

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/HB 949](#)

TITLE: Temporary Custody of Minor Children

SPONSOR(S): Salzman

COMPANION BILL: [CS/SB 1002](#) (Gaetz)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Civil Justice & Claims](#)

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SUMMARY

Effect of the Bill:

CS/HB 949 expands the definitions of “harm” and neglect” in relation to child welfare, dependency, and other family law matters to address substance abuse by a parent. The bill expands such definitions to expressly include evidence of a parent’s acute or chronic use of a controlled substance 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 the child. As such, evidence of a parent’s acute or chronic use of a controlled substance may be considered grounds for a court to find harm or neglect for the purposes of child welfare investigations and proceedings.

The bill reenacts several sections of statute to incorporate the changes made by the bill into current law.

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

Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on the state due to the potential increase of investigations, dependency proceedings, and out-of-home placements caused by the expanded definitions.

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ANALYSIS

EFFECT OF THE BILL:

CS/HB 949 expands the definitions of “[harm](#)” and “[neglect](#)” as they relate to the [child welfare system](#) under Chapter 39 of the Florida Statutes. The bill expands the definitions of harm and neglect to include evidence of a parent’s acute¹ or chronic use of a controlled substance 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 the child. As such, under the bill, a parent need not have a history of chronic or extensive abuse of controlled substances. Rather, a significant event without a history of similar behaviors may be sufficient to establish harm or neglect to a child. (Section [1](#)).

The bill reenacts and conforms several cross-referenced provisions in Chapters [39](#), [61](#), [390](#), [744](#), [984](#), and [1001](#) of the Florida Statutes. (Sections [2-11](#)).

The bill has an effective date of July 1, 2026. (Section [12](#)).

¹ Generally, “acute” refers to a condition, injury, or illness characterized by a sudden onset, severe symptoms, and a relatively short duration. Acute means sudden and, in legal terms, is the opposite of “chronic.” NIH, National Library of Medicine: Medline Plus, *Acute*, <https://medlineplus.gov/ency/article/002215.htm#:~:text=To%20use%20the%20sharing%20features,is%20the%20opposite%20of%20chronic>. (2024) (last visited Feb. 8, 2026).

STORAGE NAME: h0949.CIV

DATE: 2/11/2026

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on state government if the expanded definitions result in a higher rate of dependency actions, investigations, and child removals. Further, the bill may cause an increased demand for substance abuse treatment funded through state expenditures as well as increased workloads for DCF, dependency courts, and the Guardian Ad Litem program.

RELEVANT INFORMATION**SUBJECT OVERVIEW:****[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 and for providing services necessary to protect children from harm.²

Administered by DCF, Florida's child welfare system seeks to:

- Provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development;
- Ensure secure and safe custody;
- Promote the health and well-being of all children under the state's care; and
- Prevent the occurrence of child abuse, neglect, and abandonment.³

Child Protection Investigations**[Harm](#)**

Under current law, harm to a child's health or welfare can occur when any person:

- Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted.⁴
- Commits, or allows to be committed, sexual battery, as defined in chapter 794, or lewd or lascivious acts, as defined in chapter 800, against the child.⁵
- Allows, encourages, or forces the sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:⁶
 - Solicit for or engage in prostitution; or
 - Engage in a sexual performance, as defined by chapter 827.
- Exploits a child, or allows a child to be exploited, as provided in s. [450.151](#).⁷
- Abandons the child. Within the context of the definition of "harm," the term "abandoned the child" or "abandonment of the child" means a situation in which the parent or legal custodian of a child or, in the

² [S. 39.001, F.S.](#), and [s. 39.301, F.S.](#)

³ [S. 39.001\(1\)\(a\), F.S.](#)

⁴ [S. 39.01\(37\), F.S.](#)

⁵ [S. 39.01\(37\)\(b\), F.S.](#)

⁶ [S. 39.01\(37\)\(c\), F.S.](#)

⁷ [S. 39.01\(37\)\(d\), F.S.](#)

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.⁸

- Neglects the child. Within the context of the definition of "harm," the term "neglects the child" means that the parent or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so; however, the term does not include a caregiver allowing a child to engage in independent and unsupervised activities unless allowing such activities constitutes reckless conduct that endangers the health or safety of the child.⁹
- Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control a child.¹⁰
- Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child.¹¹
- Negligently fails to protect a child in his or her care from inflicted physical, mental, or sexual injury caused by the acts of another.¹²
- Has allowed a child's sibling to die as a result of abuse, abandonment, or neglect.¹³
- Makes the child unavailable for the purpose of impeding or avoiding a protective investigation unless the court determines that the parent, legal custodian, or caregiver was fleeing from a situation involving domestic violence.¹⁴

In addition to above factors constituting harm to a child's welfare, a parent may also be found to harm a child's welfare if he or she exposes a child to a controlled substance or alcohol.¹⁵ Exposure to a controlled substance or alcohol is established by:

- A test, administered at birth, which indicated that the child's blood, urine, or meconium contained any amount of alcohol or a controlled substance; or
- 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.¹⁶

Under current law, actions inflicting harm or injury include, but are not limited to:

- Willful¹⁷ acts that produce the following specific injuries:
 - Sprains, dislocations, or cartilage damage.
 - Bone or skull fractures.
 - Brain or spinal cord damage.
 - Intracranial hemorrhage or injury to other internal organs.
 - Asphyxiation, suffocation, or drowning.
 - Injury resulting from the use of a deadly weapon.
 - Burns or scalding.
 - Cuts, lacerations, punctures, or bites.
 - Permanent or temporary disfigurement.
 - Permanent or temporary loss or impairment of a body part or function.¹⁸

⁸ [S. 39.01\(37\)\(e\), F.S.](#)

⁹ [S. 39.01\(37\)\(f\), F.S.](#)

¹⁰ [S. 39.01\(37\)\(h\), F.S.](#)

¹¹ [S. 39.01\(37\)\(i\), F.S.](#)

¹² [S. 39.01\(37\)\(j\), F.S.](#)

¹³ [S. 39.01\(37\)\(k\), F.S.](#)

¹⁴ [S. 39.01\(37\)\(l\), F.S.](#)

¹⁵ [S. 39.01\(37\)\(g\), F.S.](#)

¹⁶ *Id.*

¹⁷ "Willful" refers to the intent of the person to perform an action, not to the intent to achieve a result or to cause an injury. [S. 39.01\(38\)\(a\), F.S.](#)

¹⁸ [S. 39.01\(37\)\(a\), F.S.](#)

- Purposely giving a child poison, alcohol, drugs,¹⁹ or other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury.²⁰
- Leaving a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition, so that the child is unable to care for the child's own needs, is subjected to obvious danger of which the child's caregiver knew or should have known, or is unable to exercise reasonable judgment to avoid serious harm to himself or others in responding to any kind of physical or emotional crisis. This subparagraph may not be construed to restrict a caregiver from allowing a child of sufficient maturity and physical condition from engaging in independent unsupervised activities, including, but not limited to, traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home or any other location for a reasonable period of time, unless allowing such activities constitutes conduct that is so reckless as to endanger the health or safety of the child.²¹
- Inappropriate or excessively harsh disciplinary action²² that is likely to result in physical injury, mental injury as defined in this section, or emotional injury. The significance of any injury must be evaluated in light of the following factors: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted.²³

Neglect

Pursuant to [s. 39.01\(53\), F.S.](#), 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.²⁴ Neglect of a child includes acts or omissions.²⁵

Child Abuse Hotline

The [Department of Children and Families](#) (DCF) operates a 24/7 [central abuse hotline](#) to receive reports of known or suspected child abuse, abandonment, or neglect and of situations where the child needs supervision and care in the absence of an immediately known and available parent, legal custodian, or responsible adult relative.²⁶ Florida is a mandatory reporter state, and a knowledgeable and willful failure to report constitutes a third-degree felony.²⁷ Notwithstanding mandatory reporting, members of the general public may make reports anonymously. However, if the reporter's occupation is a physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons, he or she must disclose their identity to the central abuse hotline operator.²⁸

Verification

¹⁹ For the purposes of this subparagraph, the term "drugs" means prescription drugs not prescribed for the child or not administered as prescribed, and controlled substances as outlined in Schedule I or Schedule II of s. [893.03](#).

²⁰ S. 39.01(37)(a)2., F.S.

²¹ S. 39.01(37)(a)3., F.S.

²² Corporal discipline may be considered excessive or abusive when it results in sprains, dislocations, cartilage damage, bone or skull fractures, brain or spinal cord damage, intercranial hemorrhage or injury to other internal organs, asphyxiation, suffocation, drowning, injury resulting from the use of a deadly weapon, burns or scalding, cuts, lacerations, punctures, bites, permanent or temporary disfigurement, permanent or temporary loss or impairment of a body part or function, significant bruises or welts, or other similar injuries. S. 39.01(37)(a)4.a.-k., F.S.

²³ S. 39.01(37)(a)4., F.S.

²⁴ [S. 39.01\(53\), F.S.](#)

²⁵ *Id.*

²⁶ S. [39.101\(1\)\(a\), F.S.](#)

²⁷ S. [39.205\(1\), F.S.](#) However, the court exempts a victim of domestic violence or persons experiencing other mitigating circumstances from the mandatory reporting requirements. [s. 39.205\(2\), F.S.](#)

²⁸ S. [39.201\(1\), F.S.](#) Current law also requires school personnel, social workers, professional child care workers, law enforcement officers, judges, animal control officers to identify themselves. However, their identities are kept confidential and exempt from public records disclosure.

Once DCF's Child Abuse Hotline receives a report, the Hotline operator must determine if the report meets the statutory criteria for [child maltreatment](#) (i.e., abuse, abandonment, or neglect), which the table below depicts:²⁹

Offense	Statutory Criteria (For Dependency Proceedings – Not Criminal Proceedings)
Child Abuse	Any willful act or threatened act that: <ul style="list-style-type: none"> - Results in physical injury,³⁰ mental injury,³¹ or sexual injury;³² or - Results in harm³³ that causes or is likely to cause significant impairment of the child's physical, mental, or emotional health.
Child Abandonment	While being able to do so, the caregiver: <ul style="list-style-type: none"> - Fails to make a significant contribution to the child's care and maintenance; or - Fails to establish or maintain a substantial and positive relationship with the child. Includes infrequent/irregular visitation or communication with the child. Includes the failure to exercise parental rights and responsibilities.
Child Neglect	The active or passive deprivation of necessary food, clothing, shelter, or medical treatment; or the child's living environment causes significant impairment, or creates a danger of significant impairment, to the child's physical, mental, or emotional health. Financial inability does not count (unless the parent rejected an offer of relief).

If the report meets one or more of these statutory criteria, then the Hotline operator accepts the report as a verified maltreatment event, opens a new (or reopens an existing case file)³⁴ for the child, and refers the report for investigation by a DCF Child Protection Investigator (CPI).³⁵ For FY 2023-24, DCF verified 185,390 reports.³⁶

²⁹ [Ss. 39.01\(1\), F.S. 39.01\(2\), F.S., 39.01\(53\), F.S.; s. 39.201\(4\), F.S.](#) Child abuse includes acts or omissions.

³⁰ Physical injury means the death, permanent or temporary disfigurement, or impairment of any bodily part. [s. 39.01\(66\), F.S.](#)

³¹ Mental injury means an injury to the intellectual or psychological capacity of a child as evidenced by a discernable and substantial impairment in the ability to function within the normal range of performance and behavior. [s. 39.01\(51\), F.S.](#)

³² While sexual injury lacks a chapter-wide definition, sexual abuse of a child covers the offenses listed under [s. 39.01\(80\), F.S.](#)

³³ [S. 39.01\(37\), F.S.](#) Harm to a child's health or welfare can occur when any person:

- Inflicts or allows to be inflicted upon the child physical mental or emotional injury (e.g., willful acts that produce statutorily enumerated injuries; purposefully furnishing poison, alcohol, drugs, or related substances; leaving the child without adult supervision or an appropriate arrangement; inappropriate or excessively harsh disciplinary action).
- Commits or allows to be committed sexual battery or lewd/lascivious acts against the child.
- Allows, encourages, or forces the sexual exploitation of a child.
- Exploits, or allows to be exploited, the child's labor so that the child unjustifiably suffers or is endangered.
- Abandons the child.
- Neglects the child.
- Exposes the child to a controlled substance or alcohol.
- Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control a child.
- Engages in violent behavior that demonstrates wanton disregard for the presence of a child and could reasonably result in serious injury to the child.
- Negligently fails to protect a child in his or her care from inflicted physical, mental, or sexual injury caused by the acts of another.
- Allowed a child's sibling to die as a result of abuse, abandonment, or neglect.
- Makes the child unavailable for the purpose of impeding or avoiding a protective investigation unless the court determines that the parent, legal custodian, or caregiver was fleeing from a situation involving domestic violence.

³⁴ DCF maintains single, standard electronic child welfare case file for each child whose report is accepted by the central abuse hotline for investigation. [s. 39.301\(3\), F.S.](#)

³⁵ [s. 39.201\(4\), F.S.](#)

³⁶ Department of Children and Families, "A Comprehensive, Multi-Year Review of the Revenues, Expenditures, and Financial Position of All Community-Based Care Lead Agencies with System of Care Analysis: State Fiscal Years 2022-2023 and 2023-2024", p. 13 (Dec. 1, 2024)

<https://www.myflfamilies.com/sites/default/files/2024-12/2024%20Multi-Year%20Review%20of%20Financial%20Position%20for%20Lead%20Agencies%20Report.pdf> (last visited Mar. 5, 2025).

Investigations

During an investigation, a DCF CPI determines the status of the child's safety. To this end, a CPI first creates a dossier of the child that documents familial history, child welfare history, household criminal records checks,³⁷ and prior law enforcement contact. The CPI must then conduct face-to-face interviews with the child and other family members, document contemporaneous observations, and solicit opinions from collateral contacts in the child's life. In addition, a CPI may consult, as applicable, with law enforcement, the Department of Health's Child Protection Team,³⁸ a domestic violence shelter or advocate, or a substance abuse/mental health professional about the necessity and feasibility of a joint response to the verified report of maltreatment.³⁹

Child Maltreatment Index

The Child Maltreatment Index (Index) is utilized by abuse hotline counselors and child protective investigators to determine if a report of child abuse, abandonment, or neglect meets the criteria for verifying child maltreatment.⁴⁰

When the CPI encounters an individual who may be responsible for the suspected child maltreatment, the CPI must make certain disclosures to him or her. These disclosures are as follows:⁴¹

- The name of the investigator and his or her DCF credentials.
- The purpose of the investigation.
- The right to legal counsel, the right to remain silent, the right to know how anything that the individual shares with the CPI may be used against them.
- The possible outcomes and services relating to DCF's response.
- The right, if the individual is a parent or legal custodian of the child, to be engaged to the fullest extent possible in determining the nature of the allegation and the nature of any identified problem and the remedy.
- The duty, if the individual is a parent or legal custodian of the child, to report any change in the residence or location of the child to the CPI, and that this duty to report continues until DCF closes the investigation.
- The right, if the individual is a parent or legal custodian of the child, to the audio and video recordings of the CPI's interviews with parents, legal custodians, or children.

If the CPI identifies "impending danger"⁴² or "present danger"⁴³ to the child, he or she must implement a specific, sufficient, feasible, and sustainable safety plan, in collaboration with a CBC case manager.⁴⁴ There are 27 maltreatment types that can be assigned to a report of abuse, abandonment, or neglect; such report must contain at least one of the maltreatment types listed below:

- Abandonment.

³⁷ DCF CPIs hold the designation of "a criminal justice agency" for the purpose of accessing criminal justice information to be used for enforcing Florida law concerning the crimes of child abuse, abandonment, and neglect. CPIs may not use or distribute such information for any purpose other than to support the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect. [s. 39.301\(9\)\(a\), F.S.](#)

³⁸ A Child Protection Team is a team of professionals established by the Department of Health to receive referrals from the protective investigators and protective supervision staff of the department and to provide specialized and supportive services to the program in processing child abuse, abandonment, or neglect cases. A Child Protection Team shall provide consultation to other programs of the department and other persons regarding child abuse, abandonment, or neglect cases. [s. 39.01\(13\), F.S.](#)

³⁹ [s. 39.301\(9\)\(a\), F.S.](#) See [Ss. 39.01\(72\), F.S., 39.01\(73\), F.S.](#)

⁴⁰ Florida DCF, *CFOP 170-4: Child Maltreatment Index* (Oct. 2025), <https://resourcelibrary.myflfamilies.com/cfop170/CFOP%20170-04,%20Child%20Maltreatment%20Index.pdf> (last visited Feb. 8, 2026).

⁴¹ [S. 39.301\(5\), F.S.](#)

⁴² "Impending danger" means a situation in which family behaviors, attitudes, motives, emotions, or situations pose a threat that may not be currently active but that can be anticipated to become active and to have severe effects on a child at any time. [s. 39.01\(38\), F.S.](#)

⁴³ "Present danger" means a significant and clearly observable family condition that is occurring at the current moment and is already endangering or threatening to endanger the child. Present danger threats are conspicuous and require that an immediate protective action be taken to ensure the child's safety. [s. 39.01\(69\), F.S.](#)

⁴⁴ [s. 39.301\(9\)\(a\), F.S.](#)

- 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.
- Sexual Abuse: Sexual Molestation.
- Substance-Exposed Newborn.
- Substance Misuse.
- Substance Misuse-Alcohol.
- Substance Misuse-Illicit Drugs.
- Substance Misuse-Prescription Drugs.
- Threatened Harm.⁴⁵

The findings from the investigation are used to determine the subsequent courses 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 from the home, the CPI must create and implement a safety plan before leaving the home or location where there is present danger.⁴⁶ If the child cannot safely remain in the home with a safety plan, DCF must file a petition with the court and remove the child from his or her current home and place him or her in out-of-home care.⁴⁷

⁴⁵ Florida DCF, *CFOP 170-4: Child Maltreatment Index* (Oct. 2025), <https://resourcelibrary.myflfamilies.com/cfop170/CFOP%20170-04,%20Child%20Maltreatment%20Index.pdf> (last visited Feb. 8, 2026).

⁴⁶ S. 39.301(9)(a)6., F.S.

⁴⁷ *Id.*

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Civil Justice & Claims Subcommittee	15 Y, 0 N, As CS	2/11/2026	Jones	Mathews

THE CHANGES ADOPTED BY THE COMMITTEE:	<p>The PCS differed from the underlying bill in that it:</p> <ul style="list-style-type: none"> • Limited the scope of the bill to the changes made to the definitions of “harm” and “neglect.” • Specified that evidence of a parent’s acute or chronic use of a controlled substance to the extent that the ongoing threat of his or her future intoxication compromises his or her ability to guarantee and provide supervision and care for the child constitutes harm or neglect.
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THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
