

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 Children, Families, and Elder Affairs

BILL: CS/SB 1002

INTRODUCER: Children, Families, and Elder Affairs and Senator Gaetz

SUBJECT: Child Welfare

DATE: January 28, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Fiore	Tuszynski	CF	Fav/CS
2.		JU	
3.		RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1002 expands statutory definitions of “harm” and “neglect” to address parental substance abuse, with conforming reenactments across multiple sections of statute. The bill expands the definition of “harm” in Chapter 39, Florida Statutes (F.S.), to expressly include evidence of acute or chronic use of a controlled substance by a parent to the extent that the ongoing threat of the parent’s future intoxication compromises the parent’s ability to guarantee and provide supervision and care for their child. It makes similar revisions to the definition of “neglect” to include evidence of acute or chronic use of a controlled substance by a parent to the extent that the ongoing threat of the parent’s future intoxication results in an environment that causes the child’s physical, mental, or emotional safety to be significantly impaired or to be in danger of being significantly impaired.

The bill reenacts and conforms numerous cross-referenced provisions in Chapters 39, 61, 390, 744, 984, and 1001, F.S., including dependency dispositions, case plans, termination of parental rights, parenting and time-sharing determinations, guardians ad litem, guardianship eligibility, and school district parental-notification requirements.

The fiscal impact to the state is indeterminate but potentially significant, depending on the degree to which the expanded definitions of harm and neglect increase investigations, dependency findings, and out-of-home placements.

The bill has an effective date of July 1, 2026.

II. Present Situation:

Florida's Child Welfare System

Chapter 39, F.S., governs child welfare proceedings in Florida, including the prevention, identification, and remediation of child abuse, abandonment, and neglect. The Department of Children and Families (DCF) is responsible for investigating reports of child maltreatment accepted by the Florida Abuse Hotline (Hotline) and for providing services necessary to protect children from harm.¹ The DCF practice model is based on increasing the safety of the child, using in-home services, such as parenting coaching and counseling, to maintain and strengthen the child's natural supports in the home environment.² These services are coordinated by DCF-contracted community-based care lead agencies (CBCs).³

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 care, 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 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.⁴

Florida Abuse Hotline

The DCF is required to operate and maintain a Hotline⁵ to receive reports of known or suspected instances of child abuse,⁶ abandonment,⁷ or neglect,⁸ or instances when a child does not have a

¹ Sections 39.001 and 39.301, F.S.

² See generally The Department of Children and Families, *Florida's Child Welfare Practice Model*, available at: <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/floridas-child-welfare-practice-model> (last visited 1/27/26).

³ Sections 409.986(3)(d) and 409.988, F.S.

⁴ See generally Ch. 39, F.S.

⁵ Section 39.101, F.S.; and 65C-30.001(53), F.A.C.

⁶ 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.

⁷ 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.

⁸ 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

parent, legal custodian, or adult relative available to provide supervision and care.⁹ 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.¹⁰

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.¹¹

Child Maltreatment Index

The Child Maltreatment Index (Index) is utilized by Hotline counselors and CPIs to determine if a report of abuse, abandonment, or neglect meets the criteria for verifying child maltreatment.¹² The Index defines each maltreatment, factors to consider in the assessment of each maltreatment, and also frequently correlated maltreatments.¹³

There are 27 maltreatment types that can be assigned to a report. A report of abuse, abandonment, or neglect must contain at least one of the maltreatment types. The maltreatment types are as follows:

- Abandonment.
- Asphyxiation.
- Bizarre Punishment.
- Bone Fracture.
- Burns.
- Death.
- Environmental Hazards.
- Failure to Protect.
- Failure to Thrive/Malnutrition/Dehydration.
- Household Violence Threatens Child.
- Human Trafficking — Commercial Sexual Exploitation of a Child.
- Human Trafficking — Labor.
- Inadequate Supervision.
- Internal Injuries
- Intimate Partner Violence Threatens Child.
- Medical Neglect.
- Mental Injury.
- Physical Injury.
- Sexual Abuse: Sexual Battery.
- Sexual Abuse: Sexual Exploitation.

impaired, except when such circumstances are caused primarily by financial inability unless services have been offered and rejected by such person.

⁹ Section 39.201(1), F.S.

¹⁰ Section 39.101(1), F.S.

¹¹ Section 39.301, F.S.

¹² Florida Department of Children and Families, *CFOP 170-4*, available at:

<https://resourcelibrary.myflfamilies.com/cfop170/CFOP%20170-04.%20Child%20Maltreatment%20Index.pdf> (last visited 1/27/26).

¹³ *Id.* at Appendix A.

- Sexual Abuse: Sexual Molestation.
- Substance-Exposed Newborn.
- Substance Misuse.
- Substance Misuse — Alcohol.
- Substance Misuse — Illicit Drugs.
- Substance Misuse — Prescription Drugs.
- Threatened Harm.¹⁴

Hotline counselors utilize the definitions of these maltreatment types to determine if the reported information meets the criteria for acceptance of an investigation or special conditions report.¹⁵

Child Protective Investigations

Child protective investigations consist of the following:

- A review of all relevant, available information specific to the child, family, and alleged maltreatment; family child welfare history; local, state, and federal criminal records check; and requests for law enforcement assistance provided by the Hotline.
 - Based on a review of available information, including the allegations in the current report, a determination shall be made as to whether immediate consultation should occur with law enforcement, the Child Protection Team, a domestic violence shelter or advocate, or a substance abuse or mental health professional.
- Face-to-face interviews with the child; other siblings, if any; and the parents, legal custodians, or caregivers.
- Assessment of the child's residence, including a determination of the composition of the family and household.
- Determine whether there is any indication that any child in the family or household has been abused, abandoned, or neglect; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, abandonment, or neglect.
- Documentation of the present and impending dangers to each child based on the identification of inadequate protective capacity through utilization of a standardized safety assessment instrument (i.e., the Index).¹⁶

CPIs utilize the definitions of maltreatment types to make a determination regarding each of the alleged maltreatments and make one of the following findings:

- **“Verified”:** when a preponderance of the credible evidence results in a determination the specific harm or threat of harm was the result of abuse, abandonment, or neglect.
- **“Not Substantiated”:** when there is credible evidence which does not meet the preponderance standard to support that the specific harm was the result of abuse, abandonment, or neglect.
- **“No Indicators”:** when there is no credible evidence to support that the specific harm was the result of abuse, abandonment, or neglect.¹⁷

¹⁴ *Id.* at pg. 6-7.

¹⁵ *Id.* at pg. 5.

¹⁶ Section 39.301(9)(a), F.S.

¹⁷ CFOP 170-4, at pg. 6.

The findings of CPIs are used to determine the next course of action. If the CPI identifies present or impending danger, the CPI must implement a safety plan or take the child into custody. If impending danger is identified and the child is not removed, the CPI must create and implement a safety plan before leaving the home or location where there is present danger.¹⁸ If the child cannot safely remain in the home with a safety plan, the DCF must file a petition with the court and remove the child from his or her current home and place them in out-of-home care.¹⁹

Adjudication and Court-Ordered Services

A child may be adjudicated dependent if the court finds that the child has been abused, abandoned, or neglected, or is at substantial risk of such harm.²⁰ Upon an adjudication of dependency, the court has broad authority to order supervision or out-of-home placement as well as require the parents or legal custodians of a dependent child to participate in professional counseling and treatment services that the court determines are necessary to rehabilitate the parent or the child.²¹ For each child receiving services, the DCF is required to develop a court-approved case plan to address the issues that led to the child's removal.²² Case plans must likewise include tasks and services tailored to address the conditions that gave rise to the finding of dependency, including substance abuse treatment when harm is linked to parental substance use.²³

Definitions of Harm and Neglect

“Harm” to a child’s health or welfare is defined to include a range of acts or omissions that adversely affect a child, including exposure to controlled substances or alcohol.²⁴ Exposure to a controlled substance or alcohol may be established by evidence of extensive, abusive, and chronic use of a controlled substance or alcohol by a parent to the extent that the parent’s ability to provide supervision and care for the child has been or is likely to be severely compromised.²⁵ Controlled substances include prescription drugs not prescribed for the parent or not administered as prescribed, and drugs referenced as Schedule I and Schedule II substances under s. 893.03, F.S.²⁶ The statutory definition of harm plays a critical role throughout Ch. 39, F.S., as it informs dependency adjudications, case planning requirements, court-ordered services, and determinations regarding parental fitness.

“Neglect” is defined as a parent’s or caregiver’s failure to provide a child with necessary food, clothing, shelter, medical treatment, or supervision, or permitting a child to live in an environment that causes or threatens significant impairment to the child’s physical, mental, or emotional health.²⁷ If the necessities of which the child is deprived is caused primarily by

¹⁸ Section 39.301(9)(a)6., F.S.

¹⁹ *Id.*

²⁰ Sections 39.01(15), 39.013(2), 39.501(1)-(2), and 39.507, F.S.

²¹ Section 39.521, F.S.

²² Section 39.6011, F.S.

²³ Section 39.6012(1)(c), F.S.

²⁴ Section 39.01(37), F.S.

²⁵ Section 39.01(37)(g)2., F.S.

²⁶ Section 39.01(37)(g), F.S.

²⁷ Section 39.01(53), F.S.

financial inability, the definition of neglect will be met only if actual services for relief have been offered to and rejected by the parent or caregiver.²⁸ While substance abuse may contribute to neglectful conditions, the law does not expressly identify ongoing threats posed by a parent's acute or chronic intoxication as a standalone basis for neglect, apart from general impairment standards.

Cross-References in Other Areas of Law

Definitions contained in s. 39.01, F.S., are expressly incorporated into numerous provisions in other chapters of Florida Statutes. As a result, changes to the definitions of "harm" or "neglect" may have cascading legal effects across multiple statutory schemes. These include statutes governing parenting and time-sharing determinations in dissolution proceedings,²⁹ appointment and qualifications of guardians ad litem;³⁰ parental consent laws;³¹ guardianship eligibility;³² provisions governing children in need of services under the juvenile justice system;³³ and school district duties relating to student welfare and parental notification.³⁴

III. Effect of Proposed Changes:

Section 1 amends ss. 39.01(37) and 39.01(53), F.S., to expand the definitions of harm and neglect, respectively.

Under the expanded definition of harm, exposure to a controlled substance or alcohol may be established not only through extensive, abusive, and chronic use, but also through evidence of acute or chronic substance use when the ongoing threat of future intoxication compromises a parent's ability to guarantee and provide supervision and care for the child.

Under the expanded definition of neglect, this section provides that neglect may be established through circumstances in which a parent's acute or chronic use of a controlled substance creates an environment that significantly impairs, or threatens to impair, a child's physical, mental, or emotional safety.

Sections 2 through 11 reenact numerous statutory provisions that cross-reference the definitions in s. 39.01, F.S., without altering those provisions. These reenactments preserve the continued applicability of the revised definitions of harm and neglect to dependency dispositions, case plans, termination of parental rights, parenting and time-sharing decisions, guardians ad litem, guardianship eligibility, parental consent statutes, children-in-need-of-services proceedings, and school district student-welfare obligations.

Section 12 provides an effective date of July 1, 2026.

²⁸ *Id.*

²⁹ Section 61.13, F.S.

³⁰ Sections 61.401 and 61.402, F.S.

³¹ Section 390.01114, F.S.

³² Section 744.309, F.S.

³³ Section 984.03, F.S.

³⁴ Section 1001.42, F.S.

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:

Indeterminate, likely positive fiscal impact as private providers of substance abuse treatment and mental health services may experience increased demand resulting from court-ordered substance abuse evaluations and treatment services.

C. Government Sector Impact:

Indeterminate, likely significant negative fiscal impact if the expanded definitions of “harm” and “neglect” result in a higher rate of child removals. Increased removals may create:

- i. Increased costs to the DCF for out-of-home placement, including payments to licensed foster parents, relative caregivers, and residential group care providers. The DCF and its contracted child welfare providers could also experience increased expenditures related to case management, supervision, and administration.
- ii. Increased workloads for Dependency courts due to increased caseloads, additional shelter hearings, adjudicatory and disposition hearings, and more judicial reviews, increasing demands on judicial resources, clerks of court, and court-appointed counsel.

- iii. Increased costs for the Guardian ad Litem Program for additional appointments, staffing needs, volunteer recruitment, and training.
- iv. Additional demand for substance abuse treatment providers funded through state and federal dollars.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.01

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Children, Families, and Elder Affairs on January 27, 2026:**

The CS retitles the bill and redrafts the bill in Ch. 39, instead of Ch. 751 to:

- Expand the definition of “harm” in Ch. 39, F.S., to expressly include evidence of acute or chronic use of a controlled substance by a parent to the extent that the ongoing threat of the parent’s future intoxication compromises the parent’s ability to guarantee and provide supervision and care for their child.
- Expand the definition of “neglect” in Ch. 39, F.S. to include evidence of acute or chronic use of a controlled substance by a parent to the extent that the ongoing threat of the parent’s future intoxication results in an environment that causes the child’s physical, mental, or emotional safety to be significantly impaired or to be in danger of being significantly impaired.
- Reenact and conform numerous cross-referenced provisions in Chapters 39, 61, 390, 744, 984, and 1001, F.S., including dependency dispositions, case plans, termination of parental rights, parenting and time-sharing determinations, guardians ad litem, guardianship eligibility, and school district parental-notification requirements.

B. Amendments:

None.