required to notify the Department of Law Enforcement, the Office of Refugee Resettlement, and Immigrations and Customs Enforcement.

The bill provides rulemaking ability to the DCF to implement this section, including rules relating to:

- The specific information that must be reported to the DCF.
- Verifying biological or adoptive parentage, legal guardianship, or court-appointed custody.
- The creation of forms for all reports required under this section.

The bill requires a natural person or entity that suspects abuse, abandonment, or neglect of a UAC to immediately submit a report to the DCF's central abuse hotline.

**Section 6** of the bill amends s. 39.5075, F.S. to restrict circumstances in which an order finding that a child meets the criteria for special immigrant juvenile (SIJ) status can be issued. The bill requires an order finding a child meets the criteria for SIJ status may be issued only upon a petition filed by the DCF or CBC provider.

## **False Reporting of Abuse, Abandonment, or Neglect**

### ***Present Situation***

Florida's Child Welfare System – Generally

Chapter 39, F.S., creates Florida's dependency system charged with protecting children who have been abused, abandoned, or neglected. Florida's child welfare system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations. The Department of Children and Families (DCF) and community-based care lead agencies (CBCs) work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.<sup>31</sup>

### **Central Abuse Hotline**

The DCF is required to operate and maintain a central abuse hotline (hotline)<sup>32</sup> to receive reports of known or suspected instances of child abuse<sup>33</sup>, abandonment<sup>34</sup>, or neglect<sup>35</sup>, or instances when

<sup>31</sup> See, Chapter 39, F.S.

<sup>32</sup> Hereinafter cited as "hotline." The "Florida Abuse Hotline" is the DCF's central abuse reporting intake assessment center, which receives and processes reports of known or suspected child abuse, neglect or abandonment 24 hours a day, seven days a week. Chapter 65C-30.001, F.A.C. and Section 39.101, F.S.

<sup>33</sup> Section 39.01(2), F.S. defines "abuse" as any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired.

<sup>34</sup> Section 39.01(1), F.S. defines "abandoned" or "abandonment" as a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. "Establish or maintain a substantial and positive relationship" means, in part, frequent and regular contact with the child, and the exercise of parental rights and responsibilities.

<sup>35</sup> Section 39.01(53), F.S. states "neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired, except when such circumstances are caused primarily by financial inability unless services have been offered and rejected by such person.

a child does not have a parent, legal custodian, or adult relative available to provide supervision and care.<sup>36</sup> The hotline must operate 24 hours a day, 7 days a week, and accept reports through a single statewide toll-free telephone number or through electronic reporting.<sup>37</sup>

If the hotline determines a report meets the statutory criteria for child abuse, abandonment, or neglect, a DCF child protective investigator (CPI) must complete a child protective investigation.<sup>38</sup> Through face-to-face interviews with the child and family members, and assessments of the immediate safety of the children in the home, the CPI determines further actions.

The CPI must either implement a safety plan for the child, which allows the child to remain in the home with in-home services or take the child into custody. If the child cannot safely remain in the home with a safety plan, the DCF must file a shelter petition and remove the child from his or her current home and temporarily place them in out-of-home care.<sup>39</sup>

#### False Reports of Abuse, Abandonment, or Neglect

Florida law defines a false report as a report of abuse, abandonment, or neglect of a child to the central abuse hotline, which is maliciously made for the purpose of:<sup>40</sup>

- Harassing, embarrassing, or harming another person;
- Personal financial gain for the reporting person;
- Acquiring custody of the child; or
- Personal benefit for the reporting person in any other private dispute involving a child.

Reports made in good faith to the central abuse hotline are not considered false reports.<sup>41</sup>

Over the past 5 years, the DCF reports that approximately 1,415 investigations were determined to be false reports.<sup>42</sup> Generally, the DCF requires a CPI to consider the following factors upon suspecting that a report made to the central abuse hotline was done so maliciously:<sup>43</sup>

- There is a pattern of previous reports in which false reporting was suspected but not determined.
- There is a pattern of reports with no credible evidence to support any of the alleged maltreatments.
- The facts obtained during the current investigation do not provide any credible evidence to support the most recent allegations.

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<sup>36</sup> Section 39.201(1), F.S.

<sup>37</sup> Section 39.101(1), F.S.

<sup>38</sup> Prior to July 1, 2023, seven counties allowed the local sheriff's office to perform child protective investigations. The 2023 legislative session transitioned this responsibility fully back to the Department after changes in Florida's child welfare system aimed to integrate child protective investigations within existing crisis-oriented systems the DCF maintains. *See generally*: Laws of Fla. 2023-77.

<sup>39</sup> Section 39.301, F.S.

<sup>40</sup> Section 39.01(27), F.S.

<sup>41</sup> Section 39.01(27), F.S.

<sup>42</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 4, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>43</sup> Florida Department of Children and Families, *Child Welfare Operating Procedures CFOP 170-05*, available at: <https://www.myflfamilies.com/resources/policies-procedures/cfop-170-child-welfare> (last visited 3/8/25).



- The reporter, if known, has made contradictory statements regarding the circumstances surrounding the alleged maltreatments.
- The alleged perpetrator provides a plausible reason why the report was made for personal gain or in retaliation, which is corroborated by other family or collateral sources.

If the report is determined to be false, the name of the false reporter and the nature of the false report is made available to the public, even if the false reporter did so anonymously.<sup>44</sup>

Making a false report of child abuse can significantly impact the family that is the subject of the false report. It can put families and children through unnecessary stress, as well as divert valuable DCF resources to investigate the false claims.<sup>45</sup> Thus, Florida law provides fines and criminal penalties for individuals that maliciously make a false report.

Upon determining that a report to the central abuse hotline is false, the DCF may impose a fine, not to exceed \$10,000 for each violation, upon a person who knowingly and willfully makes a false report of abuse, abandonment, or neglect of a child, or a person who counsels another to make a false report.<sup>46</sup> Additionally, the individual is guilty of a felony of the third degree, which is punishable as provided in s. 775.082 or s. 775.083, F.S.<sup>47</sup>

The family that was the subject of the false report has recourse against the perpetrator of the false report. An individual who was the subject of a false report can file for damages suffered as a result of the false report.<sup>48</sup> If the false reporter's name has not been made public, the DCF may be named as a party in the lawsuit until the court determines, upon an in camera review of the records, that there is a reasonable basis for believing the report was false.<sup>49</sup> At this point, the DCF may be ordered to produce the records to the court. However, this process may be unnecessary as a court order can require the DCF to produce records without naming the DCF as a party in the lawsuit.<sup>50</sup> Current language does not specify in which court a person who was the subject of a false report should file a civil lawsuit.<sup>51</sup>

### *Effect of the Proposed Changes*

**Section 3** of the bill amends s. 39.206, F.S. to adjust the process for filing a lawsuit for civil damages resulting from the filing of a false report of the abuse, abandonment, or neglect of a child. If the DCF has not previously determined an individual has filed a false report of abuse, abandonment, or neglect, the bill allows the person who alleges they are the subject of the false report to petition the court for a determination that the reporter's identity be released for the

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<sup>44</sup> Section 39.206(9), F.S.

<sup>45</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 4, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>46</sup> Section 39.206, F.S.

<sup>47</sup> Section 39.205, F.S.

<sup>48</sup> Section 39.206 (10), F.S.

<sup>49</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 4, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>50</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 4, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>51</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 4, on file with the Senate Committee on Children, Families, and Elder Affairs.

purpose of proceeding with a lawsuit for civil damages. The bill requires this petition to be filed in the circuit in which the petitioner resides.

The bill allows the court to issue a written order to the DCF to produce the report and records for an in-camera inspection if the petition is legally sufficient.

The bill removes a current provision that allows the DCF, as a custodian of records, to be named as a party in the lawsuit.

The bill changes who may submit witness affidavits to assist the court in making its initial determination that the reporter's identity be released. Current law allows the alleged perpetrator to submit witness affidavits; the bill changes this to allow the subject of the alleged false report to submit witness affidavits.

## **Child Protective Investigations on Military Installations**

### ***Present Situation***

#### Federal Consultations with States

Federal law requires the states to report information regarding the abuse of a child at the hands of a family member that is in the U.S. military.<sup>52</sup> The states have memorandums of understanding (MOUs) to create precedence of information sharing.<sup>53</sup>

#### Family Advocacy Programs

Family Advocacy Programs (FAP) are congressionally mandated programs that aim to prevent and respond to reports of child abuse in military families.<sup>54</sup> They are located at every military installation that houses families, both within and outside the United States.<sup>55</sup>

In Fiscal Year 2023, FAP received 11,854 reports of suspected child abuse and neglect.<sup>56</sup> Of the total reports, 5,812 reports met the criteria for child abuse and neglect.<sup>57</sup> Upon a substantiated

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<sup>52</sup> 10 U.S.C. Ch. 88

<sup>53</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 9, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>54</sup> U.S. Department of Defense, *Family Advocacy Program: Addressing Domestic Abuse*, available at: <https://dacowits.defense.gov/Portals/48/Documents/General%20Documents/RFI%20Docs/Sept2019/FAP%20RFI%208.pdf> (last visited 3/9/25).

<sup>55</sup> U.S. Department of Defense, *Family Advocacy Program: Addressing Domestic Abuse*, available at: <https://dacowits.defense.gov/Portals/48/Documents/General%20Documents/RFI%20Docs/Sept2019/FAP%20RFI%208.pdf> (last visited 3/9/25).

<sup>56</sup> U.S. Department of Defense, *Report to the Committees on Armed Services of the Senate and the House of Representatives, Report on Child Abuse and Neglect and Domestic Abuse in the Military for Fiscal Year 2023*, available at: <https://download.militaryonesource.mil/12038/MOS/Reports/DOD-Child-Abuse-and-Neglect-and-Domestic-Abuse-Report-FY2023.pdf> (last visited 3/9/25).

<sup>57</sup> *Id.*

claim of child abuse in a military family, FAP staff will ensure the child's safety and well-being as well as notify the necessary law enforcement and child welfare services.<sup>58</sup>

### *Effect of the Proposed Changes*

**Section 4** of the bill creates s. 39.3011, F.S. to require the DCF to enter into an agreement for child protective investigations within U.S. military installations. This change codifies current practice in Florida. The bill requires the DCF to enter into an agreement with the Family Advocacy Program, or any successor program, for each military institution located in Florida.

The bill requires each agreement to include procedures for all of the following:

- Identifying the military personnel alleged to have committed the child abuse, abandonment, neglect, or domestic abuse.
- Notifying and sharing information with the military installation when a child protective investigation implicating military personnel has been initiated.
- Maintaining confidentiality as required under state and federal law.

### **Taking a Child Alleged to be Dependent Into Custody**

#### *Present Situation*

A law enforcement officer or authorized agent of the DCF may take a child alleged to be dependent into custody if the officer or authorized agent has probable cause to support a finding<sup>59</sup>:

- That the child has been abused, neglected, or abandoned, or is suffering from, or is in imminent danger of, illness or injury as a result of abuse, neglect, or abandonment;
- That the parent or legal custodian of the child has materially violated a condition of placement imposed by the court; or
- That the child has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.

The court may also issue an order to take a child into custody of the DCF upon a demonstration of reasonable cause that a child is abused, abandoned, or neglected.<sup>60</sup> This may happen upon the DCF's determination that an investigation into the allegations of abuse or neglect are founded, but the parent makes the child unavailable to the DCF.<sup>61</sup>

A dependency judge may also issue an order for a law enforcement officer or authorized agent to take the child into the custody of the DCF if a parent violates an existing custody or visitation court order.<sup>62</sup>

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<sup>58</sup> U.S. Department of Defense Military One Source, *How to Report Child Abuse or Neglect in the Military*, available at: <https://www.militaryonesource.mil/relationships/prevent-violence-abuse/how-to-report-child-abuse-as-a-member-of-the-military/> (last visited 3/9/25).

<sup>59</sup> Section 39.401, F.S.

<sup>60</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 5, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

In these instances, the court can order a Take into Custody Order (TICO) that allows law enforcement to assist the DCF in executing the court order. However, disagreements as to the intent of the court orders have delayed law enforcement's ability to effectuate the orders as there is no explicit statutory authority for law enforcement to use reasonable force necessary to take the child into custody of the DCF.<sup>63</sup> For example, if a parent refuses to voluntarily admit law enforcement entry into their home to gain custody of the child, law enforcement may not enter the home despite the court order. The following law enforcement agencies require the language in a TICO to explicitly allow the use of force to accept and effectuate the order:<sup>64</sup>

- Circuit 1 – All law enforcement agencies
- Circuit 4 – Duval County Sheriff
- Circuit 5 – All law enforcement agencies
- Circuit 7 – Putnam and Flagler Sheriff
- Circuit 10 – Polk County Sheriff and Lakeland Police Department
- Circuit 12 – Manatee County Sheriff
- Circuit 13 – All law enforcement agencies
- Circuit 15 – Palm Beach County Sheriff
- Circuit 17 – All law enforcement agencies
- Circuit 20 – All law enforcement agencies

### *Effect of Proposed Changes*

**Section 5** of the bill amends s. 39.401, F.S. to clarify when a law enforcement officer or authorized agent of the DCF can take a child into custody of the DCF. The bill allows the officer or authorized agent to take a child into DCF custody if there is probable cause to support a finding that the child is the subject of a court order to take the child into custody of the DCF.

**Section 16** of the bill amends s. 937.0201, F.S. to include children that are the subject of a court order to take the child into custody of the DCF in the definition of “missing child.” This change expands the resources available to find a child that the DCF cannot locate, by requiring the Florida Department of Law Enforcement to deploy its resources to locate the child, such as an Amber Alert.

**Section 17** of the bill amends s. 937.021, F.S. to assign agency jurisdiction in situations in which a child is the subject of a court order to take the child into the custody of the DCF and jurisdiction cannot be determined. The bill requires the sheriff's office of the county in which the court order was entered to take jurisdiction.

The bill allows a law enforcement officer or agency to use reasonable force as necessary to take a missing child who is already in the custody of the DCF or who is the subject of a court order to take the child into the custody of the DCF.

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<sup>63</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 5, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>64</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 5, on file with the Senate Committee on Children, Families, and Elder Affairs.

## Domestic Violence Centers

### *Present Situation*

Florida law recognizes the importance of providing victims of domestic violence and their dependents access to safe emergency shelters, advocacy, and crisis intervention services.<sup>65</sup> The DCF is responsible for operating the state's domestic violence program, which includes the certification of domestic violence centers and promoting the involvement of domestic violence centers in the coordination, development, and planning of domestic violence programming throughout the state.<sup>66</sup>

Domestic violence centers must provide minimum services that include, but are not limited to<sup>67</sup>:

- Information and referral services.
- Counseling and case management services.
- Temporary emergency shelter for more than 24 hours.
- A 24 hour hotline.
- Nonresidential outreach services.
- Training for law enforcement personnel.
- Assessment and appropriate referral of resident children.
- Educational services for community awareness relating to the prevention of domestic violence, and the services available to victims of domestic violence.

The DCF sets certification standards for domestic violence shelters in administrative rule. A domestic violence center must<sup>68</sup>:

- Be a not-for-profit corporation created for the purpose of operating a domestic violence center with a primary mission of the provision of services to victims of domestic violence.
- Demonstrate the unmet need in a service area when seeking certification within the service area of an existing certified center.
- Must have 18 consecutive months of operational experience, with 12 months operation as an emergency shelter.
- Must demonstrate an ability to operate, garner community support, and maintain solvency by providing proof of required safety and financial standards.

There are currently 41 certified domestic violence centers throughout Florida.<sup>69</sup> Certification allows a domestic violence shelter to receive state funds<sup>70</sup>, if applicable, and utilize victim advocates who can provide advice, counseling, or assistance to victims of domestic violence under the confidential communication protections of current law.<sup>71</sup>

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<sup>65</sup> Section 39.901, F.S.

<sup>66</sup> Section 39.903, F.S.

<sup>67</sup> Section 39.905, F.S.

<sup>68</sup> 65H-1.012, F.A.C.

<sup>69</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 6, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>70</sup> Section 39.903, F.S.

<sup>71</sup> Section 90.5036, F.S.

In Fiscal Year 2023-24, there were 12,543 individuals that received emergency shelter at a certified domestic violence center.<sup>72</sup> However, individuals may experience a disruption in service delivery if a domestic violence center abruptly shuts down or loses certification and there is no other domestic violence center in that service area. Current law would restrict the ability of a new domestic violence center to open in that area, due to the required 18 months of operational experience.

### *Effect of Proposed Changes*

**Section 8** of the bill amends s. 39.905, F.S. to allow the DCF to waive operational experience requirements and issue a provisional certification for a new domestic violence center to ensure the provision of services. The bill allows the DCF to issue a provisional certification if there is an emergency need for a new domestic violence center, and there are no other viable options to ensure continuity of services.

The domestic violence center that receives a provisional certification under this section must meet all other criteria, except operational experience, that are required by law.

The bill gives the DCF rulemaking authority to provide minimum standards for a provisional certificate, including increased monitoring and site visits, and the length of time a provisional certificate is valid.

## **Council on Children Services**

### *Present Situation*

Counties can create independent special districts that provide funding for children's services throughout the county.<sup>73</sup> These councils may use property taxes to meet the needs of the children and families living in their community.<sup>74</sup> The number of members of the council is either 10 or 33, depending on the county's regulations.<sup>75</sup>

The Governor is responsible for appointing either 5 members of the council (in a 10 person council) or 7 members of the council (in a 33 person council).<sup>76</sup> Current law requires the Governor's appointees to represent the geographic and demographic diversity of the county's population, to the extent possible.<sup>77</sup>

Currently, the following counties have created councils on children services<sup>78</sup>:

- Alachua;
- Broward;

<sup>72</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 6, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>73</sup> Section 125.901, F.S.

<sup>74</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 8, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>75</sup> Section 125.901, F.S., and Section 125.011, F.S.

<sup>76</sup> Section 125.901, F.S.

<sup>77</sup> *Id.*

<sup>78</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 8, on file with the Senate Committee on Children, Families, and Elder Affairs.

- Escambia;
- Duval;
- Leon;
- Hillsborough;
- Manatee;
- Martin;
- Miami-Dade;
- Okeechobee;
- Palm Beach;
- Pinellas; and
- St. Lucie.

All the councils on children services, except for Duval and Manatee, have an “independent” taxing authority to ensure that a dedicated funding source is available for children’s programs and services.<sup>79</sup> Duval county is a dependent district and relies on funding from different sources, and Manatee County has a hybrid system.<sup>80</sup>

### *Effect of Proposed Changes*

**Section 9** of the bill amends s. 125.901, F.S. to revise the requirements for the selection and removal of the Governor’s appointees to the Councils of Children’s Services. Specifically, the bill:

- Removes the requirement for the Governor’s appointees to represent the demographic diversity of the county’s population.
- Removes the provision limiting the Governor to selecting, within a 45 day period, council members only from candidates nominated by the governing body.
- Allows the county governing body to submit recommendations to the Governor for vacant positions on the council.
- Requires the Governor to make selections within 45 days after receipt of the recommendations from the county governing body.

### **Background Screening and Limited Exemptions**

#### *Present Situation*

The DCF is responsible for the licensing and regulation of programs for children and vulnerable adults.<sup>81</sup> A Level II background screening is included in the regulation process. This background screening includes, but is not limited to<sup>82</sup>:

- Fingerprinting for statewide criminal history records checks through the Department of Law Enforcement.
- National criminal history records checks through the Federal Bureau of Investigation.

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<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> Florida Department of Children and Families, *Background Screening*, available at: <https://www.myflfamilies.com/services/background-screening> (last visited 3/9/25).

<sup>82</sup> Section 435.04, F.S.

- Local criminal history records checks may be included through local law enforcement agencies.

In Fiscal Year 2023-24, the DCF screened 278,894 individuals for employment in child care facilities, CBC agencies, foster families, group homes, summer camps, substance abuse treatment facilities, and mental health treatment facilities.<sup>83</sup>

Level II background screenings ensure an individual does not have any disqualifying offenses on his or her record, such as burglary or the fraudulent sale of controlled substances.<sup>84</sup> A full list of disqualifying offenses is included in statute.<sup>85</sup>

An individual that has a disqualifying offense may apply for an exemption from disqualification depending on their disqualifying offense.<sup>86</sup> The applicant must provide evidence of rehabilitation from the circumstances of the disqualifying offense when seeking an exemption.<sup>87</sup> Florida law lists certain offenses that may not be exempted from disqualification for individuals seeking to be child care personnel.<sup>88</sup>

In Fiscal Year 2023-24, the DCF received 1,544 requests for exemptions from disqualification for individuals seeking employment with vulnerable populations.<sup>89</sup> There are different qualifications for working with every population the DCF serves.

There is limited flexibility in granting exemptions from disqualification. Current law phrases exemptions as all-or-nothing; meaning, the DCF Secretary must either reject the exemption all together or allow the individual to work in all roles that work with a vulnerable population.<sup>90</sup> Current law does not allow the DCF Secretary to make exemptions with restrictions, such as restricting an applicant to working with adult populations only.<sup>91</sup>

### *Effect of Proposed Changes*

**Section 10** of the bill amends s. 402.305, F.S. to provide the DCF with more oversight of instances in which an individual seeking employment as child care personnel can receive an exemption from a background screening despite a disqualifying offense.

The bill allows the DCF to grant limited exemptions that authorize a person seeking employment to work in a specified role or with a specified population, if the individual has a disqualifying offense in his or her background screening.

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<sup>83</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 7, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>84</sup> Section 435.04(2), F.S.

<sup>85</sup> *Id.*

<sup>86</sup> Section 435.07, F.S.

<sup>87</sup> Florida Department of Children and Families, *Apply for Exemption from Disqualification*, available at: <https://www.myflfamilies.com/services/background-screening/apply-exemption-disqualification> (last visited 3/9/25).

<sup>88</sup> Section 435.07(2)(c), F.S.

<sup>89</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 7, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>90</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 7, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>91</sup> *Id.*



**Section 12** of the bill amends s. 409.175, F.S. to grant limited exemptions authorizing a person who wishes to work in a family foster home, residential child-caring agency, and child-placing agency.

## **License Extensions**

### ***Present Situation***

The DCF provides licensure for family foster homes, residential child-caring agencies, and child-placing agencies.<sup>92</sup> There are different licensure requirements based on the levels of licensed care associated with family foster homes, residential child-caring agencies, and child placing agencies housed in administrative rule.<sup>93</sup> In Fiscal Year 2023-2024, the DCF licensed 9,316 child-caring agencies and foster homes.<sup>94</sup> The DCF is not allowed to issue provisional licenses under federal law for providers that fall into noncompliance.<sup>95</sup> To allow providers to come into compliance and follow federal standards, the DCF has the ability to provide a one-time 30-day extension to the provider.<sup>96</sup> The 30-day extension may not give the provider the adequate time needed to correct a licensure violation regardless of the provider's steps to correct the violation.<sup>97</sup>

### ***Effect of the Proposed Changes***

**Section 12** of the bill amends s. 409.175, F.S. to extend the length of time the DCF can extend a license expiration date for family foster homes, residential child-caring agencies, and child-placing agencies from 30 days to 90 days. This change is intended to allow the provider enough time to implement corrective measures that may be out of the provider's control.

## **Group Care**

### ***Present Situation***

Group homes are a part of the DCF's licensed placement array for children in out-of-home care and provide staffed 24-hour care for children under the licensure of the DCF.<sup>98</sup> Group homes place 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.<sup>99</sup>

The CBC lead agencies contract group home providers and negotiate room and board rates in the regions the CBC lead agencies serve.<sup>100</sup> This has led to a significant increase in the cost of group homes and a variation in the room and board rates throughout the state. The following chart

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<sup>92</sup> Section 409.175, F.S.

<sup>93</sup> Section 409.175(5), F.S.

<sup>94</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 7, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> Section 409.175, F.S.

<sup>99</sup> 65C-14.001, F.A.C.

<sup>100</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 8, on file with the Senate Committee on Children, Families, and Elder Affairs.

shows that the cost of group care has risen in recent years, while the number of children in group care has decreased.<sup>101</sup>

<b>Group Care Cost versus Group Care Placement</b>						
<b>Total Cost</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>FY 22-23</b>	<b>FY 23-24</b>
Statewide	\$116,808,722	\$118,243,424	\$114,783,908	\$126,063,837	\$157,688,554	\$174,223,084
<b>Placement</b>	<b>6/30/19</b>	<b>6/30/20</b>	<b>6/30/21</b>	<b>6/30/22</b>	<b>6/30/23</b>	<b>6/30/24</b>
Statewide	1,909	1,620	1,506	1,494	1,608	1,726

***Effect of the Proposed Changes***

**Section 11** of the bill amends s. 409.145, F.S. to require the DCF to establish a fee schedule for daily room and board rates for children in out-of-home care who are placed in a residential child-caring agency. The bill requires the DCF to coordinate with its providers to develop a fee schedule, which may include different payment rates based on factors including, but not limited to the acuity level of the child being placed and the geographic location of the residential child-caring agency.

The bill provides the DCF rulemaking authority to implement this fee schedule.

**Zoning and Building Code Regulation for Child-Caring Agencies**

***Present Situation***

Zoning Requirements

Florida law details zoning requirements for site selection of community residential homes that are licensed by the Department of Elder Affairs, the DCF, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Agency for Persons with Disabilities.<sup>102</sup> Child-caring agencies, or child welfare “group homes,” are considered community residential homes under this law and are subject to the statutory zoning requirements.<sup>103</sup>

Group homes are prohibited from existing within a 1,000 feet or 1,200 feet radius of another group home, depending on the number of residents in the group home.<sup>104</sup> This restriction may limit group home providers’ ability to utilize multiple available properties in a neighborhood and may limit the number of group homes that can open.<sup>105</sup>

<sup>101</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 8, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>102</sup> Section 419.001, F.S.

<sup>103</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 8, on file with the Senate Committee on Children, Families, and Elder Affairs.

<sup>104</sup> Section 419.001, F.S.

<sup>105</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 8, on file with the Senate Committee on Children, Families, and Elder Affairs.

## Fire Prevention and Control

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Building Code. Each county, municipality, and special district with fire safety enforcement responsibilities must employ or contract with a fire safety inspector (certified by the State Fire Marshal) to conduct all fire safety inspections required by law.<sup>106</sup>

A “fire protection system” is a system individually designed to protect the interior or exterior of a specific building or buildings, structure, or other special hazard from fire. A fire protection system includes, but is not limited to:<sup>107</sup>

- Water sprinkler systems;
- Water spray systems;
- Foam-water sprinkler systems;
- Foam-water spray systems;
- Carbon dioxide systems;
- Foam extinguishing systems;
- Dry chemical systems; and
- Halon and other chemical systems used for fire protection use.

Fire protection systems also include any tanks and pumps connected to fire sprinkler systems, overhead and underground fire mains, fire hydrants and hydrant mains, standpipes and hoses connected to sprinkler systems, sprinkler tank heaters, air lines, and thermal systems used in connection with fire sprinkler systems.<sup>108</sup>

Fire protection systems must be installed in accordance with the Fire Code and the Building Code. Current law requires local governments to enforce the Fire Code and the Building Code including the permitting, inspecting, and approving the installation of a fire protection system.<sup>109</sup> Owners of fire protection systems must contract with a certified fire protection system contractor to regularly inspect such systems.<sup>110</sup>

The Division of the State Fire Marshal follows the standards of the National Fire Protection Association to create fire safety standards with respect to residential child care facilities that provide full-time residence to five or fewer children.<sup>111</sup> The DCF has reported there to be disagreement in the intended purpose of this rule, which has caused some group homes to purchase costly fire suppression systems when one was not required.<sup>112</sup>

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<sup>106</sup> Section 633.202, F.S.

<sup>107</sup> Section 633.102(11), F.S.

<sup>108</sup> *Id.*

<sup>109</sup> See generally chs. 553 and 633, F.S.; Florida Fire Prevention Code 8<sup>th</sup> Edition (NFPA Standard 1), available at [florida-fire-prevention-code-8th-edition-nfpa-101-fl-sp.pdf](https://www.floridafireprevention.com/florida-fire-prevention-code-8th-edition-nfpa-101-fl-sp.pdf) (last visited Mar. 4, 2025).

<sup>110</sup> Section 633.312, F.S.

<sup>111</sup> 69A-41.007, F.A.C. and 69A-41.101, F.A.C.

<sup>112</sup> Florida Department of Children and Families, *2025 Agency Analysis*, pg. 9, on file with the Senate Committee on Children, Families, and Elder Affairs.

### *Effect of the Proposed Changes*

**Section 13** of the bill amends s. 419.001, F.S. to remove the requirement that community residential homes that are licensed by the DCF as a residential child-caring agency must not be within 1,000 feet of another existing such home.

The bill requires local governments to exclude homes that have six or fewer residents licensed by the DCF as a residential child-caring agency when imposing proximity limitations on community residential homes.

**Section 14** of the bill amends s. 553.73, F.S. to prohibit the Florida Building Commission from mandating the installation of fire sprinklers or a fire suppression system in a residential child-caring agency licensed by the DCF which operates in a single-family residential property that is licensed for a capacity of five or fewer children who are unrelated to the licensee.

**Section 15** of the bill amends s. 633.208, F.S. to prohibit the fire marshal from requiring a residential child-caring agency licensed by the DCF which operates in a single-family residential property that is licensed for a capacity of five or fewer children who are unrelated to the licensee from installing fire sprinklers or a fire suppression system. This prohibition is contingent upon the licensee meeting the requirements for portable fire extinguishers, fire alarms, and smoke detectors.

### **Other**

**Sections 18, 19, and 20** of the bill makes conforming and cross reference changes to align statute with the substantive changes in the bill.

**Section 21** provides an effective date of July 1, 2025, notwithstanding sections 1 and 7, which provide an effective date of January 1, 2026.

## **IV. Constitutional Issues:**

### A. Municipality/County Mandates Restrictions:

None.

### B. Public Records/Open Meetings Issues:

None.

### C. Trust Funds Restrictions:

None.

### D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 16.56, 39.01, 39.206, 39.401, 39.5075, 39.905, 125.901, 402.305, 409.145, 409.175, 419.001, 553.73, 633.208, 937.0201, 937.021, 402.30501, 1002.57, 1002.59

This bill creates the following sections of the Florida Statutes: 39.3011, 39.5077,

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Children, Families, and Elder Affairs (Grall) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Effective January 1, 2026, paragraph (a) of  
subsection (1) of section 16.56, Florida Statutes, is amended to  
read:

16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an  
Office of Statewide Prosecution. The office shall be a separate



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11 "budget entity" as that term is defined in chapter 216. The  
12 office may:

13 (a) Investigate and prosecute the offenses of:

14 1. Bribery, burglary, criminal usury, extortion, gambling,  
15 kidnapping, larceny, murder, prostitution, perjury, robbery,  
16 carjacking, home-invasion robbery, and patient brokering;

17 2. Any crime involving narcotic or other dangerous drugs;

18 3. Any violation of the Florida RICO (Racketeer Influenced  
19 and Corrupt Organization) Act, including any offense listed in  
20 the definition of racketeering activity in s. 895.02(8)(a),  
21 providing such listed offense is investigated in connection with  
22 a violation of s. 895.03 and is charged in a separate count of  
23 an information or indictment containing a count charging a  
24 violation of s. 895.03, the prosecution of which listed offense  
25 may continue independently if the prosecution of the violation  
26 of s. 895.03 is terminated for any reason;

27 4. Any violation of the Florida Anti-Fencing Act;

28 5. Any violation of the Florida Antitrust Act of 1980, as  
29 amended;

30 6. Any crime involving, or resulting in, fraud or deceit  
31 upon any person;

32 7. Any violation of s. 847.0135, relating to computer  
33 pornography and child exploitation prevention, or any offense  
34 related to a violation of s. 847.0135 or any violation of  
35 chapter 827 where the crime is facilitated by or connected to  
36 the use of the Internet or any device capable of electronic data  
37 storage or transmission;

38 8. Any violation of chapter 815;

39 9. Any violation of chapter 825;



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- 40           10. Any criminal violation of part I of chapter 499;  
41           11. Any violation of the Florida Motor Fuel Tax Relief Act  
42 of 2004;  
43           12. Any criminal violation of s. 409.920 or s. 409.9201;  
44           13. Any criminal violation of the Florida Money Laundering  
45 Act;  
46           14. Any criminal violation of the Florida Securities and  
47 Investor Protection Act;  
48           15. Any violation of chapter 787, as well as any and all  
49 offenses related to a violation of chapter 787; ~~or~~  
50           16. Any criminal violation of chapter 24, part II of  
51 chapter 285, chapter 546, chapter 550, chapter 551, or chapter  
52 849; or  
53           17. Any violation of s. 39.5077;

54  
55 or any attempt, solicitation, or conspiracy to commit any of the  
56 crimes specifically enumerated above. The office shall have such  
57 power only when any such offense is occurring, or has occurred,  
58 in two or more judicial circuits as part of a related  
59 transaction, or when any such offense is connected with an  
60 organized criminal conspiracy affecting two or more judicial  
61 circuits. Informations or indictments charging such offenses  
62 shall contain general allegations stating the judicial circuits  
63 and counties in which crimes are alleged to have occurred or the  
64 judicial circuits and counties in which crimes affecting such  
65 circuits or counties are alleged to have been connected with an  
66 organized criminal conspiracy.

67           Section 2. Subsection (15) of section 39.01, Florida  
68 Statutes, is amended to read:





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69           39.01 Definitions.—When used in this chapter, unless the  
70 context otherwise requires:

71           (15) “Child who is found to be dependent” means a child  
72 who, pursuant to this chapter, is found by the court:

73           (a) To have been abandoned, abused, or neglected by the  
74 child’s parent or parents or legal custodians;

75           (b) To have been surrendered to the department, the former  
76 Department of Health and Rehabilitative Services, or a licensed  
77 child-placing agency for purpose of adoption;

78           (c) To have been voluntarily placed with a licensed child-  
79 caring agency, a licensed child-placing agency, an adult  
80 relative, the department, or the former Department of Health and  
81 Rehabilitative Services, after which placement, under the  
82 requirements of this chapter, a case plan has expired and the  
83 parent or parents or legal custodians have failed to  
84 substantially comply with the requirements of the plan;

85           (d) To have been voluntarily placed with a licensed child-  
86 placing agency for the purposes of subsequent adoption, and a  
87 parent or parents have signed a consent pursuant to the Florida  
88 Rules of Juvenile Procedure;

89           (e) To have no parent or legal custodians capable of  
90 providing supervision and care;

91           (f) To be at substantial risk of imminent abuse,  
92 abandonment, or neglect by the parent or parents or legal  
93 custodians; or

94           (g) To have been sexually exploited and to have no parent,  
95 legal custodian, or responsible adult relative currently known  
96 and capable of providing the necessary and appropriate  
97 supervision and care.



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98  
99 For purposes of this subsection, the term "legal custodian"  
100 includes a sponsor to whom an unaccompanied alien child, as  
101 defined in s. 39.5077(1), has been released by the Office of  
102 Refugee Resettlement of the Department of Health and Human  
103 Services. Notwithstanding any other provision of law, an  
104 unaccompanied alien child may not be found to have been  
105 abandoned, abused, or neglected based solely on allegations of  
106 abandonment, abuse, or neglect that occurred before placement in  
107 this state or by a parent who is not in the United States.

108 Section 3. Section 39.3011, Florida Statutes, is created to  
109 read:

110 39.3011 Protective investigations involving military  
111 families.—

112 (1) For purposes of this section, the term "Family Advocacy  
113 Program" means the program established by the United States  
114 Department of Defense to address child abuse, abandonment, and  
115 neglect in military families.

116 (2) The department shall enter into an agreement for child  
117 protective investigations involving military families with the  
118 Family Advocacy Program, or any successor program, of each  
119 United States military installation located in this state. Such  
120 agreement must include procedures for all of the following:

121 (a) Identifying the military personnel alleged to have  
122 committed the child abuse, neglect, or domestic abuse.

123 (b) Notifying and sharing information with the military  
124 installation when a child protective investigation implicating  
125 military personnel has been initiated.

126 (c) Maintaining confidentiality as required under state and



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127 federal law.

128 Section 4. Paragraph (b) of subsection (1) of section  
129 39.401, Florida Statutes, is amended to read:

130 39.401 Taking a child alleged to be dependent into custody;  
131 law enforcement officers and authorized agents of the  
132 department.—

133 (1) A child may only be taken into custody:

134 (b) By a law enforcement officer, or an authorized agent of  
135 the department, if the officer or authorized agent has probable  
136 cause to support a finding that the:

137 1. ~~That the~~ Child has been abused, neglected, or abandoned,  
138 or is suffering from or is in imminent danger of illness or  
139 injury as a result of abuse, neglect, or abandonment;

140 2. Child is the subject of a court order to take the child  
141 into the custody of the department;

142 ~~3.2. That the~~ Parent or legal custodian of the child has  
143 materially violated a condition of placement imposed by the  
144 court; or

145 ~~4.3. That the~~ Child has no parent, legal custodian, or  
146 responsible adult relative immediately known and available to  
147 provide supervision and care.

148 Section 5. Subsection (4) of section 39.5075, Florida  
149 Statutes, is amended to read:

150 39.5075 Citizenship or residency status for immigrant  
151 children who are dependents.—

152 (4) If the child may be eligible for special immigrant  
153 juvenile status, the department or community-based care provider  
154 may shall petition the court for an order finding that the child  
155 meets the criteria for special immigrant juvenile status. The



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156 ruling of the court on this petition must include findings as to  
157 the express wishes of the child, if the child is able to express  
158 such wishes, and any other circumstances that would affect  
159 whether the best interests of the child would be served by  
160 applying for special immigrant juvenile status. An order finding  
161 that a child meets the criteria for special immigrant juvenile  
162 status may be issued only upon a petition filed by the  
163 department or a community-based care provider under this  
164 section.

165 Section 6. Effective January 1, 2026, section 39.5077,  
166 Florida Statutes, is created to read:

167 39.5077 Unaccompanied alien children.—

168 (1) For purposes of this section, the term "unaccompanied  
169 alien child" means a child who has no lawful immigration status  
170 in the United States, has not attained 18 years of age, and with  
171 respect to whom:

172 (a) There is no parent or legal guardian in the United  
173 States; or

174 (b) No parent or legal guardian in the United States is  
175 available to provide care and physical custody.

176 (2) (a) Any natural person who obtains or has obtained  
177 physical custody of an unaccompanied alien child through a  
178 corporation, public or private agency other than the department,  
179 or person other than the child's biological or adoptive parent,  
180 legal guardian, or court-appointed custodian; who retains such  
181 physical custody of the child for 10 or more consecutive days;  
182 and who is not the biological or adoptive parent, legal  
183 guardian, or court-appointed custodian of the child, must report  
184 such physical custody to the department and initiate proceedings



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185 under chapter 63, chapter 744, or chapter 751 to determine legal  
186 custody of the child.

187 (b)1. A person who obtains custody of an unaccompanied  
188 alien child on or after January 1, 2026, must comply with this  
189 subsection within 30 days after obtaining physical custody of  
190 such child.

191 2. A person who obtains custody of an unaccompanied alien  
192 child before January 1, 2026, must comply with this subsection  
193 within 90 days after January 1, 2026.

194 (3) (a) Any natural person who obtains or has obtained  
195 physical custody of an unaccompanied alien child through a  
196 corporation, a public or private agency other than the  
197 department, or any other person and who is the biological or  
198 adoptive parent, legal guardian, or court-appointed custodian of  
199 the child must verify his or her relationship to the child by  
200 submitting to the department a DNA test or other adequate  
201 documentation as determined by the department. The cost of DNA  
202 testing is borne by the person verifying his or her relationship  
203 to the child.

204 (b)1. A person who obtains custody of an unaccompanied  
205 alien child on or after January 1, 2026, must comply with this  
206 subsection within 30 days after obtaining physical custody of  
207 such child.

208 2. A person who obtains custody of an unaccompanied alien  
209 child before January 1, 2026, must comply with this subsection  
210 within 90 days after January 1, 2026.

211 (4) An entity that takes placement of or transfers, or  
212 assists in the transfer of, physical custody of an unaccompanied  
213 alien child to any natural person or entity must report to the



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214 department within 30 days after such placement or transfer all  
215 identifying information of the unaccompanied alien child and the  
216 natural person or entity that received such placement or  
217 transfer of physical custody of the child. An entity that takes  
218 placement of or transfers, or assists in the transfer of,  
219 physical custody of an unaccompanied alien child must attest to  
220 notifying the natural person or entity obtaining physical  
221 custody of the child of all applicable requirements of this  
222 section.

223 (5) A natural person or an entity that willfully violates  
224 subsections (2) and (3) commits a felony of the third degree,  
225 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
226 If the natural person or entity is convicted, the court shall  
227 impose a fine of \$1,000 on the natural person or a fine of  
228 \$10,000 on an entity.

229 (6) If the department believes that a natural person or an  
230 entity has failed to report as required by this section, the  
231 department must notify in writing such person or entity of the  
232 obligation to report and the requirements of this section.

233 (7) The department shall notify local law enforcement, the  
234 Office of Refugee Resettlement, and Immigration and Customs  
235 Enforcement if a natural person or an entity fails to report  
236 information required under this section within 30 days after  
237 receipt of the written notification required in subsection (6).

238 (8) The department may adopt rules to implement this  
239 section, including rules relating to:

240 (a) The specific information that must be reported to the  
241 department.

242 (b) Verifying biological or adoptive parentage, legal



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243 guardianship, or court-appointed custody as required under  
244 subsections (2) and (3).

245 (c) The creation of forms for all reports required under  
246 this section.

247 (9) A natural person or an entity that is involved with or  
248 interacts with an unaccompanied alien child and suspects abuse,  
249 abandonment, or neglect of such child must immediately submit a  
250 report to the central abuse hotline.

251 Section 7. Paragraph (h) of subsection (1) of section  
252 39.905, Florida Statutes, is amended to read:

253 39.905 Domestic violence centers.—

254 (1) Domestic violence centers certified under this part  
255 must:

256 (h) Demonstrate local need and ability to sustain  
257 operations through a history of 18 consecutive months' operation  
258 as a domestic violence center, including 12 months' operation of  
259 an emergency shelter as provided in paragraph (c), and a  
260 business plan which addresses future operations and funding of  
261 future operations. The department may waive this requirement if  
262 there is an emergency need for a new domestic violence center to  
263 provide services in an area, and no other viable options exist  
264 to ensure continuity of services. If there is an emergency need,  
265 the department may issue a provisional certification to the  
266 domestic violence center as long as the center meets all other  
267 criteria in this subsection. The department may adopt rules to  
268 provide minimum standards for a provisional certificate,  
269 including increased monitoring and site visits and the time  
270 period such certificate is valid.

271 Section 8. Paragraphs (a) and (b) of subsection (1) of



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272 section 125.901, Florida Statutes, are amended to read:

273 125.901 Children's services; independent special district;  
274 council; powers, duties, and functions; public records  
275 exemption.—

276 (1) Each county may by ordinance create an independent  
277 special district, as defined in ss. 189.012 and 200.001(8)(e),  
278 to provide funding for children's services throughout the county  
279 in accordance with this section. The boundaries of such district  
280 shall be coterminous with the boundaries of the county. The  
281 county governing body shall obtain approval at a general  
282 election, as defined in s. 97.021, by a majority vote of those  
283 electors voting on the question, to annually levy ad valorem  
284 taxes which shall not exceed the maximum millage rate authorized  
285 by this section. Any district created pursuant to the provisions  
286 of this subsection shall be required to levy and fix millage  
287 subject to the provisions of s. 200.065. Once such millage is  
288 approved by the electorate, the district shall not be required  
289 to seek approval of the electorate in future years to levy the  
290 previously approved millage. However, a referendum to increase  
291 the millage rate previously approved by the electors must be  
292 held at a general election, and the referendum may be held only  
293 once during the 48-month period preceding the effective date of  
294 the increased millage.

295 (a) The governing body of the district shall be a council  
296 on children's services, which may also be known as a juvenile  
297 welfare board or similar name as established in the ordinance by  
298 the county governing body. Such council shall consist of 10  
299 members, including the superintendent of schools; a local school  
300 board member; a representative ~~the district administrator~~ from





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301 the appropriate district of the Department of Children and  
302 Families, or his or her designee who is a member of the Senior  
303 Management Service or of the Selected Exempt Service; one member  
304 of the county governing body; and the judge assigned to juvenile  
305 cases who shall sit as a voting member of the board, except that  
306 said judge shall not vote or participate in the setting of ad  
307 valorem taxes under this section. If there is more than one  
308 judge assigned to juvenile cases in a county, the chief judge  
309 shall designate one of said juvenile judges to serve on the  
310 board. The remaining five members shall be appointed by the  
311 Governor, and shall, to the extent possible, represent the  
312 demographic make up diversity of the population of the county.  
313 After soliciting recommendations from the public, The county  
314 governing body shall submit to the Governor recommendations ~~the~~  
315 ~~names of at least three persons~~ for each vacancy occurring among  
316 the five members appointed by the Governor, and the Governor may  
317 ~~shall~~ appoint members to the council from the candidates  
318 nominated by the county governing body. The Governor shall make  
319 a selection within a 45-day period, if the governor fails to  
320 make an appointment within the 45-day period the county  
321 governing body may select an interim appointment for each  
322 vacancy from the recommendations submitted to the governor ~~or~~  
323 ~~request a new list of candidates~~. All members recommended by the  
324 county governing body and appointed by the Governor must ~~shall~~  
325 have been residents of the county for the previous 24-month  
326 period. Such members shall be appointed for 4-year terms, except  
327 that the length of the terms of the initial appointees shall be  
328 adjusted to stagger the terms. The Governor may remove a member  
329 for cause or upon the written petition of the county governing



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330 body. If any of the members of the council required to be  
331 appointed by the Governor under ~~the provisions of this~~  
332 subsection resigns, dies, or is removed from office ~~shall~~  
333 ~~resign, die, or be removed from office~~, the vacancy thereby  
334 created shall, as soon as practicable, be filled by appointment  
335 by the Governor, using the same method as the original  
336 appointment, and such appointment to fill a vacancy shall be for  
337 the unexpired term of the person who resigns, dies, or is  
338 removed from office.

339 (b) However, any county as defined in s. 125.011(1) may  
340 instead have a governing body consisting of 33 members,  
341 including the superintendent of schools, or his or her designee;  
342 two representatives of public postsecondary education  
343 institutions located in the county; the county manager or the  
344 equivalent county officer; the district administrator from the  
345 appropriate district of the Department of Children and Families,  
346 or the administrator's designee who is a member of the Senior  
347 Management Service or the Selected Exempt Service; the director  
348 of the county health department or the director's designee; the  
349 state attorney for the county or the state attorney's designee;  
350 the chief judge assigned to juvenile cases, or another juvenile  
351 judge who is the chief judge's designee and who shall sit as a  
352 voting member of the board, except that the judge may not vote  
353 or participate in setting ad valorem taxes under this section;  
354 an individual who is selected by the board of the local United  
355 Way or its equivalent; a member of a locally recognized faith-  
356 based coalition, selected by that coalition; a member of the  
357 local chamber of commerce, selected by that chamber or, if more  
358 than one chamber exists within the county, a person selected by



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359 a coalition of the local chambers; a member of the early  
360 learning coalition, selected by that coalition; a representative  
361 of a labor organization or union active in the county; a member  
362 of a local alliance or coalition engaged in cross-system  
363 planning for health and social service delivery in the county,  
364 selected by that alliance or coalition; a member of the local  
365 Parent-Teachers Association/Parent-Teacher-Student Association,  
366 selected by that association; a youth representative selected by  
367 the local school system's student government; a local school  
368 board member appointed by the chair of the school board; the  
369 mayor of the county or the mayor's designee; one member of the  
370 county governing body, appointed by the chair of that body; a  
371 member of the state Legislature who represents residents of the  
372 county, selected by the chair of the local legislative  
373 delegation; an elected official representing the residents of a  
374 municipality in the county, selected by the county municipal  
375 league; and 4 members-at-large, appointed to the council by the  
376 majority of sitting council members. The remaining seven members  
377 shall be appointed by the Governor in accordance with procedures  
378 set forth in paragraph (a), except that the Governor may remove  
379 a member for cause or upon the written petition of the council.  
380 Appointments by the Governor must, to the extent reasonably  
381 possible, represent the geographic and demographic make up  
382 ~~diversity~~ of the population of the county. Members who are  
383 appointed to the council by reason of their position are not  
384 subject to the length of terms and limits on consecutive terms  
385 as provided in this section. The remaining appointed members of  
386 the governing body shall be appointed to serve 2-year terms,  
387 except that those members appointed by the Governor shall be



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388 appointed to serve 4-year terms, and the youth representative  
389 and the legislative delegate shall be appointed to serve 1-year  
390 terms. A member may be reappointed; however, a member may not  
391 serve for more than three consecutive terms. A member is  
392 eligible to be appointed again after a 2-year hiatus from the  
393 council.

394 Section 9. Subsection (2) of section 402.305, Florida  
395 Statutes, is amended to read:

396 402.305 Licensing standards; child care facilities.—

397 (2) PERSONNEL.—Minimum standards for child care personnel  
398 shall include minimum requirements as to:

399 (a) Good moral character based upon screening as defined in  
400 s. 402.302(15). This screening shall be conducted as provided in  
401 chapter 435, using the level 2 standards for screening set forth  
402 in that chapter, and include employment history checks, a search  
403 of criminal history records, sexual predator and sexual offender  
404 registries, and child abuse and neglect registry of any state in  
405 which the current or prospective child care personnel resided  
406 during the preceding 5 years.

407 (b) Fingerprint submission for child care personnel, which  
408 shall comply with s. 435.12.

409 ~~(c) The department may grant exemptions from~~  
410 ~~disqualification from working with children or the~~  
411 ~~developmentally disabled as provided in s. 435.07.~~

412 (c) ~~(d)~~ Minimum age requirements. Such minimum standards  
413 shall prohibit a person under the age of 21 from being the  
414 operator of a child care facility and a person under the age of  
415 16 from being employed at such facility unless such person is  
416 under direct supervision and is not counted for the purposes of



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417 computing the personnel-to-child ratio.

418 (d)~~(e)~~ Minimum training requirements for child care  
419 personnel.

420 1. Such minimum standards for training shall ensure that  
421 all child care personnel take an approved 40-clock-hour  
422 introductory course in child care, which course covers at least  
423 the following topic areas:

424 a. State and local rules and regulations which govern child  
425 care.

426 b. Health, safety, and nutrition.

427 c. Identifying and reporting child abuse and neglect.

428 d. Child development, including typical and atypical  
429 language, cognitive, motor, social, and self-help skills  
430 development.

431 e. Observation of developmental behaviors, including using  
432 a checklist or other similar observation tools and techniques to  
433 determine the child's developmental age level.

434 f. Specialized areas, including computer technology for  
435 professional and classroom use and early literacy and language  
436 development of children from birth to 5 years of age, as  
437 determined by the department, for owner-operators and child care  
438 personnel of a child care facility.

439 g. Developmental disabilities, including autism spectrum  
440 disorder and Down syndrome, and early identification, use of  
441 available state and local resources, classroom integration, and  
442 positive behavioral supports for children with developmental  
443 disabilities.

444  
445 Within 90 days after employment, child care personnel shall



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446 begin training to meet the training requirements. Child care  
447 personnel shall successfully complete such training within 1  
448 year after the date on which the training began, as evidenced by  
449 passage of a competency examination. Successful completion of  
450 the 40-clock-hour introductory course shall articulate into  
451 community college credit in early childhood education, pursuant  
452 to ss. 1007.24 and 1007.25. Exemption from all or a portion of  
453 the required training shall be granted to child care personnel  
454 based upon educational credentials or passage of competency  
455 examinations. Child care personnel possessing a 2-year degree or  
456 higher that includes 6 college credit hours in early childhood  
457 development or child growth and development, or a child  
458 development associate credential or an equivalent state-approved  
459 child development associate credential, or a child development  
460 associate waiver certificate shall be automatically exempted  
461 from the training requirements in sub-subparagraphs b., d., and  
462 e.

463         2. The introductory course in child care shall stress, to  
464 the extent possible, an interdisciplinary approach to the study  
465 of children.

466         3. The introductory course shall cover recognition and  
467 prevention of shaken baby syndrome; prevention of sudden infant  
468 death syndrome; recognition and care of infants and toddlers  
469 with developmental disabilities, including autism spectrum  
470 disorder and Down syndrome; and early childhood brain  
471 development within the topic areas identified in this paragraph.

472         4. On an annual basis in order to further their child care  
473 skills and, if appropriate, administrative skills, child care  
474 personnel who have fulfilled the requirements for the child care



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475 training shall be required to take an additional 1 continuing  
476 education unit of approved inservice training, or 10 clock hours  
477 of equivalent training, as determined by the department.

478 5. Child care personnel shall be required to complete 0.5  
479 continuing education unit of approved training or 5 clock hours  
480 of equivalent training, as determined by the department, in  
481 early literacy and language development of children from birth  
482 to 5 years of age one time. The year that this training is  
483 completed, it shall fulfill the 0.5 continuing education unit or  
484 5 clock hours of the annual training required in subparagraph 4.

485 6. Procedures for ensuring the training of qualified child  
486 care professionals to provide training of child care personnel,  
487 including onsite training, shall be included in the minimum  
488 standards. It is recommended that the state community child care  
489 coordination agencies (central agencies) be contracted by the  
490 department to coordinate such training when possible. Other  
491 district educational resources, such as community colleges and  
492 career programs, can be designated in such areas where central  
493 agencies may not exist or are determined not to have the  
494 capability to meet the coordination requirements set forth by  
495 the department.

496 7. Training requirements shall not apply to certain  
497 occasional or part-time support staff, including, but not  
498 limited to, swimming instructors, piano teachers, dance  
499 instructors, and gymnastics instructors.

500 8. The child care operator shall be required to take basic  
501 training in serving children with disabilities within 5 years  
502 after employment, either as a part of the introductory training  
503 or the annual 8 hours of inservice training.



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504 (e)~~(f)~~ Periodic health examinations.

505 (f)~~(g)~~ A credential for child care facility directors. The  
506 credential shall be a required minimum standard for licensing.

507  
508 The department may grant limited exemptions authorizing a person  
509 to work in a specified role or with a specified population.

510 Section 10. Paragraph (e) is added to subsection (3) of  
511 section 409.145, Florida Statutes, to read:

512 409.145 Care of children; "reasonable and prudent parent"  
513 standard.—The child welfare system of the department shall  
514 operate as a coordinated community-based system of care which  
515 empowers all caregivers for children in foster care to provide  
516 quality parenting, including approving or disapproving a child's  
517 participation in activities based on the caregiver's assessment  
518 using the "reasonable and prudent parent" standard.

519 (3) ROOM AND BOARD RATES.—

520 (e) By July 1, 2026, the department shall, in coordination  
521 with its providers, establish a fee schedule for daily room and  
522 board rates for children in out-of-home care who are placed in a  
523 residential child-caring agency as defined in s. 409.175(2)(1).  
524 The fee schedule may include different payment rates based on  
525 factors including, but not limited to, the acuity level of the  
526 child being placed and the geographic location of the  
527 residential child-caring agency. The department shall adopt  
528 rules to implement this paragraph.

529 Section 11. Paragraph (b) of subsection (5), subsection  
530 (7), and paragraph (e) of subsection (14) of section 409.175,  
531 Florida Statutes, are amended to read:

532 409.175 Licensure of family foster homes, residential





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533 child-caring agencies, and child-placing agencies; public  
534 records exemption.—

535 (5) The department shall adopt and amend rules for the  
536 levels of licensed care associated with the licensure of family  
537 foster homes, residential child-caring agencies, and child-  
538 placing agencies. The rules may include criteria to approve  
539 waivers to licensing requirements when applying for a child-  
540 specific license.

541 (b) The requirements for licensure and operation of family  
542 foster homes, residential child-caring agencies, and child-  
543 placing agencies shall include:

544 1. The operation, conduct, and maintenance of these homes  
545 and agencies and the responsibility which they assume for  
546 children served and the evidence of need for that service.

547 2. The provision of food, clothing, educational  
548 opportunities, services, equipment, and individual supplies to  
549 assure the healthy physical, emotional, and mental development  
550 of the children served.

551 3. The appropriateness, safety, cleanliness, and general  
552 adequacy of the premises, including fire prevention and health  
553 standards, to provide for the physical comfort, care, and well-  
554 being of the children served.

555 4. The ratio of staff to children required to provide  
556 adequate care and supervision of the children served and, in the  
557 case of family foster homes, the maximum number of children in  
558 the home.

559 5. The good moral character based upon screening,  
560 education, training, and experience requirements for personnel  
561 and family foster homes.



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562           ~~6. The department may grant exemptions from~~  
563 ~~disqualification from working with children or the~~  
564 ~~developmentally disabled as provided in s. 435.07.~~

565           ~~6.7.~~ The provision of preservice and inservice training for  
566 all foster parents and agency staff.

567           ~~7.8.~~ Satisfactory evidence of financial ability to provide  
568 care for the children in compliance with licensing requirements.

569           ~~8.9.~~ The maintenance by the agency of records pertaining to  
570 admission, progress, health, and discharge of children served,  
571 including written case plans and reports to the department.

572           ~~9.10.~~ The provision for parental involvement to encourage  
573 preservation and strengthening of a child's relationship with  
574 the family.

575           ~~10.11.~~ The transportation safety of children served.

576           ~~11.12.~~ The provisions for safeguarding the cultural,  
577 religious, and ethnic values of a child.

578           ~~12.13.~~ Provisions to safeguard the legal rights of children  
579 served.

580           ~~13.14.~~ Requiring signs to be conspicuously placed on the  
581 premises of facilities maintained by child-caring agencies to  
582 warn children of the dangers of human trafficking and to  
583 encourage the reporting of individuals observed attempting to  
584 engage in human trafficking activity. The signs must advise  
585 children to report concerns to the local law enforcement agency  
586 or the Department of Law Enforcement, specifying the appropriate  
587 telephone numbers used for such reports. The department shall  
588 specify, at a minimum, the content of the signs by rule.

589  
590 The department may grant limited exemptions authorizing a person



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591 to work in a specified role or with a specified population.

592 (7) The department may extend a license expiration date  
593 once for a period of up to 90 ~~30~~ days to allow for the  
594 implementation of corrective measures. However, the department  
595 may not extend a license expiration date more than once during a  
596 licensure period.

597 (14)

598 (e)1. In addition to any other preservice training required  
599 by law, foster parents, as a condition of licensure, and agency  
600 staff must successfully complete preservice training related to  
601 human trafficking which must be uniform statewide and must  
602 include, but need not be limited to, all of the following:

603 a. Basic information on human trafficking, such as an  
604 understanding of relevant terminology, and the differences  
605 between sex trafficking and labor trafficking. ~~†~~

606 b. Factors and knowledge on identifying children at risk of  
607 human trafficking. ~~† and~~

608 c. Steps that should be taken to prevent at-risk youths  
609 from becoming victims of human trafficking.

610 2. Foster parents, before licensure renewal, and agency  
611 staff, during each full year of employment, must complete  
612 inservice training related to human trafficking to satisfy the  
613 training requirement under subparagraph (5)(b)6 ~~(5)(b)7~~.

614 Section 12. Paragraph (b) of subsection (3) of section  
615 409.993, Florida Statutes, is redesignated as paragraph (c), and  
616 paragraph (b) is added to that subsection, to read:

617 409.993 Lead agencies and subcontractor liability.—

618 (3) SUBCONTRACTOR LIABILITY.—

619 (b) A subcontractor of a lead agency that is a direct



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620 provider of foster care and related services is not liable for  
621 the acts or omissions of the lead agency; the department; or the  
622 officers, agents, or employees of the lead agency or the  
623 department. Any provision in a contract between a subcontractor  
624 and a lead agency which is in conflict with this paragraph is  
625 void and unenforceable.

626 Section 13. Paragraph (c) is added to subsection (20) of  
627 section 553.73, Florida Statutes, to read:

628 553.73 Florida Building Code.—

629 (20) The Florida Building Commission may not:

630 (c) Mandate the installation of fire sprinklers or a fire  
631 suppression system in a residential child-caring agency licensed  
632 by the Department of Children and Families under s. 409.175  
633 which operates in a single-family residential property that is  
634 licensed for a capacity of five or fewer children who are  
635 unrelated to the licensee.

636 Section 14. Subsection (12) is added to section 633.208,  
637 Florida Statutes, to read:

638 633.208 Minimum firesafety standards.—

639 (12) Notwithstanding subsection (8), a residential child-  
640 caring agency licensed by the Department of Children and  
641 Families under s. 409.175 which operates in a single-family  
642 residential property that is licensed for a capacity of five or  
643 fewer children who are unrelated to the licensee is not required  
644 to install fire sprinklers or a fire suppression system as long  
645 as the licensee meets the requirements for portable fire  
646 extinguishers, fire alarms, and smoke detectors under this  
647 chapter.

648 Section 15. Subsection (3) of section 937.0201, Florida



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649 Statutes, is amended to read:

650 937.0201 Definitions.—As used in this chapter, the term:

651 (3) “Missing child” means a person younger than 18 years of  
652 age whose temporary or permanent residence is in, or is believed  
653 to be in, this state, whose location has not been determined,  
654 and who has been reported as missing to a law enforcement  
655 agency. The term includes a child who is the subject of a court  
656 order to take the child into the custody of the Department of  
657 Children and Families.

658 Section 16. Subsection (3) of section 937.021, Florida  
659 Statutes, is amended, and subsection (9) is added to that  
660 section, to read:

661 937.021 Missing child and missing adult reports.—

662 (3) A report that a child or adult is missing must be  
663 accepted by and filed with the law enforcement agency having  
664 jurisdiction in the county or municipality in which the child or  
665 adult was last seen. The filing and acceptance of the report  
666 imposes the duties specified in this section upon the law  
667 enforcement agency receiving the report. This subsection does  
668 not preclude a law enforcement agency from accepting a missing  
669 child or missing adult report when agency jurisdiction cannot be  
670 determined. If agency jurisdiction cannot be determined for  
671 cases in which there is a child who is the subject of a court  
672 order to take the child into the custody of the Department of  
673 Children and Families, the sheriff’s office of the county in  
674 which the court order was entered must take jurisdiction.

675 Section 17. Section 402.30501, Florida Statutes, is amended  
676 to read:

677 402.30501 Modification of introductory child care course



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678 for community college credit authorized.—The Department of  
679 Children and Families may modify the 40-clock-hour introductory  
680 course in child care under s. 402.305 or s. 402.3131 to meet the  
681 requirements of articulating the course to community college  
682 credit. Any modification must continue to provide that the  
683 course satisfies the requirements of s. 402.305(2)(d) ~~s.~~  
684 ~~402.305(2)(e)~~.

685 Section 18. Subsections (3) and (4) of section 1002.57,  
686 Florida Statutes, are amended to read:

687 1002.57 Prekindergarten director credential.—

688 (3) The prekindergarten director credential must meet or  
689 exceed the requirements of the Department of Children and  
690 Families for the child care facility director credential under  
691 s. 402.305(2)(f) ~~s. 402.305(2)(g)~~, and successful completion of  
692 the prekindergarten director credential satisfies these  
693 requirements for the child care facility director credential.

694 (4) The department shall, to the maximum extent  
695 practicable, award credit to a person who successfully completes  
696 the child care facility director credential under s.

697 402.305(2)(f) ~~s. 402.305(2)(g)~~ for those requirements of the  
698 prekindergarten director credential which are duplicative of  
699 requirements for the child care facility director credential.

700 Section 19. Subsection (1) of section 1002.59, Florida  
701 Statutes, is amended to read:

702 1002.59 Emergent literacy and performance standards  
703 training courses.—

704 (1) The department, in collaboration with the Just Read,  
705 Florida! Office, shall adopt minimum standards for courses in  
706 emergent literacy for prekindergarten instructors. Each course



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707 must consist of 5 clock hours and provide instruction in  
708 strategies and techniques to address the age-appropriate  
709 progress of prekindergarten students in developing emergent  
710 literacy skills, including oral communication, knowledge of  
711 print and letters, phonological and phonemic awareness,  
712 vocabulary and comprehension development, and foundational  
713 background knowledge designed to correlate with the content that  
714 students will encounter in grades K-12, consistent with the  
715 evidence-based content and strategies grounded in the science of  
716 reading identified pursuant to s. 1001.215(7). The course  
717 standards must be reviewed as part of any review of subject  
718 coverage or endorsement requirements in the elementary, reading,  
719 and exceptional student educational areas conducted pursuant to  
720 s. 1012.586. Each course must also provide resources containing  
721 strategies that allow students with disabilities and other  
722 special needs to derive maximum benefit from the Voluntary  
723 Prekindergarten Education Program. Successful completion of an  
724 emergent literacy training course approved under this section  
725 satisfies requirements for approved training in early literacy  
726 and language development under ss. 402.305(2)(d)5. ~~ss.~~  
727 ~~402.305(2)(e)5.,~~ 402.313(6), and 402.3131(5).

728 Section 20. Except as otherwise expressly provided in this  
729 act, this act shall take effect July 1, 2025.

730  
731 ===== T I T L E A M E N D M E N T =====

732 And the title is amended as follows:

733 Delete everything before the enacting clause  
734 and insert:

735 A bill to be entitled



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736 An act relating to child welfare; amending s. 16.56,  
737 F.S.; authorizing the Office of Statewide Prosecution  
738 in the Department of Legal Affairs to investigate and  
739 prosecute specified violations; amending s. 39.01,  
740 F.S.; revising the definition of the term "child who  
741 is found to be dependent"; defining the term "legal  
742 custodian"; creating s. 39.3011, F.S.; defining the  
743 term "Family Advocacy Program"; requiring the  
744 department to enter into agreements with certain  
745 military installations for child protective  
746 investigations involving military families; providing  
747 requirements for such agreements; amending s. 39.401,  
748 F.S.; authorizing a law enforcement officer or an  
749 authorized agent of the department to take a child  
750 into custody who is the subject of a specified court  
751 order; amending s. 39.5075, F.S.; authorizing, rather  
752 than requiring, the department or a community-based  
753 care provider to petition the court for a specified  
754 order; providing that a certain order may be issued  
755 only if a certain petition is filed by specified  
756 entities; creating s. 39.5077, F.S.; defining the term  
757 "unaccompanied alien child"; requiring any natural  
758 person who meets certain criteria to submit a  
759 specified report with the department; requiring such  
760 report be submitted within a specified time period;  
761 requiring any natural person who meets certain  
762 criteria to verify his or her relationship with an  
763 unaccompanied alien child in certain ways; requiring  
764 the person verifying his or her relationship with such





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765 child to pay for DNA testing; requiring such person to  
766 verify his or her relationship within a specified time  
767 period; requiring certain entities to submit a  
768 specified report to the department within a specified  
769 time period; requiring a specified attestation;  
770 providing criminal penalties and civil fines;  
771 requiring the department to notify certain persons or  
772 entities of certain requirements; requiring the  
773 department to notify law enforcement, the Office of  
774 Refugee Resettlement, and Immigration and Customs  
775 Enforcement under certain circumstances; authorizing  
776 the department to adopt certain rules; requiring  
777 certain persons or entities to submit a report to the  
778 central abuse hotline under certain circumstances;  
779 amending s. 39.905, F.S.; authorizing the department  
780 to waive a specified requirement if there is an  
781 emergency need for a new domestic violence center, to  
782 issue a provisional certification to such center under  
783 certain circumstances, and to adopt rules relating to  
784 provisional certifications; amending s. 125.901, F.S.;  
785 revising membership requirements for certain  
786 independent special districts; amending s. 402.305,  
787 F.S.; authorizing the department to grant certain  
788 exemptions from disqualification for certain persons;  
789 amending s. 409.145, F.S.; requiring the department to  
790 establish a fee schedule for daily room and board  
791 rates for certain children by a date certain, which  
792 may include different rates based on a child's acuity  
793 level or the geographic location of the residential



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794 child-caring agency; requiring the department to adopt  
795 rules; amending s. 409.175, F.S.; authorizing the  
796 department to grant certain exemptions from  
797 disqualification for certain persons; authorizing the  
798 department to extend the expiration date of a license  
799 by a specified amount of time for a certain purpose;  
800 amending s. 409.993, F.S.; specifying that  
801 subcontractors of lead agencies that are direct  
802 providers of foster care and related services are not  
803 liable for the acts or omissions of the lead agency  
804 and related persons or the Department of Children and  
805 Families and related persons amending s. 553.73, F.S.;  
806 prohibiting the Florida Building Commission from  
807 mandating the installation of fire sprinklers or a  
808 fire suppression system in certain agencies licensed  
809 by the department; amending s. 633.208, F.S.;  
810 providing that certain residential child-caring  
811 agencies are not required to install fire sprinklers  
812 or a fire suppression system under certain  
813 circumstances; amending s. 937.0201, F.S.; revising  
814 the definition of the term "missing child"; amending  
815 s. 937.021, F.S.; specifying the entity with  
816 jurisdiction for accepting missing child reports under  
817 certain circumstances; amending ss. 402.30501,  
818 1002.57, and 1002.59, F.S.; conforming cross-  
819 references; providing effective dates.