

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.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/CS/SB 1626

INTRODUCER: Fiscal Policy Committee; Appropriations Committee on Health and Human Services;
Children, Families, and Elder Affairs Committee; and Senator Grall

SUBJECT: Child Welfare

DATE: April 3, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rao</u>	<u>Tuszynski</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Sneed</u>	<u>McKnight</u>	<u>AHS</u>	<u>Fav/CS</u>
3.	<u>Rao</u>	<u>Siples</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1626 creates a new section of law to require the Department of Children and Families (DCF) to enter into agreements with the federal 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.

The bill requires the DCF to adopt rules that allow caretakers to schedule and facilitate medical appointments to ensure the continuity of psychotropic medication prescriptions.

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 grants 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 licensure extension period for certain child care facilities from 30 days to 90 days. The bill requires the DCF to establish a methodology for determining daily room and board rates for residential child-caring agencies.

The bill exempts a subcontractor of a Community-Based Care (CBC) lead agency that is a direct provider of foster care and related services from liability due to the acts or omissions of the lead agency; the DCF; or the officers of the lead agency or the DCF. The bill deems any conflicting provision in a contract between a subcontractor and lead agency is void and unenforceable.

The bill clarifies fire suppression requirements for child-caring agencies.

The bill has no fiscal impact on state expenditures or revenues. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025, except as 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:

Background

The Dependency System Process

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.¹

¹ See, Chapter 39, F.S.

Central Abuse Hotline

The DCF is required to operate and maintain a central abuse hotline (hotline)² to receive reports of known or suspected instances of child abuse,³ abandonment,⁴ or neglect,⁵ or instances when a child does not have a parent, legal custodian, or adult relative available to provide supervision and care.⁶ 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.⁷

Child Protective Investigations

If the hotline determines a report meets the statutory criteria for child abuse, abandonment, or neglect, a DCF child protective investigator must complete a child protective investigation.⁸ 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.⁹

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.

² 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.

³ 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.

⁴ 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.

⁵ 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.

⁶ Section 39.201(1), F.S.

⁷ Section 39.101(1), F.S.

⁸ 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.

⁹ Section 39.301, F.S.

- 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.¹⁰

Dependency Proceeding	Description of Process	Controlling Statute(s)
Removal	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.
Shelter Hearing	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.
Petition for Dependency	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.
Arraignment Hearing and Shelter Review	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.
Adjudicatory Trial	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.
Disposition Hearing	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 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.	s. 39.506, F.S. s. 39.521, F.S.
Postdisposition Change of Custody Hearing	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.

¹⁰ 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)
Judicial Review Hearings	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.
Permanency Hearings	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.
Petition for Termination of Parental Rights	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.
Advisory Hearing	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.
Adjudicatory Hearing	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 is found by the court to be:

- Abandoned, abused, or neglected by the child's parent or parents or legal custodians;
- Surrendered to the DCF, the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption;
- 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 expired and the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;
- Without a parent or legal custodian capable of providing supervision and care;
- At substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians; or
- 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.¹¹

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.¹² At an

¹¹ Section 39.01(15), F.S.

¹² Section 39.501, F.S.

adjudicatory hearing, a judge will determine whether or not the facts support the allegations stated in the petition for dependency.¹³ A preponderance of evidence in the petition for dependency is required to establish the child as dependent.¹⁴

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.¹⁵ The states have memorandums of understanding (MOUs) to create precedence of information sharing.¹⁶

Family Advocacy Program

Family Advocacy Programs (FAP) are congressionally mandated programs that aim to prevent and respond to reports of child abuse in military families.¹⁷ They are located at every military installation that houses families, both within and outside the United States.¹⁸

In Federal Fiscal Year (FFY) 2023, FAP received 11,854 reports of suspected child abuse and neglect.¹⁹ Of the total reports, 5,812 reports met the criteria for child abuse and neglect.²⁰ Upon a substantiated 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.²¹

Effect of Proposed Changes

Section 1 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.

¹³ Section 39.01(4), F.S.

¹⁴ Section 39.507, F.S.

¹⁵ 10 U.S.C. Ch. 88

¹⁶ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 9, on file with the Senate Committee on Children, Families, and Elder Affairs.

¹⁷ 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).

¹⁸ 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).

¹⁹ 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 FFY 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).

²⁰ *Id.*

²¹ 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).

The bill requires each agreement to include procedures for the following:

- Identifying the military personnel alleged to have committed the child abuse, abandonment, or neglect.
- 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 finding²²:

- 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.²³ 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.²⁴

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.²⁵ These orders are often referred to as Take Into Custody Orders (TICO) and allow law enforcement to assist the DCF in executing the court order.

Effect of Proposed Changes

Section 2 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 12 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.

²² Section 39.401, F.S.

²³ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 5, on file with the Senate Committee on Children, Families, and Elder Affairs.

²⁴ *Id.*

²⁵ *Id.*

Section 13 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.

Psychotropic Medications for Children in the Child Welfare System

Present Situation

Psychotropic medication refers to any medication prescribed with the intent to stabilize or improve mood, mental status, behavioral symptomatology, or mental illness and substances that may be prescribed to treat other medical conditions, but alter brain chemistry.²⁶ The following medications are considered psychotropic medications:²⁷

- Antipsychotics;
- Antidepressants;
- Sedative Hypnotics;
- Lithium;
- Stimulants;
- Non-stimulant Attention Deficit Hyperactivity Disorder medication;
- Anti-dementia medications and cognitions enhances; and
- Anticonvulsants.

In the early 2000s, reports began to circulate that children in the child welfare system were being prescribed psychotropic medications at a disproportionate rate when compared to children not in the child welfare system.²⁸ Thus, states examined the procedures for prescribing children psychotropic medication while in out-of-home care.

In 2005, the Florida Legislature created statutory procedures that allowed the DCF to provide children with psychotropic medications.²⁹ The Legislature created different sets of procedures for initiating psychotropic medication for children that were not taking psychotropic medication at the time of removal, and children that had a current prescription for psychotropic medication at the time of removal.³⁰

As of March 27, 2025, there were 2,387 children in out-of-home care that had one or more current prescriptions for psychotropic medication.³¹

²⁶ 65C-35.001, F.A.C.

²⁷ *Id.*

²⁸ National Library of Medicine, *State Variation in Psychotropic Medication Use by Foster Care Children with Autism Spectrum Disorder*, doi: 10.1542/peds.2008-3713 (last visited 4/3/25).

²⁹ Chapter 2005-65, L.O.F.

³⁰ Chapter 2005-65, L.O.F.

³¹ Florida Department of Children and Families, *Psychotropic Medications Report for Children in Out-of-Home Care with One or More Current Prescriptions for a Psychotropic Medication*, available at: <https://www.myflfamilies.com/sites/default/files/2025-04/MedsReport%202025-03-28.pdf> (last visited 4/3/25).

Initiating the Prescription of Psychotropic Medications to a Child in Out-of-Home Care

When a CPI takes a child into the custody of the DCF, the CPI is required to ascertain if the child is taking psychotropic medications.³² If the child is not currently on psychotropic medication but an assessment of the child determines the need for such medication, a prescribing physician or psychiatric nurse³³ may prescribe the child psychotropic medications, providing certain conditions are met.³⁴ The physician or psychiatric nurse is required to consider alternate treatment interventions and assess the child's prior health conditions to determine if the prescription of psychotropic medication is an appropriate treatment.³⁵ Additionally, the prescribing physician or psychiatric nurse must attempt to obtain express and informed consent³⁶ from the child's parent or legal guardian before prescribing the psychotropic medication.³⁷ Child protective staff and the prescribing physician or psychiatric nurse are required make efforts to involve the parents, legal guardians, the child, and the child's caregiver in out-of-home placement during the treatment of the child.³⁸

The DCF may seek court authorization to provide psychotropic medications to a child if the parental rights of the parent have been terminated, the parent's location or identity is unknown and cannot be reasonably ascertained, or the parent declines to give express and informed consent.³⁹

Continuity of Psychotropic Medication Prescription

If a child taken into the custody of the DCF is currently taking psychotropic medications, the CPI is required to determine the following:⁴⁰

- The purpose of the medication;
- The name and phone number of the prescribing physician or psychiatric nurse;
- The dosage;
- Instructions regarding administration (e.g., timing, whether to administer with food); and
- Any other relevant information.

Florida law details the process that the DCF must take to obtain authorization to continue the provision of psychotropic medications to a child removed from his or her home.⁴¹ Additionally, once the DCF has obtained this authorization, the DCF has administrative rules to ensure that

³² 65C-35.006, F.A.C.

³³ For use in this section, a "psychiatric nurse" uses the definition in s. 394.455, F.S. to refer to an advanced practice registered nurse licensed under s. 464.012, F.S. who has a master's or doctoral degree in psychiatric nursing and holds a national advanced practice certification as a psychiatric mental health advanced practice nurse, and has 1 year of post-master's clinical experience under the supervision of a physician.

³⁴ 65C-35.002, F.A.C. and 65C-35.006, F.A.C.

³⁵ 65C-35.002, F.A.C.

³⁶ Express and informed consent refers to consent voluntarily given in writing, by a competent person, after sufficient explanation and disclosure of the subject matter involved to enable the person to make a knowing and willful decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion. *See* Section 394.455(16), F.S.

³⁷ Section 39.407, F.S.

³⁸ 65C-35.003-65C-35.005, F.A.C. *See also* Section 409.407(3)(a)1., F.S.

³⁹ Section 39.407(3)(a)1., F.S.

⁴⁰ 65C-35.006, F.A.C.

⁴¹ Section 39.407(3), F.S.

children receive timely access to clinically appropriate psychotropic medications.⁴² Current law requires these rules to include, but need not be limited to, the following:⁴³

- The process for determining which adjunctive services are needed;
- The uniform process for facilitating the prescribing physician's or psychiatric nurse's ability to obtain the express and informed consent of a child's parent or guardian;
- The procedures for obtaining court authorization for the provision of a psychotropic medication;
- The frequency of medical monitoring and reporting on the status of the child to the court;
- How the child's parents will be involved in the treatment-planning process if their parental rights have not been terminated;
- How caretakers are to be provided information contained in the physician's or psychiatric nurse's signed medical report; and
- Uniform forms to be used in requesting court authorization for the use of a psychotropic medication and provide for the integration of each child's treatment plan and case plan.

Effect of the Proposed Changes

Section 3 of the bill amends s. 39.407, F.S. to require the DCF to adopt rules that include procedures to allow caretakers to schedule and facilitate medical appointments to ensure the timely access to and the management of existing psychotropic medication prescriptions.

The bill uses the term "caretaker" to refer to a person or entity in physical custody of a child placed pursuant to s. 39.401, F.S., including a representative of a licensed child-caring agency or emergency shelter.

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.⁴⁴ 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.⁴⁵

Domestic violence centers must provide minimum services that include, but are not limited to:

- Information and referral services.
- Counseling and case management services.
- Temporary emergency shelter for more than 24 hours.
- A 24-hour hotline.
- Nonresidential outreach services.

⁴² Section 39.407(3)(g), F.S.

⁴³ *Id.*

⁴⁴ Section 39.901, F.S.

⁴⁵ Section 39.903, F.S.

- 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.⁴⁶

The DCF sets certification standards for domestic violence shelters in administrative rule. A domestic violence center must:

- 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.⁴⁷

There are currently 41 certified domestic violence centers throughout Florida.⁴⁸ Certification allows a domestic violence shelter to receive state funds⁴⁹, 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.⁵⁰

In FY 2023-24, there were 12,543 individuals that received emergency shelter at a certified domestic violence center.⁵¹ 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 4 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.

⁴⁶ Section 39.905, F.S.

⁴⁷ 65H-1.012, F.A.C.

⁴⁸ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 6, on file with the Senate Committee on Children, Families, and Elder Affairs.

⁴⁹ Section 39.903, F.S.

⁵⁰ Section 90.5036, F.S.

⁵¹ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 6, on file with the Senate Committee on Children, Families, and Elder Affairs.

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.⁵² These councils may use property taxes to meet the needs of the children and families living in their community.⁵³ The number of members of the council is either 10 or 33, depending on the county's regulations.⁵⁴

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).⁵⁵ Current law requires the Governor's appointees to represent the geographic and demographic diversity of the county's population, to the extent possible.⁵⁶

Currently, the following counties have created councils on children services⁵⁷:

- Alachua;
- Broward;
- 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.⁵⁸ Duval county is a dependent district and relies on funding from different sources, and Manatee County has a hybrid system.⁵⁹

⁵² Section 125.901, F.S.

⁵³ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 8, on file with the Senate Committee on Children, Families, and Elder Affairs.

⁵⁴ Section 125.901, F.S., and Section 125.011, F.S.

⁵⁵ Section 125.901, F.S.

⁵⁶ Section 125.901, F.S.

⁵⁷ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 8, on file with the Senate Committee on Children, Families, and Elder Affairs.

⁵⁸ *Id.*

⁵⁹ *Id.*

Effect of Proposed Changes

Section 5 amends s. 125.901, F.S., to revise the requirements for the selection and removal of the Governor's appointees to the Councils on Children's Services. Specifically, the bill:

- Changes the DCF employee who is responsible for being on the Council on Children's Services from the district administrator to a representative of the DCF.
- Revises the requirement for the Governor's appointees to represent the demographic makeup of the county's population.
- Allows the county governing body to submit recommendations to the Governor for vacant positions on the council.
- Allows the governing body to select an interim appointment for each vacant position from the list of recommendations submitted to the Governor if the Governor fails to make an appointment within the required 45-day period.
- Requires all members recommended by the county governing body and appointed by the Governor to have been residents of the county for the previous 24-month period.
- Includes a designee of the county manager or equivalent county officer in the list of members of a CSC with 33 members.
- Removes the ability of a member of a local alliance or coalition engaged in cross-system planning for health and social service delivery in the county to be on a CSC that is composed of 33 members.
- Increases the members-at-large that are appointed to the CSC by the majority of sitting council members from four to five.
- Increases the length of terms that appointed CSC members can serve from 2-year terms to 3-year terms.

Background Screening and Limited Exemptions

Present Situation

The DCF is responsible for the licensing and regulation of programs for children and vulnerable adults.⁶⁰ A Level II background screening is included in the regulation process. This background screening includes, but is not limited to⁶¹:

- Fingerprinting for statewide criminal history records checks through the Department of Law Enforcement.
- National criminal history records checks through the Federal Bureau of Investigation.
- 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.⁶²

⁶⁰ Florida Department of Children and Families, *Background Screening*, available at: <https://www.myflfamilies.com/services/background-screening> (last visited 3/9/25).

⁶¹ Section 435.04, F.S.

⁶² Florida Department of Children and Families, *2025 Agency Analysis*, pg. 7, on file with the Senate Committee on Children, Families, and Elder Affairs.

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.⁶³ A full list of disqualifying offenses is included in statute.⁶⁴

An individual that has a disqualifying offense may apply for an exemption from disqualification depending on their disqualifying offense.⁶⁵ The applicant must provide evidence of rehabilitation from the circumstances of the disqualifying offense when seeking an exemption.⁶⁶ Florida law lists certain offenses that may not be exempted from disqualification for individuals seeking to be child care personnel.⁶⁷

In Fiscal Year 2023-24, the DCF received 1,544 requests for exemptions from disqualification for individuals seeking employment with vulnerable populations.⁶⁸ 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.⁶⁹ Current law does not allow the DCF Secretary to make exemptions with restrictions, such as restricting an applicant to working with adult populations only.⁷⁰

Effect of Proposed Changes

Section 6 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.

Section 8 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 in a specified role or with a specified population.

⁶³ Section 435.04(2), F.S.

⁶⁴ *Id.*

⁶⁵ Section 435.07, F.S.

⁶⁶ 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).

⁶⁷ Section 435.07(2)(c), F.S.

⁶⁸ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 7, on file with the Senate Committee on Children, Families, and Elder Affairs.

⁶⁹ *Id.*

⁷⁰ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 7, on file with the Senate Committee on Children, Families, and Elder Affairs.

License Extensions

Present Situation

The DCF provides licensure for family foster homes, residential child-caring agencies, and child-placing agencies.⁷¹ 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.⁷² In Fiscal Year 2023-2024, the DCF licensed 9,316 child-caring agencies and foster homes.⁷³ The DCF is not allowed to issue provisional licenses under federal law for providers that fall into noncompliance.⁷⁴ 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.⁷⁵ 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.⁷⁶

Effect of Proposed Changes

Section 8 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.

Community-Based Care Lead Agencies

Present Situation

The DCF contracts with Community-Based Care (CBC) lead agencies to administer a system of care⁷⁷ to children and families that must focus on:

- Prevention of separation of children from their families;
- Intervention to allow children to remain safely in their own homes;
- Reunification of families who have had their children removed their care;
- Safety for children who are separated from their families;
- Promoting the well-being of children through emphasis on educational stability and timely health care;
- Permanency, including providing adoption and postadoption services; and
- Transition to independence and self-sufficiency.⁷⁸

The CBCs must give priority to services that are evidence-based and trauma informed.⁷⁹ The CBCs contract with a number of subcontractors for case management and direct care services to

⁷¹ Section 409.175, F.S.

⁷² Section 409.175(5), F.S.

⁷³ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 7, on file with the Senate Committee on Children, Families, and Elder Affairs.

⁷⁴ *Id.*

⁷⁵ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 7, on file with the Senate Committee on Children, Families, and Elder Affairs.

⁷⁶ *Id.*

⁷⁷ Section 409.145(1), F.S.

⁷⁸ *Id.* Also see generally s. 409.988, F.S.

⁷⁹ Section 409.988(3), F.S.

children and their families. There are 16 CBCs statewide, which together serve the state's 20 judicial circuits.⁸⁰

Effect of Proposed Changes

Section 9 amends s. 409.993, F.S., to exempt subcontractors of CBC lead agencies that are a direct provider of foster care and related services from liability for the actions or omissions of the lead agency; the DCF or the officers, agents, or employees of the CBC lead agency or DCF. This change will reduce subcontractor's hesitancy to enter contracts with CBC lead agencies, as they will not be held liable for the actions and omissions of the lead agency.

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.⁸¹ 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.⁸²

The CBC lead agencies contract with group home providers and negotiate room and board rates in the regions the CBC lead agencies serve.⁸³ This has led to a significant increase in the cost of group homes and a wide variation in the room and board rates throughout the state. The following chart shows that the cost of group care has risen in recent years, while the number of children in group care has decreased.⁸⁴

Group Care Cost versus Group Care Placement						
Total Cost	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
Statewide	\$116,808,722	\$118,243,424	\$114,783,908	\$126,063,837	\$157,688,554	\$174,223,084
Placement	6/30/19	6/30/20	6/30/21	6/30/22	6/30/23	6/30/24
Statewide	1,909	1,620	1,506	1,494	1,608	1,726

Effect of Proposed Changes

Section 7 amends s. 409.145, F.S., to require the DCF to establish a methodology to determine a 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 methodology, which may produce different payment rates based on factors including, but not

⁸⁰ The DCF, Lead Agency Information, available at: <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/community-based-care/lead-agency-information> (last visited 3/11/25).

⁸¹ Section 409.175, F.S.

⁸² 65C-14.001, F.A.C.

⁸³ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 8, on file with the Senate Committee on Children, Families, and Elder Affairs.

⁸⁴ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 8, on file with the Senate Committee on Children, Families, and Elder Affairs.

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 section.

Building Code Regulation for Child-Caring Agencies

Present Situation

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.⁸⁵

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:⁸⁶

- 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.⁸⁷

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.⁸⁸ Owners of fire protection systems must contract with a certified fire protection system contractor to regularly inspect such systems.⁸⁹

⁸⁵ Section 633.202, F.S.

⁸⁶ Section 633.102(11), F.S.

⁸⁷ Section 633.102(11), F.S.

⁸⁸ See generally chs. 553 and 633, F.S.; Florida Fire Prevention Code 8th Edition (NFPA Standard 1), available at [florida-fire-prevention-code-8th-edition-nfpa-101-fl-sp.pdf](#) (last visited Mar. 4, 2025).

⁸⁹ Section 633.312, F.S.

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.⁹⁰ 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.⁹¹

Effect of Proposed Changes

Section 10 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 11 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 14, 15, and 16 of the bill make conforming cross-reference changes to align statute with the substantive changes in the bill.

Section 17 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

⁹⁰ 69A-41.007, F.A.C. and 69A-41.101, F.A.C.

⁹¹ Florida Department of Children and Families, *2025 Agency Analysis*, pg. 9, on file with the Senate Committee on Children, Families, and Elder Affairs.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no identified fiscal impact on state expenditures or revenues.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.401, 39.407, 39.905, 125.901, 402.305, 402.30501, 409.145, 409.175, 409.993, 553.73, 633.208, 937.0201, 937.021, 1002.57, and 1002.59.

This bill creates the following sections of the Florida Statutes: 39.3011.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS/CS by Fiscal Policy on April 2, 2025:

The committee substitute:

- Changes the membership requirements for certain Children’s Services Councils (CSC).
 - Allows a designee of the county manager or equivalent county officer to serve as a CSC council member and removes the requirement of specific members of a local alliance or coalition from serving as a CSC member.
 - Increases the members-at-large that are appointed to the CSC by the majority of sitting council members from four to five members.
 - Increases the length of an appointed CSC member’s term from 2-years to 3-years.

- Requires the DCF to adopt administrative rules that include procedures to allow caretakers to schedule and facilitate medical appointments to ensure timely access to and the management of existing psychotropic medication prescriptions.

CS/CS by Appropriations Committee on Health and Human Services on March 26, 2025:

The committee substitute:

- Removes language related to unaccompanied alien children (UAC) and special immigrant juvenile status (SIJ). Specifically, the amendment
 - Deletes sections 1, 2, and 6, related to the creation and implementation of a UAC reporting system; and
 - Deletes section 5 related to the filing of petitions in dependency court seeking SIJ status.
- Requires the DCF to establish a methodology to determine daily room and board rates rather than establishing a fee schedule.

CS by Children, Families, and Elder Affairs on March 12, 2025:

The committee substitute:

- Removes section of the original bill language related to the false reporting of child abuse, abandonment, and neglect, and the civil lawsuit a person who had a false report filed against them may file against the false reporter.
- Updates language surrounding the appointments to Councils on Children's Services including:
 - Changes the DCF employee who is responsible for being on the Council on Children's Services from the district administrator to a representative of the DCF.
 - Allows the governing body to select an interim appointment for each vacant position from the list of recommendations submitted to the Governor if the Governor fails to make an appointment within the required 45-day period.
 - Requires all members recommended by the county governing body and appointed by the Governor to have been residents of the county for the previous 24-month period.
- Provides that a subcontractor of a CBC lead agency is not liable for the acts or omissions of a lead agency; the DCF; or the officers, agents, employees of a lead agency or the DCF. Provides that any contractual provision in conflict with this requirement is void and unenforceable.
- Removes section of the original bill related to zoning requirements for community residential homes.
- Revises the changes made to take into custody orders by removing the provision related to "reasonable force."

B. Amendments:

None.