



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/28/2026	.	
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The Committee on Children, Families, and Elder Affairs (Gaetz) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

5 Section 1. Paragraph (g) of subsection (37) and subsection
6 (53) of section 39.01, Florida Statutes, are amended to read:

7 39.01 Definitions.—When used in this chapter, unless the
8 context otherwise requires:

9 (37) "Harm" to a child's health or welfare can occur when
10 any person:



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11 (g) Exposes a child to a controlled substance or alcohol.
12 Exposure to a controlled substance or alcohol is established by:
13 1. A test, administered at birth, which indicated that the
14 child's blood, urine, or meconium contained any amount of
15 alcohol or a controlled substance or metabolites of such
16 substances, the presence of which was not the result of medical
17 treatment administered to the mother or the newborn infant; ~~or~~
18 2. Evidence of extensive, abusive, and chronic use of a
19 controlled substance or alcohol by a parent to the extent that
20 the parent's ability to provide supervision and care for the
21 child has been or is likely to be severely compromised; or
22 3. Evidence of acute or chronic use of a controlled
23 substance by a parent to the extent that the ongoing threat of
24 the parent's future intoxication compromises the parent's
25 ability to guarantee and provide supervision and care for the
26 child.

27
28 As used in this paragraph, the term "controlled substance" means
29 prescription drugs not prescribed for the parent or not
30 administered as prescribed and controlled substances as outlined
31 in Schedule I or Schedule II of s. 893.03.

32 (53) "Neglect" occurs when:
33 (a) A child is deprived of, or is allowed to be deprived
34 of, necessary food, clothing, shelter, or medical treatment or a
35 child is permitted to live in an environment when such
36 deprivation or environment causes the child's physical, mental,
37 or emotional health to be significantly impaired or to be in
38 danger of being significantly impaired. The foregoing
39 circumstances shall not be considered neglect if caused



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40 primarily by financial inability unless actual services for
41 relief have been offered to and rejected by such person. A
42 parent or legal custodian legitimately practicing religious
43 beliefs in accordance with a recognized church or religious
44 organization who thereby does not provide specific medical
45 treatment for a child may not, for that reason alone, be
46 considered a negligent parent or legal custodian; however, such
47 an exception does not preclude a court from ordering the
48 following services to be provided, when the health of the child
49 so requires:

50 1.(a) Medical services from a licensed physician, dentist,
51 optometrist, podiatric physician, or other qualified health care
52 provider; or

53 2.(b) Treatment by a duly accredited practitioner who
54 relies solely on spiritual means for healing in accordance with
55 the tenets and practices of a well-recognized church or
56 religious organization.

57 (b) There is evidence of acute or chronic use of a
58 controlled substance by a parent to the extent that the ongoing
59 threat of the parent's future intoxication results in an
60 environment that causes the child's physical, mental, or
61 emotional safety to be significantly impaired or to be in danger
62 of being significantly impaired.

63
64 Neglect of a child includes acts or omissions.

65 Section 2. For the purpose of incorporating the amendment
66 made by this act to section 39.01, Florida Statutes, in a
67 reference thereto, paragraph (c) of subsection (1) of section
68 39.521, Florida Statutes, is reenacted to read:



69 39.521 Disposition hearings; powers of disposition.—

70 (1) A disposition hearing shall be conducted by the court,
71 if the court finds that the facts alleged in the petition for
72 dependency were proven in the adjudicatory hearing, or if the
73 parents or legal custodians have consented to the finding of
74 dependency or admitted the allegations in the petition, have
75 failed to appear for the arraignment hearing after proper
76 notice, or have not been located despite a diligent search
77 having been conducted.

78 (c) When any child is adjudicated by a court to be
79 dependent, the court having jurisdiction of the child has the
80 power by order to:

81 1. Require the parent and, when appropriate, the legal
82 guardian or the child to participate in treatment and services
83 identified as necessary. The court may require the person who
84 has custody or who is requesting custody of the child to submit
85 to a mental health or substance abuse disorder assessment or
86 evaluation. The order may be made only upon good cause shown and
87 pursuant to notice and procedural requirements provided under
88 the Florida Rules of Juvenile Procedure. The mental health
89 assessment or evaluation must be administered by a qualified
90 professional as defined in s. 39.01, and the substance abuse
91 assessment or evaluation must be administered by a qualified
92 professional as defined in s. 397.311. The court may also
93 require such person to participate in and comply with treatment
94 and services identified as necessary, including, when
95 appropriate and available, participation in and compliance with
96 a mental health court program established under chapter 394 or a
97 treatment-based drug court program established under s. 397.334.



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98 Adjudication of a child as dependent based upon evidence of harm
99 as defined in s. 39.01(37)(g) demonstrates good cause, and the
100 court shall require the parent whose actions caused the harm to
101 submit to a substance abuse disorder assessment or evaluation
102 and to participate and comply with treatment and services
103 identified in the assessment or evaluation as being necessary.
104 In addition to supervision by the department, the court,
105 including the mental health court program or the treatment-based
106 drug court program, may oversee the progress and compliance with
107 treatment by a person who has custody or is requesting custody
108 of the child. The court may impose appropriate available
109 sanctions for noncompliance upon a person who has custody or is
110 requesting custody of the child or make a finding of
111 noncompliance for consideration in determining whether an
112 alternative placement of the child is in the child's best
113 interests. Any order entered under this subparagraph may be made
114 only upon good cause shown. This subparagraph does not authorize
115 placement of a child with a person seeking custody of the child,
116 other than the child's parent or legal custodian, who requires
117 mental health or substance abuse disorder treatment.

118 2. Require, if the court deems necessary, the parties to
119 participate in dependency mediation.

120 3. Require placement of the child either under the
121 protective supervision of an authorized agent of the department
122 in the home of one or both of the child's parents or in the home
123 of a relative of the child or another adult approved by the
124 court, or in the custody of the department. Protective
125 supervision continues until the court terminates it or until the
126 child reaches the age of 18, whichever date is first. Protective



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127 supervision shall be terminated by the court whenever the court
128 determines that permanency has been achieved for the child,
129 whether with a parent, another relative, or a legal custodian,
130 and that protective supervision is no longer needed. The
131 termination of supervision may be with or without retaining
132 jurisdiction, at the court's discretion, and shall in either
133 case be considered a permanency option for the child. The order
134 terminating supervision by the department must set forth the
135 powers of the custodian of the child and include the powers
136 ordinarily granted to a guardian of the person of a minor unless
137 otherwise specified. Upon the court's termination of supervision
138 by the department, further judicial reviews are not required if
139 permanency has been established for the child.

140 4. Determine whether the child has a strong attachment to
141 the prospective permanent guardian and whether such guardian has
142 a strong commitment to permanently caring for the child.

143 Section 3. For the purpose of incorporating the amendment
144 made by this act to section 39.01, Florida Statutes, in a
145 reference thereto, paragraph (c) of subsection (1) of section
146 39.6012, Florida Statutes, is reenacted to read:

147 39.6012 Case plan tasks; services.—

148 (1) The services to be provided to the parent and the tasks
149 that must be completed are subject to the following:

150 (c) If there is evidence of harm as defined in s.
151 39.01(37)(g), the case plan must include as a required task for
152 the parent whose actions caused the harm that the parent submit
153 to a substance abuse disorder assessment or evaluation and
154 participate and comply with treatment and services identified in
155 the assessment or evaluation as being necessary.



156 Section 4. For the purpose of incorporating the amendment
157 made by this act to section 39.01, Florida Statutes, in a
158 reference thereto, paragraph (k) of subsection (1) of section
159 39.806, Florida Statutes, is reenacted to read:

160 39.806 Grounds for termination of parental rights.—

161 (1) Grounds for the termination of parental rights may be
162 established under any of the following circumstances:

163 (k) A test administered at birth that indicated that the
164 child's blood, urine, or meconium contained any amount of
165 alcohol or a controlled substance or metabolites of such
166 substances, the presence of which was not the result of medical
167 treatment administered to the mother or the newborn infant, and
168 the biological mother of the child is the biological mother of
169 at least one other child who was adjudicated dependent after a
170 finding of harm to the child's health or welfare due to exposure
171 to a controlled substance or alcohol as defined in s. 39.01,
172 after which the biological mother had the opportunity to
173 participate in substance abuse treatment.

174 Section 5. For the purpose of incorporating the amendment
175 made by this act to section 39.01, Florida Statutes, in a
176 reference thereto, paragraph (c) of subsection (2) of section
177 61.13, Florida Statutes, is reenacted to read:

178 61.13 Support of children; parenting and time-sharing;
179 powers of court.—

180 (2)

181 (c) The court shall determine all matters relating to
182 parenting and time-sharing of each minor child of the parties in
183 accordance with the best interests of the child and in
184 accordance with the Uniform Child Custody Jurisdiction and



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185 Enforcement Act, except that modification of a parenting plan
186 and time-sharing schedule requires a showing of a substantial
187 and material change of circumstances.

188 1. It is the public policy of this state that each minor
189 child has frequent and continuing contact with both parents
190 after the parents separate or the marriage of the parties is
191 dissolved and to encourage parents to share the rights and
192 responsibilities, and joys, of childrearing. Unless otherwise
193 provided in this section or agreed to by the parties, there is a
194 rebuttable presumption that equal time-sharing of a minor child
195 is in the best interests of the minor child. To rebut this
196 presumption, a party must prove by a preponderance of the
197 evidence that equal time-sharing is not in the best interests of
198 the minor child. Except when a time-sharing schedule is agreed
199 to by the parties and approved by the court, the court must
200 evaluate all of the factors set forth in subsection (3) and make
201 specific written findings of fact when creating or modifying a
202 time-sharing schedule.

203 2. The court shall order that the parental responsibility
204 for a minor child be shared by both parents unless the court
205 finds that shared parental responsibility would be detrimental
206 to the child. In determining detriment to the child, the court
207 shall consider:

208 a. Evidence of domestic violence, as defined in s. 741.28;
209 b. Whether either parent has or has had reasonable cause to
210 believe that he or she or his or her minor child or children are
211 or have been in imminent danger of becoming victims of an act of
212 domestic violence as defined in s. 741.28 or sexual violence as
213 defined in s. 784.046(1)(c) by the other parent against the



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214 parent or against the child or children whom the parents share
215 in common regardless of whether a cause of action has been
216 brought or is currently pending in the court;

217 c. Whether either parent has or has had reasonable cause to
218 believe that his or her minor child or children are or have been
219 in imminent danger of becoming victims of an act of abuse,
220 abandonment, or neglect, as those terms are defined in s. 39.01,
221 by the other parent against the child or children whom the
222 parents share in common regardless of whether a cause of action
223 has been brought or is currently pending in the court; and

224 d. Any other relevant factors.

225 3. The following evidence creates a rebuttable presumption
226 that shared parental responsibility is detrimental to the child:

227 a. A parent has been convicted of a misdemeanor of the
228 first degree or higher involving domestic violence, as defined
229 in s. 741.28 and chapter 775;

230 b. A parent meets the criteria of s. 39.806(1)(d); or

231 c. A parent has been convicted of or had adjudication
232 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
233 at the time of the offense:

234 (I) The parent was 18 years of age or older.

235 (II) The victim was under 18 years of age or the parent
236 believed the victim to be under 18 years of age.

237
238 If the presumption is not rebutted after the convicted parent is
239 advised by the court that the presumption exists, shared
240 parental responsibility, including time-sharing with the child,
241 and decisions made regarding the child, may not be granted to
242 the convicted parent. However, the convicted parent is not



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243 relieved of any obligation to provide financial support. If the
244 court determines that shared parental responsibility would be
245 detrimental to the child, it may order sole parental
246 responsibility and make such arrangements for time-sharing as
247 specified in the parenting plan as will best protect the child
248 or abused spouse from further harm. Whether or not there is a
249 conviction of any offense of domestic violence or child abuse or
250 the existence of an injunction for protection against domestic
251 violence, the court shall consider evidence of domestic violence
252 or child abuse as evidence of detriment to the child.

253 4. In ordering shared parental responsibility, the court
254 may consider the expressed desires of the parents and may grant
255 to one party the ultimate responsibility over specific aspects
256 of the child's welfare or may divide those responsibilities
257 between the parties based on the best interests of the child.
258 Areas of responsibility may include education, health care, and
259 any other responsibilities that the court finds unique to a
260 particular family.

261 5. The court shall order sole parental responsibility for a
262 minor child to one parent, with or without time-sharing with the
263 other parent if it is in the best interests of the minor child.

264 6. There is a rebuttable presumption against granting time-
265 sharing with a minor child if a parent has been convicted of or
266 had adjudication withheld for an offense enumerated in s.
267 943.0435(1)(h)1.a., and at the time of the offense:

268 a. The parent was 18 years of age or older.
269 b. The victim was under 18 years of age or the parent
270 believed the victim to be under 18 years of age.



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272 A parent may rebut the presumption upon a specific finding in
273 writing by the court that the parent poses no significant risk
274 of harm to the child and that time-sharing is in the best
275 interests of the minor child. If the presumption is rebutted,
276 the court must consider all time-sharing factors in subsection
277 (3) when developing a time-sharing schedule.

278 7. Access to records and information pertaining to a minor
279 child, including, but not limited to, medical, dental, and
280 school records, may not be denied to either parent. Full rights
281 under this subparagraph apply to either parent unless a court
282 order specifically revokes these rights, including any
283 restrictions on these rights as provided in a domestic violence
284 injunction. A parent having rights under this subparagraph has
285 the same rights upon request as to form, substance, and manner
286 of access as are available to the other parent of a child,
287 including, without limitation, the right to in-person
288 communication with medical, dental, and education providers.

289 Section 6. For the purpose of incorporating the amendment
290 made by this act to section 39.01, Florida Statutes, in a
291 reference thereto, section 61.401, Florida Statutes, is
292 reenacted to read:

293 61.401 Appointment of guardian ad litem.—In an action for
294 dissolution of marriage or for the creation, approval, or
295 modification of a parenting plan, if the court finds it is in
296 the best interest of the child, the court may appoint a guardian
297 ad litem to act as next friend of the child, investigator or
298 evaluator, not as attorney or advocate. The court in its
299 discretion may also appoint legal counsel for a child to act as
300 attorney or advocate; however, the guardian and the legal



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301 counsel shall not be the same person. In such actions which
302 involve an allegation of child abuse, abandonment, or neglect as
303 defined in s. 39.01, which allegation is verified and determined
304 by the court to be well-founded, the court shall appoint a
305 guardian ad litem for the child. The guardian ad litem shall be
306 a party to any judicial proceeding from the date of the
307 appointment until the date of discharge.

308 Section 7. For the purpose of incorporating the amendment
309 made by this act to section 39.01, Florida Statutes, in a
310 reference thereto, subsection (3) of section 61.402, Florida
311 Statutes, is reenacted to read:

312 61.402 Qualifications of guardians ad litem.—

313 (3) Only a guardian ad litem who qualifies under paragraph
314 (1) (a) or paragraph (1) (c) may be appointed to a case in which
315 the court has determined that there are well-founded allegations
316 of child abuse, abandonment, or neglect as defined in s. 39.01.

317 Section 8. For the purpose of incorporating the amendment
318 made by this act to section 39.01, Florida Statutes, in a
319 reference thereto, paragraph (b) of subsection (2) of section
320 390.01114, Florida Statutes, is reenacted to read:

321 390.01114 Parental Notice of and Consent for Abortion Act.—

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

323 (b) "Child abuse" means abandonment, abuse, harm, mental
324 injury, neglect, physical injury, or sexual abuse of a child as
325 those terms are defined in ss. 39.01, 827.04, and 984.03.

326 Section 9. For the purpose of incorporating the amendment
327 made by this act to section 39.01, Florida Statutes, in a
328 reference thereto, subsection (3) of section 744.309, Florida
329 Statutes, is reenacted to read:



744.309 Who may be appointed guardian of a resident ward.—
(3) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01 or s. 984.03(1), (2), and (24), or who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 or similar statute of another jurisdiction, shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 10. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a



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359 reference thereto, subsection (24) of section 984.03, Florida
360 Statutes, is reenacted to read:

361 984.03 Definitions.—When used in this chapter, the term:

362 (24) "Neglect" has the same meaning as in s. 39.01(53).

363 Section 11. For the purpose of incorporating the amendment
364 made by this act to section 39.01, Florida Statutes, in a
365 reference thereto, paragraph (c) of subsection (8) of section
366 1001.42, Florida Statutes, is reenacted to read:

367 1001.42 Powers and duties of district school board.—The
368 district school board, acting as a board, shall exercise all
369 powers and perform all duties listed below:

370 (8) STUDENT WELFARE.—

371 (c)1. In accordance with the rights of parents enumerated
372 in ss. 1002.20 and 1014.04, adopt procedures for notifying a
373 student's parent if there is a change in the student's services
374 or monitoring related to the student's mental, emotional, or
375 physical health or well-being and the school's ability to
376 provide a safe and supportive learning environment for the
377 student. The procedures must reinforce the fundamental right of
378 parents to make decisions regarding the upbringing and control
379 of their children by requiring school district personnel to
380 encourage a student to discuss issues relating to his or her
381 well-being with his or her parent or to facilitate discussion of
382 the issue with the parent. The procedures may not prohibit
383 parents from accessing any of their student's education and
384 health records created, maintained, or used by the school
385 district, as required by s. 1002.22(2).

386 2. A school district may not adopt procedures or student
387 support forms that prohibit school district personnel from



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388 notifying a parent about his or her student's mental, emotional,
389 or physical health or well-being, or a change in related
390 services or monitoring, or that encourage or have the effect of
391 encouraging a student to withhold from a parent such
392 information. School district personnel may not discourage or
393 prohibit parental notification of and involvement in critical
394 decisions affecting a student's mental, emotional, or physical
395 health or well-being. This subparagraph does not prohibit a
396 school district from adopting procedures that permit school
397 personnel to withhold such information from a parent if a
398 reasonably prudent person would believe that disclosure would
399 result in abuse, abandonment, or neglect, as those terms are
400 defined in s. 39.01.

401 3. Classroom instruction by school personnel or third
402 parties on sexual orientation or gender identity may not occur
403 in prekindergarten through grade 8, except when required by ss.
404 1003.42(2)(o)3. and 1003.46. If such instruction is provided in
405 grades 9 through 12, the instruction must be age-appropriate or
406 developmentally appropriate for students in accordance with
407 state standards. This subparagraph applies to charter schools.

408 4. Student support services training developed or provided
409 by a school district to school district personnel must adhere to
410 student services guidelines, standards, and frameworks
411 established by the Department of Education.

412 5. At the beginning of the school year, each school
413 district shall notify parents of each health care service
414 offered at their student's school and the option to withhold
415 consent or decline any specific service in accordance with s.
416 1014.06. Parental consent to a health care service does not



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417 waive the parent's right to access his or her student's
418 educational or health records or to be notified about a change
419 in his or her student's services or monitoring as provided by
420 this paragraph.

421 6. Before administering a student well-being questionnaire
422 or health screening form to a student in kindergarten through
423 grade 3, the school district must provide the questionnaire or
424 health screening form to the parent and obtain the permission of
425 the parent.

426 7. Each school district shall adopt procedures for a parent
427 to notify the principal, or his or her designee, regarding
428 concerns under this paragraph at his or her student's school and
429 the process for resolving those concerns within 7 calendar days
430 after notification by the parent.

431 a. At a minimum, the procedures must require that within 30
432 days after notification by the parent that the concern remains
433 unresolved, the school district must either resolve the concern
434 or provide a statement of the reasons for not resolving the
435 concern.

436 b. If a concern is not resolved by the school district, a
437 parent may:

438 (I) Request the Commissioner of Education to appoint a
439 special magistrate who is a member of The Florida Bar in good
440 standing and who has at least 5 years' experience in
441 administrative law. The special magistrate shall determine facts
442 relating to the dispute over the school district procedure or
443 practice, consider information provided by the school district,
444 and render a recommended decision for resolution to the State
445 Board of Education within 30 days after receipt of the request



446 by the parent. The State Board of Education must approve or
447 reject the recommended decision at its next regularly scheduled
448 meeting that is more than 7 calendar days and no more than 30
449 days after the date the recommended decision is transmitted. The
450 costs of the special magistrate shall be borne by the school
451 district. The State Board of Education shall adopt rules,
452 including forms, necessary to implement this subparagraph.

453 (II) Bring an action against the school district to obtain
454 a declaratory judgment that the school district procedure or
455 practice violates this paragraph and seek injunctive relief. A
456 court may award damages and shall award reasonable attorney fees
457 and court costs to a parent who receives declaratory or
458 injunctive relief.

459 c. Each school district shall adopt and post on its website
460 policies to notify parents of the procedures required under this
461 subparagraph.

462 d. Nothing contained in this subparagraph shall be
463 construed to abridge or alter rights of action or remedies in
464 equity already existing under the common law or general law.

465 Section 12. This act shall take effect July 1, 2026.

466
467 ===== T I T L E A M E N D M E N T =====

468 And the title is amended as follows:

469 Delete everything before the enacting clause
470 and insert:

471 A bill to be entitled

472 An act relating to child welfare; amending s. 39.01,
473 F.S.; revising the definition of the term "harm" to
474 provide that exposure of a child to a controlled



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475 substance may be established by evidence of acute or
476 chronic use of a controlled substance by a parent to a
477 specified extent; revising the definition of the term
478 "neglect" to provide that neglect occurs when there is
479 evidence of acute or chronic use of a controlled
480 substance by a parent to a specified extent;
481 reenacting ss. 39.521(1) (c), 39.6012(1) (c),
482 39.806(1) (k), 61.13(2) (c), 61.401, 61.402(3),
483 390.01114(2) (b), 744.309(3), 984.03(24), and
484 1001.42(8) (c), F.S., relating to disposition hearings
485 and powers of disposition; case plan tasks and
486 services; grounds for termination of parental rights;
487 support of children, parenting and time-sharing, and
488 powers of the court; appointment of guardian ad litem;
489 qualifications of guardians ad litem; the Parental
490 Notice of and Consent for Abortion Act; who may be
491 appointed guardian of a resident ward; definitions;
492 and powers and duties of district school board,
493 respectively, to incorporate the amendment made to s.
494 39.01, F.S., in references thereto; providing an
495 effective date.