

By Senator Yarborough

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A bill to be entitled

An act relating to child welfare; amending s. 39.01, F.S.; defining the terms "accredited child safety organization" and "child-serving organization"; revising the definition of the term "institutional child abuse or neglect"; creating s. 39.0151, F.S.; requiring certain organizations and agencies to provide employees with annual training approved by the Department of Children and Families relating to the protection of children from abuse and neglect; providing requirements for such training; requiring the department to create a process to recognize and approve qualified accrediting organizations for a specified purpose; providing requirements for qualified accrediting organizations to be approved by the department; requiring approved qualified accrediting organizations to maintain certain records and submit such records annually to the department; requiring the department to review the status of each qualified accrediting organization at certain intervals; authorizing the department to revoke its recognition and approval of a qualified accrediting organization for good cause; requiring the department to review the status of accredited child safety organizations at certain intervals; authorizing the department to renew or revoke the accreditation or certification of an accredited child safety organization; amending s. 39.101, F.S.; requiring the department to collect and analyze certain reports of

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abuse which are reported from or occurred at a child-serving organization; creating s. 627.0656, F.S.; requiring the Office of Insurance Regulation to approve rating plans for employer's liability insurance which provide a premium discount to certain child-serving organizations; providing requirements for such plans; providing legislative findings; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study on the affordability and availability of liability coverage for child-serving organizations; requiring the office to provide a certain report to the Legislature by a certain date; amending ss. 39.302, 39.521, 39.6012, 394.495, 934.255, 960.065, and 984.03, F.S.; conforming cross-references; reenacting s. 39.301(2)(b), F.S., relating to initiation of protective investigations, to incorporate the amendment made to s. 39.01, F.S., in a reference thereto; providing an effective date.

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

Section 1. Present subsections (3) through (13) and subsections (14) through (91) of section 39.01, Florida Statutes, are redesignated as subsections (4) through (14) and subsections (16) through (93), respectively, new subsections (3) and (15) are added to that section, and present subsections (10) and (39) of that section are amended, to read:

39.01 Definitions.—When used in this chapter, unless the

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context otherwise requires:

(3) "Accredited child safety organization" means an organization that has been certified or accredited by a qualified accrediting organization that is recognized and approved by the department. For purposes of this subsection, the term "certified or accredited" means an evidence-based and independent validation process managed through a professional association or accrediting organization.

(11)~~(10)~~ "Caregiver" means the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare as defined in subsection (59)~~(57)~~.

(15) "Child-serving organization" means any public or private agency, organization, facility, or institution that provides organized programming for children, including, but not limited to, public or private schools, public or private child care facilities and day care centers, residential homes, day camps, youth sports organizations, and other organizations whose employees or volunteers are adults entrusted with a child's care.

(41)~~(39)~~ "Institutional child abuse or neglect" means situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an employee of or volunteer at a child-serving organization a~~public or private school, public or private day care center, residential home,~~ institution, facility, or agency or any other person at such institution responsible for the child's welfare as defined in subsection (59)~~(57)~~.

Section 2. Section 39.0151, Florida Statutes, is created to

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88 read:

89 39.0151 Training and certification of child-serving
90 organizations.—

91 (1) Each child-serving organization and each agency that
92 contracts with the department or the Department of Juvenile
93 Justice shall provide to all employees annual training relating
94 to the protection of children from abuse and neglect. The
95 training must be approved by the Department of Children and
96 Families and include, at a minimum, instruction on all of the
97 following:

98 (a) Common signs and symptoms of child abuse and neglect.

99 (b) Techniques for preventing child abuse and neglect,
100 including, but not limited to, techniques for ensuring proper
101 boundaries to prevent abuse, screening standards, and
102 supervision techniques designed to avoid inappropriate adult-
103 child interactions.

104 (c) Procedures for responding to a suspected case of child
105 abuse or neglect, including, but not limited to, any mandated
106 reporting responsibilities and procedures; procedures for
107 ensuring the child's safety and emotional well-being; and
108 procedures necessary to achieve an appropriate investigation of
109 any child abuse or neglect allegations.

110 (d) Information regarding sex trafficking and child sexual
111 exploitation, including steps to identify suspected victims.

112 (e) Child-friendly procedures necessary to prevent a child
113 victim of abuse or neglect from suffering further trauma or
114 revictimization, to protect the child's privacy, and to assist
115 the child's recovery.

116 (2) (a) The Department of Children and Families shall create

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117 a process to recognize and approve qualified accrediting
118 organizations that are authorized to accredit or certify child-
119 serving organizations as accredited child safety organizations.
120 The department shall recognize and approve a qualified
121 accrediting organization if such organization meets all of the
122 following requirements:

123 1. The organization is a nonprofit organization authorized
124 to operate in this state.

125 2. The organization has developed a curriculum or program
126 that substantially meets the requirements of subsection (1) and
127 offers such curriculum or program to child-serving
128 organizations. The curriculum or program must be provided to the
129 department for review, along with any other information
130 requested by the department.

131 3. The organization can demonstrate to the satisfaction of
132 the department a record of providing child abuse prevention and
133 response training to child-serving organizations in this state
134 for at least 2 years before the organization submits its
135 application to the department for recognition and approval.

136 (b) Once approved by the department, a qualified
137 accrediting organization must maintain a record of all training
138 it provides to child-serving organizations and annually submit
139 such record to the department. As part of its record, a
140 qualified accrediting organization must maintain the following:

141 1. A list of child-serving organizations that are trained
142 and become accredited child safety organizations.

143 2. Participant evaluations from all of the trainings the
144 qualified accrediting organization has provided.

145 (c) The department must review the status of each qualified

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146 accrediting organization on a biannual basis; however, the
147 department may conduct a review of each qualified accrediting
148 organization's status at any time. The department may revoke its
149 recognition and approval of a qualified accrediting organization
150 for good cause.

151 (d) The status of an accredited child safety organization
152 must be reviewed by the department at least every 3 years and
153 the accreditation or certification of such organization may be
154 renewed or revoked by the department upon such review.

155 Section 3. Paragraph (f) of subsection (3) of section
156 39.101, Florida Statutes, is amended to read:

157 39.101 Central abuse hotline.—The central abuse hotline is
158 the first step in the safety assessment and investigation
159 process.

160 (3) COLLECTION OF INFORMATION AND DATA.—The department
161 shall:

162 (f)1. Collect and analyze child-on-child sexual abuse
163 reports and include such information in the aggregate
164 statistical reports.

165 2. Collect and analyze, in separate statistical reports,
166 those reports of child abuse, sexual abuse, and juvenile sexual
167 abuse which are reported from or which occurred on or at:

- 168 a. School premises;
- 169 b. School transportation;
- 170 c. School-sponsored off-campus events;
- 171 d. A school readiness program provider determined to be
172 eligible under s. 1002.88;
- 173 e. A private prekindergarten provider or a public school
174 prekindergarten provider, as those terms are defined in s.

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1002.51(7) and (8), respectively;

f. A public K-12 school as described in s. 1000.04;

g. A private school as defined in s. 1002.01;

h. A Florida College System institution or a state university, as those terms are defined in s. 1000.21(5) and (9), respectively; ~~or~~

i. A school, as defined in s. 1005.02; or

j. A child-serving organization.

Section 4. Section 627.0656, Florida Statutes, is created to read:

627.0656 Insurance discounts for accredited child safety organizations.—The office shall approve rating plans for employer's liability insurance which provide an appropriate reduction in premium charges to child-serving organizations as defined in s. 39.01 which are certified or accredited as accredited child safety organizations by the Department of Children and Families under s. 39.0151(2). The plans must be actuarially sound and must state the savings anticipated to result from a child-serving organization becoming an accredited child safety organization.

Section 5. Child safety and liability insurance study.—

(1) The Legislature finds that:

(a) Recent studies demonstrate that across the nation, including in this state, organizations that provide services to children face an existential threat to their ability to operate due to the unaffordability, and on occasion unavailability, of liability insurance.

(b) Private organizations that provide services to children are essential to the well-being of families and communities.

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204 Churches, synagogues, and other faith-based organizations
205 provide child care, organized activities, and educational
206 opportunities for children. Camps, scouting organizations, and
207 youth sports organizations provide children with the opportunity
208 to develop physically and mentally. Other organizations provide
209 residential care, foster care, and respite care for children in
210 difficult circumstances.

211 (c) The cost of liability insurance threatens the ability
212 of organizations to provide these services. Recently, the
213 shutdown of private foster agencies in California due to the
214 unavailability of insurance was averted only by legislative
215 intervention.

216 (d) The liability coverage affordability and availability
217 crisis for such organizations is driven by factors that include
218 social inflation; nationwide changes affecting the liability of
219 organizations for past incidents resulting in harm to children;
220 and the ongoing challenges of serving children while maintaining
221 proper procedures to screen and supervise employees and
222 volunteers, raise situational awareness of the risks of child
223 abuse within organizations, and take steps to prevent the
224 exploitation or abuse of children in their programs.

225 (e) Potential methods to ensure that private organizations
226 are able to continue carrying out their valuable work include
227 developing methods to reduce insurance rates, providing state
228 financial support to providers, and developing programs to
229 bolster child abuse and neglect prevention policies and
230 protocols within organizations.

231 (2) The Office of Program Policy Analysis and Government
232 Accountability shall conduct a study on the affordability and

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233 availability of liability coverage for child-serving
234 organizations as defined in s. 39.01, Florida Statutes. The
235 office shall identify potential legislative actions that may be
236 taken to ensure the continued viability of such organizations
237 and provide a report of its findings to the President of the
238 Senate and the Speaker of the House of Representatives by July
239 1, 2027.

240 Section 6. Subsection (1) of section 39.302, Florida
241 Statutes, is amended to read:

242 39.302 Protective investigations of institutional child
243 abuse, abandonment, or neglect.—

244 (1) The department shall conduct a child protective
245 investigation of each report of institutional child abuse,
246 abandonment, or neglect. Upon receipt of a report that alleges
247 that an employee or agent of the department, or any other entity
248 or person covered by s. 39.01(41) or (59) ~~s. 39.01(39) or (57)~~,
249 acting in an official capacity, has committed an act of child
250 abuse, abandonment, or neglect, the department shall initiate a
251 child protective investigation within the timeframe established
252 under s. 39.101(2) and notify the appropriate state attorney,
253 law enforcement agency, and licensing agency, which shall
254 immediately conduct a joint investigation, unless independent
255 investigations are more feasible. When conducting investigations
256 or having face-to-face interviews with the child, investigation
257 visits shall be unannounced unless it is determined by the
258 department or its agent that unannounced visits threaten the
259 safety of the child. If a facility is exempt from licensing, the
260 department shall inform the owner or operator of the facility of
261 the report. Each agency conducting a joint investigation is

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entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an interview with the child's parent or legal guardian. The department shall make a full written report to the state attorney within 3 business days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in the report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

Section 7. Paragraph (c) of subsection (1) of section 39.521, Florida Statutes, is amended to read:

39.521 Disposition hearings; powers of disposition.—

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

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

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1. Require the parent and, when appropriate, the legal guardian or the child to participate in treatment and services identified as necessary. The court may require the person who has custody or who is requesting custody of the child to submit to a mental health or substance abuse disorder assessment or evaluation. The order may be made only upon good cause shown and pursuant to notice and procedural requirements provided under the Florida Rules of Juvenile Procedure. The mental health assessment or evaluation must be administered by a qualified professional as defined in s. 39.01, and the substance abuse assessment or evaluation must be administered by a qualified professional as defined in s. 397.311. The court may also require such person to participate in and comply with treatment and services identified as necessary, including, when appropriate and available, participation in and compliance with a mental health court program established under chapter 394 or a treatment-based drug court program established under s. 397.334. Adjudication of a child as dependent based upon evidence of harm as defined in s. 39.01(39)(g) ~~s. 39.01(37)(g)~~ demonstrates good cause, and the court shall require the parent whose actions caused the harm to submit to a substance abuse disorder assessment or evaluation and to participate and comply with treatment and services identified in the assessment or evaluation as being necessary. In addition to supervision by the department, the court, including the mental health court program or the treatment-based drug court program, may oversee the progress and compliance with treatment by a person who has custody or is requesting custody of the child. The court may impose appropriate available sanctions for noncompliance upon a

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person who has custody or is requesting custody of the child or make a finding of noncompliance for consideration in determining whether an alternative placement of the child is in the child's best interests. Any order entered under this subparagraph may be made only upon good cause shown. This subparagraph does not authorize placement of a child with a person seeking custody of the child, other than the child's parent or legal custodian, who requires mental health or substance abuse disorder treatment.

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

3. Require placement of the child either under the protective supervision of an authorized agent of the department in the home of one or both of the child's parents or in the home of a relative of the child or another adult approved by the court, or in the custody of the department. Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department must set forth the powers of the custodian of the child and include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, further judicial reviews are not required if

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permanency has been established for the child.

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

Section 8. Paragraph (c) of subsection (1) of section 39.6012, Florida Statutes, is amended to read:

39.6012 Case plan tasks; services.—

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

(c) If there is evidence of harm as defined in s. 39.01(39)(g) ~~s. 39.01(37)(g)~~, the case plan must include as a required task for the parent whose actions caused the harm that the parent submit to a substance abuse disorder assessment or evaluation and participate and comply with treatment and services identified in the assessment or evaluation as being necessary.

Section 9. Paragraph (p) of subsection (4) of section 394.495, Florida Statutes, is amended to read:

394.495 Child and adolescent mental health system of care; programs and services.—

(4) The array of services may include, but is not limited to:

(p) Trauma-informed services for children who have suffered sexual exploitation as defined in s. 39.01(82)(g) ~~s. 39.01(80)(g)~~.

Section 10. Paragraph (c) of subsection (1) of section 934.255, Florida Statutes, is amended to read:

934.255 Subpoenas in investigations of sexual offenses.—

(1) As used in this section, the term:

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(c) "Sexual abuse of a child" means a criminal offense based on any conduct described in s. 39.01(82) ~~s. 39.01(80)~~.

Section 11. Subsection (5) of section 960.065, Florida Statutes, is amended to read:

960.065 Eligibility for awards.—

(5) A person is not ineligible for an award pursuant to paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that person is a victim of sexual exploitation of a child as defined in s. 39.01(82)(g) ~~s. 39.01(80)(g)~~.

Section 12. Subsections (1), (2), and (24) of section 984.03, Florida Statutes, are amended to read:

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

(1) "Abandoned" or "abandonment" has the same meaning as in s. 39.01 ~~s. 39.01(1)~~.

(2) "Abuse" has the same meaning as in s. 39.01 ~~s. 39.01(2)~~.

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

Section 13. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 39.301, Florida Statutes, is reenacted to read:

39.301 Initiation of protective investigations.—

(2)

(b) As used in this subsection, the term "criminal conduct" means:

1. A child is known or suspected to be the victim of child abuse, as defined in s. 827.03, or of neglect of a child, as defined in s. 827.03.

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2. A child is known or suspected to have died as a result of abuse or neglect.

3. A child is known or suspected to be the victim of aggravated child abuse, as defined in s. 827.03.

4. A child is known or suspected to be the victim of sexual battery, as defined in s. 827.071, or of sexual abuse, as defined in s. 39.01.

5. A child is known or suspected to be the victim of institutional child abuse or neglect, as defined in s. 39.01, and as provided for in s. 39.302(1).

6. A child is known or suspected to be a victim of human trafficking, as provided in s. 787.06.

Section 14. This act shall take effect July 1, 2026.