

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

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

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

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BILL: CS/SB 1600

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Yarborough

SUBJECT: Child Welfare

DATE: February 11, 2026 REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Rao	Tuszynski	CF	Fav/CS
2.		AHS	
3.		FP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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## I. Summary:

CS/SB 1600 increases the oversight of liability insurance availability and affordability for CBC lead agencies and their subcontractors. The bill requires the Office of Insurance Regulation (OIR) to collaborate with the DCF and CBC lead agencies and subcontractors to review all available, relevant, and appropriate data from the previous five fiscal years related to liability insurance coverage and availability. The bill specifies the metrics that must be included in the OIR's analysis.

The bill requires the OIR to develop a report on the findings of its analysis that demonstrates the trends in insurance premium rates, claims and settlements, and in liability coverage affordability and availability. The bill requires the OIR to include actionable recommendations that the DCF and Legislature may enact to ensure affordable liability coverage. The bill requires the OIR to provide the required report to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2027.

The bill establishes the authority of the OIR to levy fines or penalties on insurance companies and the DCF to levy fines or penalties on a CBC lead agency or subcontractor that fails to reply to any request for information within 30 calendar days of such request. The bill establishes limits for these fines and requires the fines to be transferred to the General Revenue fund.

The bill repeals the provisions of this bill on July 1, 2027, unless it is reenacted.

The bill is effective July 1, 2026.

## II. Present Situation:

### Child Welfare – Generally

Chapter 39, F.S. creates Florida's dependency system charged with protecting children who have been abused, abandoned, or neglected.<sup>1</sup> Florida's child welfare system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations.<sup>2</sup> The Department of Children and Families (DCF) and community-based care lead agencies work with these families to address the problems endangering children, if possible. If these problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.<sup>3</sup>

Child welfare services are directed toward the prevention of child abuse, abandonment, and neglect.<sup>4</sup> The DCF aims to increase the safety of the child within his or her home, using in-home services, such as parenting coaching and counseling to maintain and strengthen the child's natural supports in the home environment.<sup>5</sup> These services are coordinated by DCF-contracted community-based care (CBC) lead agencies. Ultimately, the DCF remains responsible for the operation of the central abuse hotline and investigations of abuse, abandonment, and neglect.<sup>6</sup> Additionally, the department is responsible for all program oversight and the overall performance of the child welfare system.<sup>7</sup>

### Department of Children and Families

The DCF implements a practice model for child and family well-being that is safety-focused, trauma-informed, and family-centered. Such practices are intended to ensure:

- Permanency. Florida's children should enjoy long-term, secure relationships within strong families and communities.
- Child Well-Being. Florida's children should be physically and emotionally healthy and socially competent.
- Safety. Florida's children should live free from maltreatment.

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

<sup>2</sup> See generally, s. 39.101, F.S. (establishing the central abuse hotline and timeframes for initiating investigations).

<sup>3</sup> See s. 409.986(1)(a), F.S. (finding that it is the intent of the Legislature that the Department of Children and Families "provide child protection and child welfare services to children through contracting with CBC lead agencies"). A "community-based care lead agency" or "lead agency" means a single entity with which the DCF has a contract for the provision of care for children in the child protection and child welfare system, in a community that is no smaller than a county and no larger than two contiguous judicial circuits. Section 409.986(3)(d), F.S. The secretary of DCF may authorize more than one eligible lead agency within a single county if doing so will result in more effective delivery of services to children. *Id.*

<sup>4</sup> Section 39.001, F.S.

<sup>5</sup> 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 2/4/26).

<sup>6</sup> Section 39.101, F.S.

<sup>7</sup> *Id.*

- Family Well-Being. Florida's families should nurture, protect, and meet the needs of their children, and should be well integrated into their communities.<sup>8</sup>

The DCF is required to deliver services by contract through private providers to the extent allowed by law and funding.<sup>9</sup> These private providers include CBC lead agencies that deliver child welfare services.

### ***Community-Based Care Lead Agencies***

The DCF, through CBCs, administer a system of care<sup>10</sup> to children and families that must focus on:

- Prevention of separation of children from their families;
- Interventions to allow children to remain safely in their own homes;
- Reunification of families who have had their children removed from 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 for children for whom reunification with their families is not possible or not in the child's best interest; and
- Transition to independence and self-sufficiency.<sup>11</sup>

CBC lead agencies are contractually required to provide foster care and related services including, but not limited to, counseling, domestic violence services, substance abuse services, family preservation, emergency shelter, and adoption.<sup>12</sup> Statutorily, lead agencies are required to provide no more than 35 percent of all child welfare services in its geographic service area, thus CBC lead agencies contract with providers throughout the state for child welfare services.<sup>13</sup>

There are 16 CBCs statewide, which together serve the state's 20 judicial circuits, as follows:<sup>14</sup>

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<sup>8</sup> See generally Department of Children and Families (DCF), *Florida's Child Welfare Practice Model*, available at: [https://www.myflfamilies.com/sites/default/files/2022-12/FLCSPRACTICEMODEL\\_0.pdf](https://www.myflfamilies.com/sites/default/files/2022-12/FLCSPRACTICEMODEL_0.pdf) (last visited 11/6/25).

<sup>9</sup> Section 20.19(1)(c), F.S.

<sup>10</sup> Section 409.145(1), F.S.

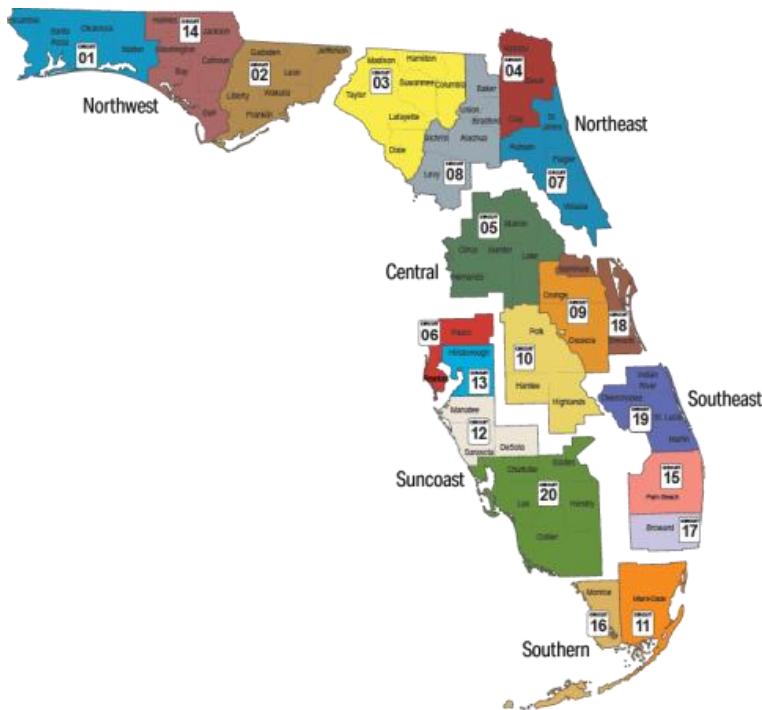
<sup>11</sup> *Id.*; Also see generally s. 409.988, F.S.

<sup>12</sup> Section 409.145(1), F.S.

<sup>13</sup> CBC lead agencies may receive an exemption from the 35 percent direct services threshold if it can demonstrate there is a need for the lead agency to directly provide these services due to a lack of qualified providers the lead agency can subcontract with to perform such services. Section 409.988, F.S.

<sup>14</sup> Florida Department of Children and Families, *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 2/10/26).



CBC lead agencies are required to perform several duties, including:<sup>15</sup>

- Serve children referred to the CBC as a result of a report of abuse, neglect, or abandonment to the central abuse hotline.
- Provide the DCF with accurate and timely information necessary for oversight by the DCF.
- Follow financial guidelines developed by DCF and provide for regular independent audits.
- Prepare all necessary court documents and attend dependency court proceedings.
- Ensure all individuals providing care to dependent children receive appropriate training and meet minimum employment standards established by the DCF.
- Maintain eligibility to receive all available federal child welfare funds.
- Adhere to child welfare best practices.
- Maintain written agreements with Healthy Families Florida lead entities in its service area to promote cooperative planning for the provision of prevention and intervention services.
- Comply with federal and state statutory requirements and agency rules in the provision of contractual services.
- Use authority to subcontract for the provision of services.
- Identify an employee to serve as a liaison with the community alliance and community-based and faith-based organizations interested in collaborating or offering services or other assistance on a volunteer basis to the children and families served by the CBC.
- Ensure that appropriate CBC staff and subcontractors are informed of the specific services or assistance available from local community-based and faith-based organizations.
- Identify it as a DCF contractor on its website and promotional literature.

<sup>15</sup> Section 409.988, F.S.

- Ensure that it is addressing the unique needs of the fathers of children who are served by the lead agency.
- Post specified information regarding case management services on its website.

The DCF must develop and maintain written policies and procedures for monitoring compliance with the services CBC lead agencies are contracted to provide. The DCF is required to annually evaluate each lead agency's programmatic, operational, and fiscal operations.<sup>16</sup>

### **Dependency System Process**

In some instances, services may not be enough to maintain a safe environment for a child to live in. 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 the child in an out-of-home placement, adjudicate the child dependent, and if necessary, terminate parental rights and free the child for adoption. This process is typically triggered by a report to the central abuse hotline and a child protective investigation that determines the child should not remain in his or her home, notwithstanding services the DCF provides. Generally, the dependency process includes, but is not limited to, the following:

- A report to the central abuse hotline.
- A child protective investigation to determine the safety of the child.
- In-home services or a shelter of the child and an out-of-home placement.
- A court finding that the child is dependent.<sup>17</sup>
- Case planning to address the problems that resulted in the child's dependency.
- Reunification with the child's parent or other appropriate permanency option, such as adoption.<sup>18</sup>

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<sup>16</sup> Section 409.987(21)(a), F.S.

<sup>17</sup> A "child who is found to be dependent" refers to a child who is found by the court: to have been abandoned, abused, or neglected by the child's parents or legal custodians; to have been surrendered to the DCF or licensed child-placing agency for the purpose of adoption; to have parents or legal custodians that failed to substantially comply with the requirements of a case plan for the purpose of reunification; to have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption; to have no parent or legal custodians capable of providing supervision and care; to be at substantial risk of imminent abuse, abandonment, or neglect; or to have been sexually exploited and to have no parent, legal custodian, or responsible adult relative available to provide the necessary and appropriate supervision. Section 39.01(15), F.S.

<sup>18</sup> Office of the States Courts Administrator, The Office of Family Courts, *A Caregiver's Guide to Dependency Court*, available at: <https://flcourts-media.flcourts.gov/content/download/218185/file/Web-Caregivers-Guide-Final-09.pdf> (last visited 2/5/26); *see also* ch. 39, F.S.

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

The DCF is statutorily required to operate and maintain a central abuse hotline to receive reports of known or suspected instances of child abuse,<sup>19</sup> abandonment,<sup>20</sup> or neglect,<sup>21</sup> or instances when a child does not have a parent, legal custodian, or adult relative available to provide supervision and care.<sup>22</sup> The hotline must operate 24 hours a day, 7 days a week, and accept reports through a single statewide toll-free telephone number or through electronic reporting.<sup>23</sup>

If the hotline counselor determines a report meets the criteria of abuse, abandonment, or neglect, the report is accepted for a protective investigation.<sup>24</sup> Based on the report, the department makes a determination regarding when to initiate a protective investigation. All investigations must be completed within 24 hours; however, the DCF must commence an investigation immediately if it appears the following conditions are met:<sup>25</sup>

- The immediate safety or well-being of a child is endangered;
- The family may flee or the child may be unavailable for the purposes of conducting a child protective investigation; or
- The facts reported to the central abuse hotline otherwise so warrant.

Once the DCF assigns a child protective investigator (CPI) to the case, the CPI assesses the safety and perceived needs of the child and family; whether in-home services are needed to stabilize the family; and whether the safety of the child necessitates removal and the provision of out-of-home services.<sup>26</sup>

### ***Office of Insurance Regulation***

The Office of Insurance Regulation (Office) is housed within the Financial Services Commission of the Department of Financial Services.<sup>27</sup> The Office is responsible for all activities concerning insurers and other risk-bearing entities, including the following:<sup>28</sup>

- Licensing;

<sup>19</sup> Section 39.01(2), F.S. defines “abuse” as any willful or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired.

<sup>20</sup> Section 39.01(1), F.S. defines “abandoned” or “abandonment” as a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child’s care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. “Establish or maintain a substantial and positive relationship” means, in part, frequent and regular contact with the child, and the exercise of parental rights and responsibilities.

<sup>21</sup> Section 39.01(53), F.S. states “neglect” occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired, except when such circumstances are caused primarily by financial inability unless services have been offered and rejected by such person.

<sup>22</sup> Section 39.201(1), F.S.

<sup>23</sup> Section 39.101(1), F.S.

<sup>24</sup> Section 39.201(4)(a), F.S.

<sup>25</sup> Section 39.101(2), F.S.

<sup>26</sup> See generally s. 39.301, F.S. and Part IV, Chapter 39, F.S. (regulating taking children into the custody of the DCF and shelter hearings).

<sup>27</sup> Section 20.121, F.S.

<sup>28</sup> Office of Insurance Regulation, *Organization and Operation*, available at: <https://flioir.gov/about-us/organization-and-operation> (last visited 2/5/26).

- Rates;
- Policy Forms;
- Market conduct;
- Claims;
- Issuance of certificates of authority;
- Solvency;
- Viatical settlements;
- Premium financing; and
- Administrative supervision, as provided under the insurance code or Chapter 636, F.S.

The Director of the Office of Insurance Regulation, or the Commissioner of Insurance Regulation, leads the Office.<sup>29</sup>

The Office has statutory authority and directives to regulate insurance rates in an effort to protect policyholders and the public against the adverse effects of excessive, inadequate, or unfairly discriminatory insurance rates.<sup>30</sup>

## **Liability Insurance**

Insurance refers to a contract whereby one undertakes to indemnify another or pay or allow a specified amount or a determinable benefit upon determinable contingencies.<sup>31</sup> Typically, businesses and nonprofit organizations purchase general liability insurance or professional liability insurance, which protects against financial loss due to accidents (general liability) or malpractice, errors, or negligence (professional liability).<sup>32</sup>

In recent years, there has been a national emphasis on the lack of availability and affordability of liability insurance for organizations that serve children. Reports of rising premiums and a lack of insurance providers willing to provide liability insurance leave many organizations struggling to find affordable liability insurance.<sup>33</sup> For instance, in 2024, California foster family agencies experienced a shortage of insurance coverage after a major insurer of nonprofits reported it would let current insurance policies expire and would not renew such policies.<sup>34</sup> The insurer cited the cost of sexual abuse claims as the impetus for letting the policies expire, although many foster family agencies reported not having sexual abuse claims filed against them.<sup>35</sup> Providers surveyed by the Association of Children's Residential and Community Services (ACRC) and the National Organization of State Associations for Children (NOSAC) echoed such experiences;

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<sup>29</sup> Section 20.121, F.S.

<sup>30</sup> Section 627.0612

<sup>31</sup> Section 624.02, F.S.

<sup>32</sup> U.S. Small Business Administration, *Get Business Insurance*, available at: <https://www.sba.gov/business-guide/launch-your-business/get-business-insurance#six-common-types-of-business-insurance> (last visited 1/31/26).

<sup>33</sup> Bipartisan Policy Center, 'The Perfect Storm': Child Care Providers' Challenges in Accessing and Affording Liability Insurance, available at: <https://bipartisanpolicy.org/issue-brief/the-perfect-storm-child-care-providers-challenges-in-accessing-and-affording-liability-insurance/> (last visited 1/31/26).

<sup>34</sup> Los Angeles Times, *Thousands of foster kids in California could lose their homes amid insurance crisis*, available at: <https://www.latimes.com/california/story/2024-09-18/thousands-of-foster-kids-in-california-could-lose-their-homes-amid-insurance-crisis> (last visited 1/31/26).

<sup>35</sup> *Id.*

many providers experienced an increase in premium rates despite having no sexual abuse claims filed against them.<sup>36</sup>

### ***CBC Lead Agency and Subcontractor Liability Insurance Requirements***

The Legislature acknowledges that securing liability insurance is one of the components necessary for private providers to secure a safe and stable environment for children in the child welfare system.<sup>37</sup> Thus, Florida law requires CBC lead agencies and subcontractors to hold liability insurance. However, the Legislature finds that the cost to maintain such insurance should not significantly reduce the resources of the providers.<sup>38</sup>

Lead agencies and subcontractors are statutorily required to obtain general liability insurance and bodily injury liability insurance, if the staff transports children in personal automobiles.<sup>39</sup> To reduce the entity's financial risk associated with providing services, the lead agency or subcontractor may choose to purchase additional insurance policies based on the needs of the entity.

The following chart displays examples of the insurance policies CBC lead agencies and subcontractors may obtain:

Lead Agencies and Subcontracted Providers Insurance Policies		
Policy	Coverage Requirement	Damages Available
Statutorily Required Policies <sup>40</sup>		
General Liability Insurance	\$3 million in aggregate general liability insurance coverage per policy period	\$1 million per occurrence
Bodily Injury Liability Insurance – <i>If staff transport children in personal automobiles</i>	Minimum \$100,000 per person per any one automobile accident	\$300,000 for all damages resulting from any one automobile accident on a personal vehicle
Optional Policies <sup>41</sup>		
Board & Executive Liability	Protects board of directors against personal liability for official duties.	
Improper Sexual Conduct and Physical Abuse Coverage (also referred to as Sexual/Physical Abuse/Molestation Coverage)	Covers the CBC lead agency or subcontractor for allegations of sexual or physical abuse.	
Social Service Professional (SSP) Coverage	Covers the organization and employees for damages due to negligence or errors and omissions during the work the organization provides.	
Nonowned Automobile Liability	Covers the organization from liability from an automobile accident involving an automobile not owned, leased, rented, or borrowed by the organization (the employee's personal automobile).	

<sup>36</sup> ACRC and NOSAC, *Insuring Care: How Liability Insurance Access Threatens Community Services for Children 2025 National Survey Report*, available at: <https://togetherthevoice.org/insuringcare/> (last visited 2/5/26).

<sup>37</sup> Section 409.993(1), F.S.

<sup>38</sup> Section 409.993 (1), F.S

<sup>39</sup> Section 409.993, F.S.

<sup>40</sup> Section 409.993, F.S.

<sup>41</sup> Nonprofits Insurance Alliance, *Nonprofits Insurance 101*, available at:

<https://insurancefornonprofits.org/nonprofits/insurance-101/> (last visited 9/8/25).

Upon an incident, such as an injury or allegation of abuse, the CBC or subcontractor files a claim with their insurer for coverage.<sup>42</sup> Depending on the nature of the incident, the insurer may cover the claim and settle out of court, take the issue to trial, or deny the claim of the CBC lead agency or subcontractor.<sup>43</sup> Currently, there is no statutory requirement for CBC lead agencies or subcontractors to provide information to the DCF or Legislature regarding the number of claims lead agencies and subcontractors have, and how premiums have been affected due to such claims.

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

**Section 1** of the bill adds a new subsection to s. 409.993, F.S. to require the Office of Insurance Regulation (OIR), in collaboration with the DCF and CBC lead agencies and their subcontracted providers to review all available, relevant, and appropriate data from the previous five fiscal years related to liability insurance coverage and availability. The bill requires an analysis of the following metrics:

- Access to and availability of liability insurance through authorized insurance companies, surplus lines companies, and self-insurance funds;
- Factors affecting the ability to obtain and maintain liability insurance;
- Cost of general liability insurance based on insurance premium documentation;
- Claims data;
- Settlement and judicial disposition data;
- CBC lead agency operating budget and expenses;
- Impact of insurance costs on the financial condition of CBC lead agencies and their subcontractors; and
- Consistency of statutory insurance requirements with the general insurance market.

The bill requires the OIR to develop a report on the findings of its review and analysis that includes, but is not limited to, the following:

- Summary of the methods used and data obtained for review and analysis;
- Trends in insurance premium rates;
- Trends in claims and settlements;
- Trends in liability coverage affordability and availability;
- Actionable recommendations for agency and legislative changes to ensure affordable and available liability insurance for CBC lead agencies and their subcontractors.

The bill requires the OIR to provide the required report to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2027.

The bill authorizes the OIR to levy fines or penalties on an insurance company that fails to reply to any request for information within 30 calendar days of such request. The bill limits such fines to not exceed \$500 per day for the first 3 days late and \$1,000 per day for each late day thereafter. Such fines shall be transferred to the General Revenue Fund.

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<sup>42</sup> Nonprofits Insurance Alliance, *Reporting Claims to NIA*, available at: <https://insurancefornonprofits.org/claims/#nonprofits> (last 2/10/26).

<sup>43</sup> *Id.*

The bill authorizes the DCF to levy fines or penalties on a CBC lead agency or subcontractor that fails to reply to any request for information within 30 calendar days of such request. The bill limits such fines to not exceed \$500 per day for the first 3 days late and \$1,000 per day for each late day thereafter. Such fines shall be transferred to the General Revenue Fund.

The bill repeals this newly created subsection of law on July 1, 2027, unless it is reenacted.

**Section 2** of the bill provides an effective date of July 1, 2026.

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

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None Identified.

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

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 409.993

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

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

**CS by Children, Families, and Elder Affairs on February 10, 2026:**

- Removes changes made to Ch. 39, F.S. that created an accreditation process for child-serving organizations.
- Removes changes made to the definition of institutional child abuse and neglect to maintain current statute.
- Requires the Office of Insurance Regulation to collaborate with the DCF and CBC lead agencies to review data pertaining to liability insurance coverage and availability for the last five fiscal years.
- Requires the OIR to submit a report on such findings surrounding insurance coverage and availability by January 1, 2027.
- Authorizes the OIR to levy fines or penalize insurance companies and authorizes the DCF to levy fines or penalize CBC lead agencies or subcontractors for failure to reply to a request for information within 30 calendar days.
- Repeals the provisions of the bill July 1, 2027.

**B. Amendments:**

None.