

Tab 1	CS/SB 86 by JU, Book (CO-INTRODUCERS) Polsky, Yarborough ; (Similar to CS/CS/H 00045) Hope Cards for Persons Issued Orders of Protection					
824208	A	S	RCS	ACJ, Book	Delete L.74 - 84:	02/09 04:06 PM
Tab 2	CS/SB 208 by CJ, Burgess (CO-INTRODUCERS) Perry ; (Identical to CS/H 00801) Alzheimer's Disease and Related Dementia Training for Law Enforcement Officers					
Tab 3	SB 570 by Burgess (CO-INTRODUCERS) Grall ; (Identical to H 00353) Alternative Headquarters for District Court of Appeal Judges					
Tab 4	CS/SB 638 by CJ, Grall ; (Similar to CS/H 00729) Lethality Assessments					
271446	A	S	RCS	ACJ, Grall	Delete L.86 - 162:	02/09 04:07 PM
Tab 5	CS/SB 640 by TR, Berman ; (Identical to H 00937) Purple Alert					
Tab 6	CS/SB 764 by CJ, Stewart ; (Similar to CS/H 00607) Retention of Sexual Offense Evidence					
423522	A	S	L RCS	ACJ, Stewart	Delete L.54:	02/09 04:07 PM
Tab 7	CS/SB 864 by CJ, Collins (CO-INTRODUCERS) Perry ; (Similar to H 00829) Autism Spectrum Disorder Training for Law Enforcement and Correctional Officers					
Tab 8	SB 1190 by Ingoglia ; (Identical to H 01131) Online Sting Operations Grant Program					
Tab 9	CS/SB 1224 by CF, Burton ; (Similar to CS/CS/H 00185) Dependent Children					
559494	A	S	RCS	ACJ, Burton	Delete L.487:	02/09 04:08 PM
146686	A	S	L RCS	ACJ, Burton	Delete L.1819 - 1835:	02/09 04:08 PM
Tab 10	SB 1230 by Bradley ; (Similar to CS/CS/H 01235) Sexual Predators and Sexual Offenders					
306208	A	S	RCS	ACJ, Bradley	Delete L.1731 - 1735.	02/09 04:08 PM
744770	A	S	RCS	ACJ, Bradley	Delete L.2040:	02/09 04:08 PM
Tab 11	SB 1278 by Martin ; (Identical to CS/H 01337) Department of Corrections					
685438	D	S	RCS	ACJ, Martin	Delete everything after	02/09 04:08 PM
Tab 12	SB 1352 by Bradley ; (Similar to H 01425) Juvenile Justice					
754204	A	S	RCS	ACJ, Bradley	Delete L.713 - 1430:	02/09 04:08 PM
Tab 13	SB 1512 by Brodeur ; (Identical to H 01595) Controlled Substances					
Tab 14	SPB 7062 by ACJ ; Public Records/Lethality Assessment					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL JUSTICE
Senator Bradley, Chair
Senator Powell, Vice Chair

MEETING DATE: Thursday, February 8, 2024
TIME: 2:00—3:30 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Building*

MEMBERS: Senator Bradley, Chair; Senator Powell, Vice Chair; Senators Baxley, Burgess, Hooper, Martin, Pizzo, Rouson, Torres, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 86 Judiciary / Book (Similar CS/CS/H 45)	Hope Cards for Persons Issued Orders of Protection; Requiring the Florida Association of Court Clerks, Inc., to develop the Hope Card Program; authorizing certain persons to apply for a Hope Card after a specified date; authorizing a person protected by an injunction for protection issued by a court of a foreign state to apply for and receive a Hope Card even if the person does not register the order for protection in this state, etc. JU 01/09/2024 Fav/CS ACJ 02/08/2024 Fav/CS FP	Fav/CS Yeas 10 Nays 0
2	CS/SB 208 Criminal Justice / Burgess (Identical CS/H 801)	Alzheimer's Disease and Related Dementia Training for Law Enforcement Officers; Requiring the Department of Law Enforcement to establish an online, continued employment training component relating to Alzheimer's disease and related forms of dementia; requiring that the training component be developed with the Department of Elder Affairs; authorizing the completion of such training to count toward a certain requirement, etc. CJ 01/23/2024 Fav/CS ACJ 02/08/2024 Favorable FP	Favorable Yeas 9 Nays 0
3	SB 570 Burgess (Identical H 353)	Alternative Headquarters for District Court of Appeal Judges; Authorizing a district court of appeal judge to have an appropriate facility in a county adjacent to his or her county of residence as the judge's official headquarters; authorizing subsistence and travel reimbursement to such judges, etc. JU 01/16/2024 Favorable ACJ 02/08/2024 Favorable FP	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
 Thursday, February 8, 2024, 2:00—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 638 Criminal Justice / Grall (Similar CS/H 729, Compare H 673, S 610)	Lethality Assessments; Requiring law enforcement officers who investigate an alleged incident of domestic violence to administer a lethality assessment under certain circumstances; requiring the Department of Law Enforcement to consult with specified entities to develop and implement a statewide lethality assessment; requiring certain law enforcement officers to be trained in administering lethality assessments by a specified date; prohibiting law enforcement officers from disclosing in certain statements and reports the domestic violence center to which the victim was referred, etc. CJ 01/10/2024 Fav/CS ACJ 02/08/2024 Fav/CS FP	Fav/CS Yeas 10 Nays 0
5	CS/SB 640 Transportation / Berman (Identical H 937)	Purple Alert; Requiring local law enforcement agencies to develop policies for a local activation of a Purple Alert for certain missing adults; specifying duties of the Department of Law Enforcement's Missing Endangered Persons Information Clearinghouse in the event of a state Purple Alert; specifying conditions under which a local law enforcement agency may request the clearinghouse to open a case, etc. TR 01/17/2024 Fav/CS ACJ 02/08/2024 Favorable FP	Favorable Yeas 10 Nays 0
6	CS/SB 764 Criminal Justice / Stewart (Similar CS/H 607)	Retention of Sexual Offense Evidence; Requiring that specified sexual offense evidence be retained by specified entities for a minimum number of years after the collection date; requiring that such evidence be stored anonymously in a secure, environmentally safe manner, and with a documented chain of custody, etc. CJ 01/10/2024 Fav/CS ACJ 02/08/2024 Fav/CS FP	Fav/CS Yeas 10 Nays 0
7	CS/SB 864 Criminal Justice / Collins (Similar H 829)	Autism Spectrum Disorder Training for Law Enforcement and Correctional Officers; Providing requirements for training officers for interacting with individuals with autism spectrum disorder; requiring the Criminal Justice Standards and Training Commission to adopt rules requiring such training as part of continued employment training for officers, etc. CJ 01/23/2024 Fav/CS ACJ 02/08/2024 Favorable FP	Favorable Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Committee on Criminal and Civil Justice
Thursday, February 8, 2024, 2:00—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1190 Ingoglia (Identical H 1131)	Online Sting Operations Grant Program; Creating the Online Sting Operations Grant Program within the Department of Law Enforcement to support local law enforcement agencies in creating certain sting operations to protect children; requiring the department to annually award grant funds to local law enforcement agencies; authorizing the department to establish criteria and set specific time periods for the acceptance of applications and the selection process for awarding grant funds, etc. CJ 01/23/2024 Favorable ACJ 02/08/2024 Favorable FP	Favorable Yeas 10 Nays 0
9	CS/SB 1224 Children, Families, and Elder Affairs / Burton (Similar CS/H 185)	Dependent Children; Requiring the Statewide Guardian ad Litem Office and circuit guardian ad litem offices to participate in the development of a certain state plan; requiring the court to appoint a guardian ad litem for a child at the earliest possible time; requiring parents to consent to provide certain information to the guardian ad litem and attorney ad litem; requiring a court to give a guardian ad litem an opportunity to address the court in certain proceedings; requiring a court to appoint a guardian ad litem to represent a child in certain proceedings, etc. CF 01/30/2024 Fav/CS ACJ 02/08/2024 Fav/CS FP	Fav/CS Yeas 9 Nays 0
10	SB 1230 Bradley (Similar CS/CS/H 1235)	Sexual Predators and Sexual Offenders; Revising the definitions of the terms "conviction," "permanent residence," "temporary residence," and "transient residence"; specifying that, in order to qualify for removal of certain registration requirements, certain sexual offenders must meet specified criteria; authorizing sexual predators to report to the Department of Law Enforcement through the department's online system within a specified timeframe required vehicle information changes after any change in vehicles owned, etc. CJ 01/23/2024 Favorable ACJ 02/08/2024 Fav/CS FP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
 Thursday, February 8, 2024, 2:00—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	SB 1278 Martin (Identical CS/H 1337)	Department of Corrections; Providing additional authority for law enforcement officers of the office of the inspector general concerning department and private correctional facilities; providing that correctional privatization contracts are not exempt from specified state contracting provisions unless otherwise specified; removing provisions concerning development of consensus per diem rates by the Prison Per-Diem Workgroup, etc. CJ 01/23/2024 Favorable ACJ 02/08/2024 Fav/CS FP	Fav/CS Yeas 10 Nays 0
12	SB 1352 Bradley (Similar H 1425, Compare CS/H 7025)	Juvenile Justice; Authorizing personnel of the Department of Juvenile Justice and of certain contracted providers to possess, store, and administer emergency opioid antagonists and providing immunity from civil or criminal liability for such personnel; deleting a provision requiring the juvenile justice circuit advisory board to establish certain community service programs; requiring sheriffs' offices to submit an annual report regarding certain received proceeds to the department, rather than the juvenile justice circuit advisory board; requiring the public safety coordinating council to cooperate with the department, rather than the juvenile justice circuit advisory board, to prepare a comprehensive public safety plan, etc. CJ 01/30/2024 Favorable ACJ 02/08/2024 Fav/CS FP	Fav/CS Yeas 9 Nays 0
13	SB 1512 Brodeur (Identical H 1595)	Controlled Substances; Adding tianeptine to the list of Schedule I controlled substances, etc. CJ 01/30/2024 Favorable ACJ 02/08/2024 Favorable FP	Favorable Yeas 10 Nays 0
Consideration of proposed bill:			
14	SPB 7062	Public Records/Lethality Assessment; Providing a public records exemption for certain information pertaining to a lethality assessment administered by a trained law enforcement officer; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	Submitted and Reported Favorably as Committee Bill Yeas 10 Nays 0
Other Related Meeting Documents			

The Florida Senate

APPEARANCE RECORD

2/8/24

86

Meeting Date

Bill Number or Topic

CCJ Approps.

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **Lisa Hurley**

Phone **850.224.5081**

Address **311 E. Park Ave.**

Email **lhurley@smithbryanandmyers.com**

Street

Tallahassee

Florida

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Family Law Section , FL Bar

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

February 8, 2024

Meeting Date

CCJ Approps

Committee

The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

86

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: January 10, 2024

I respectfully request that **Senate Bill 86**, relating to Hope Cards for Persons Issued Orders of Protection, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Lauren Book".

Senate Democratic Leader Lauren Book
Florida Senate, District 35



824208

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2024	.	
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	.	

The Appropriations Committee on Criminal and Civil Justice
(Book) recommended the following:

Senate Amendment

Delete lines 74 - 84
and insert:

(6) A Hope Card issued under the program may be digital or a durable, laminated card, 3.375 inches wide by 2.125 inches high, and must contain all of the following information:

(a) The respondent's name, date of birth, height, weight, sex, race, eye color, hair color, and any other distinguishing features or characteristics of the respondent.



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11 (b) The petitioner's name and date of birth and the names
12 and dates of birth of any minor children protected under the
13 order.

14 (c) The name and date of birth, if applicable, of any other
15 person or animal protected under the order.

16 (d) The telephone number for the statewide domestic
17 violence hotline.

By the Committee on Judiciary; and Senators Book and Polsky

590-01980-24

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1 A bill to be entitled
 2 An act relating to Hope Cards for persons issued
 3 orders of protection; creating s. 741.311, F.S.;
 4 requiring the Florida Association of Court Clerks,
 5 Inc., to develop the Hope Card Program; authorizing
 6 the association to consult with specified entities to
 7 develop and implement the program; authorizing the
 8 association to seek federal grants and private
 9 donations to defray the cost of the program;
 10 authorizing certain persons to apply for a Hope Card
 11 after a specified date; requiring the association to
 12 develop a uniform application for use by the clerks of
 13 the circuit court; requiring that applications for a
 14 Hope Card be available online and in clerks' offices;
 15 requiring the clerk of the circuit court, within a
 16 specified timeframe after receipt of an application,
 17 to either create the Hope Card or electronically
 18 transmit the application to the association for
 19 creation of the card; requiring that the delivery or
 20 mailing of the Hope Card be within a specified
 21 timeframe; prohibiting the assessment of a fee to a
 22 Hope Card applicant; providing requirements for the
 23 Hope Card; amending s. 741.315, F.S.; authorizing a
 24 person protected by an injunction for protection
 25 issued by a court of a foreign state to apply for and
 26 receive a Hope Card even if the person does not
 27 register the order for protection in this state;
 28 amending ss. 741.30, 784.046, 784.0485, and 825.1035,
 29 F.S.; conforming provisions to changes made by the

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30 act; providing an effective date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Section 741.311, Florida Statutes, is created to
 35 read:
 36 741.311 Hope Card Program for persons issued orders of
 37 protection.—
 38 (1) The Florida Association of Court Clerks, Inc., shall
 39 develop the Hope Card Program, which provides for the issuance
 40 of a Hope Card to any person who has been issued an order of
 41 protection by a circuit court in this state, or by a court of a
 42 foreign state pursuant to s. 741.315. The Florida Association of
 43 Court Clerks, Inc., may consult with the Office of the State
 44 Courts Administrator, the Attorney General, the Department of
 45 Children and Families, and other interested agencies and private
 46 entities to develop and implement the program. The association
 47 may seek federal grants and private donations to defray the cost
 48 of the program.
 49 (2) Beginning July 1, 2024, a person who has been issued a
 50 final judgment on injunction for protection under s. 741.30, s.
 51 784.046, s. 784.0485, or s. 825.1035 may apply for a Hope Card
 52 with the clerk of the court of the circuit where the petition
 53 for an injunction for protection was initially filed. A person
 54 protected by a foreign protection order under s. 741.315 may
 55 submit an application for a Hope Card to any clerk of the court
 56 in this state. A person may apply for a Hope Card at the time
 57 the final judgment on injunction for protection is issued or at
 58 any other time before the expiration of the order of protection.

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59 (3) The Florida Association of Court Clerks, Inc., shall
 60 develop a uniform application for use by the clerks of the
 61 circuit court. Hope Card applications must be available on the
 62 website of each clerk of the circuit court, and paper
 63 applications must also be available at the clerk's office.

64 (4) Not later than the end of the next business day after
 65 receipt of an application, the clerk of the circuit court shall
 66 either create the Hope Card or electronically transmit the
 67 application to the Florida Association of Court Clerks, Inc.,
 68 for creation of the Hope Card. The Hope Card must be delivered
 69 to the petitioner or deposited in the mail not later than the
 70 end of the next business day after the card is created.

71 (5) The Florida Association of Court Clerks, Inc., or a
 72 clerk of the circuit court, may not assess a fee to the
 73 applicant for the issuance of a Hope Card.

74 (6) A Hope Card issued under the program must be a durable,
 75 laminated card, 3.375 inches wide by 2.125 inches high,
 76 containing all of the following information:

77 (a) The respondent's name, date of birth, height, weight,
 78 sex, race, eye color, hair color, and any other distinguishing
 79 features or characteristics of the respondent.

80 (b) The petitioner's name and date of birth and the names
 81 and dates of birth of any minor children protected under the
 82 order.

83 (c) The name and date of birth, if applicable, of any other
 84 person or animal protected under the order.

85 (d) Pertinent information about the order of protection,
 86 including, but not limited to, the issuing court; the case
 87 number; the date the order of protection was issued; the

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88 expiration date, if any, of the order of protection; the
 89 locations from which the respondent is restrained; and any other
 90 relevant details of the order.

91 Section 2. Present subsections (4), (5), and (6) of section
 92 741.315, Florida Statutes, are renumbered as subsections (5),
 93 (6), and (7), respectively, and a new subsection (4) is added to
 94 that section, to read:

95 741.315 Recognition of foreign protection orders.—

96 (4) A person protected by an injunction for protection
 97 issued by a court of a foreign state may apply for a Hope Card
 98 under s. 741.311, as if the order of protection was issued by a
 99 Florida court. Failure to register a foreign order does not
 100 preclude a protected person from applying and receiving a Hope
 101 Card.

102 Section 3. Paragraph (d) is added to subsection (8) of
 103 section 741.30, Florida Statutes, to read:

104 741.30 Domestic violence; injunction; powers and duties of
 105 court and clerk; petition; notice and hearing; temporary
 106 injunction; issuance of injunction; statewide verification
 107 system; enforcement; public records exemption.—

108 (8)

109 (d) The petitioner may apply for a Hope Card under s.
 110 741.311 after the court has issued a final order of protection.

111 Section 4. Paragraph (d) is added to subsection (8) of
 112 section 784.046, Florida Statutes, to read:

113 784.046 Action by victim of repeat violence, sexual
 114 violence, or dating violence for protective injunction; dating
 115 violence investigations, notice to victims, and reporting;
 116 pretrial release violations; public records exemption.—

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(8)

(d) The petitioner may apply for a Hope Card under s. 741.311 after the court has issued a final order of protection.

Section 5. Paragraph (c) is added to subsection (8) of section 784.0485, Florida Statutes, to read:

784.0485 Stalking; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(8)

(c) The petitioner may apply for a Hope Card under s. 741.311 after the court has issued a final order of protection.

Section 6. Paragraph (c) is added to subsection (10) of section 825.1035, Florida Statutes, to read:

825.1035 Injunction for protection against exploitation of a vulnerable adult.—

(10) TRANSMITTAL TO SHERIFF; SERVICE; HOPE CARD.—

(c) The petitioner may apply for a Hope Card under s. 741.311 after the court has issued a final order of protection.

Section 7. This act shall take effect July 1, 2024.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/CS/SB 86

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senator Book and others

SUBJECT: Hope Cards for Persons Issued Orders of Protection

DATE: February 12, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 86 requires the Florida Association of Court Clerks (Clerks) to create the Hope Card program for persons issued orders of protection, such as a domestic violence injunction or an injunction against the exploitation of a vulnerable adult. Under the program, the Clerks would be required to issue Hope Cards, which identifies and describes the person who is restrained by an order of protection, identifies those protected by the order, lists pertinent details about the order, and provides the telephone number for the statewide domestic violence hotline. These cards must be issued on a credit-card sized laminated card or in digital form. Displaying the card is expected to facilitate the law enforcement response to a violation of the order.

The bill may have an indeterminate, negative fiscal impact to the Clerks. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2024.

II. Present Situation:

Injunctions for Protection

Florida has created many forms of injunctive relief protecting persons from harm:

Domestic Violence Injunction

The first injunction against violence was codified in s. 741.30, F.S. It authorizes a family or household member¹ who is either the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence to file in the circuit court a petition for an injunction against domestic violence. The term “domestic violence” means “any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.”

Because the injunction is limited to family or household members, similar injunctions have been developed to protect other persons from harm.

Injunction for Protection Against Repeat Violence, Sexual Violence, or Dating Violence

Section 784.046, F.S., provides that a petition for an injunction for protection against repeat violence may be filed in the circuit court by a person who is the victim of repeat violence² or the parent or legal guardian of any minor child who is living at home. The statute also provides that a petition for an injunction for protection against dating violence may be filed in the circuit court by a person who is the victim of dating violence³ and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence; a person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence; or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of that minor child.

Section 784.086, F.S., also provides that a petition for an injunction for protection against sexual violence may be filed in the circuit court by a person who is the victim of sexual violence⁴ or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence on his or her own behalf or on behalf of the minor child.

¹ “Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit. Section 741.28(3), F.S.

² “Repeat violence” means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner’s immediate family member. Section 784.046(1)(b), F.S.

³ “Dating violence” is violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. This relationship is determined based on specified factors. Section 784.046(1)(d), F.S.

⁴ “Sexual violence” means any one incident of sexual battery; a lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age; luring or enticing a child; sexual performance by a child; or any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney. Section 784.046(1)(c), F.S.

Injunction Against Stalking

Section 784.0485, F.S., authorizes a person who is the victim of stalking⁵ or the parent or legal guardian of a minor child who is a victim and living at home to file in the circuit court a petition for an injunction for protection against stalking. For the purposes of injunctions for protection against stalking, the offense of stalking includes the offense of cyberstalking.⁶

Injunction for Protection Against Exploitation of a Vulnerable Adult

Section 825.1035, F.S., creates a cause of action for an injunction for protection against exploitation⁷ of a vulnerable adult.⁸ This injunction may be sought by a vulnerable adult in imminent danger of being exploited; the guardian of a vulnerable adult in imminent danger of being exploited; a person or organization acting on behalf of the vulnerable adult with the consent of the vulnerable adult or his or her guardian; an agent under a valid durable power of attorney with the authority specifically granted in the power of attorney; or a person who simultaneously files a petition for determination of incapacity and appointment of an emergency temporary guardian with respect to the vulnerable adult.⁹

Legal Standard for a Protective Injunction

The procedures for the issuance of a protective injunction issued under ss. 741.30, 784.046, 784.0485 and s. 825.1035, F.S., are similar. As to domestic violence, a person who is the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence has standing to file a sworn petition for an injunction.¹⁰ Based on this initial petition, a court may issue a *temporary* injunction ex-parte.¹¹ During an ex-parte proceeding, a court is generally not required to review a response from the accused and may base a temporary injunction on hearsay evidence.^{12,13} Additional evidence may be considered, however, if an accused appears at the ex-parte proceeding or has received reasonable notice of the hearing.¹⁴ This ex-parte proceeding is often necessary because “the existence of a true emergency . . . may sometimes require immediate action that will not permit the movant to verify each allegation made.”¹⁵

⁵ The offense of stalking is committed by a person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person. Section 784.048(2), F.S.

⁶ “Cyberstalk” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person; or to access, or attempt to access, the online accounts or Internet-connected home electronic systems of another person without that person’s permission, causing substantial emotional distress to that person and serving no legitimate purpose. Section 784.048(1)(d), F.S.

⁷ Exploitation means exploitation of an elderly person or disabled adult under s. 825.103(1), F.S. Section 825.101(6), F.S.

⁸ See discussion of the definition of “vulnerable adult,” *supra*.

⁹ Section 825.1035(2), F.S.

¹⁰ Section 741.30(1)(a), F.S.

¹¹ Section 741.30(5)(c), F.S.

¹² *Parrish v. Price*, 71 So. 3d 132, 134 (Fla. 2d DCA 2011) (holding that a temporary injunction may be based solely on the petition filed, even if it is almost entirely based on hearsay statements).

¹³ Additionally, when a “parent files a sworn petition and has reasonable cause to believe the minor child is a victim of sexual violence by a nonparent, the sworn petition is a *presumptively sufficient* basis for an injunction.” (emphasis added) *Berthiaume v. B.S. ex rel. A.K.*, 85 So. 3d 1117, 1119 (Fla. 1st DCA 2012).

¹⁴ Section 741.30(5)(b), F.S.

¹⁵ *Smith v. Crider*, 932 So. 2d 393, 399 n. 4 (Fla. 2d DCA 2006).

Parties to an injunction are entitled to a full hearing and a temporary injunction is effective for a maximum of 15 days.¹⁶ A full hearing is required prior to the expiration of the temporary injunction. At the full hearing, the accused must have a reasonable opportunity to prove or disprove the allegations made in the complaint and is entitled to introduce evidence and cross-examine witnesses.¹⁷ Based upon the full hearing, a court “must consider the current allegations, the parties’ behavior within the relationship, and the history of the relationship as a whole” to determine if a permanent injunction is warranted based on the petitioner’s belief that he or she is in imminent danger of becoming a victim of domestic violence.¹⁸

Enforcement of a Protective Injunction

Just as filing and issuance of protective injunctions are similar, so is enforcement. A person who willfully violates an injunction for protection commits a misdemeanor of the first degree.¹⁹ A third offense related to the same protected person is a third degree felony.²⁰ Similarly, a warrantless arrest can be made for violation of an injunction if a law enforcement officer has probable cause to believe that the person has violated an injunction.²¹ The general rule requiring a law enforcement officer to witness the offense before making a misdemeanor arrest does not apply to arrests for violation of an injunction.

Statewide Record of Injunctions

The Florida Department of Law Enforcement is required to create and maintain the Domestic and Repeat Violence Injunction Statewide Verification System.²² The system is a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat violence injunctions issued by the courts throughout the state. The information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes. The system must be notified according to the following requirements:

- Within 24 hours after the court issues an injunction for protection against domestic violence or changes, continues, extends, or vacates an injunction for protection against domestic violence, the clerk of the court must electronically transmit a certified copy of the injunction for service to the sheriff having jurisdiction over the residence of the petitioner.
- Within 24 hours after service of process of an injunction for protection against domestic violence upon a respondent, the law enforcement officer must electronically transmit the written proof of service of process to the sheriff having jurisdiction over the residence of the petitioner.

¹⁶ A court may, however, grant a continuance for good cause as requested by either party. The temporary injunction may be extended to include the continuance. Section 741.30(5)(c), F.S.

¹⁷ *Furry v. Rickles*, 68 So. 3d 389, 390 (Fla. 1st DCA 2011) (citing *Ohrn v. Wright*, 963 So. 2d 298 (Fla. 5th DCA 2007)).

¹⁸ *Giallanza v. Giallanza*, 787 So.2d 162, 164 (Fla. 2d DCA 2001) (citing *Gustafson v. Mauck*, 743 So. 2d 614, 616 (Fla. 1st DCA 1999)).

¹⁹ Section 741.31(4)(a), F.S. (domestic violence); s. 784.047(1), F.S. (repeat violence, sexual violence, or dating violence), and s. 825.1036(4)(a), F.S. (exploitation of vulnerable adult).

²⁰ Sections 741.31(4)(c), 784.047(2), and 825.1036(4)(b), F.S.

²¹ Section 901.15(6)-(7), F.S.

²² Section 741.30(8)(b), F.S.

- Within 24 hours after the sheriff receives a certified copy of the injunction for protection against domestic violence, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting the information to the department.
- Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting the information to the department.

The apparent purpose of the statewide verification system is to allow any law enforcement agency in the state access to injunctions in order to facilitate their enforcement.

III. Effect of Proposed Changes:

The bill requires the Florida Association of Court Clerks to develop the Hope Card Program. The purpose of the program is to issue a Hope Card to any person who has been issued an order of protection by a court in this state or a court of another state, territory, or possession of the United States. The clerks may consult with the Office of the State Court Administrator, the Attorney General, the Department of Children and Families, and other interested parties to develop and implement the program.

Beginning July 1, 2024, a person who has been issued a final judgment on injunction for protection against domestic violence, repeat violence, sexual violence, dating violence, or exploitation of a vulnerable adult may apply for a Hope Card with the clerk of the court of the circuit where the petition for an injunction for protection was initially filed. A person protected by an order of protection issued by another state, territory, or possession of the United States may submit an application for a Hope Card to any clerk of the court in this state. A person may apply for a Hope Card at the time the final judgment on injunction for protection is issued or at any other time before the expiration of the order of protection.

Hope Card applications must be available on the website of each clerk of the court and paper applications must also be available at the clerk's office. After the court has issued an injunction for protection and no later than the end of the next business day after the receipt of an application, the clerk of the court must either deliver the Hope Card to the petitioner or forward the application to the Florida Association of Court Clerks, Inc. No later than the close of business of the day after receipt of the application, the association must send the card to the applicant by mail.

The clerk of the court may not assess a fee for the issuance of a Hope Card.

A Hope Card issued under the program must be a digital card or a durable, laminated, wallet-sized card containing all of the following information:

- The respondent's name, date of birth, height, weight, sex, race, eye color, hair color, and any other distinguishing features or characteristics of the respondent.
- The petitioner's name and date of birth and the names and dates of birth of any minor children protected under the order.

- The name and date of birth, if applicable, of any other person or animal protected under the order.
- The telephone number for the statewide domestic violence hotline.
- Pertinent information about the order of protection, including, but not limited to, the issuing court; the case number; the date the order of protection was issued; the expiration date, if any, of the order of protection; the locations from which the respondent is restrained; and any other relevant details of the order.

The bill is effective July 1, 2024.

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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill may have an indeterminate, negative fiscal impact to the Clerks. In the 2022-2023 fiscal year, there were 80,159 petitions filed for one of the forms of injunction

against violence.²³ The clerks estimate that 22 percent of cases are resolved by issuance of a final order of protection, which equates to approximately 17,635 cases per annum.²⁴

The Clerks estimate that it will cost \$40 to create a hardcopy Hope Card, which includes the start-up and annual costs for supplies and equipment, the printing and mailing of the Hope Cards, and related staff costs for processing applications and issuing a Hope Card. If every person eligible were to apply for a card, the annual cost to the 67 Clerks would be \$705,400. This estimate does not include the unknown number of applications from persons moving into the state with an order of protection from another state, nor does it estimate the number of persons who may request a replacement card.²⁵

The bill also permits Clerks to issue a digital form of the Hope Card which will be less costly to produce.

The bill allows for the Florida Association of Court Clerks to seek federal grants and private donations to defray the cost of the program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 741.30, 741.315, 784.046, 784.0485, and 825.1035.

This bill creates section 741.311 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on Criminal and Civil Justice on February 8, 2024:

The committee substitute allows for the issuance of a digital Hope Card and requires the Hope Card to contain the telephone number for the statewide domestic violence hotline.

CS by Judiciary on January 9, 2024:

The committee substitute removes references to the Office of the State Court Administrator, clarifying that the Florida Association of Court Clerks, Inc., is solely

²³ *Florida's Trial Courts Statistical Reference Guide for FY 2022-23*, page 5-2 (December 2023).

²⁴ Florida Association of Court Clerks, Inc., *Bill Analysis for SB 86* (undated, received Jan. 5, 2024).

²⁵ *Id.*

responsible for implementation of the program. It also removes the requirement to use certified mail for delivery of the card, and changes delivery times from “24 hours” to delivered to the petitioner or deposited in the mail not later than the end of the next business day after the card is created.

B. Amendments:

None.

February 8, 2024

Meeting Date

The Florida Senate
APPEARANCE RECORD

208

Bill Number or Topic

CCJ Approps

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

208

2/08

Meeting Date

Bill Number or Topic

Justice Apprs

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Alex Anderson

Phone 904 502-2506

Address 325 John Knox C-128
Street

Email AJAnderson@slz.org

TLH FL 32263
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Alzheimer's Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

2/8/24 - 2:00 PM

Meeting Date

Approp. Criminal & Civil

Committee

Name AARP - Karen Murillo

Phone 850-567-0414

Address 215 S. Monroe St.

Email kmurillo@aarp.org

Street

Tallahassee

FL

32301

City

State

Zip

The Florida Senate

APPEARANCE RECORD

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208 - Alzheimer's Training

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

AARP

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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2/8/24

Meeting Date

The Florida Senate APPEARANCE RECORD

208

Bill Number or Topic

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Committee

Name **Olivia Babis Keller**

Phone **850-617-9718**

Amendment Barcode (if applicable)

Address **2473 Care Drive**

Email **oliviak@drflorida.org**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Disability Rights FL

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/8/24

Meeting Date

CS/SB 208

Bill Number or Topic

Criminal & Civil Justice

Committee

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Amendment Barcode (if applicable)

Name L Aurette Philipson

Phone 727-484-0237

Address 1240 Westwind Drive

Email advocate.philipson@gmail.com

Port Richey FL 34668

Speaking: [] For [] Against [X] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

By the Committee on Criminal Justice; and Senators Burgess and Perry

591-02398-24

2024208c1

1 A bill to be entitled
 2 An act relating to Alzheimer's disease and related
 3 dementia training for law enforcement officers;
 4 creating s. 943.17299, F.S.; requiring the Department
 5 of Law Enforcement to establish an online, continued
 6 employment training component relating to Alzheimer's
 7 disease and related forms of dementia; requiring that
 8 the training component be developed with the
 9 Department of Elder Affairs; specifying instruction
 10 requirements for the training component; authorizing
 11 the completion of such training to count toward a
 12 certain requirement; providing an effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Section 943.17299, Florida Statutes, is created
 17 to read:
 18 943.17299 Continued employment training relating to
 19 Alzheimer's disease and related forms of dementia.-The
 20 department shall establish an online, continued employment
 21 training component relating to Alzheimer's disease and related
 22 forms of dementia. The training component must be developed in
 23 consultation with the Department of Elder Affairs and must
 24 include, but need not be limited to, instruction on interacting
 25 with persons with Alzheimer's disease or a related form of
 26 dementia, including instruction on techniques for recognizing
 27 behavioral symptoms and characteristics, effective
 28 communication, employing the use of alternatives to physical
 29 restraints, and identifying signs of abuse, neglect, or

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02398-24

2024208c1

30 exploitation. Completion of the training component may count
 31 toward the 40 hours of instruction for continued employment or
 32 appointment as a law enforcement officer required under s.
 33 943.135.
 34 Section 2. This act shall take effect October 1, 2024.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 208

INTRODUCER: Criminal Justice Committee and Senator Burgess and others

SUBJECT: Alzheimer’s Disease and Related Dementia Training for Law Enforcement Officers

DATE: February 7, 2024 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 208 creates s. 943.17299, F.S., which establishes a continued employment training component related to Alzheimer’s disease and related forms of dementia. The Florida Department of Law Enforcement (FDLE) shall establish an online training in consultation with the Department of Elder Affairs. The training must include, but is not limited to:

- Instruction on interacting with persons with Alzheimer’s disease or a related form of dementia.
- Instruction on techniques for recognizing behavioral symptoms and characteristics.
- Effective communication.
- Employing the use of alternatives to physical restraints.
- Identifying signs of abuse, neglect, or exploitation.

Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer.

This bill may have an insignificant fiscal impact on the FDLE. See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2024.

II. Present Situation:

Chapter 943, F.S., contains a number of specific requirements relevant to law enforcement officer training including training in subjects such as victims assistance,¹ sexual assault investigation,² autism spectrum disorder,³ and others.

Section 943.17296, F.S., requires each certified law enforcement officer to successfully complete training on identifying and investigating elder abuse and neglect as part of the basic recruit training,⁴ or continuing education.⁵ The training is required to be developed in consultation with the Department of Elder Affairs and the Department of Children and Families and must incorporate instruction on the identification of and appropriate responses for persons suffering from dementia and on identifying and investigating elder abuse and neglect.

Elder abuse training must include instruction of and appropriate responses for persons suffering from dementia and on identifying and investigating elder abuse and neglect.⁶ An officer who fails to comply with the elder abuse and neglect training requirements must become an inactive officer. The officer's certification is reactivated when the officer's employing agency provides Criminal Justice Standards and Training Commission (CJSTC) staff with verification that the officer has met the continuing education or training requirement.

Full time, part time, or auxiliary officers must successfully complete 40 hours of continuing education or training every four years.

III. Effect of Proposed Changes:

The bill creates s. 943.17299, F.S., which establishes a continued employment training component related to Alzheimer's disease and related forms of dementia. The FDLE shall establish an online training in consultation with the Department of Elder Affairs. The training must include, but is not limited to:

- Instruction on interacting with persons with Alzheimer's disease or a related form of dementia.
- Instruction on techniques for recognizing behavioral symptoms and characteristics.

¹ Section 943.172, F.S., requires every basic skills course required in order for law enforcement officers, probation officers, and other appropriate correctional staff to obtain initial certification to include a minimum of 4 hours of training in victims' assistance and rights.

² Section 943.1724, F.S., requires each basic skills course required for a law enforcement office to obtain initial certification must incorporate culturally responsive, trauma-informed training on interviewing sexual assault victims and investigation of incidents of sexual assault.

³ Section 943.1727, F.S., requires 40 hours of instruction for continued employment or appointment as a law enforcement officer on training related to autism spectrum disorder, including but not limited to, instruction on the recognition of the symptoms and characteristics of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such symptoms and characteristics.

⁴ Section 943.13(9), F.S., requires any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer or auxiliary correctional probation officer to complete a commission-approved basic recruit training program.

⁵ Section 943.135(1), F.S., requires all officers, as a condition of continued employment, to receive periodic commission-approved continuing training or education. Such continuing training or education is required at the rate of 40 hours every 4 years.

⁶ Rule 11B-27.00212 (15) (b), F.A.C.

- Effective communication.
- Employing the use of alternatives to physical restraints.
- Identifying signs of abuse, neglect, or exploitation.

Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer.

The bill takes effect on October 1, 2024.

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:

The bill requires FDLE to establish an online training component relating to Alzheimer's disease and related forms of dementia. According to FDLE, development of the training

curricula will cost approximately \$11,000.⁷ This cost can be absorbed within current resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 934.17299 of the Florida Statutes.

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 Criminal Justice on January 23, 2024:

The committee substitute:

- Makes a technical change to correct “Department of Elderly Affairs” to “Department of Elder Affairs.”
- Provides an effective date of October 1, 2024.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

⁷ Florida Department of Law Enforcement, *2024 Agency Analysis of SB 208*, October 23, 2023 (on file with the Senate committee on Criminal Justice).

February 8, 2024

Meeting Date

Appropriations Committee on Criminal and Civil Justice

Committee

Name **Clay Roberts**

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 570

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **(850) 487-1000**

Address **2000 Drayton Drive**

Email

Street

Tallahassee

Florida

32399

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Conference of DCA Judges

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: January 18, 2024

I respectfully request that **Senate Bill #570**, relating to Alternative Headquarters for District Court of Appeal Judges, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Danny".

Senator Danny Burgess
Florida Senate, District 23

By Senator Burgess

23-00853-24

2024570__

A bill to be entitled

An act relating to alternative headquarters for district court of appeal judges; amending s. 35.051, F.S.; authorizing a district court of appeal judge to have an appropriate facility in a county adjacent to his or her county of residence as the judge's official headquarters; authorizing subsistence and travel reimbursement to such judges; providing an effective date.

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

Section 1. Subsection (1) of section 35.051, Florida Statutes, is amended to read:

35.051 Subsistence and travel reimbursement for judges with alternate headquarters.—

(1) (a) A district court of appeal judge is eligible for the designation of a county courthouse or another appropriate facility in his or her county of residence, or an adjacent county within the district, as his or her official headquarters for purposes of s. 112.061 if the judge permanently resides more than 50 miles from:

1. The appellate district's headquarters as prescribed under s. 35.05(1), if the judge is assigned to such headquarters; or

2. The appellate district's branch headquarters established under s. 35.05(2), if the judge is assigned to such branch headquarters.

23-00853-24

2024570__

The official headquarters may serve only as the judge's private chambers.

(b)1. A district court of appeal judge for whom an official headquarters is designated under paragraph (a) in his or her county of residence under this subsection is eligible for subsistence at a rate to be established by the Chief Justice for each day or partial day that the judge is at the headquarters or branch headquarters of his or her appellate district to conduct court business, as authorized by the chief judge of that district court of appeal. The Chief Justice may authorize a judge to choose between subsistence based on lodging at a single-occupancy rate and meal reimbursement as provided in s. 112.061 and subsistence at a fixed rate prescribed by the Chief Justice.

2. In addition to subsistence, a district court of appeal judge is eligible for reimbursement for travel expenses as provided in s. 112.061(7) and (8) for travel between the judge's official headquarters and the headquarters or branch headquarters of the appellate district to conduct court business. If the judge's official headquarters designated under paragraph (a) is located in a county adjacent to the judge's county of residence, such reimbursement is limited to the lesser of:

a. The amount for travel between the judge's official headquarters and the headquarters or branch headquarters of the appellate district; or

b. The amount that would be authorized for travel between an official headquarters maintained in the judge's county of residence and the headquarters or branch headquarters of the

23-00853-24

2024570__

59 appellate district.

60 (c) Payment of subsistence and reimbursement for travel
61 expenses between the judge's official headquarters and the
62 headquarters or branch headquarters of his or her appellate
63 district shall be made to the extent that appropriated funds are
64 available, as determined by the Chief Justice.

65 Section 2. This act shall take effect July 1, 2024.

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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 570

INTRODUCER: Senators Burgess and Grall

SUBJECT: Alternative Headquarters for District Court of Appeal Judges

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 570 permits an eligible district court of appeal judge to designate an alternate official headquarters in a county that is *adjacent* to his or her county of residence that is within the judicial district. Current law only permits an official headquarters designation within the judge's county of residence.

The bill also establishes limits for travel reimbursements for court business. Although a judge who establishes an official headquarters in a county that is adjacent to his or her county of residence may need to travel further to the district court, the bill does not allow the judge to recover more travel expenses than if the judge established a headquarters in his home county.

The bill is not expected to have a significant fiscal impact on the State Courts System. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2024.

II. Present Situation:

Current law allows a district court of appeal judge who permanently resides more than 50 miles from the district court of appeal courthouse to which he or she is assigned, to be eligible for the designation of a county courthouse or other appropriate facility in his or her county of residence as his or her alternate official headquarters, for the purpose of computing per diem and travel expenses.¹

This designation of an alternate official headquarters allows the judge to be paid for mileage and subsistence for travel incurred on court business between the alternate headquarters and the

¹ Section 35.051, F.S.

district court of appeal headquarters or branch headquarters. However, the payment of subsistence and reimbursement for travel expenses between the alternate official headquarters and the district court of appeal headquarters or branch headquarters may be made only to the extent that appropriated funds are available as determined by the Chief Justice.²

III. Effect of Proposed Changes:

The bill amends existing law to permit an eligible district court of appeal judge to designate a courthouse or other appropriate facility in a county *adjacent* to his or her county of residence within the district as his or her alternate official headquarters. By permitting this additional alternate official headquarters, a judge may choose an appropriate facility that is actually closer to, or more accessible, than a courthouse or facility in the judge's home county.

The bill also provides that if the judge's designated official headquarters is located in a county adjacent to his or her county of residence, travel reimbursement will be limited to the lesser of:

- The amount for travel between the judge's official headquarters and the headquarters or branch headquarters of the appellate district; or
- The amount authorized for travel between an official headquarters maintained in the judge's county of residence and the headquarters or branch headquarters of the appellate district.

The bill does not expand eligibility for alternate official headquarters but will provide additional flexibility for judges, who live more than 50 miles from the court's headquarters or branch headquarters, in determining an alternate official headquarters.

The bill takes effect July 1, 2024.

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.

² Section 35.051(1)(c), F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Office of the State Courts Administrator, the bill is anticipated to have a minimal fiscal impact on expenditures of the State Courts System and may result in a cost savings if a shorter travel distance is achieved by designation of an alternate official headquarters in an adjacent county.³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 35.051 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³ Office of the State Courts Administrator, *2024 Judicial Impact Statement for SB 570*, <https://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=35281>.

February 8, 2024

Meeting Date

The Florida Senate
APPEARANCE RECORD

638

Bill Number or Topic

CCJ Approps

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: January 10, 2024

I respectfully request that **Senate Bill #638**, relating to Lethality Assessments, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall".

Senator Erin Grall
Florida Senate, District 29



271446

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete lines 86 - 162

and insert:

advocacy organization and may consult with the Florida Sheriffs Association, the Florida Police Chiefs Association, and the Florida Partnership to End Domestic Violence to develop the policies, procedures, and training necessary for implementation of a statewide evidence-based lethality assessment. Such policies, procedures, and training must establish how to determine whether a victim and aggressor are intimate partners



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12 and establish a statewide process for referring a victim to a
13 certified domestic violence center. By January 1, 2025, the
14 department must adopt a statewide lethality assessment form that
15 includes all the information in paragraph (c). Training on how
16 to administer a lethality assessment and the approved lethality
17 assessment form must be accessible to a law enforcement officer
18 in an online format.

19 (a) By January 1, 2025, and annually thereafter, the
20 department shall submit a report to the President of the Senate
21 and the Speaker of the House of Representatives which must
22 include the current policies and procedures for administering a
23 lethality assessment, any proposed statutory changes necessary
24 for statewide implementation, and any proposed changes to the
25 lethality assessment or the lethality assessment form to
26 maintain compliance with evidence-based standards.

27 (b) By October 1, 2026, all law enforcement officers who
28 respond to or investigate crimes of domestic violence must be
29 trained on the policies and procedures for administering a
30 lethality assessment. A law enforcement officer may not
31 administer a lethality assessment to a victim if the officer has
32 not received training on administering a lethality assessment.

33 (c) To administer a lethality assessment, a law enforcement
34 officer shall ask the victim, in the same or similar wording and
35 in the same order, all of the following questions:

36 1. Did the aggressor ever use a weapon against you or
37 threaten you with a weapon?

38 2. Did the aggressor ever threaten to kill you or your
39 children?

40 3. Do you believe the aggressor will try to kill you?

41 4. Has the aggressor ever choked you or attempted to choke



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42 you?

43 5. Does the aggressor have a gun or could the aggressor
44 easily obtain a gun?

45 6. Is the aggressor violently or constantly jealous, or
46 does the aggressor control most of your daily activities?

47 7. Did you leave or separate from the aggressor after you
48 were living together or married?

49 8. Is the aggressor unemployed?

50 9. To the best of your knowledge, has the aggressor ever
51 attempted suicide?

52 10. Do you have a child whom the aggressor believes is not
53 the aggressor's biological child?

54 11. Has the aggressor ever followed, spied on, or left
55 threatening messages for you?

56 12. Is there anything else that worries you about your
57 safety and, if so, what worries you?

58 (d) A law enforcement officer shall advise a victim of the
59 results of the assessment and refer the victim to the nearest
60 locally certified domestic violence center if:

61 1. The victim answers affirmatively to any of the questions
62 provided in subparagraphs (c)1.-4.;

63 2. The victim answers negatively to the questions provided
64 in subparagraphs (c)1.-4., but affirmatively to at least four of
65 the questions provided in subparagraphs (c)5.-11.; or

66 3. As a result of the victim's response to subparagraph
67 (c)12., the law enforcement officer believes the victim is in a
68 potentially lethal situation.

69 (e) If a victim does not, or is unable to, provide
70 information to a law enforcement officer sufficient to allow the
71 law enforcement officer to administer a lethality assessment,



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72 the law enforcement officer must document the lack of a
73 lethality assessment in the written police report required in
74 subsection (3) and refer the victim to the nearest locally
75 certified domestic violence center.

76 (f) A law enforcement officer may not include in a probable
77 cause statement, written police report, or incident report the
78 domestic violence center to which a victim was referred.

79 (3)~~(2)~~ When a law enforcement officer investigates an
80 allegation that an incident of domestic violence has occurred,
81 the officer shall handle the incident pursuant to the arrest
82 policy provided in s. 901.15(7), and as developed in accordance
83 with subsections (4), (5), and (6) ~~(3), (4), and (5)~~. Regardless
84 of whether ~~or not~~ an arrest is made, the officer shall make a
85 written police report that is complete and clearly indicates the
86 alleged offense was an incident of domestic violence. Such
87 report must ~~shall~~ be given to the officer's supervisor and filed
88 with the law enforcement agency in a manner that will permit
89 data on domestic violence cases to be compiled. Such report must
90 include all of the following:

91 (a) A description of physical injuries observed, if any.

92 (b) If a law enforcement officer decides not to make an
93 arrest or decides to arrest two or more parties, ~~the officer~~
94 ~~shall include in the report~~ the grounds for not arresting anyone
95 or for arresting two or more parties.

96 (c) A statement which indicates that a copy of the legal
97 rights and remedies notice was given to the victim.

98 (d) A notation of the score of a lethality assessment, if
99 one was

100

101

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



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102 And the title is amended as follows:

103 Delete lines 7 - 18

104 and insert:

105 Enforcement to consult with specified entities, and
106 authorizing the department to consult with other
107 specified entities, to develop certain policies,
108 procedures, and training necessary for the
109 implementation of a statewide evidence-based lethality
110 assessment; requiring policies, procedures, and
111 training to establish how to determine whether a
112 victim and aggressor are intimate partners and
113 establish a statewide process for referring a victim
114 to a certified domestic violence center; requiring the
115 department to adopt a statewide lethality assessment
116 form by a specified date; requiring that training on
117 administering lethality assessments be available to
118 law enforcement officers in an online format;
119 requiring the department to submit a specified report
120 to the Legislature by a specified date; requiring
121 certain law enforcement officers to be trained on the
122 policies and procedures for administering a lethality
123 assessment; prohibiting a law enforcement officer from
124 administering a lethality assessment if he or she has
125 not received specified training; requiring law
126 enforcement officers administering a lethality
127 assessment to ask a victim specified questions;
128 requiring

By the Committee on Criminal Justice; and Senator Grall

591-01999-24

2024638c1

1 A bill to be entitled
 2 An act relating to lethality assessments; amending s.
 3 741.29, F.S.; requiring law enforcement officers who
 4 investigate an alleged incident of domestic violence
 5 to administer a lethality assessment under certain
 6 circumstances; requiring the Department of Law
 7 Enforcement to consult with specified entities to
 8 develop and implement a statewide lethality
 9 assessment; requiring that training on administering
 10 lethality assessments be available to law enforcement
 11 officers in an online format; requiring law
 12 enforcement officers administering a lethality
 13 assessment to ask a victim specified questions;
 14 requiring certain law enforcement officers to be
 15 trained in administering lethality assessments by a
 16 specified date; prohibiting law enforcement officers
 17 from administering a lethality assessment if they have
 18 not completed lethality assessment training; requiring
 19 law enforcement officers to advise the victim of the
 20 results of the lethality assessment and refer the
 21 victim to certain domestic violence centers if certain
 22 conditions are met; requiring law enforcement officers
 23 to document in the written police report a victim's
 24 refusal or inability to provide information necessary
 25 for the lethality assessment; prohibiting law
 26 enforcement officers from disclosing in certain
 27 statements and reports the domestic violence center to
 28 which the victim was referred; requiring that written
 29 police reports for domestic violence incidents include

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 the results of the lethality assessment, if one was
 31 administered; making technical changes; reenacting s.
 32 39.906, F.S., relating to referral to domestic
 33 violence centers and notice of rights, to incorporate
 34 the amendment made to s. 741.29, F.S., in a reference
 35 thereto; providing an effective date.
 36
 37 Be It Enacted by the Legislature of the State of Florida:
 38
 39 Section 1. Section 741.29, Florida Statutes, is amended to
 40 read:
 41 741.29 Domestic violence; investigation of incidents;
 42 notice to victims of legal rights and remedies; reporting.-
 43 (1) Any law enforcement officer who investigates an alleged
 44 incident of domestic violence shall:
 45 (a) Assist the victim to obtain medical treatment if such
 46 is required as a result of the alleged incident to which the
 47 officer responds; ~~Any law enforcement officer who investigates~~
 48 ~~an alleged incident of domestic violence shall~~
 49 (b) Advise the victim of such violence that there is a
 50 domestic violence center from which the victim may receive
 51 services;
 52 (c) Administer a lethality assessment consistent with the
 53 requirements established in subsection (2) if the allegation of
 54 domestic violence is against an intimate partner, regardless of
 55 whether an arrest is made; and
 56 ~~(d) The law enforcement officer shall~~ Give the victim
 57 immediate notice of the legal rights and remedies available on a
 58 standard form developed and distributed by the department. As

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 necessary, the department shall revise the Legal Rights and
 60 Remedies Notice to Victims to include a general summary of s.
 61 741.30 using simple English as well as Spanish, and shall
 62 distribute the notice as a model form to be used by all law
 63 enforcement agencies throughout this the state. The notice must
 64 ~~shall~~ include:

65 1.(a) The resource listing, including telephone number, for
 66 the area domestic violence center designated by the Department
 67 of Children and Families; and

68 2.(b) A copy of the following statement:

69
 70 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may
 71 ask the state attorney to file a criminal complaint.
 72 You also have the right to go to court and file a
 73 petition requesting an injunction for protection from
 74 domestic violence which may include, but need not be
 75 limited to, provisions which restrain the abuser from
 76 further acts of abuse; direct the abuser to leave your
 77 household; prevent the abuser from entering your
 78 residence, school, business, or place of employment;
 79 award you custody of your minor child or children; and
 80 direct the abuser to pay support to you and the minor
 81 children if the abuser has a legal obligation to do
 82 so."

83
 84 (2) The department shall consult with the Department of
 85 Children and Families and at least one domestic violence
 86 advocacy organization to develop the policies, procedures, and
 87 training necessary for implementation of a statewide evidence-

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88 based lethality assessment. Training on how to administer a
 89 lethality assessment must be accessible to a law enforcement
 90 officer in an online format.

91 (a) To administer a lethality assessment, a law enforcement
 92 officer shall ask the victim, in the same or similar wording and
 93 in the same order, all of the following questions:

94 1. Did the aggressor ever use a weapon against you or
 95 threaten you with a weapon?

96 2. Did the aggressor ever threaten to kill you or your
 97 children?

98 3. Do you believe the aggressor will try to kill you?

99 4. Has the aggressor ever choked you or attempted to choke
 100 you?

101 5. Does the aggressor have a gun or could the aggressor
 102 easily obtain a gun?

103 6. Is the aggressor violently or constantly jealous, or
 104 does the aggressor control most of your daily activities?

105 7. Did you leave or separate from the aggressor after you
 106 were living together or married?

107 8. Is the aggressor unemployed?

108 9. To the best of your knowledge, has the aggressor ever
 109 attempted suicide?

110 10. Do you have a child whom the aggressor believes is not
 111 the aggressor's biological child?

112 11. Has the aggressor ever followed, spied on, or left
 113 threatening messages for you?

114 12. Is there anything else that worries you about your
 115 safety and, if so, what worries you?

116 (b) By July 1, 2025, all law enforcement officers who

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117 respond to or investigate crimes of domestic violence must be
 118 trained on the policies and procedures for administering a
 119 lethality assessment. A law enforcement officer may not
 120 administer a lethality assessment to a victim if the officer has
 121 not received training on administering a lethality assessment. A
 122 law enforcement officer shall advise the victim of the results
 123 of the assessment and refer the victim to the nearest locally
 124 certified domestic violence center if:

125 1. The victim answers affirmatively to any of the questions
 126 provided in subparagraphs (a)1.-4.;

127 2. The victim answers negatively to the questions provided
 128 in subparagraphs (a)1.-4., but affirmatively to at least four of
 129 the questions provided in subparagraphs (a)5.-11.; or

130 3. As a result of the victim's response to subparagraph
 131 (a)12., the law enforcement officer believes the victim is in a
 132 potentially lethal situation.

133 (c) If a victim does not, or is unable to, provide
 134 information to a law enforcement officer sufficient to allow the
 135 law enforcement officer to administer a lethality assessment,
 136 the law enforcement officer must document the lack of a
 137 lethality assessment in the written police report required in
 138 subsection (3) and refer the victim to the nearest locally
 139 certified domestic violence center.

140 (d) A law enforcement officer may not include in a probable
 141 cause statement, written police report, or incident report the
 142 domestic violence center to which a victim was referred.

143 (3)(2) When a law enforcement officer investigates an
 144 allegation that an incident of domestic violence has occurred,
 145 the officer shall handle the incident pursuant to the arrest

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146 policy provided in s. 901.15(7), and as developed in accordance
 147 with subsections (4) (3), (5) (4), and (6) (5). Regardless of
 148 whether ~~or not~~ an arrest is made, the officer shall make a
 149 written police report that is complete and clearly indicates the
 150 alleged offense was an incident of domestic violence. Such
 151 report ~~must~~ shall be given to the officer's supervisor and filed
 152 with the law enforcement agency in a manner that will permit
 153 data on domestic violence cases to be compiled. Such report must
 154 include all of the following:

155 (a) A description of physical injuries observed, if any.

156 (b) If a law enforcement officer decides not to make an
 157 arrest or decides to arrest two or more parties, ~~the officer~~
 158 ~~shall include in the report~~ the grounds for not arresting anyone
 159 or for arresting two or more parties.

160 (c) A statement which indicates that a copy of the legal
 161 rights and remedies notice was given to the victim.

162 (d) The results of a lethality assessment, if one was
 163 administered pursuant to paragraph (1)(c).

164
 165 Whenever possible, the law enforcement officer shall obtain a
 166 written statement from the victim and witnesses concerning the
 167 alleged domestic violence. The officer shall submit the report
 168 to the supervisor or other person to whom the employer's rules
 169 or policies require reports of similar allegations of criminal
 170 activity to be made. The law enforcement agency shall, without
 171 charge, send a copy of the initial police report, as well as any
 172 subsequent, supplemental, or related report, which excludes
 173 victim/witness statements or other materials that are part of an
 174 active criminal investigation and are exempt from disclosure

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175 under chapter 119, to the nearest locally certified domestic
 176 violence center within 24 hours after the agency's receipt of
 177 the report. The report furnished to the domestic violence center
 178 must include a narrative description of the domestic violence
 179 incident.

180 ~~(4)~~⁽³⁾ Whenever a law enforcement officer determines upon
 181 probable cause that an act of domestic violence has been
 182 committed within the jurisdiction the officer may arrest the
 183 person or persons suspected of its commission and charge such
 184 person or persons with the appropriate crime. The decision to
 185 arrest and charge shall not require consent of the victim or
 186 consideration of the relationship of the parties.

187 ~~(5) (a) (4) (a)~~ When complaints are received from two or more
 188 parties, the officers shall evaluate each complaint separately
 189 to determine whether there is probable cause for arrest.

190 (b) If a law enforcement officer has probable cause to
 191 believe that two or more persons have committed a misdemeanor or
 192 felony, or if two or more persons make complaints to the
 193 officer, the officer must ~~shall~~ try to determine who was the
 194 primary aggressor. Arrest is the preferred response only with
 195 respect to the primary aggressor and not the preferred response
 196 with respect to a person who acts in a reasonable manner to
 197 protect or defend oneself or another family or household member
 198 from domestic violence.

199 ~~(6) (5)~~ A ~~No~~ law enforcement officer may not ~~shall~~ be held
 200 liable, in any civil action, for an arrest based on probable
 201 cause, enforcement in good faith of a court order, or service of
 202 process in good faith under this chapter arising from an alleged
 203 incident of domestic violence brought by any party to the

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204 incident.

205 ~~(7) (6)~~ A person who willfully violates a condition of
 206 pretrial release provided in s. 903.047, when the original
 207 arrest was for an act of domestic violence as defined in s.
 208 741.28, commits a misdemeanor of the first degree, punishable as
 209 provided in s. 775.082 or s. 775.083, and shall be held in
 210 custody until his or her first appearance.

211 Section 2. For the purpose of incorporating the amendment
 212 made by this act to section 741.29, Florida Statutes, in a
 213 reference thereto, section 39.906, Florida Statutes, is
 214 reenacted to read:

215 39.906 Referral to centers and notice of rights.—Any law
 216 enforcement officer who investigates an alleged incident of
 217 domestic violence shall advise the victim of such violence that
 218 there is a domestic violence center from which the victim may
 219 receive services. The law enforcement officer shall give the
 220 victim immediate notice of the legal rights and remedies
 221 available in accordance with the provisions of s. 741.29.

222 Section 3. This act shall take effect July 1, 2024.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/CS/SB 638

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee;
and Senator Grall

SUBJECT: Lethality Assessments

DATE: February 12, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 638 amends s. 741.29, F.S., to require law enforcement officers who investigate an alleged incident of domestic violence to administer a lethality assessment if the allegation is against an intimate partner, regardless of whether an arrest is made.

The bill also requires the Department of Law Enforcement (FDLE) to consult with the Department of Children and Families (DCF) and at least one domestic violence advocacy organization to develop policies, procedures, and training necessary for implementation of a statewide evidence-based lethality assessment. Such policies, procedures, and training must establish how to determine whether a victim and aggressor are intimate partners and establish a statewide process for referring a victim to a certified domestic violence center.

The bill provides that FDLE must adopt a statewide lethality assessment form that includes a series of specified questions. The approved form and training on how to administer the assessment must be accessible to a law enforcement officer in an online format.

All law enforcement officers who respond to or investigate crimes of domestic violence must be trained for administering a lethality assessment by October 1, 2026. An officer may not administer a lethality assessment if he or she has not received training. The bill requires a law enforcement officer to advise the victim of the results of the assessment and refer the victim to the nearest locally certified domestic violence center if the victim's responses meet the criteria for referral.

If a victim does not, or is unable to, provide information to a law enforcement officer sufficient to allow the officer to administer a lethality assessment, the officer must document the lack of an assessment in the written police report and refer the victim to the nearest locally certified domestic violence center. An officer may not include in a probable cause statement, written police report, or incident report the domestic violence center to which a victim was referred.

The bill requires a notation of the score of a lethality assessment, if administered, to be included in a written police report, given to the officer's supervisor, and filed with the law enforcement agency in a manner that will permit data on domestic violence cases to be compiled.

The bill also requires FDLE to submit an annual report to the President of the Senate and the Speaker of the House of Representatives.

The bill may have a negative workload impact on the FDLE. See Section V., Fiscal Impact Statement.

The bill is effective on July 1, 2024.

II. Present Situation:

Domestic violence is any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.¹

Domestic Violence in Florida

In 2020, 106,615 crimes of domestic violence were reported to Florida law enforcement agencies, resulting in 63,217 arrests.² Of those 106,615 reported domestic violence offenses, the relationship of the victims to the offenders varied, including:

- 20,735 were spousal;³
- 29,663 were co-habitants;⁴ and
- 20,142 were other.⁵

¹ Section 741.28, F.S.; "Family or household member," means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

² Florida Department of Law Enforcement, *Crime in Florida: Florida Uniform Crime Report*, available at: <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence> (Last accessed December 12, 2023).

³ Florida Department of Law Enforcement, *Domestic Violence, Victim to Offender Relationships*, available at: <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence/Domestic-Violence-Relationships-Chart.aspx> (Last accessed December 14, 2023). Spouse means the victim and offender are married by law or have been previously married. This category included ex-spouses.

⁴ *Id.* Co-Habitant means the victim lived with the offender as a married couple without legal marriage. This category includes former co-habitants.

⁵ *Id.* Other means the victim and offender had a child together but were never married and never lived together.

Domestic Violence Training

Section 943.171, F.S., requires basic skills training in handling domestic violence cases. Every basic skills course required in order for law enforcement officers to obtain initial certification shall include a minimum of six hours of training in handling domestic violence cases and training must include the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.

Domestic Violence Investigations

Section 741.29, F.S., provides domestic violence investigations require an officer who investigates an alleged incident of domestic violence to:

- Assist the victim to obtain medical treatment if such is required;⁶
- Advise the victim that there is a domestic violence center from which the victim may receive services;⁷
- Give the victim immediate notice of the legal rights and remedies available;⁸
- Make a written report, whether or not an arrest is made, that is complete and clearly indicates the alleged offense was an incident of domestic violence. The report shall be given to the officer's supervisor and filed with the law enforcement agency in a manner that will permit data on domestic violence cases to be compiled.⁹ Such report must include:
 - A description of physical injuries observed, if any.
 - If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the officer must include the grounds for not arresting anyone or for arresting two or more parties.
 - A statement which indicates that a copy of the legal rights and remedies notice was given to the victim;
- Obtain a written statement from the victim and witnesses concerning the alleged domestic violence when possible; and
- Make an arrest whenever the officer determines probable cause that an act of domestic violence has been committed.^{10, 11}

⁶ Section 741.29 (1), F.S.

⁷ Section 741.29 (1), F.S.

⁸ Section 741.29 (1), F.S. The Legal Rights and Remedies Notice to Victims must include a general summary of s. 741.30, F.S., the resource listing and phone number for the area domestic violence center, and a copy of the following statement: "If you are a victim of domestic violence, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of minor children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

⁹ Section 741.29 (2), F.S.

¹⁰ Section 741.29(3), F.S.

¹¹ Section 901.15(7), F.S., provides that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has committed an act of domestic violence. The decision to arrest does not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly discourage arrest and charges of both parties for domestic violence or dating violence on each other and to encourage training of law enforcement and prosecutors in these areas.

When complaints are received from two or more parties, the officers must evaluate each complaint separately to determine whether there is probable cause for arrest. If the officer has probable cause to believe that two or more persons have committed a crime, or two or more persons make complaints, the officer must attempt to determine who was the primary aggressor.¹² Section 943.171, F.S., requires the training in handling domestic violence cases to include the recognition and determination of the primary aggressor. Arrest is the preferred response only for the primary aggressor and not the preferred response for a person who acts in a reasonable manner to protect or defend oneself or another family or household member.¹³

A law enforcement officer may not be held liable, in any civil action, for an arrest based on probable cause, enforcement in good faith of a court order, or service of process in good faith under this chapter arising from an alleged incident of domestic violence brought by any party to the incident.¹⁴

The use of lethality assessments in incidents of Domestic Violence

Effective July 1, 2023, Utah implemented a bill requiring police to perform a lethality assessment for domestic violence calls. Since the law went into effect in Utah, the Director of Public Policy at the Utah Domestic Violence Coalition reported that victim resource providers have seen 80 percent more people statewide reaching out for help.¹⁵

Maryland is another state that has implemented lethality assessments as a statewide approach. Maryland Network Against Domestic Violence (MNADV) created and implemented the Lethality Assessment Program Maryland Model in 2005.¹⁶ The program was created based on the research conducted and supported by a grant from the National Institute of Justice. The program was developed as a way for first responders to identify victims of intimate partner violence who are at the greatest risk of being killed. The program has been adopted in 31 additional states since the initial implementation in Maryland. Researchers found that although the program did not appear to have a significant effect on reducing the frequency of intimate partner violence, at follow-up, it appeared to significantly reduce the severity and frequency of the violence that survivors experience and increased help seeking and safety planning.¹⁷ Overall, the evaluation concluded that although additional research is needed on the Lethality Assessment Program, it shows promise as an evidence-informed intervention that increases survivors' safety and empowers them to make self-care decisions.¹⁸

¹² Section 741.29(4)(a), F.S.

¹³ Section 741.29(4)(b), F.S.

¹⁴ Section 741.29(5), F.S.

¹⁵ See KSL News Radio, *Utah domestic violence victim advocates call for funding amid a surge of demand*, Adam Small, November 7, 2023, available at: <https://kslnewsradio.com/2056767/utah-domestic-violence-victim-advocates-call-for-funding/> (Last accessed December 8, 2023).

¹⁶ See Maryland Network Against Domestic Violence, *Lethality Assessment Program*. Available at: <https://www.mnadv.org/lethality-assessment-program/lap-program-overview-2/> (Last accessed December 14, 2023).

¹⁷ See National Institute of Justice, *How Effective are Lethality Assessment Programs for Addressing Intimate Partner Violence?*, available at: <https://nij.ojp.gov/topics/articles/how-effective-are-lethality-assessment-programs-addressing-intimate-partner> (Last accessed December 14, 2023).

¹⁸ Inter-University Consortium for Political and Social Research, *Police Departments' Use of Lethality Assessments: An Experimental Evaluation*, Messing, Jill, Campbell, Jacquelyn, Wilson, Janet, Brown, Sheryll, and Patchell, Beverly, January 13, 2016, available at: <https://doi.org/10.3886/ICPSR34975.v1> (Last accessed December 14, 2023).

There is no current law in Florida pertaining to the administration of a lethality assessment.

III. Effect of Proposed Changes:

The bill amends s. 741.29, F.S., to require law enforcement officers who investigate an alleged incident of domestic violence to administer a lethality assessment if the allegation is against an intimate partner, regardless of whether an arrest is made.

The bill requires the FDLE to consult with the DCF and at least one domestic violence advocacy organization to develop the policies, procedures, and training necessary for implementation of a statewide evidence-based lethality assessment. Such policies, procedures, and training must establish how to determine whether a victim and aggressor are intimate partners and establish a statewide process for referring a victim to a certified domestic violence center. By January 1, 2025, FDLE must adopt a statewide lethality assessment form that includes specified questions. The form and training on how to administer the assessment must be accessible to a law enforcement officer in an online format.

To administer a lethality assessment, a law enforcement officer must ask the following questions in the same or similar wording and in the same order:

- Did the aggressor ever use a weapon against you or threaten you with a weapon?
- Did the aggressor ever threaten to kill you or your children?
- Do you believe the aggressor will try to kill you?
- Has the aggressor ever choked you or attempted to choke you?
- Does the aggressor have a gun or could the aggressor easily obtain a gun?
- Is the aggressor violently or constantly jealous, or does the aggressor control most of your daily activities?
- Did you leave or separate from the aggressor after you were living together or married?
- Is the aggressor unemployed?
- To the best of your knowledge, has the aggressor ever attempted suicide?
- Do you have a child whom the aggressor believes is not the aggressor's biological child?
- Has the aggressor ever followed, spied on, or left threatening messages for you?
- Is there anything else that worries you about your safety and, if so, what worries you?

All law enforcement officers who respond to or investigate crimes of domestic violence must be trained on the policies and procedures for administering a lethality assessment by October 1, 2026. A law enforcement officer may not administer a lethality assessment if the officer has not received training. The bill requires a law enforcement officer to advise the victim of the results of the assessment and refer the victim to the nearest locally certified domestic violence center if:

- The victim answers affirmatively to any of the first four questions;
- The victim answers negatively to the first four questions but affirmatively to at least four of questions 5 through 11; or
- As a result of the victim's response to question 12, the law enforcement officer believes the victim is in a potentially lethal situation.

If a victim does not, or is unable to, provide information to the officer sufficient to allow the officer to administer a lethality assessment, the bill requires the law enforcement officer to

document the lack of a lethality assessment in the written police report and refer the victim to the nearest locally certified domestic violence center. The bill specifies a law enforcement officer may not include in a probable cause statement, written police report, or incident report the domestic violence center to which the victim was referred.

The bill requires a notation of the score of a lethality assessment, if administered, to be included in a written police report, given to the officer's supervisor, and filed with the law enforcement agency in a manner that will permit data on domestic violence cases to be compiled.

The bill also requires FDLE to submit a report by January 1, 2025 and annually thereafter, to the President of the Senate and the Speaker of the House of Representatives. The report must include the current policies and procedures for administering a lethality assessment, any proposed statutory changes necessary for statewide implementation, and any proposed changes to the lethality assessment or the lethality assessment form to maintain compliance with evidence-based standards.

The bill provides technical changes and reenacts s. 39.06, F.S.

The bill provides an effective date July 1, 2024.

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:

The bill may increase the workload for the FDLE. The FDLE requested an Education and Training Specialist position totaling \$91,816 to address the estimated workload associated with developing the online training portion.¹⁹ As of December 2023, the FDLE had 2 vacant Education and Training Specialist positions that could be filled to address this workload. The department also cites a \$45,000 technology cost to develop the training associated with the lethality assessment form and complete programming changes to the Automated Training Management System (ATMS), which could be absorbed within existing resources.

VI. Technical Deficiencies:

Due to ongoing efforts to combat domestic violence, the specific questions used in a lethality assessment may change. Listing specific questions may limit law enforcement's ability to update the lethality assessment as necessary if evidence-based standards change.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 741.29 of the Florida Statutes.

This bill reenacts section 39.906 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Appropriations Committee on Criminal and Civil Justice on February 8, 2024:**

- Provides that FDLE may consult with the Florida Sheriff's Association, the Florida Police Chiefs Association, and the Florida Partnership to End Domestic Violence to develop the policies, procedures, and training necessary for implementation of the assessment.
- Specifies that the policies, procedures, and training must establish how to determine whether a victim and aggressor are intimate partners and establishes a statewide process for referring a victim to a certified domestic violence center.

¹⁹ See FDLE, 2024 FDLE Legislative Bill Analysis SB 638, December 6, 2023 (on file with the Senate committee on Criminal Justice).

- Requires FDLE to adopt a statewide lethality assessment form by a specified date and requires the form to be accessible to law enforcement in an online format.
- Requires FDLE to submit an annual report.
- Changes the date that all law enforcement officers who respond to or investigate crimes of domestic violence must be trained on administering a lethality assessment.

CS by Criminal Justice on January 10, 2024:

The committee substitute:

- Revises the questions provided for a lethality assessment.
- Provides for the law enforcement officer to refer the victim to the nearest locally certified domestic violence center if certain criteria is met through the victim's responses.

B. Amendments:

None.

2/8/2024

Meeting Date

Appropriations Committee on Criminal & Civil Justice

Committee

The Florida Senate

APPEARANCE RECORD

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SB 640

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Bobbie Smith**

Phone **(850) 410-7000**

Address **2331 Phillips Rd**
Street

Email **BobbieSmith@fdle.state.fl.us**

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FDLE

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

February 8, 2024

Meeting Date

The Florida Senate
APPEARANCE RECORD

640

Bill Number or Topic

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Senate professional staff conducting the meeting

CCJ Approps

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: January 30, 2024

I respectfully request that **Senate Bill #640**, relating to Purple Alert, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink that reads "Lori Berman".

Senator Lori Berman
Florida Senate, District 26

By the Committee on Transportation; and Senator Berman

596-02182-24

2024640c1

1 A bill to be entitled
 2 An act relating to the Purple Alert; amending s.
 3 937.0205, F.S.; requiring local law enforcement
 4 agencies to develop policies for a local activation of
 5 a Purple Alert for certain missing adults; specifying
 6 requirements for such policies; specifying duties of
 7 the Department of Law Enforcement's Missing Endangered
 8 Persons Information Clearinghouse in the event of a
 9 state Purple Alert; specifying conditions under which
 10 a local law enforcement agency may request the
 11 clearinghouse to open a case; conforming provisions to
 12 changes made by the act; providing an effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Section 937.0205, Florida Statutes, is amended
 17 to read:
 18 937.0205 Purple Alert.—
 19 (1) The Legislature finds that a standardized state system
 20 is necessary to aid in the search for a missing adult identified
 21 in subsection (4) paragraph (4)(a). The Legislature also finds
 22 that a coordinated local law enforcement and state agency
 23 response with prompt and widespread sharing of information will
 24 improve the chances of finding the person.
 25 (2) It is the intent of the Legislature to establish the
 26 Purple Alert, to be implemented in a manner that, to the extent
 27 practicable, safeguards the privacy rights and related health
 28 and diagnostic information of such missing adults.
 29 (3) The Department of Law Enforcement, in cooperation with

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 the Department of Transportation, the Department of Highway
 31 Safety and Motor Vehicles, the Department of the Lottery, and
 32 local law enforcement agencies, shall establish and implement
 33 the Purple Alert. At a minimum, the Purple Alert must:
 34 (a) Be the only viable means by which the missing adult is
 35 likely to be returned to safety;
 36 (b) Provide, to the greatest extent possible, for the
 37 protection of the privacy, dignity, and independence of the
 38 missing adult by including standards aimed at safeguarding these
 39 civil liberties by preventing the inadvertent or unnecessary
 40 broadcasting or dissemination of sensitive health and diagnostic
 41 information;
 42 (c) Limit the broadcasting and dissemination of alerts and
 43 related information to the geographic areas where the missing
 44 adult could reasonably be, considering his or her circumstances
 45 and physical and mental condition, the potential modes of
 46 transportation available to him or her or suspected to be
 47 involved, and the known or suspected circumstances of his or her
 48 disappearance; and
 49 (d) Be activated only when there is sufficient descriptive
 50 information about the missing adult and the circumstances
 51 surrounding his or her disappearance to indicate that activating
 52 the alert is likely to help locate the missing adult.
 53 ~~(4)(a) Under a Purple Alert, a local law enforcement agency~~
 54 ~~may broadcast to the media and to persons who subscribe to~~
 55 ~~receive alert notifications under this section information~~
 56 ~~concerning a missing adult is deemed to be an adult:~~
 57 (a)1- Who has a mental or cognitive disability that is not
 58 Alzheimer's disease or a dementia-related disorder; an

Page 2 of 5

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59 intellectual disability or a developmental disability, as those
60 terms are defined in s. 393.063; a brain injury; another
61 physical, mental, or emotional disability that is not related to
62 substance abuse; or a combination of any of these;

63 (b)2- Whose disappearance indicates a credible threat of
64 immediate danger or serious bodily harm to himself or herself,
65 as determined by the local law enforcement agency;

66 (c)3- Who cannot be returned to safety without law
67 enforcement intervention; and

68 (d)4- Who does not meet the criteria for activation of a
69 local Silver Alert or the Silver Alert Plan of the Department of
70 Law Enforcement.

71 (5) For a missing adult on foot or in an unidentified
72 vehicle, local law enforcement agencies shall develop their own
73 policies for activation of a local Purple Alert that meets the
74 requirements set forth in s. 937.021 and shall:

75 (a) Contact media outlets in the affected area or
76 surrounding jurisdictions;

77 (b) Inform all on-duty law enforcement officers of the
78 missing adult report; and

79 (c) Communicate the report to any other law enforcement
80 agency in the county of jurisdiction.

81 (6) A state Purple Alert may be requested from the
82 Department of Law Enforcement's Missing Endangered Persons
83 Information Clearinghouse when the investigation indicates that
84 there is a motor vehicle with an identified license plate or
85 other vehicle information. The clearinghouse shall:

86 (a) Coordinate with the Department of Transportation and
87 the Department of Highway Safety and Motor Vehicles for the

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88 activation of dynamic message signs on state highways and the
89 immediate distribution of critical information to the public
90 regarding the missing adult in accordance with the alert;

91 (b) Coordinate with the Department of the Lottery to have
92 the state Purple Alert broadcast on lottery terminals,
93 including, but not limited to, lottery terminals in gas
94 stations, convenience stores, and supermarkets; and

95 (c) Notify subscribers.

96 (7) If a local or state Purple Alert is determined to be
97 necessary and appropriate, the local law enforcement agency
98 having jurisdiction may also request that a case be opened with
99 the Department of Law Enforcement's Missing Endangered Persons
100 Information Clearinghouse.

101 ~~(b) If a Purple Alert is determined to be necessary and~~
102 ~~appropriate, the local law enforcement agency having~~
103 ~~jurisdiction must notify the media and subscribers in the~~
104 ~~jurisdiction or jurisdictions where the missing adult is~~
105 ~~believed to or may be located. The local law enforcement agency~~
106 ~~having jurisdiction may also request that the Purple Alert~~
107 ~~notification be broadcast on lottery terminals within the~~
108 ~~geographic regions where the missing adult may reasonably be,~~
109 ~~including, but not limited to, lottery terminals in gas~~
110 ~~stations, convenience stores, and supermarkets.~~

111 ~~(c) Under the Purple Alert, the local law enforcement~~
112 ~~agency having jurisdiction may also request that a case be~~
113 ~~opened with the Department of Law Enforcement's Missing~~
114 ~~Endangered Persons Information Clearinghouse. To enhance local~~
115 ~~or regional efforts when the investigation indicates that an~~
116 ~~identifiable vehicle is involved, the clearinghouse must~~

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117 ~~coordinate with the Department of Transportation and the~~
118 ~~Department of Highway Safety and Motor Vehicles for the~~
119 ~~activation of dynamic message signs on state highways and the~~
120 ~~immediate distribution of critical information to the public~~
121 ~~regarding the missing adult in accordance with the alert.~~

122 (8)~~(5)~~ The state Purple Alert process must include
123 procedures to monitor the use, activation, and results of alerts
124 and a strategy for informing and educating law enforcement, the
125 media, and other stakeholders concerning the alert.

126 (9)~~(6)~~ The Department of Law Enforcement may adopt rules to
127 implement and administer this section.

128 Section 2. This act shall take effect July 1, 2024.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 640

INTRODUCER: Transportation Committee and Senator Berman

SUBJECT: Purple Alert

DATE: February 7, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 640 addresses Purple Alerts issued for missing adults meeting specified requirements. The bill requires a *statewide* Purple Alert be issued only when an identifiable vehicle is involved. The Florida Department of Law Enforcement will issue statewide alerts that include activation of dynamic messaging signs and lottery terminals, and notifications to subscribers.

If no identifiable vehicle is involved, dissemination of the alert will be limited to local distribution in the area where the person may be reasonably located. Local law enforcement would still be responsible for entering the case into the Florida Crime Information Center, notifying local media, informing all on-duty law enforcement officers, and alerting all law enforcement agencies having jurisdiction.

The bill does not have a fiscal impact on state government. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

In 2021,¹ the Legislature created the Purple Alert to aide in the search for certain missing adults:²

- Who have a mental or cognitive disability that is not Alzheimer's disease or a dementia-related disorder; an intellectual disability or a developmental disability, a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local law enforcement agency;
- Who cannot be returned to safety without law enforcement intervention; and
- Who do not meet the criteria for activation of a local or statewide Silver Alert.³

Florida's Purple Alert law requires the Florida Department of Law Enforcement (FDLE), in cooperation with the Florida Department of Transportation (FDOT), the Department of Highway Safety and Motor Vehicles (DHSMV), the Department of the Lottery, and local law enforcement agencies, to establish and implement the Purple Alert. At a minimum, the Purple Alert must:

- Be the only viable means by which the missing adult is likely to be returned to safety;
- Provide, to the greatest extent possible, for the protection of the privacy, dignity, and independence of the missing adult by including standards aimed at safeguarding these civil liberties by preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information;
- Limit the broadcasting and dissemination of alerts and related information to the geographic areas where the missing adult could reasonably be, considering his or her circumstances and physical and mental condition, the potential modes of transportation available to him or her or suspected to be involved, and the known or suspected circumstances of his or her disappearance; and
- Be activated only when there is sufficient descriptive information about the missing adult and the circumstances surrounding his or her disappearance to indicate that activating the alert is likely to help locate the missing adult.⁴

When a vehicle is involved in a Purple Alert, FDLE's Missing Endangered Persons Information Clearinghouse (MEPIC) notifies FDOT and DHSMV's Florida Highway Patrol to activate dynamic message signs on the highways. The Department of the Lottery is also notified and includes the missing person flyer on its retail machines. These steps are not taken if there is not a vehicle description, nor is the alert posted to FDLE's social media. For an on foot missing person

¹ Chapter 2021-93, Laws of Fla.

² Section 937.0201(2), F.S., defines the term "missing adult" to mean a person 18 years of age or older whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency.

³ The criteria for a Silver Alert is that the person must be 60 years and older; or, The person must be 18-59 and law enforcement has determined the missing person lacks the capacity to consent and that the use of dynamic message signs may be the only possible way to rescue the missing person. The missing person must have an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia) that has been verified by law enforcement. Florida Department of Law Enforcement (FDLE), *Silver Alert*, <https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert> (last visited January 4, 2024).

⁴ Section 937.0205(3), F.S.

under a Purple alert, FDLE issues a statewide be on the lookout (BOLO) and public notification is sent to subscribers, regardless of the subscriber's location.⁵

Florida's Purple Alerts began on July 1, 2022. As of November 30, 2023, 331 Purple Alerts have been issued. Of those 100 (30 percent) involved individuals in a vehicle, and 231 (70 percent) involved individuals on foot.⁶

According to FDLE, public engagement is paramount to the effectiveness of alert programs. The carefully vetted and precisely defined criteria for issuing other existing alerts are in place to most effectively locate and protect those missing endangered individuals. Increasing the number and frequency of alerts by issuing them statewide for those not in a vehicle is likely to desensitize the public and may decrease the perceived gravity and actual effectiveness of all alerts including emergency weather, AMBER,⁷ Silver, and Missing Child⁸ Alerts.⁹

III. Effect of Proposed Changes:

The bill amends s. 937.0205, F.S., to authorize the issuance of a statewide Purple Alert *only* when an identifiable vehicle is involved in the case of a missing adult. In such instances, FDLE will issue statewide alerts, including activation of lottery terminals, dynamic message signs on state highways, and notifications to subscribers.

For an alert with no identifiable vehicle involved, the bill limits disseminating Purple Alerts to the local area where the missing person may reasonably be located. In such instances, law enforcement agencies must comply with s. 937.021, F.S., including entry into the Florida Crime Information Center (FCIC), notification of local media, informing all on-duty law enforcement of the missing adult report, and communicating the report to every law enforcement agency having jurisdiction.

FDLE asserts this change will better align the Purple Alert Plan with the existing Silver Alert Plan. Additionally, issuing statewide Purple Alerts only when a vehicle is involved will allow for addressing only those who may reasonably reach multiple jurisdictions.

The bill reiterates that statewide Purple Alert process must include monitoring the use, activation, and results of alerts and a strategy for informing and educating law enforcement, the media, and stakeholders concerning the alert.

⁵ FDLE, Agency Analysis of 2024 Senate Bill 640, p.2. December 12, 2023. (On file with Senate Committee on Transportation).

⁶ *Id.* at 5.

⁷ AMBER alerts are issued for missing children under the age of 18 where law enforcement has a well-founded belief that a kidnapping has occurred, that the child is in imminent danger of death or serious bodily injury, here is a detailed description of the child and or the abductor/vehicle to broadcast the public, and the law enforcement agency of jurisdiction recommends activation. FDLE, *Florida AMBER Alert*, <https://www.fdle.state.fl.us/Amber-Plan/Amber-Alert> (last visited December 15, 2023).

⁸ Missing Child Alerts are issued if the child is under the age of 18, law enforcement has a well-founded belief that the child is in danger of death or serious bodily injury, there is a detailed description or photograph of the child to broadcast to the public, and the local law enforcement agency of jurisdiction recommends activation. FDLE, *Missing Child Alert*, <https://www.fdle.state.fl.us/AMBER-Plan/Missing-Child-Alert> (last visited January, 4 2024).

⁹ *Supra* note 5 at 5.

The bill takes effect July 1, 2024.

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.

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 section 937.0205 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on January 17, 2024

The committee substitute clarifies that a state Purple Alert may be requested from, instead of requested by, the Department of Law Enforcement.

- B. **Amendments:**

.This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

2/8/2024

Meeting Date

Appropriations Committee on Criminal & Civil Justice

Committee

The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to
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CS/SB 764

Bill Number or Topic

423522

Amendment Barcode (if applicable)

Name **Bobbie Smith**

Phone **(850) 410-7000**

Address **2331 Phillips Rd**

Email **BobbieSmith@fdle.state.fl.us**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FDLE

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/8/24

Meeting Date

SB 764

Bill Number or Topic

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Approp. Comm. Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone

Address P.O. Box 530103

Street

Email

aaron.d@flfamily.org

Orlando

City

FL

State

32853

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Family Policy Council

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

February 8, 2024

Meeting Date

CCJ Approps

Committee

Name Barney Bishop III

Address 1454 Vieux Carre Drive

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

764

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850.510.9922

Email Barney@BarneyBishop.com

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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2/8/2024

Meeting Date

Appropriations Committee on Criminal & Civil Justice

Committee

The Florida Senate APPEARANCE RECORD

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CS/SB 764

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Bobbie Smith**

Phone **(850) 410-7000**

Address **2331 Phillips Rd**
Street

Email **BobbieSmith@fdle.state.fl.us**

Tallahassee
City

FL
State

32308
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FDLE

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator, Chair Bradley
Sub Appropriations Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 10, 2024

I respectfully request that **Senate Bill #764**, Retention of Sexual Offense Evidence be placed on:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Linda Stewart".

Senator Linda Stewart
Florida Senate, District 17



423522

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Stewart) recommended the following:

Senate Amendment

Delete line 54
and insert:
for a minimum of 50 years after the collection date by the

By the Committee on Criminal Justice; and Senator Stewart

591-02001-24

2024764c1

1 A bill to be entitled
 2 An act relating to retention of sexual offense
 3 evidence; amending s. 943.326, F.S.; requiring that
 4 specified sexual offense evidence be retained by
 5 specified entities for a minimum number of years after
 6 the collection date; requiring that such evidence be
 7 stored anonymously in a secure, environmentally safe
 8 manner, and with a documented chain of custody;
 9 providing an effective date.

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

11 Section 1. Section 943.326, Florida Statutes, is amended to
 12 read:
 13 943.326 DNA evidence collected in sexual offense forensic
 14 physical examinations and investigations.—
 15 (1) A sexual offense evidence kit, or other DNA evidence if
 16 a kit is not collected, must be submitted to a member of the
 17 statewide criminal analysis laboratory system under s. 943.32
 18 for forensic testing within 30 days after:
 19 (a) Receipt of the evidence by a law enforcement agency if
 20 a report of the sexual offense is made to the law enforcement
 21 agency; or
 22 (b) A request to have the evidence tested is made to the
 23 medical provider or the law enforcement agency by:
 24 1. The alleged victim;
 25 2. The alleged victim's parent, guardian, or legal
 26 representative, if the alleged victim is a minor; or
 27 3. The alleged victim's personal representative, if the
 28
 29

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02001-24

2024764c1

30 alleged victim is deceased.
 31 (2) An alleged victim or, if applicable, the person
 32 representing the alleged victim under subparagraph (1)(b)2. or
 33 3. must be informed of the purpose of submitting evidence for
 34 testing and the right to request testing under subsection (1)
 35 by:
 36 (a) A medical provider conducting a forensic physical
 37 examination for purposes of a sexual offense evidence kit; or
 38 (b) A law enforcement agency that collects other DNA
 39 evidence associated with the sexual offense if a kit is not
 40 collected under paragraph (a).
 41 (3)(a) Except as provided in paragraph (b), a collected
 42 sexual offense evidence kit, or other DNA evidence if a kit is
 43 not collected, that is collected from an alleged victim who
 44 reports a sexual offense to a law enforcement agency or who
 45 makes a request, or on whose behalf a request is made, for
 46 testing in compliance with paragraph (1)(b) must be retained in
 47 a secure, environmentally safe manner until the prosecuting
 48 agency has approved its destruction.
 49 (b)1. A sexual offense evidence kit that is collected from
 50 a person who does not report a sexual offense to a law
 51 enforcement agency during the forensic physical examination and
 52 who does not make a request, or have a request made on his or
 53 her behalf, in compliance with paragraph (1)(b) must be retained
 54 for a minimum of 8 years after the collection date by the
 55 medical facility that collected the kit, a certified rape crisis
 56 center with appropriate storage capabilities, or a law
 57 enforcement agency. A sexual offense evidence kit retained
 58 pursuant to this subparagraph must be stored anonymously, in a

Page 2 of 5

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591-02001-24

2024764c1

59 secure, environmentally safe manner, and with a documented chain
60 of custody.

61 2. If, at any time following the initial retention of a
62 sexual offense evidence kit pursuant to subparagraph (b)1., an
63 alleged victim makes a report to a law enforcement agency or
64 makes a request, or has a request made on his or her behalf, for
65 testing in compliance with paragraph (1)(b), the kit must be
66 retained as described in paragraph (a).

67 (4) The department and each laboratory within the statewide
68 criminal analysis laboratory system, in coordination with the
69 Florida Council Against Sexual Violence, shall adopt and
70 disseminate guidelines and procedures for the collection,
71 submission, and testing of DNA evidence that is obtained in
72 connection with an alleged sexual offense. The timely submission
73 and testing of sexual offense evidence kits is a core public
74 safety issue. Testing of sexual offense evidence kits must be
75 completed no later than 120 days after submission to a member of
76 the statewide criminal analysis laboratory system.

77 (a) The guidelines and procedures must include the
78 requirements of this section, standards for how evidence is to
79 be packaged for submission, what evidence must be submitted to a
80 member of the statewide criminal analysis laboratory system, and
81 timeframes for when the evidence must be submitted, analyzed,
82 and compared to DNA databases.

83 (b) The testing requirements of this section are satisfied
84 when a member of the statewide criminal analysis laboratory
85 system tests the contents of the sexual offense evidence kit in
86 an attempt to identify the foreign DNA attributable to a
87 suspect. If a sexual offense evidence kit is not collected, the

591-02001-24

2024764c1

88 laboratory may receive and examine other items directly related
89 to the crime scene, such as clothing or bedding or personal
90 items left behind by the suspect. If probative information is
91 obtained from the testing of the sexual offense evidence kit,
92 the examination of other evidence should be based on the
93 potential evidentiary value to the case and determined through
94 cooperation among the investigating agency, the laboratory, and
95 the prosecutor.

96 (c) The department shall, subject to appropriation by the
97 Legislature, no later than July 1, 2023, create and maintain a
98 statewide database to track the location, processing status, and
99 storage of each sexual offense evidence kit collected after the
100 implementation of the database that is accessible to law
101 enforcement agencies and alleged victims and other persons
102 listed in paragraph (1)(b). The database shall track the status
103 of the kits from the collection site throughout the criminal
104 justice process, including the initial collection at medical
105 facilities, inventory and storage by law enforcement agencies or
106 crime laboratories, analysis at crime laboratories, and storage
107 or destruction after completion of analysis.

108 (d) The department shall adopt rules establishing the
109 requirements for each entity that participates in the database.
110 Law enforcement agencies, medical facilities, crime
111 laboratories, and any other facilities that collect, receive,
112 maintain, store, or preserve sexual offense evidence kits shall
113 participate in the database, as required by the department.

114 (e) The department shall ensure that each alleged victim
115 and other person listed in paragraph (1)(b) is notified of the
116 existence of the database and provided with instructions on how

591-02001-24

2024764c1

117 to access it and informed that he or she is entitled to access
118 to information regarding the alleged victim's sexual offense
119 evidence kit, including tracking information, testing status,
120 and any DNA matches to a person deemed by investigators to be a
121 suspect or person of interest. However, notification of a DNA
122 match shall state only that a DNA match has occurred and may not
123 contain any genetic or other identifying information. Such a
124 notification may be delayed for up to 180 days if such
125 notification would, in the opinion of investigators, negatively
126 affect the investigation.

127 (5) A violation of this section does not create:

128 (a) A cause of action or a right to challenge the admission
129 of evidence.

130 (b) A cause of action for damages or any other relief.

131 Section 2. This act shall take effect July 1, 2024.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/CS/SB 764

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee;
and Senator Stewart

SUBJECT: Retention of Sexual Offense Evidence

DATE: February 12, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 764 amends s. 943.326(3), F.S., to specify parameters for the storage of sexual assault evidence kits (SAKs) that are collected from alleged victims of a sexual offense, but the alleged *victim elects not to report* the sexual offense to law enforcement during the forensic physical examination and *does not request* to have the evidence tested.¹ Under these specified criteria, the bill requires that:

- The evidence be retained in a secure, environmentally safe manner for a minimum of 50 years after the date of collection; and
- The evidence be stored anonymously and with a documented chain of custody.

The bill also provides that if, at any time following the initial collection of a SAK from a *non-reporting victim* who has not requested DNA testing nor had a request for testing made on his or her behalf, the victim *elects to report* the alleged crime to law enforcement, the previously collected SAK evidence will be retained until the prosecuting agency approves its destruction.

This bill does not have a fiscal impact on state government. See Part V., Fiscal Impact Statement.

¹ Note that if the alleged victim is a minor, the alleged victim's parent, guardian, or legal representative can request to have the SAK evidence tested as can the alleged victim's personal representative, if the alleged victim is deceased. An alleged victim or, if applicable, the person representing the alleged victim must be informed of the purpose of submitting evidence for testing and the right to request testing. Section 943.326(1)(b), and (2), F.S.

The bill becomes effective July 1, 2024.

II. Present Situation:

Tracking Sexual Assault Evidence Kits

In 2021, the Florida Department of Law Enforcement (FDLE) began creating, implementing, and maintaining a statewide database, the purpose of which is to track the location, processing status, and storage of sexual assault evidence kits (SAKs).² As of July 2023, all 67 counties were using the database and 1,602 SAKs were being tracked at that time.³ Law enforcement agencies, medical facilities, crime laboratories, and any other facilities in the chain of custody of the SAKs are required to participate in the statewide database.⁴

An alleged victim⁵ who has reported the offense to law enforcement and who provides the SAK evidence during the forensic physical examination has the ability to access the statewide database.⁶ The reporting alleged victim can follow his or her SAK from the collection site (typically a medical facility)⁷, to law enforcement agency storage, then to the crime laboratory for forensic testing and possible destruction after testing, or back to law enforcement agency storage.⁸

A SAK collected from an alleged victim who chooses not to report the sexual offense to law enforcement is not sent from the medical facility to law enforcement for testing.⁹ A SAK must be retained in a secure, environmentally safe manner until the prosecuting agency has approved its destruction.¹⁰ Section 943.326(3), F.S., does not currently delineate between a SAK collected from a reporting victim and a SAK collected from a non-reporting victim.

² Chapter 2021-213, L.O.F., s. 943.326(4)(c), F.S.; A SAK is defined by FDLE rule as a Florida sexual offense evidence kit or other sealed package containing samples collected from the alleged victim's body. Rule 11D-12.001, F.A.C.

³ Information provided by FDLE via e-mail dated September 5, 2023 (on file with the Senate Criminal Justice Committee).

⁴ Section 943.326(4)(d), F.S.

⁵ If the alleged victim is a minor the alleged victim's parent, guardian, or legal representative can request to have the SAK evidence tested as can the alleged victim's personal representative, if the alleged victim is deceased. An alleged victim or, if applicable, the person representing the alleged victim must be informed of the purpose of submitting evidence for testing and the right to request testing. Sections 943.326(1)(b), and (2), F.S.

⁶ If the alleged victim is a minor, his or her parent, guardian, or legal representative will have access to the database. If the alleged victim is deceased, his or her personal representative will have access. Section 943.326(4)(c) and (e), F.S.

⁷ Section 943.326(4)(c), F.S.

⁸ Section 943.326(4)(c) and (e), F.S.

⁹ For a Florida Department of Law Enforcement (FDLE) or regional county laboratory to process evidence from a SAK, there must be an accompanying law enforcement report. Non-reporting SAKs will not be tested pursuant to s. 943.326, F.S., unless an alleged victim converts from a non-reporting victim to one who makes a report to law enforcement. To test a non-reporting SAK would violate the confidentiality and privacy of the victim's health records under the Health Insurance Portability and Accountability Act (HIPAA). FDLE Sexual Assault Kit Submissions Frequently Asked Questions, available at https://www.fdle.state.fl.us/Forensics/Documents/Sexual-Assault-Kit-FAQs-for-LEA_Final.aspx (last visited December 29, 2023).

¹⁰ Section 943.326(3), F.S.

Time Limitations for Prosecution

The statutes of limitation (SOL) determine the timeframe within which a criminal prosecution must be initiated by a prosecutor.¹¹ The SOL in effect at the time a crime is committed controls.¹² In general, the timeframe is calculated from the day after a person commits an offense to the filing of a charging document, such as an indictment or information, which initiates the prosecution.¹³

Regardless of whether a charging document is filed, the time limitation does not run during any time an offender is continuously absent from the state or otherwise undiscoverable because he or she lacks a reasonably ascertainable home address or place of employment; however, an extension under this scenario may not exceed the normal time limitation by more than three years.¹⁴

The standard time limitations for the following crimes are:

- Four years for a first-degree felony.¹⁵
- Three years for a second or third-degree felony.¹⁶
- Two years for a first-degree misdemeanor.¹⁷
- One year for a second-degree misdemeanor.¹⁸

Capital felonies, life felonies, and felonies resulting in a death are not subject to time constraints, and the state may bring charges at any time.¹⁹

Exceptions to the Standard SOL for Sexual Battery Offenses

Florida extends or removes time limitations or changes the date on which the calculation of the SOL begins for specified sexual offenses.²⁰

Pursuant to s. 775.15, F.S., the following SOLs apply to sexual battery prosecutions:

- Prosecution may be commenced at any time, for a specified:
 - Sexual battery involving a victim under 16;²¹
 - Sexual battery involving a victim under 18;²²

¹¹ Section 775.15, F.S.

¹² The statute of limitations to be used in determining whether a prosecution is timely is the one that is in effect at the time of the crime. *State v. Wadsworth*, 293 So.2d 345 (Fla.1974).

¹³ Section 775.15(3) and (4), F.S.

¹⁴ Section 775.15(5), F.S.

¹⁵ Section 775.15(2)(a), F.S.

¹⁶ Section 775.15(2)(b), F.S.

¹⁷ Section 775.15(2)(c), F.S.

¹⁸ Section 775.15(2)(d), F.S.

¹⁹ Section 775.15(1), F.S.

²⁰ An extension of a particular crime's SOL does not violate the ex post facto clause of the Florida Constitution if the extension takes effect before prosecution of an offense is barred by the old SOL and the new SOL clearly indicates it applies to cases pending upon its effective date. s. 10, art. I, Fla. Const.; *Andrews v. State*, 392 So. 2d 270, 271 (Fla. 2d DCA 1980); The statute of limitations to be used in determining whether a prosecution is timely is the one that is in effect at the time of the crime. *State v. Wadsworth*, 293 So.2d 345 (Fla.1974).

²¹ Prosecution must not have been barred by s. 775.15(2), F.S., on or before July 1, 2010. Section 775.15(13)(c), F.S.

²² Prosecution must not have been barred by s. 775.15(2), F.S., on or before July 1, 2020. Section 775.15(20), F.S.

- First-degree felony sexual battery involving a victim under 18;²³
- First or second-degree felony sexual battery involving a victim less than 18 years of age, *if* the offense is reported within 72 hours of the commission of the offense.²⁴
- First or second-degree felony violations of sexual battery involving a victim who is 16 years of age or older at the time of the offense *if* the offense is reported within 72 hours of the commission of the offense.²⁵
- Prosecution of a specified first- or second-degree felony sexual battery involving a victim 16 or older must be commended within 8 years, if the offense is not reported within 72 hours of the commission of the offense.²⁶

III. Effect of Proposed Changes:

The bill amends s. 943.326(3), F.S., to specify parameters for the storage of SAKs or other DNA evidence that are collected from an alleged victim of a sexual offense, but the alleged victim elects *not* to report the sexual offense to law enforcement during the forensic physical examination and does *not* request to have the evidence tested.²⁷ Under these specified criteria, the bill requires that:

- The evidence must be retained for a minimum of 50 years after the collection date by the medical facility that collected the kit, a certified rape crisis center with appropriate storage capabilities, or a law enforcement agency in a secure, environmentally safe manner; and
- The evidence must be stored anonymously and with a documented chain of custody.

The 50-year DNA retention limitation for possible DNA evidence in non-reported sexual offenses provides a date certain for evidence disposal by medical facilities while allowing a non-reporting alleged victim time to decide to report the sexual offense.

The anonymous storage of the possible DNA evidence complies with HIPPA by preserving the confidentiality and privacy of the alleged victim's health records.²⁸ Requiring that the evidentiary chain of custody remain unbroken is beneficial to the admissibility of the evidence in court should the alleged non-reporting victim decide to report the sexual offense.

The bill also provides that if, at any time following the initial retention of a SAK from a non-reporting victim who has not requested DNA testing or had a request for testing made on his or her behalf, the victim elects to report the alleged crime to law enforcement, the previously collected SAK evidence will be retained until the prosecuting agency approves its destruction.

The bill becomes effective July 1, 2024.

²³ Prosecution must not have been barred by s. 775.15(2), F.S., on or before October 1, 2003. Section 775.15(13)(b), F.S.

²⁴ Prosecution must not have been barred by s. 775.15(2), F.S., on or before December 31, 1984. Section 775.15(13)(a), F.S.

²⁵ Section 775.15(14)(a), F.S.

²⁶ Prosecution must not have been barred by s. 775.15(2), F.S., on or before July 1, 2015. Section 775.15(14)(b), F.S.

²⁷ Note that if the alleged victim is a minor, the alleged victim's parent, guardian, or legal representative can request to have the SAK evidence tested as can the alleged victim's personal representative, if the alleged victim is deceased. An alleged victim or, if applicable, the person representing the alleged victim must be informed of the purpose of submitting evidence for testing and the right to request testing. Sections 943.326(1)(b), and (2), F.S.

²⁸ The Health Insurance Portability and Accountability Act.

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:

Specifying a 50-year time limitation from the date of collection for storing possible DNA evidence in non-reported cases may decrease the storage capacity available for private medical facilities to comply with s. 943.326, F.S. The FDLE suggests that these medical facilities could use local law enforcement agencies for storage of SAKs not reported to law enforcement.²⁹

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²⁹ FDLE, 2024 Legislative Bill Analysis of SB 764, dated December 6, 2023 (on file with the Senate Criminal Justice Committee).

VIII. Statutes Affected:

This bill substantially amends section 943.326 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on Criminal and Civil Justice on February 8, 2024:

The committee substitute increases the retention time to 50 years for a sexual offense evidence kit collected from a non-reporting victim in s. 943.326(3)(b)1., F.S.

CS by Criminal Justice on January 10, 2024:

The committee substitute:

- Clarifies the length of time and conditions within which a sexual offense evidence kit collected from a reporting victim must be retained in s. 943.326(3)(a), F.S.
- Specifies the manner and length of time a sexual offense evidence kit collected from a non-reporting victim must be retained in s. 943.326(3)(b)1., F.S.
- Provides that a sexual offense evidence kit collected from a non-reporting victim who decides to report the offense to law enforcement before the 8-year kit retention period expires will be retained until the prosecuting agency has approved its destruction in s. 943.326(3)(b)2., F.S.

- B. **Amendments:**

None.

February 8, 2024

Meeting Date

CCJ Approps

Committee

Name Barney Bishop III

Address 1454 Vieux Carre Drive

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

864

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850.510.9922

Email Barney@BarneyBishop.com

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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SB 864

2/8/24

Meeting Date

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Bill Number or Topic

Approps Comm. on CCJ

Committee

Amendment Barcode (if applicable)

Name Angela Drzewiecki (Drez-wick-ee)

Phone 850-577-9090

Address 301 S Brorough St

Email Angela.drzewiecki@gray-robinson.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Sheriffs Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

February 8, 2024

Meeting Date

Criminal & Civil Justice Approps

Committee

Name Jonathan Webber

Address 400 Washington Ave

Street

Montgomery

City

AL

State

36104

Zip

Phone 954-593-4449

Email jonathan.webber@splcactionfund.org

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SB 864 Autism Spectrum Disorder

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

SPLC Action Fund

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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2/8/24

Meeting Date

SB 864

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Kalisha Baptiste

Phone

850 294 7331

Address

3153 Hutterfield Circle

Email

Kalisha.Baptiste@small.com

Street

Tallahassee FL 32303

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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S-001 (08/10/2021)

The Florida Senate
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SB 864
Bill Number or Topic

2/8/24
Meeting Date

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App Committee on Criminal and Civil
Committee

Amendment Barcode (if applicable)

Name Michael Baptiste Phone 850 294 7331

Address 3153 Hutterstieldale Email Michael.Baptiste
Street

Tallahassee FL 32303
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

- I am appearing without compensation or sponsorship.
- I am a registered lobbyist, representing:
- I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate
APPEARANCE RECORD

SB 864

Deliver both copies of this form to
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2/8/24

Meeting Date

Bill Number or Topic

App Committee

Committee

Amendment Barcode (if applicable)

Name

Deshan Baptiste

Phone

800 294 7331

Address

3153 Hutterfield Circle

Email

Deshan.Baptiste

Street

Tallahassee FL 32303

@smail.com

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

2/8/24

Meeting Date

Criminal and Civil Justice

Committee

Name Olivia Babis Keller

The Florida Senate

APPEARANCE RECORD

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864

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-617-9718

Address 2473 Care Drive, suite 200

Email oliviak@drflorida.org

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Disability Rights FL

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

CS/SB 864

2/8/24

Meeting Date

Bill Number or Topic

Criminal & Civil Justice

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name LAurette Philipsen - Florida Cares Phone 561-855-0833

Address 2048 Ponce De Leon Ave Email laurette@florida

Street

carescharity.org

West Palm Beach FL 33407

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship. [] I am a registered lobbyist, representing: [] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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The Florida Senate
APPEARANCE RECORD

2/8/24

Meeting Date

SB 864

Bill Number or Topic

Deliver both copies of this form to
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Approps - Criminal &

Committee

Civil Justice

Amendment Barcode (if applicable)

Name Nancy Lawther, Ph.D.

Phone 407 855-7604

Address 1747 Orlando Central Pkwy

Email legislator@floridapta.org

Street

~~40000~~ Orlando FL 32809

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: January 29, 2024

I respectfully request that **Senate Bill #864**, relating to Autism Spectrum Disorder Training for Law Enforcement Officers, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Jay Collins", written over a horizontal line.

Senator Jay Collins
Florida Senate, District 14

By the Committee on Criminal Justice; and Senators Collins and Perry

591-02410-24

2024864c1

1 A bill to be entitled
 2 An act relating to autism spectrum disorder training
 3 for law enforcement and correctional officers;
 4 amending s. 943.1727, F.S.; providing definitions;
 5 providing requirements for training officers for
 6 interacting with individuals with autism spectrum
 7 disorder; requiring the Criminal Justice Standards and
 8 Training Commission to adopt rules requiring such
 9 training as part of continued employment training for
 10 officers; providing an effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Section 943.1727, Florida Statutes, is amended
 15 to read:
 16 943.1727 ~~Continued~~ Employment training relating to autism
 17 spectrum disorder.—
 18 (1) As used in this section, the term:
 19 (a) "Agency" means the ability to make independent
 20 decisions and act in one's own best interests.
 21 (b) "Autism spectrum disorder" has the same meaning as in
 22 s. 627.6686(2).
 23 (2) The ~~commission department~~ shall establish an a
 24 ~~continued~~ employment training component relating to individuals
 25 ~~with autism spectrum disorder as defined in s. 627.6686. The~~
 26 ~~training component shall include, but need not be limited to,~~
 27 ~~instruction on the recognition of the symptoms and~~
 28 ~~characteristics of an individual on the autism disorder spectrum~~
 29 ~~and appropriate responses to an individual exhibiting such~~

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02410-24

2024864c1

30 ~~symptoms and characteristics.~~ Completion of the training
 31 component may count toward the 40 hours of instruction for
 32 continued employment or appointment as a law enforcement
 33 officer, correctional officer, or correctional probation officer
 34 required under s. 943.135.
 35 (3) The employment training component for officers relating
 36 to interaction with individuals with autism spectrum disorder
 37 may include at least 4 hours of in-person instruction in the
 38 techniques and procedures described in this subsection:
 39 (a) The nature and manifestation of autism spectrum
 40 disorders.
 41 (b) Appropriate techniques for interviewing or
 42 interrogating an individual with autism spectrum disorder,
 43 including techniques to ensure the legality of statements made
 44 by the individual and techniques used to protect the rights of
 45 the individual.
 46 (c) Techniques for locating an individual with autism
 47 spectrum disorder who runs away and is in danger and for
 48 returning that individual while causing as little stress as
 49 possible to the individual.
 50 (d) Techniques for recognizing the agency of an individual
 51 with autism spectrum disorder while identifying potential
 52 abusive or coercive situations.
 53 (e) Techniques for deescalating a potentially dangerous
 54 situation to maximize the safety of both the officer and the
 55 individual with autism spectrum disorder.
 56 (f) Techniques for differentiating an individual with
 57 autism spectrum disorder from an individual who is belligerent,
 58 uncooperative, or otherwise displaying traits similar to the

Page 2 of 3

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591-02410-24

2024864c1

59 characteristics of an individual with autism spectrum disorder
60 and understanding the law as it relates to the use of the Baker
61 Act against an individual with autism spectrum disorder.

62 (g) Procedures to identify and address challenges related
63 to the safety and wellbeing of individuals with autism spectrum
64 disorder in a correctional facility.

65 (h) The impact of interaction with officers on individuals
66 with autism spectrum disorder.

67 (4) All recruits must receive the employment training
68 component relating to individuals with autism spectrum disorder.
69 Such training component may be taught as part of other relevant
70 components of the training.

71 (5) The commission shall by rule require that each officer
72 receive, as part of the required instruction for continued
73 employment or appointment as an officer, instruction in the
74 techniques and procedures described in subsection (3).

75 Section 2. This act shall take effect July 1, 2024.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 864

INTRODUCER: Criminal Justice Committee and Senator Collins and others

SUBJECT: Autism Spectrum Disorder Training for Law Enforcement and Correctional Officers

DATE: February 9, 2024 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 864 amends s. 943.1727, F.S., requiring a training component relating to individuals with autism spectrum disorder. The bill specifies that the training may count toward the 40 hours of instruction for continued employment or for appointment as a law enforcement officer, correctional officer, or correctional probation officer. This would apply to both the Criminal Justice Standards and Training Commission (CJSTC) advanced/specialized programs and to the basic recruit training for those seeking to become a certified law enforcement officer in Florida.

The bill also specifies that the training may include at least 4 hours of in-person instruction in the techniques and procedures including:

- The nature and manifestation of autism spectrum disorders;
- Appropriate techniques for interviewing or interrogating an individual with autism spectrum disorder, including techniques to ensure the legality of statements made by the individual and techniques used to protect the right of the individual;
- Techniques for locating an individual with autism spectrum disorder who runs away and is in danger and for returning that individual while causing as little stress as possible to the individual;
- Techniques for recognizing the agency of an individual with autism spectrum disorder while identifying potential abusive or coercive situations;
- Techniques for deescalating a potentially dangerous situation to maximize the safety of both the officer and the individual with autism spectrum disorder;

- Techniques for differentiating an individual with autism spectrum disorder from an individual who is belligerent, uncooperative, or otherwise displaying traits similar to the characteristics of an individual with autism spectrum disorder and understanding the law as it relates to the use of the Baker Act against an individual with autism spectrum disorder;
- Procedures to identify and address challenges related to the safety and wellbeing of individuals with autism spectrum disorder in a correctional facility; and
- The impact of interaction with officers on individuals with autism spectrum disorder.

The Florida Department of Law Enforcement can absorb the workload associated with this bill within existing resources. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

Criminal Justice Standards and Training Commission (CJSTC)

The CJSTC is established under s. 943.11, F.S. The commission is an independent policy making body that ensures that Florida's criminal justice officers are ethical, qualified, and well-trained. The commission is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.¹

Minimum Qualifications

An individual must be at least 19 years of age to become a certified law enforcement officer or a certified correctional probation officer and must be at least 18 years of age to become a certified correctional officer. Additionally, the individual must be a citizen of the United States, not have been convicted of a felony or received a dishonorable discharge from the military, pass a physical exam, and have good moral character as determined by a background investigation. Certification as a law enforcement officer or correctional officer requires a high school diploma or equivalent (GED). Certification as a correctional probation officer requires a bachelor's degree.^{2,3}

Autism Training

In 2017, s. 943.1727, F.S., was amended to include autism training for law enforcement officers. This training may be counted toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer under s. 943.135, F.S.⁴

¹ Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Overview of the Professionalism Division*, <https://www.fdle.state.fl.us/CJSTC/Overview.aspx> (last visited January 18, 2024).

² Office of Program Policy Analysis and Governmental Accountability, *Department of Law Enforcement Criminal Justice Professionalism Services*, <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=1065> (last visited January 18, 2024).

³ Section 943.13, F.S.

⁴ The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training

Section 627.6686(2)(b), F.S., defines “Autism spectrum disorder” to mean any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

- Autistic disorder.
- Asperger’s syndrome.
- Pervasive developmental disorder not otherwise specified.⁵

Currently, the Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT or Basic Recruit) is set at 770 hours of instruction time. The Basic Recruit has a lesson in place on interacting with people with autism that addresses topics relating to the autism spectrum disorder. Training is included in an optional 4-hour Specialized Course, Autism Spectrum Disorder and Awareness. The LEBRT program also includes information on interviewing people with autism spectrum disorder and responding to missing persons incidents involving people with autism spectrum disorder.⁶

III. Effect of Proposed Changes:

The bill amends s. 943.1727, F.S., to require a training component relating to individuals with autism spectrum disorder⁷ for law enforcement officers, correctional officers, or correctional probation officers. The bill specifies that the training may count toward the 40 hours of instruction for continued employment or for appointment as a law enforcement officer, correctional officer, or correctional probation officer. This would apply to both the CJSTC’s advanced/specialized programs and to the basic recruit training for those seeking to become certified law enforcement officers in Florida.

The bill also specifies that the training may include at least 4 hours of in-person instruction in the techniques and procedures including:

- The nature and manifestation of autism spectrum disorders;
- Appropriate techniques for interviewing or interrogating an individual with autism spectrum disorder, including techniques to ensure the legality of statements made by the individual and techniques used to protect the right of the individual;

or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. Section 943.135, F.S.

⁵ Section 627.6686, F.S.

⁶ 2024 FDLE Legislative Bill Analysis, January 6, 2024 (on file with the Senate Committee on Criminal Justice).

⁷ The bill defines the term “autism spectrum disorder” to have the same meaning as provided in s. 627.6686(2)(b), F.S., which defines “autism spectrum disorder” as any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

1. Autistic disorder.
2. Asperger’s syndrome.
3. Pervasive developmental disorder not otherwise specified.

- Techniques for locating an individual with autism spectrum disorder who runs away and is in danger and for returning that individual while causing as little stress as possible to the individual;
- Techniques for recognizing the agency⁸ of an individual with autism spectrum disorder while identifying potential abusive or coercive situations;
- Techniques for deescalating a potentially dangerous situation to maximize the safety of both the officer and the individual with autism spectrum disorder;
- Techniques for differentiating an individual with autism spectrum disorder from an individual who is belligerent, uncooperative, or otherwise displaying traits similar to the characteristics of an individual with autism spectrum disorder and understanding the law as it relates to the use of the Baker Act against an individual with autism spectrum disorder;
- Procedures to identify and address challenges related to the safety and wellbeing of individuals with autism spectrum disorder in a correctional facility; and
- The impact of interaction with officers on individuals with autism spectrum disorder.

Increasing the overall number of hours for basic recruit training would require the CJSTC approval and approval by the Department of Education be completed and approved before the training would become effective.

The bill takes effect July 1, 2024.

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.

⁸ The bill defines the term “agency” to mean “the ability to make independent decisions and act in one’s own best interests.”

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE cited the need for 2 new positions (Education and Training Specialists) to meet the requirements of the bill. The salary and benefits cost for one of these positions totals \$53,806 and the expense and human resource service assessment package costs \$11,436. As of December 2023, the department has two vacant Education and Training Specialist positions and should be able to absorb the workload within existing resources.

Additionally, the Department states there will be minimal programming changes needed to the Automated Training Management System. The cost estimate for these changes is \$45,000, which can be absorbed within current resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.1727 of the Florida Statutes.

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 Criminal Justice on January 23, 2024:**

The committee substitute:

- Adds language to include correctional officers or correctional probation officers in autism spectrum disorder training.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

February 8, 2024

Meeting Date

The Florida Senate
APPEARANCE RECORD

1190

Bill Number or Topic

CCJ Approps

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

By Senator Ingoglia

11-01285-24

20241190__

A bill to be entitled

An act relating to the Online Sting Operations Grant Program; creating s. 943.0411, F.S.; creating the Online Sting Operations Grant Program within the Department of Law Enforcement to support local law enforcement agencies in creating certain sting operations to protect children; requiring the department to annually award grant funds to local law enforcement agencies; providing funding requirements; authorizing the department to establish criteria and set specific time periods for the acceptance of applications and the selection process for awarding grant funds; providing an effective date.

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

Section 1. Section 943.0411, Florida Statutes, is created to read:

943.0411 Online Sting Operations Grant Program for local law enforcement agencies to protect children.—

(1) There is created within the department the Online Sting Operations Grant Program to award grants to local law enforcement agencies to support their creation of sting operations to target individuals online preying upon children or attempting to do so.

(2) The department shall annually award to local law enforcement agencies any funds specifically appropriated for the grant program to cover expenses related to computers, electronics, software, and other related necessary supplies.

Page 1 of 2

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11-01285-24

20241190__

Grants must be provided to local law enforcement agencies if funds are appropriated for that purpose by law. The total amount of grants awarded may not exceed funding appropriated for the grant program.

(3) The department may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

Section 2. This act shall take effect July 1, 2024.

Page 2 of 2

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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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 1190

INTRODUCER: Senator Ingoglia

SUBJECT: Online Sting Operations Grant Program

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1190 creates s. 943.0411, F.S., establishing the Online Sting Operations Grant Program within the Florida Department of Law Enforcement (FDLE). The purpose of the program is to award grants to law enforcement agencies to support their creation of sting operations to target individuals online who prey upon children or attempt to do so.

The FDLE will annually award to local law enforcement agencies funds specifically appropriated for the grant program to cover expenses related to computers, electronics, software, and other related necessary supplies.

The bill provides that grants must be provided to local law enforcement agencies if funds are appropriated for that purpose. The total amount of grants awarded may not exceed funding appropriated for the grant program.

The bill authorizes the FDLE to establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

The bill may have a negative workload impact on the FDLE. See Section V., Fiscal Impact Statement.

The bill becomes effective July 1, 2024.

II. Present Situation:

Local law enforcement agencies routinely conduct sting operations targeting online predators who may intend to commit crimes against children. In Leon County, the Capital City Human

Trafficking Taskforce has arrested 16 people since its formation in late 2023.¹ The taskforce's undercover operations targeted individuals engaging in Internet crimes against children, prostitution, and human trafficking.

On January 11, 2024, the Hillsborough County Sheriff's Office (HSCO) announced the arrest of 123 people over the course of three months, including online predators who thought they were communicating with children and young teens but were actually communicating with HCSO detectives.²

On October 10, 2023, the Polk County Sheriff's Office announced that its fourth undercover sting operation resulted in the arrest of six people alleged to have communicated online with persons they thought were children or guardians for the purpose of soliciting unlawful sexual activity with minors.³

Florida Crimes Against Children Criminal Profiling Program

Section 943.041, F.S., creates the Crimes Against Children Criminal Profiling Program (CACP) within the FDLE. The CACP provides investigative, training, and intelligence assistance to local law enforcement agencies while taking a proactive approach to investigating and preventing child sexual exploitation.^{4,5}

Intelligence Assistance

The first step in this program is the identification of local, state, and federal law enforcement professionals working these cases. The networking and sharing of intelligence and investigative data enhances the existing communications network of the Florida Investigative Support Center (FISC) within the FDLE. This database enables FDLE personnel to identify patterns and movements of specific criminal activities. In addition, it provides local law enforcement investigators with a statewide medium through which they share criminal information.

Investigative Assistance

Special Agents of the CACP have received extensive training in the area of crimes against children. Consequently, members of this program are qualified to investigate multi-jurisdictional

¹ Elena Barrera, *Human trafficking taskforce arrests over a dozen individuals during undercover operation* (January 11, 2024), Tallahassee Democrat, <https://news.yahoo.com/human-trafficking-taskforce-arrests-over-020052310.html?guccounter=1> (last visited January 19, 2024). The taskforce includes members from the Department of Homeland Security, the United States Attorney's Office for the Northern District of Florida, the State Attorney's Office for the Second Judicial Circuit, the Leon County Sheriff's Office, FDLE, the Tallahassee Police Department, the Federal Bureau of Investigations, the Internal Revenue Service, and the United States Marshals Service.

² HCSO, Operation Renewed Hope, <https://teamhcsso.com/News/PressRelease/69dfc87b-5961-4432-b0a4-b123d01d11cf/en-US> (last visited January 19, 2024).

³ Polk County Sheriff's Office, Six suspects arrested during "Operation Child Protector IV" focusing on online solicitation of minors (Oct. 10, 2023) <https://www.polksheriff.org/news-investigations/2023/10/10/six-suspects-arrested-during-operation-child-protector-iv-focusing-on-online-solicitation-of-minors> (last visited on January 19, 2024).

⁴ Section 943.041, F.S.

⁵ Florida Department of Law Enforcement, *Crimes Against Children*, available at <https://www.fdle.state.fl.us/mcicsearch/crimesagainstchildren.asp#:~:text=The%20Crimes%20Against%20Children%20Program,to%20local%20law%20enforcement%20agencies>. (last visited January 19, 2024).

operations and organized crimes against children. In addition, investigative and technical assistance is provided to local law enforcement agencies.

The major concerns include:

- Serial Child Homicides.
- Pedophiles.
- Child Pornography.
- Child Sexual Abuse.

The CACP also has the ability to utilize the services of FDLE Special Agents who have been specifically trained in psychological profiling.⁶

Sting operations cover a wide variety of crimes and use different techniques depending on the operation's immediate or long-term purpose. It is difficult to define precisely what a sting operation is. However, with some exceptions, all sting operations contain four basic elements:

- An opportunity or enticement to commit a crime, either created or exploited by police.
- A targeted likely offender or group of offenders for a particular crime type.
- An undercover or hidden police officer or surrogate, or some form of deception.
- A "gotcha" climax when the operation ends with arrests.⁷

Sting operations targeting child predators online may frequently result in criminal charges for the offenses described below.

Certain Uses of Computer Services or Devices Prohibited

Under s. 847.0135(3), F.S., it is a third degree felony⁸ for a person who knowingly uses a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

- Seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child, to commit any illegal act described in ch. 794 (sexual battery), ch. 800 (lewd or lascivious offenses), or ch. 827 (child sexual performance), F.S., or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child;⁹ or
- Solicit, lure, or entice, or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in ch. 794, ch. 800, or ch. 827, F.S., or to otherwise engage in any sexual conduct.¹⁰

⁶ *Id.*

⁷ Graeme R. Newman, *Sting Operations, Center for Problem-Oriented Policing*, 2007, <https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-p134-pub.pdf> (last visited January 18, 2024).

⁸ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine pursuant to s. 775.082, s. 775.083, and s. 775.084, F.S.

⁹ Section 847.0135(3)(a), F.S.

¹⁰ Section 847.0135(3)(b), F.S.

Traveling to Meet a Minor

Any person who travels any distance either within this state, to this state, or from this state by any means, who attempts to do so, or who causes another to do so or to attempt to do so for the purpose of engaging in any illegal act described in ch. 794, ch. 800, or ch. 827, F.S., or to otherwise engage in other unlawful sexual conduct with a child or with another person believed by the person to be a child after using a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:¹¹

- Seduce, solicit, lure, or entice or attempt to seduce, solicit, lure, or entice a child or another person believed by the person to be a child, to engage in any illegal act described in ch. 794, ch. 800, or ch. 827, F.S., or to otherwise engage in other unlawful sexual conduct with a child;¹² or
- Solicit, lure, or entice or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in ch. 794, ch. 800, or ch. 827, F.S., or to otherwise engage in any sexual conduct, commits a felony of the second degree.^{13,14}

III. Effect of Proposed Changes:

The bill creates s. 943.0411, F.S., establishing the Online Sting Operations Grant Program within the FDLE. The purpose of the program is to award grants to law enforcement agencies to support their creation of sting operations to target individuals online who prey upon children or attempt to do so.

The FDLE will annually award to local law enforcement agencies funds specifically appropriated for the grant program to cover expenses related to computers, electronics, software, and other related necessary supplies.

The bill provides that grants must be provided to local law enforcement agencies if funds are appropriated for that purpose. The total amount of grants awarded may not exceed funding appropriated for the grant program.

The bill authorizes the FDLE to establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

The bill becomes effective July 1, 2024.

¹¹ Section 847.0135(4), F.S.

¹² Section 847.0135(4)(a), F.S.

¹³ Section 847.0135(4)(b), F.S.

¹⁴ A second degree felony is punishable by a term of imprisonment not exceeding 15 years pursuant to s. 775.082, s. 775.083, or s. 775.084, 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:

None.

C. Government Sector Impact:

The bill's provisions may increase workload for the FDLE. The FDLE requested one position and a total of \$96,504 to address the estimated workload associated with the grant process.¹⁵ As of December 2023, the FDLE had two vacant positions in the Office of Justice Grants that could be filled to address this workload. Moreover, in SB 2500, the General Appropriations Bill for Fiscal Year 2024-2025, the Senate funded two positions and funds totaling \$217,887 for the Office of Criminal Justice Grants. If funded, these positions would offset the FDLE's need for additional positions.

VI. Technical Deficiencies:

None.

¹⁵ FDLE, *2024 Legislative Bill Analysis*, (January 8, 2023), at p. 3 (on file with the Senate Committee on Criminal Justice).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.0411 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/8/24

Meeting Date

1224

Bill Number or Topic

559494 / 176686

Amendment Barcode (if applicable)

Committee

Name

Dennis Moatz

Phone

(850) 912-7213

Address

111 W. Madison St

Email

Dennis.moatz@gef.state.fl.gov

Street

Tallahassee

FL

32399

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Statewide grassroots and letters office

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

February 8, 2024

The Florida Senate
APPEARANCE RECORD

1224

Meeting Date

CCJ Approps

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2-8-2024

Meeting Date

Approps on Crim/Civ Justic

Committee

Name Erin Collins/Junior Leagues of Florida

Phone (850) 570-1492

Address 1400 Village Square Blvd., #3-110

Email Erin@FloridaAllianceEndHT.co

Street

Tallahassee

FL

32312

City

State

Zip

The Florida Senate

APPEARANCE RECORD

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SB 1224

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Judiciary, *Vice Chair*
Appropriations Committee on Health
and Human Services
Banking and Insurance
Fiscal Policy
Rules

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR COLLEEN BURTON

12th District

January 30th, 2024

The Honorable Jennifer Bradley
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

Chair Bradley,

I respectfully request SB 1224 – Dependent Children be placed on your Appropriations Committee on Criminal and Civil Justice agenda at your earliest convenience.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink that reads "Colleen Burton".

Colleen Burton
State Senator, District 12

CC: Marti Harkness, Staff Director
Rebecca Henderson, Committee Administrative Assistant

REPLY TO:

- 100 South Kentucky Avenue, Suite 260, Lakeland, Florida 33801 (863) 413-1529
- 318 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore



559494

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Burton) recommended the following:

- 1 **Senate Amendment**
- 2
- 3 Delete line 487
- 4 and insert:
- 5 guardian ad litem.-



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Burton) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1819 - 1835

and insert:

1009.898 Fostering Prosperity grants.-

(1) Subject to the appropriation of funds for that purpose
by the Legislature, the Fostering Prosperity program shall
administer the following grants to youth and young adults aging
out of foster care:

(a) Grants to provide financial literacy instruction using



146686

11 a curriculum developed by the Department of Financial Services
12 in consultation with the Department of Education.

13 (b) Grants to provide CLT, SAT, or ACT preparation,
14 including one-on-one support and fee waivers for the
15 examinations.

16 (c) Grants to youth and young adults planning to pursue
17 trade careers or paid apprenticeships.

18 (2) If a young adult who is aging out of foster care is
19 reunited with his or her parent, the grants must remain
20 available for the young adult for up to 1 year after
21 reunification.

22 (3) The State Board of Education shall adopt rules to
23 administer this section.

24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete lines 102 - 106

28 and insert:

29 authorizing, subject to appropriation, the Fostering
30 Prosperity program to provide certain grants to youth
31 and young adults who are aging out of foster care;
32 requiring that such grants remain available for a
33 certain period of time after reunification of a young
34 adult with his or her parent; requiring the State
35 Board of Education to adopt certain rules; amending
36 ss.

By the Committee on Children, Families, and Elder Affairs; and
Senator Burton

586-02660-24

20241224c1

1 A bill to be entitled
2 An act relating to dependent children; amending s.
3 39.001, F.S.; revising the purposes of chapter 39;
4 requiring the Statewide Guardian ad Litem Office and
5 circuit guardian ad litem offices to participate in
6 the development of a certain state plan; conforming a
7 provision to changes made by the act; amending s.
8 39.00145, F.S.; authorizing a child's attorney ad
9 litem to inspect certain records; amending s.
10 39.00146, F.S.; conforming provisions to changes made
11 by the act; amending s. 39.0016, F.S.; requiring a
12 child's guardian ad litem be included in the
13 coordination of certain educational services; amending
14 s. 39.01, F.S.; providing and revising definitions;
15 amending s. 39.013, F.S.; requiring the court to
16 appoint a guardian ad litem for a child at the
17 earliest possible time; authorizing a guardian ad
18 litem to represent a child in other proceedings to
19 secure certain services and benefits; amending s.
20 39.01305, F.S.; conforming a provision to changes made
21 by the act; amending s. 39.0132, F.S.; authorizing a
22 child's attorney ad litem to inspect certain records;
23 amending s. 39.0136, F.S.; revising the parties who
24 may request a continuance in a proceeding; amending s.
25 39.01375, F.S.; conforming provisions to changes made
26 by the act; amending s. 39.0139, F.S.; conforming
27 provisions to changes made by the act; amending s.
28 39.202, F.S.; requiring that certain confidential
29 records be released to the guardian ad litem and

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30 attorney ad litem; conforming a cross-reference;
31 amending s. 39.402, F.S.; requiring parents to consent
32 to provide certain information to the guardian ad
33 litem and attorney ad litem; conforming provisions to
34 changes made by the act; amending s. 39.4022, F.S.;
35 revising the participants who must be invited to a
36 multidisciplinary team staffing; amending s. 39.4023,
37 F.S.; requiring that notice of a multidisciplinary
38 team staffing be provided to a child's guardian ad
39 litem and attorney ad litem; conforming provisions to
40 changes made by the act; amending s. 39.407, F.S.;
41 conforming provisions to changes made by the act;
42 amending s. 39.4085, F.S.; providing a goal of
43 permanency; conforming provisions to changes made by
44 the act; amending ss. 39.502 and 39.522, F.S.;
45 conforming provisions to changes made by the act;
46 amending s. 39.6012, F.S.; requiring a case plan to
47 include written descriptions of certain activities;
48 conforming a cross-reference; creating s. 39.6036,
49 F.S.; providing legislative findings and intent;
50 requiring the Statewide Guardian ad Litem Office to
51 work with certain children to identify a supportive
52 adult to enter into a specified agreement; requiring
53 such agreement be documented in the child's court
54 file; requiring the office to coordinate with the
55 Office of Continuing Care for a specified purpose;
56 amending s. 39.621, F.S.; conforming provisions to
57 changes made by the act; amending s. 39.6241, F.S.;
58 requiring a guardian ad litem to advise the court

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59 regarding certain information and to ensure a certain
60 agreement has been documented in the child's court
61 file; amending s. 39.701, F.S.; requiring certain
62 notice be given to an attorney ad litem; requiring a
63 court to give a guardian ad litem an opportunity to
64 address the court in certain proceedings; requiring
65 the court to inquire and determine if a child has a
66 certain agreement documented in his or her court file
67 at a specified hearing; conforming provisions to
68 changes made by the act; amending s. 39.801, F.S.;
69 conforming provisions to changes made by the act;
70 amending s. 39.807, F.S.; requiring a court to appoint
71 a guardian ad litem to represent a child in certain
72 proceedings; revising a guardian ad litem's
73 responsibilities and authorities; deleting provisions
74 relating to bonds and service of pleadings or papers;
75 amending s. 39.808, F.S.; conforming provisions to
76 changes made by the act; amending s. 39.815, F.S.;
77 conforming provisions to changes made by the act;
78 repealing s. 39.820, F.S., relating to definitions of
79 the terms "guardian ad litem" and "guardian advocate";
80 amending s. 39.821, F.S.; conforming provisions to
81 changes made by the act; amending s. 39.822, F.S.;
82 declaring that a guardian ad litem is a fiduciary and
83 must provide independent representation of a child;
84 revising responsibilities of a guardian ad litem;
85 requiring that guardians ad litem have certain access
86 to the children they represent; providing actions that
87 a guardian ad litem does and does not have to fulfill;

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88 making technical changes; amending s. 39.827, F.S.;
89 authorizing a child's guardian ad litem and attorney
90 ad litem to inspect certain records; amending s.
91 39.8296, F.S.; revising the duties and appointment of
92 the executive director of the Statewide Guardian ad
93 Litem Office; requiring the training program for
94 guardians ad litem to be maintained and updated
95 regularly; deleting provisions regarding the training
96 curriculum and the establishment of a curriculum
97 committee; requiring the office to provide oversight
98 and technical assistance to attorneys ad litem;
99 specifying certain requirements of the office;
100 amending s. 39.8297, F.S.; conforming provisions to
101 changes made by the act; creating s. 1009.898, F.S.;
102 authorizing the Pathway to Prosperity program to
103 provide certain grants to youth and young adults who
104 are aging out of foster care; requiring grants to
105 extend for a certain period of time after a recipient
106 is reunited with his or her parents; amending ss.
107 29.008, 39.6011, 40.24, 43.16, 61.402, 110.205,
108 320.08058, 943.053, 985.43, 985.441, 985.455, 985.461,
109 and 985.48, F.S.; conforming provisions to changes
110 made by the act; amending ss. 39.302, 39.521, 61.13,
111 119.071, 322.09, 394.495, 627.746, 934.255, and
112 960.065, F.S.; conforming cross-references; providing
113 a directive to the Division of Law Revision; providing
114 an effective date;
115
116 Be It Enacted by the Legislature of the State of Florida:

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117

118 Section 1. Paragraph (j) of subsection (1), paragraph (j)
119 of subsection (3), and paragraph (a) of subsection (10) of
120 section 39.001, Florida Statutes, are amended to read:

121 39.001 Purposes and intent; personnel standards and
122 screening.—

123 (1) PURPOSES OF CHAPTER.—The purposes of this chapter are:

124 (j) To ensure that, when reunification or adoption is not
125 possible, the child will be prepared for alternative permanency
126 goals or placements, to include, but not be limited to, long-
127 term foster care, independent living, custody to a relative on a
128 permanent basis with or without legal guardianship, or custody
129 to a foster parent or legal custodian on a permanent basis with
130 or without legal guardianship. Permanency for a child who is
131 transitioning from foster care to independent living includes
132 naturally occurring, lifelong, kin-like connections between the
133 child and a supportive adult.

134 (3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of
135 the Legislature that the children of this state be provided with
136 the following protections:

137 (j) The ability to contact their guardian ad litem or
138 attorney ad litem, if one is appointed, by having that
139 individual's name entered on all orders of the court.

140 (10) PLAN FOR COMPREHENSIVE APPROACH.—

141 (a) The office shall develop a state plan for the promotion
142 of adoption, support of adoptive families, and prevention of
143 abuse, abandonment, and neglect of children. The Department of
144 Children and Families, the Department of Corrections, the
145 Department of Education, the Department of Health, the

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146

147 Department of Juvenile Justice, the Department of Law
148 Enforcement, the Statewide Guardian ad Litem Office, and the
149 Agency for Persons with Disabilities shall participate and fully
150 cooperate in the development of the state plan at both the state
151 and local levels. Furthermore, appropriate local agencies and
152 organizations shall be provided an opportunity to participate in
153 the development of the state plan at the local level.
154 Appropriate local groups and organizations shall include, but
155 not be limited to, community mental health centers; circuit
156 guardian ad litem ~~offices~~ ~~programs for children under the~~
157 ~~circuit court~~; the school boards of the local school districts;
158 the Florida local advocacy councils; community-based care lead
159 agencies; private or public organizations or programs with
160 recognized expertise in working with child abuse prevention
161 programs for children and families; private or public
162 organizations or programs with recognized expertise in working
163 with children who are sexually abused, physically abused,
164 emotionally abused, abandoned, or neglected and with expertise
165 in working with the families of such children; private or public
166 programs or organizations with expertise in maternal and infant
167 health care; multidisciplinary Child Protection Teams; child day
168 care centers; law enforcement agencies; and the circuit courts,
169 ~~when guardian ad litem programs are not available in the local~~
170 ~~area~~. The state plan to be provided to the Legislature and the
171 Governor shall include, as a minimum, the information required
172 of the various groups in paragraph (b).

172 Section 2. Subsection (2) of section 39.00145, Florida
173 Statutes, is amended to read:

174 39.00145 Records concerning children.—

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175 (2) Notwithstanding any other provision of this chapter,
 176 all records in a child's case record must be made available for
 177 inspection, upon request, to the child who is the subject of the
 178 case record and to the child's caregiver, guardian ad litem, or
 179 attorney ad litem, if one is appointed.

180 (a) A complete and accurate copy of any record in a child's
 181 case record must be provided, upon request and at no cost, to
 182 the child who is the subject of the case record and to the
 183 child's caregiver, guardian ad litem, or attorney ad litem, if
 184 one is appointed.

185 (b) The department shall release the information in a
 186 manner and setting that are appropriate to the age and maturity
 187 of the child and the nature of the information being released,
 188 which may include the release of information in a therapeutic
 189 setting, if appropriate. This paragraph does not deny the child
 190 access to his or her records.

191 (c) If a child or the child's caregiver, guardian ad litem,
 192 or attorney ad litem, if one is appointed, requests access to
 193 the child's case record, any person or entity that fails to
 194 provide any record in the case record under assertion of a claim
 195 of exemption from the public records requirements of chapter
 196 119, or fails to provide access within a reasonable time, is
 197 subject to sanctions and penalties under s. 119.10.

198 (d) For the purposes of this subsection, the term
 199 "caregiver" is limited to parents, legal custodians, permanent
 200 guardians, or foster parents; employees of a residential home,
 201 institution, facility, or agency at which the child resides; and
 202 other individuals legally responsible for a child's welfare in a
 203 residential setting.

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204 Section 3. Paragraph (a) of subsection (2) of section
 205 39.00146, Florida Statutes, is amended to read:

206 39.00146 Case record face sheet.—

207 (2) The case record of every child under the supervision or
 208 in the custody of the department or the department's authorized
 209 agents, including community-based care lead agencies and their
 210 subcontracted providers, must include a face sheet containing
 211 relevant information about the child and his or her case,
 212 including at least all of the following:

213 (a) General case information, including, but not limited
 214 to, all of the following:

215 1. The child's name and date of birth.~~†~~

216 2. The current county of residence and the county of
 217 residence at the time of the referral.~~†~~

218 3. The reason for the referral and any family safety
 219 concerns.~~†~~

220 4. The personal identifying information of the parents or
 221 legal custodians who had custody of the child at the time of the
 222 referral, including name, date of birth, and county of
 223 residence.~~†~~

224 5. The date of removal from the home.~~†~~~~and~~

225 6. The name and contact information of the attorney or
 226 attorneys assigned to the case in all capacities, including the
 227 attorney or attorneys that represent the department and the
 228 parents, and the guardian ad litem, ~~if one has been appointed~~.

229 Section 4. Paragraph (b) of subsection (2) and paragraph
 230 (b) of subsection (3) of section 39.0016, Florida Statutes, are
 231 amended to read:

232 39.0016 Education of abused, neglected, and abandoned

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233 children; agency agreements; children having or suspected of
234 having a disability.—

235 (2) AGENCY AGREEMENTS.—

236 (b) The department shall enter into agreements with
237 district school boards or other local educational entities
238 regarding education and related services for children known to
239 the department who are of school age and children known to the
240 department who are younger than school age but who would
241 otherwise qualify for services from the district school board.
242 Such agreements must ~~shall~~ include, but are not limited to:

243 1. A requirement that the department shall:

244 a. Ensure that children known to the department are
245 enrolled in school or in the best educational setting that meets
246 the needs of the child. The agreement must ~~shall~~ provide for
247 continuing the enrollment of a child known to the department at
248 the school of origin when possible if it is in the best interest
249 of the child, with the goal of minimal disruption of education.

250 b. Notify the school and school district in which a child
251 known to the department is enrolled of the name and phone number
252 of the child known to the department caregiver and caseworker
253 for child safety purposes.

254 c. Establish a protocol for the department to share
255 information about a child known to the department with the
256 school district, consistent with the Family Educational Rights
257 and Privacy Act, since the sharing of information will assist
258 each agency in obtaining education and related services for the
259 benefit of the child. The protocol must require the district
260 school boards or other local educational entities to access the
261 department's Florida Safe Families Network to obtain information

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262 about children known to the department, consistent with the
263 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
264 1232g.

265 d. Notify the school district of the department's case
266 planning for a child known to the department, both at the time
267 of plan development and plan review. Within the plan development
268 or review process, the school district may provide information
269 regarding the child known to the department if the school
270 district deems it desirable and appropriate.

271 e. Show no prejudice against a caregiver who desires to
272 educate at home a child placed in his or her home through the
273 child welfare system.

274 2. A requirement that the district school board shall:

275 a. Provide the department with a general listing of the
276 services and information available from the district school
277 board to facilitate educational access for a child known to the
278 department.

279 b. Identify all educational and other services provided by
280 the school and school district which the school district
281 believes are reasonably necessary to meet the educational needs
282 of a child known to the department.

283 c. Determine whether transportation is available for a
284 child known to the department when such transportation will
285 avoid a change in school assignment due to a change in
286 residential placement. Recognizing that continued enrollment in
287 the same school throughout the time the child known to the
288 department is in out-of-home care is preferable unless
289 enrollment in the same school would be unsafe or otherwise
290 impractical, the department, the district school board, and the

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291 Department of Education shall assess the availability of
 292 federal, charitable, or grant funding for such transportation.
 293 d. Provide individualized student intervention or an
 294 individual educational plan when a determination has been made
 295 through legally appropriate criteria that intervention services
 296 are required. The intervention or individual educational plan
 297 must include strategies to enable the child known to the
 298 department to maximize the attainment of educational goals.
 299 3. A requirement that the department and the district
 300 school board shall cooperate in accessing the services and
 301 supports needed for a child known to the department who has or
 302 is suspected of having a disability to receive an appropriate
 303 education consistent with the Individuals with Disabilities
 304 Education Act and state implementing laws, rules, and
 305 assurances. Coordination of services for a child known to the
 306 department who has or is suspected of having a disability may
 307 include:
 308 a. Referral for screening.
 309 b. Sharing of evaluations between the school district and
 310 the department where appropriate.
 311 c. Provision of education and related services appropriate
 312 for the needs and abilities of the child known to the
 313 department.
 314 d. Coordination of services and plans between the school
 315 and the residential setting to avoid duplication or conflicting
 316 service plans.
 317 e. Appointment of a surrogate parent, consistent with the
 318 Individuals with Disabilities Education Act and pursuant to
 319 subsection (3), for educational purposes for a child known to

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320 the department who qualifies.
 321 f. For each child known to the department 14 years of age
 322 and older, transition planning by the department and all
 323 providers, including the department's independent living program
 324 staff and the guardian ad litem of the child, to meet the
 325 requirements of the local school district for educational
 326 purposes.
 327 (3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.—
 328 (b)1. Each district school superintendent or dependency
 329 court must appoint a surrogate parent for a child known to the
 330 department who has or is suspected of having a disability, as
 331 defined in s. 1003.01(9), when:
 332 a. After reasonable efforts, no parent can be located; or
 333 b. A court of competent jurisdiction over a child under
 334 this chapter has determined that no person has the authority
 335 under the Individuals with Disabilities Education Act, including
 336 the parent or parents subject to the dependency action, or that
 337 no person has the authority, willingness, or ability to serve as
 338 the educational decisionmaker for the child without judicial
 339 action.
 340 2. A surrogate parent appointed by the district school
 341 superintendent or the court must be at least 18 years old and
 342 have no personal or professional interest that conflicts with
 343 the interests of the student to be represented. Neither the
 344 district school superintendent nor the court may appoint an
 345 employee of the Department of Education, the local school
 346 district, a community-based care provider, the Department of
 347 Children and Families, or any other public or private agency
 348 involved in the education or care of the child as appointment of

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349 those persons is prohibited by federal law. This prohibition
 350 includes group home staff and therapeutic foster parents.
 351 However, a person who acts in a parental role to a child, such
 352 as a foster parent or relative caregiver, is not prohibited from
 353 serving as a surrogate parent if he or she is employed by such
 354 agency, willing to serve, and knowledgeable about the child and
 355 the exceptional student education process. The surrogate parent
 356 may be a court-appointed guardian ad litem or a relative or
 357 nonrelative adult who is involved in the child's life regardless
 358 of whether that person has physical custody of the child. Each
 359 person appointed as a surrogate parent must have the knowledge
 360 and skills acquired by successfully completing training using
 361 materials developed and approved by the Department of Education
 362 to ensure adequate representation of the child.

363 ~~3. If a guardian ad litem has been appointed for a child,~~
 364 The district school superintendent must first consider the
 365 child's guardian ad litem when appointing a surrogate parent.
 366 The district school superintendent must accept the appointment
 367 of the court if he or she has not previously appointed a
 368 surrogate parent. Similarly, the court must accept a surrogate
 369 parent duly appointed by a district school superintendent.

370 4. A surrogate parent appointed by the district school
 371 superintendent or the court must be accepted by any subsequent
 372 school or school district without regard to where the child is
 373 receiving residential care so that a single surrogate parent can
 374 follow the education of the child during his or her entire time
 375 in state custody. Nothing in this paragraph or in rule shall
 376 limit or prohibit the continuance of a surrogate parent
 377 appointment when the responsibility for the student's

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378 educational placement moves among and between public and private
 379 agencies.

380 5. For a child known to the department, the responsibility
 381 to appoint a surrogate parent resides with both the district
 382 school superintendent and the court with jurisdiction over the
 383 child. If the court elects to appoint a surrogate parent, notice
 384 shall be provided as soon as practicable to the child's school.
 385 At any time the court determines that it is in the best
 386 interests of a child to remove a surrogate parent, the court may
 387 appoint a new surrogate parent for educational decisionmaking
 388 purposes for that child.

389 6. The surrogate parent shall continue in the appointed
 390 role until one of the following occurs:

391 a. The child is determined to no longer be eligible or in
 392 need of special programs, except when termination of special
 393 programs is being contested.

394 b. The child achieves permanency through adoption or legal
 395 guardianship and is no longer in the custody of the department.

396 c. The parent who was previously unknown becomes known,
 397 whose whereabouts were unknown is located, or who was
 398 unavailable is determined by the court to be available.

399 d. The appointed surrogate no longer wishes to represent
 400 the child or is unable to represent the child.

401 e. The superintendent of the school district in which the
 402 child is attending school, the Department of Education contract
 403 designee, or the court that appointed the surrogate determines
 404 that the appointed surrogate parent no longer adequately
 405 represents the child.

406 f. The child moves to a geographic location that is not

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407 reasonably accessible to the appointed surrogate.

408 7. The appointment and termination of appointment of a
409 surrogate under this paragraph shall be entered as an order of
410 the court with a copy of the order provided to the child's
411 school as soon as practicable.

412 8. The person appointed as a surrogate parent under this
413 paragraph must:

414 a. Be acquainted with the child and become knowledgeable
415 about his or her disability and educational needs.

416 b. Represent the child in all matters relating to
417 identification, evaluation, and educational placement and the
418 provision of a free and appropriate education to the child.

419 c. Represent the interests and safeguard the rights of the
420 child in educational decisions that affect the child.

421 9. The responsibilities of the person appointed as a
422 surrogate parent shall not extend to the care, maintenance,
423 custody, residential placement, or any other area not
424 specifically related to the education of the child, unless the
425 same person is appointed by the court for such other purposes.

426 10. A person appointed as a surrogate parent shall enjoy
427 all of the procedural safeguards afforded a parent with respect
428 to the identification, evaluation, and educational placement of
429 a student with a disability or a student who is suspected of
430 having a disability.

431 11. A person appointed as a surrogate parent shall not be
432 held liable for actions taken in good faith on behalf of the
433 student in protecting the special education rights of the child.

434 Section 5. Present subsections (8) through (30) and (31)
435 through (87) of section 39.01, Florida Statutes, are

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436 redesignated as subsections (9) through (31) and (34) through
437 (90), respectively, present subsections (9), (36), and (58) are
438 amended, and new subsections (8), (32), and (33) are added to
439 that section, to read:

440 39.01 Definitions.—When used in this chapter, unless the
441 context otherwise requires:

442 (8) "Attorney ad litem" means an attorney appointed by the
443 court to represent a child in a dependency case who has an
444 attorney-client relationship with the child under the rules
445 regulating The Florida Bar.

446 (10)(9) "Caregiver" means the parent, legal custodian,
447 permanent guardian, adult household member, or other person
448 responsible for a child's welfare as defined in subsection (57)
449 (54).

450 (32) "Guardian ad litem" means a person or an entity that
451 is a fiduciary appointed by the court to represent a child in
452 any civil, criminal, or administrative proceeding to which the
453 child is a party, including, but not limited to, under this
454 chapter, which uses a best interest standard for decisionmaking
455 and advocacy. For purposes of this chapter, the term includes,
456 but is not limited to, the Statewide Guardian ad Litem Office,
457 which includes all circuit guardian ad litem offices and the
458 duly certified volunteers, staff, and attorneys assigned by the
459 Statewide Guardian ad Litem Office to represent children; a
460 court-appointed attorney; or a responsible adult who is
461 appointed by the court. A guardian ad litem is a party to the
462 judicial proceeding as a representative of the child and serves
463 until the jurisdiction of the court over the child terminates or
464 until excused by the court.

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465 (33) "Guardian advocate" means a person appointed by the
 466 court to act on behalf of a drug-dependent newborn under part XI
 467 of this chapter.

468 ~~(39)(36)~~ "Institutional child abuse or neglect" means
 469 situations of known or suspected child abuse or neglect in which
 470 the person allegedly perpetrating the child abuse or neglect is
 471 an employee of a public or private school, public or private day
 472 care center, residential home, institution, facility, or agency
 473 or any other person at such institution responsible for the
 474 child's welfare as defined in subsection (57) ~~(54)~~.

475 ~~(61)(58)~~ "Party" means the parent or parents of the child,
 476 the petitioner, the department, the guardian ad litem ~~or the~~
 477 ~~representative of the guardian ad litem program when the program~~
 478 ~~has been appointed~~, and the child. The presence of the child may
 479 be excused by order of the court when presence would not be in
 480 the child's best interest. Notice to the child may be excused by
 481 order of the court when the age, capacity, or other condition of
 482 the child is such that the notice would be meaningless or
 483 detrimental to the child.

484 Section 6. Subsection (11) of section 39.013, Florida
 485 Statutes, is amended to read:

486 39.013 Procedures and jurisdiction; right to counsel;
 487 guardian ad litem and attorney ad litem.-

488 (11) The court shall appoint a guardian ad litem at the
 489 earliest possible time to represent a child throughout the
 490 proceedings, including any appeals. The guardian ad litem may
 491 represent the child in proceedings outside of the dependency
 492 case to secure the services and benefits that provide for the
 493 care, safety, and protection of the child encourage the

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494 ~~Statewide Guardian Ad Litem Office to provide greater~~
 495 ~~representation to those children who are within 1 year of~~
 496 ~~transferring out of foster care.~~

497 Section 7. Paragraph (b) of subsection (1) of section
 498 39.01305, Florida Statutes, is amended to read:

499 39.01305 Appointment of an attorney for a dependent child
 500 with certain special needs.-

501 (1)

502 (b) The Legislature recognizes the existence of
 503 organizations that provide attorney representation to children
 504 in certain jurisdictions throughout the state. Further, the
 505 Statewide Guardian ad Litem Office Program provides best
 506 interest representation for dependent children in every
 507 jurisdiction in accordance with state and federal law. The
 508 Legislature, therefore, does not intend that funding provided
 509 for representation under this section supplant proven and
 510 existing organizations representing children. Instead, the
 511 Legislature intends that funding provided for representation
 512 under this section be an additional resource for the
 513 representation of more children in these jurisdictions, to the
 514 extent necessary to meet the requirements of this chapter, with
 515 the cooperation of existing local organizations or through the
 516 expansion of those organizations. The Legislature encourages the
 517 expansion of pro bono representation for children. This section
 518 is not intended to limit the ability of a pro bono attorney to
 519 appear on behalf of a child.

520 Section 8. Subsection (3) of section 39.0132, Florida
 521 Statutes, is amended to read:

522 39.0132 Oaths, records, and confidential information.-

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523 (3) The clerk shall keep all court records required by this
 524 chapter separate from other records of the circuit court. All
 525 court records required by this chapter ~~may shall~~ not be open to
 526 inspection by the public. All records ~~may shall~~ be inspected
 527 only upon order of the court by persons deemed by the court to
 528 have a proper interest therein, except that, subject to ~~the~~
 529 ~~provisions of s. 63.162, a child, and the parents of the child~~
 530 and their attorneys, the guardian ad litem, criminal conflict
 531 and civil regional counsels, law enforcement agencies, ~~and the~~
 532 department and its designees, and the attorney ad litem, if one
 533 is appointed, ~~shall~~ always have the right to inspect and copy
 534 any official record pertaining to the child. The Justice
 535 Administrative Commission may inspect court dockets required by
 536 this chapter as necessary to audit compensation of court-
 537 appointed attorneys ad litem. If the docket is insufficient for
 538 purposes of the audit, the commission may petition the court for
 539 additional documentation as necessary and appropriate. The court
 540 may permit authorized representatives of recognized
 541 organizations compiling statistics for proper purposes to
 542 inspect and make abstracts from official records, under whatever
 543 conditions upon their use and disposition the court may deem
 544 proper, and may punish by contempt proceedings any violation of
 545 those conditions.

546 Section 9. Paragraph (a) of subsection (3) of section
 547 39.0136, Florida Statutes, is amended to read:

548 39.0136 Time limitations; continuances.—

549 (3) The time limitations in this chapter do not include:

550 (a) Periods of delay resulting from a continuance granted
 551 at the request of the child's counsel, ~~or the child's~~ guardian

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552 ad litem, or attorney ad litem, if one is appointed, ~~if the~~
 553 ~~child is of sufficient capacity to express reasonable consent,~~
 554 ~~at the request or with the consent of the child.~~ The court must
 555 consider the best interests of the child when determining
 556 periods of delay under this section.

557 Section 10. Subsection (7) of section 39.01375, Florida
 558 Statutes, is amended to read:

559 39.01375 Best interest determination for placement.—The
 560 department, community-based care lead agency, or court shall
 561 consider all of the following factors when determining whether a
 562 proposed placement under this chapter is in the child's best
 563 interest:

564 (7) The recommendation of the child's guardian ad litem, ~~if~~
 565 ~~one has been appointed.~~

566 Section 11. Paragraphs (a) and (b) of subsection (4) of
 567 section 39.0139, Florida Statutes, are amended to read:

568 39.0139 Visitation or other contact; restrictions.—

569 (4) HEARINGS.—A person who meets any of the criteria set
 570 forth in paragraph (3) (a) who seeks to begin or resume contact
 571 with the child victim shall have the right to an evidentiary
 572 hearing to determine whether contact is appropriate.

573 (a) ~~Before~~ Prior to the hearing, the court shall appoint ~~an~~
 574 ~~attorney ad litem or~~ a guardian ad litem for the child if one
 575 has not already been appointed. The guardian ad litem and Any
 576 attorney ad litem, if one is or guardian ad litem appointed,
 577 must shall have special training in the dynamics of child sexual
 578 abuse.

579 (b) At the hearing, the court may receive and rely upon any
 580 relevant and material evidence submitted to the extent of its

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581 probative value, including written and oral reports or
 582 recommendations from the Child Protection Team, the child's
 583 therapist, the child's guardian ad litem, or the child's
 584 attorney ad litem, if one is appointed, even if these reports,
 585 recommendations, and evidence may not be admissible under the
 586 rules of evidence.

587 Section 12. Paragraphs (d) and (t) of subsection (2) of
 588 section 39.202, Florida Statutes, are amended to read:

589 39.202 Confidentiality of reports and records in cases of
 590 child abuse or neglect; exception.—

591 (2) Except as provided in subsection (4), access to such
 592 records, excluding the name of, or other identifying information
 593 with respect to, the reporter which may only ~~shall~~ be released
 594 only as provided in subsection (5), may only ~~shall~~ be granted
 595 only to the following persons, officials, and agencies:

596 (d) The parent or legal custodian of any child who is
 597 alleged to have been abused, abandoned, or neglected; the child;
 598 the child's guardian ad litem; the child's attorney ad litem, if
 599 one is appointed; or, ~~and the child, and their attorneys,~~
 600 ~~including~~ any attorney representing a child in civil or criminal
 601 proceedings. This access must ~~shall~~ be made available no later
 602 than 60 days after the department receives the initial report of
 603 abuse, neglect, or abandonment. However, any information
 604 otherwise made confidential or exempt by law may ~~shall~~ not be
 605 released pursuant to this paragraph.

606 (t) Persons with whom the department is seeking to place
 607 the child or to whom placement has been granted, including
 608 foster parents for whom an approved home study has been
 609 conducted, the designee of a licensed child-caring agency as

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610 defined in s. 39.01 ~~s. 39.01(41)~~, an approved relative or
 611 nonrelative with whom a child is placed pursuant to s. 39.402,
 612 preadoptive parents for whom a favorable preliminary adoptive
 613 home study has been conducted, adoptive parents, or an adoption
 614 entity acting on behalf of preadoptive or adoptive parents.

615 Section 13. Paragraph (c) of subsection (8), paragraphs (b)
 616 and (c) of subsection (11), and paragraph (a) of subsection (14)
 617 of section 39.402, Florida Statutes, are amended to read:

618 39.402 Placement in a shelter.—

619 (8)

620 (c) At the shelter hearing, the court shall:

621 1. Appoint a guardian ad litem to represent the best
 622 interest of the child, ~~unless the court finds that such~~
 623 ~~representation is unnecessary;~~

624 2. Inform the parents or legal custodians of their right to
 625 counsel to represent them at the shelter hearing and at each
 626 subsequent hearing or proceeding, and the right of the parents
 627 to appointed counsel, pursuant to the procedures set forth in s.
 628 39.013;

629 3. Give the parents or legal custodians an opportunity to
 630 be heard and to present evidence; and

631 4. Inquire of those present at the shelter hearing as to
 632 the identity and location of the legal father. In determining
 633 who the legal father of the child may be, the court shall
 634 inquire under oath of those present at the shelter hearing
 635 whether they have any of the following information:

636 a. Whether the mother of the child was married at the
 637 probable time of conception of the child or at the time of birth
 638 of the child.

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639 b. Whether the mother was cohabiting with a male at the
 640 probable time of conception of the child.

641 c. Whether the mother has received payments or promises of
 642 support with respect to the child or because of her pregnancy
 643 from a man who claims to be the father.

644 d. Whether the mother has named any man as the father on
 645 the birth certificate of the child or in connection with
 646 applying for or receiving public assistance.

647 e. Whether any man has acknowledged or claimed paternity of
 648 the child in a jurisdiction in which the mother resided at the
 649 time of or since conception of the child or in which the child
 650 has resided or resides.

651 f. Whether a man is named on the birth certificate of the
 652 child pursuant to s. 382.013(2).

653 g. Whether a man has been determined by a court order to be
 654 the father of the child.

655 h. Whether a man has been determined to be the father of
 656 the child by the Department of Revenue as provided in s.
 657 409.256.

658 (11)

659 (b) The court shall request that the parents consent to
 660 provide access to the child's medical records and provide
 661 information to the court, the department or its contract
 662 agencies, and the any guardian ad litem or attorney ad litem, if
 663 one is appointed, for the child. If a parent is unavailable or
 664 unable to consent or withholds consent and the court determines
 665 access to the records and information is necessary to provide
 666 services to the child, the court shall issue an order granting
 667 access. The court may also order the parents to provide all

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668 known medical information to the department and to any others
 669 granted access under this subsection.

670 (c) The court shall request that the parents consent to
 671 provide access to the child's child care records, early
 672 education program records, or other educational records and
 673 provide information to the court, the department or its contract
 674 agencies, and the any guardian ad litem or attorney ad litem, if
 675 one is appointed, for the child. If a parent is unavailable or
 676 unable to consent or withholds consent and the court determines
 677 access to the records and information is necessary to provide
 678 services to the child, the court shall issue an order granting
 679 access.

680 (14) The time limitations in this section do not include:
 681 (a) Periods of delay resulting from a continuance granted
 682 at the request or with the consent of the child's ~~counsel or the~~
 683 ~~child's~~ guardian ad litem or attorney ad litem, if one is has
 684 ~~been appointed by the court, or, if the child is of sufficient~~
 685 ~~capacity to express reasonable consent, at the request or with~~
 686 ~~the consent of the child's attorney or the child's guardian ad~~
 687 ~~litem, if one has been appointed by the court, and the child.~~

688 Section 14. Paragraphs (a) and (b) of subsection (4) of
 689 section 39.4022, Florida Statutes, are amended to read:
 690 39.4022 Multidisciplinary teams; staffings; assessments;
 691 report.—
 692 (4) PARTICIPANTS.—
 693 (a) Collaboration among diverse individuals who are part of
 694 the child's network is necessary to make the most informed
 695 decisions possible for the child. A diverse team is preferable
 696 to ensure that the necessary combination of technical skills,

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697 cultural knowledge, community resources, and personal
698 relationships is developed and maintained for the child and
699 family. The participants necessary to achieve an appropriately
700 diverse team for a child may vary by child and may include
701 extended family, friends, neighbors, coaches, clergy, coworkers,
702 or others the family identifies as potential sources of support.

703 1. Each multidisciplinary team staffing must invite the
704 following members:

705 a. The child, unless he or she is not of an age or capacity
706 to participate in the team, and the child's guardian ad litem;

707 b. The child's family members and other individuals
708 identified by the family as being important to the child,
709 provided that a parent who has a no contact order or injunction,
710 is alleged to have sexually abused the child, or is subject to a
711 termination of parental rights may not participate;

712 c. The current caregiver, provided the caregiver is not a
713 parent who meets the criteria of one of the exceptions under
714 sub-subparagraph b.;

715 d. A representative from the department other than the
716 Children's Legal Services attorney, when the department is
717 directly involved in the goal identified by the staffing;

718 e. A representative from the community-based care lead
719 agency, when the lead agency is directly involved in the goal
720 identified by the staffing;

721 f. The case manager for the child, or his or her case
722 manager supervisor; and

723 g. A representative from the Department of Juvenile
724 Justice, if the child is dually involved with both the
725 department and the Department of Juvenile Justice.

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726 2. The multidisciplinary team must make reasonable efforts
727 to have all mandatory invitees attend. However, the
728 multidisciplinary team staffing may not be delayed if the
729 invitees in subparagraph 1. fail to attend after being provided
730 reasonable opportunities.

731 (b) Based on the particular goal the multidisciplinary team
732 staffing identifies as the purpose of convening the staffing as
733 provided under subsection (5), the department or lead agency may
734 also invite to the meeting other professionals, including, but
735 not limited to:

736 1. A representative from Children's Medical Services;

737 2. ~~A guardian ad litem, if one is appointed;~~

738 ~~3.~~ A school personnel representative who has direct contact
739 with the child;

740 ~~3.4.~~ A therapist or other behavioral health professional,
741 if applicable;

742 ~~4.5.~~ A mental health professional with expertise in sibling
743 bonding, if the department or lead agency deems such expert is
744 necessary; or

745 ~~5.6.~~ Other community providers of services to the child or
746 stakeholders, when applicable.

747 Section 15. Paragraph (d) of subsection (3) and paragraph
748 (c) of subsection (4) of section 39.4023, Florida Statutes, are
749 amended to read:

750 39.4023 Placement and education transitions; transition
751 plans.—

752 (3) PLACEMENT TRANSITIONS.—

753 (d) *Transition planning.*—

754 1. If the supportive services provided pursuant to

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755 paragraph (c) have not been successful to make the maintenance
 756 of the placement suitable or if there are other circumstances
 757 that require the child to be moved, the department or the
 758 community-based care lead agency must convene a
 759 multidisciplinary team staffing as required under s. 39.4022
 760 before the child's placement is changed, or within 72 hours of
 761 moving the child in an emergency situation, for the purpose of
 762 developing an appropriate transition plan.

763 2. A placement change may occur immediately in an emergency
 764 situation without convening a multidisciplinary team staffing.
 765 However, a multidisciplinary team staffing must be held within
 766 72 hours after the emergency situation arises.

767 3. The department or the community-based care lead agency
 768 must provide written notice of the planned move at least 14 days
 769 before the move or within 72 hours after an emergency situation,
 770 to the greatest extent possible and consistent with the child's
 771 needs and preferences. The notice must include the reason a
 772 placement change is necessary. A copy of the notice must be
 773 filed with the court and be provided to all of the following:

- 774 a. The child, unless he or she, due to age or capacity, is
 775 unable to comprehend the written notice, which will necessitate
 776 the department or lead agency to provide notice in an age-
 777 appropriate and capacity-appropriate alternative manner, ~~+~~
 778 b. The child's parents, unless prohibited by court order, ~~+~~
 779 c. The child's out-of-home caregiver, ~~+~~
 780 d. The guardian ad litem, ~~if one is appointed,~~
 781 e. The attorney ad litem for the child, if one is
 782 appointed, ~~+~~ and
 783 f. The attorney for the department.

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784 4. The transition plan must be developed through
 785 cooperation among the persons included in subparagraph 3., and
 786 such persons must share any relevant information necessary for
 787 its development. Subject to the child's needs and preferences,
 788 the transition plan must meet the requirements of s.
 789 409.1415(2)(b)8. and exclude any placement changes that occur
 790 between 7 p.m. and 8 a.m.

791 5. The department or the community-based care lead agency
 792 shall file the transition plan with the court within 48 hours
 793 after the creation of such plan and provide a copy of the plan
 794 to the persons included in subparagraph 3.

795 (4) EDUCATION TRANSITIONS.—

796 (c) *Minimizing school changes.*—

797 1. Every effort must be made to keep a child in the school
 798 of origin if it is in the child's best interest. Any placement
 799 decision must include thoughtful consideration of which school a
 800 child will attend if a school change is necessary.

801 2. Members of a multidisciplinary team staffing convened
 802 for a purpose other than a school change must determine the
 803 child's best interest regarding remaining in the school or
 804 program of origin if the child's educational options are
 805 affected by any other decision being made by the
 806 multidisciplinary team.

807 3. The determination of whether it is in the child's best
 808 interest to remain in the school of origin, and if not, of which
 809 school the child will attend in the future, must be made in
 810 consultation with the following individuals, including, but not
 811 limited to, the child; the parents; the caregiver; the child
 812 welfare professional; the guardian ad litem, ~~if appointed;~~ the

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813 educational surrogate, if appointed; child care and educational
 814 staff, including teachers and guidance counselors; and the
 815 school district representative or foster care liaison. A
 816 multidisciplinary team member may contact any of these
 817 individuals in advance of a multidisciplinary team staffing to
 818 obtain his or her recommendation. An individual may remotely
 819 attend the multidisciplinary team staffing if one of the
 820 identified goals is related to determining an educational
 821 placement. The multidisciplinary team may rely on a report from
 822 the child's current school or program district and, if
 823 applicable, any other school district being considered for the
 824 educational placement if the required school personnel are not
 825 available to attend the multidisciplinary team staffing in
 826 person or remotely.

827 4. The multidisciplinary team and the individuals listed in
 828 subparagraph 3. must consider, at a minimum, all of the
 829 following factors when determining whether remaining in the
 830 school or program of origin is in the child's best interest or,
 831 if not, when selecting a new school or program:

832 a. The child's desire to remain in the school or program of
 833 origin.

834 b. The preference of the child's parents or legal
 835 guardians.

836 c. Whether the child has siblings, close friends, or
 837 mentors at the school or program of origin.

838 d. The child's cultural and community connections in the
 839 school or program of origin.

840 e. Whether the child is suspected of having a disability
 841 under the Individuals with Disabilities Education Act (IDEA) or

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842 s. 504 of the Rehabilitation Act of 1973, or has begun receiving
 843 interventions under this state's multitiered system of supports.

844 f. Whether the child has an evaluation pending for special
 845 education and related services under IDEA or s. 504 of the
 846 Rehabilitation Act of 1973.

847 g. Whether the child is a student with a disability under
 848 IDEA who is receiving special education and related services or
 849 a student with a disability under s. 504 of the Rehabilitation
 850 Act of 1973 who is receiving accommodations and services and, if
 851 so, whether those required services are available in a school or
 852 program other than the school or program of origin.

853 h. Whether the child is an English Language Learner student
 854 and is receiving language services and, if so, whether those
 855 required services are available in a school or program other
 856 than the school or program of origin.

857 i. The impact a change to the school or program of origin
 858 would have on academic credits and progress toward promotion.

859 j. The availability of extracurricular activities important
 860 to the child.

861 k. The child's known individualized educational plan or
 862 other medical and behavioral health needs and whether such plan
 863 or needs are able to be met at a school or program other than
 864 the school or program of origin.

865 l. The child's permanency goal and timeframe for achieving
 866 permanency.

867 m. The child's history of school transfers and how such
 868 transfers have impacted the child academically, emotionally, and
 869 behaviorally.

870 n. The length of the commute to the school or program from

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871 the child's home or placement and how such commute would impact
872 the child.

873 o. The length of time the child has attended the school or
874 program of origin.

875 5. The cost of transportation cannot be a factor in making
876 a best interest determination.

877 Section 16. Paragraph (f) of subsection (3) of section
878 39.407, Florida Statutes, is amended to read:

879 39.407 Medical, psychiatric, and psychological examination
880 and treatment of child; physical, mental, or substance abuse
881 examination of person with or requesting child custody.-

882 (3)

883 (f)1. The department shall fully inform the court of the
884 child's medical and behavioral status as part of the social
885 services report prepared for each judicial review hearing held
886 for a child for whom psychotropic medication has been prescribed
887 or provided under this subsection. As a part of the information
888 provided to the court, the department shall furnish copies of
889 all pertinent medical records concerning the child which have
890 been generated since the previous hearing. On its own motion or
891 on good cause shown by any party, including the any guardian ad
892 litem, ~~attorney,~~ or attorney ad litem, if one is who has been
893 ~~appointed to represent the child or the child's interests,~~ the
894 court may review the status more frequently than required in
895 this subsection.

896 2. The court may, in the best interests of the child, order
897 the department to obtain a medical opinion addressing whether
898 the continued use of the medication under the circumstances is
899 safe and medically appropriate.

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900 Section 17. Paragraphs (m), (t), and (u) of subsection (1)
901 of section 39.4085, Florida Statutes, are amended to read:

902 39.4085 Goals for dependent children; responsibilities;
903 education; Office of the Children's Ombudsman.-

904 (1) The Legislature finds that the design and delivery of
905 child welfare services should be directed by the principle that
906 the health and safety of children, including the freedom from
907 abuse, abandonment, or neglect, is of paramount concern and,
908 therefore, establishes the following goals for children in
909 shelter or foster care:

910 (m) To receive meaningful case management and planning that
911 will quickly return the child to his or her family or move the
912 child on to other forms of permanency. For a child who is
913 transitioning from foster care to independent living, permanency
914 includes establishing naturally occurring, lifelong, kin-like
915 connections between the child and a supportive adult.

916 (t) To have a guardian ad litem appointed ~~to represent,~~
917 ~~within reason, their best interests~~ and, if appropriate, an
918 attorney ad litem ~~appointed to represent their legal interests;~~
919 the guardian ad litem or and attorney ad litem, if one is
920 appointed, shall have immediate and unlimited access to the
921 children they represent.

922 (u) To have all their records available for review by their
923 guardian ad litem or and attorney ad litem, if one is appointed,
924 if they deem such review necessary.

925
926 This subsection establishes goals and not rights. This
927 subsection does not require the delivery of any particular
928 service or level of service in excess of existing

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929 appropriations. A person does not have a cause of action against
 930 the state or any of its subdivisions, agencies, contractors,
 931 subcontractors, or agents, based upon the adoption of or failure
 932 to provide adequate funding for the achievement of these goals
 933 by the Legislature. This subsection does not require the
 934 expenditure of funds to meet the goals established in this
 935 subsection except those funds specifically appropriated for such
 936 purpose.

937 Section 18. Subsection (8) of section 39.502, Florida
 938 Statutes, is amended to read:

939 39.502 Notice, process, and service.—

940 (8) It is not necessary to the validity of a proceeding
 941 covered by this part that the parents be present if their
 942 identity or residence is unknown after a diligent search has
 943 been made; however, but in this event the petitioner must shall
 944 file an affidavit of diligent search prepared by the person who
 945 made the search and inquiry, and the court must may appoint a
 946 guardian ad litem for the child if a guardian ad litem has not
 947 previously been appointed.

948 Section 19. Paragraph (c) of subsection (3) of section
 949 39.522, Florida Statutes, is amended to read:

950 39.522 Postdisposition change of custody.—

951 (3)

952 (c)1. The department or community-based care lead agency
 953 must notify a current caregiver who has been in the physical
 954 custody placement for at least 9 consecutive months and who
 955 meets all the established criteria in paragraph (b) of an intent
 956 to change the physical custody of the child, and a
 957 multidisciplinary team staffing must be held in accordance with

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958 ss. 39.4022 and 39.4023 at least 21 days before the intended
 959 date for the child's change in physical custody, unless there is
 960 an emergency situation as defined in s. 39.4022(2)(b). If there
 961 is not a unanimous consensus decision reached by the
 962 multidisciplinary team, the department's official position must
 963 be provided to the parties within the designated time period as
 964 provided for in s. 39.4022.

965 2. A caregiver who objects to the department's official
 966 position on the change in physical custody must notify the court
 967 and the department or community-based care lead agency of his or
 968 her objection and the intent to request an evidentiary hearing
 969 in writing in accordance with this section within 5 days after
 970 receiving notice of the department's official position provided
 971 under subparagraph 1. The transition of the child to the new
 972 caregiver may not begin before the expiration of the 5-day
 973 period within which the current caregiver may object.

974 3. Upon the department or community-based care lead agency
 975 receiving written notice of the caregiver's objection, the
 976 change to the child's physical custody must be placed in
 977 abeyance and the child may not be transitioned to a new physical
 978 placement without a court order, unless there is an emergency
 979 situation as defined in s. 39.4022(2)(b).

980 4. Within 7 days after receiving written notice from the
 981 caregiver, the court must conduct an initial case status
 982 hearing, at which time the court must do all of the following:

983 a. Grant party status to the current caregiver who is
 984 seeking permanent custody and has maintained physical custody of
 985 that child for at least 9 continuous months for the limited
 986 purpose of filing a motion for a hearing on the objection and

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987 presenting evidence pursuant to this subsection.~~r~~

988 ~~b. Appoint an attorney for the child who is the subject of~~

989 ~~the permanent custody proceeding, in addition to the guardian ad~~

990 ~~litem, if one is appointed;~~

991 ~~b.e.~~ Advise the caregiver of his or her right to retain

992 counsel for purposes of the evidentiary hearing.~~r and~~

993 ~~c.d.~~ Appoint a court-selected neutral and independent

994 licensed professional with expertise in the science and research

995 of child-parent bonding.

996 Section 20. Paragraph (c) of subsection (1) and paragraph

997 (c) of subsection (3) of section 39.6012, Florida Statutes, are

998 amended to read:

999 39.6012 Case plan tasks; services.—

1000 (1) The services to be provided to the parent and the tasks

1001 that must be completed are subject to the following:

1002 (c) If there is evidence of harm as defined in s.

1003 39.01(37)(g) s. ~~39.01(34)(g)~~, the case plan must include as a

1004 required task for the parent whose actions caused the harm that

1005 the parent submit to a substance abuse disorder assessment or

1006 evaluation and participate and comply with treatment and

1007 services identified in the assessment or evaluation as being

1008 necessary.

1009 (3) In addition to any other requirement, if the child is

1010 in an out-of-home placement, the case plan must include:

1011 (c) When appropriate, for a child who is 13 years of age or

1012 older, a written description of the programs and services that

1013 will help the child prepare for the transition from foster care

1014 to independent living. The written description must include age-

1015 appropriate activities for the child's development of

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1016 relationships, coping skills, and emotional well-being.

1017 Section 21. Section 39.6036, Florida Statutes, is created

1018 to read:

1019 39.6036 Supportive adults for children transitioning out of

1020 foster care.—

1021 (1) The Legislature finds that a committed, caring adult

1022 provides a lifeline for a child transitioning out of foster care

1023 to live independently. Accordingly, it is the intent of the

1024 Legislature that the Statewide Guardian ad Litem Office help

1025 children connect with supportive adults with the hope of

1026 creating an ongoing relationship that lasts into adulthood.

1027 (2) The Statewide Guardian ad Litem Office shall work with

1028 a child who is transitioning out of foster care to identify at

1029 least one supportive adult with whom the child can enter into a

1030 formal agreement for an ongoing relationship and document such

1031 agreement in the child's court file. If the child cannot

1032 identify a supportive adult, the Statewide Guardian ad Litem

1033 Office shall work in coordination with the Office of Continuing

1034 Care to identify at least one supportive adult with whom the

1035 child can enter into a formal agreement for an ongoing

1036 relationship and document such agreement in the child's court

1037 file.

1038 Section 22. Paragraph (c) of subsection (10) of section

1039 39.621, Florida Statutes, is amended to read:

1040 39.621 Permanency determination by the court.—

1041 (10) The permanency placement is intended to continue until

1042 the child reaches the age of majority and may not be disturbed

1043 absent a finding by the court that the circumstances of the

1044 permanency placement are no longer in the best interest of the

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1045 child.

1046 (c) The court shall base its decision concerning any motion
1047 by a parent for reunification or increased contact with a child
1048 on the effect of the decision on the safety, well-being, and
1049 physical and emotional health of the child. Factors that must be
1050 considered and addressed in the findings of fact of the order on
1051 the motion must include:

1052 1. The compliance or noncompliance of the parent with the
1053 case plan;

1054 2. The circumstances which caused the child's dependency
1055 and whether those circumstances have been resolved;

1056 3. The stability and longevity of the child's placement;

1057 4. The preferences of the child, if the child is of
1058 sufficient age and understanding to express a preference;

1059 5. The recommendation of the current custodian; and

1060 6. Any ~~The~~ recommendation of the guardian ad litem, ~~if one~~
1061 ~~has been appointed.~~

1062 Section 23. Subsection (2) of section 39.6241, Florida
1063 Statutes, is amended to read:

1064 39.6241 Another planned permanent living arrangement.—

1065 (2) The department and the guardian ad litem must provide
1066 the court with a recommended list and description of services
1067 needed by the child, such as independent living services and
1068 medical, dental, educational, or psychological referrals, and a
1069 recommended list and description of services needed by his or
1070 her caregiver. The guardian ad litem must also advise the court
1071 whether the child has been connected with a supportive adult
1072 and, if the child has been connected with a supportive adult,
1073 whether the child has entered into a formal agreement with the

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1074 adult. If the child has entered into a formal agreement pursuant
1075 to s. 39.6036, the guardian ad litem must ensure that the
1076 agreement is documented in the child's court file.

1077 Section 24. Paragraphs (b) and (f) of subsection (1),
1078 paragraph (c) of subsection (2), subsection (3), and paragraph
1079 (e) of subsection (4) of section 39.701, Florida Statutes, are
1080 amended to read:

1081 39.701 Judicial review.—

1082 (1) GENERAL PROVISIONS.—

1083 (b)1. The court shall retain jurisdiction over a child
1084 returned to his or her parents for a minimum period of 6 months
1085 after following the reunification, but, at that time, based on a
1086 report of the social service agency and the guardian ad litem,
1087 ~~if one has been appointed,~~ and any other relevant factors, the
1088 court shall make a determination as to whether supervision by
1089 the department and the court's jurisdiction shall continue or be
1090 terminated.

1091 2. Notwithstanding subparagraph 1., the court must retain
1092 jurisdiction over a child if the child is placed in the home
1093 with a parent or caregiver with an in-home safety plan and such
1094 safety plan remains necessary for the child to reside safely in
1095 the home.

1096 (f) Notice of a judicial review hearing or a citizen review
1097 panel hearing, and a copy of the motion for judicial review, if
1098 any, must be served by the clerk of the court upon all of the
1099 following persons, if available to be served, regardless of
1100 whether the person was present at the previous hearing at which
1101 the date, time, and location of the hearing was announced:

1102 1. The social service agency charged with the supervision

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1103 of care, custody, or guardianship of the child, if that agency
 1104 is not the movant.

1105 2. The foster parent or legal custodian in whose home the
 1106 child resides.

1107 3. The parents.

1108 4. The guardian ad litem for the child, ~~or the~~
 1109 ~~representative of the guardian ad litem program if the program~~
 1110 ~~has been appointed.~~

1111 5. The attorney ad litem for the child, if one is
 1112 appointed.

1113 6. The child, if the child is 13 years of age or older.

1114 7. Any preadoptive parent.

1115 8. Such other persons as the court may direct.

1116 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
 1117 AGE.—

1118 (c) *Review determinations.*—The court and any citizen review
 1119 panel shall take into consideration the information contained in
 1120 the social services study and investigation and all medical,
 1121 psychological, and educational records that support the terms of
 1122 the case plan; testimony by the social services agency, the
 1123 parent, the foster parent or caregiver, the guardian ad litem,
 1124 the ~~or~~ surrogate parent for educational decisionmaking if one
 1125 has been appointed for the child, and any other person deemed
 1126 appropriate; and any relevant and material evidence submitted to
 1127 the court, including written and oral reports to the extent of
 1128 their probative value. These reports and evidence may be
 1129 received by the court in its effort to determine the action to
 1130 be taken with regard to the child and may be relied upon to the
 1131 extent of their probative value, even though not competent in an

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1132 adjudicatory hearing. In its deliberations, the court and any
 1133 citizen review panel shall seek to determine:

1134 1. If the parent was advised of the right to receive
 1135 assistance from any person or social service agency in the
 1136 preparation of the case plan.

1137 2. If the parent has been advised of the right to have
 1138 counsel present at the judicial review or citizen review
 1139 hearings. If not so advised, the court or citizen review panel
 1140 shall advise the parent of such right.

1141 3. If a guardian ad litem needs to be appointed for the
 1142 child in a case in which a guardian ad litem has not previously
 1143 been appointed ~~or if there is a need to continue a guardian ad~~
 1144 ~~litem in a case in which a guardian ad litem has been appointed.~~

1145 4. Who holds the rights to make educational decisions for
 1146 the child. If appropriate, the court may refer the child to the
 1147 district school superintendent for appointment of a surrogate
 1148 parent or may itself appoint a surrogate parent under the
 1149 Individuals with Disabilities Education Act and s. 39.0016.

1150 5. The compliance or lack of compliance of all parties with
 1151 applicable items of the case plan, including the parents'
 1152 compliance with child support orders.

1153 6. The compliance or lack of compliance with a visitation
 1154 contract between the parent and the social service agency for
 1155 contact with the child, including the frequency, duration, and
 1156 results of the parent-child visitation and the reason for any
 1157 noncompliance.

1158 7. The frequency, kind, and duration of contacts among
 1159 siblings who have been separated during placement, as well as
 1160 any efforts undertaken to reunite separated siblings if doing so

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1161 is in the best interests of the child.

1162 8. The compliance or lack of compliance of the parent in
1163 meeting specified financial obligations pertaining to the care
1164 of the child, including the reason for failure to comply, if
1165 applicable.

1166 9. Whether the child is receiving safe and proper care
1167 according to s. 39.6012, including, but not limited to, the
1168 appropriateness of the child's current placement, including
1169 whether the child is in a setting that is as family-like and as
1170 close to the parent's home as possible, consistent with the
1171 child's best interests and special needs, and including
1172 maintaining stability in the child's educational placement, as
1173 documented by assurances from the community-based care lead
1174 agency that:

1175 a. The placement of the child takes into account the
1176 appropriateness of the current educational setting and the
1177 proximity to the school in which the child is enrolled at the
1178 time of placement.

1179 b. The community-based care lead agency has coordinated
1180 with appropriate local educational agencies to ensure that the
1181 child remains in the school in which the child is enrolled at
1182 the time of placement.

1183 10. A projected date likely for the child's return home or
1184 other permanent placement.

1185 11. When appropriate, the basis for the unwillingness or
1186 inability of the parent to become a party to a case plan. The
1187 court and the citizen review panel shall determine if the
1188 efforts of the social service agency to secure party
1189 participation in a case plan were sufficient.

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1190 12. For a child who has reached 13 years of age but is not
1191 yet 18 years of age, the adequacy of the child's preparation for
1192 adulthood and independent living. For a child who is 15 years of
1193 age or older, the court shall determine if appropriate steps are
1194 being taken for the child to obtain a driver license or
1195 learner's driver license.

1196 13. If amendments to the case plan are required. Amendments
1197 to the case plan must be made under s. 39.6013.

1198 14. If the parents and caregivers have developed a
1199 productive relationship that includes meaningful communication
1200 and mutual support.

1201 (3) REVIEW HEARINGS FOR CHILDREN 16 AND 17 YEARS OF AGE.—At
1202 each review hearing held under this subsection, the court shall
1203 give the child and the guardian ad litem the opportunity to
1204 address the court and provide any information relevant to the
1205 child's best interest, particularly in relation to independent
1206 living transition services. The foster parent ~~or~~ legal
1207 custodian, ~~or guardian ad litem~~ may also provide any information
1208 relevant to the child's best interest to the court. In addition
1209 to the review and report required under paragraphs (1)(a) and
1210 (2)(a), respectively, and the review and report required under
1211 s. 39.822(2)(a)2., the court shall:

1212 (a) Inquire about the life skills the child has acquired
1213 and whether those services are age appropriate, at the first
1214 judicial review hearing held subsequent to the child's 16th
1215 birthday. At the judicial review hearing, the department shall
1216 provide the court with a report that includes specific
1217 information related to the life skills that the child has
1218 acquired since the child's 13th birthday or since the date the

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1219 child came into foster care, whichever came later. For any child
 1220 who may meet the requirements for appointment of a guardian
 1221 advocate under s. 393.12 or a guardian under chapter 744, the
 1222 updated case plan must be developed in a face-to-face conference
 1223 with the child, if appropriate; the child's attorney ad litem,
 1224 if one is appointed; the child's, ~~any court-appointed~~ guardian
 1225 ad litem; the temporary custodian of the child; and the parent
 1226 of the child, if the parent's rights have not been terminated.

1227 (b) The court shall hold a judicial review hearing within
 1228 90 days after a child's 17th birthday. The court shall issue an
 1229 order, separate from the order on judicial review, that the
 1230 disability of nonage of the child has been removed under ss.
 1231 743.044-743.047 for any disability that the court finds is in
 1232 the child's best interest to remove. The department shall
 1233 include in the social study report for the first judicial review
 1234 that occurs after the child's 17th birthday written verification
 1235 that the child has:

1236 1. A current Medicaid card and all necessary information
 1237 concerning the Medicaid program sufficient to prepare the child
 1238 to apply for coverage upon reaching the age of 18, if such
 1239 application is appropriate.

1240 2. A certified copy of the child's birth certificate and,
 1241 if the child does not have a valid driver license, a Florida
 1242 identification card issued under s. 322.051.

1243 3. A social security card and information relating to
 1244 social security insurance benefits if the child is eligible for
 1245 those benefits. If the child has received such benefits and they
 1246 are being held in trust for the child, a full accounting of
 1247 these funds must be provided and the child must be informed as

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1248 to how to access those funds.

1249 4. All relevant information related to the Road-to-
 1250 Independence Program under s. 409.1451, including, but not
 1251 limited to, eligibility requirements, information on
 1252 participation, and assistance in gaining admission to the
 1253 program. If the child is eligible for the Road-to-Independence
 1254 Program, he or she must be advised that he or she may continue
 1255 to reside with the licensed family home or group care provider
 1256 with whom the child was residing at the time the child attained
 1257 his or her 18th birthday, in another licensed family home, or
 1258 with a group care provider arranged by the department.

1259 5. An open bank account or the identification necessary to
 1260 open a bank account and to acquire essential banking and
 1261 budgeting skills.

1262 6. Information on public assistance and how to apply for
 1263 public assistance.

1264 7. A clear understanding of where he or she will be living
 1265 on his or her 18th birthday, how living expenses will be paid,
 1266 and the educational program or school in which he or she will be
 1267 enrolled.

1268 8. Information related to the ability of the child to
 1269 remain in care until he or she reaches 21 years of age under s.
 1270 39.013.

1271 9. A letter providing the dates that the child is under the
 1272 jurisdiction of the court.

1273 10. A letter stating that the child is in compliance with
 1274 financial aid documentation requirements.

1275 11. The child's educational records.

1276 12. The child's entire health and mental health records.

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1277 13. The process for accessing the child's case file.

1278 14. A statement encouraging the child to attend all

1279 judicial review hearings.

1280 15. Information on how to obtain a driver license or

1281 learner's driver license.

1282 (c) At the first judicial review hearing held subsequent to

1283 the child's 17th birthday, if the court determines pursuant to

1284 chapter 744 that there is a good faith basis to believe that the

1285 child qualifies for appointment of a guardian advocate, limited

1286 guardian, or plenary guardian for the child and that no less

1287 restrictive decisionmaking assistance will meet the child's

1288 needs:

1289 1. The department shall complete a multidisciplinary report

1290 which must include, but is not limited to, a psychosocial

1291 evaluation and educational report if such a report has not been

1292 completed within the previous 2 years.

1293 2. The department shall identify one or more individuals

1294 who are willing to serve as the guardian advocate under s.

1295 393.12 or as the plenary or limited guardian under chapter 744.

1296 Any other interested parties or participants may make efforts to

1297 identify such a guardian advocate, limited guardian, or plenary

1298 guardian. The child's biological or adoptive family members,

1299 including the child's parents if the parents' rights have not

1300 been terminated, may not be considered for service as the

1301 plenary or limited guardian unless the court enters a written

1302 order finding that such an appointment is in the child's best

1303 interests.

1304 3. Proceedings may be initiated within 180 days after the

1305 child's 17th birthday for the appointment of a guardian

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1306 advocate, plenary guardian, or limited guardian for the child in

1307 a separate proceeding in the court division with jurisdiction

1308 over guardianship matters and pursuant to chapter 744. The

1309 Legislature encourages the use of pro bono representation to

1310 initiate proceedings under this section.

1311 4. In the event another interested party or participant

1312 initiates proceedings for the appointment of a guardian

1313 advocate, plenary guardian, or limited guardian for the child,

1314 the department shall provide all necessary documentation and

1315 information to the petitioner to complete a petition under s.

1316 393.12 or chapter 744 within 45 days after the first judicial

1317 review hearing after the child's 17th birthday.

1318 5. Any proceedings seeking appointment of a guardian

1319 advocate or a determination of incapacity and the appointment of

1320 a guardian must be conducted in a separate proceeding in the

1321 court division with jurisdiction over guardianship matters and

1322 pursuant to chapter 744.

1323 (d) If the court finds at the judicial review hearing after

1324 the child's 17th birthday that the department has not met its

1325 obligations to the child as stated in this part, in the written

1326 case plan, or in the provision of independent living services,

1327 the court may issue an order directing the department to show

1328 cause as to why it has not done so. If the department cannot

1329 justify its noncompliance, the court may give the department 30

1330 days within which to comply. If the department fails to comply

1331 within 30 days, the court may hold the department in contempt.

1332 (e) If necessary, the court may review the status of the

1333 child more frequently during the year before the child's 18th

1334 birthday. At the last review hearing before the child reaches 18

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1335 years of age, and in addition to the requirements of subsection
 1336 (2), the court shall:

1337 1. Address whether the child plans to remain in foster
 1338 care, and, if so, ensure that the child's transition plan
 1339 includes a plan for meeting one or more of the criteria
 1340 specified in s. 39.6251 and determine if the child has entered
 1341 into a formal agreement for an ongoing relationship with a
 1342 supportive adult.

1343 2. Ensure that the transition plan includes a supervised
 1344 living arrangement under s. 39.6251.

1345 3. Ensure the child has been informed of:

1346 a. The right to continued support and services from the
 1347 department and the community-based care lead agency.

1348 b. The right to request termination of dependency
 1349 jurisdiction and be discharged from foster care.

1350 c. The opportunity to reenter foster care under s. 39.6251.

1351 4. Ensure that the child, if he or she requests termination
 1352 of dependency jurisdiction and discharge from foster care, has
 1353 been informed of:

1354 a. Services or benefits for which the child may be eligible
 1355 based on his or her former placement in foster care, including,
 1356 but not limited to, the assistance of the Office of Continuing
 1357 Care under s. 414.56.

1358 b. Services or benefits that may be lost through
 1359 termination of dependency jurisdiction.

1360 c. Other federal, state, local, or community-based services
 1361 or supports available to him or her.

1362 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—During
 1363 each period of time that a young adult remains in foster care,

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1364 the court shall review the status of the young adult at least
 1365 every 6 months and must hold a permanency review hearing at
 1366 least annually.

1367 (e) 1. Notwithstanding the provisions of this subsection, if
 1368 a young adult has chosen to remain in extended foster care after
 1369 he or she has reached 18 years of age, the department may not
 1370 close a case and the court may not terminate jurisdiction until
 1371 the court finds, following a hearing, that the following
 1372 criteria have been met:

1373 a.1. Attendance of the young adult at the hearing; or
 1374 b.2. Findings by the court that:

1375 (I)a. The young adult has been informed by the department
 1376 of his or her right to attend the hearing and has provided
 1377 written consent to waive this right; and

1378 (II)b. The young adult has been informed of the potential
 1379 negative effects of early termination of care, the option to
 1380 reenter care before reaching 21 years of age, the procedure for,
 1381 and limitations on, reentering care, and the availability of
 1382 alternative services, and has signed a document attesting that
 1383 he or she has been so informed and understands these provisions;
 1384 or

1385 (III)c. The young adult has voluntarily left the program,
 1386 has not signed the document in sub-subparagraph b., and is
 1387 unwilling to participate in any further court proceeding.

1388 2.3. In all permanency hearings or hearings regarding the
 1389 transition of the young adult from care to independent living,
 1390 the court shall consult with the young adult regarding the
 1391 proposed permanency plan, case plan, and individual education
 1392 plan for the young adult and ensure that he or she has

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1393 understood the conversation. The court shall also inquire of the
 1394 young adult regarding his or her relationship with the
 1395 supportive adult with whom the young adult has entered into a
 1396 formal agreement for an ongoing relationship, if such agreement
 1397 exists.

1398 Section 25. Paragraph (a) of subsection (3) of section
 1399 39.801, Florida Statutes, is amended to read:

1400 39.801 Procedures and jurisdiction; notice; service of
 1401 process.—

1402 (3) Before the court may terminate parental rights, in
 1403 addition to the other requirements set forth in this part, the
 1404 following requirements must be met:

1405 (a) Notice of the date, time, and place of the advisory
 1406 hearing for the petition to terminate parental rights; if
 1407 applicable, instructions for appearance through audio-video
 1408 communication technology; and a copy of the petition must be
 1409 personally served upon the following persons, specifically
 1410 notifying them that a petition has been filed:

- 1411 1. The parents of the child.
- 1412 2. The legal custodians of the child.
- 1413 3. If the parents who would be entitled to notice are dead
 1414 or unknown, a living relative of the child, unless upon diligent
 1415 search and inquiry no such relative can be found.
- 1416 4. Any person who has physical custody of the child.
- 1417 5. Any grandparent entitled to priority for adoption under
 1418 s. 63.0425.
- 1419 6. Any prospective parent who has been identified under s.
 1420 39.503 or s. 39.803, unless a court order has been entered
 1421 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which

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1422 indicates no further notice is required. Except as otherwise
 1423 provided in this section, if there is not a legal father, notice
 1424 of the petition for termination of parental rights must be
 1425 provided to any known prospective father who is identified under
 1426 oath before the court or who is identified by a diligent search
 1427 of the Florida Putative Father Registry. Service of the notice
 1428 of the petition for termination of parental rights is not
 1429 required if the prospective father executes an affidavit of
 1430 nonpaternity or a consent to termination of his parental rights
 1431 which is accepted by the court after notice and opportunity to
 1432 be heard by all parties to address the best interests of the
 1433 child in accepting such affidavit.

1434 7. The guardian ad litem for the child ~~or the~~
 1435 ~~representative of the guardian ad litem program, if the program~~
 1436 ~~has been appointed.~~

1437
 1438 A party may consent to service or notice by e-mail by providing
 1439 a primary e-mail address to the clerk of the court. The document
 1440 containing the notice to respond or appear must contain, in type
 1441 at least as large as the type in the balance of the document,
 1442 the following or substantially similar language: "FAILURE TO
 1443 APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE
 1444 TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN). IF
 1445 YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE
 1446 ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN
 1447 THE PETITION ATTACHED TO THIS NOTICE."

1448 Section 26. Subsection (2) of section 39.807, Florida
 1449 Statutes, is amended to read:

1450 39.807 Right to counsel; guardian ad litem.—

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1451 (2) (a) The court shall appoint a guardian ad litem to
 1452 represent the ~~best interest of the child~~ in any termination of
 1453 parental rights proceedings and shall ascertain at each stage of
 1454 the proceedings whether a guardian ad litem has been appointed.

1455 (b) The guardian ad litem has the ~~following~~
 1456 responsibilities and authority specified in s. 39.822.+

1457 ~~1. To investigate the allegations of the petition and any~~
 1458 ~~subsequent matters arising in the case and,~~

1459 (c) Unless excused by the court, the guardian ad litem must
 1460 ~~to~~ file a written report. This report must include a statement
 1461 of the wishes of the child and the recommendations of the
 1462 guardian ad litem and must be provided to all parties and the
 1463 court at least 72 hours before the disposition hearing.

1464 ~~2. To be present at all court hearings unless excused by~~
 1465 ~~the court.~~

1466 ~~3. To represent the best interests of the child until the~~
 1467 ~~jurisdiction of the court over the child terminates or until~~
 1468 ~~excused by the court.~~

1469 ~~(e) A guardian ad litem is not required to post bond but~~
 1470 ~~shall file an acceptance of the office.~~

1471 ~~(d) A guardian ad litem is entitled to receive service of~~
 1472 ~~pleadings and papers as provided by the Florida Rules of~~
 1473 ~~Juvenile Procedure.~~

1474 ~~(d)(e)~~ This subsection does not apply to any voluntary
 1475 relinquishment of parental rights proceeding.

1476 Section 27. Subsection (2) of section 39.808, Florida
 1477 Statutes, is amended to read:

1478 39.808 Advisory hearing; pretrial status conference.—

1479 (2) At the hearing the court shall inform the parties of

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1480 their rights under s. 39.807, ~~shall~~ appoint counsel for the
 1481 parties in accordance with legal requirements, and ~~shall~~ appoint
 1482 a guardian ad litem to represent the ~~interests of the child~~ if
 1483 one has not already been appointed.

1484 Section 28. Subsection (2) of section 39.815, Florida
 1485 Statutes, is amended to read:

1486 39.815 Appeal.—

1487 (2) An attorney for the department shall represent the
 1488 state upon appeal. When a notice of appeal is filed in the
 1489 circuit court, the clerk shall notify the attorney for the
 1490 department, ~~together with~~ the attorney for the parent, the
 1491 guardian ad litem, and the any attorney ad litem for the child,
 1492 if one is appointed.

1493 Section 29. Section 39.820, Florida Statutes, is repealed.

1494 Section 30. Subsections (1) and (3) of section 39.821,
 1495 Florida Statutes, are amended to read:

1496 39.821 Qualifications of guardians ad litem.—

1497 (1) Because of the special trust or responsibility placed
 1498 in a guardian ad litem, the Statewide Guardian ad Litem Office
 1499 Program may use any private funds collected by the office
 1500 program, or any state funds so designated, to conduct a security
 1501 background investigation before certifying a volunteer to serve.
 1502 A security background investigation must include, but need not
 1503 be limited to, employment history checks, checks of references,
 1504 local criminal history records checks through local law
 1505 enforcement agencies, and statewide criminal history records
 1506 checks through the Department of Law Enforcement. Upon request,
 1507 an employer shall furnish a copy of the personnel record for the
 1508 employee or former employee who is the subject of a security

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1509 background investigation conducted under this section. The
 1510 information contained in the personnel record may include, but
 1511 need not be limited to, disciplinary matters and the reason why
 1512 the employee was terminated from employment. An employer who
 1513 releases a personnel record for purposes of a security
 1514 background investigation is presumed to have acted in good faith
 1515 and is not liable for information contained in the record
 1516 without a showing that the employer maliciously falsified the
 1517 record. A security background investigation conducted under this
 1518 section must ensure that a person is not certified as a guardian
 1519 ad litem if the person has an arrest awaiting final disposition
 1520 for, been convicted of, regardless of adjudication, entered a
 1521 plea of nolo contendere or guilty to, or been adjudicated
 1522 delinquent and the record has not been sealed or expunged for,
 1523 any offense prohibited under the provisions listed in s. 435.04.
 1524 All applicants must undergo a level 2 background screening
 1525 pursuant to chapter 435 before being certified to serve as a
 1526 guardian ad litem. In analyzing and evaluating the information
 1527 obtained in the security background investigation, the office
 1528 ~~program~~ must give particular emphasis to past activities
 1529 involving children, including, but not limited to, child-related
 1530 criminal offenses or child abuse. The office program has sole
 1531 discretion in determining whether to certify a person based on
 1532 his or her security background investigation. The information
 1533 collected pursuant to the security background investigation is
 1534 confidential and exempt from s. 119.07(1).

1535 (3) It is a misdemeanor of the first degree, punishable as
 1536 provided in s. 775.082 or s. 775.083, for any person to
 1537 willfully, knowingly, or intentionally fail, by false statement,

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1538 misrepresentation, impersonation, or other fraudulent means, to
 1539 disclose in any application for a volunteer position or for paid
 1540 employment with the Statewide Guardian ad Litem Office Program,
 1541 any material fact used in making a determination as to the
 1542 applicant's qualifications for such position.

1543 Section 31. Section 39.822, Florida Statutes, is amended to
 1544 read:

1545 39.822 Appointment of guardian ad litem for abused,
 1546 abandoned, or neglected child.—

1547 (1) A guardian ad litem shall be appointed by the court at
 1548 the earliest possible time to represent the child in any child
 1549 abuse, abandonment, or neglect judicial proceeding, whether
 1550 civil or criminal. A guardian ad litem is a fiduciary and must
 1551 provide independent representation of the child using a best
 1552 interest standard of decisionmaking and advocacy.

1553 (2) (a) A guardian ad litem must:

1554 1. Be present at all court hearings unless excused by the
 1555 court.

1556 2. Investigate issues related to the best interest of the
 1557 child who is the subject of the appointment, review all
 1558 disposition recommendations and changes in placement, and,
 1559 unless excused by the court, file written reports and
 1560 recommendations in accordance with general law.

1561 3. Represent the child until the court's jurisdiction over
 1562 the child terminates or until excused by the court.

1563 4. Advocate for the child's participation in the
 1564 proceedings and to report the child's preferences to the court,
 1565 to the extent the child has the ability and desire to express
 1566 his or her preferences.

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1567 5. Perform other duties that are consistent with the scope
1568 of the appointment.

1569 (b) A guardian ad litem shall have immediate and unlimited
1570 access to the children he or she represents.

1571 (c) A guardian ad litem is not required to post bond but
1572 must file an acceptance of the appointment.

1573 (d) A guardian ad litem is entitled to receive service of
1574 pleadings and papers as provided by the Florida Rules of
1575 Juvenile Procedure.

1576 (3) Any person participating in a civil or criminal
1577 judicial proceeding resulting from such appointment shall be
1578 presumed prima facie to be acting in good faith and in so doing
1579 shall be immune from any liability, civil or criminal, that
1580 otherwise might be incurred or imposed.

1581 (4)(2) In those cases in which the parents are financially
1582 able, the parent or parents of the child shall reimburse the
1583 court, in part or in whole, for the cost of provision of
1584 guardian ad litem representation services. Reimbursement to the
1585 individual providing guardian ad litem representation is not
1586 services shall not be contingent upon successful collection by
1587 the court from the parent or parents.

1588 (5)(3) Upon presentation by a guardian ad litem of a court
1589 order appointing the guardian ad litem:

1590 (a) An agency, as defined in chapter 119, shall allow the
1591 guardian ad litem to inspect and copy records related to the
1592 best interests of the child who is the subject of the
1593 appointment, including, but not limited to, records made
1594 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of
1595 the State Constitution. The guardian ad litem shall maintain the

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1596 confidential or exempt status of any records shared by an agency
1597 under this paragraph.

1598 (b) A person or an organization, other than an agency under
1599 paragraph (a), shall allow the guardian ad litem to inspect and
1600 copy any records related to the best interests of the child who
1601 is the subject of the appointment, including, but not limited
1602 to, confidential records.

1603
1604 For the purposes of this subsection, the term "records related
1605 to the best interests of the child" includes, but is not limited
1606 to, medical, mental health, substance abuse, child care,
1607 education, law enforcement, court, social services, and
1608 financial records.

1609 ~~(4) The guardian ad litem or the program representative~~
1610 ~~shall review all disposition recommendations and changes in~~
1611 ~~placements, and must be present at all critical stages of the~~
1612 ~~dependency proceeding or submit a written report of~~
1613 ~~recommendations to the court. Written reports must be filed with~~
1614 ~~the court and served on all parties whose whereabouts are known~~
1615 ~~at least 72 hours prior to the hearing.~~

1616 Section 32. Subsection (4) of section 39.827, Florida
1617 Statutes, is amended to read:

1618 39.827 Hearing for appointment of a guardian advocate.—

1619 (4) The hearing under this section must ~~shall~~ remain
1620 confidential and closed to the public. The clerk shall keep all
1621 court records required by this part separate from other records
1622 of the circuit court. All court records required by this part
1623 are ~~shall be~~ confidential and exempt from ~~the provisions of~~ s.
1624 119.07(1). ~~All~~ Records may only ~~shall~~ be inspected ~~only~~ upon

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1625 order of the court by persons deemed by the court to have a
 1626 proper interest therein, except that a child and the parents or
 1627 custodians of the child and their attorneys, the guardian ad
 1628 litem, and the department and its designees, and the attorney ad
 1629 litem, if one is appointed, shall always have the right to
 1630 inspect and copy any official record pertaining to the child.
 1631 The court may permit authorized representatives of recognized
 1632 organizations compiling statistics for proper purposes to
 1633 inspect and make abstracts from official records, under whatever
 1634 conditions upon their use and disposition the court may deem
 1635 proper, and may punish by contempt proceedings any violation of
 1636 those conditions. All information obtained pursuant to this part
 1637 in the discharge of official duty by any judge, employee of the
 1638 court, or authorized agent of the department is shall be
 1639 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
 1640 may shall not be disclosed to anyone other than the authorized
 1641 personnel of the court or the department and its designees,
 1642 except upon order of the court.

1643 Section 33. Paragraphs (a), (b), and (d) of subsection (1)
 1644 and subsection (2) of section 39.8296, Florida Statutes, are
 1645 amended to read:

1646 39.8296 Statewide Guardian ad Litem Office; legislative
 1647 findings and intent; creation; appointment of executive
 1648 director; duties of office.—

1649 (1) LEGISLATIVE FINDINGS AND INTENT.—

1650 (a) The Legislature finds that for the past 20 years, the
 1651 Statewide Guardian ad Litem Office Program has been the only
 1652 mechanism for best interest representation for children in
 1653 Florida who are involved in dependency proceedings.

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1654 (b) The Legislature also finds that while the Statewide
 1655 Guardian ad Litem Office Program has been supervised by court
 1656 administration within the circuit courts since the office's
 1657 ~~program's~~ inception, there is a perceived conflict of interest
 1658 created by the supervision of program staff by the judges before
 1659 whom they appear.

1660 (d) It is therefore the intent of the Legislature to place
 1661 the Statewide Guardian ad Litem Office Program in an appropriate
 1662 place and provide a statewide infrastructure to increase
 1663 functioning and standardization among the local offices programs
 1664 currently operating in the 20 judicial circuits.

1665 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
 1666 Statewide Guardian ad Litem Office within the Justice
 1667 Administrative Commission. The Justice Administrative Commission
 1668 shall provide administrative support and service to the office
 1669 to the extent requested by the executive director within the
 1670 available resources of the commission. The Statewide Guardian ad
 1671 Litem Office is not subject to control, supervision, or
 1672 direction by the Justice Administrative Commission in the
 1673 performance of its duties, but the employees of the office are
 1674 governed by the classification plan and salary and benefits plan
 1675 approved by the Justice Administrative Commission.

1676 (a) The head of the Statewide Guardian ad Litem Office is
 1677 the executive director, who shall be appointed by the Governor
 1678 from a list of a minimum of three eligible applicants submitted
 1679 by a Guardian ad Litem Qualifications Committee. The Guardian ad
 1680 Litem Qualifications Committee shall be composed of five
 1681 persons, two persons appointed by the Governor, two persons
 1682 appointed by the Chief Justice of the Supreme Court, and one

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1683 person appointed by the Statewide Guardian ad Litem Office
 1684 ~~Association~~. The committee shall provide for statewide
 1685 advertisement and the receiving of applications for the position
 1686 of executive director. The Governor shall appoint an executive
 1687 director from among the recommendations, or the Governor may
 1688 reject the nominations and request the submission of new
 1689 nominees. The executive director must have knowledge in
 1690 dependency law and knowledge of social service delivery systems
 1691 available to meet the needs of children who are abused,
 1692 neglected, or abandoned. The executive director shall serve on a
 1693 full-time basis and shall personally, or through representatives
 1694 of the office, carry out the purposes and functions of the
 1695 Statewide Guardian ad Litem Office in accordance with state and
 1696 federal law and the state's long-established policy of
 1697 prioritizing children's best interests. The executive director
 1698 shall report to the Governor. The executive director shall serve
 1699 a 3-year term, subject to removal for cause by the Governor. Any
 1700 person appointed to serve as the executive director may be
 1701 permitted to serve more than one term without the necessity of
 1702 convening the Guardian ad Litem Qualifications Committee.

1703 (b) The Statewide Guardian ad Litem Office shall, within
 1704 available resources, have oversight responsibilities for and
 1705 provide technical assistance to all guardian ad litem and
 1706 attorney ad litem ~~offices programs~~ located within the judicial
 1707 circuits.

1708 1. The office shall identify the resources required to
 1709 implement methods of collecting, reporting, and tracking
 1710 reliable and consistent case data.

1711 2. The office shall review the current guardian ad litem

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1712 ~~offices programs~~ in Florida and other states.

1713 3. The office, in consultation with local guardian ad litem
 1714 offices, shall develop statewide performance measures and
 1715 standards.

1716 4. The office shall develop and maintain a guardian ad
 1717 litem training program, which must be updated regularly, ~~which~~
 1718 ~~shall include, but is not limited to, training on the~~
 1719 ~~recognition of and responses to head trauma and brain injury in~~
 1720 ~~a child under 6 years of age. The office shall establish a~~
 1721 ~~curriculum committee to develop the training program specified~~
 1722 ~~in this subparagraph. The curriculum committee shall include,~~
 1723 ~~but not be limited to, dependency judges, directors of circuit~~
 1724 ~~guardian ad litem programs, active certified guardians ad litem,~~
 1725 ~~a mental health professional who specializes in the treatment of~~
 1726 ~~children, a member of a child advocacy group, a representative~~
 1727 ~~of a domestic violence advocacy group, an individual with a~~
 1728 ~~degree in social work, and a social worker experienced in~~
 1729 ~~working with victims and perpetrators of child abuse.~~

1730 5. The office shall review the various methods of funding
 1731 guardian ad litem ~~offices programs~~, maximize the use of those
 1732 funding sources to the extent possible, and review the kinds of
 1733 services being provided by circuit guardian ad litem offices
 1734 ~~programs~~.

1735 6. The office shall determine the feasibility or
 1736 desirability of new concepts of organization, administration,
 1737 financing, or service delivery designed to preserve the civil
 1738 and constitutional rights and fulfill other needs of dependent
 1739 children.

1740 7. The office shall ensure that each child has an attorney

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1741 assigned to his or her case and, within available resources, is
 1742 represented using multidisciplinary teams that may include
 1743 volunteers, pro bono attorneys, social workers, and mentors.

1744 8. The office shall provide oversight and technical
 1745 assistance to attorneys ad litem, including, but not limited to,
 1746 all of the following:

1747 a. Develop an attorney ad litem training program in
 1748 collaboration with dependency court stakeholders, including, but
 1749 not limited to, dependency judges, representatives from legal
 1750 aid providing attorney ad litem representation, and an attorney
 1751 ad litem appointed from a registry maintained by the chief
 1752 judge. The training program must be updated regularly with or
 1753 without convening the stakeholders group.

1754 b. Offer consultation and technical assistance to chief
 1755 judges in maintaining attorney registries for the selection of
 1756 attorneys ad litem.

1757 c. Assist with recruitment, training, and mentoring of
 1758 attorneys ad litem as needed.

1759 ~~9.7-~~ In an effort to promote normalcy and establish trust
 1760 between a ~~court-appointed volunteer~~ guardian ad litem and a
 1761 child alleged to be abused, abandoned, or neglected under this
 1762 chapter, a guardian ad litem may transport a child. However, a
 1763 guardian ad litem ~~volunteer~~ may not be required by a guardian ad
 1764 litem circuit office or ordered by or directed by the program or
 1765 a court to transport a child.

1766 ~~10.8-~~ The office shall submit to the Governor, the
 1767 President of the Senate, the Speaker of the House of
 1768 Representatives, and the Chief Justice of the Supreme Court an
 1769 interim report describing the progress of the office in meeting

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1770 the goals as described in this section. The office shall submit
 1771 to the Governor, the President of the Senate, the Speaker of the
 1772 House of Representatives, and the Chief Justice of the Supreme
 1773 Court a proposed plan including alternatives for meeting the
 1774 state's guardian ad litem and attorney ad litem needs. This plan
 1775 may include recommendations for less than the entire state, may
 1776 include a phase-in system, and shall include estimates of the
 1777 cost of each of the alternatives. Each year the office shall
 1778 provide a status report and provide further recommendations to
 1779 address the need for guardian ad litem representation services
 1780 and related issues.

1781 Section 34. Section 39.8297, Florida Statutes, is amended
 1782 to read:

1783 39.8297 County funding for guardian ad litem employees.—

1784 (1) A county and the executive director of the Statewide
 1785 Guardian ad Litem Office may enter into an agreement by which
 1786 the county agrees to provide funds to the local guardian ad
 1787 litem office in order to employ persons who will assist in the
 1788 operation of the guardian ad litem office program in the county.

1789 (2) The agreement, at a minimum, must provide that:

1790 (a) Funding for the persons who are employed will be
 1791 provided on at least a fiscal-year basis.

1792 (b) The persons who are employed will be hired, supervised,
 1793 managed, and terminated by the executive director of the
 1794 Statewide Guardian ad Litem Office. The statewide office is
 1795 responsible for compliance with all requirements of federal and
 1796 state employment laws, and shall fully indemnify the county from
 1797 any liability under such laws, as authorized by s. 768.28(19),
 1798 to the extent such liability is the result of the acts or

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1799 omissions of the Statewide Guardian ad Litem Office or its
1800 agents or employees.

1801 (c) The county is the employer for purposes of s. 440.10
1802 and chapter 443.

1803 (d) Employees funded by the county under this section and
1804 other county employees may be aggregated for purposes of a
1805 flexible benefits plan pursuant to s. 125 of the Internal
1806 Revenue Code of 1986.

1807 (e) Persons employed under this section may be terminated
1808 after a substantial breach of the agreement or because funding
1809 to the guardian ad litem office ~~program~~ has expired.

1810 (3) Persons employed under this section may not be counted
1811 in a formula or similar process used by the Statewide Guardian
1812 ad Litem Office to measure personnel needs of a judicial
1813 circuit's guardian ad litem office ~~program~~.

1814 (4) Agreements created pursuant to this section do not
1815 obligate the state to allocate funds to a county to employ
1816 persons in the guardian ad litem office ~~program~~.

1817 Section 35. Section 1009.898, Florida Statutes, is created
1818 to read:

1819 1009.898 Pathway to Prosperity grants.-

1820 (1) The Pathway to Prosperity program shall administer the
1821 following grants to youth and young adults aging out of foster
1822 care:

1823 (a) Grants to provide financial literacy instruction using
1824 a curriculum developed by the Department of Financial Services
1825 in consultation with the Department of Education.

1826 (b) Grants to provide CLT, SAT, or ACT preparation,
1827 including one-on-one support and fee waivers for the

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1828 examinations.

1829 (c) Grants to youth and young adults planning to pursue
1830 trade careers or paid apprenticeships.

1831 (2) If a youth who is aging out of foster care is reunited
1832 with his or her parents, the grants remain available for the
1833 youth for up to 1 year after reunification.

1834 (3) The State Board of Education shall adopt rules to
1835 administer this section.

1836 Section 36. Subsection (1) of section 29.008, Florida
1837 Statutes, is amended to read:

1838 29.008 County funding of court-related functions.-

1839 (1) Counties are required by s. 14, Art. V of the State
1840 Constitution to fund the cost of communications services,
1841 existing radio systems, existing multiagency criminal justice
1842 information systems, and the cost of construction or lease,
1843 maintenance, utilities, and security of facilities for the
1844 circuit and county courts, public defenders' offices, state
1845 attorneys' offices, guardian ad litem offices, and the offices
1846 of the clerks of the circuit and county courts performing court-
1847 related functions. For purposes of this section, the term
1848 "circuit and county courts" includes the offices and staffing of
1849 the guardian ad litem offices ~~programs~~, and the term "public
1850 defenders' offices" includes the offices of criminal conflict
1851 and civil regional counsel. The county designated under s.
1852 35.05(1) as the headquarters for each appellate district shall
1853 fund these costs for the appellate division of the public
1854 defender's office in that county. For purposes of implementing
1855 these requirements, the term:

1856 (a) "Facility" means reasonable and necessary buildings and

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1857 office space and appurtenant equipment and furnishings,
 1858 structures, real estate, easements, and related interests in
 1859 real estate, including, but not limited to, those for the
 1860 purpose of housing legal materials for use by the general public
 1861 and personnel, equipment, or functions of the circuit or county
 1862 courts, public defenders' offices, state attorneys' offices, and
 1863 court-related functions of the office of the clerks of the
 1864 circuit and county courts and all storage. The term "facility"
 1865 includes all wiring necessary for court reporting services. The
 1866 term also includes access to parking for such facilities in
 1867 connection with such court-related functions that may be
 1868 available free or from a private provider or a local government
 1869 for a fee. The office space provided by a county may not be less
 1870 than the standards for space allotment adopted by the Department
 1871 of Management Services, except this requirement applies only to
 1872 facilities that are leased, or on which construction commences,
 1873 after June 30, 2003. County funding must include physical
 1874 modifications and improvements to all facilities as are required
 1875 for compliance with the Americans with Disabilities Act. Upon
 1876 mutual agreement of a county and the affected entity in this
 1877 paragraph, the office space provided by the county may vary from
 1878 the standards for space allotment adopted by the Department of
 1879 Management Services.

1880 1. As of July 1, 2005, equipment and furnishings shall be
 1881 limited to that appropriate and customary for courtrooms,
 1882 hearing rooms, jury facilities, and other public areas in
 1883 courthouses and any other facility occupied by the courts, state
 1884 attorneys, public defenders, guardians ad litem, and criminal
 1885 conflict and civil regional counsel. Court reporting equipment

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1886 in these areas or facilities is not a responsibility of the
 1887 county.
 1888 2. Equipment and furnishings under this paragraph in
 1889 existence and owned by counties on July 1, 2005, except for that
 1890 in the possession of the clerks, for areas other than
 1891 courtrooms, hearing rooms, jury facilities, and other public
 1892 areas in courthouses and any other facility occupied by the
 1893 courts, state attorneys, and public defenders, shall be
 1894 transferred to the state at no charge. This provision does not
 1895 apply to any communications services as defined in paragraph
 1896 (f).
 1897 (b) "Construction or lease" includes, but is not limited
 1898 to, all reasonable and necessary costs of the acquisition or
 1899 lease of facilities for all judicial officers, staff, jurors,
 1900 volunteers of a tenant agency, and the public for the circuit
 1901 and county courts, the public defenders' offices, state
 1902 attorneys' offices, and for performing the court-related
 1903 functions of the offices of the clerks of the circuit and county
 1904 courts. This includes expenses related to financing such
 1905 facilities and the existing and future cost and bonded
 1906 indebtedness associated with placing the facilities in use.
 1907 (c) "Maintenance" includes, but is not limited to, all
 1908 reasonable and necessary costs of custodial and groundskeeping
 1909 services and renovation and reconstruction as needed to
 1910 accommodate functions for the circuit and county courts, the
 1911 public defenders' offices, and state attorneys' offices and for
 1912 performing the court-related functions of the offices of the
 1913 clerks of the circuit and county court and for maintaining the
 1914 facilities in a condition appropriate and safe for the use

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1915 intended.

1916 (d) "Utilities" means all electricity services for light,
 1917 heat, and power; natural or manufactured gas services for light,
 1918 heat, and power; water and wastewater services and systems,
 1919 stormwater or runoff services and systems, sewer services and
 1920 systems, all costs or fees associated with these services and
 1921 systems, and any costs or fees associated with the mitigation of
 1922 environmental impacts directly related to the facility.

1923 (e) "Security" includes but is not limited to, all
 1924 reasonable and necessary costs of services of law enforcement
 1925 officers or licensed security guards and all electronic,
 1926 cellular, or digital monitoring and screening devices necessary
 1927 to ensure the safety and security of all persons visiting or
 1928 working in a facility; to provide for security of the facility,
 1929 including protection of property owned by the county or the
 1930 state; and for security of prisoners brought to any facility.
 1931 This includes bailiffs while providing courtroom and other
 1932 security for each judge and other quasi-judicial officers.

1933 (f) "Communications services" are defined as any reasonable
 1934 and necessary transmission, emission, and reception of signs,
 1935 signals, writings, images, and sounds of intelligence of any
 1936 nature by wire, radio, optical, audio equipment, or other
 1937 electromagnetic systems and includes all facilities and
 1938 equipment owned, leased, or used by judges, clerks, public
 1939 defenders, state attorneys, guardians ad litem, criminal
 1940 conflict and civil regional counsel, and all staff of the state
 1941 courts system, state attorneys' offices, public defenders'
 1942 offices, and clerks of the circuit and county courts performing
 1943 court-related functions. Such system or services shall include,

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1944 but not be limited to:

1945 1. Telephone system infrastructure, including computer
 1946 lines, telephone switching equipment, and maintenance, and
 1947 facsimile equipment, wireless communications, cellular
 1948 telephones, pagers, and video teleconferencing equipment and
 1949 line charges. Each county shall continue to provide access to a
 1950 local carrier for local and long distance service and shall pay
 1951 toll charges for local and long distance service.

1952 2. All computer networks, systems and equipment, including
 1953 computer hardware and software, modems, printers, wiring,
 1954 network connections, maintenance, support staff or services
 1955 including any county-funded support staff located in the offices
 1956 of the circuit court, county courts, state attorneys, public
 1957 defenders, guardians ad litem, and criminal conflict and civil
 1958 regional counsel; training, supplies, and line charges necessary
 1959 for an integrated computer system to support the operations and
 1960 management of the state courts system, the offices of the public
 1961 defenders, the offices of the state attorneys, the guardian ad
 1962 litem offices, the offices of criminal conflict and civil
 1963 regional counsel, and the offices of the clerks of the circuit
 1964 and county courts; and the capability to connect those entities
 1965 and reporting data to the state as required for the transmission
 1966 of revenue, performance accountability, case management, data
 1967 collection, budgeting, and auditing purposes. The integrated
 1968 computer system shall be operational by July 1, 2006, and, at a
 1969 minimum, permit the exchange of financial, performance
 1970 accountability, case management, case disposition, and other
 1971 data across multiple state and county information systems
 1972 involving multiple users at both the state level and within each

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1973 judicial circuit and be able to electronically exchange judicial
 1974 case background data, sentencing scoresheets, and video evidence
 1975 information stored in integrated case management systems over
 1976 secure networks. Once the integrated system becomes operational,
 1977 counties may reject requests to purchase communications services
 1978 included in this subparagraph not in compliance with standards,
 1979 protocols, or processes adopted by the board established
 1980 pursuant to former s. 29.0086.

1981 3. Courier messenger and subpoena services.

1982 4. Auxiliary aids and services for qualified individuals
 1983 with a disability which are necessary to ensure access to the
 1984 courts. Such auxiliary aids and services include, but are not
 1985 limited to, sign language interpretation services required under
 1986 the federal Americans with Disabilities Act other than services
 1987 required to satisfy due-process requirements and identified as a
 1988 state funding responsibility pursuant to ss. 29.004-29.007,
 1989 real-time transcription services for individuals who are hearing
 1990 impaired, and assistive listening devices and the equipment
 1991 necessary to implement such accommodations.

1992 (g) "Existing radio systems" includes, but is not limited
 1993 to, law enforcement radio systems that are used by the circuit
 1994 and county courts, the offices of the public defenders, the
 1995 offices of the state attorneys, and for court-related functions
 1996 of the offices of the clerks of the circuit and county courts.
 1997 This includes radio systems that were operational or under
 1998 contract at the time Revision No. 7, 1998, to Art. V of the
 1999 State Constitution was adopted and any enhancements made
 2000 thereafter, the maintenance of those systems, and the personnel
 2001 and supplies necessary for operation.

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2002 (h) "Existing multiagency criminal justice information
 2003 systems" includes, but is not limited to, those components of
 2004 the multiagency criminal justice information system as defined
 2005 in s. 943.045, supporting the offices of the circuit or county
 2006 courts, the public defenders' offices, the state attorneys'
 2007 offices, or those portions of the offices of the clerks of the
 2008 circuit and county courts performing court-related functions
 2009 that are used to carry out the court-related activities of those
 2010 entities. This includes upgrades and maintenance of the current
 2011 equipment, maintenance and upgrades of supporting technology
 2012 infrastructure and associated staff, and services and expenses
 2013 to assure continued information sharing and reporting of
 2014 information to the state. The counties shall also provide
 2015 additional information technology services, hardware, and
 2016 software as needed for new judges and staff of the state courts
 2017 system, state attorneys' offices, public defenders' offices,
 2018 guardian ad litem offices, and the offices of the clerks of the
 2019 circuit and county courts performing court-related functions.

2020 Section 37. Paragraph (a) of subsection (1) of section
 2021 39.6011, Florida Statutes, is amended to read:

2022 39.6011 Case plan development.—

2023 (1) The department shall prepare a draft of the case plan
 2024 for each child receiving services under this chapter. A parent
 2025 of a child may not be threatened or coerced with the loss of
 2026 custody or parental rights for failing to admit in the case plan
 2027 of abusing, neglecting, or abandoning a child. Participating in
 2028 the development of a case plan is not an admission to any
 2029 allegation of abuse, abandonment, or neglect, and it is not a
 2030 consent to a finding of dependency or termination of parental

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2031 rights. The case plan shall be developed subject to the
2032 following requirements:

2033 (a) The case plan must be developed in a face-to-face
2034 conference with the parent of the child, ~~the any~~ court-appointed
2035 guardian ad litem, and, if appropriate, the child and the
2036 temporary custodian of the child.

2037 Section 38. Subsection (8) of section 40.24, Florida
2038 Statutes, is amended to read:

2039 40.24 Compensation and reimbursement policy.—

2040 (8) In circuits that elect to allow jurors to donate their
2041 jury service fee upon conclusion of juror service, each juror
2042 may irrevocably donate all of the juror's compensation to the 26
2043 U.S.C. s. 501(c)(3) organization specified by the Statewide
2044 Guardian ad Litem Office program or to a domestic violence
2045 shelter as specified annually on a rotating basis by the clerk
2046 of court in the circuit for the juror's county of residence. The
2047 funds collected may not reduce or offset the amount of
2048 compensation that the Statewide Guardian ad Litem Office program
2049 or domestic violence shelter would otherwise receive from the
2050 state. The clerk of court shall ensure that all jurors are given
2051 written notice at the conclusion of their service that they have
2052 the option to so donate their compensation, and that the
2053 applicable program specified by the Statewide Guardian ad Litem
2054 Office program or a domestic violence shelter receives all funds
2055 donated by the jurors. Any circuit guardian ad litem office
2056 program receiving donations of juror compensation must expend
2057 such moneys on services for children for whom guardians ad litem
2058 have been appointed.

2059 Section 39. Subsections (5), (6), and (7) of section 43.16,

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2060 Florida Statutes, are amended to read:

2061 43.16 Justice Administrative Commission; membership, powers
2062 and duties.—

2063 (5) The duties of the commission shall include, but not be
2064 limited to, the following:

2065 (a) The maintenance of a central state office for
2066 administrative services and assistance when possible to and on
2067 behalf of the state attorneys and public defenders of Florida,
2068 the capital collateral regional counsel of Florida, the criminal
2069 conflict and civil regional counsel, and the Statewide Guardian
2070 Ad Litem Office Program.

2071 (b) Each state attorney, public defender, and criminal
2072 conflict and civil regional counsel and the Statewide Guardian
2073 Ad Litem Office Program shall continue to prepare necessary
2074 budgets, vouchers that represent valid claims for reimbursement
2075 by the state for authorized expenses, and other things
2076 incidental to the proper administrative operation of the office,
2077 such as revenue transmittals to the Chief Financial Officer and
2078 automated systems plans, but will forward such items to the
2079 commission for recording and submission to the proper state
2080 officer. However, when requested by a state attorney, a public
2081 defender, a criminal conflict and civil regional counsel, or the
2082 Statewide Guardian Ad Litem Office Program, the commission will
2083 either assist in the preparation of budget requests, voucher
2084 schedules, and other forms and reports or accomplish the entire
2085 project involved.

2086 (6) The commission, each state attorney, each public
2087 defender, the criminal conflict and civil regional counsel, the
2088 capital collateral regional counsel, and the Statewide Guardian

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2089 Ad Litem Office Program shall establish and maintain internal
 2090 controls designed to:

2091 (a) Prevent and detect fraud, waste, and abuse as defined
 2092 in s. 11.45(1).

2093 (b) Promote and encourage compliance with applicable laws,
 2094 rules, contracts, grant agreements, and best practices.

2095 (c) Support economical and efficient operations.

2096 (d) Ensure reliability of financial records and reports.

2097 (e) Safeguard assets.

2098 (7) ~~The provisions contained in~~ This section is shall be
 2099 supplemental to ~~those of~~ chapter 27, relating to state
 2100 attorneys, public defenders, criminal conflict and civil
 2101 regional counsel, and capital collateral regional counsel; to
 2102 ~~those of~~ chapter 39, relating to the Statewide Guardian Ad Litem
 2103 Office Program; or to other laws pertaining hereto.

2104 Section 40. Paragraph (a) of subsection (1) and subsection
 2105 (4) of section 61.402, Florida Statutes, are amended to read:

2106 61.402 Qualifications of guardians ad litem.—

2107 (1) A person appointed as a guardian ad litem pursuant to
 2108 s. 61.401 must be:

2109 (a) Certified by the Statewide Guardian Ad Litem Office
 2110 ~~Program~~ pursuant to s. 39.821;

2111 (b) Certified by a not-for-profit legal aid organization as
 2112 defined in s. 68.096; or

2113 (c) An attorney who is a member in good standing of The
 2114 Florida Bar.

2115 (4) Nothing in this section requires the Statewide Guardian
 2116 Ad Litem Office Program or a not-for-profit legal aid
 2117 organization to train or certify guardians ad litem appointed

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2118 under this chapter.

2119 Section 41. Paragraph (x) of subsection (2) of section
 2120 110.205, Florida Statutes, is amended to read:

2121 110.205 Career service; exemptions.—

2122 (2) EXEMPT POSITIONS.—The exempt positions that are not
 2123 covered by this part include the following:

2124 (x) All officers and employees of the Justice
 2125 Administrative Commission, Office of the State Attorney, Office
 2126 of the Public Defender, regional offices of capital collateral
 2127 counsel, offices of criminal conflict and civil regional
 2128 counsel, and Statewide Guardian Ad Litem Office, including the
 2129 circuit guardian ad litem offices programs.

2130 Section 42. Paragraph (b) of subsection (96) of section
 2131 320.08058, Florida Statutes, is amended to read:

2132 320.08058 Specialty license plates.—

2133 (96) GUARDIAN AD LITEM LICENSE PLATES.—

2134 (b) The annual use fees from the sale of the plate shall be
 2135 distributed to the Florida Guardian Ad Litem Foundation, Inc., a
 2136 direct-support organization and a nonprofit corporation under s.
 2137 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the
 2138 proceeds may be used for administrative costs and the marketing
 2139 of the plate. The remainder of the proceeds must be used in this
 2140 state to support the mission and efforts of the Statewide
 2141 Guardian Ad Litem Office Program to represent abused, abandoned,
 2142 and neglected children and advocate for their best interests;
 2143 recruit and retain volunteer child advocates; and meet the
 2144 unique needs of the dependent children the program serves.

2145 Section 43. Paragraph (e) of subsection (3) of section
 2146 943.053, Florida Statutes, is amended to read:

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2147 943.053 Dissemination of criminal justice information;
 2148 fees.—
 2149 (3)
 2150 (e) The fee per record for criminal history information
 2151 provided pursuant to this subsection and s. 943.0542 is \$24 per
 2152 name submitted, except that the fee for the Statewide Guardian
 2153 Ad Litem ~~Office program~~ and vendors of the Department of
 2154 Children and Families, the Department of Juvenile Justice, the
 2155 Agency for Persons with Disabilities, and the Department of
 2156 Elderly Affairs is \$8 for each name submitted; the fee for a
 2157 state criminal history provided for application processing as
 2158 required by law to be performed by the Department of Agriculture
 2159 and Consumer Services is \$15 for each name submitted; and the
 2160 fee for requests under s. 943.0542, which implements the
 2161 National Child Protection Act, is \$18 for each volunteer name
 2162 submitted. An office of the public defender or an office of
 2163 criminal conflict and civil regional counsel may not be assessed
 2164 a fee for Florida criminal history information or wanted person
 2165 information.

2166 Section 44. Subsection (2) of section 985.43, Florida
 2167 Statutes, is amended to read:

2168 985.43 Predisposition reports; other evaluations.—

2169 (2) The court shall consider the child's entire assessment
 2170 and predisposition report and shall review the records of
 2171 earlier judicial proceedings before making a final disposition
 2172 of the case. If the child is under the jurisdiction of a
 2173 dependency court, the court may receive and consider any
 2174 information provided by the Statewide Guardian Ad Litem Office
 2175 ~~Program~~ and the child's attorney ad litem, if one is appointed.

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2176 The court may, by order, require additional evaluations and
 2177 studies to be performed by the department; the county school
 2178 system; or any social, psychological, or psychiatric agency of
 2179 the state. The court shall order the educational needs
 2180 assessment completed under s. 985.18(2) to be included in the
 2181 assessment and predisposition report.

2182 Section 45. Subsection (4) of section 985.441, Florida
 2183 Statutes, is amended to read:

2184 985.441 Commitment.—

2185 (4) The department may transfer a child, when necessary to
 2186 appropriately administer the child's commitment, from one
 2187 facility or program to another facility or program operated,
 2188 contracted, subcontracted, or designated by the department,
 2189 including a postcommitment nonresidential conditional release
 2190 program, except that the department may not transfer any child
 2191 adjudicated solely for a misdemeanor to a residential program
 2192 except as provided in subsection (2). The department shall
 2193 notify the court that committed the child to the department and
 2194 any attorney of record for the child, in writing, of its intent
 2195 to transfer the child from a commitment facility or program to
 2196 another facility or program of a higher or lower restrictiveness
 2197 level. If the child is under the jurisdiction of a dependency
 2198 court, the department shall also provide notice to the
 2199 dependency court, ~~and~~ the Department of Children and Families,
 2200 ~~and, if appointed,~~ the Statewide Guardian Ad Litem Office,
 2201 ~~Program~~ and the child's attorney ad litem, if one is appointed.
 2202 The court that committed the child may agree to the transfer or
 2203 may set a hearing to review the transfer. If the court does not
 2204 respond within 10 days after receipt of the notice, the transfer

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2205 of the child shall be deemed granted.

2206 Section 46. Subsection (3) of section 985.455, Florida
2207 Statutes, is amended to read:

2208 985.455 Other dispositional issues.—

2209 (3) Any commitment of a delinquent child to the department
2210 must be for an indeterminate period of time, which may include
2211 periods of temporary release; however, the period of time may
2212 not exceed the maximum term of imprisonment that an adult may
2213 serve for the same offense, except that the duration of a
2214 minimum-risk nonresidential commitment for an offense that is a
2215 misdemeanor of the second degree, or is equivalent to a
2216 misdemeanor of the second degree, may be for a period not to
2217 exceed 6 months. The duration of the child's placement in a
2218 commitment program of any restrictiveness level shall be based
2219 on objective performance-based treatment planning. The child's
2220 treatment plan progress and adjustment-related issues shall be
2221 reported to the court quarterly, unless the court requests
2222 monthly reports. If the child is under the jurisdiction of a
2223 dependency court, the court may receive and consider any
2224 information provided by the Statewide Guardian Ad Litem Office
2225 ~~Program~~ or the child's attorney ad litem, if one is appointed.
2226 The child's length of stay in a commitment program may be
2227 extended if the child fails to comply with or participate in
2228 treatment activities. The child's length of stay in the program
2229 shall not be extended for purposes of sanction or punishment.
2230 Any temporary release from such program must be approved by the
2231 court. Any child so committed may be discharged from
2232 institutional confinement or a program upon the direction of the
2233 department with the concurrence of the court. The child's

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2234 treatment plan progress and adjustment-related issues must be
2235 communicated to the court at the time the department requests
2236 the court to consider releasing the child from the commitment
2237 program. The department shall give the court that committed the
2238 child to the department reasonable notice, in writing, of its
2239 desire to discharge the child from a commitment facility. The
2240 court that committed the child may thereafter accept or reject
2241 the request. If the court does not respond within 10 days after
2242 receipt of the notice, the request of the department shall be
2243 deemed granted. This section does not limit the department's
2244 authority to revoke a child's temporary release status and
2245 return the child to a commitment facility for any violation of
2246 the terms and conditions of the temporary release.

2247 Section 47. Paragraph (b) of subsection (4) of section
2248 985.461, Florida Statutes, is amended to read:

2249 985.461 Transition to adulthood.—

2250 (4) As part of the child's treatment plan, the department
2251 may provide transition-to-adulthood services to children
2252 released from residential commitment. To support participation
2253 in transition-to-adulthood services and subject to
2254 appropriation, the department may:

2255 (b) Use community reentry teams to assist in the
2256 development of a list of age-appropriate activities and
2257 responsibilities to be incorporated in the child's written case
2258 plan for any youth who is under the custody or supervision of
2259 the department. Community reentry teams may include
2260 representatives from school districts, law enforcement,
2261 workforce development services, community-based service
2262 providers, the Statewide Guardian Ad Litem Office ~~Program~~, and

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2263 the youth's family. Such community reentry teams must be created
 2264 within existing resources provided to the department. Activities
 2265 may include, but are not limited to, life skills training,
 2266 including training to develop banking and budgeting skills,
 2267 interviewing and career planning skills, parenting skills,
 2268 personal health management, and time management or
 2269 organizational skills; educational support; employment training;
 2270 and counseling.

2271 Section 48. Subsection (11) of section 985.48, Florida
 2272 Statutes, is amended to read:

2273 985.48 Juvenile sexual offender commitment programs; sexual
 2274 abuse intervention networks.—

2275 (11) Membership of a sexual abuse intervention network
 2276 shall include, but is not limited to, representatives from:

2277 (a) Local law enforcement agencies;

2278 (b) Local school boards;

2279 (c) Child protective investigators;

2280 (d) The office of the state attorney;

2281 (e) The office of the public defender;

2282 (f) The juvenile division of the circuit court;

2283 (g) Professionals licensed under chapter 458, chapter 459,
 2284 s. 490.0145, or s. 491.0144 providing treatment for juvenile
 2285 sexual offenders or their victims;

2286 (h) The Statewide Guardian Ad Litem Office ~~program~~;

2287 (i) The Department of Juvenile Justice; and

2288 (j) The Department of Children and Families.

2289 Section 49. Subsection (1) of section 39.302, Florida
 2290 Statutes, is amended to read:

2291 39.302 Protective investigations of institutional child

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2292 abuse, abandonment, or neglect.—

2293 (1) The department shall conduct a child protective
 2294 investigation of each report of institutional child abuse,
 2295 abandonment, or neglect. Upon receipt of a report that alleges
 2296 that an employee or agent of the department, or any other entity
 2297 or person covered by s. 39.01(39) or (57) ~~s. 39.01(36) or (54)~~,
 2298 acting in an official capacity, has committed an act of child
 2299 abuse, abandonment, or neglect, the department shall initiate a
 2300 child protective investigation within the timeframe established
 2301 under s. 39.101(2) and notify the appropriate state attorney,
 2302 law enforcement agency, and licensing agency, which shall
 2303 immediately conduct a joint investigation, unless independent
 2304 investigations are more feasible. When conducting investigations
 2305 or having face-to-face interviews with the child, investigation
 2306 visits shall be unannounced unless it is determined by the
 2307 department or its agent that unannounced visits threaten the
 2308 safety of the child. If a facility is exempt from licensing, the
 2309 department shall inform the owner or operator of the facility of
 2310 the report. Each agency conducting a joint investigation is
 2311 entitled to full access to the information gathered by the
 2312 department in the course of the investigation. A protective
 2313 investigation must include an interview with the child's parent
 2314 or legal guardian. The department shall make a full written
 2315 report to the state attorney within 3 business days after making
 2316 the oral report. A criminal investigation shall be coordinated,
 2317 whenever possible, with the child protective investigation of
 2318 the department. Any interested person who has information
 2319 regarding the offenses described in this subsection may forward
 2320 a statement to the state attorney as to whether prosecution is

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2321 warranted and appropriate. Within 15 days after the completion
 2322 of the investigation, the state attorney shall report the
 2323 findings to the department and shall include in the report a
 2324 determination of whether or not prosecution is justified and
 2325 appropriate in view of the circumstances of the specific case.

2326 Section 50. Paragraph (c) of subsection (1) of section
 2327 39.521, Florida Statutes, is amended to read:

2328 39.521 Disposition hearings; powers of disposition.—

2329 (1) A disposition hearing shall be conducted by the court,
 2330 if the court finds that the facts alleged in the petition for
 2331 dependency were proven in the adjudicatory hearing, or if the
 2332 parents or legal custodians have consented to the finding of
 2333 dependency or admitted the allegations in the petition, have
 2334 failed to appear for the arraignment hearing after proper
 2335 notice, or have not been located despite a diligent search
 2336 having been conducted.

2337 (c) When any child is adjudicated by a court to be
 2338 dependent, the court having jurisdiction of the child has the
 2339 power by order to:

2340 1. Require the parent and, when appropriate, the legal
 2341 guardian or the child to participate in treatment and services
 2342 identified as necessary. The court may require the person who
 2343 has custody or who is requesting custody of the child to submit
 2344 to a mental health or substance abuse disorder assessment or
 2345 evaluation. The order may be made only upon good cause shown and
 2346 pursuant to notice and procedural requirements provided under
 2347 the Florida Rules of Juvenile Procedure. The mental health
 2348 assessment or evaluation must be administered by a qualified
 2349 professional as defined in s. 39.01, and the substance abuse

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2350 assessment or evaluation must be administered by a qualified
 2351 professional as defined in s. 397.311. The court may also
 2352 require such person to participate in and comply with treatment
 2353 and services identified as necessary, including, when
 2354 appropriate and available, participation in and compliance with
 2355 a mental health court program established under chapter 394 or a
 2356 treatment-based drug court program established under s. 397.334.
 2357 Adjudication of a child as dependent based upon evidence of harm
 2358 as defined in s. 39.01(37)(g) ~~s. 39.01(34)(g)~~ demonstrates good
 2359 cause, and the court shall require the parent whose actions
 2360 caused the harm to submit to a substance abuse disorder
 2361 assessment or evaluation and to participate and comply with
 2362 treatment and services identified in the assessment or
 2363 evaluation as being necessary. In addition to supervision by the
 2364 department, the court, including the mental health court program
 2365 or the treatment-based drug court program, may oversee the
 2366 progress and compliance with treatment by a person who has
 2367 custody or is requesting custody of the child. The court may
 2368 impose appropriate available sanctions for noncompliance upon a
 2369 person who has custody or is requesting custody of the child or
 2370 make a finding of noncompliance for consideration in determining
 2371 whether an alternative placement of the child is in the child's
 2372 best interests. Any order entered under this subparagraph may be
 2373 made only upon good cause shown. This subparagraph does not
 2374 authorize placement of a child with a person seeking custody of
 2375 the child, other than the child's parent or legal custodian, who
 2376 requires mental health or substance abuse disorder treatment.

2377 2. Require, if the court deems necessary, the parties to
 2378 participate in dependency mediation.

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2379 3. Require placement of the child either under the
 2380 protective supervision of an authorized agent of the department
 2381 in the home of one or both of the child's parents or in the home
 2382 of a relative of the child or another adult approved by the
 2383 court, or in the custody of the department. Protective
 2384 supervision continues until the court terminates it or until the
 2385 child reaches the age of 18, whichever date is first. Protective
 2386 supervision shall be terminated by the court whenever the court
 2387 determines that permanency has been achieved for the child,
 2388 whether with a parent, another relative, or a legal custodian,
 2389 and that protective supervision is no longer needed. The
 2390 termination of supervision may be with or without retaining
 2391 jurisdiction, at the court's discretion, and shall in either
 2392 case be considered a permanency option for the child. The order
 2393 terminating supervision by the department must set forth the
 2394 powers of the custodian of the child and include the powers
 2395 ordinarily granted to a guardian of the person of a minor unless
 2396 otherwise specified. Upon the court's termination of supervision
 2397 by the department, further judicial reviews are not required if
 2398 permanency has been established for the child.

2399 4. Determine whether the child has a strong attachment to
 2400 the prospective permanent guardian and whether such guardian has
 2401 a strong commitment to permanently caring for the child.

2402 Section 51. Paragraph (c) of subsection (2) of section
 2403 61.13, Florida Statutes, is amended to read:

2404 61.13 Support of children; parenting and time-sharing;
 2405 powers of court.—

2406 (2)

2407 (c) The court shall determine all matters relating to

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2408 parenting and time-sharing of each minor child of the parties in
 2409 accordance with the best interests of the child and in
 2410 accordance with the Uniform Child Custody Jurisdiction and
 2411 Enforcement Act, except that modification of a parenting plan
 2412 and time-sharing schedule requires a showing of a substantial
 2413 and material change of circumstances.

2414 1. It is the public policy of this state that each minor
 2415 child has frequent and continuing contact with both parents
 2416 after the parents separate or the marriage of the parties is
 2417 dissolved and to encourage parents to share the rights and
 2418 responsibilities, and joys, of childrearing. Unless otherwise
 2419 provided in this section or agreed to by the parties, there is a
 2420 rebuttable presumption that equal time-sharing of a minor child
 2421 is in the best interests of the minor child. To rebut this
 2422 presumption, a party must prove by a preponderance of the
 2423 evidence that equal time-sharing is not in the best interests of
 2424 the minor child. Except when a time-sharing schedule is agreed
 2425 to by the parties and approved by the court, the court must
 2426 evaluate all of the factors set forth in subsection (3) and make
 2427 specific written findings of fact when creating or modifying a
 2428 time-sharing schedule.

2429 2. The court shall order that the parental responsibility
 2430 for a minor child be shared by both parents unless the court
 2431 finds that shared parental responsibility would be detrimental
 2432 to the child. In determining detriment to the child, the court
 2433 shall consider:

2434 a. Evidence of domestic violence, as defined in s. 741.28;

2435 b. Whether either parent has or has had reasonable cause to
 2436 believe that he or she or his or her minor child or children are

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2437 or have been in imminent danger of becoming victims of an act of
 2438 domestic violence as defined in s. 741.28 or sexual violence as
 2439 defined in s. 784.046(1)(c) by the other parent against the
 2440 parent or against the child or children whom the parents share
 2441 in common regardless of whether a cause of action has been
 2442 brought or is currently pending in the court;

2443 c. Whether either parent has or has had reasonable cause to
 2444 believe that his or her minor child or children are or have been
 2445 in imminent danger of becoming victims of an act of abuse ~~as~~
 2446 ~~defined in s. 39.01(2), abandonment as defined in s. 39.01(1),~~
 2447 or neglect, as those terms are defined in s. 39.01, s. 39.01(50)
 2448 by the other parent against the child or children whom the
 2449 parents share in common regardless of whether a cause of action
 2450 has been brought or is currently pending in the court; and

2451 d. Any other relevant factors.

2452 3. The following evidence creates a rebuttable presumption
 2453 that shared parental responsibility is detrimental to the child:

2454 a. A parent has been convicted of a misdemeanor of the
 2455 first degree or higher involving domestic violence, as defined
 2456 in s. 741.28 and chapter 775;

2457 b. A parent meets the criteria of s. 39.806(1)(d); or

2458 c. A parent has been convicted of or had adjudication
 2459 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
 2460 at the time of the offense:

2461 (I) The parent was 18 years of age or older.

2462 (II) The victim was under 18 years of age or the parent
 2463 believed the victim to be under 18 years of age.

2464

2465 If the presumption is not rebutted after the convicted parent is

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2466 advised by the court that the presumption exists, shared
 2467 parental responsibility, including time-sharing with the child,
 2468 and decisions made regarding the child, may not be granted to
 2469 the convicted parent. However, the convicted parent is not
 2470 relieved of any obligation to provide financial support. If the
 2471 court determines that shared parental responsibility would be
 2472 detrimental to the child, it may order sole parental
 2473 responsibility and make such arrangements for time-sharing as
 2474 specified in the parenting plan as will best protect the child
 2475 or abused spouse from further harm. Whether or not there is a
 2476 conviction of any offense of domestic violence or child abuse or
 2477 the existence of an injunction for protection against domestic
 2478 violence, the court shall consider evidence of domestic violence
 2479 or child abuse as evidence of detriment to the child.

2480 4. In ordering shared parental responsibility, the court
 2481 may consider the expressed desires of the parents and may grant
 2482 to one party the ultimate responsibility over specific aspects
 2483 of the child's welfare or may divide those responsibilities
 2484 between the parties based on the best interests of the child.
 2485 Areas of responsibility may include education, health care, and
 2486 any other responsibilities that the court finds unique to a
 2487 particular family.

2488 5. The court shall order sole parental responsibility for a
 2489 minor child to one parent, with or without time-sharing with the
 2490 other parent if it is in the best interests of the minor child.

2491 6. There is a rebuttable presumption against granting time-
 2492 sharing with a minor child if a parent has been convicted of or
 2493 had adjudication withheld for an offense enumerated in s.
 2494 943.0435(1)(h)1.a., and at the time of the offense:

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2495 a. The parent was 18 years of age or older.

2496 b. The victim was under 18 years of age or the parent
2497 believed the victim to be under 18 years of age.

2498
2499 A parent may rebut the presumption upon a specific finding in
2500 writing by the court that the parent poses no significant risk
2501 of harm to the child and that time-sharing is in the best
2502 interests of the minor child. If the presumption is rebutted,
2503 the court must consider all time-sharing factors in subsection
2504 (3) when developing a time-sharing schedule.

2505 7. Access to records and information pertaining to a minor
2506 child, including, but not limited to, medical, dental, and
2507 school records, may not be denied to either parent. Full rights
2508 under this subparagraph apply to either parent unless a court
2509 order specifically revokes these rights, including any
2510 restrictions on these rights as provided in a domestic violence
2511 injunction. A parent having rights under this subparagraph has
2512 the same rights upon request as to form, substance, and manner
2513 of access as are available to the other parent of a child,
2514 including, without limitation, the right to in-person
2515 communication with medical, dental, and education providers.

2516 Section 52. Paragraph (d) of subsection (4) of section
2517 119.071, Florida Statutes, is amended to read:

2518 119.071 General exemptions from inspection or copying of
2519 public records.—

2520 (4) AGENCY PERSONNEL INFORMATION.—

2521 (d)1. For purposes of this paragraph, the term:

2522 a. "Home addresses" means the dwelling location at which an
2523 individual resides and includes the physical address, mailing

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2524 address, street address, parcel identification number, plot
2525 identification number, legal property description, neighborhood
2526 name and lot number, GPS coordinates, and any other descriptive
2527 property information that may reveal the home address.

2528 b. "Judicial assistant" means a court employee assigned to
2529 the following class codes: 8140, 8150, 8310, and 8320.

2530 c. "Telephone numbers" includes home telephone numbers,
2531 personal cellular telephone numbers, personal pager telephone
2532 numbers, and telephone numbers associated with personal
2533 communications devices.

2534 2.a. The home addresses, telephone numbers, dates of birth,
2535 and photographs of active or former sworn law enforcement
2536 personnel or of active or former civilian personnel employed by
2537 a law enforcement agency, including correctional and
2538 correctional probation officers, personnel of the Department of
2539 Children and Families whose duties include the investigation of
2540 abuse, neglect, exploitation, fraud, theft, or other criminal
2541 activities, personnel of the Department of Health whose duties
2542 are to support the investigation of child abuse or neglect, and
2543 personnel of the Department of Revenue or local governments
2544 whose responsibilities include revenue collection and
2545 enforcement or child support enforcement; the names, home
2546 addresses, telephone numbers, photographs, dates of birth, and
2547 places of employment of the spouses and children of such
2548 personnel; and the names and locations of schools and day care
2549 facilities attended by the children of such personnel are exempt
2550 from s. 119.07(1) and s. 24(a), Art. I of the State
2551 Constitution.

2552 b. The home addresses, telephone numbers, dates of birth,

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2553 and photographs of current or former nonsworn investigative
 2554 personnel of the Department of Financial Services whose duties
 2555 include the investigation of fraud, theft, workers' compensation
 2556 coverage requirements and compliance, other related criminal
 2557 activities, or state regulatory requirement violations; the
 2558 names, home addresses, telephone numbers, dates of birth, and
 2559 places of employment of the spouses and children of such
 2560 personnel; and the names and locations of schools and day care
 2561 facilities attended by the children of such personnel are exempt
 2562 from s. 119.07(1) and s. 24(a), Art. I of the State
 2563 Constitution.

2564 c. The home addresses, telephone numbers, dates of birth,
 2565 and photographs of current or former nonsworn investigative
 2566 personnel of the Office of Financial Regulation's Bureau of
 2567 Financial Investigations whose duties include the investigation
 2568 of fraud, theft, other related criminal activities, or state
 2569 regulatory requirement violations; the names, home addresses,
 2570 telephone numbers, dates of birth, and places of employment of
 2571 the spouses and children of such personnel; and the names and
 2572 locations of schools and day care facilities attended by the
 2573 children of such personnel are exempt from s. 119.07(1) and s.
 2574 24(a), Art. I of the State Constitution.

2575 d. The home addresses, telephone numbers, dates of birth,
 2576 and photographs of current or former firefighters certified in
 2577 compliance with s. 633.408; the names, home addresses, telephone
 2578 numbers, photographs, dates of birth, and places of employment
 2579 of the spouses and children of such firefighters; and the names
 2580 and locations of schools and day care facilities attended by the
 2581 children of such firefighters are exempt from s. 119.07(1) and

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2582 s. 24(a), Art. I of the State Constitution.

2583 e. The home addresses, dates of birth, and telephone
 2584 numbers of current or former justices of the Supreme Court,
 2585 district court of appeal judges, circuit court judges, and
 2586 county court judges, ~~and of~~ current judicial assistants; the
 2587 names, home addresses, telephone numbers, dates of birth, and
 2588 places of employment of the spouses and children of current or
 2589 former justices and judges and ~~of~~ current judicial assistants;
 2590 and the names and locations of schools and day care facilities
 2591 attended by the children of current or former justices and
 2592 judges and of current judicial assistants are exempt from s.
 2593 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 2594 sub-subparagraph is subject to the Open Government Sunset Review
 2595 Act in accordance with s. 119.15 and shall stand repealed on
 2596 October 2, 2028, unless reviewed and saved from repeal through
 2597 reenactment by the Legislature.

2598 f. The home addresses, telephone numbers, dates of birth,
 2599 and photographs of current or former state attorneys, assistant
 2600 state attorneys, statewide prosecutors, or assistant statewide
 2601 prosecutors; the names, home addresses, telephone numbers,
 2602 photographs, dates of birth, and places of employment of the
 2603 spouses and children of current or former state attorneys,
 2604 assistant state attorneys, statewide prosecutors, or assistant
 2605 statewide prosecutors; and the names and locations of schools
 2606 and day care facilities attended by the children of current or
 2607 former state attorneys, assistant state attorneys, statewide
 2608 prosecutors, or assistant statewide prosecutors are exempt from
 2609 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2610 g. The home addresses, dates of birth, and telephone

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2611 numbers of general magistrates, special magistrates, judges of
 2612 compensation claims, administrative law judges of the Division
 2613 of Administrative Hearings, and child support enforcement
 2614 hearing officers; the names, home addresses, telephone numbers,
 2615 dates of birth, and places of employment of the spouses and
 2616 children of general magistrates, special magistrates, judges of
 2617 compensation claims, administrative law judges of the Division
 2618 of Administrative Hearings, and child support enforcement
 2619 hearing officers; and the names and locations of schools and day
 2620 care facilities attended by the children of general magistrates,
 2621 special magistrates, judges of compensation claims,
 2622 administrative law judges of the Division of Administrative
 2623 Hearings, and child support enforcement hearing officers are
 2624 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 2625 Constitution.

2626 h. The home addresses, telephone numbers, dates of birth,
 2627 and photographs of current or former human resource, labor
 2628 relations, or employee relations directors, assistant directors,
 2629 managers, or assistant managers of any local government agency
 2630 or water management district whose duties include hiring and
 2631 firing employees, labor contract negotiation, administration, or
 2632 other personnel-related duties; the names, home addresses,
 2633 telephone numbers, dates of birth, and places of employment of
 2634 the spouses and children of such personnel; and the names and
 2635 locations of schools and day care facilities attended by the
 2636 children of such personnel are exempt from s. 119.07(1) and s.
 2637 24(a), Art. I of the State Constitution.

2638 i. The home addresses, telephone numbers, dates of birth,
 2639 and photographs of current or former code enforcement officers;

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2640 the names, home addresses, telephone numbers, dates of birth,
 2641 and places of employment of the spouses and children of such
 2642 personnel; and the names and locations of schools and day care
 2643 facilities attended by the children of such personnel are exempt
 2644 from s. 119.07(1) and s. 24(a), Art. I of the State
 2645 Constitution.

2646 j. The home addresses, telephone numbers, places of
 2647 employment, dates of birth, and photographs of current or former
 2648 guardians ad litem, as defined in s. 39.01 ~~s. 39.820~~; the names,
 2649 home addresses, telephone numbers, dates of birth, and places of
 2650 employment of the spouses and children of such persons; and the
 2651 names and locations of schools and day care facilities attended
 2652 by the children of such persons are exempt from s. 119.07(1) and
 2653 s. 24(a), Art. I of the State Constitution.

2654 k. The home addresses, telephone numbers, dates of birth,
 2655 and photographs of current or former juvenile probation
 2656 officers, juvenile probation supervisors, detention
 2657 superintendents, assistant detention superintendents, juvenile
 2658 justice detention officers I and II, juvenile justice detention
 2659 officer supervisors, juvenile justice residential officers,
 2660 juvenile justice residential officer supervisors I and II,
 2661 juvenile justice counselors, juvenile justice counselor
 2662 supervisors, human services counselor administrators, senior
 2663 human services counselor administrators, rehabilitation
 2664 therapists, and social services counselors of the Department of
 2665 Juvenile Justice; the names, home addresses, telephone numbers,
 2666 dates of birth, and places of employment of spouses and children
 2667 of such personnel; and the names and locations of schools and
 2668 day care facilities attended by the children of such personnel

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2669 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2670 Constitution.

2671 1. The home addresses, telephone numbers, dates of birth,
2672 and photographs of current or former public defenders, assistant
2673 public defenders, criminal conflict and civil regional counsel,
2674 and assistant criminal conflict and civil regional counsel; the
2675 names, home addresses, telephone numbers, dates of birth, and
2676 places of employment of the spouses and children of current or
2677 former public defenders, assistant public defenders, criminal
2678 conflict and civil regional counsel, and assistant criminal
2679 conflict and civil regional counsel; and the names and locations
2680 of schools and day care facilities attended by the children of
2681 current or former public defenders, assistant public defenders,
2682 criminal conflict and civil regional counsel, and assistant
2683 criminal conflict and civil regional counsel are exempt from s.
2684 119.07(1) and s. 24(a), Art. I of the State Constitution.

2685 m. The home addresses, telephone numbers, dates of birth,
2686 and photographs of current or former investigators or inspectors
2687 of the Department of Business and Professional Regulation; the
2688 names, home addresses, telephone numbers, dates of birth, and
2689 places of employment of the spouses and children of such current
2690 or former investigators and inspectors; and the names and
2691 locations of schools and day care facilities attended by the
2692 children of such current or former investigators and inspectors
2693 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2694 Constitution.

2695 n. The home addresses, telephone numbers, and dates of
2696 birth of county tax collectors; the names, home addresses,
2697 telephone numbers, dates of birth, and places of employment of

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2698 the spouses and children of such tax collectors; and the names
2699 and locations of schools and day care facilities attended by the
2700 children of such tax collectors are exempt from s. 119.07(1) and
2701 s. 24(a), Art. I of the State Constitution.

2702 o. The home addresses, telephone numbers, dates of birth,
2703 and photographs of current or former personnel of the Department
2704 of Health whose duties include, or result in, the determination
2705 or adjudication of eligibility for social security disability
2706 benefits, the investigation or prosecution of complaints filed
2707 against health care practitioners, or the inspection of health
2708 care practitioners or health care facilities licensed by the
2709 Department of Health; the names, home addresses, telephone
2710 numbers, dates of birth, and places of employment of the spouses
2711 and children of such personnel; and the names and locations of
2712 schools and day care facilities attended by the children of such
2713 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
2714 the State Constitution.

2715 p. The home addresses, telephone numbers, dates of birth,
2716 and photographs of current or former impaired practitioner
2717 consultants who are retained by an agency or current or former
2718 employees of an impaired practitioner consultant whose duties
2719 result in a determination of a person's skill and safety to
2720 practice a licensed profession; the names, home addresses,
2721 telephone numbers, dates of birth, and places of employment of
2722 the spouses and children of such consultants or their employees;
2723 and the names and locations of schools and day care facilities
2724 attended by the children of such consultants or employees are
2725 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2726 Constitution.

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2727 q. The home addresses, telephone numbers, dates of birth,
 2728 and photographs of current or former emergency medical
 2729 technicians or paramedics certified under chapter 401; the
 2730 names, home addresses, telephone numbers, dates of birth, and
 2731 places of employment of the spouses and children of such
 2732 emergency medical technicians or paramedics; and the names and
 2733 locations of schools and day care facilities attended by the
 2734 children of such emergency medical technicians or paramedics are
 2735 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 2736 Constitution.

2737 r. The home addresses, telephone numbers, dates of birth,
 2738 and photographs of current or former personnel employed in an
 2739 agency's office of inspector general or internal audit
 2740 department whose duties include auditing or investigating waste,
 2741 fraud, abuse, theft, exploitation, or other activities that
 2742 could lead to criminal prosecution or administrative discipline;
 2743 the names, home addresses, telephone numbers, dates of birth,
 2744 and places of employment of spouses and children of such
 2745 personnel; and the names and locations of schools and day care
 2746 facilities attended by the children of such personnel are exempt
 2747 from s. 119.07(1) and s. 24(a), Art. I of the State
 2748 Constitution.

2749 s. The home addresses, telephone numbers, dates of birth,
 2750 and photographs of current or former directors, managers,
 2751 supervisors, nurses, and clinical employees of an addiction
 2752 treatment facility; the home addresses, telephone numbers,
 2753 photographs, dates of birth, and places of employment of the
 2754 spouses and children of such personnel; and the names and
 2755 locations of schools and day care facilities attended by the

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2756 children of such personnel are exempt from s. 119.07(1) and s.
 2757 24(a), Art. I of the State Constitution. For purposes of this
 2758 sub-subparagraph, the term "addiction treatment facility" means
 2759 a county government, or agency thereof, that is licensed
 2760 pursuant to s. 397.401 and provides substance abuse prevention,
 2761 intervention, or clinical treatment, including any licensed
 2762 service component described in s. 397.311(26).

2763 t. The home addresses, telephone numbers, dates of birth,
 2764 and photographs of current or former directors, managers,
 2765 supervisors, and clinical employees of a child advocacy center
 2766 that meets the standards of s. 39.3035(2) and fulfills the
 2767 screening requirement of s. 39.3035(3), and the members of a
 2768 Child Protection Team as described in s. 39.303 whose duties
 2769 include supporting the investigation of child abuse or sexual
 2770 abuse, child abandonment, child neglect, and child exploitation
 2771 or to provide services as part of a multidisciplinary case
 2772 review team; the names, home addresses, telephone numbers,
 2773 photographs, dates of birth, and places of employment of the
 2774 spouses and children of such personnel and members; and the
 2775 names and locations of schools and day care facilities attended
 2776 by the children of such personnel and members are exempt from s.
 2777 119.07(1) and s. 24(a), Art. I of the State Constitution.

2778 u. The home addresses, telephone numbers, places of
 2779 employment, dates of birth, and photographs of current or former
 2780 staff and domestic violence advocates, as defined in s.
 2781 90.5036(1)(b), of domestic violence centers certified by the
 2782 Department of Children and Families under chapter 39; the names,
 2783 home addresses, telephone numbers, places of employment, dates
 2784 of birth, and photographs of the spouses and children of such

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2785 personnel; and the names and locations of schools and day care
 2786 facilities attended by the children of such personnel are exempt
 2787 from s. 119.07(1) and s. 24(a), Art. I of the State
 2788 Constitution.

2789 v. The home addresses, telephone numbers, dates of birth,
 2790 and photographs of current or former inspectors or investigators
 2791 of the Department of Agriculture and Consumer Services; the
 2792 names, home addresses, telephone numbers, dates of birth, and
 2793 places of employment of the spouses and children of current or
 2794 former inspectors or investigators; and the names and locations
 2795 of schools and day care facilities attended by the children of
 2796 current or former inspectors or investigators are exempt from s.
 2797 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 2798 sub-subparagraph is subject to the Open Government Sunset Review
 2799 Act in accordance with s. 119.15 and shall stand repealed on
 2800 October 2, 2028, unless reviewed and saved from repeal through
 2801 reenactment by the Legislature.

2802 3. An agency that is the custodian of the information
 2803 specified in subparagraph 2. and that is not the employer of the
 2804 officer, employee, justice, judge, or other person specified in
 2805 subparagraph 2. must maintain the exempt status of that
 2806 information only if the officer, employee, justice, judge, other
 2807 person, or employing agency of the designated employee submits a
 2808 written and notarized request for maintenance of the exemption
 2809 to the custodial agency. The request must state under oath the
 2810 statutory basis for the individual's exemption request and
 2811 confirm the individual's status as a party eligible for exempt
 2812 status.

2813 4.a. A county property appraiser, as defined in s.

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2814 192.001(3), or a county tax collector, as defined in s.
 2815 192.001(4), who receives a written and notarized request for
 2816 maintenance of the exemption pursuant to subparagraph 3. must
 2817 comply by removing the name of the individual with exempt status
 2818 and the instrument number or Official Records book and page
 2819 number identifying the property with the exempt status from all
 2820 publicly available records maintained by the property appraiser
 2821 or tax collector. For written requests received on or before
 2822 July 1, 2021, a county property appraiser or county tax
 2823 collector must comply with this sub-subparagraph by October 1,
 2824 2021. A county property appraiser or county tax collector may
 2825 not remove the street address, legal description, or other
 2826 information identifying real property within the agency's
 2827 records so long as a name or personal information otherwise
 2828 exempt from inspection and copying pursuant to this section is
 2829 not associated with the property or otherwise displayed in the
 2830 public records of the agency.

2831 b. Any information restricted from public display,
 2832 inspection, or copying under sub-subparagraph a. must be
 2833 provided to the individual whose information was removed.

2834 5. An officer, an employee, a justice, a judge, or other
 2835 person specified in subparagraph 2. may submit a written request
 2836 for the release of his or her exempt information to the
 2837 custodial agency. The written request must be notarized and must
 2838 specify the information to be released and the party authorized
 2839 to receive the information. Upon receipt of the written request,
 2840 the custodial agency must release the specified information to
 2841 the party authorized to receive such information.

2842 6. The exemptions in this paragraph apply to information

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2843 held by an agency before, on, or after the effective date of the
2844 exemption.

2845 7. Information made exempt under this paragraph may be
2846 disclosed pursuant to s. 28.2221 to a title insurer authorized
2847 pursuant to s. 624.401 and its affiliates as defined in s.
2848 624.10; a title insurance agent or title insurance agency as
2849 defined in s. 626.841(1) or (2), respectively; or an attorney
2850 duly admitted to practice law in this state and in good standing
2851 with The Florida Bar.

2852 8. The exempt status of a home address contained in the
2853 Official Records is maintained only during the period when a
2854 protected party resides at the dwelling location. Upon
2855 conveyance of real property after October 1, 2021, and when such
2856 real property no longer constitutes a protected party's home
2857 address as defined in sub-subparagraph 1.a., the protected party
2858 must submit a written request to release the removed information
2859 to the county recorder. The written request to release the
2860 removed information must be notarized, must confirm that a
2861 protected party's request for release is pursuant to a
2862 conveyance of his or her dwelling location, and must specify the
2863 Official Records book and page, instrument number, or clerk's
2864 file number for each document containing the information to be
2865 released.

2866 9. Upon the death of a protected party as verified by a
2867 certified copy of a death certificate or court order, any party
2868 can request the county recorder to release a protected
2869 decedent's removed information unless there is a related request
2870 on file with the county recorder for continued removal of the
2871 decedent's information or unless such removal is otherwise

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2872 prohibited by statute or by court order. The written request to
2873 release the removed information upon the death of a protected
2874 party must attach the certified copy of a death certificate or
2875 court order and must be notarized, must confirm the request for
2876 release is due to the death of a protected party, and must
2877 specify the Official Records book and page number, instrument
2878 number, or clerk's file number for each document containing the
2879 information to be released. A fee may not be charged for the
2880 release of any document pursuant to such request.

2881 10. Except as otherwise expressly provided in this
2882 paragraph, this paragraph is subject to the Open Government
2883 Sunset Review Act in accordance with s. 119.15 and shall stand
2884 repealed on October 2, 2024, unless reviewed and saved from
2885 repeal through reenactment by the Legislature.

2886 Section 53. Subsection (4) of section 322.09, Florida
2887 Statutes, is amended to read:

2888 322.09 Application of minors; responsibility for negligence
2889 or misconduct of minor.—

2890 (4) Notwithstanding subsections (1) and (2), if a caregiver
2891 of a minor who is under the age of 18 years and is in out-of-
2892 home care as defined in s. 39.01 ~~s. 39.01(55)~~, an authorized
2893 representative of a residential group home at which such a minor
2894 resides, the caseworker at the agency at which the state has
2895 placed the minor, or a guardian ad litem specifically authorized
2896 by the minor's caregiver to sign for a learner's driver license
2897 signs the minor's application for a learner's driver license,
2898 that caregiver, group home representative, caseworker, or
2899 guardian ad litem does not assume any obligation or become
2900 liable for any damages caused by the negligence or willful

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2901 misconduct of the minor by reason of having signed the
 2902 application. Before signing the application, the caseworker,
 2903 authorized group home representative, or guardian ad litem shall
 2904 notify the caregiver or other responsible party of his or her
 2905 intent to sign and verify the application.

2906 Section 54. Paragraph (p) of subsection (4) of section
 2907 394.495, Florida Statutes, is amended to read:

2908 394.495 Child and adolescent mental health system of care;
 2909 programs and services.—

2910 (4) The array of services may include, but is not limited
 2911 to:

2912 (p) Trauma-informed services for children who have suffered
 2913 sexual exploitation as defined in s. 39.01(80)(g) ~~s.~~
 2914 ~~39.01(77)(g)~~.

2915 Section 55. Section 627.746, Florida Statutes, is amended
 2916 to read:

2917 627.746 Coverage for minors who have a learner's driver
 2918 license; additional premium prohibited.—An insurer that issues
 2919 an insurance policy on a private passenger motor vehicle to a
 2920 named insured who is a caregiver of a minor who is under the age
 2921 of 18 years and is in out-of-home care as defined in s. 39.01 ~~s.~~
 2922 ~~39.01(55)~~ may not charge an additional premium for coverage of
 2923 the minor while the minor is operating the insured vehicle, for
 2924 the period of time that the minor has a learner's driver
 2925 license, until such time as the minor obtains a driver license.

2926 Section 56. Paragraph (c) of subsection (1) of section
 2927 934.255, Florida Statutes, is amended to read:

2928 934.255 Subpoenas in investigations of sexual offenses.—

2929 (1) As used in this section, the term:

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2930 (c) "Sexual abuse of a child" means a criminal offense
 2931 based on any conduct described in s. 39.01(80) ~~s. 39.01(77)~~.

2932 Section 57. Subsection (5) of section 960.065, Florida
 2933 Statutes, is amended to read:

2934 960.065 Eligibility for awards.—

2935 (5) A person is not ineligible for an award pursuant to
 2936 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
 2937 person is a victim of sexual exploitation of a child as defined
 2938 in s. 39.01(80)(g) ~~s. 39.01(77)(g)~~.

2939 Section 58. The Division of Law Revision is requested to
 2940 prepare a reviser's bill for the 2025 Regular Session of the
 2941 Legislature to substitute the term "Statewide Guardian ad Litem
 2942 Office" for the term "Guardian ad Litem Program" or "Statewide
 2943 Guardian ad Litem Program" throughout the Florida Statutes.

2944 Section 59. This act shall take effect July 1, 2024.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/CS/SB 1224

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Burton

SUBJECT: Dependent Children

DATE: February 12, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rao</u>	<u>Tuszynski</u>	<u>CF</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1224 adjusts the role and operations of the Statewide Guardian ad Litem Office (Office). The bill specifies the duties and responsibilities of the Office and guardians ad litem (GAL). Specifically, the bill:

- Allows the GAL and AAL to inspect records.
- Requires the GAL to receive invitation to a multidisciplinary team staffing in the event of a placement change.
- Requires that the written description of programs and services required in the case plan for a child who is 13 years of age or older must include age-appropriate activities for the child's development of relationships, coping skills, and emotional well-being.
- Requires the Statewide GAL Office to provide oversight and technical assistance to AALs; develop a training program in collaboration with dependency court stakeholders, including, but not limited to, dependency judges, representatives from legal aid providing AAL representation, and an AAL appointed from a registry maintained by the chief judge. The Office is required to offer consultation and technical assistance to chief judges in maintaining attorney registries and assist in recruiting, training, and mentoring of AAL as needed.
- Requires the Office to assist youth in meeting supportive adults with the hope of creating an ongoing relationship and providing for an opportunity to collaborate with the Department of Children and Families (DCF) Office of Continuing Care to connect youth with supportive adults.
- Creates the Fostering Prosperity Program in the Department of Education for youth and young adults aging out of foster care providing financial literacy instruction, CLT, SAT and

ACT preparation, including one-on-one support and fee waivers for the examination, and assisting those persons pursuing trade careers or paid apprenticeships.

The bill has an indeterminate fiscal impact on state government. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2024.

II. Present Situation:

An estimated 3.9 million referrals of alleged child abuse and neglect were made nationwide in 2021.¹ Of that 3.9 million, approximately 2 million met the requirements for an investigation² leading to approximately 588,000 children with a finding of maltreatment.³ More than 4.28 million children live in Florida, a vast majority of which, fortunately, never come to the attention of Florida's child welfare system.⁴ In 2021, the Department of Children and Families (DCF) investigated 256,060 reports of potential child abuse and approximately 11 percent (27,394) of those investigations resulted in a finding of maltreatment.⁵

Congress appropriates federal funds through various grants to the DCF to supplement state general revenue funds for the implementation of child welfare programs.⁶ The DCF uses these funds to contract with community-care based lead agencies (CBCs) to provide services.⁷

Florida's Child Welfare System - Generally

Chapter 39, F.S., creates Florida's dependency system that is charged with protecting the welfare of children; this system is often referred to as the "child welfare system." The DCF Office of Child and Family Well-Being works in partnership with local communities and the courts to ensure the safety, timely permanency, and well-being of children.

¹ U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *Report on Child Maltreatment 2021*, p. 8, available at <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2021.pdf> (last viewed Jan. 23, 2024). As of January, 2024, the 2022 Report is not yet available.

² *Id.* at 13; referred to as "screened in referrals."

³ *Id.* at 21; referred to as "victims from reporting states."

⁴ U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *Child Population Data for Florida*, available at <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/florida.html> (last viewed Jan. 23, 2024).

⁵ *Id.*

⁶ The main federal grant programs that supplement state-level child welfare programs are Titles IV-E and IV-B of the Social Security Act.

⁷ Part V of ch. 409, F.S.

Child welfare services are directed toward the prevention of abandonment,⁸ abuse,⁹ and neglect¹⁰ of children.¹¹ The DCF practice model is based on the safety of the child within his or her home, using in-home services such as parenting coaching and counseling to maintain and strengthen that child's natural supports in his or her home environment. Such services are coordinated by the DCF-contracted community-based care lead agencies (CBC).¹² The DCF remains responsible for a number of child welfare functions, including operating the central abuse hotline, performing child protective investigations, and providing children's legal services.¹³ Ultimately, the DCF is responsible for program oversight and the overall performance of the child welfare system.¹⁴

Department of Children and Families

The DCF's statutory mission is to work in partnership with local communities to protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency.¹⁵ The DCF must develop a strategic plan to fulfill this mission and establish measurable goals, objectives, performance standards, and quality assurance requirements to ensure the DCF is accountable to taxpayers.¹⁶

The DCF is required to provide services relating to:

- Adult protection.
- Child care regulation.
- Child welfare.
- Domestic violence.

⁸ Section 39.01(1), F.S., defined to mean 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. For purposes of this subsection, "establish or maintain a substantial and positive relationship" includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child

⁹ Section 39.01(2), F.S., defined to mean 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. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

¹⁰ See s. 39.01(50), F.S., defined, in part, to mean 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.

¹¹ Section 39.001(8), F.S.

¹² Section 409.986(1), F.S.; See generally The Department of Children and Families (The DCF), *About Community-Based Care*, available at <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/community-based-care/about-community-based-care> (last viewed Jan. 23, 2024).

¹³ Office of Program Policy Analysis and Government Accountability, *Child Welfare System Performance Mixed in First Year of Statewide Community-Based Care*, Report 06-50, June 2006, p. 2, available at available at: <https://oppaga.fl.gov/Documents/Reports/06-50.pdf> (last viewed Jan. 23, 2024).

¹⁴ *Id.*

¹⁵ Section 20.19(1)(a), F.S.

¹⁶ Section 20.19(1)(b), F.S.

- Economic self-sufficiency.
- Homelessness.
- Mental health.
- Refugees.
- Substance abuse.¹⁷

The DCF must also deliver services by contract through private providers to the extent allowed by law and funding.¹⁸ These private providers include CBCs delivering child welfare services and managing entities (MEs) delivering behavioral health services.¹⁹

Dependency Case Process

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 placement, adjudicate the child dependent, and, if necessary, terminate parental rights and free that child for adoption.

Steps in the dependency process usually include:

- A report to the Florida Abuse 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 their 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.²⁰

Dependency Proceeding	Description of Process	Controlling Statute(s)
Removal	The DCF may remove a child from his or her home after a protective investigation determines that conditions in that child’s home are unsafe and a safety plan cannot make the conditions safe.	s. 39.401, F.S.
Shelter Hearing	The court must hold a shelter hearing within 24 hours after removal. At this hearing, the judge determines whether there was probable cause to remove the child and whether to keep the child out-of-home.	s. 39.401, F.S.
Petition for Dependency	The DCF must file a petition for dependency within 21 days of the shelter hearing. This petition seeks to find the child dependent.	s. 39.501, F.S.

¹⁷ Section 20.19(4)(a), F.S.,

¹⁸ Section 20.19(1)(c), F.S.

¹⁹ Part V of ch. 409, F.S., and s. 394.9082, F.S.

²⁰ The state has a compelling interest in providing stable and permanent homes for adoptive children in a prompt manner, in preventing the disruption of adoptive placements, and in holding parents accountable for meeting the needs of children. Section 63.022, F.S.

Dependency Proceeding	Description of Process	Controlling Statute(s)
Arrestment Hearing and Shelter Review	The court must hold an arrestment and shelter review within 28 days of the shelter hearing. The hearing allows the parent to admit, deny, or consent to the allegations within the petition for dependency and allows the court to review any previous shelter placement.	s. 39.506, F.S.
Adjudicatory Trial	The court must hold an adjudicatory trial within 30 days of arrestment. The judge determines whether a child is dependent during this trial.	s. 39.507, F.S.
Disposition Hearing	The court must hold a disposition hearing within 15 days of arrestment (if the parents admits or consents to adjudication) or 30 days of adjudication if a court finds the child dependent. At this hearing, the judge reviews the case plan and placement of the child and orders the case plan and the appropriate placement of the child.	s. 39.506, F.S. s. 39.521, F.S.
Postdisposition Change of Custody Hearing	The court may change the temporary out-of-home placement of a child at a postdisposition hearing any time after disposition but before the child is residing in the permanent placement approved at a permanency hearing.	s. 39.522, F.S.
Judicial Review Hearings	The court must review the case plan and placement at least every 6 months, or upon motion of a party.	s. 39.701, F.S.
Petition for Termination of Parental Rights	If the DCF determines that reunification is no longer a viable goal and termination of parental rights is in the best interest of the child, and other requirements are met, a petition for termination of parental rights is filed.	s. 39.802, F.S. s. 39.8055, F.S. s. 39.806, F.S. s. 39.810, F.S.
Advisory Hearing	The court must hold an advisory hearing as soon as possible after all parties have been served with the petition for termination of parental rights. The hearing allows the parent to admit, deny, or consent to the allegations within the petition for termination of parental rights.	s. 39.808, F.S.
Adjudicatory Hearing	The court must hold an adjudicatory trial within 45 days after the advisory hearing. The judge determines whether to terminate parental rights to the child at this trial.	s. 39.809, F.S.

Community-Based Care Organizations and Services

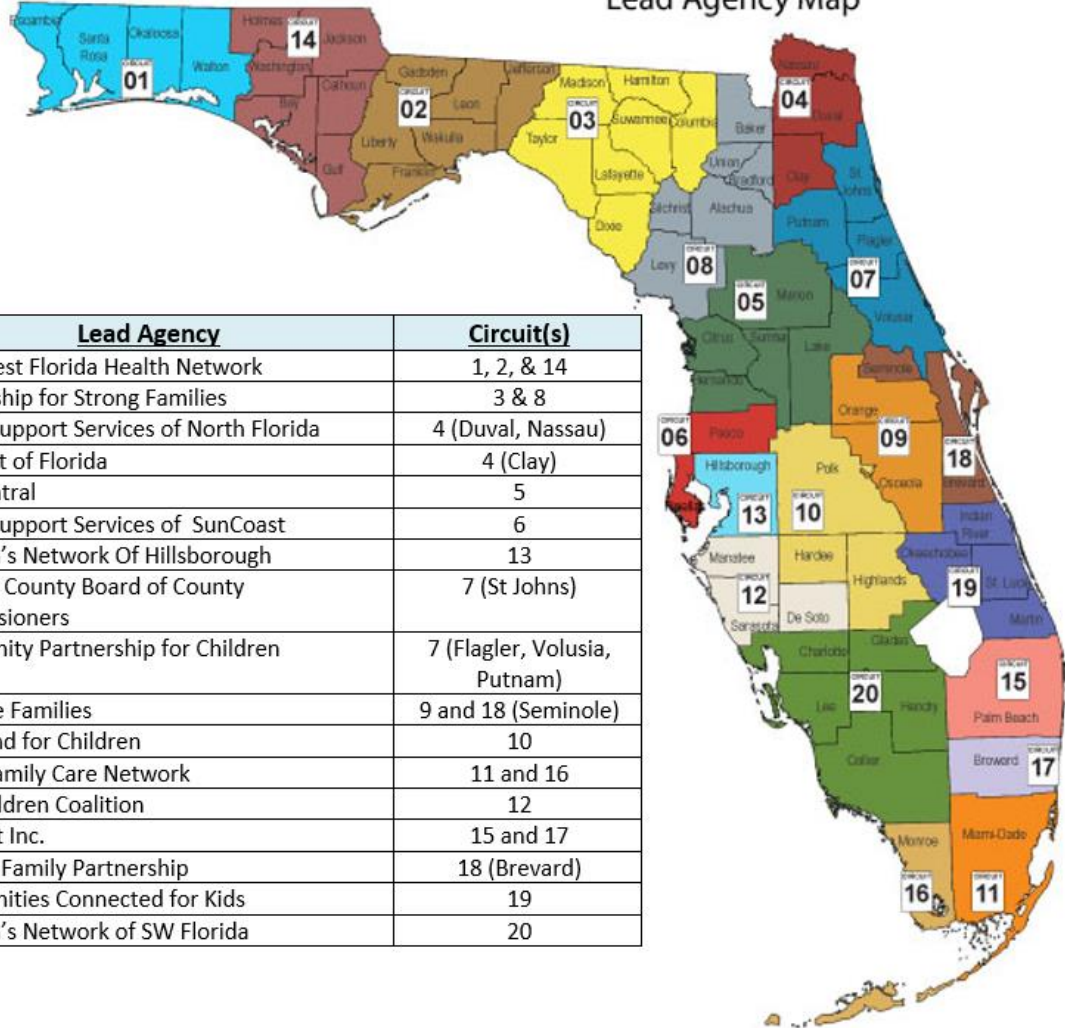
The DCF contracts for case management, out-of-home care (foster care), adoption, and other child welfare related services with the CBCs. This model is designed to increase local community ownership of service delivery and design of child welfare services.²¹ There are 17 CBCs statewide, which together serve the state’s 20 judicial circuits.²² The CBCs employ case

²¹ The Department of Children and Families, *About Community-Based Care*, available at <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/community-based-care/about-community-based-care> (last visited Jan. 23, 2024).

²² The DCF, *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 Jan. 23, 2024).

managers that serve as the primary link between the child welfare system and families with children under the DCF’s supervision. These case managers work with affected families to ensure that a child reaches his or her permanency goal in a timely fashion.²³

Community-Based Care Lead Agency Map



The DCF, through the CBCs, administers a system of care²⁴ directed toward:

- Prevention of separation of children from their families;
- Intervention to allow children to remain safely in their own homes;
- Reunification of families who have had children removed from their care;
- Safety for children who are separated from their families;

²³ Section 409.988(1), F.S.

²⁴ *Id.*

- Promoting the well-being of children through emphasis on educational stability and timely health care;
- Permanency; and
- Transition to independence and self-sufficiency.²⁵

The CBCs must give priority to services that are evidence-based and trauma informed.²⁶ The CBCs contract with a number of subcontractors for case management and direct care services to children and their families.

In-Home Services

The DCF is required to make all efforts to keep children with their families and provide interventions that allow children to remain safely in their own homes.²⁷ Protective investigators and CBC case managers can refer families for in-home services to allow children who would otherwise be unsafe to remain in their own homes. As of September 30, 2022, there were 8,136 children receiving in-home services.²⁸

Out-of-home Placement

When a child protective investigator determines that in-home services are not enough to ensure safety, the investigator removes and places the child with a safe and appropriate temporary out-of-home placement, often referred to as “foster care”.²⁹ These out-of-home placements provide housing, support, and services to a child until the conditions in his or her home are safe enough to return or the child achieves permanency with another family through another permanency option, like adoption.³⁰

The CBCs must maintain and license various out-of-home placement types³¹ to place children in the most appropriate available setting after conducting an assessment using child-specific factors.³² Legislative intent is to place a child in the least restrictive, most family-like environment in close proximity to parents when removed from his or her home.³³

The DCF, through the CBCs, places children in a variety of settings. As of December 31, 2023, there were 18,549 children in out-of-home care with 4,274 with non-licensed relatives; 1,552 with non-licensed non-relative kin; 10,142 in licensed family foster homes (to include Level I

²⁵ *Id.*; Also see generally s. 409.988, F.S.

²⁶ Section 409.988(3), F.S.

²⁷ Sections 39.402(7), 39.521(1)(f), and 39.701(d), F.S.

²⁸ The DCF, *Child Welfare Key Indicators Monthly Report*, September 2023, p. 30, available at: https://www.myflfamilies.com/sites/default/files/2023-11/KI_Monthly_Report_Oct2023.pdf (last viewed Jan. 25, 2024).

²⁹ Sections 39.401 through 39.4022, F.S.

³⁰ The Office of Program Policy and Government Accountability, *Program Summary*, available at <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=5053> (last visited Jan. 25, 2024).

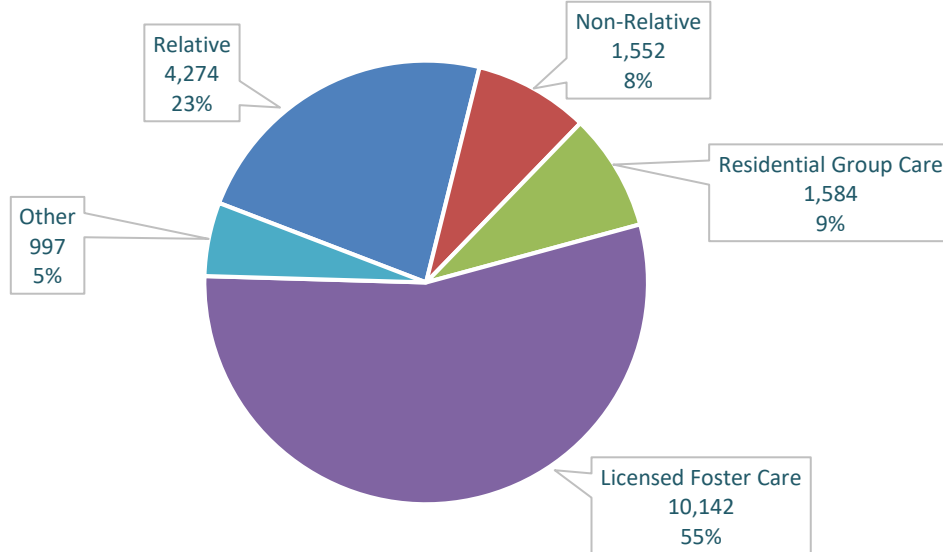
³¹ Chapter 65C-45, F.A.C.

³² Rule 65C-28.004, F.A.C., provides that the child-specific factors include age, sex, sibling status, physical, educational, emotional, and developmental needs, maltreatment, community ties, and school placement.

³³ Sections 39.001(1) and 39.4021(1), F.S.

licensed family and kin); and 1,584 in residential group care.³⁴

Out-of-home Placements as of December 31, 2023



Source: Department of Children and Families, Placement in Out-of-Home Care Data Dashboard

Case planning

For all children and families requiring services in the child welfare system, the DCF must develop and draft a case plan.³⁵ The purpose of a case plan is to develop a documented plan that details the identified concerns and barriers within the family unit, the permanency goal or goals, and the services designed to ameliorate those concerns and barriers and achieve the permanency goal.³⁶

The services detailed in a case plan must be designed in collaboration with the parent and stakeholders to improve the conditions in the home and aid in maintaining the child in the home, facilitate the child’s safe return to the home, ensure proper care of the child, or facilitate the child’s permanent placement.³⁷ The services offered must be the least intrusive possible into the life of the parent and child and must provide the most efficient path to quick reunification or other permanent placement.³⁸

Multidisciplinary Teams

Because of the complex nature of child abuse and neglect investigations and family assessments and interventions, multidisciplinary team staffings (MDTs) are used to enhance and improve child protective investigations and responses necessary for children and families to recover and

³⁴ The DCF Placement in Out-of-Home Care Data, Children in Out-of-Home Care by Placement Type Dashboard, available at: <https://www.myflfamilies.com/services/abuse/domestic-violence/programs/child-welfare-child-protection/placement-out-home-care> (last visited Jan. 26, 2024).

³⁵ See Part VII of ch. 39, F.S.

³⁶ Section 39.6012(1), F.S.

³⁷ *Id.*

³⁸ *Id.*

succeed.³⁹ MDT's are becoming more widely used to involve a variety of individuals, both professional and non-professional, that interact and coordinate their efforts to plan for children and families receiving child welfare services.⁴⁰

MDTs can help eliminate, or at least reduce, many barriers to effective action, including a lack of understanding by the members of one profession of the objectives, standards, conceptual bases, and ethics of the others; lack of effective communication; confusion over roles and responsibilities; interagency competition; mutual distrust; and institutional relationships that limit interprofessional contact.⁴¹ As a result, a number of states are using a MDT team model, also known as a "Child and Family Team".⁴² This model is premised on the notion that children and families have the capacity to resolve their problems if given sufficient support and resources to help them do so.⁴³

Currently, Florida law and the DCF rules provide for the use of MDT's in a number of circumstances, such as:

- Child Protection Teams under s. 39.303, F.S.;
- Child advocacy center multidisciplinary case review teams under s. 39.3035, F.S.;
- Initial placement decisions for a child who is placed in out-of-home care, changes in physical custody after the child is placed in out-of-home care, changes in a child's educational placement, and any other important, complex decisions in the child's life for which an MDT would be necessary, under s. 39.4022, F.S.; and
- When a child is suspected of being a victim of human trafficking under ss. 39.524 and 409.1754, F.S.

The multidisciplinary team (MDT) approach to representing children is increasingly popular and widely considered a good practice, dramatically improving case outcomes and a child's experience in foster care. Research shows that MDTs lead to quicker case resolution and preserved family connections more often.⁴⁴ Children served by an MDT had fewer removals after intervention, fewer adjudications of jurisdiction, and fewer petitions to terminate parental rights.⁴⁵ When children were removed from the home, and a MDT was assigned to the cases, the children were more likely to be placed with relatives and less likely to be placed in foster care.⁴⁶

³⁹ Section 39.4022, F.S.

⁴⁰ *Id.*

⁴¹ National Center on Child Abuse and Neglect, U.S. Children's Bureau, Administration for Children, Youth and Families, Office of Human Development Services, U.S. Department of Health, Education, and Welfare, *Multidisciplinary Teams In Child Abuse And Neglect Programs*, 1978, p. 8, available at <https://www.ojp.gov/pdffiles1/Digitization/51625NCJRS.pdf> (last viewed Jan. 27, 2024).

⁴² See e.g. State of Tennessee Department of Children's Services, *Administrative Policies and Procedures: 31.7*, available at <https://files.dcs.tn.gov/policies/chap31/31.7.pdf>; and Indiana Department of Child Services, *Child Welfare Policy*, Jan. 1, 2020, available at <https://www.in.gov/dcs/files/5.07%20Child%20and%20Family%20Team%20Meetings.pdf> (all sites last viewed Jan. 27, 2024).

⁴³ California Department of Social Services, *About Child and Family Teams*, available at <https://www.cdss.ca.gov/inforesources/foster-care/child-and-family-teams/about> (last visited Jan. 27, 2024).

⁴⁴ Duquette, et al., *Children's Justice: How to Improve Legal Representation for Children in the Child Welfare System* [University of Michigan Law School Scholarship Repository, 2021], secs. 12.5 and 13.8, available at <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1109&context=books> (last viewed Jan. 27, 2024)

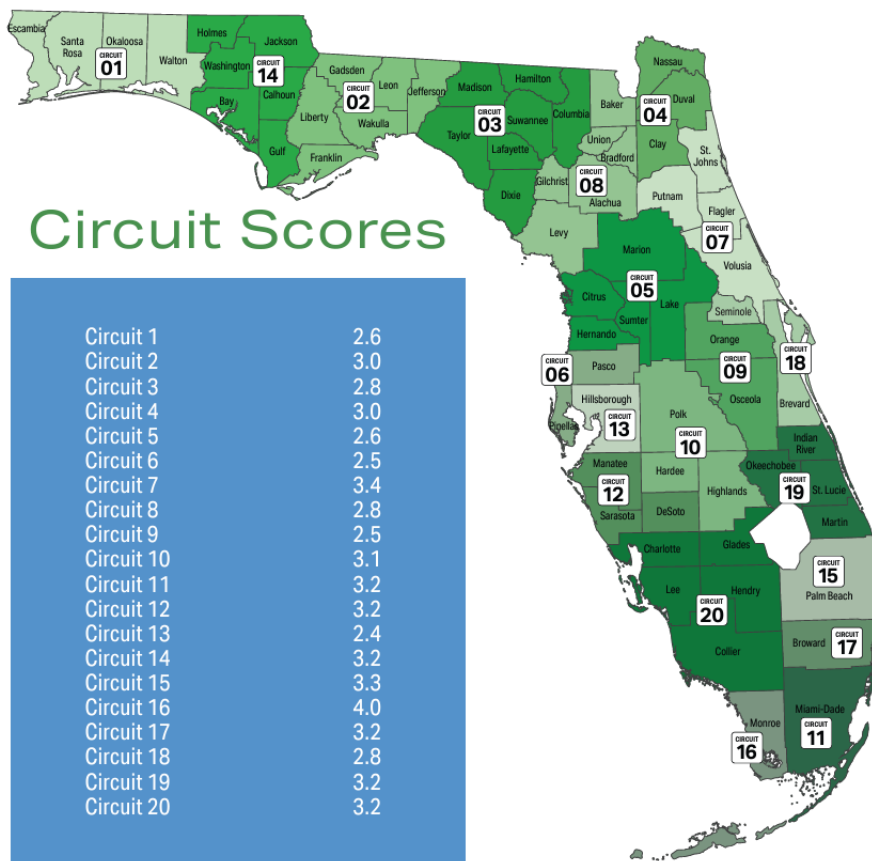
⁴⁵ *Id.*

⁴⁶ *Id.*

Well-being of Children in Florida’s Child Welfare System

While there are no standardized definitions or measures for well-being, there is general consensus in the literature and among stakeholders regarding common elements, including financial security, obtaining education, securing housing, finding and maintaining stable employment, independence from public assistance, permanent connections and social supports.⁴⁷ DCF has also identified areas that have the most significant systemic impact on improving permanency and well-being⁴⁸ and evaluated progress toward achieving permanency, safety, and well-being for children in the welfare system.⁴⁹

In FY 2022-2023, the DCF gave 12 of 20 circuits a score of 3 or higher, indicating that the circuit’s performance exceeds established standards.⁵⁰ A score of 2.00-2.99 indicated the circuit’s performance does not meet established standards:⁵¹



⁴⁷ The OPPAGA, *Presentation on Independent Living Services*, Senate Committee on Children, Families, and Elder Affairs, January 24, 2023, available at https://oppaga.fl.gov/Documents/Presentations/OPPAGA%20ILS%20Senate%20Presentation_final.pdf (last visited Jan. 27, 2024).

⁴⁸ The DCF, *Annual Accountability Report on the Health of Florida’s Child Welfare System, Fiscal Year 2022-2023*, pg. 3, available at https://myflfamilies.com/sites/default/files/2023-12/Annual_Accountability_Report_on_the_Health_of_Floridas_Child_Welfare_System_F_202022-23.pdf (last visited Jan. 27, 2024) (hereinafter cited as “DCF Accountability Report”)

⁴⁹ *Id.*

⁵⁰ *Id.* at p. 6.

⁵¹ *Id.*

The Legislature recognizes the need to focus on creating and preserving family relationships so that young adults have a permanent, lifelong connection with at least one committed adult who provides a safe and stable parenting relationship.⁵² Science shows that children who do well despite serious hardship have had at least one stable and committed relationship with a supportive adult.⁵³

Transition to Adulthood

Young adults who age out of the foster care system more frequently have challenges achieving self-sufficiency compared to young adults who never came to the attention of the foster care system. Young adults who age out of the foster care system are less likely to earn a high school diploma or GED and more likely to have lower rates of college attendance.⁵⁴ They suffer more from mental health problems, have a higher rate of involvement with the criminal justice system, and are more likely to have difficulty achieving financial independence.⁵⁵ These young adults also have a higher need for public assistance and are more likely to experience housing instability and homelessness.⁵⁶

Extended Foster Care

In 2013, the Legislature created a path for youth who have not achieved permanency and turned 18 years of age while in licensed care to remain in licensed care and receive case management services until the date of the young adult's 21st birthday.⁵⁷ This program is commonly referred to as "extended foster care" or "EFC." To be eligible for extended foster care (EFC), a young adult must be:

- Completing secondary education or a program leading to an equivalent credential;
- Enrolled in an institution that provides postsecondary or vocational education;
- Participating in a program or activity designed to promote or eliminate barriers to employment;
- Employed at least 80 hours per month; or
- Unable to participate in the above listed activities due to a physical, intellectual, emotional, or psychiatric condition that limits participation.⁵⁸

⁵² Section 409.1451, F.S.

⁵³ National Scientific Council on the Developing Child (2015), *Supportive Relationships and Active Skill-Building Strengthen the Foundations of Resilience: Working Paper No. 13*, available at <https://harvardcenter.wpeninepowered.com/wp-content/uploads/2015/05/The-Science-of-Resilience2.pdf> (last visited Jan. 27, 2024).

⁵⁴ Gypen, L., Vanderfaeillie, J., et al., "Outcomes of Children Who Grew Up in Foster Care: Systematic-Review", *Children and Youth Services Review*, vol. 76, pp. 74-83, available at <http://dx.doi.org/10.1016/j.chilyouth.2017.02.035> (last visited Jan. 27, 2024).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Chapter 2013-178 s. 5, L.O.F., codified as s. 39.6251, F.S.

⁵⁸ *Id.*

Independent Living Services

Florida's Independent Living service array is designed to assist youth and young adults in obtaining skills and support in six federally identified outcome areas⁵⁹ as they transition to adulthood. Independent Living programs include:

- Extended Foster Care (EFC) – a program that allows young adults to remain in foster care until the age of 21 while they participate in school, work or work training, and live in a supervised living arrangement;
- Postsecondary Education Services and Support- a program that helps pay for housing, and other expenses related to attending an educational institution; and
- Aftercare Services - a temporary needs-based program intended to be a bridge between EFC and PESS programs that may include mentoring, tutoring, mental health and substance abuse services, counseling, and financial assistance.⁶⁰

Office of Continuing Care

In 2020, the Legislature created the Office of Continuing Care within the DCF to help individuals who have aged out of the child welfare system.⁶¹ The office provides ongoing support and care coordination needed for young adults to achieve self-sufficiency. Duties of the office include, but are not limited to:

- Informing young adults who age out of the foster care system of the purpose of the office, the types of support the office provides, and how to contact the office.
- Serving as a direct contact to the young adult in order to provide information on how to access services to support the young adult's self-sufficiency, including but not limited to, food assistance, behavioral health services, housing, Medicaid, and educational services.
- Assisting in accessing services and supports for the young adult to attain self-sufficiency, including, but not limited to, completing documentation required to apply for services.
- Collaborating with the CBC's to identify local resources that can provide support to young adults served by the office.⁶²

Guardian ad Litem Program

In 2003, the Legislature created the statewide Guardian ad Litem Office (Office) within the Justice Administrative Commission.⁶³ The Office has oversight responsibilities for and provides technical assistance to all guardian ad litem programs located within the judicial circuits.⁶⁴

⁵⁹ The six federally identified outcome areas are increasing financial self-sufficiency, improving educational attainment, increasing connections to caring adults, reducing homelessness, reducing high-risk behavior, and improving access to health insurance.

⁶⁰ See generally The DCF, Office of Child and Family Well-Being, Legislatively Mandated Reports, Independent Living Services Annual Report FY 2021-2022, February 2023, available at <https://www.myflfamilies.com/services/child-family/independent-living/annual-reports-for-independent-living> (last visited Jan. 27, 2024).

⁶¹ Chapter 2021-169 s. 20, L.O.F.; codified as s. 414.56, F.S.

⁶² Section 414.56, F.S.

⁶³ Chapter 2003-53 s. 1, L.O.F.; codified as s. 39.8296, F.S.

⁶⁴ Section 39.8296(2)(b), F.S.

The court must appoint a Guardian ad Litem (GAL) to represent a child as soon as possible in any child abuse, abandonment, or neglect proceeding.⁶⁵ Florida law outlines requirements to serve as a GAL.⁶⁶ A person appointed as guardian ad litem must be:

- Certified by the GAL Program pursuant to s. 39.821, F.S.;
- Certified by a not-for-profit legal aid organization as defined in s. 68.096, F.S.; or
- An attorney who is a member in good standing of The Florida Bar.

“Guardian ad litem” for the purposes of ch. 39, F.S., proceedings is defined as the Statewide Guardian Ad Litem Office, which includes circuit guardian ad litem programs, a duly certified volunteer, a staff member, a staff attorney, a contract attorney, pro bono attorney working on behalf of a GAL; court-appointed attorney; or responsible adult who is appointed by the court to represent the best interest of a child in a proceeding.⁶⁷

In cases that involve an allegation of child abuse, abandonment, or neglect as defined in s. 39.01, F.S., the court must appoint a guardian ad litem at the earliest possible time to represent the child.⁶⁸ The guardian ad litem must be a party to any judicial proceeding from the date of the appointment until the date of discharge.⁶⁹

The Office has more than 180 attorneys on staff and relies on more than 200 pro bono attorneys volunteering their services.⁷⁰ In 2021, the Office served more than 37,000 kids and had more than 13,000 volunteers.⁷¹

Federal and Florida law provide that a GAL must be appointed to represent the child in every case.⁷² The Child Abuse Prevention and Treatment Act (CAPTA) makes the approval of CAPTA grants contingent on an eligible state plan, which must include provisions and procedures to appoint a GAL in every case.⁷³ The GAL must be appointed to:

- Obtain first-hand knowledge of the child’s situation and needs; and
- Make recommendations to the court regarding the best interest of the child.⁷⁴

The FY 23-24 Long Range Program Plan for the GAL Program details the following statistics regarding FY 2021-22:

- The program represented on average:
 - 24,993 children per month, and 36,948 total children during that fiscal year.⁷⁵

⁶⁵ Section 39.822, F.S.

⁶⁶ Sections 61.402 and 39.821, F.S.

⁶⁷ Section 39.820(1), F.S.

⁶⁸ Section 39.822, F.S.

⁶⁹ Section 39.820(1), F.S.

⁷⁰ Florida Statewide Guardian ad Litem Office, *About Us*, available at <https://guardianadlitem.org/about/> (last visited on Jan. 27, 2024).

⁷¹ *Id.*

⁷² 42 U.S.C. 67 §5106a.(b)(2)(xiii); S. 39.822(1), F.S.

⁷³ 42 U.S.C. 67 §5106a.(b)(2)(xiii).

⁷⁴ *Id.*

⁷⁵ Statewide Guardian ad Litem Office, *Long Range Program Plan*, Fiscal Years 2023-24 through 2027-28; Sept. 30, 2022, p. 13, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=24413&DocType=PDF> (last viewed on Jan. 27, 2024).

- 85.2% of children in the dependency system each month.⁷⁶
- 1,671 new volunteers were certified, with a total of 9,342 volunteers active each month on average.⁷⁷

Transportation of Children by GAL Volunteers

In 2012, the Legislature, allowed GAL volunteers to transport a child on his or her caseload.⁷⁸ This is intended to promote normalcy for the child as well as establish and promote trust between a court-appointed volunteer and the child.⁷⁹

GAL Qualifications Committee

Section 39.8296(2), F.S., creates a Guardian ad Litem Qualification Committee that is composed of five members⁸⁰ to provide for advertisement and the receiving of applications for the position of the executive director of the Office. Current law provides that an executive director serves a 3-year term and may be allowed to serve more than one term.⁸¹

GAL Program Direct Support Organization

Section 39.8298, F.S., allows the Office to create a Direct-Support Organization (DSO). The direct-support organization must conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Office.⁸² The executive director of the Office appoints the board of directors.⁸³

Legal Representation of Children in the Child Welfare System

Child representation in dependency proceedings varies but in most instances is based on what is in the child's best interest, direct representation, or a hybrid approach.⁸⁴ The table below provides a summary of the different models and how they operate:⁸⁵

⁷⁶ *Id.*

⁷⁷ *Id.* at p. 14.

⁷⁸ Chapter 2012-123 s. 5, L.O.F.; codified as s. 39.8296(2)(b)7., F.S.

⁷⁹ *Id.*

⁸⁰ Two appointed by the Governor, two appointed by the Chief Justice of the Supreme Court, and one appointed by the Guardian ad Litem Association.

⁸¹ Section 39.8296(2)(a), F.S.

⁸² Section 39.8298(1)(b) and (3), F.S.

⁸³ Section 39.8298(3), F.S.

⁸⁴ The Office of Program Policy Analysis and Government Accountability (OPPAGA), *OPPAGA Review of Florida's Guardian ad Litem Program, Presentation to the Senate Committee on Children, Families, and Elder Affairs*, p. 9, January 26, 2021, available at <https://oppaga.fl.gov/Documents/Presentations/GAL%20Presentation%201-26-21.pdf> (last visited Jan. 27, 2024).

⁸⁵ OPPAGA, *OPPAGA Review of Florida's Guardian ad Litem Program*, p. 5 and 34, December 2020 (on file with the Committee on Children, Families, and Elder Affairs).

Exhibit 3
States' Models of Representation for Children in Dependency Proceedings Fall Into Six Categories

Representation Model	Number of States That Use Model	Description
Age Dependent	4	Children in these states receive different types of representation depending on their age. In these states, older children receive a client-directed attorney, and younger children receive a GAL.
Best Interest (attorney or professional)	20	Children in these states always receive a GAL who is required to be either an attorney or a professional (e.g., professional GAL or mental health counselor). These states may also allow for the appointment of a client-directed attorney at the discretion of the judge or in certain circumstances.
Best Interest (lay volunteer)	12	Children in these states always receive a GAL, who is not required to be an attorney. These states may also allow for the appointment of a client-directed attorney at the discretion of the judge or in certain circumstances.
Client-Directed Attorney	7	Children in these states always receive a client-directed attorney. These states may also allow for the appointment of a separate GAL or CASA at the discretion of the judge or in certain circumstances.
Hybrid	6	Children in these states always receive both a client-directed attorney and a GAL.
Multidisciplinary Team	2	Children in these states are represented by a GAL team, made up of a volunteer, a staff advocate, and an attorney.

Source: OPPAGA analysis of state statutes and court rules.

Appointment of an Attorney for a Special Needs Child

The Office currently has a role in in the appointment of an attorney for a special needs child. The court must ask the Office for a recommendation for an attorney willing to work without additional compensation, prior to the court appointing an attorney on a compensated basis.⁸⁶ That attorney must be available for services within 15 days after the court’s request.⁸⁷ If, however, the Office does not make a recommendation within 15 days after the court’s request, the court may appoint a compensated attorney.⁸⁸ An attorney appointed for a specific purpose is commonly referred to as attorney ad litem (AAL); however, that term is not defined in statute.

An AAL representing a child provides the complete range of legal services from removal from the home or initial appointment through all appellate proceedings.⁸⁹ With court permission, the attorney is authorized to arrange for supplemental or separate counsel to handle appellate matters.⁹⁰ The Justice Administrative Commission contracts with appointed attorneys, whose fees are limited to \$1,000 per child per year subject to appropriations and to review by the Commission for reasonableness.⁹¹ Notwithstanding the specific procedures to appoint an attorney for a special needs child, the court has the general authority to appoint an attorney for a dependent child in any proceeding under ch. 39, F.S.⁹²

⁸⁶ Section 39.01305, F.S.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ Section 39.01305(4)(b), F.S.

⁹⁰ *Id.*

⁹¹ Section 39.01305(5), F.S.

⁹² Section 39.01305(8), F.S.

III. Effect of Proposed Changes:

The bill amends numerous sections of ch. 39, F.S., governing proceedings and services relating to children in the child welfare system to adjust the structure, role, and operations of the Statewide Guardian ad Litem office.

Statewide Guardian Ad Litem Office

The bill changes references from the “Guardian ad Litem Program” to the “Statewide Guardian ad Litem Office,” and requests the Division of Law Revision to prepare a reviser’s bill for the 2025 Regular Session to substitute the term “Statewide Guardian ad Litem Office” for the term “Guardian Ad Litem Program” or “Statewide Guardian Ad Litem Program” throughout the Florida Statutes.

Executive Director

The bill allows the Statewide GAL Office executive director to serve more than one term without convening the Guardian ad Litem Qualification Committee.

Multidisciplinary Teams

The bill requires the Statewide GAL Office to assign an attorney to each case. As available resources allow, the Statewide GAL Office is to assign a multidisciplinary team to represent the child. The bill includes mentors, pro bono attorneys, social workers, and volunteers as part of the MDT.

Training

The bill removes the requirement for the Statewide GAL Office to establish a curriculum committee to develop required training, granting unilateral authority to the office to develop, maintain, and regularly update the GAL training program. The bill also requires a GAL to complete specialized training in the dynamics of child sexual abuse when serving children who have been sexually abused and are subject to proceedings regarding establishing visitation with the child’s abuser under s. 39.0139, F.S.

Role of the Guardian ad Litem

The bill makes the guardian ad litem appointment mandatory rather than optional for the court. This means courts will have no discretion regarding appointing a guardian ad litem for a child, and will increase the number of children in the child welfare system who have a GAL by approximately 7 percent.

The bill conforms references to a GAL’s role in chapter 39 to specify that the GAL represents the *child*, rather than the child’s *best interest*. This representation is to use a best interest standard.

The bill authorizes a child’s GAL to represent a child in other judicial proceedings to secure the services and benefits that provide for the care, safety, and protection of the child. It authorizes

the school district to involve the GAL of a child who has, or is suspected to have, a disability in any transition planning for that child.

The bill requires multidisciplinary teams led by DCF or a CBC to include the GAL.

The bill requires the Statewide GAL Office to provide oversight and technical assistance to AALs. The Statewide GAL Office's responsibilities include, but are not limited to:

- Developing an attorney ad litem training program in collaboration with dependency judges, representatives from legal aid providing attorney ad litem representation, and an attorney ad litem appointed from a registry maintained by the chief judge.
- Offering consultation and technical assistance to chief judges in maintaining attorney registries for the selection of attorneys ad litem.
- Assisting as needed with recruitment and mentoring of AALs.

Transition-Age Youth

Case planning

The bill requires any case plan tailored for a transition to independent living to include a written description of age-appropriate activities for the child's development of relationships, coping skills, and emotional well-being.

Mentors for older foster youth

For youths aged 16 and up who are transitioning out of foster care into independent living, the bill requires the Statewide GAL Office to help those children establish a mentorship with at least one supportive adult. If the child cannot identify a supportive adult, the bill requires the Statewide GAL Office to work with DCF Office of Continuing Care to find at least one supportive adult. The bill requires documented evidence of a formal agreement in the child's court file.

Fostering Prosperity Grant Program

The bill establishes the Fostering Prosperity program to administer grants to youth and young adults aging out of foster care for:

- Financial literacy instruction using a curriculum developed by the Department of Financial Services in consultation with the Department of Education.
- Classic Learning Test (CLT), SAT, or ACT preparation, including one-on-one support and fee waivers for the examinations.
- Pursuing trade careers or paid apprenticeships.

If a youth later reunifies with the youth's parents, the grants remain available for the youth for up to 1 year.

The bill requires the State Board of Education to adopt rules to administer this program.

Other Provisions

The bill makes numerous conforming language and cross reference changes throughout the bill to give effect to the substantive provisions.

The bill provides an effective date of July 1, 2024.

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:

At common law, children cannot legally enter into contractual agreements. The inability to contract is due to an unemancipated minors' lack of mental capacity to conduct business, known as the disability of non-age. The disability of non-age is expressly recognized in the Florida Constitution and in statute.⁹³ Due to the disability of non-age, "an adult person of reasonable judgment and integrity" must conduct any litigation for the minor in judicial proceedings.⁹⁴ It follows that the unemancipated minors cannot engage legal counsel on their own unless there is a constitutional right or legislative act allowing such engagement.⁹⁵ The U.S. Supreme Court has only found a constitutional right to counsel for minors in delinquency proceedings.⁹⁶

The Supreme Court held in In re Gault that juveniles need counsel in delinquency proceedings because such actions may result in a loss of liberty, which is comparable in seriousness to a felony prosecution for adults.⁹⁷

The Florida Legislature has authorized appointment of legal counsel for minors:

- If the disability of non-age has been removed under chapter 743, F.S.,

⁹³ Fla. Const. Art. III, §11(a)(17); s. 743.01, 07, F.S.

⁹⁴ *Garner v. I. E. Schilling Co.*, 174 So. 837, 839 (Fla. 1937).

⁹⁵ *Buckner v. Family Services of Central Florida, Inc.*, 876 So.2d 1285 (Fla. 5th DCA 2004).

⁹⁶ *In re Gault*, 387 U.S. 1, 41 (1967).

⁹⁷ *Id.* at p. 36.

- At the discretion of the judge in domestic relations cases, under s. 61.401, F.S.,
- At the discretion of the judge in a dependency proceeding, under s. 39.4085, F.S., or
- If the child is within one of the five categories requiring mandatory appointment in dependency proceedings.⁹⁸

In all other circumstances, “an adult person of reasonable judgment and integrity should conduct the litigation for the minor in judicial proceedings.”⁹⁹

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill has an indeterminate impact on the Statewide Guardian ad Litem Office and educational institutions. However, Budget Amendment Request B0461, which will be implemented on February 15, 2024, will release spending authority for 64.5 FTE, 3,061,234 in salary rate, and \$4,381,391 for Title IV-E reimbursements. These funds will allow the Office to submit claims for independent legal representation provided by an attorney for Title IV-E foster care or a Title IV-E eligible child in foster care.

The Fostering Prosperity program is subject to the appropriation of funds for that purpose by the legislature. The Fostering Prosperity language in the bill, if unfunded, could have a fiscal impact to the institutions providing the fee waivers for the examinations provided under the program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁹⁸ Section 39.01305, F.S., requires an attorney to be appointed for a dependent child who:

- Resides in a skilled nursing facility or is being considered for placement in a skilled nursing home;
- Is prescribed a psychotropic medication but declines assent to the psychotropic medication;
- Has a diagnosis of a developmental disability as defined in s. 393.063, F.S.;
- Is being placed in a residential treatment center or being considered for placement in a residential treatment center; or
- Is a victim of human trafficking as defined in s. 787.06(2)(d), F.S.

⁹⁹ *Garner v. I. E. Schilling Co.*, 174 So. 837, 839 (Fla. 1937).

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.001, 39.00145, 39.00146, 39.0016, 39.01, 39.013, 39.01305, 39.0132, 39.0136, 39.01375, 39.0139, 39.202, 39.402, 39.4022, 39.4023, 39.407, 39.4085, 39.502, 39.522, 39.6012, 39.621, 39.6241, 39.701, 39.801, 39.807, 39.808, 39.815, 39.821, 39.822, 39.827, 39.8296, 39.8297, 29.008, 39.6011, 40.24, 43.16, 61.402, 110.205, 320.08058, 943.053, 985.43, 985.441, 985.455, 985.461, 985.48, 39.302, 39.521, 61.13, 119.071, 322.09, 394.495, 627.746, 934.255, and 960.065.

This bill creates the following sections of the Florida Statutes: 39.6036 and 1009.898.

This bill repeals section 39.280 of the Florida Statutes.

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

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

CS/CS by Appropriations Committee on Criminal and Civil Justice on February 8, 2024:

The committee substitute:

- Makes a technical change to remove “attorney ad litem” from the catchline of s. 39.013, F.S.
- Changes “Pathway to Prosperity” to “Fostering Prosperity” and provides that the program is subject to legislative appropriation.

CS by Children, Families, and Elder Affairs on January 30, 2024:

The committee substitute:

- Removes the proposed changes to s. 39.8298, F.S. relating to direct-support organizations and restores current law.
- Removes the proposed changes to s. 39.013, F.S. relating to the appointment of an attorney ad litem.
- Removes changes to s. 39.01305, F.S. related to representation for children with special needs and restores current law.
- Makes technical conforming changes to the name of the Statewide Guardian ad Litem Office within that section.
- Increases the amount of time that a Pathway to Prosperity grant is available to a youth aging out of care from 6 months to 1 year.
- Provides specific rulemaking authority to the State Board of Education to implement the program.

B. Amendments:

None.

2/8/2024

Meeting Date

Appropriations Committee on Criminal & Civil Justice

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB 1230

Bill Number or Topic

Amendment Barcode (if applicable)

Name Bobbie Smith

Phone (850) 410-7000

Address 2331 Phillips Rd

Email BobbieSmith@fdle.state.fl.us

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FDLE

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

February 8, 2024

Meeting Date

The Florida Senate
APPEARANCE RECORD

1230

Bill Number or Topic

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CCJ Approps

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/8/2024

Meeting Date

Appropriations Committee on Criminal & Civil Justice

Committee

The Florida Senate APPEARANCE RECORD

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SB 1230

Bill Number or Topic

744770

Amendment Barcode (if applicable)

Name **Bobbie Smith**

Phone **(850) 410-7000**

Address **2331 Phillips Rd**

Email **BobbieSmith@fdle.state.fl.us**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FDLE

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/8/2024

Meeting Date

Appropriations Committee on Criminal & Civil Justice

Committee

The Florida Senate APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB 1230

Bill Number or Topic

306208

Amendment Barcode (if applicable)

Name **Bobbie Smith**

Phone **(850) 410-7000**

Address **2331 Phillips Rd**

Email **BobbieSmith@fdle.state.fl.us**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FDLE

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



306208

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Bradley) recommended the following:

- 1 **Senate Amendment**
- 2
- 3 Delete lines 1731 - 1735.



744770

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Bradley) recommended the following:

- 1 **Senate Amendment**
- 2
- 3 Delete line 2040
- 4 and insert:
- 5 Section 11. This act shall take effect October 1, 2024.

By Senator Bradley

6-01006A-24

20241230__

1 A bill to be entitled
 2 An act relating to sexual predators and sexual
 3 offenders; amending s. 775.21, F.S.; revising the
 4 definitions of the terms "conviction," "permanent
 5 residence," "temporary residence," and "transient
 6 residence"; specifying that, in order to qualify for
 7 removal of certain registration requirements, certain
 8 sexual offenders must meet specified criteria;
 9 authorizing sexual predators to report to the
 10 Department of Law Enforcement through the department's
 11 online system within a specified timeframe required
 12 vehicle information changes after any change in
 13 vehicles owned; requiring sheriffs' offices to report
 14 to the department transient residence information in a
 15 manner prescribed by the department; requiring
 16 sheriffs' offices to electronically submit to and
 17 update with the department specified information
 18 within a specified timeframe after the sexual predator
 19 provides it to the sheriff's office; requiring sexual
 20 predators to register all changes to vehicles owned
 21 through the department's online system; requiring the
 22 department to establish an online system through which
 23 sexual predators may securely access, submit, and
 24 update all vehicles owned; revising the reporting
 25 requirements and applicable timeframes with which a
 26 sexual predator must comply if he or she intends to
 27 establish a certain permanent, temporary, or transient
 28 residence or to travel; requiring sheriffs' offices to
 29 electronically submit to and update with the

Page 1 of 71

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

6-01006A-24

20241230__

30 department, in a manner specified by the department,
 31 specified information within a specified timeframe
 32 after the sexual predator provides it to the sheriff's
 33 office; revising the list of requirements for which a
 34 sexual predator's failure to comply constitutes a
 35 criminal offense; specifying that each instance of a
 36 failure to register or report changes to specified
 37 required information constitutes a separate offense;
 38 conforming provisions to changes made by the act;
 39 making technical changes; amending s. 943.0435, F.S.;
 40 revising the definition of the term "convicted";
 41 authorizing sexual offenders to report to the
 42 department through the department's online system
 43 within a specified timeframe required vehicle
 44 information changes after any change in vehicles
 45 owned; requiring sheriffs' offices to report to the
 46 department transient residence information in a manner
 47 prescribed by the department; requiring sheriffs'
 48 offices to electronically submit to and update with
 49 the department specified information within a
 50 specified timeframe after the sexual offender provides
 51 it to the sheriff's office; requiring sexual offenders
 52 to register all changes to vehicles owned through the
 53 department's online system; requiring the department
 54 to establish an online system through which sexual
 55 offenders may securely access, submit, and update all
 56 vehicles owned; requiring that, if a sexual offender
 57 is in the custody of a local jail, the custodian of
 58 the local jail register a sexual offender within a

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59 specified timeframe after intake of the sexual
60 offender for any reason and upon release; requiring
61 the custodian to take a digitized photograph of the
62 sexual offender and forward the photograph and such
63 registration information to the department; revising
64 the reporting requirements and applicable timeframes
65 with which a sexual offender must comply if he or she
66 intends to establish a certain permanent, temporary,
67 or transient residence or to travel; revising the list
68 of requirements for which a sexual offender's failure
69 to comply constitutes a criminal offense; specifying
70 that each instance of a failure to register or report
71 changes to specified required information constitutes
72 a separate offense; specifying that, in order to
73 qualify for removal of certain registration
74 requirements, certain sexual offenders must meet
75 specified criteria; requiring sheriffs' offices to
76 electronically submit to and update with the
77 department, in a manner specified by the department,
78 specified information within a specified timeframe
79 after the sexual offender provides it to the sheriff's
80 office; conforming provisions to changes made by the
81 act; making technical changes; reenacting s.
82 944.606(1)(d), F.S., relating to the definitions of
83 the terms "permanent residence," "temporary
84 residence," and "transient residence," to incorporate
85 the amendment made to s. 775.21, F.S., in a reference
86 thereto; reenacting s. 1012.467(1)(b), F.S., relating
87 to the definition of the term "convicted," to

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88 incorporate the amendment made to s. 943.0435, F.S.,
89 in a reference thereto; reenacting ss. 320.02(4),
90 775.25, 938.10(1), 944.607(4)(a) and (9),
91 985.481(1)(a) and (d), and 985.4815(1)(b) and (f) and
92 (9), F.S., relating to registration required,
93 application for registration, and forms; prosecutions
94 for acts or omissions; additional court cost imposed
95 in cases of certain crimes; notification to department
96 of information on sexual offenders; sexual offenders
97 adjudicated delinquent and notification upon release;
98 and notification to department of information on
99 juvenile sexual offenders, respectively, to
100 incorporate the amendments by to ss. 775.21 and
101 943.0435, F.S., in references thereto; providing an
102 effective date.

103
104 Be It Enacted by the Legislature of the State of Florida:

105
106 Section 1. Section 775.21, Florida Statutes, is amended to
107 read:

108 775.21 The Florida Sexual Predators Act.—

109 (1) SHORT TITLE.—This section may be cited as "The Florida
110 Sexual Predators Act."

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

112 (a) "Change in status at an institution of higher
113 education" means the commencement or termination of enrollment,
114 including, but not limited to, traditional classroom setting or
115 online courses, or employment, whether for compensation or as a
116 volunteer, at an institution of higher education or a change in

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117 location of enrollment or employment, whether for compensation
 118 or as a volunteer, at an institution of higher education.

119 (b) "Chief of police" means the chief law enforcement
 120 officer of a municipality.

121 (c) "Child care facility" has the same meaning as provided
 122 in s. 402.302.

123 (d) "Community" means any county where the sexual predator
 124 lives or otherwise establishes or maintains a permanent,
 125 temporary, or transient residence.

126 (e) "Conviction" means a determination of guilt which is
 127 the result of a trial or the entry of a plea of guilty or nolo
 128 contendere, regardless of whether adjudication is withheld. A
 129 conviction for a similar offense includes, but is not limited
 130 to, a conviction by a federal or military tribunal, including
 131 courts-martial conducted by the Armed Forces of the United
 132 States, and includes a conviction or entry of a plea of guilty
 133 or nolo contendere ~~resulting in a sanction~~ in any state of the
 134 United States or other jurisdiction. ~~A sanction includes, but is~~
 135 ~~not limited to, a fine, probation, community control, parole,~~
 136 ~~conditional release, control release, or incarceration in a~~
 137 ~~state prison, federal prison, private correctional facility, or~~
 138 ~~local detention facility.~~

139 (f) "Department" means the Department of Law Enforcement.

140 (g) "Electronic mail address" has the same meaning as
 141 provided in s. 668.602.

142 (h) "Entering the county" includes being discharged from a
 143 correctional facility or jail or secure treatment facility
 144 within the county or being under supervision within the county
 145 for the commission of a violation enumerated in subsection (4).

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146 (i) "Institution of higher education" means a career
 147 center, a community college, a college, a state university, or
 148 an independent postsecondary educational institution.

149 (j) "Internet identifier" means any designation, moniker,
 150 screen name, username, or other name used for self-
 151 identification to send or receive social Internet communication.
 152 Internet identifier does not include a date of birth, social
 153 security number, personal identification number (PIN), or
 154 password. A sexual offender's or sexual predator's use of an
 155 Internet identifier that discloses his or her date of birth,
 156 social security number, PIN ~~personal identification number~~
 157 ~~(PIN)~~, password, or other information that would reveal the
 158 identity of the sexual offender or sexual predator waives the
 159 disclosure exemption in this paragraph for such personal
 160 information.

161 (k) "Permanent residence" means a place where the person
 162 abides, lodges, or resides for 3 or more consecutive days. For
 163 the purpose of calculating a permanent residence under this
 164 paragraph, the first day that a person abides, lodges, or
 165 resides at a place is excluded and each subsequent day is
 166 counted. A day includes any part of a calendar day.

167 (l) "Professional license" means the document of
 168 authorization or certification issued by an agency of this state
 169 for a regulatory purpose, or by any similar agency in another
 170 jurisdiction for a regulatory purpose, to a person to engage in
 171 an occupation or to carry out a trade or business.

172 (m) "Social Internet communication" means any communication
 173 through a commercial social networking website as defined in s.
 174 943.0437, or application software. The term does not include any

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175 of the following:

- 176 1. Communication for which the primary purpose is the
177 facilitation of commercial transactions involving goods or
178 services;
179 2. Communication on an Internet website for which the
180 primary purpose of the website is the dissemination of news; or
181 3. Communication with a governmental entity.

182
183 As used in ~~For purposes of~~ this paragraph, the term "application
184 software" means any computer program designed to run on a mobile
185 device such as a smartphone or tablet computer, that allows
186 users to create web pages or profiles that provide information
187 about themselves and are available publicly or to other users,
188 and that offers a mechanism for communication with other users
189 through a forum, a chatroom, electronic mail, or an instant
190 messenger.

191 (n) "Temporary residence" means a place where the person
192 abides, lodges, or resides, including, but not limited to,
193 vacation, business, or personal travel destinations in or out of
194 this state, for a period of 3 or more days in the aggregate
195 during any calendar year and which is not the person's permanent
196 address or, for a person whose permanent residence is not in
197 this state, a place where the person is employed, practices a
198 vocation, or is enrolled as a student for any period of time in
199 this state. For the purpose of calculating a temporary residence
200 under this paragraph, the first day that a person abides,
201 lodges, or resides at a place is excluded and each subsequent
202 day is counted. A day includes any part of a calendar day.

203 (o) "Transient residence" means a county where the a person

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204 lives, remains, or is located for the purpose of abiding,
205 lodging, or residing for a period of 3 or more days in the
206 aggregate during a calendar year and which is not the person's
207 permanent or temporary address. The term includes, but is not
208 limited to, a place where the person sleeps or seeks shelter and
209 a location that has no specific street address. For the purpose
210 of calculating a transient residence under this paragraph, the
211 first day that a person lives, remains, or is located in a
212 county for the purpose of abiding, lodging, or residing is
213 excluded and each subsequent day is counted. A day includes any
214 part of a calendar day.

215 (p) "Vehicles owned" means any motor vehicle as defined in
216 s. 320.01, which is registered, coregistered, leased, titled, or
217 rented by a sexual predator or sexual offender; a rented vehicle
218 that a sexual predator or sexual offender is authorized to
219 drive; or a vehicle for which a sexual predator or sexual
220 offender is insured as a driver. The term also includes any
221 motor vehicle as defined in s. 320.01, which is registered,
222 coregistered, leased, titled, or rented by a person or persons
223 residing at a sexual predator's or sexual offender's permanent
224 residence for 5 or more consecutive days.

225 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—

226 (a) Repeat sexual offenders, sexual offenders who use
227 physical violence, and sexual offenders who prey on children are
228 sexual predators who present an extreme threat to the public
229 safety. Sexual offenders are extremely likely to use physical
230 violence and to repeat their offenses, and most sexual offenders
231 commit many offenses, have many more victims than are ever
232 reported, and are prosecuted for only a fraction of their

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233 crimes. This makes the cost of sexual offender victimization to
 234 society at large, while incalculable, clearly exorbitant.

235 (b) The high level of threat that a sexual predator
 236 presents to the public safety, and the long-term effects
 237 suffered by victims of sex offenses, provide the state with
 238 sufficient justification to implement a strategy that includes:

239 1. Incarcerating sexual predators and maintaining adequate
 240 facilities to ensure that decisions to release sexual predators
 241 into the community are not made on the basis of inadequate
 242 space.

243 2. Providing for specialized supervision of sexual
 244 predators who are in the community by specially trained
 245 probation officers with low caseloads, as described in ss.
 246 947.1405(7) and 948.30. The sexual predator is subject to
 247 specified terms and conditions implemented at sentencing or at
 248 the time of release from incarceration, with a requirement that
 249 those who are financially able must pay all or part of the costs
 250 of supervision.

251 3. Requiring the registration of sexual predators, with a
 252 requirement that complete and accurate information be maintained
 253 and accessible for use by law enforcement authorities,
 254 communities, and the public.

255 4. Providing for community and public notification
 256 concerning the presence of sexual predators.

257 5. Prohibiting sexual predators from working with children,
 258 either for compensation or as a volunteer.

259 (c) The state has a compelling interest in protecting the
 260 public from sexual predators and in protecting children from
 261 predatory sexual activity, and there is sufficient justification

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262 for requiring sexual predators to register and for requiring
 263 community and public notification of the presence of sexual
 264 predators.

265 (d) It is the purpose of the Legislature that, upon the
 266 court's written finding that an offender is a sexual predator,
 267 in order to protect the public, it is necessary that the sexual
 268 predator be registered with the department and that members of
 269 the community and the public be notified of the sexual
 270 predator's presence. The designation of a person as a sexual
 271 predator is neither a sentence nor a punishment but simply a
 272 status resulting from the conviction of certain crimes.

273 (e) It is the intent of the Legislature to address the
 274 problem of sexual predators by:

275 1. Requiring sexual predators supervised in the community
 276 to have special conditions of supervision and to be supervised
 277 by probation officers with low caseloads;

278 2. Requiring sexual predators to register with the Florida
 279 department of Law Enforcement, as provided in this section; and

280 3. Requiring community and public notification of the
 281 presence of a sexual predator, as provided in this section.

282 (4) SEXUAL PREDATOR CRITERIA.—

283 (a) For a current offense committed on or after October 1,
 284 1993, upon conviction, an offender shall be designated as a
 285 "sexual predator" under subsection (5), and subject to
 286 registration under subsection (6) and community and public
 287 notification under subsection (7) if:

288 1. The felony is:

289 a. A capital, life, or first degree felony violation, or
 290 any attempt thereof, of s. 787.01 or s. 787.02, where the victim

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291 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
 292 violation of a similar law of another jurisdiction; or
 293 b. Any felony violation, or any attempt thereof, of s.
 294 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 295 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
 296 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
 297 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
 298 s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s.
 299 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if
 300 the court makes a written finding that the racketeering activity
 301 involved at least one sexual offense listed in this sub-
 302 subparagraph or at least one offense listed in this sub-
 303 subparagraph with sexual intent or motive; s. 916.1075(2); or s.
 304 985.701(1); or a violation of a similar law of another
 305 jurisdiction, and the offender has previously been convicted of
 306 or found to have committed, or has pled nolo contendere or
 307 guilty to, regardless of adjudication, any violation of s.
 308 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 309 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
 310 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
 311 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
 312 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
 313 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
 314 makes a written finding that the racketeering activity involved
 315 at least one sexual offense listed in this sub-subparagraph or
 316 at least one offense listed in this sub-subparagraph with sexual
 317 intent or motive; s. 916.1075(2); or s. 985.701(1); or a
 318 violation of a similar law of another jurisdiction;
 319 2. The offender has not received a pardon for any felony or

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320 similar law of another jurisdiction that is necessary for the
 321 operation of this paragraph; and
 322 3. A conviction of a felony or similar law of another
 323 jurisdiction necessary to the operation of this paragraph has
 324 not been set aside in any postconviction proceeding.
 325 (b) In order to be counted as a prior felony for purposes
 326 of this subsection, the felony must have resulted in a
 327 conviction sentenced separately, or an adjudication of
 328 delinquency entered separately, prior to the current offense and
 329 sentenced or adjudicated separately from any other felony
 330 conviction that is to be counted as a prior felony regardless of
 331 the date of offense of the prior felony.
 332 (c) If an offender has been registered as a sexual predator
 333 by the Department of Corrections, the department, or any other
 334 law enforcement agency and if:
 335 1. The court did not, for whatever reason, make a written
 336 finding at the time of sentencing that the offender was a sexual
 337 predator; or
 338 2. The offender was administratively registered as a sexual
 339 predator because the Department of Corrections, the department,
 340 or any other law enforcement agency obtained information that
 341 indicated that the offender met the criteria for designation as
 342 a sexual predator based on a violation of a similar law in
 343 another jurisdiction,
 344
 345 the department shall remove that offender from the department's
 346 list of sexual predators and, for an offender described under
 347 subparagraph 1., shall notify the state attorney who prosecuted
 348 the offense that met the criteria for administrative designation

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349 as a sexual predator, and, for an offender described under this
 350 paragraph, shall notify the state attorney of the county where
 351 the offender establishes or maintains a permanent, temporary, or
 352 transient residence. The state attorney shall bring the matter
 353 to the court's attention in order to establish that the offender
 354 meets the criteria for designation as a sexual predator. If the
 355 court makes a written finding that the offender is a sexual
 356 predator, the offender must be designated as a sexual predator,
 357 must register or be registered as a sexual predator with the
 358 department as provided in subsection (6), and is subject to the
 359 community and public notification as provided in subsection (7).
 360 If the court does not make a written finding that the offender
 361 is a sexual predator, the offender may not be designated as a
 362 sexual predator with respect to that offense and is not required
 363 to register or be registered as a sexual predator with the
 364 department.

365 (d) An offender who has been determined to be a sexually
 366 violent predator pursuant to a civil commitment proceeding under
 367 chapter 394 shall be designated as a "sexual predator" under
 368 subsection (5) and subject to registration under subsection (6)
 369 and community and public notification under subsection (7).

370 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
 371 as a sexual predator as follows:

372 (a)1. An offender who meets the sexual predator criteria
 373 described in paragraph (4)(d) is a sexual predator, and the
 374 court shall make a written finding at the time such offender is
 375 determined to be a sexually violent predator under chapter 394
 376 that such person meets the criteria for designation as a sexual
 377 predator for purposes of this section. The clerk shall transmit

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378 a copy of the order containing the written finding to the
 379 department within 48 hours after the entry of the order;
 380 2. An offender who meets the sexual predator criteria
 381 described in paragraph (4)(a) who is before the court for
 382 sentencing for a current offense committed on or after October
 383 1, 1993, is a sexual predator, and the sentencing court must
 384 make a written finding at the time of sentencing that the
 385 offender is a sexual predator, and the clerk of the court shall
 386 transmit a copy of the order containing the written finding to
 387 the department within 48 hours after the entry of the order; or
 388 3. If the Department of Corrections, the department, or any
 389 other law enforcement agency obtains information which indicates
 390 that an offender who establishes or maintains a permanent,
 391 temporary, or transient residence in this state meets the sexual
 392 predator criteria described in paragraph (4)(a) or paragraph
 393 (4)(d) because the offender was civilly committed or committed a
 394 similar violation in another jurisdiction on or after October 1,
 395 1993, the Department of Corrections, the department, or the law
 396 enforcement agency shall notify the state attorney of the county
 397 where the offender establishes or maintains a permanent,
 398 temporary, or transient residence of the offender's presence in
 399 the community. The state attorney shall file a petition with the
 400 criminal division of the circuit court for the purpose of
 401 holding a hearing to determine if the offender's criminal record
 402 or record of civil commitment from another jurisdiction meets
 403 the sexual predator criteria. If the court finds that the
 404 offender meets the sexual predator criteria because the offender
 405 has violated a similar law or similar laws in another
 406 jurisdiction, the court shall make a written finding that the

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407 offender is a sexual predator.

408

409 When the court makes a written finding that an offender is a
410 sexual predator, the court shall inform the sexual predator of
411 the registration and community and public notification
412 requirements described in this section. Within 48 hours after
413 the court designates ~~designating~~ an offender as a sexual
414 predator, the clerk of the circuit court shall transmit a copy
415 of the court's written sexual predator finding to the
416 department. If the offender is sentenced to a term of
417 imprisonment or supervision, a copy of the court's written
418 sexual predator finding must be submitted to the Department of
419 Corrections.

420 (b) If a sexual predator is not sentenced to a term of
421 imprisonment, the clerk of the court shall ensure that the
422 sexual predator's fingerprints are taken and forwarded to the
423 department within 48 hours after the court renders its written
424 sexual predator finding. The fingerprints shall be clearly
425 marked, "Sexual Predator Registration." The clerk of the court
426 that convicts and sentences the sexual predator for the offense
427 or offenses described in subsection (4) shall forward to the
428 department and to the Department of Corrections a certified copy
429 of any order entered by the court imposing any special condition
430 or restriction on the sexual predator that restricts or
431 prohibits access to the victim, if the victim is a minor, or to
432 other minors.

433 (c) If the Department of Corrections, the department, or
434 any other law enforcement agency obtains information which
435 indicates that an offender meets the sexual predator criteria

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436 but the court did not make a written finding that the offender
437 is a sexual predator as required in paragraph (a), the
438 Department of Corrections, the department, or the law
439 enforcement agency shall notify the state attorney who
440 prosecuted the offense for offenders described in subparagraph
441 (a)1., or the state attorney of the county where the offender
442 establishes or maintains a residence upon first entering the
443 state for offenders described in subparagraph (a)3. The state
444 attorney shall bring the matter to the court's attention in
445 order to establish that the offender meets the sexual predator
446 criteria. If the state attorney fails to establish that an
447 offender meets the sexual predator criteria and the court does
448 not make a written finding that an offender is a sexual
449 predator, the offender is not required to register with the
450 department as a sexual predator. The Department of Corrections,
451 the department, or any other law enforcement agency shall not
452 administratively designate an offender as a sexual predator
453 without a written finding from the court that the offender is a
454 sexual predator.

455 (d) A person who establishes or maintains a residence in
456 this state and who has not been designated as a sexual predator
457 by a court of this state but who has been designated as a sexual
458 predator, as a sexually violent predator, or any other ~~by~~
459 ~~another~~ sexual offender designation in another state or
460 jurisdiction and was, as a result of such designation, subjected
461 to registration or community or public notification, or both, or
462 would be if the person was a resident of that state or
463 jurisdiction, without regard to whether the person otherwise
464 meets the criteria for registration as a sexual offender, shall

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465 register in the manner provided in s. 943.0435 or s. 944.607 and
 466 shall be subject to community and public notification as
 467 provided in s. 943.0435 or s. 944.607. A person who meets the
 468 criteria of this section is subject to the requirements and
 469 penalty provisions of s. 943.0435 or s. 944.607 until the person
 470 provides the department with an order issued by the court that
 471 designated the person as a sexual predator, as a sexually
 472 violent predator, or any other ~~by another~~ sexual offender
 473 designation in the state or jurisdiction in which the order was
 474 issued which states that such designation has been removed or
 475 demonstrates to the department that such designation, if not
 476 imposed by a court, has been removed by operation of law or
 477 court order in the state or jurisdiction in which the
 478 designation was made, ~~and~~ provided that such person no longer
 479 meets the criteria for registration as a sexual offender under
 480 the laws of this state. To qualify for removal of the
 481 registration requirements under this paragraph, a sexual
 482 offender described in this paragraph must meet the criteria for
 483 removal under s. 943.0435.

484 (6) REGISTRATION.—

485 (a) A sexual predator shall register with the department
 486 through the sheriff's office by providing the following
 487 information to the department:

488 1. Name; social security number; age; race; sex; date of
 489 birth; height; weight; tattoos or other identifying marks; hair
 490 and eye color; photograph; address of legal residence and
 491 address of any current temporary residence, within this the
 492 state or out of state, including a rural route address and a
 493 post office box; if he or she has no permanent or temporary

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494 address, any transient residence within this the state; address,
 495 location or description, and dates of any current or known
 496 future temporary residence within this the state or out of
 497 state; electronic mail addresses; Internet identifiers and each
 498 Internet identifier's corresponding website homepage or
 499 application software name; home telephone numbers and cellular
 500 telephone numbers; employment information; the make, model,
 501 color, vehicle identification number (VIN), and license tag
 502 number of all vehicles owned; date and place of each conviction;
 503 fingerprints; palm prints; and a brief description of the crime
 504 or crimes committed by the offender. A post office box may not
 505 be provided in lieu of a physical residential address. The
 506 sexual predator shall produce his or her passport, if he or she
 507 has a passport, and, if he or she is an alien, shall produce or
 508 provide information about documents establishing his or her
 509 immigration status. The sexual predator shall also provide
 510 information about any professional licenses he or she has.

511 a. Any change that occurs after the sexual predator
 512 registers in person at the sheriff's office as provided in this
 513 subparagraph in any of the following information related to the
 514 sexual predator must be reported as provided in paragraphs (g),
 515 (i), and (j): permanent, temporary, or transient residence;
 516 name; electronic mail addresses; Internet identifiers and each
 517 Internet identifier's corresponding website homepage or
 518 application software name; home and cellular telephone numbers;
 519 employment information; and status at an institution of higher
 520 education.

521 b. If the sexual predator's place of residence is a motor
 522 vehicle, trailer, mobile home, or manufactured home, as those

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523 terms are defined in chapter 320, the sexual predator shall also
 524 provide to the department written notice of the vehicle
 525 identification number (VIN); the license tag number; the
 526 registration number; and a description, including color scheme,
 527 of the motor vehicle, trailer, mobile home, or manufactured
 528 home. If a sexual predator's place of residence is a vessel,
 529 live-aboard vessel, or houseboat, as those terms are defined in
 530 chapter 327, the sexual predator shall also provide to the
 531 department written notice of the hull identification number; the
 532 manufacturer's serial number; the name of the vessel, live-
 533 aboard vessel, or houseboat; the registration number of the
 534 vessel, live-aboard vessel, or houseboat; and a description,
 535 including color scheme, of the vessel, live-aboard vessel, or
 536 houseboat.

537 c. If the sexual predator is enrolled or employed, whether
 538 for compensation or as a volunteer, at an institution of higher
 539 education in this state, the sexual predator shall also provide
 540 to the department the name, address, and county of each
 541 institution, including each campus attended, and the sexual
 542 predator's enrollment, volunteer, or employment status. The
 543 sheriff, the Department of Corrections, or the Department of
 544 Juvenile Justice shall promptly notify each institution of
 545 higher education of the sexual predator's presence and any
 546 change in the sexual predator's enrollment, volunteer, or
 547 employment status.

548 d. A sexual predator shall report to the department through
 549 the department's online system or in person to the sheriff's
 550 office within 48 hours after any change in vehicles owned to
 551 report those vehicle information changes.

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552 2. Any other information determined necessary by the
 553 department, including criminal and corrections records;
 554 nonprivileged personnel and treatment records; and evidentiary
 555 genetic markers when available.

556 (b) If the sexual predator is in the custody or control of,
 557 or under the supervision of, the Department of Corrections, or
 558 is in the custody of a private correctional facility, the sexual
 559 predator shall register with the Department of Corrections. A
 560 sexual predator who is under the supervision of the Department
 561 of Corrections but who is not incarcerated shall register with
 562 the Department of Corrections within 3 business days after the
 563 court finds the offender to be a sexual predator. The Department
 564 of Corrections shall provide to the department registration
 565 information and the location of, and local telephone number for,
 566 any Department of Corrections office that is responsible for
 567 supervising the sexual predator. In addition, the Department of
 568 Corrections shall notify the department if the sexual predator
 569 escapes or absconds from custody or supervision or if the sexual
 570 predator dies.

571 (c) If the sexual predator is in the custody of a local
 572 jail, the custodian of the local jail shall register the sexual
 573 predator within 3 business days after intake of the sexual
 574 predator for any reason and upon release, and shall forward the
 575 registration information to the department. The custodian of the
 576 local jail shall also take a digitized photograph of the sexual
 577 predator while the sexual predator remains in custody and shall
 578 provide the digitized photograph to the department. The
 579 custodian shall notify the department if the sexual predator
 580 escapes from custody or dies.

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581 (d) If the sexual predator is under federal supervision,
 582 the federal agency responsible for supervising the sexual
 583 predator may forward to the department any information regarding
 584 the sexual predator which is consistent with the information
 585 provided by the Department of Corrections under this section,
 586 and may indicate whether use of the information is restricted to
 587 law enforcement purposes only or may be used by the department
 588 for purposes of public notification.

589 (e)1. If the sexual predator is not in the custody or
 590 control of, or under the supervision of, the Department of
 591 Corrections or is not in the custody of a private correctional
 592 facility, the sexual predator shall register in person:

593 a. At the sheriff's office in the county where he or she
 594 establishes or maintains a residence within 48 hours after
 595 establishing or maintaining a residence in this state; and

596 b. At the sheriff's office in the county where he or she
 597 was designated a sexual predator by the court within 48 hours
 598 after such finding is made.

599 2. Any change that occurs after the sexual predator
 600 registers in person at the sheriff's office as provided in
 601 subparagraph 1. in any of the following information related to
 602 the sexual predator must be reported as provided in paragraphs
 603 (g), (i), and (j): permanent, temporary, or transient residence;
 604 name; vehicles owned; electronic mail addresses; Internet
 605 identifiers and each Internet identifier's corresponding website
 606 homepage or application software name; home and cellular
 607 telephone numbers; employment information; and change in status
 608 at an institution of higher education. When a sexual predator
 609 registers with the sheriff's office, the sheriff shall take a

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610 photograph, a set of fingerprints, and palm prints of the sexual
 611 predator and forward the photographs, palm prints, and
 612 fingerprints to the department, along with the information that
 613 the sexual predator is required to provide pursuant to this
 614 section.

615 (f) Within 48 hours after the registration required under
 616 paragraph (a) or paragraph (e), a sexual predator who is not
 617 incarcerated and who resides in the community, including a
 618 sexual predator under the supervision of the Department of
 619 Corrections, shall register in person at a driver license office
 620 of the Department of Highway Safety and Motor Vehicles and shall
 621 present proof of registration unless a driver license or an
 622 identification card that complies with the requirements of s.
 623 322.141(3) was previously secured or updated under s. 944.607.
 624 At the driver license office the sexual predator shall:

625 1. If otherwise qualified, secure a Florida driver license,
 626 renew a Florida driver license, or secure an identification
 627 card. The sexual predator shall identify himself or herself as a
 628 sexual predator who is required to comply with this section,
 629 provide his or her place of permanent, temporary, or transient
 630 residence, including a rural route address and a post office
 631 box, and submit to the taking of a photograph for use in issuing
 632 a driver license, a renewed license, or an identification card,
 633 and for use by the department in maintaining current records of
 634 sexual predators. A post office box may not be provided in lieu
 635 of a physical residential address. If the sexual predator's
 636 place of residence is a motor vehicle, trailer, mobile home, or
 637 manufactured home, as those terms are defined in chapter 320,
 638 the sexual predator shall also provide to the Department of

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639 Highway Safety and Motor Vehicles the vehicle identification
 640 number (VIN); the license tag number; the registration number;
 641 and a description, including color scheme, of the motor vehicle,
 642 trailer, mobile home, or manufactured home. If a sexual
 643 predator's place of residence is a vessel, live-aboard vessel,
 644 or houseboat, as those terms are defined in chapter 327, the
 645 sexual predator shall also provide to the Department of Highway
 646 Safety and Motor Vehicles the hull identification number; the
 647 manufacturer's serial number; the name of the vessel, live-
 648 aboard vessel, or houseboat; the registration number of the
 649 vessel, live-aboard vessel, or houseboat; and a description,
 650 including color scheme, of the vessel, live-aboard vessel, or
 651 houseboat.

652 2. Pay the costs assessed by the Department of Highway
 653 Safety and Motor Vehicles for issuing or renewing a driver
 654 license or an identification card as required by this section.
 655 The driver license or identification card issued to the sexual
 656 predator must comply with s. 322.141(3).

657 3. Provide, upon request, any additional information
 658 necessary to confirm the identity of the sexual predator,
 659 including a set of fingerprints.

660 (g)1. Each time a sexual predator's driver license or
 661 identification card is subject to renewal, and, without regard
 662 to the status of the sexual predator's driver license or
 663 identification card, within 48 hours after any change of the
 664 sexual predator's residence or change in the sexual predator's
 665 name by reason of marriage or other legal process, the sexual
 666 predator shall report in person to a driver license office and
 667 is subject to the requirements specified in paragraph (f). The

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668 Department of Highway Safety and Motor Vehicles shall forward to
 669 the department and to the Department of Corrections all
 670 photographs and information provided by sexual predators.
 671 Notwithstanding the restrictions set forth in s. 322.142, the
 672 Department of Highway Safety and Motor Vehicles may release a
 673 reproduction of a color-photograph or digital-image license to
 674 the Department of Law Enforcement for purposes of public
 675 notification of sexual predators as provided in this section. A
 676 sexual predator who is unable to secure or update a driver
 677 license or an identification card with the Department of Highway
 678 Safety and Motor Vehicles as provided in paragraph (f) and this
 679 paragraph shall also report any change in ~~of~~ the sexual
 680 predator's permanent, temporary, or transient residence or
 681 change in the sexual predator's name by reason of marriage or
 682 other legal process within 48 hours after the change to the
 683 sheriff's office in the county where the sexual predator resides
 684 or is located and provide confirmation that he or she reported
 685 such information to the Department of Highway Safety and Motor
 686 Vehicles. The reporting requirements under this subparagraph do
 687 not negate the requirement for a sexual predator to obtain a
 688 Florida driver license or identification card as required by
 689 this section.

690 2.a. A sexual predator who vacates a permanent, temporary,
 691 or transient residence and fails to establish or maintain
 692 another permanent, temporary, or transient residence shall,
 693 within 48 hours after vacating the permanent, temporary, or
 694 transient residence, report in person to the sheriff's office of
 695 the county in which he or she is located. The sexual predator
 696 shall specify the date upon which he or she intends to or did

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697 vacate such residence. The sexual predator shall provide or
698 update all of the registration information required under
699 paragraph (a). The sexual predator shall provide an address for
700 the residence or other place ~~where that~~ he or she is or will be
701 located during the time in which he or she fails to establish or
702 maintain a permanent or temporary residence.

703 b. A sexual predator shall report in person at the
704 sheriff's office in the county in which he or she is located
705 within 48 hours after establishing a transient residence and
706 thereafter must report in person every 30 days to the sheriff's
707 office in the county in which he or she is located while
708 maintaining a transient residence. The sexual predator must
709 provide the addresses and locations where he or she maintains a
710 transient residence. Each sheriff's office shall report
711 ~~establish procedures for reporting~~ transient residence
712 information in a manner prescribed by the department and provide
713 notice to transient registrants to report transient residence
714 information as required in this sub-subparagraph. Reporting to
715 the sheriff's office as required by this sub-subparagraph does
716 not exempt registrants from any reregistration requirement. The
717 sheriff may coordinate and enter into agreements with police
718 departments and other governmental entities to facilitate
719 additional reporting sites for transient residence registration
720 required in this sub-subparagraph. The sheriff's office shall
721 ~~within 2 business days,~~ electronically submit to and update with
722 the department all such information within 2 business days after
723 ~~provided by~~ the sexual predator provides it to the sheriff's
724 office department.

725 3. A sexual predator who remains at a permanent, temporary,

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726 or transient residence after reporting his or her intent to
727 vacate such residence shall, within 48 hours after the date upon
728 which the sexual predator indicated he or she would or did
729 vacate such residence, report in person to the sheriff's office
730 to which he or she reported pursuant to subparagraph 2. for the
731 purpose of reporting his or her address at such residence. When
732 the sheriff receives the report, the sheriff shall promptly
733 convey the information to the department. A sexual predator ~~An~~
734 ~~offender~~ who makes a report as required under subparagraph 2.
735 but fails to make a report as required under this subparagraph
736 commits a felony of the second degree, punishable as provided in
737 s. 775.082, s. 775.083, or s. 775.084.

738 4. The failure of a sexual predator who maintains a
739 transient residence to report in person to the sheriff's office
740 every 30 days as required by sub-subparagraph 2.b. is punishable
741 as provided in subsection (10).

742 5.a. A sexual predator shall register all electronic mail
743 addresses and Internet identifiers, and each Internet
744 identifier's corresponding website homepage or application
745 software name, with the department through the department's
746 online system or in person at the sheriff's office within 48
747 hours after using such electronic mail addresses ~~or and~~ Internet
748 identifiers. If the sexual predator is in the custody or
749 control, or under the supervision, of the Department of
750 Corrections, he or she must report all electronic mail addresses
751 and Internet identifiers, and each Internet identifier's
752 corresponding website homepage or application software name, to
753 the Department of Corrections before using such electronic mail
754 addresses or Internet identifiers. If the sexual predator is in

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755 the custody or control, or under the supervision, of the
 756 Department of Juvenile Justice, he or she must report all
 757 electronic mail addresses and Internet identifiers, and each
 758 Internet identifier's corresponding website homepage or
 759 application software name, to the Department of Juvenile Justice
 760 before using such electronic mail addresses or Internet
 761 identifiers.

762 b. A sexual predator shall register all changes to vehicles
 763 owned, all changes to home telephone numbers and cellular
 764 telephone numbers, including added and deleted numbers, all
 765 changes to employment information, and all changes in status
 766 related to enrollment, volunteering, or employment at
 767 institutions of higher education, through the department's
 768 online system; in person at the sheriff's office; in person at
 769 the Department of Corrections if the sexual predator is in the
 770 custody or control, or under the supervision, of the Department
 771 of Corrections; or in person at the Department of Juvenile
 772 Justice if the sexual predator is in the custody or control, or
 773 under the supervision, of the Department of Juvenile Justice.
 774 All changes required to be reported in this sub-subparagraph
 775 shall be reported within 48 hours after the change.

776 c. The department shall establish an online system through
 777 which sexual predators may securely access, submit, and update
 778 all vehicles owned; electronic mail addresses; Internet
 779 identifiers and each Internet identifier's corresponding website
 780 homepage or application software name; home telephone numbers
 781 and cellular telephone numbers; employment information; and
 782 institution of higher education information.

783 (h) The department shall notify the sheriff and the state

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784 attorney of the county and, if applicable, the police chief of
 785 the municipality, where the sexual predator maintains a
 786 residence.

787 (i) A sexual predator who intends to establish a permanent,
 788 temporary, or transient residence in another state or
 789 jurisdiction other than the State of Florida shall report in
 790 person to the sheriff of the county of current residence at
 791 least within 48 hours before the date he or she intends to leave
 792 this state to establish residence in another state or
 793 jurisdiction or at least 21 days before the date he or she
 794 intends to travel ~~if the intended residence of 5 days or more is~~
 795 outside of the United States. Any travel that is not known by
 796 the sexual predator 48 hours before he or she intends to
 797 establish a residence in another state or jurisdiction, or 21
 798 days before the departure date for travel outside of the United
 799 States, must be reported to the sheriff's office as soon as
 800 possible before departure. The sexual predator shall provide to
 801 the sheriff the address, municipality, county, state, and
 802 country of intended residence. For international travel, the
 803 sexual predator shall also provide travel information,
 804 including, but not limited to, expected departure and return
 805 dates, flight number, airport of departure, cruise port of
 806 departure, or any other means of intended travel. The sheriff
 807 shall promptly provide to the department the information
 808 received from the sexual predator. The department shall notify
 809 the statewide law enforcement agency, or a comparable agency, in
 810 the intended state, jurisdiction, or country of residence or the
 811 intended country of travel of the sexual predator's intended
 812 residence or intended travel. The failure of a sexual predator

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813 to provide his or her intended place of residence or intended
814 travel is punishable as provided in subsection (10).

815 (j) A sexual predator who indicates his or her intent to
816 establish a permanent, temporary, or transient residence in
817 another state, a jurisdiction other than the State of Florida,
818 or intent to travel to another country, and later decides to
819 remain in this state shall, within 48 hours after the date upon
820 which the sexual predator indicated he or she would leave this
821 state, report in person to the sheriff's office ~~sheriff~~ to which
822 the sexual predator reported the intended change of residence or
823 intended international travel, and report his or her intent to
824 remain in this state. If the sheriff is notified by the sexual
825 predator that he or she intends to remain in this state, the
826 sheriff shall promptly report this information to the
827 department. A sexual predator who reports his or her intent to
828 establish a permanent, temporary, or transient residence in
829 another state, a jurisdiction other than the State of Florida,
830 or intent to travel to another country, but who remains in this
831 state without reporting to the sheriff in the manner required by
832 this paragraph, commits a felony of the second degree,
833 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

834 (k)1. The department is responsible for the online
835 maintenance of current information regarding each registered
836 sexual predator. The department shall maintain hotline access
837 for state, local, and federal law enforcement agencies to obtain
838 instantaneous locator file and offender characteristics
839 information on all released registered sexual predators for
840 purposes of monitoring, tracking, and prosecution. The
841 photograph, palm prints, and fingerprints do not have to be

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842 stored in a computerized format.

843 2. The department's sexual predator registration list,
844 containing the information described in subparagraph (a)1., is a
845 public record, unless otherwise made exempt or confidential and
846 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
847 Constitution. The department may disseminate this public
848 information by any means deemed appropriate, including operating
849 a toll-free telephone number for this purpose. When the
850 department provides information regarding a registered sexual
851 predator to the public, department personnel shall advise the
852 person making the inquiry that positive identification of a
853 person believed to be a sexual predator cannot be established
854 unless a fingerprint comparison is made, and that it is illegal
855 to use public information regarding a registered sexual predator
856 to facilitate the commission of a crime.

857 3. The department shall adopt guidelines as necessary
858 regarding the registration of sexual predators and the
859 dissemination of information regarding sexual predators as
860 required by this section.

861 (1) A sexual predator shall maintain registration with the
862 department for the duration of his or her life, unless the
863 sexual predator has received a full pardon or has had a
864 conviction set aside in a postconviction proceeding for any
865 offense that met the criteria for the sexual predator
866 designation.

867 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

868 (a) Law enforcement agencies must inform members of the
869 community and the public of a sexual predator's presence. Upon
870 notification of the presence of a sexual predator, the sheriff

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871 of the county or the chief of police of the municipality where
 872 the sexual predator establishes or maintains a permanent or
 873 temporary residence shall notify members of the community and
 874 the public of the presence of the sexual predator in a manner
 875 deemed appropriate by the sheriff or the chief of police. Within
 876 48 hours after receiving notification of the presence of a
 877 sexual predator, the sheriff of the county or the chief of
 878 police of the municipality where the sexual predator temporarily
 879 or permanently resides shall notify each licensed child care
 880 facility, elementary school, middle school, and high school
 881 within a 1-mile radius of the temporary or permanent residence
 882 of the sexual predator of the presence of the sexual predator.
 883 Information provided to members of the community and the public
 884 regarding a sexual predator must include:

- 885 1. The name of the sexual predator;
- 886 2. A description of the sexual predator, including a
 887 photograph;
- 888 3. The sexual predator's current permanent, temporary, and
 889 transient addresses, and descriptions of registered locations
 890 that have no specific street address, including the name of the
 891 county or municipality if known;
- 892 4. The circumstances of the sexual predator's offense or
 893 offenses; and
- 894 5. Whether the victim of the sexual predator's offense or
 895 offenses was, at the time of the offense, a minor or an adult.

896
 897 This paragraph does not authorize the release of the name of any
 898 victim of the sexual predator.

899 (b) The sheriff or the police chief may coordinate the

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900 community and public notification efforts with the department.
 901 Statewide notification to the public is authorized, as deemed
 902 appropriate by local law enforcement personnel and the
 903 department.

904 (c) The department shall notify the public of all
 905 designated sexual predators through the Internet. The Internet
 906 notice shall include the information required by paragraph (a).

907 (d) The department shall adopt a protocol to assist law
 908 enforcement agencies in their efforts to notify the community
 909 and the public of the presence of sexual predators.

910 (8) VERIFICATION.—The department and the Department of
 911 Corrections shall implement a system for verifying the addresses
 912 of sexual predators. The system must be consistent with the
 913 federal Adam Walsh Child Protection and Safety Act of 2006 and
 914 any other federal standards applicable to such verification or
 915 required to be met as a condition for the receipt of federal
 916 funds by the state. The Department of Corrections shall verify
 917 the addresses of sexual predators who are not incarcerated but
 918 who reside in the community under the supervision of the
 919 Department of Corrections and shall report to the department any
 920 failure by a sexual predator to comply with registration
 921 requirements. County and local law enforcement agencies, in
 922 conjunction with the department, shall verify the addresses of
 923 sexual predators who are not under the care, custody, control,
 924 or supervision of the Department of Corrections, and may verify
 925 the addresses of sexual predators who are under the care,
 926 custody, control, or supervision of the Department of
 927 Corrections. Local law enforcement agencies shall report to the
 928 department any failure by a sexual predator to comply with

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929 registration requirements.

930 (a) A sexual predator shall report in person each year
931 during the month of the sexual predator's birthday and during
932 every third month thereafter to the sheriff's office in the
933 county in which he or she resides or is otherwise located to
934 reregister. The sheriff's office may determine the appropriate
935 times and days for reporting by the sexual predator, which must
936 be consistent with the reporting requirements of this paragraph.
937 Reregistration must include any changes to the following
938 information:

939 1. Name; social security number; age; race; sex; date of
940 birth; height; weight; tattoos or other identifying marks; hair
941 and eye color; address of any permanent residence and address of
942 any current temporary residence, within this ~~the~~ state or out of
943 state, including a rural route address and a post office box; if
944 he or she has no permanent or temporary address, any transient
945 residence within this ~~the~~ state including the address, location
946 or description of the transient residences, and dates of any
947 current or known future temporary residence within this ~~the~~
948 state or out of state; all electronic mail addresses; all
949 Internet identifiers and each Internet identifier's
950 corresponding website homepage or application software name; all
951 home telephone numbers and cellular telephone numbers; date and
952 place of any employment; the make, model, color, vehicle
953 identification number (VIN), and license tag number of all
954 vehicles owned; fingerprints; palm prints; and photograph. A
955 post office box may not be provided in lieu of a physical
956 residential address. The sexual predator shall also produce his
957 or her passport, if he or she has a passport, and, if he or she

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958 is an alien, shall produce or provide information about
959 documents establishing his or her immigration status. The sexual
960 predator shall also provide information about any professional
961 licenses he or she has.

962 2. If the sexual predator is enrolled or employed, whether
963 for compensation or as a volunteer, at an institution of higher
964 education in this state, the sexual predator shall also provide
965 to the department the name, address, and county of each
966 institution, including each campus attended, and the sexual
967 predator's enrollment, volunteer, or employment status.

968 3. If the sexual predator's place of residence is a motor
969 vehicle, trailer, mobile home, or manufactured home, as those
970 terms are defined in chapter 320, the sexual predator shall also
971 provide the vehicle identification number (VIN); the license tag
972 number; the registration number; and a description, including
973 color scheme, of the motor vehicle, trailer, mobile home, or
974 manufactured home. If the sexual predator's place of residence
975 is a vessel, live-aboard vessel, or houseboat, as those terms
976 are defined in chapter 327, the sexual predator shall also
977 provide the hull identification number; the manufacturer's
978 serial number; the name of the vessel, live-aboard vessel, or
979 houseboat; the registration number of the vessel, live-aboard
980 vessel, or houseboat; and a description, including color scheme,
981 of the vessel, live-aboard vessel, or houseboat.

982 (b) The sheriff's office shall, ~~within 2 working days,~~
983 electronically submit to and update with the department, in a
984 manner prescribed by the department, all such information within
985 2 business days after ~~provided by~~ the sexual predator provides
986 it to the sheriff's office ~~department in a manner prescribed by~~

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987 ~~the department.~~

988 (9) IMMUNITY.—The department, the Department of Highway
 989 Safety and Motor Vehicles, the Department of Corrections, the
 990 Department of Juvenile Justice, any law enforcement agency in
 991 this state, and the personnel of those departments; an elected
 992 or appointed official, public employee, or school administrator;
 993 or an employee, agency, or any individual or entity acting at
 994 the request or upon the direction of any law enforcement agency
 995 is immune from civil liability for damages for good faith
 996 compliance with the requirements of this section or for the
 997 release of information under this section, and shall be presumed
 998 to have acted in good faith in compiling, recording, reporting,
 999 or releasing the information. The presumption of good faith is
 1000 not overcome if a technical or clerical error is made by the
 1001 department, the Department of Highway Safety and Motor Vehicles,
 1002 the Department of Corrections, the Department of Juvenile
 1003 Justice, the personnel of those departments, or any individual
 1004 or entity acting at the request or upon the direction of any of
 1005 those departments in compiling or providing information, or if
 1006 information is incomplete or incorrect because a sexual predator
 1007 fails to report or falsely reports his or her current place of
 1008 permanent or temporary residence.

1009 (10) PENALTIES.—

1010 (a) Except as otherwise specifically provided, a sexual
 1011 predator who fails to register; who fails, after registration,
 1012 to maintain, acquire, or renew a driver license or an
 1013 identification card; who fails to provide required location
 1014 information or change-of-name information; who fails to provide
 1015 electronic mail addresses, Internet identifiers, and each

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1016 Internet identifier's corresponding website homepage or
 1017 application software name; who fails to provide all home
 1018 telephone numbers and cellular telephone numbers; who fails to
 1019 report any changes to, employment information or changes, ~~change~~
 1020 in status at an institution of higher education, ~~or change of~~
 1021 ~~name information~~; who fails to report any changes to vehicles
 1022 owned, including the addition of new vehicles and changes to the
 1023 make, model, color, vehicle identification number (VIN), and
 1024 license tag numbers of previously reported vehicles; who fails
 1025 to make a required report in connection with vacating a
 1026 permanent residence; who fails to reregister as required; who
 1027 fails to respond to any address verification correspondence from
 1028 the department or from county or local law enforcement agencies
 1029 within 3 weeks after ~~of~~ the date of the correspondence; who
 1030 knowingly provides false registration information by act or
 1031 omission; or who otherwise fails, by act or omission, to comply
 1032 with the requirements of this section commits a felony of the
 1033 third degree, punishable as provided in s. 775.082, s. 775.083,
 1034 or s. 775.084. Each instance of a failure to register or report
 1035 changes to the required information specified in this paragraph
 1036 constitutes a separate offense.

1037 (b) A sexual predator who has been convicted of or found to
 1038 have committed, or has pled nolo contendere or guilty to,
 1039 regardless of adjudication, any violation, or attempted
 1040 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 1041 the victim is a minor; s. 794.011, excluding s. 794.011(10); s.
 1042 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
 1043 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s.
 1044 985.701(1); or a violation of a similar law of another

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1045 jurisdiction when the victim of the offense was a minor, and who
 1046 works, whether for compensation or as a volunteer, at any
 1047 business, school, child care facility, park, playground, or
 1048 other place where children regularly congregate, commits a
 1049 felony of the third degree, punishable as provided in s.
 1050 775.082, s. 775.083, or s. 775.084.

1051 (c) For a felony violation of this section, excluding
 1052 paragraph (g), committed on or after July 1, 2018, if the court
 1053 does not impose a prison sentence, the court shall impose a
 1054 mandatory minimum term of community control, as defined in s.
 1055 948.001, as follows:

1056 1. For a first offense, a mandatory minimum term of 6
 1057 months with electronic monitoring.

1058 2. For a second offense, a mandatory minimum term of 1 year
 1059 with electronic monitoring.

1060 3. For a third or subsequent offense, a mandatory minimum
 1061 term of 2 years with electronic monitoring.

1062 (d) Any person who misuses public records information
 1063 relating to a sexual predator, as defined in this section, or a
 1064 sexual offender, as defined in s. 943.0435 or s. 944.607, to
 1065 secure a payment from such a predator or offender; who knowingly
 1066 distributes or publishes false information relating to such a
 1067 predator or offender which the person misrepresents as being
 1068 public records information; or who materially alters public
 1069 records information with the intent to misrepresent the
 1070 information, including documents, summaries of public records
 1071 information provided by law enforcement agencies, or public
 1072 records information displayed by law enforcement agencies on
 1073 websites or provided through other means of communication,

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1074 commits a misdemeanor of the first degree, punishable as
 1075 provided in s. 775.082 or s. 775.083.

1076 (e) A sexual predator who commits any act or omission in
 1077 violation of this section may be prosecuted for the act or
 1078 omission in the county in which the act or omission was
 1079 committed, in the county of the last registered address of the
 1080 sexual predator, in the county in which the conviction occurred
 1081 for the offense or offenses that meet the criteria for
 1082 designating a person as a sexual predator, in the county where
 1083 the sexual predator was released from incarceration, or in the
 1084 county of the intended address of the sexual predator as
 1085 reported by the sexual predator prior to his or her release from
 1086 incarceration. In addition, a sexual predator may be prosecuted
 1087 for any such act or omission in the county in which he or she
 1088 was designated a sexual predator.

1089 (f) An arrest on charges of failure to register, the
 1090 service of an information or a complaint for a violation of this
 1091 section, or an arraignment on charges for a violation of this
 1092 section constitutes actual notice of the duty to register when
 1093 the predator has been provided and advised of his or her
 1094 statutory obligation to register under subsection (6). A sexual
 1095 predator's failure to immediately register as required by this
 1096 section following such arrest, service, or arraignment
 1097 constitutes grounds for a subsequent charge of failure to
 1098 register. A sexual predator charged with the crime of failure to
 1099 register who asserts, or intends to assert, a lack of notice of
 1100 the duty to register as a defense to a charge of failure to
 1101 register shall immediately register as required by this section.
 1102 A sexual predator who is charged with a subsequent failure to

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1103 register may not assert the defense of a lack of notice of the
 1104 duty to register. Registration following such arrest, service,
 1105 or arraignment is not a defense and does not relieve the sexual
 1106 predator of criminal liability for the failure to register.

1107 (g) Any person who has reason to believe that a sexual
 1108 predator is not complying, or has not complied, with the
 1109 requirements of this section and who, with the intent to assist
 1110 the sexual predator in eluding a law enforcement agency that is
 1111 seeking to find the sexual predator to question the sexual
 1112 predator about, or to arrest the sexual predator for, his or her
 1113 noncompliance with the requirements of this section:

1114 1. Withholds information from, or does not notify, the law
 1115 enforcement agency about the sexual predator's noncompliance
 1116 with the requirements of this section, and, if known, the
 1117 whereabouts of the sexual predator;

1118 2. Harbors, or attempts to harbor, or assists another
 1119 person in harboring or attempting to harbor, the sexual
 1120 predator;

1121 3. Conceals or attempts to conceal, or assists another
 1122 person in concealing or attempting to conceal, the sexual
 1123 predator; or

1124 4. Provides information to the law enforcement agency
 1125 regarding the sexual predator which the person knows to be false
 1126 information,
 1127
 1128 commits a felony of the third degree, punishable as provided in
 1129 s. 775.082, s. 775.083, or s. 775.084. This paragraph does not
 1130 apply if the sexual predator is incarcerated in or is in the
 1131 custody of a state correctional facility, a private correctional

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1132 facility, a local jail, or a federal correctional facility.

1133 Section 2. Section 943.0435, Florida Statutes, is amended
 1134 to read:

1135 943.0435 Sexual offenders required to register with the
 1136 department; penalty.—

1137 (1) As used in this section, the term:

1138 (a) "Change in status at an institution of higher
 1139 education" has the same meaning as provided in s. 775.21.

1140 (b) "Convicted" means that there has been a determination
 1141 of guilt as a result of a trial or the entry of a plea of guilty
 1142 or nolo contendere, regardless of whether adjudication is
 1143 withheld, and includes an adjudication of delinquency of a
 1144 juvenile as specified in this section. Conviction of a similar
 1145 offense includes, but is not limited to, a conviction by a
 1146 federal or military tribunal, including courts-martial conducted
 1147 by the Armed Forces of the United States, and includes a
 1148 conviction or entry of a plea of guilty or nolo contendere
 1149 ~~resulting in a sanction~~ in any state of the United States or
 1150 other jurisdiction. ~~A sanction includes, but is not limited to,~~
 1151 ~~a fine, probation, community control, parole, conditional~~
 1152 ~~release, control release, or incarceration in a state prison,~~
 1153 ~~federal prison, private correctional facility, or local~~
 1154 ~~detention facility.~~

1155 (c) "Electronic mail address" has the same meaning as
 1156 provided in s. 668.602.

1157 (d) "Institution of higher education" has the same meaning
 1158 as provided in s. 775.21.

1159 (e) "Internet identifier" has the same meaning as provided
 1160 in s. 775.21.

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1161 (f) "Permanent residence," "temporary residence," and
 1162 "transient residence" have the same meaning as provided in s.
 1163 775.21.

1164 (g) "Professional license" has the same meaning as provided
 1165 in s. 775.21.

1166 (h)1. "Sexual offender" means a person who meets the
 1167 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 1168 subparagraph c., or sub-subparagraph d., as follows:

1169 a. (I) Has been convicted of committing, or attempting,
 1170 soliciting, or conspiring to commit, any of the criminal
 1171 offenses proscribed in the following statutes in this state or
 1172 similar offenses in another jurisdiction: s. 393.135(2); s.
 1173 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 1174 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
 1175 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
 1176 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
 1177 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
 1178 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
 1179 s. 895.03, if the court makes a written finding that the
 1180 racketeering activity involved at least one sexual offense
 1181 listed in this sub-sub-subparagraph or at least one offense
 1182 listed in this sub-sub-subparagraph with sexual intent or
 1183 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
 1184 committed in this state which has been redesignated from a
 1185 former statute number to one of those listed in this sub-sub-
 1186 subparagraph; and

1187 (II) Has been released on or after October 1, 1997, from a
 1188 sanction imposed for any conviction of an offense described in
 1189 sub-sub-subparagraph (I) and does not otherwise meet the

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1190 criteria for registration as a sexual offender under chapter 944
 1191 or chapter 985. For purposes of this sub-sub-subparagraph, a
 1192 sanction imposed in this state or in any other jurisdiction
 1193 means probation, community control, parole, conditional release,
 1194 control release, or incarceration in a state prison, federal
 1195 prison, private correctional facility, or local detention
 1196 facility. If no sanction is imposed, the person is deemed to be
 1197 released upon conviction;

1198 b. Establishes or maintains a residence in this state and
 1199 who has not been designated as a sexual predator by a court of
 1200 this state but who has been designated as a sexual predator, as
 1201 a sexually violent predator, or any other ~~by another~~ sexual
 1202 offender designation in another state or jurisdiction and was,
 1203 as a result of such designation, subjected to registration or
 1204 community or public notification, or both, or would be if the
 1205 person were a resident of that state or jurisdiction, without
 1206 regard to whether the person otherwise meets the criteria for
 1207 registration as a sexual offender;

1208 c. Establishes or maintains a residence in this state who
 1209 is in the custody or control of, or under the supervision of,
 1210 any other state or jurisdiction as a result of a conviction for
 1211 committing, or attempting, soliciting, or conspiring to commit,
 1212 any of the criminal offenses proscribed in the following
 1213 statutes or similar offense in another jurisdiction: s.
 1214 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 1215 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
 1216 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
 1217 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
 1218 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;

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1219 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
 1220 s. 847.0145; s. 895.03, if the court makes a written finding
 1221 that the racketeering activity involved at least one sexual
 1222 offense listed in this sub-subparagraph or at least one offense
 1223 listed in this sub-subparagraph with sexual intent or motive; s.
 1224 916.1075(2); or s. 985.701(1); or any similar offense committed
 1225 in this state which has been redesignated from a former statute
 1226 number to one of those listed in this sub-subparagraph; or
 1227 d. On or after July 1, 2007, has been adjudicated
 1228 delinquent for committing, or attempting, soliciting, or
 1229 conspiring to commit, any of the criminal offenses proscribed in
 1230 the following statutes in this state or similar offenses in
 1231 another jurisdiction when the juvenile was 14 years of age or
 1232 older at the time of the offense:
 1233 (I) Section 794.011, excluding s. 794.011(10);
 1234 (II) Section 800.04(4)(a)2. where the victim is under 12
 1235 years of age or where the court finds sexual activity by the use
 1236 of force or coercion;
 1237 (III) Section 800.04(5)(c)1. where the court finds
 1238 molestation involving unclothed genitals;
 1239 (IV) Section 800.04(5)(d) where the court finds the use of
 1240 force or coercion and unclothed genitals; or
 1241 (V) Any similar offense committed in this state which has
 1242 been redesignated from a former statute number to one of those
 1243 listed in this sub-subparagraph.
 1244 2. For all qualifying offenses listed in sub-subparagraph
 1245 1.d., the court shall make a written finding of the age of the
 1246 offender at the time of the offense.

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1248 For each violation of a qualifying offense listed in this
 1249 subsection, except for a violation of s. 794.011, the court
 1250 shall make a written finding of the age of the victim at the
 1251 time of the offense. For a violation of s. 800.04(4), the court
 1252 shall also make a written finding indicating whether the offense
 1253 involved sexual activity and indicating whether the offense
 1254 involved force or coercion. For a violation of s. 800.04(5), the
 1255 court shall also make a written finding that the offense did or
 1256 did not involve unclothed genitals or genital area and that the
 1257 offense did or did not involve the use of force or coercion.
 1258 (i) "Vehicles owned" has the same meaning as provided in s.
 1259 775.21.
 1260 (2) Upon initial registration, a sexual offender shall:
 1261 (a) Report in person at the sheriff's office:
 1262 1. In the county in which the offender establishes or
 1263 maintains a permanent, temporary, or transient residence within
 1264 48 hours after:
 1265 a. Establishing permanent, temporary, or transient
 1266 residence in this state; or
 1267 b. Being released from the custody, control, or supervision
 1268 of the Department of Corrections or from the custody of a
 1269 private correctional facility; or
 1270 2. In the county where he or she was convicted within 48
 1271 hours after being convicted for a qualifying offense for
 1272 registration under this section if the offender is not in the
 1273 custody or control of, or under the supervision of, the
 1274 Department of Corrections, or is not in the custody of a private
 1275 correctional facility.

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1277 Any change in the information required to be provided pursuant
 1278 to paragraph (b), including, but not limited to, any change in
 1279 the sexual offender's permanent, temporary, or transient
 1280 residence; name; electronic mail addresses; Internet identifiers
 1281 and each Internet identifier's corresponding website homepage or
 1282 application software name; home telephone numbers and cellular
 1283 telephone numbers; employment information; and any change in
 1284 status at an institution of higher education after the sexual
 1285 offender reports in person at the sheriff's office must be
 1286 reported in the manner provided in subsections (4), (7), and
 1287 (8).

1288 (b) Provide his or her name; date of birth; social security
 1289 number; race; sex; height; weight; tattoos or other identifying
 1290 marks; hair and eye color; ~~tattoos or other identifying marks~~;
 1291 fingerprints; palm prints; photograph; employment information;
 1292 address of permanent or legal residence or address of any
 1293 current temporary residence, within this ~~the~~ state or out of
 1294 state, including a rural route address and a post office box; if
 1295 he or she has no permanent or temporary address, any transient
 1296 residence within this ~~the~~ state; ~~;~~ address, location or
 1297 description, and dates of any current or known future temporary
 1298 residence within this ~~the~~ state or out of state; the make,
 1299 model, color, vehicle identification number (VIN), and license
 1300 tag number of all vehicles owned; home telephone numbers and
 1301 cellular telephone numbers; electronic mail addresses; Internet
 1302 identifiers and each Internet identifier's corresponding website
 1303 homepage or application software name; date and place of each
 1304 conviction; and a brief description of the crime or crimes
 1305 committed by the offender. A post office box may not be provided

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1306 in lieu of a physical residential address. The sexual offender
 1307 shall also produce his or her passport, if he or she has a
 1308 passport, and, if he or she is an alien, shall produce or
 1309 provide information about documents establishing his or her
 1310 immigration status. The sexual offender shall also provide
 1311 information about any professional licenses he or she has.

1312 1. If the sexual offender's place of residence is a motor
 1313 vehicle, trailer, mobile home, or manufactured home, as those
 1314 terms are defined in chapter 320, the sexual offender shall also
 1315 provide to the department through the sheriff's office written
 1316 notice of the vehicle identification number (VIN); the license
 1317 tag number; the registration number; and a description,
 1318 including color scheme, of the motor vehicle, trailer, mobile
 1319 home, or manufactured home. If the sexual offender's place of
 1320 residence is a vessel, live-aboard vessel, or houseboat, as
 1321 those terms are defined in chapter 327, the sexual offender
 1322 shall also provide to the department written notice of the hull
 1323 identification number; the manufacturer's serial number; the
 1324 name of the vessel, live-aboard vessel, or houseboat; the
 1325 registration number of the vessel, live-aboard vessel, or
 1326 houseboat; and a description, including color scheme, of the
 1327 vessel, live-aboard vessel, or houseboat.

1328 2. If the sexual offender is enrolled or employed, whether
 1329 for compensation or as a volunteer, at an institution of higher
 1330 education in this state, the sexual offender shall also provide
 1331 to the department the name, address, and county of each
 1332 institution, including each campus attended, and the sexual
 1333 offender's enrollment, volunteer, or employment status. The
 1334 sheriff, the Department of Corrections, or the Department of

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1335 Juvenile Justice shall promptly notify each institution of
 1336 higher education of the sexual offender's presence and any
 1337 change in the sexual offender's enrollment, volunteer, or
 1338 employment status.

1339 3. A sexual offender shall report with the department
 1340 through the department's online system or in person to the
 1341 sheriff's office within 48 hours after any change in vehicles
 1342 owned to report those vehicle information changes.

1343 (c) Provide any other information determined necessary by
 1344 the department, including criminal and corrections records;
 1345 nonprivileged personnel and treatment records; and evidentiary
 1346 genetic markers, when available.

1347

1348 When a sexual offender reports at the sheriff's office, the
 1349 sheriff shall take a photograph, a set of fingerprints, and palm
 1350 prints of the offender and forward the photographs, palm prints,
 1351 and fingerprints to the department, along with the information
 1352 ~~provided by the sexual offender is required to provide pursuant~~
 1353 to this section. The sheriff shall promptly provide to the
 1354 department the information received from the sexual offender.

1355 (3) Within 48 hours after the report required under
 1356 subsection (2), a sexual offender shall report in person at a
 1357 driver license office of the Department of Highway Safety and
 1358 Motor Vehicles, unless a driver license or identification card
 1359 that complies with the requirements of s. 322.141(3) was
 1360 previously secured or updated under s. 944.607. At the driver
 1361 license office the sexual offender shall:

1362 (a) If otherwise qualified, secure a Florida driver
 1363 license, renew a Florida driver license, or secure an

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1364 identification card. The sexual offender shall identify himself
 1365 or herself as a sexual offender who is required to comply with
 1366 this section and shall provide proof that the sexual offender
 1367 reported as required in subsection (2). The sexual offender
 1368 shall provide any of the information specified in subsection
 1369 (2), if requested. The sexual offender shall submit to the
 1370 taking of a photograph for use in issuing a driver license,
 1371 renewed license, or identification card, and for use by the
 1372 department in maintaining current records of sexual offenders.

1373 (b) Pay the costs assessed by the Department of Highway
 1374 Safety and Motor Vehicles for issuing or renewing a driver
 1375 license or identification card as required by this section. The
 1376 driver license or identification card issued must be in
 1377 compliance with s. 322.141(3).

1378 (c) Provide, upon request, any additional information
 1379 necessary to confirm the identity of the sexual offender,
 1380 including a set of fingerprints.

1381 (4) (a) Each time a sexual offender's driver license or
 1382 identification card is subject to renewal, and, without regard
 1383 to the status of the offender's driver license or identification
 1384 card, within 48 hours after any change in the offender's
 1385 permanent, temporary, or transient residence or change in the
 1386 offender's name by reason of marriage or other legal process,
 1387 the offender shall report in person to a driver license office,
 1388 and is subject to the requirements specified in subsection (3).
 1389 The Department of Highway Safety and Motor Vehicles shall
 1390 forward to the department all photographs and information
 1391 provided by sexual offenders. Notwithstanding the restrictions
 1392 set forth in s. 322.142, the Department of Highway Safety and

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1393 Motor Vehicles may release a reproduction of a color-photograph
 1394 or digital-image license to the Department of Law Enforcement
 1395 for purposes of public notification of sexual offenders as
 1396 provided in this section and ss. 943.043 and 944.606. A sexual
 1397 offender who is unable to secure or update a driver license or
 1398 an identification card with the Department of Highway Safety and
 1399 Motor Vehicles as provided in subsection (3) and this subsection
 1400 shall also report any change in the sexual offender's permanent,
 1401 temporary, or transient residence or change in the offender's
 1402 name by reason of marriage or other legal process within 48
 1403 hours after the change to the sheriff's office in the county
 1404 where the offender resides or is located and provide
 1405 confirmation that he or she reported such information to the
 1406 Department of Highway Safety and Motor Vehicles. The reporting
 1407 requirements under this paragraph do not negate the requirement
 1408 for a sexual offender to obtain a Florida driver license or an
 1409 identification card as required in this section.

1410 (b)1. A sexual offender who vacates a permanent, temporary,
 1411 or transient residence and fails to establish or maintain
 1412 another permanent, temporary, or transient residence shall,
 1413 within 48 hours after vacating the permanent, temporary, or
 1414 transient residence, report in person to the sheriff's office of
 1415 the county in which he or she is located. The sexual offender
 1416 shall specify the date upon which he or she intends to or did
 1417 vacate such residence. The sexual offender must provide or
 1418 update all of the registration information required under
 1419 paragraph (2)(b). The sexual offender must provide an address
 1420 for the residence or other place where ~~that~~ he or she is or will
 1421 be located during the time in which he or she fails to establish

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1422 or maintain a permanent or temporary residence.
 1423 2. A sexual offender shall report in person at the
 1424 sheriff's office in the county in which he or she is located
 1425 within 48 hours after establishing a transient residence and
 1426 thereafter must report in person every 30 days to the sheriff's
 1427 office in the county in which he or she is located while
 1428 maintaining a transient residence. The sexual offender must
 1429 provide the addresses and locations where he or she maintains a
 1430 transient residence. Each sheriff's office shall report
 1431 ~~establish procedures for reporting~~ transient residence
 1432 information in a manner prescribed by the department and provide
 1433 notice to transient registrants to report transient residence
 1434 information as required in this subparagraph. Reporting to the
 1435 sheriff's office as required by this subparagraph does not
 1436 exempt registrants from any reregistration requirement. The
 1437 sheriff may coordinate and enter into agreements with police
 1438 departments and other governmental entities to facilitate
 1439 additional reporting sites for transient residence registration
 1440 required in this subparagraph. The sheriff's office shall,
 1441 ~~within 2 business days,~~ electronically submit to and update with
 1442 the department all such information within 2 business days after
 1443 ~~provided by the sexual offender~~ provides it to the sheriff's
 1444 office ~~department~~.

1445 (c) A sexual offender who remains at a permanent,
 1446 temporary, or transient residence after reporting his or her
 1447 intent to vacate such residence shall, within 48 hours after the
 1448 date upon which the offender indicated he or she would or did
 1449 vacate such residence, report in person to the agency to which
 1450 he or she reported pursuant to paragraph (b) for the purpose of

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 1451 reporting his or her address at such residence. When the sheriff
 1452 receives the report, the sheriff shall promptly convey the
 1453 information to the department. A sexual ~~An~~ offender who makes a
 1454 report as required under paragraph (b) but fails to make a
 1455 report as required under this paragraph commits a felony of the
 1456 second degree, punishable as provided in s. 775.082, s. 775.083,
 1457 or s. 775.084.

(d) The failure of a sexual offender who maintains a
 1458 transient residence to report in person to the sheriff's office
 1459 every 30 days as required in subparagraph (b)2. is punishable as
 1460 provided in subsection (9).

(e)1. A sexual offender shall register all electronic mail
 1462 addresses and Internet identifiers, and each Internet
 1463 identifier's corresponding website homepage or application
 1464 software name, with the department through the department's
 1465 online system or in person at the sheriff's office within 48
 1466 hours after using such electronic mail addresses or ~~and~~ Internet
 1467 identifiers. If the sexual offender is in the custody or
 1468 control, or under the supervision, of the Department of
 1469 Corrections, he or she must report all electronic mail addresses
 1470 and Internet identifiers, and each Internet identifier's
 1471 corresponding website homepage or application software name, to
 1472 the Department of Corrections before using such electronic mail
 1473 addresses or Internet identifiers. If the sexual offender is in
 1474 the custody or control, or under the supervision, of the
 1475 Department of Juvenile Justice, he or she must report all
 1476 electronic mail addresses and Internet identifiers, and each
 1477 Internet identifier's corresponding website homepage or
 1478 application software name, to the Department of Juvenile Justice
 1479

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 1480 before using such electronic mail addresses or Internet
 1481 identifiers.

2. A sexual offender shall register all changes to vehicles
 1482 owned, all changes to home telephone numbers and cellular
 1483 telephone numbers, including added and deleted numbers, all
 1484 changes to employment information, and all changes in status
 1485 related to enrollment, volunteering, or employment at
 1486 institutions of higher education, through the department's
 1487 online system; in person at the sheriff's office; in person at
 1488 the Department of Corrections if the sexual offender is in the
 1489 custody or control, or under the supervision, of the Department
 1490 of Corrections; or in person at the Department of Juvenile
 1491 Justice if the sexual offender is in the custody or control, or
 1492 under the supervision, of the Department of Juvenile Justice.
 1493 All changes required to be reported under this subparagraph must
 1494 be reported within 48 hours after the change.

3. The department shall establish an online system through
 1495 which sexual offenders may securely access, submit, and update
 1496 all changes in status to vehicles owned; electronic mail
 1497 addresses; Internet identifiers and each Internet identifier's
 1498 corresponding website homepage or application software name;
 1499 home telephone numbers and cellular telephone numbers;
 1500 employment information; and institution of higher education
 1501 information.

(f) If the sexual offender is in the custody of a local
 1502 jail, the custodian of the local jail shall register the sexual
 1503 offender within 3 business days after intake of the sexual
 1504 offender for any reason and upon release, and shall forward the
 1505 registration information to the department. The custodian of the
 1506
 1507
 1508

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1509 local jail shall also take a digitized photograph of the sexual
 1510 offender while the sexual offender remains in custody and shall
 1511 provide the digitized photograph to the department. The
 1512 custodian shall notify the department if the sexual offender
 1513 escapes from custody or dies.

1514 (5) This section does not apply to a sexual offender who is
 1515 also a sexual predator, as defined in s. 775.21. A sexual
 1516 predator must register as required under s. 775.21.

1517 (6) County and local law enforcement agencies, in
 1518 conjunction with the department, shall verify the addresses of
 1519 sexual offenders who are not under the care, custody, control,
 1520 or supervision of the Department of Corrections, and may verify
 1521 the addresses of sexual offenders who are under the care,
 1522 custody, control, or supervision of the Department of
 1523 Corrections, in a manner that is consistent with the provisions
 1524 of the federal Adam Walsh Child Protection and Safety Act of
 1525 2006 and any other federal standards applicable to such
 1526 verification or required to be met as a condition for the
 1527 receipt of federal funds by the state. Local law enforcement
 1528 agencies shall report to the department any failure by a sexual
 1529 offender to comply with registration requirements.

1530 (7) A sexual offender who intends to establish a permanent,
 1531 temporary, or transient residence in another state or
 1532 jurisdiction other than the State of Florida shall report in
 1533 person to the sheriff of the county of current residence at
 1534 least within 48 hours before the date he or she intends to leave
 1535 this state to establish residence in another state or
 1536 jurisdiction or at least 21 days before the date he or she
 1537 intends to travel ~~if the intended residence of 5 days or more is~~

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1538 outside of the United States. Any travel that is not known by
 1539 the sexual offender 48 hours before he or she intends to
 1540 establish a residence in another state or jurisdiction, or 21
 1541 days before the departure date for travel outside of the United
 1542 States, must be reported in person to the sheriff's office as
 1543 soon as possible before departure. The sexual offender shall
 1544 provide to the sheriff the address, municipality, county, state,
 1545 and country of intended residence. For international travel, the
 1546 sexual offender shall also provide travel information,
 1547 including, but not limited to, expected departure and return
 1548 dates, flight number, airport of departure, cruise port of
 1549 departure, or any other means of intended travel. The sheriff
 1550 shall promptly provide to the department the information
 1551 received from the sexual offender. The department shall notify
 1552 the statewide law enforcement agency, or a comparable agency, in
 1553 the intended state, jurisdiction, or country of residence or the
 1554 intended country of travel of the sexual offender's intended
 1555 residence or intended travel. The failure of a sexual offender
 1556 to provide his or her intended place of residence or intended
 1557 travel is punishable as provided in subsection (9).

1558 (8) A sexual offender who indicates his or her intent to
 1559 establish a permanent, temporary, or transient residence in
 1560 another state, a jurisdiction other than the State of Florida,
 1561 or intent to travel to another country and later decides to
 1562 remain in this state shall, within 48 hours after the date upon
 1563 which the sexual offender indicated he or she would leave this
 1564 state, report in person to the sheriff's office ~~sheriff~~ to which
 1565 the sexual offender reported the intended change of ~~permanent,~~
 1566 ~~temporary, or transient~~ residence or intended international

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1567 travel, and report his or her intent to remain in this state.
 1568 The sheriff shall promptly report this information to the
 1569 department. A sexual offender who reports his or her intent to
 1570 establish a permanent, temporary, or transient residence in
 1571 another state, a jurisdiction other than the State of Florida,
 1572 or intent to travel to another country, but who remains in this
 1573 state without reporting to the sheriff in the manner required by
 1574 this subsection commits a felony of the second degree,
 1575 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 1576 (9) (a) Except as otherwise specifically provided, a sexual
 1577 offender who fails to register; who fails, after registration,
 1578 to maintain, acquire, or renew a driver license or an
 1579 identification card; who fails to provide required location
 1580 information or change-of-name information; who fails to provide
 1581 electronic mail addresses, Internet identifiers, and each
 1582 Internet identifier's corresponding website homepage or
 1583 application software name; who fails to provide all home
 1584 telephone numbers and cellular telephone numbers; who fails to
 1585 report any changes to employment information or changes in
 1586 status at an institution of higher education; who fails to
 1587 report any changes to vehicles owned, including the addition of
 1588 new vehicles and changes to the make, model, color, vehicle
 1589 identification number (VIN), and license tag numbers of
 1590 previously reported vehicles; who fails to make a required
 1591 report in connection with vacating a permanent residence; who
 1592 fails to reregister as required; who fails to respond to any
 1593 address verification correspondence from the department or from
 1594 county or local law enforcement agencies within 3 weeks after
 1595 the date of the correspondence; who knowingly provides false

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1596 registration information by act or omission; or who otherwise
 1597 fails, by act or omission, to ~~A sexual offender who does not~~
 1598 comply with the requirements of this section commits a felony of
 1599 the third degree, punishable as provided in s. 775.082, s.
 1600 775.083, or s. 775.084. Each instance of a failure to register
 1601 or report changes to the required information specified in this
 1602 paragraph constitutes a separate offense.
 1603 (b) For a felony violation of this section, excluding
 1604 subsection (13), committed on or after July 1, 2018, if the
 1605 court does not impose a prison sentence, the court shall impose
 1606 a mandatory minimum term of community control, as defined in s.
 1607 948.001, as follows:
 1608 1. For a first offense, a mandatory minimum term of 6
 1609 months with electronic monitoring.
 1610 2. For a second offense, a mandatory minimum term of 1 year
 1611 with electronic monitoring.
 1612 3. For a third or subsequent offense, a mandatory minimum
 1613 term of 2 years with electronic monitoring.
 1614 (c) A sexual offender who commits any act or omission in
 1615 violation of this section may be prosecuted for the act or
 1616 omission in the county in which the act or omission was
 1617 committed, in the county of the last registered address of the
 1618 sexual offender, in the county in which the conviction occurred
 1619 for the offense or offenses that meet the criteria for
 1620 designating a person as a sexual offender, in the county where
 1621 the sexual offender was released from incarceration, or in the
 1622 county of the intended address of the sexual offender as
 1623 reported by the offender prior to his or her release from
 1624 incarceration.

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1625 (d) An arrest on charges of failure to register when the
 1626 offender has been provided and advised of his or her statutory
 1627 obligations to register under subsection (2), the service of an
 1628 information or a complaint for a violation of this section, or
 1629 an arraignment on charges for a violation of this section
 1630 constitutes actual notice of the duty to register. A sexual
 1631 offender's failure to immediately register as required by this
 1632 section following such arrest, service, or arraignment
 1633 constitutes grounds for a subsequent charge of failure to
 1634 register. A sexual offender charged with the crime of failure to
 1635 register who asserts, or intends to assert, a lack of notice of
 1636 the duty to register as a defense to a charge of failure to
 1637 register shall immediately register as required by this section.
 1638 A sexual offender who is charged with a subsequent failure to
 1639 register may not assert the defense of a lack of notice of the
 1640 duty to register. Registration following such arrest, service,
 1641 or arraignment is not a defense and does not relieve the sexual
 1642 offender of criminal liability for the failure to register.

1643 (10) The department, the Department of Highway Safety and
 1644 Motor Vehicles, the Department of Corrections, the Department of
 1645 Juvenile Justice, any law enforcement agency in this state, and
 1646 the personnel of those departments; an elected or appointed
 1647 official, public employee, or school administrator; or an
 1648 employee, agency, or any individual or entity acting at the
 1649 request or upon the direction of any law enforcement agency is
 1650 immune from civil liability for damages for good faith
 1651 compliance with the requirements of this section or for the
 1652 release of information under this section, and shall be presumed
 1653 to have acted in good faith in compiling, recording, reporting,

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1654 or releasing the information. The presumption of good faith is
 1655 not overcome if a technical or clerical error is made by the
 1656 department, the Department of Highway Safety and Motor Vehicles,
 1657 the Department of Corrections, the Department of Juvenile
 1658 Justice, the personnel of those departments, or any individual
 1659 or entity acting at the request or upon the direction of any of
 1660 those departments in compiling or providing information, or if
 1661 information is incomplete or incorrect because a sexual offender
 1662 fails to report or falsely reports his or her current place of
 1663 permanent, temporary, or transient residence.

1664 (11) Except as provided in s. 943.04354, a sexual offender
 1665 shall maintain registration with the department for the duration
 1666 of his or her life unless the sexual offender has received a
 1667 full pardon or has had a conviction set aside in a
 1668 postconviction proceeding for any offense that meets the
 1669 criteria for classifying the person as a sexual offender for
 1670 purposes of registration. However, a sexual offender shall be
 1671 considered for removal of the requirement to register as a
 1672 sexual offender only if the person:

1673 (a)1. Has been lawfully released from confinement,
 1674 supervision, or sanction, whichever is later, for at least 25
 1675 years and has not been arrested for any felony or misdemeanor
 1676 offense since release, provided that the sexual offender's
 1677 requirement to register was not based upon an adult conviction:
 1678 a. For a violation of s. 787.01 or s. 787.02;
 1679 b. For a violation of s. 794.011, excluding s. 794.011(10);
 1680 c. For a violation of s. 800.04(4)(a)2. where the court
 1681 finds the offense involved a victim under 12 years of age or
 1682 sexual activity by the use of force or coercion;

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1683 d. For a violation of s. 800.04(5)(b);

1684 e. For a violation of s. 800.04(5)(c)2. where the court

1685 finds the offense involved the use of force or coercion and

1686 unclothed genitals or genital area;

1687 f. For a violation of s. 825.1025(2)(a);

1688 g. For any attempt or conspiracy to commit any such

1689 offense;

1690 h. For a violation of similar law of another jurisdiction;

1691 or

1692 i. For a violation of a similar offense committed in this

1693 state which has been redesignated from a former statute number

1694 to one of those listed in this subparagraph.

1695 2. If the sexual offender meets the criteria in

1696 subparagraph 1., the sexual offender may, for the purpose of

1697 removing the requirement for registration as a sexual offender,

1698 petition the criminal division of the circuit court of the

1699 circuit:

1700 a. Where the conviction or adjudication occurred, for a

1701 conviction in this state;

1702 b. Where the sexual offender resides, for a conviction of a

1703 violation of similar law of another jurisdiction; or

1704 c. Where the sexual offender last resided, for a sexual

1705 offender with a conviction of a violation of similar law of

1706 another jurisdiction who no longer resides in this state.

1707 3. The court may grant or deny relief if the offender

1708 demonstrates to the court that he or she has not been arrested

1709 for any crime since release; the requested relief complies with

1710 the federal Adam Walsh Child Protection and Safety Act of 2006

1711 and any other federal standards applicable to the removal of

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1712 registration requirements for a sexual offender or required to

1713 be met as a condition for the receipt of federal funds by the

1714 state; and the court is otherwise satisfied that the offender is

1715 not a current or potential threat to public safety. The

1716 department and the state attorney in the circuit in which the

1717 petition is filed must be given notice of the petition at least

1718 3 weeks before the hearing on the matter. The department and the

1719 state attorney may present evidence in opposition to the

1720 requested relief or may otherwise demonstrate the reasons why

1721 the petition should be denied. If the court denies the petition,

1722 the court may set a future date at which the sexual offender may

1723 again petition the court for relief, subject to the standards

1724 for relief provided in this subsection.

1725 4. The department shall remove an offender from

1726 classification as a sexual offender for purposes of registration

1727 if the offender provides to the department a certified copy of

1728 the court's written findings or order that indicates that the

1729 offender is no longer required to comply with the requirements

1730 for registration as a sexual offender.

1731 5. To qualify for removal of the registration requirements

1732 under this paragraph, the sexual offender must establish the

1733 requisite criteria to be considered for removal and establish

1734 that they do not meet the criteria for registration under any

1735 other sub-subparagraph under subparagraph (1)(h)1.

1736 (b) ~~Maintains As defined in sub-subparagraph (1)(h)1.b.~~

1737 ~~must maintain~~ registration with the department as described in

1738 sub-subparagraph (1)(h)1.b. for the duration of his or her life

1739 until the person provides the department with an order issued by

1740 the court that designated the person as a sexual predator, as a

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1741 sexually violent predator, or any other ~~by another~~ sexual
 1742 offender designation in the state or jurisdiction in which the
 1743 order was issued which states that such designation has been
 1744 removed or demonstrates to the department that such designation,
 1745 if not imposed by a court, has been removed by operation of law
 1746 or court order in the state or jurisdiction in which the
 1747 designation was made, ~~and~~ provided that such person no longer
 1748 meets the criteria for registration as a sexual offender under
 1749 the laws of this state. To qualify for removal of the
 1750 registration requirements under this paragraph, a sexual
 1751 offender described in sub-subparagraph (1)(h)1.b. must establish
 1752 that his or her designation has been removed and establish that
 1753 he or she does not meet the criteria for registration under any
 1754 other sub-subparagraph under subparagraph (1)(h)1.

1755 (12) The Legislature finds that sexual offenders,
 1756 especially those who have committed offenses against minors,
 1757 often pose a high risk of engaging in sexual offenses even after
 1758 being released from incarceration or commitment and that
 1759 protection of the public from sexual offenders is a paramount
 1760 government interest. Sexual offenders have a reduced expectation
 1761 of privacy because of the public's interest in public safety and
 1762 in the effective operation of government. Releasing information
 1763 concerning sexual offenders to law enforcement agencies and to
 1764 persons who request such information, and the release of such
 1765 information to the public by a law enforcement agency or public
 1766 agency, will further the governmental interests of public
 1767 safety. The designation of a person as a sexual offender is not
 1768 a sentence or a punishment but is simply the status of the
 1769 offender which is the result of a conviction for having

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1770 committed certain crimes.

1771 (13) Any person who has reason to believe that a sexual
 1772 offender is not complying, or has not complied, with the
 1773 requirements of this section and who, with the intent to assist
 1774 the sexual offender in eluding a law enforcement agency that is
 1775 seeking to find the sexual offender to question the sexual
 1776 offender about, or to arrest the sexual offender for, his or her
 1777 noncompliance with the requirements of this section:

1778 (a) Withholds information from, or does not notify, the law
 1779 enforcement agency about the sexual offender's noncompliance
 1780 with the requirements of this section, and, if known, the
 1781 whereabouts of the sexual offender;

1782 (b) Harbors, or attempts to harbor, or assists another
 1783 person in harboring or attempting to harbor, the sexual
 1784 offender; ~~or~~

1785 (c) Conceals or attempts to conceal, or assists another
 1786 person in concealing or attempting to conceal, the sexual
 1787 offender; or

1788 (d) Provides information to the law enforcement agency
 1789 regarding the sexual offender that the person knows to be false
 1790 information,

1791
 1792 commits a felony of the third degree, punishable as provided in
 1793 s. 775.082, s. 775.083, or s. 775.084.

1794 (14) (a) A sexual offender must report in person each year
 1795 during the month of the sexual offender's birthday and during
 1796 the sixth month following the sexual offender's birth month to
 1797 the sheriff's office in the county in which he or she resides or
 1798 is otherwise located to reregister.

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1799 (b) However, a sexual offender who is required to register
 1800 as a result of a conviction for:

1801 1. Section 787.01 or s. 787.02 where the victim is a minor;
 1802 2. Section 794.011, excluding s. 794.011(10);
 1803 3. Section 800.04(4)(a)2. where the court finds the offense
 1804 involved a victim under 12 years of age or sexual activity by
 1805 the use of force or coercion;
 1806 4. Section 800.04(5)(b);
 1807 5. Section 800.04(5)(c)1. where the court finds molestation
 1808 involving unclothed genitals or genital area;
 1809 6. Section 800.04(5)(c)2. where the court finds molestation
 1810 involving the use of force or coercion and unclothed genitals or
 1811 genital area;
 1812 7. Section 800.04(5)(d) where the court finds the use of
 1813 force or coercion and unclothed genitals or genital area;
 1814 8. Section 825.1025(2)(a);
 1815 9. Any attempt or conspiracy to commit such offense;
 1816 10. A violation of a similar law of another jurisdiction;
 1817 or
 1818 11. A violation of a similar offense committed in this
 1819 state which has been redesignated from a former statute number
 1820 to one of those listed in this paragraph,
 1821
 1822 must reregister each year during the month of the sexual
 1823 offender's birthday and every third month thereafter.

1824 (c) The sheriff's office may determine the appropriate
 1825 times and days for reporting by the sexual offender, which must
 1826 be consistent with the reporting requirements of this
 1827 subsection. Reregistration must include any changes to the

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1828 following information:

1829 1. Name; social security number; age; race; sex; date of
 1830 birth; height; weight; tattoos or other identifying marks; hair
 1831 and eye color; address of any permanent residence and address of
 1832 any current temporary residence, within this ~~the~~ state or out of
 1833 state, including a rural route address and a post office box; if
 1834 he or she has no permanent or temporary address, any transient
 1835 residence within this ~~the~~ state; address, location or
 1836 description, and dates of any current or known future temporary
 1837 residence within this ~~the~~ state or out of state; all electronic
 1838 mail addresses or Internet identifiers and each Internet
 1839 identifier's corresponding website homepage or application
 1840 software name; all home telephone numbers and cellular telephone
 1841 numbers; employment information; the make, model, color, vehicle
 1842 identification number (VIN), and license tag number of all
 1843 vehicles owned; fingerprints; palm prints; and photograph. A
 1844 post office box may not be provided in lieu of a physical
 1845 residential address. The sexual offender shall also produce his
 1846 or her passport, if he or she has a passport, and, if he or she
 1847 is an alien, shall produce or provide information about
 1848 documents establishing his or her immigration status. The sexual
 1849 offender shall also provide information about any professional
 1850 licenses he or she has.

1851 2. If the sexual offender is enrolled or employed, whether
 1852 for compensation or as a volunteer, at an institution of higher
 1853 education in this state, the sexual offender shall also provide
 1854 to the department the name, address, and county of each
 1855 institution, including each campus attended, and the sexual
 1856 offender's enrollment, volunteer, or employment status.

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1857 3. If the sexual offender's place of residence is a motor
 1858 vehicle, trailer, mobile home, or manufactured home, as those
 1859 terms are defined in chapter 320, the sexual offender shall also
 1860 provide the vehicle identification number (VIN); the license tag
 1861 number; the registration number; and a description, including
 1862 color scheme, of the motor vehicle, trailer, mobile home, or
 1863 manufactured home. If the sexual offender's place of residence
 1864 is a vessel, live-aboard vessel, or houseboat, as those terms
 1865 are defined in chapter 327, the sexual offender shall also
 1866 provide the hull identification number; the manufacturer's
 1867 serial number; the name of the vessel, live-aboard vessel, or
 1868 houseboat; the registration number of the vessel, live-aboard
 1869 vessel, or houseboat; and a description, including color scheme,
 1870 of the vessel, live-aboard vessel, or houseboat.

1871 ~~4. Any sexual offender who fails to report in person as~~
 1872 ~~required at the sheriff's office, who fails to respond to any~~
 1873 ~~address verification correspondence from the department within 3~~
 1874 ~~weeks of the date of the correspondence, who fails to report all~~
 1875 ~~electronic mail addresses and all Internet identifiers, and each~~
 1876 ~~Internet identifier's corresponding website homepage or~~
 1877 ~~application software name, or who knowingly provides false~~
 1878 ~~registration information by act or omission commits a felony of~~
 1879 ~~the third degree, punishable as provided in s. 775.082, s.~~
 1880 ~~775.083, or s. 775.084.~~

1881 (d) The sheriff's office shall, ~~within 2 working days,~~
 1882 electronically submit to and update with the department, in a
 1883 manner prescribed by the department, all such information within
 1884 2 business days after ~~provided by~~ the sexual offender provides
 1885 it to the sheriff's office department in a manner prescribed by

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1886 ~~the department.~~

1887 Section 3. For the purpose of incorporating the amendment
 1888 made by this act to section 775.21, Florida Statutes, in a
 1889 reference thereto, paragraph (d) of subsection (1) of section
 1890 944.606, Florida Statutes, is reenacted to read:

1891 944.606 Sexual offenders; notification upon release.—

1892 (1) As used in this section, the term:

1893 (d) "Permanent residence," "temporary residence," and
 1894 "transient residence" have the same meaning as provided in s.
 1895 775.21.

1896 Section 4. For the purpose of incorporating the amendment
 1897 made by this act to section 943.0435, Florida Statutes, in a
 1898 reference thereto, paragraph (b) of subsection (1) of section
 1899 1012.467, Florida Statutes, is reenacted to read:

1900 1012.467 Noninstructional contractors who are permitted
 1901 access to school grounds when students are present; background
 1902 screening requirements.—

1903 (1) As used in this section, the term:

1904 (b) "Convicted" has the same meaning as in s. 943.0435.

1905 Section 5. For the purpose of incorporating the amendments
 1906 made by this act to sections 775.21 and 943.0435, Florida
 1907 Statutes, in references thereto, subsection (4) of section
 1908 320.02, Florida Statutes, is reenacted to read:

1909 320.02 Registration required; application for registration;
 1910 forms.—

1911 (4) Except as provided in ss. 775.21, 775.261, 943.0435,
 1912 944.607, and 985.4815, the owner of any motor vehicle registered
 1913 in the state shall notify the department in writing of any
 1914 change of address within 30 days of such change. The

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1915 notification shall include the registration license plate
 1916 number, the vehicle identification number (VIN) or title
 1917 certificate number, year of vehicle make, and the owner's full
 1918 name.

1919 Section 6. For the purpose of incorporating the amendments
 1920 made by this act to sections 775.21 and 943.0435, Florida
 1921 Statutes, in references thereto, section 775.25, Florida
 1922 Statutes, is reenacted to read:

1923 775.25 Prosecutions for acts or omissions.—A sexual
 1924 predator or sexual offender who commits any act or omission in
 1925 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
 1926 944.607, or former s. 947.177 may be prosecuted for the act or
 1927 omission in the county in which the act or omission was
 1928 committed, in the county of the last registered address of the
 1929 sexual predator or sexual offender, in the county in which the
 1930 conviction occurred for the offense or offenses that meet the
 1931 criteria for designating a person as a sexual predator or sexual
 1932 offender, in the county where the sexual predator or sexual
 1933 offender was released from incarceration, or in the county of
 1934 the intended address of the sexual predator or sexual offender
 1935 as reported by the predator or offender prior to his or her
 1936 release from incarceration. In addition, a sexual predator may
 1937 be prosecuted for any such act or omission in the county in
 1938 which he or she was designated a sexual predator.

1939 Section 7. For the purpose of incorporating the amendments
 1940 made by this act to sections 775.21 and 943.0435, Florida
 1941 Statutes, in references thereto, subsection (1) of section
 1942 938.10, Florida Statutes, is reenacted to read:

1943 938.10 Additional court cost imposed in cases of certain

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1944 crimes.—

1945 (1) If a person pleads guilty or nolo contendere to, or is
 1946 found guilty of, regardless of adjudication, any offense against
 1947 a minor in violation of s. 784.085, chapter 787, chapter 794,
 1948 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
 1949 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
 1950 s. 893.147(3), or s. 985.701, or any offense in violation of s.
 1951 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1952 court shall impose a court cost of \$151 against the offender in
 1953 addition to any other cost or penalty required by law.

1954 Section 8. For the purpose of incorporating the amendments
 1955 made by this act to sections 775.21 and 943.0435, Florida
 1956 Statutes, in references thereto, paragraph (a) of subsection (4)
 1957 and subsection (9) of section 944.607, Florida Statutes, are
 1958 reenacted to read:

1959 944.607 Notification to Department of Law Enforcement of
 1960 information on sexual offenders.—

1961 (4) A sexual offender, as described in this section, who is
 1962 under the supervision of the Department of Corrections but is
 1963 not incarcerated shall register with the Department of
 1964 Corrections within 3 business days after sentencing for a
 1965 registrable offense and otherwise provide information as
 1966 required by this subsection.

1967 (a) The sexual offender shall provide his or her name; date
 1968 of birth; social security number; race; sex; height; weight;
 1969 hair and eye color; tattoos or other identifying marks; all
 1970 electronic mail addresses and Internet identifiers required to
 1971 be provided pursuant to s. 943.0435(4)(e); employment
 1972 information required to be provided pursuant to s.

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1973 943.0435(4)(e); all home telephone numbers and cellular
 1974 telephone numbers required to be provided pursuant to s.
 1975 943.0435(4)(e); the make, model, color, vehicle identification
 1976 number (VIN), and license tag number of all vehicles owned;
 1977 permanent or legal residence and address of temporary residence
 1978 within the state or out of state while the sexual offender is
 1979 under supervision in this state, including any rural route
 1980 address or post office box; if no permanent or temporary
 1981 address, any transient residence within the state; and address,
 1982 location or description, and dates of any current or known
 1983 future temporary residence within the state or out of state. The
 1984 sexual offender shall also produce his or her passport, if he or
 1985 she has a passport, and, if he or she is an alien, shall produce
 1986 or provide information about documents establishing his or her
 1987 immigration status. The sexual offender shall also provide
 1988 information about any professional licenses he or she has. The
 1989 Department of Corrections shall verify the address of each
 1990 sexual offender in the manner described in ss. 775.21 and
 1991 943.0435. The department shall report to the Department of Law
 1992 Enforcement any failure by a sexual predator or sexual offender
 1993 to comply with registration requirements.
 1994 (9) A sexual offender, as described in this section, who is
 1995 under the supervision of the Department of Corrections but who
 1996 is not incarcerated shall, in addition to the registration
 1997 requirements provided in subsection (4), register and obtain a
 1998 distinctive driver license or identification card in the manner
 1999 provided in s. 943.0435(3), (4), and (5), unless the sexual
 2000 offender is a sexual predator, in which case he or she shall
 2001 register and obtain a distinctive driver license or

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2002 identification card as required under s. 775.21. A sexual
 2003 offender who fails to comply with the requirements of s.
 2004 943.0435 is subject to the penalties provided in s. 943.0435(9).
 2005 Section 9. For the purpose of incorporating the amendments
 2006 made by this act to sections 775.21 and 943.0435, Florida
 2007 Statutes, in references thereto, paragraphs (a) and (d) of
 2008 subsection (1) of section 985.481, Florida Statutes, are
 2009 reenacted to read:
 2010 985.481 Sexual offenders adjudicated delinquent;
 2011 notification upon release.—
 2012 (1) As used in this section:
 2013 (a) "Convicted" has the same meaning as provided in s.
 2014 943.0435.
 2015 (d) "Permanent residence," "temporary residence," and
 2016 "transient residence" have the same meaning as provided in s.
 2017 775.21.
 2018 Section 10. For the purpose of incorporating the amendments
 2019 made by this act to sections 775.21 and 943.0435, Florida
 2020 Statutes, in references thereto, paragraphs (b) and (f) of
 2021 subsection (1) and subsection (9) of section 985.4815, Florida
 2022 Statutes, are reenacted to read:
 2023 985.4815 Notification to Department of Law Enforcement of
 2024 information on juvenile sexual offenders.—
 2025 (1) As used in this section, the term:
 2026 (b) "Conviction" has the same meaning as provided in s.
 2027 943.0435.
 2028 (f) "Permanent residence," "temporary residence," and
 2029 "transient residence" have the same meaning as provided in s.
 2030 775.21.

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2031 (9) A sexual offender, as described in this section, who is
2032 under the care, jurisdiction, or supervision of the department
2033 but who is not incarcerated shall, in addition to the
2034 registration requirements provided in subsection (4), register
2035 in the manner provided in s. 943.0435(3), (4), and (5), unless
2036 the sexual offender is a sexual predator, in which case he or
2037 she shall register as required under s. 775.21. A sexual
2038 offender who fails to comply with the requirements of s.
2039 943.0435 is subject to the penalties provided in s. 943.0435(9).
2040 Section 11. This act shall take effect July 1, 2024.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 1230

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Bradley

SUBJECT: Sexual Predators and Sexual Offenders

DATE: February 12, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1230 amends both ss. 775.21 (sexual predators), and 943.0435, F.S. (sexual offenders), to:

- Remove references to “a sanction” in the definition of the terms conviction and convicted.
- Specify that certain sexual predators and sexual offenders must provide the registration number for a vessel, live-aboard vessel, or houseboat.
- Authorize sexual predators and sexual offenders to report to the Department of Law Enforcement (FDLE) or through the FDLE’s online system within a specified timeframe after changes to vehicle information.
- Require sexual predators and sexual offenders to register all changes in vehicles owned.
- Require that a sexual predator or sexual offender report in person to the sheriff’s office in the county of current residence *at least 48 hours* before the date the person intends to leave this state to establish residence in another state or jurisdiction, or at least 21 days before the intended travel date for any travel outside the United States. Any travel not known at least 48 hours before the person intends to establish a residence in another state or jurisdiction or 21 days before departure for travel outside the United States must be reported to the sheriff’s office as soon as possible before departure.
- Specify that the FDLE must notify the intended country of travel of such travel.
- Establish that transient check-in information shall be gathered by each sheriff’s office in a manner set forth by the FDLE, rather than each sheriff’s office determining how to conduct check-ins. The sheriff’s office must electronically submit such information within 2 business days after the sexual predator or sexual offender provides it to the sheriff’s office.

- Require sexual predators and offenders to respond to any address verification correspondence from FDLE or from county or local law enforcement agencies within three weeks after the date of the correspondence, rather than only from FDLE.
- Specify that each instance of failure to register or report changes to the required information specified constitutes a separate offense.

The bill amends s. 775.21, F.S., to amend the definitions of the terms “permanent residence,” “temporary residence,” and “transient residence” to specify the number of days a person is required to be in a place for each type of residence.

The bill further amends s. 775.21, F.S., to specify that certain sexual predators must meet criteria provided in s. 943.0435, F.S., to qualify for removal of certain registration requirements.

The bill amends s. 943.0435, F.S., to require the FDLE be notified of a petition for relief and may present evidence at a hearing. A person eligible for relief from registration must show that they do not meet any qualifying criteria.

The bill amends s. 943.0435, F.S., to require all of the following:

- Require the local jail to register sexual offenders in their custody within certain time frames;
- Require jail custodians to take digital photographs of sexual offenders in their custody, provide those photographs to the FDLE, and notify the FDLE if the sexual offender escapes or dies.

The bill will have an insignificant negative fiscal impact on FDLE. See Section V., Fiscal Impact Statement.

The bill takes effect October 1, 2024.

II. Present Situation:

Sexual Predators and Offenders

The Florida Department of Law Enforcement is the state agency responsible for Florida’s sex offender registry. The information contained in the sex offender registry is reported directly to FDLE by the Florida Department of Corrections (DOC), the Florida Department of Highway Safety and Motor Vehicles (DHSMV), and law enforcement officials.¹ Florida’s sexual offender and sexual predator registration laws were implemented in 1993 and 1997.² The sex offender registry database is a statewide system that collects and disseminates sex offender information to the public and law enforcement agencies through the Sexual Offender Predator System (SOPS). The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.³

¹ FDLE, *Sexual Offender and Predator System*, <https://offender.fdle.state.fl.us/offender.sops.home.jsf>, (last visited on January 11, 2024).

² Sections 775.21 and 943.0435, F.S.

³ *State v. McKenzie*, 331 So.3d 666 (Fla. 2021).

Florida's Sexual Predator and Sexual Offender Registration Laws

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.⁴ The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. The laws span several different chapters and numerous statutes⁵ and are implemented through the combined efforts of the FDLE, all Florida sheriffs, the Department of Corrections (DOC), the Department of Juvenile Justice (DJJ), the DHSMV, and the Department of Children and Families.

A person is designated as a sexual predator by a court if the person:

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;⁶
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.⁷

A person is classified as a sexual offender if the person:

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration or community or public notification in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.⁸

Requirements for registration and reregistration are similar for sexual predators and sexual offenders, but the frequency of reregistration may differ.⁹ Registration requirements may also differ based on a special status, e.g., the sexual predator or sexual offender is in the DOC's control or custody, under the DOC's or the DJJ's supervision, or in a residential commitment program under the DJJ.

⁴ Sections 775.21 and 943.0435, F.S.

⁵ Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

⁶ Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

⁷ Section 775.21(4) and (5), F.S. The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

⁸ Sections 943.0435(1)(h) and 985.4815(1)(h), F.S. Sections 944.606(1)(f) and 944.607(1)(f), F.S., which address sexual offenders in the custody of or under the DOC's supervision, also define the term "sexual offender."

⁹ All sexual predators, sexual offenders convicted for offenses specified in s. 943.0435(14)(b), F.S., and juvenile sexual offenders required to register per s. 943.0435(1)(h)l.d., F.S., for certain offenses must reregister four times per year (on the birth month of the sexual predator or qualifying sexual offender and every third month thereafter). Sections 775.21(8)(a), 943.0435(14)(b), 944.607(13)(a), and 985.4815(13)(a), F.S. All other sexual offenders are required to reregister two times per year (on the birth month of the qualifying sexual offender and during the sixth month following the sexual offender's birth month). Section 943.0435(14)(a), F.S.

Sexual predators and sexual offenders are required to report at registration and reregistration certain information, including but not limited to, physical characteristics, relevant sex offense history, and information on residence, vehicles/vessels owned, and travel. The FDLE, through its agency website, provides a searchable database that includes some of this information.¹⁰ Further, local law enforcement agencies may also provide access to this information, such as providing a link to the state public registry webpage.

FDLE's Online System

The FDLE is required to establish an online system through which sexual predators and sexual offenders may securely access, submit, and update all electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.¹¹

A sexual predator or sexual offender must register all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the FDLE through the FDLE's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses and Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DOC, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the DOC before using such electronic mail addresses or Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DJJ, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the DJJ before using such electronic mail addresses or Internet identifiers.¹²

A sexual predator or sexual offender must register all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education in the same manner previously described.¹³

Currently, the law does not specify that a sexual predator and sexual offender may report changes to vehicles owned through FDLE's online system. The FDLE notes that "[c]urrent law requires sexual offenders and predators to report in-person to the sheriff's office within 48 hours after any change in vehicle owned. While vehicle information is incredibly important to law enforcement, the mandate to have every change to this information reported in-person to the

¹⁰ The FDLE is the central repository for registration information. The department also maintains the state public registry and ensures Florida's compliance with federal laws. The Florida sheriffs handle in-person registration and reregistration. The FDLE maintains a database that allows members of the public to search for sexual offenders and sexual predators through a variety of search options, including name, neighborhood, and enrollment, employment, or volunteer status at an institute of higher education. See <http://offender.fdle.state.fl.us/offender/Search.jsp> (last visited on Mar. 4, 2021).

¹¹ Sections 775.21(6)(g)5.c. and 943.0435(4)(e)3., F.S.

¹² Sections 775.21(6)(g)5.a. and 943.0435(4)(e)1., F.S.

¹³ Sections 775.21(6)(g)5.b. and 943.0435(4)(e)2., F.S.

sheriff's office has created a significant burden.”¹⁴ Further, according to the FDLE, “[a]llowing registrants the option to report their vehicle information and address changes online will facilitate faster access to this critical information and reduce the impact on sheriff's offices.”¹⁵

Reporting when Driver License or State Identification is Renewed and Reporting Change of Residence or Name

Within 48 hours after initial registration with the sheriff's office, a sexual predator or sexual offender who is not incarcerated and who resides in the community, including a sexual predator under the supervision of the DOC, must register in person at a driver license office of the DHSMV and present proof of registration unless a driver license or an identification card that complies with the requirements of s. 322.141(3), F.S., was previously secured or updated under s. 944.607, F.S.¹⁶

At the driver license office the sexual predator or sexual offender must do all of the following:

- If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card.
- Identify himself or herself as a sexual predator or sexual offender who is required to register, provide his or her place of permanent, temporary, or transient residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver license, a renewed license, or an identification card, and for use by the FDLE in maintaining current records of sexual predators. (There are registration requirements for other places of residence such as mobile homes and vessels.)
- Pay the costs assessed by the DHSMV for issuing or renewing a driver license or an identification card.
- Provide, upon request, any additional information necessary to confirm the identity of the sexual predator, including a set of fingerprints.¹⁷

Each time a sexual predator's or sexual offender's driver license or identification card is subject to renewal, and, without regard to the status of the predator's or offender's driver license or identification card, within 48 hours after any change of the predator's or offender's residence or change in the predator's or offender's name by reason of marriage or other legal process, the predator or offender must report in person to a driver license office and is subject to the requirements previously described. The DHSMV must forward to the FDLE and the DOC all photographs and information provided by sexual predators or sexual offenders.¹⁸

A sexual predator or sexual offender who is unable to secure or update a driver license or an identification card with the DHSMV as previously described must also report any change of the predator's or offender's residence or change in the predator's or offender's name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the predator resides or is located and provide confirmation that he or she reported

¹⁴ *Registry Amendments – Talking Points*, Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice).

¹⁵ *Id.*

¹⁶ Section 775.021(6)(f) and 943.0435(3), F.S.

¹⁷ *Id.*

¹⁸ Sections 775.021(6)(g)1. and 943.0435(4), F.S.

such information to the DHSMV. These reporting requirements do not negate the requirement for a sexual predator or sexual offender to obtain a Florida driver license or identification card.¹⁹

Reporting Residence in Another State or Jurisdiction and Travel

A sexual predator or sexual offender who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than Florida must report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction or at least 21 days before the date he or she intends to travel if the intended residence of 5 days or more is outside of the United States. Any travel that is not known by the sexual predator or sexual offender 21 days before the departure date must be reported to the sheriff's office as soon as possible before departure.²⁰

The sexual predator or sexual offender must provide to the sheriff the address, municipality, county, state, and country of intended residence. For international travel, the sexual predator or sexual offender must also provide travel information, including, but not limited to, expected departure and return dates, flight number, airport of departure, cruise port of departure, or any other means of intended travel.²¹

The sheriff must promptly provide to the FDLE the information received from the sexual predator or sexual offender. The FDLE must notify the statewide law enforcement agency, or a comparable agency, in the intended state, jurisdiction, or country of residence of the sexual predator's or sexual offender's intended residence. The failure of a sexual predator or sexual offender to provide his or her intended place of residence is a third degree felony.²²

A sexual predator or sexual offender who indicates his or her intent to establish a permanent, temporary, or transient residence in another state, a jurisdiction other than Florida, or another country and later decides to remain in this state must, within 48 hours after the date upon which the sexual predator or sexual offender indicated he or she would leave this state, report in person to the sheriff to which the sexual predator or sexual offender reported the intended change of residence, and report his or her intent to remain in this state. If the sheriff is notified by the sexual predator or sexual offender that he or she intends to remain in this state, the sheriff must promptly report this information to the FDLE. A sexual predator or sexual offender who reports his or her intent to establish a permanent, temporary, or transient residence in another state, a jurisdiction other than Florida, or another country, but who remains in this state without reporting to the sheriff as previously described commits a second degree felony.²³

¹⁹ *Id.*

²⁰ Sections 775.21(6)(i) and 943.0435(7), F.S.

²¹ *Id.*

²² *Id.* A third degree felony is punishable by up to 5 years in state prison and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

²³ Sections 775.21(6)(j) and (10) and 943.0435(8), F.S. A second degree felony is punishable by up to 15 years in state prison and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

Residence Definitions

Section 775.21, F.S., defines the terms “permanent residence,” “temporary residence,” and “transient residence” for the purpose of reporting residence information. Section 943.0435, F.S., also uses these definitions.²⁴

“Permanent residence” means a place where the person abides, lodges, or resides for 3 or more consecutive days.²⁵

“Temporary residence” means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 3 or more days in the aggregate during any calendar year and which is not the person’s permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.²⁶

“Transient residence” means a county where a person lives, remains, or is located for a period of 3 or more days in the aggregate during a calendar year and which is not the person’s permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.²⁷

Section 775.21, F.S., refers to “days” when addressing “permanent residence,” “temporary residence,” and “transient residence,” however the current law does not specify how “a day” is calculated.

Removal Requirements and Sexual Offender Registration Based on Out-of-State Conviction for Offense Not Similar to Florida Offense Requiring Registration and Not Public in Other State

A sexual predator must maintain registration with the FDLE for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding.²⁸

Except as provided in s. 943.04354, F.S., a sexual offender must maintain registration with the FDLE for the duration of his or her life unless the sexual offender has received a full pardon or has had a conviction set aside in a postconviction proceeding. However, a sexual offender must be considered for removal of the registration requirement if he or she has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and has not been arrested for any felony or misdemeanor offense since release, and the requirement to register was not based on an adult conviction for specified crimes.²⁹

²⁴ Sections 775.21(2)(k), (n), and (o) and 943.0435(1)(f), F.S.

²⁵ Section 775.21(2)(k), F.S.

²⁶ Section 775.21(2)(n), F.S.

²⁷ Section 775.21(2)(o), F.S.

²⁸ Section 775.21(6)(l), F.S.

²⁹ Section 943.0435(11)(a)1., F.S.

A sexual offender may petition the court to remove the requirement and the court may grant or deny relief if the offender demonstrates to the court that he or she has not been arrested for any crime since release. The requested relief must comply with the U.S. Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to the removal of registration requirements for a sexual offender or required to be met as a condition for the receipt of federal funds by the state; and the court is otherwise satisfied that the offender is not a current or potential threat to public safety.³⁰ This relief does not require the court or the offender to notify FDLE of the petitions.

As previously noted, for purposes of sexual offender registration, the definition of “sexual offender” includes, but is not limited to, a person who establishes or maintains a residence in Florida and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender.³¹

According to the FDLE, the criteria previously described apply to a person “based solely upon a requirement to register in another state for an offense that is *not* similar to a conviction offense requiring registration in Florida and whose registration in that other state is held confidential, not for public release, and for criminal justice purposes only.”³²

The FDLE has indicated concerns about the application of these criteria to such person. “As Florida does not have a non-public registry, such an individual’s registration information would be publicly available.”³³

III. Effect of Proposed Changes:

Section 775.21, F.S., The Florida Sexual Predators Act

The bill amends s. 775.21, F.S., by clarifying definitions of “permanent residence,”³⁴ “temporary residence,”³⁵ and “transient residence”³⁶ by specifying how days are calculated for each type of residence. For each of the above definitions for residence, the first day that a person lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day.

The definition for qualifications of transient residence was clarified to include the county where the person is located for the purpose of abiding, lodging, or residing.

³⁰ Section 943.0435(11)(a)3., F.S.

³¹ Section 943.0435(1)(h)1.b., F.S.

³² *Registry Amendments – Talking Points*, Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice).

³³ *Id.*

³⁴ Section 775.21(2)(k), F.S.

³⁵ Section 775.21(2)(n), F.S.

³⁶ Section 775.21(2)(o), F.S.

The bill removes reference to a “sanction” in the definition of “convicted.”

The bill clarifies that the removal of registration requirements for persons who have not yet been designated a sexual predator by a court, but has the sexual predator, sexually violent predator, or another sexual offender designation in another state or jurisdiction, must meet the criteria for removal in s. 943.0435, F.S.

Registration and Verification

Section 775.21(6)(d), F.S., is amended to allow a sexual predator to report to the FDLE through their online system or in person to the sheriff's office within 48 hours after any change in vehicles owned. The bill requires a sexual predator to register all changes to vehicles owned.

Section 775.21(6), F.S., specifies the timeframe for sexual predators who intend to establish permanent, temporary, or transient residence in another state or jurisdiction to report to the sheriff *at least* 48 hours before the date intended to leave. If travel is not known to the offender 48 hours prior to departure, it must be reported to the sheriff's office as soon as possible.

All travel outside of the United States must also be reported to the sheriff's office 21 days before the departure date. If travel is not known to the offender 21 days prior to departure, it must be reported as soon as possible before departure.

The FDLE must provide notification of intent to travel.

The bill amends s. 775.21, F.S., to specify if the sexual predator's place of residence is a vessel, live aboard vessel, or house boat, he or she must provide the registration number for the vessel, live-aboard vessel, or houseboat.

Penalties

Section 775.21(10), F.S., adds or clarifies the following reporting requirements for sexual predators:

- Change of name information;
- Employment changes;
- Vehicle ownership, including new vehicles, changes to the make, model, or color, vehicle identification number, and license and tag numbers of previously reported vehicles; and
- Address verification from county or local law enforcement agencies.

The bill also adds language to clarify that each instance of failure to register or report constitutes a separate offense.

Section 943.0435, F.S., Sexual Offenders Required to Register

Section 943.0435, F.S., is amended to allow a sexual offender to report to the FDLE through their online system or in person to the sheriff's office within 48 hours after any change in vehicles owned. The bill requires a sexual offender to register all changes to vehicles owned.

The bill amends s. 943.0435, F.S., to specify if the sexual predator's place of residence is a vessel, live aboard vessel, or houseboat, he or she must provide the registration number for the vessel, live-aboard vessel, or houseboat.

The bill amends s. 943.0435, F.S., to:

- Require the local jail to register sexual offenders in their custody within certain time frames; and
- Require jail custodians to take digital photographs of sexual offenders in their custody, provide those photographs to the FDLE, and notify the FDLE if the sexual offender escapes or dies.

Section 943.0435, F.S, specifies the timeframe for sexual offenders who intend to establish permanent, temporary, or transient residence in another state or jurisdiction to report to the sheriff *at least* 48 hours before the date intended to leave. If travel is not known to the offender 48 hours prior to departure, it must be reported to the sheriff's office as soon as possible.

All travel outside of the United States must also be reported to the sheriff's office 21 days before the departure date. If travel is not known to the offender 21 days prior to departure, it must be reported as soon as possible before departure.

The bill amends s. 943.0435(9)(a), F.S., to specify requirements for reporting and provides that failure to report each instance constitutes a separate offense. It is a third degree felony,³⁷ for a sexual offender to fail:

- To register;
- After registration, to maintain, acquire, or renew a driver license or ID card;
- To provide required location information;
- To provide change-of-name information;
- To provide electronic mail addresses, internet identifiers, and each Internet identifier's corresponding website homepage or application software name;
- To provide all home telephone numbers and cellular telephone numbers;
- To report any changes to employment information;
- To report changes in status at an institution of higher education;
- To report any changes to vehicles owned, including the addition of new vehicles and changes to the make, model, color, vehicle identification number (VIN), and license tag numbers of previously reported vehicles;
- To make a required report in connection with vacating a permanent residence;
- To reregister as required;
- To respond to any address verification correspondence from the department or from county or local law enforcement agencies within three weeks after the date of the correspondence; and
- To knowingly provide false registration information by act or omission; or who otherwise fails, by act or omission, to comply with the requirements of this section.

³⁷ Section 893.13(1), F.S. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

The FDLE must be notified of a petition for relief by a sexual offender under s. 943.0435(11), F.S.

The bill amends definitions by providing clarification for “educational” institution when referring to an institution of higher education, and by removing references to “a sanction” in the definition of the term convicted. The term sanction referred to a fine, probation, community control, parole, conditional release, control release, or incarceration in state, federal or private prison or local detention facility.

The bill amends both s. 775.21 and s. 943.0435, F.S., by restructuring and reorganizing the language, and making technical changes throughout the bill.

The bill takes effect October 1, 2024.

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:

The FDLE reports this bill requires changes to existing IT systems with an estimated cost of \$15,000³⁸, which can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.21 and 943.0435.

The bill reenacts the following sections of the Florida Statutes: 944.606, 1012.467, 320.02, 775.25, 938.10, 944.607, 985.481, and 985.4815.

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

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

CS by Appropriations Committee on Criminal and Civil Justice:

The committee substitute:

- Removes language created by the bill that relates to the removal of registration requirements for sex offenders.
- Provides a new effective date of October 1, 2024.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³⁸ 2024 FDLE Legislative Bill Analysis, January 5, 2024 (on file with the Senate Committee on Criminal Justice).

The Florida Senate

APPEARANCE RECORD

2/8/24

Meeting Date

1352

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Appropriations Committee on Criminal and Civil Justice

Committee

Amendment Barcode (if applicable)

Name Chancer Teel

Phone 850 717 2716

Address 2737 Centerview Dr. Street

Email Chancer.teel@fldsj.gov

Tallahassee City

FL State

32399 Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Dept. of Juvenile Justice

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

February 8, 2024

Meeting Date

CCJ Approps

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1352

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Feb 8 2024

Meeting Date

SB 1352

Bill Number or Topic

Appropriations - Crim. + Civil Justice

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Quinn Dizz

Phone 215.272.8353

Address Street

Email quinn.dizz@equalityflorida.org

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Equality Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Health and Human Services
Community Affairs
Environment and Natural Resources
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

SENATOR JONATHAN MARTIN

33rd District

January 30, 2024

The Honorable Jenifer Bradley
Senate Community Affairs Committee, Chair
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1278 – Department of Corrections

Dear Chair Bradley:

Please allow this letter to serve as my respectful request to place SB 1278, relating to the Department of Corrections, on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Martin".

Jonathan Martin
Senate District 33

Cc: Marti Harkness, Staff Director
Rebecca Henderson, Administrative Assistant

REPLY TO:

- 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2024	.	
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	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Martin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 944.31, Florida Statutes, is amended to
read:

944.31 Inspector general; inspectors; power and duties.—

(1) The inspector general shall be responsible for prison
inspection and investigation, internal affairs investigations,
and management reviews. The office of the inspector general



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11 shall be charged with the duty of inspecting the penal and
12 correctional systems of the state.

13 (2) The office of the inspector general shall inspect each
14 correctional institution or any place in which state prisoners
15 are housed, worked, or kept within the state, with reference to
16 its physical conditions, cleanliness, sanitation, safety, and
17 comfort; the quality and supply of all bedding; the quality,
18 quantity, and diversity of food served and the manner in which
19 it is served; the number and condition of the prisoners confined
20 therein; and the general conditions of each institution.

21 (3) The office of inspector general shall see that all the
22 rules and regulations issued by the department are strictly
23 observed and followed by all persons connected with the
24 correctional systems of the state. The office of the inspector
25 general shall coordinate and supervise the work of inspectors
26 throughout the state.

27 (4) The inspector general and inspectors may enter any
28 place where prisoners in this state are kept and shall be
29 immediately admitted to such place as they desire and may
30 consult and confer with any prisoner privately and without
31 molestation.

32 (5) (a) The inspector general and inspectors shall be
33 responsible for criminal and administrative investigation of
34 matters relating to the Department of Corrections.

35 (b) The secretary may designate persons within the office
36 of the inspector general as law enforcement officers to conduct
37 any criminal investigation that occurs on property owned or
38 leased by the department or involves matters over which the
39 department has jurisdiction. All criminal investigations,



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40 involving matters over which the department has jurisdiction at
41 contractor-operated correctional facilities, as defined in s.
42 944.710, may be conducted by the law enforcement officers of the
43 office of the inspector general.

44 (c) A person designated as a law enforcement officer must
45 be certified pursuant to s. 943.1395 and must have a minimum of
46 3 years' experience as an inspector in the inspector general's
47 office or as a law enforcement officer.

48 (d) The department shall maintain a memorandum of
49 understanding with the Department of Law Enforcement for the
50 notification and investigation of mutually agreed-upon predicate
51 events that shall include, but are not limited to, suspicious
52 deaths and organized criminal activity.

53 (e) During investigations, the inspector general and
54 inspectors may consult and confer with any prisoner or staff
55 member privately and without molestation and persons designated
56 as law enforcement officers under this section shall have the
57 authority to arrest, with or without a warrant, any prisoner of
58 or visitor to a state correctional institution for a violation
59 of the criminal laws of the state. Law enforcement officers
60 under this section shall have the authority to arrest, with or
61 without a warrant, any prisoner of or visitor to any state
62 correctional institution, as defined in s. 944.02, including all
63 contractor-operated correctional facilities, for any violation
64 of the criminal laws of the state involving matters over which
65 the department has jurisdiction, ~~involving an offense classified~~
66 as a felony that occurs on property owned or leased by the
67 department and may arrest offenders who have escaped or
68 absconded from custody.



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69 (f) Persons designated as law enforcement officers have the
70 authority to arrest with or without a warrant a staff member of
71 the department, including any contract employee, subcontractor,
72 or volunteer, for a violation of the criminal laws of the state
73 that occurs involving an offense classified as a felony under
74 this chapter or chapter 893 on property owned or leased by the
75 department, or any contractor-operated correctional facility
76 staff member, contract employee, subcontractor, or volunteer,
77 for a violation of the criminal laws of the state involving
78 matters over which the department has jurisdiction at any
79 contractor-operated correctional facility. A person designated
80 as a law enforcement officer under this section may make arrests
81 of persons against whom arrest warrants have been issued,
82 including arrests of offenders who have escaped or absconded
83 from custody. The arrested person shall be surrendered without
84 delay to the sheriff of the county in which the arrest is made,
85 with a formal complaint subsequently made against her or him in
86 accordance with law.

87 Section 2. Section 944.710, Florida Statutes, is amended to
88 read:

89 944.710 Definitions of terms relating to contractor-
90 operated ~~private operation of~~ state correctional facilities and
91 s. 944.105.—As used with respect to contractor-operated ~~private~~
92 ~~operation of~~ state correctional facilities and s. 944.105, the
93 term:

94 (1) "Bidder" means any individual, partnership,
95 corporation, or unincorporated association that submits a
96 proposal with the department to construct, lease, or operate a
97 contractor-operated ~~private~~ correctional facility.



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98 (2) "Department" means the Department of Corrections.

99 ~~(4)-(3)~~ "Contractor-operated private correctional facility"
100 means any facility, which is not operated by the department, for
101 the incarceration of adults or juveniles who have been sentenced
102 by a court and committed to the custody of the department.

103 ~~(3)-(4)~~ "Contractor-employed Private correctional officer"
104 means any full-time or part-time employee of a private vendor
105 whose primary responsibility is the supervision, protection,
106 care, and control of prisoners within a contractor-operated
107 ~~private~~ correctional facility.

108 (5) "Private vendor" means any individual, partnership,
109 corporation, or unincorporated association bound by contract
110 with the department to construct, lease, or operate a
111 contractor-operated private correctional facility.

112 Section 3. Subsections (1), (2), and (3) of section 957.04,
113 Florida Statutes, are amended to read:

114 957.04 Contract requirements.—

115 (1) A contract entered into under this chapter for the
116 operation of contractor-operated private correctional facilities
117 shall maximize the cost savings of such facilities and ~~shall~~:

118 (a) Unless otherwise specified herein, is not exempt from
119 chapter 287, including the competitive solicitation requirements
120 thereof. However, to the extent of a direct conflict between
121 this chapter and chapter 287, this chapter shall control.

122 Contracts entered into under this chapter for the operation of
123 contractor-operated correctional facilities are not considered
124 to be outsourced as defined in s. 287.012. The specific
125 outsourcing requirements in s. 287.0571 are not required under
126 this section.



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127 (b)~~(a)~~ Be executed ~~negotiated~~ with the contractor ~~firm~~
128 found most qualified. However, a contract for contractor-
129 operated ~~private~~ correctional services may not be entered into
130 by the department unless the department determines that the
131 contractor has demonstrated that it has:

132 1. The qualifications, experience, and management personnel
133 necessary to carry out the terms of the contract.

134 2. The ability to expedite the siting, design, and
135 construction of correctional facilities.

136 3. The ability to comply with applicable laws, court
137 orders, and national correctional standards.

138 (c)~~(b)~~ Indemnify the state and the department, including
139 their officials and agents, against any and all liability,
140 including, but not limited to, civil rights liability. Proof of
141 satisfactory insurance is required in an amount to be determined
142 by the department.

143 (d)~~(c)~~ Require that the contractor seek, obtain, and
144 maintain accreditation by the American Correctional Association
145 for the facility under that contract. Compliance with amendments
146 to the accreditation standards of the association is required
147 upon the approval of such amendments by the department.

148 (e)~~(d)~~ Require that the proposed facilities and the
149 management plans for the inmates meet applicable American
150 Correctional Association standards and the requirements of all
151 applicable court orders and state law.

152 (f)~~(e)~~ Establish operations standards for correctional
153 facilities subject to the contract. However, if the department
154 and the contractor disagree with an operations standard, the
155 contractor may propose to waive any rule, policy, or procedure



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156 of the department related to the operations standards of
157 correctional facilities which is inconsistent with the mission
158 of the contractor to establish cost-effective, contractor-
159 operated ~~privately operated~~ correctional facilities. The
160 department shall be responsible for considering all requests
161 ~~proposals~~ from the contractor to waive any rule, policy, or
162 procedure and shall render a final decision granting or denying
163 such request.

164 (g) ~~(f)~~ Require the contractor to be responsible for a range
165 of dental, medical, and psychological services; diet; education;
166 and work programs at least equal to those provided by the
167 department in comparable facilities. The work and education
168 programs must be designed to reduce recidivism, and include
169 opportunities to participate in such work programs as authorized
170 pursuant to s. 946.523.

171 (h) ~~(g)~~ Require the selection and appointment of a full-time
172 contract monitor. The contract monitor shall be appointed and
173 supervised by the department. The contractor is required to
174 reimburse the department for the salary and expenses of the
175 contract monitor. It is the obligation of the contractor to
176 provide suitable office space for the contract monitor at the
177 correctional facility. The contract monitor shall have unlimited
178 access to the correctional facility.

179 (i) ~~(h)~~ Be for a period of 3 years and may be renewed for
180 successive 2-year periods thereafter. However, the state is not
181 obligated for any payments to the contractor beyond current
182 annual appropriations.

183 (2) Each contract entered into for the design and
184 construction of a contractor-operated ~~private~~ correctional



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185 facility or juvenile commitment facility must include:

186 (a) Notwithstanding any provision of chapter 255 to the
187 contrary, a specific provision authorizing the use of tax-exempt
188 financing through the issuance of tax-exempt bonds, certificates
189 of participation, lease-purchase agreements, or other tax-exempt
190 financing methods. Pursuant to s. 255.25, approval is hereby
191 provided for the lease-purchase of up to two contractor-operated
192 ~~private~~ correctional facilities and any other facility
193 authorized by the General Appropriations Act.

194 (b) A specific provision requiring the design and
195 construction of the proposed facilities to meet the applicable
196 standards of the American Correctional Association and the
197 requirements of all applicable court orders and state law.

198 (c) A specific provision requiring the contractor, and not
199 the department, to obtain the financing required to design and
200 construct the contractor-operated ~~private~~ correctional facility
201 or juvenile commitment facility built under this chapter.

202 (d) A specific provision stating that the state is not
203 obligated for any payments that exceed the amount of the current
204 annual appropriation.

205 (3) (a) Each contract for the designing, financing,
206 acquiring, leasing, constructing, and operating of a contractor-
207 operated ~~private~~ correctional facility shall be subject to ss.
208 255.2502 and 255.2503.

209 (b) Each contract for the designing, financing, acquiring,
210 leasing, and constructing of a contractor-operated ~~private~~
211 juvenile commitment facility shall be subject to ss. 255.2502
212 and 255.2503.

213 Section 4. Subsections (4) and (5) of section 957.07,



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214 Florida Statutes, are amended to read:

215 957.07 Cost-saving requirements.—

216 (4) The department shall provide a report detailing the
217 state cost to design, finance, acquire, lease, construct, and
218 operate a facility similar to the contractor-operated private
219 correctional facility on a per diem basis. This report shall be
220 provided to the Auditor General in sufficient time that it may
221 be certified to be included in the competitive solicitation
222 ~~request for proposals.~~

223 ~~(5) (a) At the request of the Speaker of the House of~~
224 ~~Representatives or the President of the Senate, the Prison Per-~~
225 ~~Diem Workgroup shall develop consensus per diem rates for use by~~
226 ~~the Legislature. The Office of Program Policy Analysis and~~
227 ~~Government Accountability and the staffs of the appropriations~~
228 ~~committees of both the Senate and the House of Representatives~~
229 ~~are the principals of the workgroup. The workgroup may consult~~
230 ~~with other experts to assist in the development of the consensus~~
231 ~~per diem rates. All meetings of the workgroup shall be open to~~
232 ~~the public as provided in chapter 286.~~

233 ~~(b) When developing the consensus per diem rates, the~~
234 ~~workgroup must:~~

235 ~~1. Use data provided by the department from the most recent~~
236 ~~fiscal year to determine per diem costs for the following~~
237 ~~activities:~~

- 238 ~~a. Custody and control;~~
- 239 ~~b. Health services;~~
- 240 ~~c. Substance abuse programs; and~~
- 241 ~~d. Educational programs;~~

242 ~~2. Include the cost of departmental, regional,~~



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243 ~~institutional, and program administration and any other fixed~~
244 ~~costs of the department;~~

245 ~~3. Calculate average per diem rates for the following~~
246 ~~offender populations: adult male, youthful offender male, and~~
247 ~~female; and~~

248 ~~4. Make per diem adjustments, as appropriate, to account~~
249 ~~for variations in size and location of correctional facilities.~~

250 ~~(c) The consensus per diem rates determined by the~~
251 ~~workgroup may be used to assist the Legislature in determining~~
252 ~~the level of funding provided to privately operated prisons to~~
253 ~~meet the 7-percent savings required of private prisons by this~~
254 ~~chapter.~~

255 ~~(d) If a private vendor chooses not to renew the contract~~
256 ~~at the appropriated level, the department shall terminate the~~
257 ~~contract as provided in s. 957.14.~~

258 Section 5. Section 957.12, Florida Statutes, is amended to
259 read:

260 957.12 Prohibition on contact.—Except in writing to the
261 procurement office or as provided in the solicitation documents,
262 a bidder or potential bidder is not permitted to have any
263 contact with any member or employee of or consultant to the
264 department regarding a competitive solicitation request for
265 proposal, a proposal, or the evaluation or selection process
266 from the time a request for proposals for a contractor-operated
267 private correctional facility is issued until the time a
268 notification of intent to award is announced, ~~except if such~~
269 ~~contact is in writing or in a meeting for which notice was~~
270 ~~provided in the Florida Administrative Register.~~

271 Section 6. Section 957.15, Florida Statutes, is amended to



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272 read:

273 957.15 Funding of contracts for operation, maintenance, and
274 lease-purchase of contractor-operated ~~private~~ correctional
275 facilities.—The request for appropriation of funds to make
276 payments pursuant to contracts entered into by the department
277 for the operation, maintenance, and lease-purchase of the
278 contractor-operated ~~private~~ correctional facilities authorized
279 by this chapter shall be included in its budget request to the
280 Legislature as a separately identified item. ~~After an~~
281 ~~appropriation has been made by the Legislature to the department~~
282 ~~for the private correctional facilities, the department shall~~
283 ~~have no authority over such funds other than to pay from such~~
284 ~~appropriation to the appropriate private vendor such amounts as~~
285 ~~are certified for payment by the department.~~

286 Section 7. Paragraph (a) of subsection (2) of section
287 330.41, Florida Statutes, is amended to read:

288 330.41 Unmanned Aircraft Systems Act.—

289 (2) DEFINITIONS.—As used in this act, the term:

290 (a) "Critical infrastructure facility" means any of the
291 following, if completely enclosed by a fence or other physical
292 barrier that is obviously designed to exclude intruders, or if
293 clearly marked with a sign or signs which indicate that entry is
294 forbidden and which are posted on the property in a manner
295 reasonably likely to come to the attention of intruders:

296 1. A power generation or transmission facility, substation,
297 switching station, or electrical control center.

298 2. A chemical or rubber manufacturing or storage facility.

299 3. A water intake structure, water treatment facility,
300 wastewater treatment plant, or pump station.



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- 301 4. A mining facility.
- 302 5. A natural gas or compressed gas compressor station,
303 storage facility, or natural gas or compressed gas pipeline.
- 304 6. A liquid natural gas or propane gas terminal or storage
305 facility.
- 306 7. Any portion of an aboveground oil or gas pipeline.
- 307 8. A refinery.
- 308 9. A gas processing plant, including a plant used in the
309 processing, treatment, or fractionation of natural gas.
- 310 10. A wireless communications facility, including the
311 tower, antennae, support structures, and all associated ground-
312 based equipment.
- 313 11. A seaport as listed in s. 311.09(1), which need not be
314 completely enclosed by a fence or other physical barrier and
315 need not be marked with a sign or signs indicating that entry is
316 forbidden.
- 317 12. An inland port or other facility or group of facilities
318 serving as a point of intermodal transfer of freight in a
319 specific area physically separated from a seaport.
- 320 13. An airport as defined in s. 330.27.
- 321 14. A spaceport territory as defined in s. 331.303(18).
- 322 15. A military installation as defined in 10 U.S.C. s.
323 2801(c)(4) and an armory as defined in s. 250.01.
- 324 16. A dam as defined in s. 373.403(1) or other structures,
325 such as locks, floodgates, or dikes, which are designed to
326 maintain or control the level of navigable waterways.
- 327 17. A state correctional institution as defined in s.
328 944.02 or a contractor-operated ~~private~~ correctional facility
329 authorized under chapter 957.



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330 18. A secure detention center or facility as defined in s.
331 985.03, or a nonsecure residential facility, a high-risk
332 residential facility, or a maximum-risk residential facility as
333 those terms are described in s. 985.03(44).

334 19. A county detention facility as defined in s. 951.23.

335 20. A critical infrastructure facility as defined in s.
336 692.201.

337 Section 8. Paragraph (b) of subsection (3) of section
338 553.865, Florida Statutes, is amended to read:

339 553.865 Private spaces.—

340 (3) As used in this section, the term:

341 (b) "Correctional institution" means any state correctional
342 institution as defined in s. 944.02 or contractor-operated
343 ~~private~~ correctional facility as defined in s. 944.710.

344 Section 9. Paragraph (e) of subsection (1) of section
345 633.218, Florida Statutes, is amended to read:

346 633.218 Inspections of state buildings and premises; tests
347 of firesafety equipment; building plans to be approved.—

348 (1)

349 (e) For purposes of this section:

350 1.a. The term "high-hazard occupancy" means any building or
351 structure:

352 (I) That contains combustible or explosive matter or
353 flammable conditions dangerous to the safety of life or
354 property;

355 (II) At which persons receive educational instruction;

356 (III) At which persons reside, excluding private dwellings;
357 or

358 (IV) Containing three or more floor levels.



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359 b. As used in this subparagraph, the phrase "building or
360 structure":

361 (I) Includes, but is not limited to, all hospitals and
362 residential health care facilities, nursing homes and other
363 adult care facilities, correctional or detention facilities,
364 public schools, public lodging establishments, migrant labor
365 camps, residential child care facilities, and self-service
366 gasoline stations.

367 (II) Does not include any residential condominium where the
368 declaration of condominium or the bylaws provide that the rental
369 of units shall not be permitted for less than 90 days.

370 2. The term "state-owned building" includes contractor-
371 operated ~~private~~ correctional facilities as defined under s.
372 944.710 ~~s. 944.710(3)~~.

373 Section 10. Paragraph (e) of subsection (2), paragraphs (b)
374 and (e) of subsection (6), and paragraph (g) of subsection (10)
375 of section 775.21, Florida Statutes, are amended to read:

376 775.21 The Florida Sexual Predators Act.—

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

378 (e) "Conviction" means a determination of guilt which is
379 the result of a trial or the entry of a plea of guilty or nolo
380 contendere, regardless of whether adjudication is withheld. A
381 conviction for a similar offense includes, but is not limited
382 to, a conviction by a federal or military tribunal, including
383 courts-martial conducted by the Armed Forces of the United
384 States, and includes a conviction or entry of a plea of guilty
385 or nolo contendere resulting in a sanction in any state of the
386 United States or other jurisdiction. A sanction includes, but is
387 not limited to, a fine, probation, community control, parole,



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388 conditional release, control release, or incarceration in a
389 state prison, federal prison, contractor-operated ~~private~~
390 correctional facility, or local detention facility.

391 (6) REGISTRATION.—

392 (b) If the sexual predator is in the custody or control of,
393 or under the supervision of, the Department of Corrections, or
394 is in the custody of a contractor-operated ~~private~~ correctional
395 facility, the sexual predator shall register with the Department
396 of Corrections. A sexual predator who is under the supervision
397 of the Department of Corrections but who is not incarcerated
398 shall register with the Department of Corrections within 3
399 business days after the court finds the offender to be a sexual
400 predator. The Department of Corrections shall provide to the
401 department registration information and the location of, and
402 local telephone number for, any Department of Corrections office
403 that is responsible for supervising the sexual predator. In
404 addition, the Department of Corrections shall notify the
405 department if the sexual predator escapes or absconds from
406 custody or supervision or if the sexual predator dies.

407 (e)1. If the sexual predator is not in the custody or
408 control of, or under the supervision of, the Department of
409 Corrections or is not in the custody of a contractor-operated
410 ~~private~~ correctional facility, the sexual predator shall
411 register in person:

412 a. At the sheriff's office in the county where he or she
413 establishes or maintains a residence within 48 hours after
414 establishing or maintaining a residence in this state; and

415 b. At the sheriff's office in the county where he or she
416 was designated a sexual predator by the court within 48 hours



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417 after such finding is made.

418 2. Any change that occurs after the sexual predator
419 registers in person at the sheriff's office as provided in
420 subparagraph 1. in any of the following information related to
421 the sexual predator must be reported as provided in paragraphs
422 (g), (i), and (j): permanent, temporary, or transient residence;
423 name; vehicles owned; electronic mail addresses; Internet
424 identifiers and each Internet identifier's corresponding website
425 homepage or application software name; home and cellular
426 telephone numbers; employment information; and change in status
427 at an institution of higher education. When a sexual predator
428 registers with the sheriff's office, the sheriff shall take a
429 photograph, a set of fingerprints, and palm prints of the
430 predator and forward the photographs, palm prints, and
431 fingerprints to the department, along with the information that
432 the predator is required to provide pursuant to this section.

433 (10) PENALTIES.—

434 (g) Any person who has reason to believe that a sexual
435 predator is not complying, or has not complied, with the
436 requirements of this section and who, with the intent to assist
437 the sexual predator in eluding a law enforcement agency that is
438 seeking to find the sexual predator to question the sexual
439 predator about, or to arrest the sexual predator for, his or her
440 noncompliance with the requirements of this section:

441 1. Withholds information from, or does not notify, the law
442 enforcement agency about the sexual predator's noncompliance
443 with the requirements of this section, and, if known, the
444 whereabouts of the sexual predator;

445 2. Harbors, or attempts to harbor, or assists another



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446 person in harboring or attempting to harbor, the sexual
447 predator;

448 3. Conceals or attempts to conceal, or assists another
449 person in concealing or attempting to conceal, the sexual
450 predator; or

451 4. Provides information to the law enforcement agency
452 regarding the sexual predator which the person knows to be false
453 information,

454
455 commits a felony of the third degree, punishable as provided in
456 s. 775.082, s. 775.083, or s. 775.084. This paragraph does not
457 apply if the sexual predator is incarcerated in or is in the
458 custody of a state correctional facility, a contractor-operated
459 ~~private~~ correctional facility, a local jail, or a federal
460 correctional facility.

461 Section 11. Paragraph (a) of subsection (3) and paragraph
462 (a) of subsection (4) of section 775.261, Florida Statutes, are
463 amended to read:

464 775.261 The Florida Career Offender Registration Act.—

465 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

466 (a) A career offender released on or after July 1, 2002,
467 from a sanction imposed in this state must register as required
468 under subsection (4) and is subject to community and public
469 notification as provided under subsection (5). For purposes of
470 this section, a sanction imposed in this state includes, but is
471 not limited to, a fine, probation, community control, parole,
472 conditional release, control release, or incarceration in a
473 state prison, contractor-operated ~~private~~ correctional facility,
474 or local detention facility, and:



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475 1. The career offender has not received a pardon for any
476 felony or other qualified offense that is necessary for the
477 operation of this paragraph; or

478 2. A conviction of a felony or other qualified offense
479 necessary to the operation of this paragraph has not been set
480 aside in any postconviction proceeding.

481 (4) REGISTRATION.—

482 (a) A career offender must register with the department by
483 providing the following information to the department, or to the
484 sheriff's office in the county in which the career offender
485 establishes or maintains a permanent or temporary residence,
486 within 2 working days after establishing permanent or temporary
487 residence in this state or within 2 working days after being
488 released from the custody, control, or supervision of the
489 Department of Corrections or from the custody of a contractor-
490 operated private correctional facility:

491 1. Name, social security number, age, race, gender, date of
492 birth, height, weight, hair and eye color, photograph, address
493 of legal residence and address of any current temporary
494 residence within the state or out of state, including a rural
495 route address or a post office box, date and place of any
496 employment, date and place of each conviction, fingerprints, and
497 a brief description of the crime or crimes committed by the
498 career offender. A career offender may not provide a post office
499 box in lieu of a physical residential address. If the career
500 offender's place of residence is a motor vehicle, trailer,
501 mobile home, or manufactured home, as defined in chapter 320,
502 the career offender shall also provide to the department written
503 notice of the vehicle identification number; the license tag



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504 number; the registration number; and a description, including
505 color scheme, of the motor vehicle, trailer, mobile home, or
506 manufactured home. If a career offender's place of residence is
507 a vessel, live-aboard vessel, or houseboat, as defined in
508 chapter 327, the career offender shall also provide to the
509 department written notice of the hull identification number; the
510 manufacturer's serial number; the name of the vessel, live-
511 aboard vessel, or houseboat; the registration number; and a
512 description, including color scheme, of the vessel, live-aboard
513 vessel, or houseboat.

514 2. Any other information determined necessary by the
515 department, including criminal and corrections records;
516 nonprivileged personnel and treatment records; and evidentiary
517 genetic markers when available.

518 Section 12. Subsection (1) of section 784.078, Florida
519 Statutes, is amended to read:

520 784.078 Battery of facility employee by throwing, tossing,
521 or expelling certain fluids or materials.—

522 (1) As used in this section, the term "facility" means a
523 state correctional institution defined in s. 944.02(8); a
524 contractor-operated ~~private~~ correctional facility defined in s.
525 944.710 or under chapter 957; a county, municipal, or regional
526 jail or other detention facility of local government under
527 chapter 950 or chapter 951; or a secure facility operated and
528 maintained by the Department of Corrections or the Department of
529 Juvenile Justice.

530 Section 13. Subsection (1) of section 800.09, Florida
531 Statutes, is amended to read:

532 800.09 Lewd or lascivious exhibition in the presence of an



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533 employee.-

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

535 (a) "Employee" means:

536 1. Any person employed by or performing contractual
537 services for a public or private entity operating a state
538 correctional institution or contractor-operated ~~private~~
539 correctional facility;

540 2. Any person employed by or performing contractual
541 services for the corporation operating the prison industry
542 enhancement programs or the correctional work programs under
543 part II of chapter 946;

544 3. Any person who is a parole examiner with the Florida
545 Commission on Offender Review; or

546 4. Any person employed at or performing contractual
547 services for a county detention facility.

548 (b) "Facility" means a state correctional institution as
549 defined in s. 944.02, a contractor-operated ~~private~~ correctional
550 facility as defined in s. 944.710, or a county detention
551 facility as defined in s. 951.23.

552 Section 14. Paragraphs (b) and (h) of subsection (1) and
553 paragraph (a) of subsection (2) of section 943.0435, Florida
554 Statutes, are amended to read:

555 943.0435 Sexual offenders required to register with the
556 department; penalty.-

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

558 (b) "Convicted" means that there has been a determination
559 of guilt as a result of a trial or the entry of a plea of guilty
560 or nolo contendere, regardless of whether adjudication is
561 withheld, and includes an adjudication of delinquency of a



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562 juvenile as specified in this section. Conviction of a similar
563 offense includes, but is not limited to, a conviction by a
564 federal or military tribunal, including courts-martial conducted
565 by the Armed Forces of the United States, and includes a
566 conviction or entry of a plea of guilty or nolo contendere
567 resulting in a sanction in any state of the United States or
568 other jurisdiction. A sanction includes, but is not limited to,
569 a fine, probation, community control, parole, conditional
570 release, control release, or incarceration in a state prison,
571 federal prison, contractor-operated ~~private~~ correctional
572 facility, or local detention facility.

573 (h)1. "Sexual offender" means a person who meets the
574 criteria in sub-subparagraph a., sub-subparagraph b., sub-
575 subparagraph c., or sub-subparagraph d., as follows:

576 a.(I) Has been convicted of committing, or attempting,
577 soliciting, or conspiring to commit, any of the criminal
578 offenses proscribed in the following statutes in this state or
579 similar offenses in another jurisdiction: s. 393.135(2); s.
580 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
581 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
582 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
583 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
584 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
585 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
586 s. 895.03, if the court makes a written finding that the
587 racketeering activity involved at least one sexual offense
588 listed in this sub-sub-subparagraph or at least one offense
589 listed in this sub-sub-subparagraph with sexual intent or
590 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense



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591 committed in this state which has been redesignated from a
592 former statute number to one of those listed in this sub-sub-
593 subparagraph; and

594 (II) Has been released on or after October 1, 1997, from a
595 sanction imposed for any conviction of an offense described in
596 sub-sub-subparagraph (I) and does not otherwise meet the
597 criteria for registration as a sexual offender under chapter 944
598 or chapter 985. For purposes of this sub-sub-subparagraph, a
599 sanction imposed in this state or in any other jurisdiction
600 means probation, community control, parole, conditional release,
601 control release, or incarceration in a state prison, federal
602 prison, contractor-operated ~~private~~ correctional facility, or
603 local detention facility. If no sanction is imposed, the person
604 is deemed to be released upon conviction;

605 b. Establishes or maintains a residence in this state and
606 who has not been designated as a sexual predator by a court of
607 this state but who has been designated as a sexual predator, as
608 a sexually violent predator, or by another sexual offender
609 designation in another state or jurisdiction and was, as a
610 result of such designation, subjected to registration or
611 community or public notification, or both, or would be if the
612 person were a resident of that state or jurisdiction, without
613 regard to whether the person otherwise meets the criteria for
614 registration as a sexual offender;

615 c. Establishes or maintains a residence in this state who
616 is in the custody or control of, or under the supervision of,
617 any other state or jurisdiction as a result of a conviction for
618 committing, or attempting, soliciting, or conspiring to commit,
619 any of the criminal offenses proscribed in the following



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620 statutes or similar offense in another jurisdiction: s.
621 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
622 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
623 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
624 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
625 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;
626 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
627 s. 847.0145; s. 895.03, if the court makes a written finding
628 that the racketeering activity involved at least one sexual
629 offense listed in this sub-subparagraph or at least one offense
630 listed in this sub-subparagraph with sexual intent or motive; s.
631 916.1075(2); or s. 985.701(1); or any similar offense committed
632 in this state which has been redesignated from a former statute
633 number to one of those listed in this sub-subparagraph; or
634 d. On or after July 1, 2007, has been adjudicated
635 delinquent for committing, or attempting, soliciting, or
636 conspiring to commit, any of the criminal offenses proscribed in
637 the following statutes in this state or similar offenses in
638 another jurisdiction when the juvenile was 14 years of age or
639 older at the time of the offense:
640 (I) Section 794.011, excluding s. 794.011(10);
641 (II) Section 800.04(4)(a)2. where the victim is under 12
642 years of age or where the court finds sexual activity by the use
643 of force or coercion;
644 (III) Section 800.04(5)(c)1. where the court finds
645 molestation involving unclothed genitals;
646 (IV) Section 800.04(5)(d) where the court finds the use of
647 force or coercion and unclothed genitals; or
648 (V) Any similar offense committed in this state which has



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649 been redesignated from a former statute number to one of those
650 listed in this sub-subparagraph.

651 2. For all qualifying offenses listed in sub-subparagraph
652 1.d., the court shall make a written finding of the age of the
653 offender at the time of the offense.

654
655 For each violation of a qualifying offense listed in this
656 subsection, except for a violation of s. 794.011, the court
657 shall make a written finding of the age of the victim at the
658 time of the offense. For a violation of s. 800.04(4), the court
659 shall also make a written finding indicating whether the offense
660 involved sexual activity and indicating whether the offense
661 involved force or coercion. For a violation of s. 800.04(5), the
662 court shall also make a written finding that the offense did or
663 did not involve unclothed genitals or genital area and that the
664 offense did or did not involve the use of force or coercion.

665 (2) Upon initial registration, a sexual offender shall:

666 (a) Report in person at the sheriff's office:

667 1. In the county in which the offender establishes or
668 maintains a permanent, temporary, or transient residence within
669 48 hours after:

670 a. Establishing permanent, temporary, or transient
671 residence in this state; or

672 b. Being released from the custody, control, or supervision
673 of the Department of Corrections or from the custody of a
674 contractor-operated ~~private~~ correctional facility; or

675 2. In the county where he or she was convicted within 48
676 hours after being convicted for a qualifying offense for
677 registration under this section if the offender is not in the



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678 custody or control of, or under the supervision of, the
679 Department of Corrections, or is not in the custody of a
680 contractor-operated ~~private~~ correctional facility.

681
682 Any change in the information required to be provided pursuant
683 to paragraph (b), including, but not limited to, any change in
684 the sexual offender's permanent, temporary, or transient
685 residence; name; electronic mail addresses; Internet identifiers
686 and each Internet identifier's corresponding website homepage or
687 application software name; home telephone numbers and cellular
688 telephone numbers; employment information; and any change in
689 status at an institution of higher education after the sexual
690 offender reports in person at the sheriff's office must be
691 reported in the manner provided in subsections (4), (7), and
692 (8).

693
694 When a sexual offender reports at the sheriff's office, the
695 sheriff shall take a photograph, a set of fingerprints, and palm
696 prints of the offender and forward the photographs, palm prints,
697 and fingerprints to the department, along with the information
698 provided by the sexual offender. The sheriff shall promptly
699 provide to the department the information received from the
700 sexual offender.

701 Section 15. Subsections (5) and (8) of section 943.13,
702 Florida Statutes, are amended to read:

703 943.13 Officers' minimum qualifications for employment or
704 appointment.—On or after October 1, 1984, any person employed or
705 appointed as a full-time, part-time, or auxiliary law
706 enforcement officer or correctional officer; on or after October



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707 1, 1986, any person employed as a full-time, part-time, or
708 auxiliary correctional probation officer; and on or after
709 October 1, 1986, any person employed as a full-time, part-time,
710 or auxiliary correctional officer by a private entity under
711 contract to the Department of Corrections or to a county
712 commission shall:

713 (5) Have documentation of his or her processed fingerprints
714 on file with the employing agency or, if a contractor-employed
715 ~~private~~ correctional officer, have documentation of his or her
716 processed fingerprints on file with the Department of
717 Corrections or the Criminal Justice Standards and Training
718 Commission. The department shall retain and enter into the
719 statewide automated biometric identification system authorized
720 by s. 943.05 all fingerprints submitted to the department as
721 required by this section. Thereafter, the fingerprints shall be
722 available for all purposes and uses authorized for arrest
723 fingerprints entered in the statewide automated biometric
724 identification system pursuant to s. 943.051. The department
725 shall search all arrest fingerprints received pursuant to s.
726 943.051 against the fingerprints retained in the statewide
727 automated biometric identification system pursuant to this
728 section and report to the employing agency any arrest records
729 that are identified with the retained employee's fingerprints.
730 These fingerprints must be forwarded to the department for
731 processing and retention.

732 (8) Execute and submit to the employing agency or, if a
733 contractor-employed ~~private~~ correctional officer, submit to the
734 appropriate governmental entity an affidavit-of-applicant form,
735 adopted by the commission, attesting to his or her compliance



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736 with subsections (1)-(7). The affidavit shall require the
737 applicant to disclose any pending investigation by a local,
738 state, or federal agency or entity for criminal, civil, or
739 administrative wrongdoing and whether the applicant separated or
740 resigned from previous criminal justice employment while he or
741 she was under investigation. The affidavit shall be executed
742 under oath and constitutes an official statement within the
743 purview of s. 837.06. The affidavit shall include conspicuous
744 language that the intentional false execution of the affidavit
745 constitutes a misdemeanor of the second degree. The affidavit
746 shall be retained by the employing agency.

747 Section 16. Paragraph (g) of subsection (2) of section
748 943.325, Florida Statutes, is amended to read:

749 943.325 DNA database.—

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

751 (g) "Qualifying offender" means any person, including
752 juveniles and adults, who is:

753 1.a. Committed to a county jail;

754 b. Committed to or under the supervision of the Department
755 of Corrections, including persons incarcerated in a contractor-
756 operated ~~private~~ correctional institution operated under
757 contract pursuant to s. 944.105;

758 c. Committed to or under the supervision of the Department
759 of Juvenile Justice;

760 d. Transferred to this state under the Interstate Compact
761 on Juveniles, part XIII of chapter 985; or

762 e. Accepted under Article IV of the Interstate Corrections
763 Compact, part III of chapter 941; and who is:

764 2.a. Convicted of any felony offense or attempted felony



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765 offense in this state or of a similar offense in another
766 jurisdiction;

767 b. Convicted of a misdemeanor violation of s. 784.048, s.
768 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
769 offense that was found, pursuant to s. 874.04, to have been
770 committed for the purpose of benefiting, promoting, or
771 furthering the interests of a criminal gang as defined in s.
772 874.03;

773 c. Arrested for any felony offense or attempted felony
774 offense in this state; or

775 d. In the custody of a law enforcement agency and is
776 subject to an immigration detainer issued by a federal
777 immigration agency.

778 Section 17. Subsections (4), (5), and (7) of section
779 944.105, Florida Statutes, are amended to read:

780 944.105 Contractual arrangements with contractor-operated
781 ~~private~~ entities for operation and maintenance of correctional
782 facilities and supervision of inmates.—

783 (4) A contractor-employed ~~private~~ correctional officer may
784 use force only while on the grounds of a facility, while
785 transporting inmates, and while pursuing escapees from a
786 facility. A contractor-employed ~~private~~ correctional officer may
787 use nondeadly force in the following situations:

788 (a) To prevent the commission of a felony or a misdemeanor,
789 including escape.

790 (b) To defend oneself or others against physical assault.

791 (c) To prevent serious damage to property.

792 (d) To enforce institutional regulations and orders.

793 (e) To prevent or quell a riot.



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Contractor-employed ~~Private~~ correctional officers may carry and use firearms and may use deadly force only as a last resort, and then only to prevent an act that could result in death or serious bodily injury to oneself or to another person.

(5) Contractor-employed ~~Private~~ correctional officers shall be trained in the use of force and the use of firearms and shall be trained at the contractor-operated ~~private~~ firm's expense, at the facilities that train correctional officers employed by the department.

(7) The department shall require the certification of contractor-employed ~~private~~ correctional officers at the private vendor's expense under s. 943.1395, and all such officers must meet the minimum qualifications established in s. 943.13. All other employees of the private vendor that perform their duties at the contractor-operated ~~private~~ correctional facility shall receive, at a minimum, the same quality and quantity of training as that required by the state for employees of state-operated correctional facilities. All training expenses shall be the responsibility of the private vendor. The department shall be the contributor and recipient of all criminal background information necessary for certification by the Criminal Justice Standards and Training Commission.

Section 18. Subsections (1), (2), (3), and (4) of section 944.151, Florida Statutes, are amended to read:

944.151 Safe operation and security of correctional institutions and facilities.—It is the intent of the Legislature that the Department of Corrections shall be responsible for the safe operation and security of the correctional institutions and



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823 facilities. The safe operation and security of the state's
824 correctional institutions and facilities are critical to ensure
825 public safety and the safety of department employees and
826 offenders, and to contain violent and chronic offenders until
827 offenders are otherwise released from the department's custody
828 pursuant to law. The Secretary of Corrections shall, at a
829 minimum:

830 (1) Appoint appropriate department staff to a safety and
831 security review committee that shall evaluate new safety and
832 security technology, review and discuss current issues impacting
833 state and contractor-operated ~~private~~ correctional institutions
834 and facilities, and review and discuss other issues as requested
835 by department management.

836 (2) Direct appropriate department staff to establish a
837 periodic schedule for the physical inspection of buildings and
838 structures of each state and contractor-operated ~~private~~
839 correctional institution and facility to determine safety and
840 security deficiencies. In scheduling the inspections, priority
841 shall be given to older institutions and facilities;
842 institutions and facilities that house a large proportion of
843 violent offenders; institutions and facilities that have
844 experienced a significant number of inappropriate incidents of
845 use of force on inmates, assaults on employees, or inmate sexual
846 abuse; and institutions and facilities that have experienced a
847 significant number of escapes or escape attempts in the past.

848 (3) Direct appropriate department staff to conduct or cause
849 to be conducted announced and unannounced comprehensive security
850 audits of all state and contractor-operated ~~private~~ correctional
851 institutions and facilities. Priority shall be given to those



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852 institutions and facilities that have experienced a significant
853 number of inappropriate incidents of use of force on inmates,
854 assaults on employees, or sexual abuse. At a minimum, the audit
855 must include an evaluation of the physical plant, landscaping,
856 fencing, security alarms and perimeter lighting, and
857 confinement, arsenal, key and lock, and entrance and exit
858 policies. The evaluation of the physical plant policies must
859 include the identification of blind spots or areas where staff
860 or inmates may be isolated and the deployment of video
861 monitoring systems and other appropriate monitoring technologies
862 in such spots or areas. Each correctional institution and
863 facility shall be audited at least annually. The secretary shall
864 annually report the audit findings to the Governor and the
865 Legislature.

866 (4) Direct appropriate department staff to investigate and
867 evaluate the usefulness and dependability of existing safety and
868 security technology at state and contractor-operated ~~private~~
869 correctional institutions and facilities, investigate and
870 evaluate new available safety and security technology, and make
871 periodic written recommendations to the secretary on the
872 discontinuation or purchase of various safety and security
873 devices.

874 Section 19. Paragraph (b) of subsection (3) of section
875 944.17, Florida Statutes, is amended to read:

876 944.17 Commitments and classification; transfers.—

877 (3)

878 (b) Notwithstanding paragraph (a), any prisoner
879 incarcerated in the state correctional system or contractor-
880 operated ~~private~~ correctional facility operated pursuant to



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881 chapter 957 who is convicted in circuit or county court of a
882 crime committed during that incarceration shall serve the
883 sentence imposed for that crime within the state correctional
884 system regardless of the length of sentence or classification of
885 the offense.

886 Section 20. Paragraph (b) of subsection (3) of section
887 944.35, Florida Statutes, is amended to read:

888 944.35 Authorized use of force; malicious battery and
889 sexual misconduct prohibited; reporting required; penalties.—

890 (3)

891 (b)1. As used in this paragraph, the term:

892 a. "Female genitals" includes the labia minora, labia
893 majora, clitoris, vulva, hymen, and vagina.

894 b. "Contractor-operated ~~Private~~ correctional facility" has
895 the same meaning as in s. 944.710.

896 c. "Sexual misconduct" means the oral, anal, or female
897 genital penetration by, or union with, the sexual organ of
898 another or the anal or female genital penetration of another by
899 any other object, but does not include an act done for a bona
900 fide medical purpose or an internal search conducted in the
901 lawful performance of the employee's duty.

902 d. "Volunteer" means a person registered with the
903 department or a contractor-operated ~~private~~ correctional
904 facility who is engaged in specific voluntary service activities
905 on an ongoing or continual basis.

906 2. Any employee of the department or a contractor-operated
907 ~~private~~ correctional facility or any volunteer in, or any
908 employee of a contractor or subcontractor of, the department or
909 a contractor-operated ~~private~~ correctional facility who engages



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910 in sexual misconduct with an inmate or an offender supervised by
911 the department in the community, without committing the crime of
912 sexual battery, commits a felony of the third degree, punishable
913 as provided in s. 775.082, s. 775.083, or s. 775.084.

914 3. The consent of the inmate or offender supervised by the
915 department in the community to any act of sexual misconduct may
916 not be raised as a defense to a prosecution under this
917 paragraph.

918 4. This paragraph does not apply to any employee,
919 volunteer, or employee of a contractor or subcontractor of the
920 department or any employee, volunteer, or employee of a
921 contractor or subcontractor of a contractor-operated ~~private~~
922 correctional facility who is legally married to an inmate or an
923 offender supervised by the department in the community, nor does
924 it apply to any employee, volunteer, or employee of a contractor
925 or subcontractor who has no knowledge, and would have no reason
926 to believe, that the person with whom the employee, volunteer,
927 or employee of a contractor or subcontractor has engaged in
928 sexual misconduct is an inmate or an offender under community
929 supervision of the department.

930 Section 21. Section 944.40, Florida Statutes, is amended to
931 read:

932 944.40 Escapes; penalty.—Any prisoner confined in, or
933 released on furlough from, any prison, jail, contractor-operated
934 ~~private~~ correctional facility, road camp, or other penal
935 institution, whether operated by the state, a county, or a
936 municipality, or operated under a contract with the state, a
937 county, or a municipality, working upon the public roads, or
938 being transported to or from a place of confinement who escapes



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939 or attempts to escape from such confinement commits a felony of
940 the second degree, punishable as provided in s. 775.082, s.
941 775.083, or s. 775.084. The punishment of imprisonment imposed
942 under this section shall run consecutive to any former sentence
943 imposed upon any prisoner.

944 Section 22. Subsections (1) and (2) of section 944.605,
945 Florida Statutes, are amended to read:

946 944.605 Inmate release; notification; identification card.—

947 (1) Within 6 months before the release of an inmate from
948 the custody of the Department of Corrections or a contractor-
949 operated private correctional facility by expiration of sentence
950 under s. 944.275, any release program provided by law, or parole
951 under chapter 947, or as soon as possible if the offender is
952 released earlier than anticipated, notification of such
953 anticipated release date shall be made known by the Department
954 of Corrections to the chief judge of the circuit in which the
955 offender was sentenced, the appropriate state attorney, the
956 original arresting law enforcement agency, the Department of Law
957 Enforcement, and the sheriff as chief law enforcement officer of
958 the county in which the inmate plans to reside. In addition,
959 unless otherwise requested by the victim, the victim's parent or
960 guardian if the victim is a minor, the lawful representative of
961 the victim or of the victim's parent or guardian if the victim
962 is a minor, the victim's next of kin in the case of a homicide,
963 the state attorney or the Department of Corrections, whichever
964 is appropriate, shall notify such person within 6 months before
965 the inmate's release, or as soon as possible if the offender is
966 released earlier than anticipated, when the name and address of
967 such victim, or the name and address of the parent, guardian,



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968 next of kin, or lawful representative of the victim has been
969 furnished to the agency. The state attorney shall provide the
970 latest address documented for the victim, or for the victim's
971 parent, guardian, next of kin, or lawful representative, as
972 applicable, to the sheriff with the other documents required by
973 law for the delivery of inmates to those agencies for service of
974 sentence. Upon request, within 30 days after an inmate is
975 approved for community work release, the state attorney, the
976 victim, the victim's parent or guardian if the victim is a
977 minor, the victim's next of kin in the case of a homicide, or
978 the lawful representative of the victim or of the victim's
979 parent or guardian if the victim is a minor shall be notified
980 that the inmate has been approved for community work release.
981 This section does not imply any repeal or modification of any
982 provision of law relating to notification of victims.

983 (2) Within 60 days before the anticipated release of an
984 inmate under subsection (1), a digitized photograph of the
985 inmate to be released shall be made by the Department of
986 Corrections or a contractor-operated ~~private~~ correctional
987 facility, whichever has custody of the inmate. If a contractor-
988 operated ~~private~~ correctional facility makes the digitized
989 photograph, this photograph shall be provided to the Department
990 of Corrections. Additionally, the digitized photograph, whether
991 made by the Department of Corrections or a contractor-operated
992 ~~private~~ correctional facility, shall be placed in the inmate's
993 file. The Department of Corrections shall make the digitized
994 photograph available electronically to the Department of Law
995 Enforcement as soon as the digitized photograph is in the
996 department's database and must be in a format that is compatible



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997 with the requirements of the Florida Crime Information Center.
998 The department shall provide a copy of the digitized photograph
999 to a local law enforcement agency upon request.

1000 Section 23. Paragraph (a) of subsection (1) and paragraph
1001 (a) of subsection (3) of section 944.606, Florida Statutes, are
1002 amended to read:

1003 944.606 Sexual offenders; notification upon release.—

1004 (1) As used in this section, the term:

1005 (a) "Convicted" means there has been a determination of
1006 guilt as a result of a trial or the entry of a plea of guilty or
1007 nolo contendere, regardless of whether adjudication is withheld.
1008 A conviction for a similar offense includes, but is not limited
1009 to, a conviction by a federal or military tribunal, including
1010 courts-martial conducted by the Armed Forces of the United
1011 States, and includes a conviction or entry of a plea of guilty
1012 or nolo contendere resulting in a sanction in any state of the
1013 United States or other jurisdiction. A sanction includes, but is
1014 not limited to, a fine; probation; community control; parole;
1015 conditional release; control release; or incarceration in a
1016 state prison, federal prison, contractor-operated ~~private~~
1017 correctional facility, or local detention facility.

1018 (3) (a) The department shall provide information regarding
1019 any sexual offender who is being released after serving a period
1020 of incarceration for any offense, as follows:

1021 1. The department shall provide: the sexual offender's
1022 name, any change in the offender's name by reason of marriage or
1023 other legal process, and any alias, if known; the correctional
1024 facility from which the sexual offender is released; the sexual
1025 offender's social security number, race, sex, date of birth,



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1026 height, weight, and hair and eye color; tattoos or other
1027 identifying marks; address of any planned permanent residence or
1028 temporary residence, within the state or out of state, including
1029 a rural route address and a post office box; if no permanent or
1030 temporary address, any transient residence within the state;
1031 address, location or description, and dates of any known future
1032 temporary residence within the state or out of state; date and
1033 county of sentence and each crime for which the offender was
1034 sentenced; a copy of the offender's fingerprints, palm prints,
1035 and a digitized photograph taken within 60 days before release;
1036 the date of release of the sexual offender; all electronic mail
1037 addresses and all Internet identifiers required to be provided
1038 pursuant to s. 943.0435(4)(e); employment information, if known,
1039 provided pursuant to s. 943.0435(4)(e); all home telephone
1040 numbers and cellular telephone numbers required to be provided
1041 pursuant to s. 943.0435(4)(e); information about any
1042 professional licenses the offender has, if known; and passport
1043 information, if he or she has a passport, and, if he or she is
1044 an alien, information about documents establishing his or her
1045 immigration status. The department shall notify the Department
1046 of Law Enforcement if the sexual offender escapes, absconds, or
1047 dies. If the sexual offender is in the custody of a contractor-
1048 operated ~~private~~ correctional facility, the facility shall take
1049 the digitized photograph of the sexual offender within 60 days
1050 before the sexual offender's release and provide this photograph
1051 to the Department of Corrections and also place it in the sexual
1052 offender's file. If the sexual offender is in the custody of a
1053 local jail, the custodian of the local jail shall register the
1054 offender within 3 business days after intake of the offender for



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1055 any reason and upon release, and shall notify the Department of
1056 Law Enforcement of the sexual offender's release and provide to
1057 the Department of Law Enforcement the information specified in
1058 this paragraph and any information specified in subparagraph 2.
1059 that the Department of Law Enforcement requests.

1060 2. The department may provide any other information deemed
1061 necessary, including criminal and corrections records,
1062 nonprivileged personnel and treatment records, when available.

1063 Section 24. Paragraphs (b) and (f) of subsection (1),
1064 paragraph (g) of subsection (6), and subsection (12) of section
1065 944.607, Florida Statutes, are amended to read:

1066 944.607 Notification to Department of Law Enforcement of
1067 information on sexual offenders.—

1068 (1) As used in this section, the term:

1069 (b) "Conviction" means a determination of guilt which is
1070 the result of a trial or the entry of a plea of guilty or nolo
1071 contendere, regardless of whether adjudication is withheld.
1072 Conviction of a similar offense includes, but is not limited to,
1073 a conviction by a federal or military tribunal, including
1074 courts-martial conducted by the Armed Forces of the United
1075 States, and includes a conviction or entry of a plea of guilty
1076 or nolo contendere resulting in a sanction in any state of the
1077 United States or other jurisdiction. A sanction includes, but is
1078 not limited to, a fine; probation; community control; parole;
1079 conditional release; control release; or incarceration in a
1080 state prison, federal prison, contractor-operated ~~private~~
1081 correctional facility, or local detention facility.

1082 (f) "Sexual offender" means a person who is in the custody
1083 or control of, or under the supervision of, the department or is



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1084 in the custody of a contractor-operated ~~private~~ correctional
1085 facility:

1086 1. On or after October 1, 1997, as a result of a conviction
1087 for committing, or attempting, soliciting, or conspiring to
1088 commit, any of the criminal offenses proscribed in the following
1089 statutes in this state or similar offenses in another
1090 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
1091 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
1092 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
1093 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
1094 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
1095 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
1096 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
1097 makes a written finding that the racketeering activity involved
1098 at least one sexual offense listed in this subparagraph or at
1099 least one offense listed in this subparagraph with sexual intent
1100 or motive; s. 916.1075(2); or s. 985.701(1); or any similar
1101 offense committed in this state which has been redesignated from
1102 a former statute number to one of those listed in this
1103 paragraph; or

1104 2. Who establishes or maintains a residence in this state
1105 and who has not been designated as a sexual predator by a court
1106 of this state but who has been designated as a sexual predator,
1107 as a sexually violent predator, or by another sexual offender
1108 designation in another state or jurisdiction and was, as a
1109 result of such designation, subjected to registration or
1110 community or public notification, or both, or would be if the
1111 person were a resident of that state or jurisdiction, without
1112 regard as to whether the person otherwise meets the criteria for



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1113 registration as a sexual offender.

1114 (6) The information provided to the Department of Law
1115 Enforcement must include:

1116 (g) A digitized photograph of the sexual offender which
1117 must have been taken within 60 days before the offender is
1118 released from the custody of the department or a contractor-
1119 operated ~~private~~ correctional facility by expiration of sentence
1120 under s. 944.275 or must have been taken by January 1, 1998, or
1121 within 60 days after the onset of the department's supervision
1122 of any sexual offender who is on probation, community control,
1123 conditional release, parole, provisional release, or control
1124 release or who is supervised by the department under the
1125 Interstate Compact Agreement for Probationers and Parolees. If
1126 the sexual offender is in the custody of a contractor-operated
1127 ~~private~~ correctional facility, the facility shall take a
1128 digitized photograph of the sexual offender within the time
1129 period provided in this paragraph and shall provide the
1130 photograph to the department.

1131
1132 If any information provided by the department changes during the
1133 time the sexual offender is under the department's control,
1134 custody, or supervision, including any change in the offender's
1135 name by reason of marriage or other legal process, the
1136 department shall, in a timely manner, update the information and
1137 provide it to the Department of Law Enforcement in the manner
1138 prescribed in subsection (2).

1139 (12) Any person who has reason to believe that a sexual
1140 offender is not complying, or has not complied, with the
1141 requirements of this section and who, with the intent to assist



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1142 the sexual offender in eluding a law enforcement agency that is
1143 seeking to find the sexual offender to question the sexual
1144 offender about, or to arrest the sexual offender for, his or her
1145 noncompliance with the requirements of this section:

1146 (a) Withholds information from, or does not notify, the law
1147 enforcement agency about the sexual offender's noncompliance
1148 with the requirements of this section, and, if known, the
1149 whereabouts of the sexual offender;

1150 (b) Harbors, or attempts to harbor, or assists another
1151 person in harboring or attempting to harbor, the sexual
1152 offender; or

1153 (c) Conceals or attempts to conceal, or assists another
1154 person in concealing or attempting to conceal, the sexual
1155 offender; or

1156 (d) Provides information to the law enforcement agency
1157 regarding the sexual offender which the person knows to be false
1158 information,

1159
1160 commits a felony of the third degree, punishable as provided in
1161 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
1162 apply if the sexual offender is incarcerated in or is in the
1163 custody of a state correctional facility, a contractor-operated
1164 ~~private~~ correctional facility, a local jail, or a federal
1165 correctional facility.

1166 Section 25. Subsection (1) and paragraph (e) of subsection
1167 (5) of section 944.608, Florida Statutes, are amended to read:

1168 944.608 Notification to Department of Law Enforcement of
1169 information on career offenders.—

1170 (1) As used in this section, the term "career offender"



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1171 means a person who is in the custody or control of, or under the
1172 supervision of, the department or is in the custody or control
1173 of, or under the supervision of, a contractor-operated ~~private~~
1174 correctional facility, and who is designated as a habitual
1175 violent felony offender, a violent career criminal, or a three-
1176 time violent felony offender under s. 775.084 or as a prison
1177 releasee reoffender under s. 775.082(9).

1178 (5) The information provided to the Department of Law
1179 Enforcement must include:

1180 (e) A digitized photograph of the career offender, which
1181 must have been taken within 60 days before the career offender
1182 is released from the custody of the department or a contractor-
1183 operated ~~private~~ correctional facility or within 60 days after
1184 the onset of the department's supervision of any career offender
1185 who is on probation, community control, conditional release,
1186 parole, provisional release, or control release. If the career
1187 offender is in the custody or control of, or under the
1188 supervision of, a contractor-operated ~~private~~ correctional
1189 facility, the facility shall take a digitized photograph of the
1190 career offender within the time period provided in this
1191 paragraph and shall provide the photograph to the department.

1192 Section 26. Subsection (1) and paragraph (a) of subsection
1193 (3) of section 944.609, Florida Statutes, are amended to read:

1194 944.609 Career offenders; notification upon release.-

1195 (1) As used in this section, the term "career offender"
1196 means a person who is in the custody or control of, or under the
1197 supervision of, the department or is in the custody or control
1198 of, or under the supervision of a contractor-operated ~~private~~
1199 correctional facility, who is designated as a habitual violent



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1200 felony offender, a violent career criminal, or a three-time
1201 violent felony offender under s. 775.084 or as a prison releasee
1202 reoffender under s. 775.082(9).

1203 (3)(a) The department must provide information regarding
1204 any career offender who is being released after serving a period
1205 of incarceration for any offense, as follows:

1206 1. The department must provide the career offender's name,
1207 any change in the career offender's name by reason of marriage
1208 or other legal process, and any alias, if known; the
1209 correctional facility from which the career offender is
1210 released; the career offender's social security number, race,
1211 gender, date of birth, height, weight, and hair and eye color;
1212 date and county of sentence and each crime for which the career
1213 offender was sentenced; a copy of the career offender's
1214 fingerprints and a digitized photograph taken within 60 days
1215 before release; the date of release of the career offender; and
1216 the career offender's intended residence address, if known. The
1217 department shall notify the Department of Law Enforcement if the
1218 career offender escapes, absconds, or dies. If the career
1219 offender is in the custody of a contractor-operated ~~private~~
1220 correctional facility, the facility shall take the digitized
1221 photograph of the career offender within 60 days before the
1222 career offender's release and provide this photograph to the
1223 Department of Corrections and also place it in the career
1224 offender's file. If the career offender is in the custody of a
1225 local jail, the custodian of the local jail shall notify the
1226 Department of Law Enforcement of the career offender's release
1227 and provide to the Department of Law Enforcement the information
1228 specified in this paragraph and any information specified in



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1229 subparagraph 2. which the Department of Law Enforcement
1230 requests.

1231 2. The department may provide any other information deemed
1232 necessary, including criminal and corrections records and
1233 nonprivileged personnel and treatment records, when available.

1234 Section 27. Section 944.7031, Florida Statutes, is amended
1235 to read:

1236 944.7031 Eligible inmates released from contractor-operated
1237 ~~private~~ correctional facilities.—

1238 (1) It is the intent of the Legislature that state inmates
1239 nearing release from a contractor-operated ~~private~~ correctional
1240 facility managed under chapter 957 are eligible for assistance
1241 under ss. 944.701-944.708, and all laws that provide for or
1242 mandate transition assistance services to inmates nearing
1243 release also apply to inmates who reside in contractor-operated
1244 ~~private~~ correctional facilities.

1245 (2) To assist an inmate nearing release from a contractor-
1246 operated ~~private~~ correctional facility, the department and the
1247 transition assistance specialist shall coordinate with a
1248 designated staff person at each contractor-operated ~~private~~
1249 correctional facility to ensure that a state inmate released
1250 from the contractor-operated ~~private~~ correctional facility is
1251 informed of and provided with the same level of transition
1252 assistance services that are provided by the department for an
1253 inmate in a state correctional facility. Any inmate released
1254 from a contractor-operated ~~private~~ correctional facility shall
1255 also have equal access to placement consideration in a
1256 contracted substance abuse transition housing program, including
1257 those programs that have a faith-based component.



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1258 Section 28. Section 944.714, Florida Statutes, is amended
1259 to read:

1260 944.714 Quality assurance and standards of operation.—

1261 (1) The level and quality of programs provided by a private
1262 vendor at a contractor-operated ~~private~~ correctional facility
1263 must be at least equal to programs provided at a correctional
1264 facility operated by the department that houses similar types of
1265 inmates and must be at a cost that provides the state with a
1266 substantial savings, as determined by a private accounting firm
1267 selected by the Department of Corrections.

1268 (2) All contractor-employed ~~private~~ correctional officers
1269 employed by a private vendor must be certified, at the private
1270 vendor's expense, as having met the minimum qualifications
1271 established for correctional officers under s. 943.13.

1272 (3) Pursuant to the terms of the contract, a private vendor
1273 shall design, construct, and operate a contractor-operated
1274 ~~private~~ correctional facility in accordance with the standards
1275 established by the American Correctional Association and
1276 approved by the department at the time of the contract. In
1277 addition, a contractor-operated ~~private~~ correctional facility
1278 shall meet any higher standard mandated in the full or partial
1279 settlement of any litigation challenging the constitutional
1280 conditions of confinement to which the department is a named
1281 defendant. The standards required under a contract for operating
1282 a contractor-operated ~~private~~ correctional facility may be
1283 higher than the standards required for accreditation by the
1284 American Correctional Association. A private vendor shall comply
1285 with all federal and state constitutional requirements, federal,
1286 state, and local laws, department rules, and all court orders.



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1287 Section 29. Section 944.715, Florida Statutes, is amended
1288 to read:

1289 944.715 Delegation of authority.—

1290 (1) A private vendor shall incarcerate all inmates assigned
1291 to the contractor-operated ~~private~~ correctional facility by the
1292 department and as specified in the contract. The department may
1293 not exceed the maximum occupancy designated for the facility in
1294 the contract.

1295 (2) Inmates incarcerated in a contractor-operated ~~private~~
1296 ~~correctional~~ facility are in the legal custody of the
1297 department. A private vendor may not award gain-time or release
1298 credits, determine inmate eligibility for furlough or work
1299 release, calculate inmate release dates, approve inmate
1300 transfers, place inmates in less restrictive custody than that
1301 ordered by the department or approve inmate work assignments. A
1302 private vendor may not benefit financially from the labor of
1303 inmates except to the extent authorized under chapter 946.

1304 Section 30. Section 944.716, Florida Statutes, is amended
1305 to read:

1306 944.716 Contract termination and control of a correctional
1307 facility by the department.—A detailed plan shall be provided by
1308 a private vendor under which the department shall assume control
1309 of a contractor-operated ~~private~~ correctional facility upon
1310 termination of the contract. The department may terminate the
1311 contract with cause after written notice of material
1312 deficiencies and after 60 workdays in order to correct the
1313 material deficiencies. If any event occurs that involves the
1314 noncompliance with or violation of contract terms and that
1315 presents a serious threat to the safety, health, or security of



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1316 the inmates, employees, or the public, the department may
1317 temporarily assume control of the contractor-operated ~~private~~
1318 correctional facility. A plan shall also be provided by a
1319 private vendor for the purchase and assumption of operations of
1320 a correctional facility by the department in the event of
1321 bankruptcy or the financial insolvency of the private vendor.
1322 The private vendor shall provide an emergency plan to address
1323 inmate disturbances, employee work stoppages, strikes, or other
1324 serious events in accordance with standards of the American
1325 Correctional Association.

1326 Section 31. Subsection (1) of section 944.717, Florida
1327 Statutes, is amended to read:

1328 944.717 Conflicts of interest.—

1329 (1) An employee of the department or any governmental
1330 entity that exercises any functions or responsibilities in the
1331 review or approval of a contractor-operated ~~private~~ correctional
1332 facility contract or the operation of a contractor-operated
1333 ~~private~~ correctional facility, or a member of the immediate
1334 family of any such person, may not solicit or accept, directly
1335 or indirectly, any personal benefit or promise of a benefit from
1336 a bidder or private vendor.

1337 Section 32. Subsection (1) of section 944.718, Florida
1338 Statutes, is amended to read:

1339 944.718 Withdrawal of request for proposals.—

1340 (1) When soliciting proposals for the construction, lease,
1341 or operation of a contractor-operated ~~private~~ correctional
1342 facility, the department may reserve the right to withdraw the
1343 request for proposals at any time and for any reason. Receipt of
1344 proposal materials by the department or submission of a proposal



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1345 to the department does not confer any rights upon the proposer
1346 or obligations upon the department.

1347 Section 33. Paragraphs (a) and (f) of subsection (1),
1348 subsection (3), and paragraph (b) of subsection (5) of section
1349 944.719, Florida Statutes, are amended to read:

1350 944.719 Adoption of rules, monitoring, and reporting.—

1351 (1) The department shall adopt rules pursuant to chapter
1352 120 specifying criteria for contractual arrangements and
1353 standards for the operation of correctional facilities by
1354 private vendors. Such rules shall define:

1355 (a) Various categories of contractor-operated ~~private~~
1356 correctional facilities.

1357 (f) The characteristics of inmates to be incarcerated in
1358 contractor-operated ~~private~~ correctional facilities.

1359 (3) The private vendor shall provide a work area at the
1360 contractor-operated ~~private~~ correctional facility for use by the
1361 contract monitor appointed by the department and shall provide
1362 the monitor with access to all data, reports, and other
1363 materials that the monitor, the Auditor General, and the Office
1364 of Program Policy Analysis and Government Accountability
1365 determine are necessary to carry out monitoring and auditing
1366 responsibilities.

1367 (5) The Office of Program Policy Analysis and Government
1368 Accountability shall conduct a performance audit, including a
1369 review of the annual financial audit of the private entity and
1370 shall deliver a report to the Legislature by February 1 of the
1371 third year following any contract awarded by the department for
1372 the operation of a correctional facility by a private vendor.

1373 (b) In preparing the report, the office shall consider, in



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1374 addition to other factors it determines are significant:

1375 1. The extent to which the private vendor and the
1376 department have complied with the terms of the contract and ss.
1377 944.710-944.719.

1378 2. The wages and benefits that are provided to the staff of
1379 the contractor-operated ~~private~~ correctional facility as
1380 compared to wages and benefits provided to employees of the
1381 department performing comparable tasks.

1382 Section 34. Subsection (1) of section 944.72, Florida
1383 Statutes, is amended to read:

1384 944.72 Contractor-operated ~~Privately Operated~~ Institutions
1385 Inmate Welfare Trust Fund.-

1386 (1) There is hereby created in the Department of
1387 Corrections the Contractor-operated ~~Privately Operated~~
1388 Institutions Inmate Welfare Trust Fund. The purpose of the trust
1389 fund shall be the benefit and welfare of inmates incarcerated in
1390 contractor-operated ~~private~~ correctional facilities under
1391 contract with the department pursuant to this chapter or chapter
1392 957. Moneys shall be deposited in the trust fund and
1393 expenditures made from the trust fund as provided in s. 945.215.

1394 Section 35. Subsection (9) of section 944.801, Florida
1395 Statutes, is amended to read:

1396 944.801 Education for state prisoners.-

1397 (9) Notwithstanding s. 120.81(3), all inmates under 22
1398 years of age who qualify for special educational services and
1399 programs pursuant to the Individuals with Disabilities Education
1400 Act, 20 U.S.C. ss. 1400 et seq., and who request a due process
1401 hearing as provided by that act shall be entitled to such
1402 hearing before the Division of Administrative Hearings.



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1403 Administrative law judges shall not be required to travel to
1404 state or contractor-operated ~~private~~ correctional institutions
1405 and facilities in order to conduct these hearings.

1406 Section 36. Subsections (1) and (3) of section 944.803,
1407 Florida Statutes, are amended to read:

1408 944.803 Faith- and character-based programs.—

1409 (1) The Legislature finds and declares that faith- and
1410 character-based programs offered in state and contractor-
1411 operated ~~private~~ correctional institutions and facilities have
1412 the potential to facilitate inmate institutional adjustment,
1413 help inmates assume personal responsibility, and reduce
1414 recidivism.

1415 (3) It is the intent of the Legislature that the department
1416 and the private vendors operating contractor-operated ~~private~~
1417 correctional facilities continuously:

1418 (a) Measure recidivism rates for inmates who have
1419 participated in faith- and character-based programs.

1420 (b) Increase the number of volunteers who minister to
1421 inmates from various faith-based and secular institutions in the
1422 community.

1423 (c) Develop community linkages with secular institutions as
1424 well as churches, synagogues, mosques, and other faith-based
1425 institutions to assist inmates in their release back into the
1426 community.

1427 Section 37. Paragraphs (a) and (b) of subsection (2) of
1428 section 945.10, Florida Statutes, are amended to read:

1429 945.10 Confidential information.—

1430 (2) The records and information specified in paragraphs
1431 (1) (a)-(i) may be released as follows unless expressly



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1432 prohibited by federal law:

1433 (a) Information specified in paragraphs (1)(b), (d), and
1434 (f) to the Executive Office of the Governor, the Legislature,
1435 the Florida Commission on Offender Review, the Department of
1436 Children and Families, a contractor-operated ~~private~~
1437 correctional facility or program that operates under a contract,
1438 the Department of Legal Affairs, a state attorney, the court, or
1439 a law enforcement agency. A request for records or information
1440 pursuant to this paragraph need not be in writing.

1441 (b) Information specified in paragraphs (1)(c), (e), and
1442 (i) to the Executive Office of the Governor, the Legislature,
1443 the Florida Commission on Offender Review, the Department of
1444 Children and Families, a contractor-operated ~~private~~
1445 correctional facility or program that operates under contract,
1446 the Department of Legal Affairs, a state attorney, the court, or
1447 a law enforcement agency. A request for records or information
1448 pursuant to this paragraph must be in writing and a statement
1449 provided demonstrating a need for the records or information.

1450
1451 Records and information released under this subsection remain
1452 confidential and exempt from the provisions of s. 119.07(1) and
1453 s. 24(a), Art. I of the State Constitution when held by the
1454 receiving person or entity.

1455 Section 38. Subsection (3) of section 945.215, Florida
1456 Statutes, is amended to read:

1457 945.215 Inmate welfare and employee benefit trust funds.—

1458 (3) CONTRACTOR-OPERATED ~~PRIVATELY OPERATED~~ INSTITUTIONS
1459 INMATE WELFARE TRUST FUND; CONTRACTOR-OPERATED ~~PRIVATE~~
1460 CORRECTIONAL FACILITIES.—



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1461 (a) For purposes of this subsection, contractor-operated
1462 ~~privately operated~~ institutions or contractor-operated ~~private~~
1463 correctional facilities are those correctional facilities under
1464 contract with the department pursuant to chapter 944 or chapter
1465 957.

1466 (b)1. The net proceeds derived from inmate canteens,
1467 vending machines used primarily by inmates, telephone
1468 commissions, and similar sources at contractor-operated ~~private~~
1469 correctional facilities shall be deposited in the Contractor-
1470 Operated ~~Privately Operated~~ Institutions Inmate Welfare Trust
1471 Fund.

1472 2. Funds in the Contractor-Operated ~~Privately Operated~~
1473 Institutions Inmate Welfare Trust Fund shall be expended only
1474 pursuant to legislative appropriation.

1475 (c) The department shall annually compile a report that
1476 documents Contractor-Operated ~~Privately Operated~~ Institutions
1477 Inmate Welfare Trust Fund receipts and expenditures at each
1478 contractor-operated ~~private~~ correctional facility. This report
1479 must specifically identify receipt sources and expenditures. The
1480 department shall compile this report for the prior fiscal year
1481 and shall submit the report by September 1 of each year to the
1482 chairs of the appropriate substantive and fiscal committees of
1483 the Senate and House of Representatives and to the Executive
1484 Office of the Governor.

1485 Section 39. Subsections (2) and (3) of section 945.6041,
1486 Florida Statutes, are amended to read:

1487 945.6041 Inmate medical services.—

1488 (2) Compensation to a health care provider to provide
1489 inmate medical services may not exceed 110 percent of the



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1490 Medicare allowable rate if the health care provider does not
1491 have a contract to provide services with the department or the
1492 contractor-operated ~~private~~ correctional facility, as defined in
1493 s. 944.710, which houses the inmate. However, compensation to a
1494 health care provider may not exceed 125 percent of the Medicare
1495 allowable rate if:

1496 (a) The health care provider does not have a contract to
1497 provide services with the department or the contractor-operated
1498 ~~private~~ correctional facility, as defined in s. 944.710, which
1499 houses the inmate; and

1500 (b) The health care provider reported a negative operating
1501 margin for the previous year to the Agency for Health Care
1502 Administration through hospital-audited financial data.

1503 (3) Compensation to an entity to provide emergency medical
1504 transportation services for inmates may not exceed 110 percent
1505 of the Medicare allowable rate if the entity does not have a
1506 contract with the department or a contractor-operated ~~private~~
1507 correctional facility, as defined in s. 944.710, to provide the
1508 services.

1509 Section 40. Section 946.5025, Florida Statutes, is amended
1510 to read:

1511 946.5025 Authorization of corporation to enter into
1512 contracts.—The corporation established under this part may enter
1513 into contracts to operate correctional work programs with any
1514 county or municipal authority that operates a correctional
1515 facility or with a contractor authorized under chapter 944 or
1516 chapter 957 to operate a contractor-operated ~~private~~
1517 correctional facility. The corporation has the same powers,
1518 privileges, and immunities in carrying out such contracts as it



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1519 has under this chapter.

1520 Section 41. Subsections (5) and (6) of section 946.503,
1521 Florida Statutes, are amended to read:

1522 946.503 Definitions to be used with respect to correctional
1523 work programs.—As used in this part, the term:

1524 (5) "Inmate" means any person incarcerated within any
1525 state, county, municipal, or contractor-operated ~~private~~
1526 correctional facility.

1527 (6) "Contractor-operated ~~Private~~ correctional facility"
1528 means a facility authorized by chapter 944 or chapter 957.

1529 Section 42. Subsection (6) of section 951.062, Florida
1530 Statutes, is amended to read:

1531 951.062 Contractual arrangements for operation and
1532 maintenance of county detention facilities.—

1533 (6) Contractor-employed ~~Private~~ correctional officers
1534 responsible for supervising inmates within the facility shall
1535 meet the requirements necessary for certification by the
1536 Criminal Justice Standards and Training Commission pursuant to
1537 s. 943.1395. However, expenses for such training shall be the
1538 responsibility of the private entity.

1539 Section 43. Section 951.063, Florida Statutes, is amended
1540 to read:

1541 951.063 Contractor-operated ~~privately-operated~~ county
1542 correctional facilities.—Each contractor-employed ~~private~~
1543 correctional officer employed by a private entity under contract
1544 to a county commission must be certified as a correctional
1545 officer under s. 943.1395 and must meet the minimum
1546 qualifications established in s. 943.13. The county shall
1547 provide to the Criminal Justice Standards and Training



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1548 Commission all necessary fingerprints for Florida Department of
1549 Law Enforcement and Federal Bureau of Investigation background
1550 checks. The Criminal Justice Standards and Training Commission
1551 shall advise the county as to those employees whose
1552 certification has been denied or revoked. Neither the county nor
1553 the private entity shall be the direct recipient of criminal
1554 records.

1555 Section 44. Section 957.05, Florida Statutes, is amended to
1556 read:

1557 957.05 Requirements for contractors operating contractor-
1558 operated ~~private~~ correctional facilities.-

1559 (1) Each contractor entering into a contract under this
1560 chapter is liable in tort with respect to the care and custody
1561 of inmates under its supervision and for any breach of contract.
1562 Sovereign immunity may not be raised by a contractor, or the
1563 insurer of that contractor on the contractor's behalf, as a
1564 defense in any action arising out of the performance of any
1565 contract entered into under this chapter or as a defense in
1566 tort, or any other application, with respect to the care and
1567 custody of inmates under the contractor's supervision and for
1568 any breach of contract.

1569 (2) (a) The training requirements, including inservice
1570 training requirements, for employees of a contractor that
1571 assumes the responsibility for the operation and maintenance of
1572 a contractor-operated ~~private~~ correctional facility must meet or
1573 exceed the requirements for similar employees of the department
1574 or the training requirements mandated for accreditation by the
1575 American Correctional Association, whichever of those
1576 requirements are the more demanding. All employee training



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1577 expenses are the responsibility of the contractor.

1578 (b) Employees of a contractor who are responsible for the
1579 supervision of inmates shall have the same legal authority to
1580 rely on nondeadly and deadly force as do similar employees of
1581 the department.

1582 (3) Any contractor or person employed by a contractor
1583 operating a correctional or detention facility pursuant to a
1584 contract executed under this chapter shall be exempt from the
1585 requirements of chapter 493, relating to licensure of private
1586 investigators and security officers.

1587 Section 45. Subsection (2) of section 957.06, Florida
1588 Statutes, is amended to read:

1589 957.06 Powers and duties not delegable to contractor.—A
1590 contract entered into under this chapter does not authorize,
1591 allow, or imply a delegation of authority to the contractor to:

1592 (2) Choose the facility to which an inmate is initially
1593 assigned or subsequently transferred. The contractor may
1594 request, in writing, that an inmate be transferred to a facility
1595 operated by the department. The contractor and the department
1596 shall develop and implement a cooperative agreement for
1597 transferring inmates between a correctional facility operated by
1598 the department and a contractor-operated ~~private~~ correctional
1599 facility. The department and the contractor must comply with the
1600 cooperative agreement.

1601 Section 46. Section 957.08, Florida Statutes, is amended to
1602 read:

1603 957.08 Capacity requirements.—The department shall transfer
1604 and assign prisoners to each contractor-operated ~~private~~
1605 correctional facility opened pursuant to this chapter in an



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1606 amount not less than 90 percent or more than 100 percent of the
1607 capacity of the facility pursuant to the contract. The prisoners
1608 transferred by the department shall represent a cross-section of
1609 the general inmate population, based on the grade of custody or
1610 the offense of conviction, at the most comparable facility
1611 operated by the department.

1612 Section 47. Subsection (1) of section 957.09, Florida
1613 Statutes, is amended to read:

1614 957.09 Applicability of chapter to other provisions of
1615 law.—

1616 (1) (a) Any offense that if committed at a state
1617 correctional facility would be a crime is a crime if committed
1618 by or with regard to inmates at contractor-operated ~~private~~
1619 correctional facilities operated pursuant to a contract entered
1620 into under this chapter.

1621 (b) All laws relating to commutation of sentences, release
1622 and parole eligibility, and the award of sentence credits apply
1623 to inmates incarcerated in a contractor-operated ~~private~~
1624 correctional facility operated pursuant to a contract entered
1625 into under this chapter.

1626 Section 48. Section 957.13, Florida Statutes, is amended to
1627 read:

1628 957.13 Background checks.—

1629 (1) The Florida Department of Law Enforcement may accept
1630 fingerprints of individuals who apply for employment at a
1631 contractor-operated ~~private~~ correctional facility and who are
1632 required to have background checks under the provisions of this
1633 chapter.

1634 (2) The Florida Department of Law Enforcement may, to the



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1635 extent provided for by federal law, provide for the exchange of
1636 state, multistate, and federal criminal history records of
1637 individuals who apply for employment at a contractor-operated
1638 ~~private~~ correctional facility for the purpose of conducting
1639 background checks as required by law or contract.

1640 Section 49. Section 957.14, Florida Statutes, is amended to
1641 read:

1642 957.14 Contract termination and control of a correctional
1643 facility by the department.—A detailed plan shall be provided by
1644 a private vendor under which the department shall assume
1645 temporary control of a contractor-operated ~~private~~ correctional
1646 facility upon termination of the contract. The department may
1647 terminate the contract with cause after written notice of
1648 material deficiencies and after 60 workdays in order to correct
1649 the material deficiencies. If any event occurs that involves the
1650 noncompliance with or violation of contract terms and that
1651 presents a serious threat to the safety, health, or security of
1652 the inmates, employees, or the public, the department may
1653 temporarily assume control of the contractor-operated ~~private~~
1654 correctional facility. A plan shall also be provided by a
1655 private vendor for the purchase and temporary assumption of
1656 operations of a correctional facility by the department in the
1657 event of bankruptcy or the financial insolvency of the private
1658 vendor. The private vendor shall provide an emergency plan to
1659 address inmate disturbances, employee work stoppages, strikes,
1660 or other serious events in accordance with standards of the
1661 American Correctional Association.

1662 Section 50. Paragraph (p) of subsection (1) of section
1663 960.001, Florida Statutes, is amended to read:



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1664 960.001 Guidelines for fair treatment of victims and
1665 witnesses in the criminal justice and juvenile justice systems.—

1666 (1) The Department of Legal Affairs, the state attorneys,
1667 the Department of Corrections, the Department of Juvenile
1668 Justice, the Florida Commission on Offender Review, the State
1669 Courts Administrator and circuit court administrators, the
1670 Department of Law Enforcement, and every sheriff's department,
1671 police department, or other law enforcement agency as defined in
1672 s. 943.10(4) shall develop and implement guidelines for the use
1673 of their respective agencies, which guidelines are consistent
1674 with the purposes of this act and s. 16(b), Art. I of the State
1675 Constitution and are designed to implement s. 16(b), Art. I of
1676 the State Constitution and to achieve the following objectives:

1677 (p) *Information concerning escape from a state correctional*
1678 *institution, county jail, juvenile detention facility, or*
1679 *residential commitment facility.*—In any case where an offender
1680 escapes from a state correctional institution, contractor-
1681 operated ~~private~~ correctional facility, county jail, juvenile
1682 detention facility, or residential commitment facility, the
1683 institution of confinement shall immediately notify the state
1684 attorney of the jurisdiction where the criminal charge or
1685 petition for delinquency arose and the judge who imposed the
1686 sentence of incarceration. The state attorney shall thereupon
1687 make every effort to notify the victim, material witness,
1688 parents or legal guardian of a minor who is a victim or witness,
1689 or immediate relatives of a homicide victim of the escapee. The
1690 state attorney shall also notify the sheriff of the county where
1691 the criminal charge or petition for delinquency arose. The
1692 sheriff shall offer assistance upon request. When an escaped



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1693 offender is subsequently captured or is captured and returned to
1694 the institution of confinement, the institution of confinement
1695 shall again immediately notify the appropriate state attorney
1696 and sentencing judge pursuant to this section.

1697 Section 51. Paragraph (a) of subsection (3) of section
1698 985.481, Florida Statutes, is amended to read:

1699 985.481 Sexual offenders adjudicated delinquent;
1700 notification upon release.—

1701 (3)(a) The department shall provide information regarding
1702 any sexual offender who is being released after serving a period
1703 of residential commitment under the department for any offense,
1704 as follows:

1705 1. The department shall provide the sexual offender's name,
1706 any change in the offender's name by reason of marriage or other
1707 legal process, and any alias, if known; the correctional
1708 facility from which the sexual offender is released; the sexual
1709 offender's social security number, race, sex, date of birth,
1710 height, weight, and hair and eye color; tattoos or other
1711 identifying marks; the make, model, color, vehicle
1712 identification number (VIN), and license tag number of all
1713 vehicles owned; address of any planned permanent residence or
1714 temporary residence, within the state or out of state, including
1715 a rural route address and a post office box; if no permanent or
1716 temporary address, any transient residence within the state;
1717 address, location or description, and dates of any known future
1718 temporary residence within the state or out of state; date and
1719 county of disposition and each crime for which there was a
1720 disposition; a copy of the offender's fingerprints, palm prints,
1721 and a digitized photograph taken within 60 days before release;



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1722 the date of release of the sexual offender; all home telephone
1723 numbers and cellular telephone numbers required to be provided
1724 pursuant to s. 943.0435(4)(e); all electronic mail addresses and
1725 Internet identifiers required to be provided pursuant to s.
1726 943.0435(4)(e); information about any professional licenses the
1727 offender has, if known; and passport information, if he or she
1728 has a passport, and, if he or she is an alien, information about
1729 documents establishing his or her immigration status. The
1730 department shall notify the Department of Law Enforcement if the
1731 sexual offender escapes, absconds, or dies. If the sexual
1732 offender is in the custody of a contractor-operated ~~private~~
1733 correctional facility, the facility shall take the digitized
1734 photograph of the sexual offender within 60 days before the
1735 sexual offender's release and also place it in the sexual
1736 offender's file. If the sexual offender is in the custody of a
1737 local jail, the custodian of the local jail shall register the
1738 offender within 3 business days after intake of the offender for
1739 any reason and upon release, and shall notify the Department of
1740 Law Enforcement of the sexual offender's release and provide to
1741 the Department of Law Enforcement the information specified in
1742 this subparagraph and any information specified in subparagraph
1743 2. which the Department of Law Enforcement requests.

1744 2. The department may provide any other information
1745 considered necessary, including criminal and delinquency
1746 records, when available.

1747 Section 52. Paragraph (h) of subsection (1), paragraph (a)
1748 of subsection (6), and subsection (12) of section 985.4815,
1749 Florida Statutes, are amended to read:

1750 985.4815 Notification to Department of Law Enforcement of



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1751 information on juvenile sexual offenders.-

1752 (1) As used in this section, the term:

1753 (h) "Sexual offender" means a person who is in the care or
1754 custody or under the jurisdiction or supervision of the
1755 department or is in the custody of a contractor-operated ~~private~~
1756 correctional facility and who:

1757 1. Has been adjudicated delinquent as provided in s.
1758 943.0435(1)(h)1.d.; or

1759 2. Establishes or maintains a residence in this state and
1760 has not been designated as a sexual predator by a court of this
1761 state but has been designated as a sexual predator, as a
1762 sexually violent predator, or by another sexual offender
1763 designation in another state or jurisdiction and was, as a
1764 result of such designation, subjected to registration or
1765 community or public notification, or both, or would be if the
1766 person were a resident of that state or jurisdiction, without
1767 regard to whether the person otherwise meets the criteria for
1768 registration as a sexual offender.

1769 (6)(a) The information provided to the Department of Law
1770 Enforcement must include the following:

1771 1. The information obtained from the sexual offender under
1772 subsection (4).

1773 2. The sexual offender's most current address and place of
1774 permanent, temporary, or transient residence within the state or
1775 out of state, and address, location or description, and dates of
1776 any current or known future temporary residence within the state
1777 or out of state, while the sexual offender is in the care or
1778 custody or under the jurisdiction or supervision of the
1779 department in this state, including the name of the county or



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1780 municipality in which the offender permanently or temporarily
1781 resides, or has a transient residence, and address, location or
1782 description, and dates of any current or known future temporary
1783 residence within the state or out of state; and, if known, the
1784 intended place of permanent, temporary, or transient residence,
1785 and address, location or description, and dates of any current
1786 or known future temporary residence within the state or out of
1787 state upon satisfaction of all sanctions.

1788 3. The legal status of the sexual offender and the
1789 scheduled termination date of that legal status.

1790 4. The location of, and local telephone number for, any
1791 department office that is responsible for supervising the sexual
1792 offender.

1793 5. An indication of whether the victim of the offense that
1794 resulted in the offender's status as a sexual offender was a
1795 minor.

1796 6. The offense or offenses at adjudication and disposition
1797 that resulted in the determination of the offender's status as a
1798 sex offender.

1799 7. A digitized photograph of the sexual offender, which
1800 must have been taken within 60 days before the offender was
1801 released from the custody of the department or a contractor-
1802 operated ~~private~~ correctional facility by expiration of sentence
1803 under s. 944.275, or within 60 days after the onset of the
1804 department's supervision of any sexual offender who is on
1805 probation, postcommitment probation, residential commitment,
1806 nonresidential commitment, licensed child-caring commitment,
1807 community control, conditional release, parole, provisional
1808 release, or control release or who is supervised by the



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1809 department under the Interstate Compact Agreement for
1810 Probationers and Parolees. If the sexual offender is in the
1811 custody of a contractor-operated ~~private~~ correctional facility,
1812 the facility shall take a digitized photograph of the sexual
1813 offender within the time period provided in this subparagraph
1814 and shall provide the photograph to the department.

1815 (12) Any person who has reason to believe that a sexual
1816 offender is not complying, or has not complied, with the
1817 requirements of this section and who, with the intent to assist
1818 the sexual offender in eluding a law enforcement agency that is
1819 seeking to find the sexual offender to question the sexual
1820 offender about, or to arrest the sexual offender for, his or her
1821 noncompliance with the requirements of this section:

1822 (a) Withholds information from, or does not notify, the law
1823 enforcement agency about the sexual offender's noncompliance
1824 with the requirements of this section and, if known, the
1825 whereabouts of the sexual offender;

1826 (b) Harbors, attempts to harbor, or assists another person
1827 in harboring or attempting to harbor the sexual offender;

1828 (c) Conceals, attempts to conceal, or assists another
1829 person in concealing or attempting to conceal the sexual
1830 offender; or

1831 (d) Provides information to the law enforcement agency
1832 regarding the sexual offender that the person knows to be false
1833
1834 commits a felony of the third degree, punishable as provided in
1835 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
1836 apply if the sexual offender is incarcerated in or is in the
1837 custody of a state correctional facility, a contractor-operated



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1838 ~~private~~ correctional facility, a local jail, or a federal
1839 correctional facility.

1840 Section 53. This act shall take effect July 1, 2024.

1841
1842 ===== T I T L E A M E N D M E N T =====

1843 And the title is amended as follows:

1844 Delete everything before the enacting clause
1845 and insert:

1846 A bill to be entitled
1847 An act relating to Department of Corrections; amending
1848 s. 944.31, F.S.; providing additional authority for
1849 law enforcement officers of the office of the
1850 inspector general concerning department and
1851 contractor-operated correctional facilities; amending
1852 s. 957.04, F.S.; providing that correctional
1853 privatization contracts are not exempt from specified
1854 state contracting provisions unless otherwise
1855 specified; providing construction; conforming
1856 provisions to changes made by the act; amending s.
1857 944.710, F.S.; renaming the term "private correctional
1858 facility" as "contractor-operated correctional
1859 facility"; renaming the term "private correctional
1860 officer" as "contractor-employed correctional
1861 officer"; conforming provisions to changes made by the
1862 act; amending s. 957.07, F.S.; revising terminology;
1863 deleting provisions concerning development of
1864 consensus per diem rates by the Prison Per-Diem
1865 Workgroup; conforming a provision to changes made by
1866 the act; amending s. 957.12, F.S.; revising provisions



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1867 concerning contact with the department by specified
1868 persons; conforming a provision to changes made by the
1869 act; amending s. 957.15, F.S.; deleting a provision
1870 concerning department control over certain funds
1871 appropriated for contractor-operated correctional
1872 facilities; conforming a provision to changes made by
1873 the act; amending ss. 330.41, 553.865, 633.218,
1874 775.21, 775.261, 784.078, 800.09, 943.0435, 943.13,
1875 943.325, 944.105, 944.151, 944.17, 944.35, 944.40,
1876 944.605, 944.606, 944.607, 944.608, 944.609, 944.7031,
1877 944.714, 944.715, 944.716, 944.717, 944.718, 944.719,
1878 944.72, 944.801, 944.803, 945.10, 945.215, 945.6041,
1879 946.5025, 946.503, 951.062, 951.063, 957.05, 957.06,
1880 957.08, 957.09, 957.13, 957.14, 960.001, 985.481, and
1881 985.4815, F.S.; conforming provisions to changes made
1882 by the act; providing an effective date.

By Senator Martin

33-00969-24

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1 A bill to be entitled
 2 An act relating to Department of Corrections; amending
 3 s. 944.31, F.S.; providing additional authority for
 4 law enforcement officers of the office of the
 5 inspector general concerning department and private
 6 correctional facilities; amending s. 957.04, F.S.;
 7 providing that correctional privatization contracts
 8 are not exempt from specified state contracting
 9 provisions unless otherwise specified; providing
 10 construction; amending s. 957.07, F.S.; revising
 11 terminology; removing provisions concerning
 12 development of consensus per diem rates by the Prison
 13 Per-Diem Workgroup; amending s. 957.12, F.S.; revising
 14 provisions concerning contact with the department by
 15 specified persons; amending s. 957.15, F.S.; removing
 16 a provision concerning department control over certain
 17 funds appropriated for private correctional
 18 facilities; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 944.31, Florida Statutes, is amended to
 23 read:

24 944.31 Inspector general; inspectors; power and duties.—

25 (1) The inspector general shall be responsible for prison
 26 inspection and investigation, internal affairs investigations,
 27 and management reviews. The office of the inspector general
 28 shall be charged with the duty of inspecting the penal and
 29 correctional systems of the state.

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30 (2) The office of the inspector general shall inspect each
 31 correctional institution or any place in which state prisoners
 32 are housed, worked, or kept within the state, with reference to
 33 its physical conditions, cleanliness, sanitation, safety, and
 34 comfort; the quality and supply of all bedding; the quality,
 35 quantity, and diversity of food served and the manner in which
 36 it is served; the number and condition of the prisoners confined
 37 therein; and the general conditions of each institution.

38 (3) The office of inspector general shall see that all the
 39 rules and regulations issued by the department are strictly
 40 observed and followed by all persons connected with the
 41 correctional systems of the state. The office of the inspector
 42 general shall coordinate and supervise the work of inspectors
 43 throughout the state.

44 (4) The inspector general and inspectors may enter any
 45 place where prisoners in this state are kept and shall be
 46 immediately admitted to such place as they desire and may
 47 consult and confer with any prisoner privately and without
 48 molestation.

49 (5) (a) The inspector general and inspectors shall be
 50 responsible for criminal and administrative investigation of
 51 matters relating to the Department of Corrections.

52 (b) The secretary may designate persons within the office
 53 of the inspector general as law enforcement officers to conduct
 54 any criminal investigation that occurs on property owned or
 55 leased by the department or involves matters over which the
 56 department has jurisdiction. All criminal investigations,
 57 involving matters over which the department has jurisdiction at
 58 private correctional facilities, as defined in s. 944.710, may

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59 be conducted by the law enforcement officers of the office of
60 the inspector general.

61 (c) A person designated as a law enforcement officer must
62 be certified pursuant to s. 943.1395 and must have a minimum of
63 3 years' experience as an inspector in the inspector general's
64 office or as a law enforcement officer.

65 (d) The department shall maintain a memorandum of
66 understanding with the Department of Law Enforcement for the
67 notification and investigation of mutually agreed-upon predicate
68 events that shall include, but are not limited to, suspicious
69 deaths and organized criminal activity.

70 (e) During investigations, the inspector general and
71 inspectors may consult and confer with any prisoner or staff
72 member privately and without molestation and persons designated
73 as law enforcement officers under this section shall have the
74 authority to arrest, with or without a warrant, any prisoner of
75 or visitor to a state correctional institution for a violation
76 of the criminal laws of the state. Law enforcement officers
77 under this section shall have the authority to arrest, with or
78 without a warrant, any prisoner of or visitor to any state
79 correctional institution, as defined in s. 944.02, including all
80 private correctional facilities, for any violation of the
81 criminal laws of the state involving matters over which the
82 department has jurisdiction, involving an offense classified as
83 a felony that occurs on property owned or leased by the
84 department and may arrest offenders who have escaped or
85 absconded from custody.

86 (f) Persons designated as law enforcement officers have the
87 authority to arrest with or without a warrant a staff member of

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88 the department, including any contract employee, subcontractor,
89 or volunteer, for a violation of the criminal laws of the state
90 ~~that occurs involving an offense classified as a felony under~~
91 ~~this chapter or chapter 893~~ on property owned or leased by the
92 department, or any private correctional facility staff member,
93 contract employee, subcontractor, or volunteer, for a violation
94 of the criminal laws of the state involving matters over which
95 the department has jurisdiction at any private correctional
96 facility. A person designated as a law enforcement officer under
97 this section may make arrests of persons against whom arrest
98 warrants have been issued, including arrests of offenders who
99 have escaped or absconded from custody. The arrested person
100 shall be surrendered without delay to the sheriff of the county
101 in which the arrest is made, with a formal complaint
102 subsequently made against her or him in accordance with law.

103 Section 2. Present paragraphs (a) through (h) of subsection
104 (1) of section 957.04, Florida Statutes, are redesignated as
105 paragraphs (b) through (i), respectively, a new paragraph (a) is
106 added to that subsection, and present paragraphs (a) and (e) of
107 that subsection are amended, to read:

108 957.04 Contract requirements.—

109 (1) A contract entered into under this chapter for the
110 operation of private correctional facilities shall maximize the
111 cost savings of such facilities and shall:

112 (a) Unless otherwise specified herein, contracts entered
113 into under this chapter are not exempt from chapter 287,
114 including the competitive solicitation requirements thereof.
115 However, to the extent of a direct conflict between this chapter
116 and chapter 287, the provisions of this chapter shall control.

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117 Contracts entered into under this chapter for the operation of
 118 private correctional facilities are not considered to be an
 119 outsources as defined in s. 287.012. The specific outsourcing
 120 requirements in s. 287.0571 are not required under this section.

121 ~~(b)(a)~~ Be ~~executed negotiated~~ with the contractor firm
 122 found most qualified. However, a contract for private
 123 correctional services may not be entered into by the department
 124 unless the department determines that the contractor has
 125 demonstrated that it has:

126 1. The qualifications, experience, and management personnel
 127 necessary to carry out the terms of the contract.

128 2. The ability to expedite the siting, design, and
 129 construction of correctional facilities.

130 3. The ability to comply with applicable laws, court
 131 orders, and national correctional standards.

132 ~~(f)(e)~~ Establish operations standards for correctional
 133 facilities subject to the contract. However, if the department
 134 and the contractor disagree with an operations standard, the
 135 contractor may propose to waive any rule, policy, or procedure
 136 of the department related to the operations standards of
 137 correctional facilities which is inconsistent with the mission
 138 of the contractor to establish cost-effective, privately
 139 operated correctional facilities. The department shall be
 140 responsible for considering all requests proposals from the
 141 contractor to waive any rule, policy, or procedure and shall
 142 render a final decision granting or denying such request.

143 Section 3. Subsections (4) and (5) of section 957.07,
 144 Florida Statutes, are amended to read:
 145 957.07 Cost-saving requirements.-

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146 (4) The department shall provide a report detailing the
 147 state cost to design, finance, acquire, lease, construct, and
 148 operate a facility similar to the private correctional facility
 149 on a per diem basis. This report shall be provided to the
 150 Auditor General in sufficient time that it may be certified to
 151 be included in the competitive solicitation request for
 152 proposals.

153 ~~(5)(a) At the request of the Speaker of the House of~~
 154 ~~Representatives or the President of the Senate, the Prison Per-~~
 155 ~~Diem Workgroup shall develop consensus per diem rates for use by~~
 156 ~~the Legislature. The Office of Program Policy Analysis and~~
 157 ~~Government Accountability and the staffs of the appropriations~~
 158 ~~committees of both the Senate and the House of Representatives~~
 159 ~~are the principals of the workgroup. The workgroup may consult~~
 160 ~~with other experts to assist in the development of the consensus~~
 161 ~~per diem rates. All meetings of the workgroup shall be open to~~
 162 ~~the public as provided in chapter 286.~~

163 ~~(b) When developing the consensus per diem rates, the~~
 164 ~~workgroup must:~~

165 1. ~~Use data provided by the department from the most recent~~
 166 ~~fiscal year to determine per diem costs for the following~~
 167 ~~activities:~~

- 168 ~~a. Custody and control;~~
- 169 ~~b. Health services;~~
- 170 ~~c. Substance abuse programs; and~~
- 171 ~~d. Educational programs;~~

172 2. ~~Include the cost of departmental, regional,~~
 173 ~~institutional, and program administration and any other fixed~~
 174 ~~costs of the department;~~

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175 3. Calculate average per diem rates for the following
 176 offender populations: adult male, youthful offender male, and
 177 female; and
 178 4. ~~Make per diem adjustments, as appropriate, to account~~
 179 ~~for variations in size and location of correctional facilities.~~
 180 (e) ~~The consensus per diem rates determined by the~~
 181 ~~workgroup may be used to assist the Legislature in determining~~
 182 ~~the level of funding provided to privately operated prisons to~~
 183 ~~meet the 7-percent savings required of private prisons by this~~
 184 ~~chapter.~~
 185 (d) ~~If a private vendor chooses not to renew the contract~~
 186 ~~at the appropriated level, the department shall terminate the~~
 187 ~~contract as provided in s. 957.14.~~
 188 Section 4. Section 957.12, Florida Statutes, is amended to
 189 read:
 190 957.12 Prohibition on contact.~~Except in writing to the~~
 191 ~~procurement office or as provided in the solicitation documents,~~
 192 a bidder or potential bidder is not permitted to have any
 193 contact with any member or employee of or consultant to the
 194 department regarding a competitive solicitation request for
 195 ~~proposal~~, a proposal, or the evaluation or selection process
 196 from the time a request for proposals for a private correctional
 197 facility is issued until the time a notification of intent to
 198 award is announced, ~~except if such contact is in writing or in a~~
 199 ~~meeting for which notice was provided in the Florida~~
 200 ~~Administrative Register.~~
 201 Section 5. Section 957.15, Florida Statutes, is amended to
 202 read:
 203 957.15 Funding of contracts for operation, maintenance, and

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204 lease-purchase of private correctional facilities.~~The request~~
 205 for appropriation of funds to make payments pursuant to
 206 contracts entered into by the department for the operation,
 207 maintenance, and lease-purchase of the private correctional
 208 facilities authorized by this chapter shall be included in its
 209 budget request to the Legislature as a separately identified
 210 item. ~~After an appropriation has been made by the Legislature to~~
 211 ~~the department for the private correctional facilities, the~~
 212 ~~department shall have no authority over such funds other than to~~
 213 ~~pay from such appropriation to the appropriate private vendor~~
 214 ~~such amounts as are certified for payment by the department.~~
 215 Section 6. This act shall take effect July 1, 2024.

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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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 1278

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Senator Martin

SUBJECT: Department of Corrections

DATE: February 12, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.	Atchley	Harkness	ACJ	Fav/CS
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1278 amends s. 944.31, F.S., to authorize the Office of the Inspector General (OIG) law enforcement officers to conduct any criminal investigations involving matters over which the Department of Corrections (DOC) has jurisdiction at contractor-operated correctional facilities. Such law enforcement officers may arrest, with or without a warrant, any prisoner, visitor, or staff member, including a contract employee, subcontractor, or volunteer of any state correctional institution and contractor-operated correctional facilities, for any violation of criminal laws of the state involving matters over which the DOC has jurisdiction.

The bill amends s. 957.04, F.S., to broaden methods of solicitation of contracts for the operation of contractor-operated correctional facilities to include competitive solicitation as provided in ch. 287, F.S. The bill specifies that contracts entered into under ch. 957, F.S., are not exempt from the requirements of ch. 287, F.S. However, if there is a conflict, the provisions of ch. 957, F.S., control.

The bill clarifies contracts entered into under this chapter for the operation of contractor-operated correctional facilities are not considered to be an “outsourcing” as defined in s. 287.012, F.S.

The bill amends s. 957.07, F.S., to eliminate the Prison Per Diem Workgroup and allow for the DOC’s procurement process to include competitive solicitation.

The bill amends s. 957.12, F.S., to clarify that a bidder or potential bidder may have written contact with the procurement office. Additionally, language is removed that permits contact in a noticed meeting.

The bill amends s. 957.15, F.S., to remove language prohibiting the DOC from having authority over funds appropriated for the operation, maintenance, and lease-purchase of contractor-operated correctional facilities.

The bill removes language in multiple sections of law relating to *request for proposals* and replaces it with *competitive solicitation*.

The bill does not have a fiscal impact on the DOC. See Section V, Fiscal Impact Statement.

The bill is effective July 1, 2024.

II. Present Situation:

As of October 1, 2023, all powers, duties, functions, records, personnel, associated administrative support, positions, property, administrative authority, and administrative rules relating to private correctional facilities as defined in s. 944.710(3), F.S.,¹ were transferred from the Department of Management Services to the Department of Corrections.²

Solicitations of Contracts

Section 957.04, F.S., outlines requirements of contracts entered for the operation of private correctional facilities. Contracts must be negotiated with the most qualified firm. A contract for private correctional services may not be entered into by the DOC unless the DOC determines the contractor has:³

- The qualifications, experience, and management personnel necessary to carry out the terms of the contract;
- The ability to expedite the siting, design, and construction of correctional facilities; and
- The ability to comply with applicable laws, court orders, and national correctional standards.

Additionally, a contract entered into for the operation of a private correctional facility must:

- Indemnify the state and the DOC against any and all liability;⁴
- Require the contractor seek, obtain, and maintain accreditation by the American Correctional Association for the facility under that contract;⁵
- Require the proposed facilities and the management plans for the inmates meet applicable American Correctional Association standards;⁶

¹ “Private correctional facility” means any facility, which is not operated by the DOC, for the incarceration of adults or juveniles who have been sentenced by a court and committed to the custody of the DOC. Section 944.710, F.S.

² Chapter 2023-268, L.O.F.

³ Section 957.04(1)(a), F.S.

⁴ Section 957.04(1)(b), F.S.

⁵ Section 957.04(1)(c), F.S.

⁶ Section 957.04(1)(d), F.S.

- Establish operations standards for correctional facilities subject to the contract;⁷
- Require the contractor to be responsible for a range of dental, medical, and psychological services; diet; education; and work programs at least equal to those provided by the department in comparable facilities;⁸
- Require the selection and appointment of a full-time contract monitor appointed and supervised by the DOC;⁹ and
- Be for a period of 3 years and may be renewed for successive 2-year periods thereafter.¹⁰

Procurements

Section 957.07, F.S., prohibits the DOC from entering into a contract or series of contracts unless the DOC determines that the contract or series of contracts in the total for the facility will result in cost savings to the state of at least seven percent over the public provision of a similar facility. Such cost savings, determined and certified by the Auditor General, must be based upon the actual costs associated with the construction and operation of similar facilities or services as determined by the DOC. The DOC calculates all of the cost components that determine the inmate per diem, including administrative costs, in correctional facilities that are substantially similar and operated by the DOC.¹¹ The DOC is required to provide a report detailing the state cost to design, finance, acquire, lease, construct, and operate a facility similar to the private correctional facility on a per diem basis. This report is provided to the Auditor General in sufficient time to be certified to be included in the request for proposals.¹²

The Prison Per-Diem Workgroup must develop consensus per diem rates for use by the Legislature. The Office of Program Policy Analysis and Government Accountability and staff of the appropriations committees of both the Senate and the House of Representatives are the principals of the workgroup.¹³ When developing the consensus per diem rates, the workgroup must:¹⁴

- Use data provided by the DOC from the most recent fiscal year to determine per diem cost for the following:
 - Custody and control;
 - Health services;
 - Substance abuse programs; and
 - Educational programs
- Include the costs of departmental, regional, institutional, and program administration and any other fixed costs of the DOC;
- Calculate average per diem rates for the adult male, youthful offender male, and female offender populations; and
- Make per diem adjustments, as appropriate, to account for variations in size and location of correctional facilities.

⁷ Section 957.04(1)(e), F.S.

⁸ Section 957.04(1)(f), F.S.

⁹ Section 957.04(1)(g), F.S.

¹⁰ Section 957.04(1)(h), F.S.

¹¹ Section 957.07(1), F.S.

¹² Section 957.07(4), F.S.

¹³ Section 957.07(5)(a), F.S.

¹⁴ Section 957.07(5)(b), F.S.

The consensus per diem rates may be used to assist the Legislature in determining the level of funding provided to privately operated prisons to meet the seven percent savings required.¹⁵

Section 957.12, F.S., prohibits a bidder or potential bidder from having any contact with any member or employee of or consultant to the DOC regarding a request for proposal, a proposal, or the evaluation or selection process from the time a request for proposals for a private correctional facility is issued until the time a notification of intent to award is announced, unless such contract is in writing or in a meeting for which notice was provided in the Florida Administrative Register.

Section 957.15, F.S., requires the request for appropriation of funds to make payments of the contracts entered into by the DOC for the operation, maintenance, and lease-purchase of the private correctional facilities must be included in its budget request to the Legislature as a separately identified item. After an appropriation is made to the DOC for private correctional facilities, the DOC has no authority other than to pay the appropriate private vendor the amounts certified for payment.

Arrest Authority

Currently under s. 944.31, F.S., the OIG has the duty of inspecting the penal and correctional systems of the state and are responsible for criminal and administrative investigations of matters relating to the DOC. The secretary of the DOC may designate persons within the OIG as law enforcement officers. Such officers must be certified pursuant to s. 943.1395, F.S., and must have a minimum of 3 years' experience as an inspector in the OIG's office or as a law enforcement officer.

Office of the Inspector General law enforcement inspectors have the authority to:

- Conduct any criminal investigation that occurs on property owned or leased by the DOC;
- Arrest, with or without a warrant, inmates and visitors of state correctional institutions for felonies committed on the DOC's owned or leased property;
- Arrest offenders who have escaped or absconded from custody; and
- Arrest, with or without a warrant, the DOC staff including any contract employee for felony violations listed under chs. 944 and 893, F.S.

The arrested person is surrendered to the sheriff of the county with a formal complaint.

According to the DOC's analysis, the OIG law enforcement inspectors lack the authority to arrest individuals who have committed a misdemeanor in their presence without a warrant. Warrantless misdemeanor arrests are currently handled by the local law enforcement agency with jurisdiction.¹⁶

¹⁵ Section 957.07(5)(c), F.S.

¹⁶ See DOC, *2024 Legislative Bill Analysis SB 1278*, (on file with the Senate committee on Criminal Justice).

III. Effect of Proposed Changes:

The bill amends s. 944.31, F.S., to authorize the Office of the Inspector General (OIG) law enforcement officers to conduct any criminal investigations involving matters over which the DOC has jurisdiction at contractor-operated correctional facilities. Such law enforcement officers may arrest, with or without a warrant, any prisoner, visitor, or staff member, including a contract employee, subcontractor or volunteer of any state correctional institution and contractor-operated correctional facilities, for any violation of criminal laws of the state involving matters over which the DOC has jurisdiction.

The bill amends s. 957.04, F.S., to broaden methods of solicitation of contracts for the operation of contractor-operated correctional facilities beyond requests for proposal to include all methods provided for in ch. 287, F.S. Any competitive solicitation is available to all vendors, and includes the time and date for receipt of bids, proposals, or replies of the public opening, and must include all contractual terms and conditions. The following are competitive solicitation processes:¹⁷

- Invitation to bid, which is used when the agency is capable of specifically defining the scope of work for which a contractual service is required or when the agency is capable of establishing precise specification defining the commodities required.¹⁸
- Request for proposals, which is used when the purposes and uses for which the commodity or contractual service being sought can be specifically defined and the agency is capable of identifying necessary deliverables.¹⁹
- Invitation to negotiate, which is used by an agency which is intended to determine the best method for achieving a specific goal or solving a particular problem and identifies one or more responsive vendors which the agency may negotiate with to receive the best value.²⁰

The bill specifies that contracts entered into under ch. 957, F.S., are not exempt from the requirements of ch. 287, F.S. However, if there is a conflict, the provisions of ch. 957, F.S., control.

The bill clarifies contracts entered into under this chapter for the operation of contractor-operated correctional facilities are not considered to be an “outsource” as defined in s. 287.012, F.S.²¹

The bill amends s. 957.07, F.S., to eliminate the Prison Per Diem Workgroup and allow for the DOC’s procurement process to include competitive solicitation.

The bill amends s. 957.12, F.S., to clarify that a bidder or potential bidder may have written contact with the procurement office. Additionally, language is removed that permits contact in a noticed meeting.

¹⁷ Section 287.057(1), F.S

¹⁸ Section 287.057(1)(a), F.S.

¹⁹ Section 287.057(1)(b), F.S.

²⁰ Section 287.057(1)(c), F.S.

²¹ “Outsource” means the process of contracting with a vendor to provide a service, in whole or part, or an activity while the state agency retains the responsibility and accountability for the service or activity and there is a transfer of management responsibility for the delivery of resources and the performance of those resources. Section 287.012, F.S.

The bill amends s. 957.15, F.S., to remove language prohibiting the DOC from having authority over funds appropriated for the operation, maintenance, and lease-purchase of contractor-operated correctional facilities.

The bill removes language in multiple sections of law relating to *request for proposals* and replaces it with *competitive solicitation*.

The bill is effective July 1, 2024.

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:

While the bill broadens the authority of the OIG officers, it does not have a fiscal impact on the DOC. This bill may have a positive indeterminate impact on county detention beds due to OIG officers having the authority to make arrests for misdemeanor offenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 944.31, 957.04, 957.07, 957.12, and 957.15.

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 Appropriations Committee on Criminal and Civil Justice on February 8, 2024:

The committee substitute replaces the term “private” correctional facility with “contracted-operated” correctional facility.

- B. **Amendments:**

None.

February 8, 2024

The Florida Senate
APPEARANCE RECORD

1512

Meeting Date

CCJ Approps

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/8/24

Meeting Date

SB 1512

Bill Number or Topic

CRIM JUSTICE APROPS

Committee

Amendment Barcode (if applicable)

Name LIBBY GURZO

Phone 850 245 0155

Address 401 S. MONROE ST

Email LIBBY.GURZO@MYFLORIDALEGAL.COM

Street

TLH

City

FL

State

32399

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

OFFICE OF ATTORNEY GENERAL

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 713 - 1430

and insert:

Section 15. Paragraph (b) of subsection (4) of section
985.619, Florida Statutes, is amended to read:

985.619 Florida Scholars Academy.—

(4) GOVERNING BODY; POWERS AND DUTIES.—

(b) The board of trustees shall have the following powers
and duties:



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- 11 1. Meet at least 4 times each year, upon the call of the
12 chair, or at the request of a majority of the membership.
- 13 2. Be responsible for the Florida Scholars Academy's
14 development of an education delivery system that is cost-
15 effective, high-quality, educationally sound, and capable of
16 sustaining an effective delivery system.
- 17 3.a. Identify appropriate performance measures and
18 standards based on student achievement which reflect the
19 school's statutory mission and priorities, and implement an
20 accountability system approved by the State Board of Education
21 for the school by the 2024-2025 school year which includes an
22 assessment of its effectiveness and efficiency in providing
23 quality services that encourage high student achievement,
24 seamless articulation, and maximum access to career
25 opportunities.
- 26 b. For the 2024-2025 school year, the results of the
27 accountability system must serve as an informative baseline for
28 the academy as it works to improve performance in future years.
- 29 4. Administer and maintain the educational programs of the
30 Florida Scholars Academy in accordance with law and department
31 rules, in consultation with the State Board of Education.
- 32 5. With the approval of the secretary of the department or
33 his or her designee, determine the compensation, including
34 salaries and fringe benefits, and other conditions of employment
35 for such personnel, in alignment with the Florida Scholars
36 Academy's provider contracts.
- 37 6. The employment of all Florida Scholars Academy
38 administrative and instructional personnel are subject to
39 rejection for cause by the secretary of the department or his or



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40 her designee and are subject to policies established by the
41 board of trustees.

42 7. Provide for the content and custody of student records
43 in compliance with s. 1002.22.

44 8. Maintain the financial records and accounts of the
45 Florida Scholars Academy in compliance with rules adopted by the
46 State Board of Education for the uniform system of financial
47 records and accounts for the schools of this state.

48 9. Is a body corporate with all the powers of a body
49 corporate and may exercise such authority as is needed for the
50 proper operation and improvement of the Florida Scholars
51 Academy. The board of trustees is specifically authorized to
52 adopt rules, policies, and procedures, consistent with law and
53 State Board of Education rules related to governance, personnel,
54 budget and finance, administration, programs, curriculum and
55 instruction, travel and purchasing, technology, students,
56 contracts and grants, and property as necessary for optimal,
57 efficient operation of the Florida Scholars Academy.

58 10. Notwithstanding any rule to the contrary, review and
59 approve an annual academic calendar to provide educational
60 services to youth for a school year composed of 250 days or
61 1,250 hours of instruction for students enrolled in a
62 traditional K-12 education pathway, distributed over 12 months.
63 The board of trustees may decrease the minimum number of days
64 for instruction by up to 20 days or 100 hours for teacher
65 planning.

66 Section 16. Section 985.664, Florida Statutes, is amended
67 to read:

68 985.664 Juvenile justice circuit advisory boards.—



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69 (1) Each judicial circuit in this state shall have ~~There is~~
70 ~~authorized~~ a juvenile justice circuit advisory board ~~to be~~
71 ~~established in each of the 20 judicial circuits.~~ The ~~Except in~~
72 ~~single county circuits,~~ each juvenile justice circuit advisory
73 board shall work with the chief probation officer of the circuit
74 to use data to inform policies and practices that better improve
75 the juvenile justice continuum ~~have a county organization~~
76 ~~representing each of the counties in the circuit. The county~~
77 ~~organization shall report directly to the juvenile justice~~
78 ~~circuit advisory board on the juvenile justice needs of the~~
79 ~~county. The purpose of each juvenile justice circuit advisory~~
80 ~~board is to provide advice and direction to the department in~~
81 ~~the development and implementation of juvenile justice programs~~
82 ~~and to work collaboratively with the department in seeking~~
83 ~~program improvements and policy changes to address the emerging~~
84 ~~and changing needs of Florida's youth who are at risk of~~
85 ~~delinquency.~~

86 (2) ~~The duties and responsibilities of a juvenile justice~~
87 ~~circuit advisory board include, but are not limited to:~~

88 ~~(a) Developing a comprehensive plan for the circuit. The~~
89 ~~initial circuit plan shall be submitted to the department no~~
90 ~~later than December 31, 2014, and no later than June 30 every 3~~
91 ~~years thereafter. The department shall prescribe a format and~~
92 ~~content requirements for the submission of the comprehensive~~
93 ~~plan.~~

94 ~~(b) Participating in the facilitation of interagency~~
95 ~~cooperation and information sharing.~~

96 ~~(c) Providing recommendations for public or private grants~~
97 ~~to be administered by one of the community partners that support~~



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98 ~~one or more components of the comprehensive circuit plan.~~

99 ~~(d) Providing recommendations to the department in the~~
100 ~~evaluation of prevention and early intervention grant programs,~~
101 ~~including the Community Juvenile Justice Partnership Grant~~
102 ~~program established in s. 985.676 and proceeds from the Invest~~
103 ~~in Children license plate annual use fees.~~

104 ~~(e) Providing an annual report to the department describing~~
105 ~~the board's activities. The department shall prescribe a format~~
106 ~~and content requirements for submission of annual reports. The~~
107 ~~annual report must be submitted to the department no later than~~
108 ~~August 1 of each year.~~

109 ~~(3)~~ Each juvenile justice circuit advisory board shall have
110 a minimum of 14 ~~16~~ members. The membership of each board must
111 reflect:

112 (a) The circuit's geography and population distribution.

113 (b) Diversity in the judicial circuit.

114 ~~(3)~~(4) Each member of the juvenile justice circuit advisory
115 board must be approved by the chief probation officer of the
116 circuit ~~Secretary of Juvenile Justice~~, except those members
117 listed in paragraphs (a), (b), (c), (e), (f), (g), and (h). The
118 juvenile justice circuit advisory boards established under
119 subsection (1) must include as members:

120 (a) The state attorney or his or her designee.

121 (b) The public defender or his or her designee.

122 (c) The chief judge or his or her designee.

123 (d) A representative of the corresponding circuit or
124 regional entity of the Department of Children and Families.

125 (e) The sheriff or the sheriff's designee from each county
126 in the circuit.



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127 (f) A police chief or his or her designee from each county
128 in the circuit.

129 (g) A county commissioner or his or her designee from each
130 county in the circuit.

131 (h) The superintendent of each school district in the
132 circuit or his or her designee.

133 (i) A representative from the workforce organization of
134 each county in the circuit.

135 (j) A representative of the business community.

136 (k) A youth representative who has had an experience with
137 the juvenile justice system and is not older than 21 years of
138 age.

139 (l) A representative of the faith community.

140 (m) A health services representative who specializes in
141 mental health care, victim-service programs, or victims of
142 crimes.

143 (n) A parent or family member of a youth who has been
144 involved with the juvenile justice system.

145 (o) Up to three ~~five~~ representatives from ~~any of the~~
146 community following who are not otherwise represented in this
147 subsection:

148 ~~1. Community leaders.~~

149 ~~2. Youth-serving coalitions.~~

150 (4)(5) The chief probation officer in each circuit shall
151 serve as the chair of the juvenile justice circuit advisory
152 board for that circuit ~~When a vacancy in the office of the chair~~
153 ~~occurs, the juvenile justice circuit advisory board shall~~
154 ~~appoint a new chair, who must meet the board membership~~
155 ~~requirements in subsection (4). The chair shall appoint members~~



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156 ~~to vacant seats within 45 days after the vacancy and submit the~~
157 ~~appointments to the department for approval. The chair shall~~
158 ~~serve at the pleasure of the Secretary of Juvenile Justice.~~

159 ~~(6) A member may not serve more than three consecutive 2-~~
160 ~~year terms, except those members listed in paragraphs (4) (a),~~
161 ~~(b), (c), (e), (f), (g), and (h). A former member who has not~~
162 ~~served on the juvenile justice circuit advisory board for 2~~
163 ~~years is eligible to serve on the juvenile justice circuit~~
164 ~~advisory board again.~~

165 ~~(7) At least half of the voting members of the juvenile~~
166 ~~justice circuit advisory board constitutes a quorum. A quorum~~
167 ~~must be present in order for the board to vote on a measure or~~
168 ~~position.~~

169 ~~(8) In order for a juvenile justice circuit advisory board~~
170 ~~measure or position to pass, it must receive more than 50~~
171 ~~percent of the vote.~~

172 ~~(9) Each juvenile justice circuit advisory board must~~
173 ~~provide for the establishment of an executive committee of not~~
174 ~~more than 10 members. The duties and authority of the executive~~
175 ~~committee must be addressed in the bylaws.~~

176 ~~(10) Each juvenile justice circuit advisory board shall~~
177 ~~have bylaws. The department shall prescribe a format and content~~
178 ~~requirements for the bylaws. All bylaws must be approved by the~~
179 ~~department. The bylaws shall address at least the following~~
180 ~~issues: election or appointment of officers; filling of vacant~~
181 ~~positions; meeting attendance requirements; and the~~
182 ~~establishment and duties of an executive committee.~~

183 ~~(11) Members of juvenile justice circuit advisory boards~~
184 ~~are subject to part III of chapter 112.~~



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185 Section 17. Subsections (1) and (2) of section 985.676,
186 Florida Statutes, are amended to read:

187 985.676 Community juvenile justice partnership grants.—

188 (1) GRANTS; CRITERIA.—

189 (a) In order to encourage the development of a circuit
190 juvenile justice plan ~~and the development and implementation of~~
191 ~~circuit interagency agreements under s. 985.664~~, the community
192 juvenile justice partnership grant program is established and
193 shall be administered by the department.

194 (b) In awarding these grants, the department shall consider
195 applications that at a minimum provide for the following:

196 1. The participation of the agencies and programs needed to
197 implement the project or program for which the applicant is
198 applying;

199 2. The reduction of truancy and in-school and out-of-school
200 suspensions and expulsions, the enhancement of school safety,
201 and other delinquency early-intervention and diversion services;

202 3. The number of youths from 10 through 17 years of age
203 within the geographic area to be served by the program, giving
204 those geographic areas having the highest number of youths from
205 10 to 17 years of age priority for selection;

206 4. The extent to which the program targets high-juvenile-
207 crime neighborhoods and those public schools serving juveniles
208 from high-crime neighborhoods;

209 5. The validity and cost-effectiveness of the program; and

210 6. The degree to which the program is located in and
211 managed by local leaders of the target neighborhoods and public
212 schools serving the target neighborhoods.

213 (c) In addition, the department may consider the following



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214 criteria in awarding grants:

215 1. The circuit juvenile justice plan and any county
216 juvenile justice plans that are referred to or incorporated into
217 the circuit plan, including a list of individuals, groups, and
218 public and private entities that participated in the development
219 of the plan.

220 2. The diversity of community entities participating in the
221 development of the circuit juvenile justice plan.

222 3. The number of community partners who will be actively
223 involved in the operation of the grant program.

224 4. The number of students or youths to be served by the
225 grant and the criteria by which they will be selected.

226 5. The criteria by which the grant program will be
227 evaluated and, if deemed successful, the feasibility of
228 implementation in other communities.

229 (2) GRANT APPLICATION PROCEDURES.—

230 (a) Each entity wishing to apply for an annual community
231 juvenile justice partnership grant, which may be renewed for a
232 maximum of 2 additional years for the same provision of
233 services, shall submit a grant proposal for funding or continued
234 funding to the department. The department shall establish the
235 grant application procedures. In order to be considered for
236 funding, the grant proposal shall include the following
237 assurances and information:

238 1. ~~A letter from the chair of the juvenile justice circuit~~
239 ~~board confirming that the grant application has been reviewed~~
240 ~~and found to support one or more purposes or goals of the~~
241 ~~juvenile justice plan as developed by the board.~~

242 2. A rationale and description of the program and the



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243 services to be provided, including goals and objectives.
244 ~~2.3.~~ A method for identification of the juveniles most
245 likely to be involved in the juvenile justice system who will be
246 the focus of the program.
247 ~~3.4.~~ Provisions for the participation of parents and
248 guardians in the program.
249 ~~4.5.~~ Coordination with other community-based and social
250 service prevention efforts, including, but not limited to, drug
251 and alcohol abuse prevention and dropout prevention programs,
252 that serve the target population or neighborhood.
253 ~~5.6.~~ An evaluation component to measure the effectiveness
254 of the program in accordance with s. 985.632.
255 ~~6.7.~~ A program budget, including the amount and sources of
256 local cash and in-kind resources committed to the budget. The
257 proposal must establish to the satisfaction of the department
258 that the entity will make a cash or in-kind contribution to the
259 program of a value that is at least equal to 20 percent of the
260 amount of the grant.
261 ~~7.8.~~ The necessary program staff.
262 (b) The department shall consider the recommendations of
263 community stakeholders ~~the juvenile justice circuit advisory~~
264 ~~board~~ as to the priority that should be given to proposals
265 submitted by entities within a circuit in awarding such grants.
266 (c) The department shall make available, to anyone wishing
267 to apply for such a grant, information on all of the criteria to
268 be used in the selection of the proposals for funding pursuant
269 to the provisions of this subsection.
270 (d) The department shall review all program proposals
271 submitted. Entities submitting proposals shall be notified of



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272 approval not later than June 30 of each year.

273 (e) Each entity that is awarded a grant as provided for in
274 this section shall submit an annual evaluation report to the
275 department and, the circuit juvenile justice manager, ~~and the~~
276 ~~juvenile justice circuit advisory board~~, by a date subsequent to
277 the end of the contract period established by the department,
278 documenting the extent to which the program objectives have been
279 met, the effect of the program on the juvenile arrest rate, and
280 any other information required by the department. The department
281 shall coordinate and incorporate all such annual evaluation
282 reports with s. 985.632. Each entity is also subject to a
283 financial audit and a performance audit.

284 (f) The department may establish rules and policy
285 provisions necessary to implement this section.

286 Section 18. Paragraph (a) of subsection (14) of section
287 1003.01, Florida Statutes, is amended to read:

288 1003.01 Definitions.—As used in this chapter, the term:

289 (14) (a) "Juvenile justice education programs or schools"
290 means programs or schools operating for the purpose of providing
291 educational services to youth in Department of Juvenile Justice
292 programs, for a school year composed of 250 days of instruction,
293 or the equivalent expressed in hours as specified in State Board
294 of Education rule, distributed over 12 months. If the period of
295 operation is expressed in hours, the State Board of Education
296 must review the calculation annually. ~~The use of the equivalent~~
297 ~~expressed in hours is only applicable to nonresidential~~
298 ~~programs. At the request of the provider, A district school~~
299 board, including an educational entity under s. 985.619, may
300 decrease the minimum number of days of instruction by ~~up to 10~~



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301 ~~days for teacher planning for residential programs~~ and up to 20
302 days or equivalent hours as specified in the State Board of
303 Education rule for teacher planning ~~for nonresidential programs,~~
304 subject to the approval of the Department of Juvenile Justice
305 and the Department of Education.

306 Section 19. Subsections (2) through (5) of section 1003.51,
307 Florida Statutes, are amended to read:

308 1003.51 Other public educational services.—

309 (2) The State Board of Education shall adopt rules
310 articulating expectations for effective education programs for
311 students in Department of Juvenile Justice programs, including,
312 but not limited to, education programs in juvenile justice
313 prevention, day treatment, ~~residential,~~ and detention programs.
314 The rules ~~rule~~ shall establish policies and standards for
315 education programs for students in Department of Juvenile
316 Justice programs and shall include the following:

317 (a) The interagency collaborative process needed to ensure
318 effective programs with measurable results.

319 (b) The responsibilities of the Department of Education,
320 the Department of Juvenile Justice, CareerSource Florida, Inc.,
321 district school boards, and providers of education services to
322 students in Department of Juvenile Justice programs.

323 (c) Academic expectations.

324 (d) Career expectations.

325 (e) Education transition planning and services.

326 (f) Service delivery options available to district school
327 boards, including direct service and contracting.

328 (g) Assessment procedures, which:

329 1. For prevention and, day treatment, ~~and residential~~



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330 ~~programs,~~ include appropriate academic and career assessments
331 administered at program entry and exit that are selected by the
332 district school board ~~Department of Education~~ in partnership
333 with representatives from the Department of Education, the
334 Department of Juvenile Justice, ~~district school boards,~~ and
335 education providers. ~~Assessments must be completed within the~~
336 ~~first 10 school days after a student's entry into the program.~~

337 2. Provide for determination of the areas of academic need
338 and strategies for appropriate intervention and instruction for
339 each student in a detention facility within 5 school days after
340 the student's entry into the program and administer a research-
341 based assessment that will assist the student in determining his
342 or her educational and career options and goals ~~within 22 school~~
343 ~~days after the student's entry into the program.~~

344
345 The results of these assessments, together with a portfolio
346 depicting the student's academic and career accomplishments,
347 shall be included in the discharge packet assembled for each
348 student.

349 (h) Recommended instructional programs, using course
350 delivery models aligned to the state academic standards. Options
351 may include direct instruction, blended learning pursuant to s.
352 1011.61(1), or district virtual instruction programs, virtual
353 charter schools, Florida Virtual School (FLVS), virtual course
354 offerings, and district franchises of FLVS pursuant to ss.
355 1002.33, 1002.37, 1002.45, 1002.455, 1003.498, and 1011.62(1),
356 and credit recovery course procedures including, but not limited
357 to:

358 1. Secondary education.



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- 359 2. High school equivalency examination preparation.
360 3. Postsecondary education.
361 4. Career and technical ~~professional~~ education ~~(CAPE)~~.
362 5. Job preparation.
363 6. Virtual education that:
364 a. Provides competency-based instruction that addresses the
365 unique academic needs of the student through delivery by an
366 entity accredited by a Department of Education-approved
367 accrediting body ~~AdvanceED or the Southern Association of~~
368 ~~Colleges and Schools~~.
369 b. Confers certifications and diplomas.
370 c. Issues credit that articulates with and transcripts that
371 are recognized by secondary schools.
372 d. Allows the student to continue to access and progress
373 through the program once the student leaves the juvenile justice
374 system.
375 (i) Funding requirements, which must provide that at least
376 95 percent of the FEFP funds generated by students in Department
377 of Juvenile Justice programs or in an education program for
378 juveniles under s. 985.19 must be spent on instructional costs
379 for those students. Department of Juvenile Justice education
380 programs are entitled to 100 percent of the formula-based
381 categorical funds generated by students in Department of
382 Juvenile Justice programs. Such funds must be spent on
383 appropriate categoricals, such as instructional materials and
384 public school technology for those students.
385 (j) Qualifications of instructional staff, procedures for
386 the selection of instructional staff, and procedures for
387 consistent instruction and qualified staff year-round.



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388 Qualifications shall include those for instructors of career and
389 technical education ~~CAPE~~ courses, standardized across the state,
390 and shall be based on state certification, local school district
391 approval, and industry-recognized certifications as identified
392 on the Master Credential ~~CAPE Industry Certification Funding~~
393 List. Procedures for the use of noncertified instructional
394 personnel who possess expert knowledge or experience in their
395 fields of instruction shall be established.

396 (k) Transition services, including the roles and
397 responsibilities of appropriate personnel in the juvenile
398 justice education program, the school district where the student
399 will reenter, provider organizations, and the Department of
400 Juvenile Justice.

401 (l) Procedures and timeframe for transfer of education
402 records when a student enters and leaves a Department of
403 Juvenile Justice education program.

404 (m) The requirement that each district school board
405 maintain an academic transcript for each student enrolled in a
406 juvenile justice education program that delineates each course
407 completed by the student as provided by the State Course Code
408 Directory.

409 (n) The requirement that each district school board make
410 available and transmit a copy of a student's transcript in the
411 discharge packet when the student exits a juvenile justice
412 education program.

413 (o) Contract requirements.

414 (p) Accountability and school improvement requirements as
415 public alternative schools pursuant to ss. 1008.31, 1008.34,
416 1008.341, and 1008.345 ~~Performance expectations for providers~~



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417 ~~and district school boards, including student performance~~
418 ~~measures by type of program, education program performance~~
419 ~~ratings, school improvement, and corrective action plans for~~
420 ~~low-performing programs.~~

421 (q) The role and responsibility of the district school
422 board in securing workforce development funds.

423 ~~(r) A series of graduated sanctions for district school~~
424 ~~boards whose educational programs in Department of Juvenile~~
425 ~~Justice programs are considered to be unsatisfactory and for~~
426 ~~instances in which district school boards fail to meet standards~~
427 ~~prescribed by law, rule, or State Board of Education policy.~~
428 ~~These sanctions shall include the option of requiring a district~~
429 ~~school board to contract with a provider or another district~~
430 ~~school board if the educational program at the Department of~~
431 ~~Juvenile Justice program is performing below minimum standards~~
432 ~~and, after 6 months, is still performing below minimum~~
433 ~~standards.~~

434 ~~(s)~~ Curriculum, school guidance counseling, transition, and
435 education services expectations, including curriculum
436 flexibility for detention centers operated by the Department of
437 Juvenile Justice.

438 (s) ~~(t)~~ Other aspects of program operations.

439 (3) The Department of Education in partnership with the
440 Department of Juvenile Justice, the district school boards, and
441 providers shall:

442 (a) Develop and implement requirements for contracts and
443 cooperative agreements regarding the delivery of appropriate
444 education services to students in Department of Juvenile Justice
445 education programs. The minimum contract requirements shall



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446 include, but are not limited to, payment structure and amounts;
447 access to district services; contract management provisions;
448 data reporting requirements, including reporting of full-time
449 equivalent student membership; accountability requirements and
450 corrective action plans, if needed; administration of federal
451 programs such as Title I, exceptional student education, and the
452 federal Strengthening Career and Technical Education for the
453 21st Century Act ~~Carl D. Perkins Career and Technical Education~~
454 ~~Act of 2006~~; and the policy and standards included in subsection
455 (2).

456 (b) Develop and implement procedures for transitioning
457 students into and out of Department of Juvenile Justice
458 education programs. These procedures shall reflect the policy
459 and standards adopted pursuant to subsection (2).

460 (c) Maintain standardized required content of education
461 records to be included as part of a student's commitment record
462 and procedures for securing the student's records. The education
463 records shall include, but not be limited to, the following:

464 1. A copy of the student's individual educational plan,
465 Section 504 plan, or behavioral plan, if applicable.

466 2. A copy of the student's individualized progress
467 monitoring plan.

468 3. A copy of the student's individualized transition plan.

469 4. Data on student performance on assessments taken
470 according to s. 1008.22.

471 5. A copy of the student's permanent cumulative record.

472 6. A copy of the student's academic transcript.

473 7. A portfolio reflecting the student's academic
474 accomplishments and industry certification earned, when age



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475 appropriate, while in the Department of Juvenile Justice
476 program.

477 (d) Establish the roles and responsibilities of the
478 juvenile probation officer and others involved in the withdrawal
479 of the student from school and assignment to a juvenile justice
480 education program.

481 (4) Each district school board shall:

482 (a) Notify students in juvenile justice education programs
483 who attain the age of 16 years of the law regarding compulsory
484 school attendance and make available the option of enrolling in
485 an education program to attain a Florida high school diploma by
486 taking the high school equivalency examination before release
487 from the program. The Department of Education shall assist
488 juvenile justice education programs with becoming high school
489 equivalency examination centers.

490 (b) Respond to requests for student education records
491 received from another district school board or a juvenile
492 justice education program within 3 ~~5~~ working days after
493 receiving the request.

494 (c) Provide access to courses offered pursuant to ss.
495 1002.37, 1002.45, 1002.455, and 1003.498. School districts and
496 providers may enter into cooperative agreements for the
497 provision of curriculum associated with courses offered pursuant
498 to s. 1003.498 to enable providers to offer such courses.

499 (d) Complete the assessment process required by subsection
500 (2).

501 (e) Monitor compliance with contracts for education
502 programs for students in juvenile justice prevention, day
503 treatment, ~~residential~~, and detention programs.



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504 (5) The Department of Education shall issue an alternative
505 school improvement rating for prevention and day treatment
506 prevention juvenile justice education programs, pursuant to s.
507 1008.341 ~~establish and operate, either directly or indirectly~~
508 ~~through a contract, a mechanism to provide accountability~~
509 ~~measures that annually assesses and evaluates all juvenile~~
510 ~~justice education programs using student performance data and~~
511 ~~program performance ratings by type of program and shall provide~~
512 ~~technical assistance and related research to district school~~
513 ~~boards and juvenile justice education providers. The Department~~
514 ~~of Education, with input from the Department of Juvenile~~
515 ~~Justice, school districts, and education providers, shall~~
516 ~~develop annual recommendations for system and school~~
517 ~~improvement.~~

518 Section 20. Section 1003.52, Florida Statutes, is amended
519 to read:

520 1003.52 Educational services in Department of Juvenile
521 Justice programs.—

522 (1) The Department of Education shall serve as the lead
523 agency for juvenile justice education programs, curriculum,
524 support services, and resources. To this end, the Department of
525 Education and the Department of Juvenile Justice shall each
526 designate a Coordinator for Juvenile Justice Education Programs
527 to serve as the point of contact for resolving issues not
528 addressed by district school boards and to provide each
529 department's participation in the following activities:

530 (a) Training, collaborating, and coordinating with district
531 school boards, local workforce development boards, ~~and local~~
532 ~~youth councils,~~ educational contract providers, and juvenile



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533 justice providers, whether state operated or contracted.

534 (b) Collecting information on the academic, career and
535 technical ~~professional~~ education ~~(CAPE)~~, and transition
536 performance of students in juvenile justice programs and
537 reporting on the results.

538 (c) Developing academic and career and technical education
539 ~~CAPE~~ protocols that provide guidance to district school boards
540 and juvenile justice education providers in all aspects of
541 education programming, including records transfer and
542 transition.

543 ~~(d) Implementing a joint accountability, program~~
544 ~~performance, and program improvement process.~~

545
546 Annually, a cooperative agreement and plan for juvenile justice
547 education service enhancement shall be developed between the
548 Department of Juvenile Justice and the Department of Education
549 and submitted to the Secretary of Juvenile Justice and the
550 Commissioner of Education by June 30. The plan shall include, at
551 a minimum, each agency's role regarding educational program
552 accountability, technical assistance, training, and coordination
553 of services.

554 (2) Students participating in Department of Juvenile
555 Justice education programs pursuant to chapter 985 which are
556 sponsored by a community-based agency or are operated or
557 contracted for by the Department of Juvenile Justice shall
558 receive education programs according to rules of the State Board
559 of Education. These students shall be eligible for services
560 afforded to students enrolled in programs pursuant to s. 1003.53
561 and all corresponding State Board of Education rules.



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562 (3) The district school board of the county in which the
563 juvenile justice education prevention, day treatment,
564 ~~residential~~, or detention program is located shall provide or
565 contract for appropriate educational assessments and an
566 appropriate program of instruction and special education
567 services.

568 (a) All contracts between a district school board desiring
569 to contract directly with juvenile justice education programs to
570 provide academic instruction for students in such programs must
571 be in writing and reviewed by the Department of Juvenile
572 Justice. Unless both parties agree to an extension of time, the
573 district school board and the juvenile justice education program
574 shall negotiate and execute a new or renewal contract within 40
575 days after the district school board provides the proposal to
576 the juvenile justice education program. The Department of
577 Education shall provide mediation services for any disputes
578 relating to this paragraph.

579 (b) District school boards shall satisfy invoices issued by
580 juvenile justice education programs within 15 working days after
581 receipt. If a district school board does not timely issue a
582 warrant for payment, it must pay to the juvenile justice
583 education program interest at a rate of 1 percent per month,
584 calculated on a daily basis, on the unpaid balance until such
585 time as a warrant is issued for the invoice and accrued interest
586 amount. The district school board may not delay payment to a
587 juvenile justice education program of any portion of funds owed
588 pending the district's receipt of local funds.

589 (c) The district school board shall make provisions for
590 each student to participate in basic career and technical



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591 education, ~~CAPE,~~ and exceptional student programs, as
592 appropriate. Students served in Department of Juvenile Justice
593 education programs shall have access to the appropriate courses
594 and instruction to prepare them for the high school equivalency
595 examination. Students participating in high school equivalency
596 examination preparation programs shall be funded at the basic
597 program cost factor for Department of Juvenile Justice programs
598 in the Florida Education Finance Program. Each program shall be
599 conducted according to applicable law providing for the
600 operation of public schools and rules of the State Board of
601 Education. School districts shall provide the high school
602 equivalency examination exit option for all juvenile justice
603 education programs, except for residential programs operated
604 under s. 985.619.

605 (d) The district school board shall select appropriate
606 academic and career assessments to be administered at the time
607 of program entry and exit for the purpose of developing goals
608 for education transition plans, progress monitoring plans,
609 individual education plans, as applicable, and federal
610 reporting, as applicable ~~The Department of Education, with the~~
611 ~~assistance of the school districts and juvenile justice~~
612 ~~education providers, shall select a common student assessment~~
613 ~~instrument and protocol for measuring student learning gains and~~
614 ~~student progression while a student is in a juvenile justice~~
615 ~~education program. The Department of Education and the~~
616 ~~Department of Juvenile Justice shall jointly review the~~
617 ~~effectiveness of this assessment and implement changes as~~
618 ~~necessary.~~

619 (4) Educational services shall be provided at times of the



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620 day most appropriate for the juvenile justice program. School
621 programming in juvenile justice detention, prevention, or day
622 treatment, ~~and residential~~ programs shall be made available by
623 the local school district during the juvenile justice school
624 year, as provided in s. 1003.01(14). In addition, students in
625 juvenile justice education programs shall have access to courses
626 offered pursuant to ss. 1002.37, 1002.45, and 1003.498. The
627 Department of Education and the school districts shall adopt
628 policies necessary to provide such access.

629 (5) The educational program shall provide instruction based
630 on each student's individualized transition plan, assessed
631 educational needs, and the education programs available in the
632 school district in which the student will return. Depending on
633 the student's needs, educational programming may consist of
634 remedial courses, academic courses required for grade
635 advancement, career and technical education ~~CAPE~~ courses, high
636 school equivalency examination preparation, or exceptional
637 student education curricula and related services which support
638 the transition goals and reentry and which may lead to
639 completion of the requirements for receipt of a high school
640 diploma or its equivalent. Prevention and day treatment juvenile
641 justice education programs, at a minimum, shall provide career
642 readiness and exploration opportunities as well as truancy and
643 dropout prevention intervention services. ~~Residential juvenile~~
644 ~~justice education programs with a contracted minimum length of~~
645 ~~stay of 9 months shall provide CAPE courses that lead to~~
646 ~~preapprentice certifications and industry certifications.~~
647 ~~Programs with contracted lengths of stay of less than 9 months~~
648 ~~may provide career education courses that lead to preapprentice~~



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649 ~~certifications and CAPE industry certifications. If the duration~~
650 ~~of a program is less than 40 days, the educational component may~~
651 ~~be limited to tutorial remediation activities, career~~
652 ~~employability skills instruction, education counseling, and~~
653 ~~transition services that prepare students for a return to~~
654 ~~school, the community, and their home settings based on the~~
655 ~~students' needs.~~

656 (6) Participation in the program by students of compulsory
657 school-attendance age as provided for in s. 1003.21 shall be
658 mandatory. All students of noncompulsory school-attendance age
659 who have not received a high school diploma or its equivalent
660 shall participate in the educational program, unless the student
661 files a formal declaration of his or her intent to terminate
662 school enrollment as described in s. 1003.21 and is afforded the
663 opportunity to take the high school equivalency examination and
664 attain a Florida high school diploma before release from a
665 juvenile justice education program. A student who has received a
666 high school diploma or its equivalent and is not employed shall
667 participate in workforce development ~~or other CAPE education~~ or
668 Florida College System institution or university courses while
669 in the program, subject to available funding.

670 (7) An individualized progress monitoring plan shall be
671 developed for all students ~~not classified as exceptional~~
672 ~~education students~~ upon entry in a juvenile justice education
673 program and upon reentry in the school district. These plans
674 shall address academic, literacy, and career and technical
675 skills and shall include provisions for intensive remedial
676 instruction in the areas of weakness.

677 (8) Each district school board shall maintain an academic



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678 record for each student enrolled in a juvenile justice education
679 program as prescribed by s. 1003.51. Such record shall delineate
680 each course completed by the student according to procedures in
681 the State Course Code Directory. The district school board shall
682 include a copy of a student's academic record in the discharge
683 packet when the student exits the program.

684 (9) Each district school board shall make provisions for
685 high school level students to earn credits toward high school
686 graduation while in ~~residential and nonresidential~~ juvenile
687 justice detention, prevention, or day treatment education
688 programs. Provisions must be made for the transfer of credits
689 and partial credits earned.

690 (10) School districts and juvenile justice education
691 providers shall develop individualized transition plans during
692 the course of a student's stay in a juvenile justice education
693 program to coordinate academic, career and technical, and
694 secondary and postsecondary services that assist the student in
695 successful community reintegration upon release. Development of
696 the transition plan shall be a collaboration of the personnel in
697 the juvenile justice education program, reentry personnel,
698 personnel from the school district where the student will
699 return, the student, the student's family, and the Department of
700 Juvenile Justice ~~personnel for committed students~~.

701 (a) Transition planning must begin upon a student's
702 placement in the program. The transition plan must include, at a
703 minimum:

704 1. Services and interventions that address the student's
705 assessed educational needs and postrelease education plans.

706 2. Services to be provided during the program stay and



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707 services to be implemented upon release, including, but not
708 limited to, continuing education in secondary school, career and
709 technical education ~~CAPE programs~~, postsecondary education, or
710 employment, based on the student's needs.

711 3. Specific monitoring responsibilities to determine
712 whether the individualized transition plan is being implemented
713 and the student is provided access to support services that will
714 sustain the student's success by individuals who are responsible
715 for the reintegration and coordination of these activities.

716 (b) For the purpose of transition planning and reentry
717 services, representatives from the school district and the one-
718 stop center where the student will return shall participate as
719 members of the local Department of Juvenile Justice reentry
720 teams. The school district, upon return of a student from a
721 juvenile justice education program, must consider the individual
722 needs and circumstances of the student and the transition plan
723 recommendations when reenrolling a student in a public school. A
724 local school district may not maintain a standardized policy for
725 all students returning from a juvenile justice program but place
726 students based on their needs and their performance in the
727 juvenile justice education program, including any virtual
728 education options.

729 (c) The Department of Education and the Department of
730 Juvenile Justice shall provide oversight and guidance to school
731 districts, education providers, and reentry personnel on how to
732 implement effective educational transition planning and
733 services.

734 (11) The district school board shall recruit and train
735 teachers who are ~~interested,~~ qualified, ~~or experienced~~ in



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736 educating students in juvenile justice programs. Students in
737 juvenile justice programs shall be provided a wide range of
738 education programs and opportunities including instructional
739 materials ~~textbooks~~, technology, instructional support, and
740 resources commensurate with resources provided to students in
741 public schools, including instructional materials ~~textbooks~~ and
742 access to technology. If the district school board operates a
743 juvenile justice education program at a juvenile justice
744 facility, the district school board, in consultation with the
745 director of the juvenile justice facility, shall select the
746 instructional personnel assigned to that program. The Secretary
747 of Juvenile Justice or the director of a juvenile justice
748 program may request that the performance of a teacher assigned
749 by the district to a juvenile justice education program be
750 reviewed by the district and that the teacher be reassigned
751 based upon an evaluation conducted pursuant to s. 1012.34 or for
752 inappropriate behavior. Juvenile justice education programs
753 shall have access to the substitute teacher pool used by the
754 district school board.

755 (12) District school boards may contract with a private
756 provider for the provision of education programs to students
757 placed in juvenile justice detention, prevention, or day
758 treatment programs with the Department of Juvenile Justice and
759 shall generate local, state, and federal funding, including
760 funding through the Florida Education Finance Program for such
761 students. The district school board's planning and budgeting
762 process shall include the needs of Department of Juvenile
763 Justice education programs in the district school board's plan
764 for expenditures for state categorical and federal funds.



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765 (13) (a) Eligible students enrolled in juvenile justice
766 detention, prevention, or day treatment education programs shall
767 be funded the same as students enrolled in traditional public
768 schools funded in the Florida Education Finance Program and as
769 specified in s. 1011.62 and the General Appropriations Act.

770 (b) Juvenile justice education programs to receive the
771 appropriate FEFP funding for Department of Juvenile Justice
772 education programs shall include those operated through a
773 contract with the Department of Juvenile Justice.

774 (c) Consistent with the rules of the State Board of
775 Education, district school boards shall request an alternative
776 FTE survey for Department of Juvenile Justice education programs
777 experiencing fluctuations in student enrollment.

778 (d) FTE count periods shall be prescribed in rules of the
779 State Board of Education and shall be the same for programs of
780 the Department of Juvenile Justice as for other public school
781 programs. The summer school period for students in Department of
782 Juvenile Justice education programs shall begin on the day
783 immediately following the end of the regular school year and end
784 on the day immediately preceding the subsequent regular school
785 year. Students shall be funded for no more than 25 hours per
786 week of direct instruction.

787 (e) Each juvenile justice education program must receive
788 all federal funds for which the program is eligible.

789 (14) Each district school board shall negotiate a
790 cooperative agreement with the Department of Juvenile Justice on
791 the delivery of educational services to students in juvenile
792 justice detention, prevention, or day treatment programs under
793 the jurisdiction of the Department of Juvenile Justice. Such



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794 agreement must include, but is not limited to:

795 (a) Roles and responsibilities of each agency, including
796 the roles and responsibilities of contract providers.

797 (b) Administrative issues including procedures for sharing
798 information.

799 (c) Allocation of resources including maximization of
800 local, state, and federal funding.

801 (d) Procedures for educational evaluation for educational
802 exceptionalities and special needs.

803 (e) Curriculum and delivery of instruction.

804 (f) Classroom management procedures and attendance
805 policies.

806 (g) Procedures for provision of qualified instructional
807 personnel, whether supplied by the district school board or
808 provided under contract by the provider, and for performance of
809 duties while in a juvenile justice setting.

810 (h) Provisions for improving skills in teaching and working
811 with students referred to juvenile justice education programs.

812 (i) Transition plans for students moving into and out of
813 juvenile justice education programs.

814 (j) Procedures and timelines for the timely documentation
815 of credits earned and transfer of student records.

816 (k) Methods and procedures for dispute resolution.

817 (l) Provisions for ensuring the safety of education
818 personnel and support for the agreed-upon education program.

819 (m) Strategies for correcting any deficiencies found
820 through the alternative school improvement rating accountability
821 ~~and evaluation system~~ and student performance measures.

822 (n) Career and academic assessments selected by the



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823 district pursuant to paragraph (3)(d).

824 (15) Nothing in this section or in a cooperative agreement
825 requires the district school board to provide more services than
826 can be supported by the funds generated by students in the
827 juvenile justice programs.

828 ~~(16) The Department of Education, in consultation with the~~
829 ~~Department of Juvenile Justice, district school boards, and~~
830 ~~providers, shall adopt rules establishing:~~

831 ~~(a) Objective and measurable student performance measures~~
832 ~~to evaluate a student's educational progress while participating~~
833 ~~in a prevention, day treatment, or residential program. The~~
834 ~~student performance measures must be based on appropriate~~
835 ~~outcomes for all students in juvenile justice education~~
836 ~~programs, taking into consideration the student's length of stay~~
837 ~~in the program. Performance measures shall include outcomes that~~
838 ~~relate to student achievement of career education goals,~~
839 ~~acquisition of employability skills, receipt of a high school~~
840 ~~diploma or its equivalent, grade advancement, and the number of~~
841 ~~CAPE industry certifications earned.~~

842 ~~(b) A performance rating system to be used by the~~
843 ~~Department of Education to evaluate the delivery of educational~~
844 ~~services within each of the juvenile justice programs. The~~
845 ~~performance rating shall be primarily based on data regarding~~
846 ~~student performance as described in paragraph (a).~~

847 ~~(c) The timeframes, procedures, and resources to be used to~~
848 ~~improve a low-rated educational program or to terminate or~~
849 ~~reassign the program.~~

850 ~~(d) The Department of Education, in partnership with the~~
851 ~~Department of Juvenile Justice, shall develop a comprehensive~~



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852 ~~accountability and program improvement process. The~~
853 ~~accountability and program improvement process shall be based on~~
854 ~~student performance measures by type of program and shall rate~~
855 ~~education program performance. The accountability system shall~~
856 ~~identify and recognize high-performing education programs. The~~
857 ~~Department of Education, in partnership with the Department of~~
858 ~~Juvenile Justice, shall identify low-performing programs. Low-~~
859 ~~performing education programs shall receive an onsite program~~
860 ~~evaluation from the Department of Juvenile Justice. School~~
861 ~~improvement, technical assistance, or the reassignment of the~~
862 ~~program shall be based, in part, on the results of the program~~
863 ~~evaluation. Through a corrective action process, low-performing~~
864 ~~programs must demonstrate improvement or the programs shall be~~
865 ~~reassigned.~~

866 ~~(17) The department, in collaboration with the Department~~
867 ~~of Juvenile Justice, shall collect data and report on~~
868 ~~commitment, day treatment, prevention, and detention programs.~~
869 ~~The report shall be submitted to the President of the Senate,~~
870 ~~the Speaker of the House of Representatives, and the Governor by~~
871 ~~February 1 of each year. The report must include, at a minimum:~~

872 ~~(a) The number and percentage of students who:~~

873 ~~1. Return to an alternative school, middle school, or high~~
874 ~~school upon release and the attendance rate of such students~~
875 ~~before and after participation in juvenile justice education~~
876 ~~programs.~~

877 ~~2. Receive a standard high school diploma or a high school~~
878 ~~equivalency diploma.~~

879 ~~3. Receive industry certification.~~

880 ~~4. Enroll in a postsecondary educational institution.~~



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881 ~~5. Complete a juvenile justice education program without~~
882 ~~reoffending.~~

883 ~~6. Reoffend within 1 year after completion of a day~~
884 ~~treatment or residential commitment program.~~

885 ~~7. Remain employed 1 year after completion of a day~~
886 ~~treatment or residential commitment program.~~

887 ~~8. Demonstrate learning gains pursuant to paragraph (3) (d).~~
888 ~~(b) The following cost data for each juvenile justice~~
889 ~~education program:~~

890 ~~1. The amount of funding provided by district school boards~~
891 ~~to juvenile justice programs and the amount retained for~~
892 ~~administration, including documenting the purposes of such~~
893 ~~expenses.~~

894 ~~2. The status of the development of cooperative agreements.~~
895 ~~3. Recommendations for system improvement.~~

896 ~~4. Information on the identification of, and services~~
897 ~~provided to, exceptional students, to determine whether these~~
898 ~~students are properly reported for funding and are appropriately~~
899 ~~served.~~

900 ~~(18)~~ The district school board shall not be charged any
901 rent, maintenance, utilities, or overhead on such facilities.
902 Maintenance, repairs, and remodeling of existing detention
903 facilities shall be provided by the Department of Juvenile
904 Justice.

905 (17)~~(19)~~ When additional facilities are required for
906

907 ===== T I T L E A M E N D M E N T =====
908 And the title is amended as follows:
909 Delete lines 59 - 112



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910 and insert:
911 the state for specified purposes; amending s. 985.619,
912 F.S.; providing the board of trustees of the Florida
913 Scholars Academy the power and duty to review and
914 approve an annual academic calendar; authorizing the
915 board of trustees to decrease the minimum number of
916 days for instruction; amending s. 985.664, F.S.;
917 requiring, rather than authorizing, each judicial
918 circuit to have a juvenile justice circuit advisory
919 board; requiring the juvenile justice circuit advisory
920 board to work with the chief probation officer of the
921 circuit to use data to inform policy and practices
922 that better improve the juvenile justice continuum;
923 deleting provisions relating to the juvenile justice
924 circuit advisory board's purpose, duties, and
925 responsibilities; decreasing the minimum number of
926 members that each juvenile justice circuit advisory
927 board is required to have; requiring that each member
928 of the juvenile justice circuit advisory board be
929 approved by the chief probation officer of the
930 circuit, rather than the Secretary of Juvenile
931 Justice; requiring the chief probation officer in each
932 circuit to serve as the chair of the juvenile justice
933 circuit advisory board for that circuit; deleting
934 provisions relating to board membership and vacancies;
935 deleting provisions relating to quorums and the
936 passing of measures; deleting provisions requiring the
937 establishment of executive committees and having
938 bylaws; amending s. 985.676, F.S.; revising the



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939 required contents of a grant proposal applicants must
940 submit to be considered for funding from an annual
941 community juvenile justice partnership grant;
942 requiring the department to consider the
943 recommendations of community stakeholders, rather than
944 the juvenile justice circuit advisory board, as to
945 certain priorities; deleting the juvenile justice
946 circuit advisory board from the entities to which each
947 awarded grantee is required to submit an annual
948 evaluation report; conforming a provision to changes
949 made by the act; amending s. 1003.01, F.S.; revising
950 the definition of the term "juvenile justice education
951 programs or schools"; amending s. 1003.51, F.S.;
952 revising requirements for certain State Board of
953 Education rules to establish policies and standards
954 for certain education programs; revising requirements
955 for the Department of Education, in partnership with
956 the Department of Juvenile Justice, the district
957 school boards, and education providers, to develop and
958 implements certain contract requirements and to
959 maintain standardized required content of education
960 records; revising district school board requirements;
961 revising departmental requirements relating to
962 juvenile justice education programs; amending s.
963 1003.52, F.S.; revising the role of Coordinators for
964 Juvenile Justice Education Programs in collecting
965 certain information and developing certain protocols;
966 deleting provisions relating to career and
967 professional education (CAPE); requiring district



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968 school boards to select appropriate academic and
969 career assessments to be administered at the time of
970 program entry and exit; deleting provisions related to
971 requiring residential juvenile justice education
972 programs to provide certain CAPE courses; requiring
973 each district school board to make provisions for high
974 school level students to earn credits toward high
975 school graduation while in juvenile justice detention,
976 prevention, or day treatment programs; authorizing
977 district school boards to contract with private
978 providers for the provision of education programs to
979 students placed in such programs; requiring each
980 district school board to negotiate a cooperative
981 agreement with the department on the delivery of
982 educational services to students in such programs;
983 revising requirements for such agreements; deleting
984 provisions requiring the

By Senator Bradley

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1 A bill to be entitled
 2 An act relating to juvenile justice; amending s.
 3 381.887, F.S.; authorizing personnel of the Department
 4 of Juvenile Justice and of certain contracted
 5 providers to possess, store, and administer emergency
 6 opioid antagonists and providing immunity from civil
 7 or criminal liability for such personnel; amending s.
 8 790.22, F.S.; deleting a provision requiring the
 9 juvenile justice circuit advisory board to establish
 10 certain community service programs; amending s.
 11 938.17, F.S.; requiring sheriffs' offices to submit an
 12 annual report regarding certain received proceeds to
 13 the department, rather than the juvenile justice
 14 circuit advisory board; amending s. 948.51, F.S.;
 15 requiring the public safety coordinating council to
 16 cooperate with the department, rather than the
 17 juvenile justice circuit advisory board, to prepare a
 18 comprehensive public safety plan; amending s. 985.02,
 19 F.S.; revising the legislative intent for the juvenile
 20 justice system relating to general protections for
 21 children and sex-specific, rather than gender-
 22 specific, programming; amending s. 985.03, F.S.;
 23 revising definitions and defining the term "sex";
 24 amending s. 985.115, F.S.; prohibiting juvenile
 25 assessment centers from being considered facilities
 26 that can receive children under specified
 27 circumstances; amending s. 985.126, F.S.; revising the
 28 information a diversion program is required to report
 29 about each minor from his or her gender to his or her

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30 sex; requiring the department to compile and
 31 semiannually publish certain data in a format that is
 32 searchable by sex rather than by gender; amending s.
 33 985.17, F.S.; revising the programming focus for the
 34 department's prevention services for youth at risk of
 35 becoming delinquent to include sex-specific services
 36 rather than gender-specific services; amending s.
 37 985.26, F.S.; authorizing that transitions from secure
 38 detention care and supervised release detention care
 39 be initiated upon a court's own motion or upon a
 40 motion from the child or the state; amending s.
 41 985.27, F.S.; revising the required court placement in
 42 secure detention for children who are adjudicated and
 43 awaiting placement in a moderate-risk, rather than
 44 nonsecure, residential commitment program; reenacting
 45 and amending s. 985.441, F.S.; authorizing a court to
 46 commit certain children to a moderate-risk, rather
 47 than nonsecure, residential placement under certain
 48 circumstances; amending s. 985.465, F.S.; revising the
 49 physically secure residential commitment program to
 50 send specified children to maximum-risk residential
 51 facilities rather than juvenile correctional
 52 facilities or prisons; amending s. 985.601, F.S.;
 53 revising certain required programs for rehabilitative
 54 treatment to include sex-specific programming rather
 55 than gender-specific programming; authorizing the
 56 department to use state or federal funds to purchase
 57 and distribute promotional and educational materials
 58 that are consistent with the dignity and integrity of

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59 the state for specified purposes; amending s. 985.664,
 60 F.S.; requiring, rather than authorizing, each
 61 judicial circuit to have a juvenile justice circuit
 62 advisory board; requiring the juvenile justice circuit
 63 advisory board to work with the chief probation
 64 officer of the circuit to use data to inform policy
 65 and practices that better improve the juvenile justice
 66 continuum; deleting provisions relating to the
 67 juvenile justice circuit advisory board's purpose,
 68 duties, and responsibilities; decreasing the minimum
 69 number of members that each juvenile justice circuit
 70 advisory board is required to have; requiring that
 71 each member of the juvenile justice circuit advisory
 72 board be approved by the chief probation officer of
 73 the circuit, rather than the Secretary of Juvenile
 74 Justice; requiring the chief probation officer in each
 75 circuit to serve as the chair of the juvenile justice
 76 circuit advisory board for that circuit; deleting
 77 provisions relating to board membership and vacancies;
 78 deleting provisions relating to quorums and the
 79 passing of measures; deleting provisions requiring the
 80 establishment of executive committees and having
 81 bylaws; amending s. 985.676, F.S.; revising the
 82 required contents of a grant proposal applicants must
 83 submit to be considered for funding from an annual
 84 community juvenile justice partnership grant;
 85 requiring the department to consider the
 86 recommendations of community stakeholders, rather than
 87 the juvenile justice circuit advisory board, as to

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88 certain priorities; deleting the juvenile justice
 89 circuit advisory board from the entities to which each
 90 awarded grantee is required to submit an annual
 91 evaluation report; conforming a provision to changes
 92 made by the act; amending s. 1003.51, F.S.; revising
 93 requirements for certain State Board of Education
 94 rules to establish policies and standards for certain
 95 education programs; amending s. 1003.52, F.S.;
 96 revising the role of Coordinators for Juvenile Justice
 97 Education Programs in collecting certain information
 98 and developing certain protocols; deleting provisions
 99 relating to career and professional education (CAPE);
 100 deleting provisions related to requiring residential
 101 juvenile justice education programs to provide certain
 102 CAPE courses; requiring each district school board to
 103 make provisions for high school level students to earn
 104 credits towards high school graduation while in
 105 juvenile justice detention, prevention, or day
 106 treatment programs; authorizing district school boards
 107 to contract with private providers for the provision
 108 of education programs to students placed in such
 109 programs; requiring each district school board to
 110 negotiate a cooperative agreement with the department
 111 on the delivery of educational services to students in
 112 such programs; deleting provisions requiring the
 113 Department of Education, in consultation with the
 114 Department of Juvenile Justice, to adopt rules and
 115 collect data and report on certain programs; deleting
 116 a provision requiring that specified entities jointly

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117 develop a multiagency plan for CAPE; conforming
 118 provisions to changes made by the act; amending s.
 119 330.41, F.S.; conforming a provision to changes made
 120 by the act; amending s. 553.865, F.S.; conforming
 121 cross-references and provisions to changes made by the
 122 act; amending s. 1001.42, F.S.; conforming a provision
 123 to changes made by the act; reenacting s. 985.721,
 124 F.S., relating to escapes from secure detention or
 125 residential commitment facilities, to incorporate the
 126 amendment made to s. 985.03, F.S., in a reference
 127 thereto; reenacting s. 985.25(1), F.S., relating to
 128 detention intakes, to incorporate the amendment made
 129 to s. 985.115, F.S., in a reference thereto;
 130 reenacting s. 985.255(3), F.S., relating to detention
 131 criteria and detention hearings, to incorporate the
 132 amendment made to s. 985.27, F.S., in a reference
 133 thereto; reenacting ss. 985.475(2)(h) and
 134 985.565(4)(b), F.S., relating to juvenile sexual
 135 offenders and juvenile sanctions, respectively, to
 136 incorporate the amendment made to s. 985.441, F.S., in
 137 references thereto; providing an effective date.

138
 139 Be It Enacted by the Legislature of the State of Florida:

140
 141 Section 1. Subsection (4) of section 381.887, Florida
 142 Statutes, is amended to read:

143 381.887 Emergency treatment for suspected opioid overdose.—

144 (4) The following persons are authorized to possess, store,
 145 and administer emergency opioid antagonists as clinically

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146 indicated and are immune from any civil liability or criminal
 147 liability as a result of administering an emergency opioid
 148 antagonist:

149 (a) Emergency responders, including, but not limited to,
 150 law enforcement officers, paramedics, and emergency medical
 151 technicians.

152 (b) Crime laboratory personnel for the statewide criminal
 153 analysis laboratory system as described in s. 943.32, including,
 154 but not limited to, analysts, evidence intake personnel, and
 155 their supervisors.

156 (c) Personnel of a law enforcement agency or an other
 157 agency, including, but not limited to, correctional probation
 158 officers and child protective investigators who, while acting
 159 within the scope or course of employment, come into contact with
 160 a controlled substance or persons at risk of experiencing an
 161 opioid overdose.

162 (d) Personnel of the Department of Juvenile Justice and of
 163 any contracted provider with direct contact with youth
 164 authorized under chapter 984 or chapter 985.

165 Section 2. Subsection (4) of section 790.22, Florida
 166 Statutes, is amended to read:

167 790.22 Use of BB guns, air or gas-operated guns, or
 168 electric weapons or devices by minor under 16; limitation;
 169 possession of firearms by minor under 18 prohibited; penalties.—

170 (4) (a) Any parent or guardian of a minor, or other adult
 171 responsible for the welfare of a minor, who knowingly and
 172 willfully permits the minor to possess a firearm in violation of
 173 subsection (3) commits a felony of the third degree, punishable
 174 as provided in s. 775.082, s. 775.083, or s. 775.084.

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175 (b) Any natural parent or adoptive parent, whether
 176 custodial or noncustodial, or any legal guardian or legal
 177 custodian of a minor, if that minor possesses a firearm in
 178 violation of subsection (3) may, if the court finds it
 179 appropriate, be required to participate in classes on parenting
 180 education which are approved by the Department of Juvenile
 181 Justice, upon the first conviction of the minor. Upon any
 182 subsequent conviction of the minor, the court may, if the court
 183 finds it appropriate, require the parent to attend further
 184 parent education classes or render community service hours
 185 together with the child.

186 (c) The ~~juvenile justice circuit advisory boards or the~~
 187 Department of Juvenile Justice shall establish appropriate
 188 community service programs to be available to the alternative
 189 sanctions coordinators of the circuit courts in implementing
 190 this subsection. The boards or department shall propose the
 191 implementation of a community service program in each circuit,
 192 and may submit a circuit plan, to be implemented upon approval
 193 of the circuit alternative sanctions coordinator.

194 (d) For the purposes of this section, community service may
 195 be provided on public property as well as on private property
 196 with the expressed permission of the property owner. Any
 197 community service provided on private property is limited to
 198 such things as removal of graffiti and restoration of vandalized
 199 property.

200 Section 3. Subsection (4) of section 938.17, Florida
 201 Statutes, is amended to read:

202 938.17 County delinquency prevention; juvenile assessment
 203 centers and school board suspension programs.-

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204 (4) A sheriff's office that receives proceeds pursuant to
 205 s. 939.185 shall account for all funds annually by August 1 in a
 206 written report to the Department of Juvenile Justice ~~juvenile~~
 207 ~~justice circuit advisory board~~ if funds are used for assessment
 208 centers, and to the district school board if funds are used for
 209 suspension programs.

210 Section 4. Subsection (2) of section 948.51, Florida
 211 Statutes, is amended to read:

212 948.51 Community corrections assistance to counties or
 213 county consortiums.-

214 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.-A
 215 county, or a consortium of two or more counties, may contract
 216 with the Department of Corrections for community corrections
 217 funds as provided in this section. In order to enter into a
 218 community corrections partnership contract, a county or county
 219 consortium must have a public safety coordinating council
 220 established under s. 951.26 and must designate a county officer
 221 or agency to be responsible for administering community
 222 corrections funds received from the state. The public safety
 223 coordinating council shall prepare, develop, and implement a
 224 comprehensive public safety plan for the county, or the
 225 geographic area represented by the county consortium, and shall
 226 submit an annual report to the Department of Corrections
 227 concerning the status of the program. In preparing the
 228 comprehensive public safety plan, the public safety coordinating
 229 council shall cooperate with the Department of Juvenile Justice
 230 ~~juvenile justice circuit advisory board established under s.~~
 231 ~~985.664~~ in order to include programs and services for juveniles
 232 in the plan. To be eligible for community corrections funds

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233 under the contract, the initial public safety plan must be
 234 approved by the governing board of the county, or the governing
 235 board of each county within the consortium, and the Secretary of
 236 Corrections based on the requirements of this section. If one or
 237 more other counties develop a unified public safety plan, the
 238 public safety coordinating council shall submit a single
 239 application to the department for funding. Continued contract
 240 funding shall be pursuant to subsection (5). The plan for a
 241 county or county consortium must cover at least a 5-year period
 242 and must include:

243 (a) A description of programs offered for the job placement
 244 and treatment of offenders in the community.

245 (b) A specification of community-based intermediate
 246 sentencing options to be offered and the types and number of
 247 offenders to be included in each program.

248 (c) Specific goals and objectives for reducing the
 249 projected percentage of commitments to the state prison system
 250 of persons with low total sentencing scores pursuant to the
 251 Criminal Punishment Code.

252 (d) Specific evidence of the population status of all
 253 programs which are part of the plan, which evidence establishes
 254 that such programs do not include offenders who otherwise would
 255 have been on a less intensive form of community supervision.

256 (e) The assessment of population status by the public
 257 safety coordinating council of all correctional facilities owned
 258 or contracted for by the county or by each county within the
 259 consortium.

260 (f) The assessment of bed space that is available for
 261 substance abuse intervention and treatment programs and the

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262 assessment of offenders in need of treatment who are committed
 263 to each correctional facility owned or contracted for by the
 264 county or by each county within the consortium.

265 (g) A description of program costs and sources of funds for
 266 each community corrections program, including community
 267 corrections funds, loans, state assistance, and other financial
 268 assistance.

269 Section 5. Subsections (1) and (7) of section 985.02,
 270 Florida Statutes, are amended to read:

271 985.02 Legislative intent for the juvenile justice system.—

272 (1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of
 273 the Legislature that the children of this state be provided with
 274 the following protections:

275 (a) Protection from abuse, neglect, and exploitation.

276 (b) A permanent and stable home.

277 (c) A safe and nurturing environment which will preserve a
 278 sense of personal dignity and integrity.

279 (d) Adequate nutrition, shelter, and clothing.

280 (e) Effective treatment to address physical, social, and
 281 emotional needs, regardless of geographical location.

282 (f) Equal opportunity and access to quality and effective
 283 education, which will meet the individual needs of each child,
 284 and to recreation and other community resources to develop
 285 individual abilities.

286 (g) Access to prevention programs and services.

287 (h) Sex-specific ~~Gender-specific~~ programming and sex-
 288 specific ~~gender-specific~~ program models and services that
 289 comprehensively address the needs of either sex ~~a targeted~~
 290 ~~gender group~~.

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291 (7) SEX-SPECIFIC GENDER-SPECIFIC PROGRAMMING.-
 292 (a) The Legislature finds that the needs of children served
 293 by the juvenile justice system are sex-specific gender-specific.
 294 A sex-specific gender-specific approach is one in which
 295 programs, services, and treatments comprehensively address the
 296 unique developmental needs of either sex a targeted gender group
 297 under the care of the department. Young women and men have
 298 different pathways to delinquency, display different patterns of
 299 offending, and respond differently to interventions, treatment,
 300 and services.

301 (b) Sex-specific Gender-specific interventions focus on the
 302 differences between young females' and young males' social roles
 303 and responsibilities, access to and use of resources, history of
 304 trauma, and reasons for interaction with the juvenile justice
 305 system. Sex-specific Gender-specific programs increase the
 306 effectiveness of programs by making interventions more
 307 appropriate to the specific needs of young women and men and
 308 ensuring that these programs do not unknowingly create,
 309 maintain, or reinforce sex gender roles or relations that may be
 310 damaging.

311 Section 6. Present subsections (46) through (54) of section
 312 985.03, Florida Statutes, are redesignated as subsections (47)
 313 through (55), respectively, a new subsection (46) is added to
 314 that section, and subsections (14) and (44) and present
 315 subsection (50) of that section are amended, to read:

316 985.03 Definitions.—As used in this chapter, the term:
 317 (14) "Day treatment" means a nonresidential, community-
 318 based program designed to provide therapeutic intervention to
 319 youth who are served by the department or, placed on probation

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320 or conditional release, ~~or committed to the minimum risk~~
 321 ~~nonresidential level~~. A day treatment program may provide
 322 educational and career and technical education services and
 323 shall provide case management services; individual, group, and
 324 family counseling; training designed to address delinquency risk
 325 factors; and monitoring of a youth's compliance with, and
 326 facilitation of a youth's completion of, sanctions if ordered by
 327 the court. Program types may include, but are not limited to,
 328 career programs, marine programs, juvenile justice alternative
 329 schools, training and rehabilitation programs, and sex-specific
 330 gender-specific programs.

331 (44) "Restrictiveness level" means the level of programming
 332 and security provided by programs that service the supervision,
 333 custody, care, and treatment needs of committed children.
 334 Sections 985.601(10) and 985.721 apply to children placed in
 335 programs at any residential commitment level. The
 336 restrictiveness levels of commitment are as follows:

337 (a) ~~Minimum risk nonresidential. Programs or program models~~
 338 ~~at this commitment level work with youth who remain in the~~
 339 ~~community and participate at least 5 days per week in a day~~
 340 ~~treatment program. Youth assessed and classified for programs at~~
 341 ~~this commitment level represent a minimum risk to themselves and~~
 342 ~~public safety and do not require placement and services in~~
 343 ~~residential settings. Youth in this level have full access to,~~
 344 ~~and reside in, the community. Youth who have been found to have~~
 345 ~~committed delinquent acts that involve firearms, that are sexual~~
 346 ~~offenses, or that would be life felonies or first degree~~
 347 ~~felonies if committed by an adult may not be committed to a~~
 348 ~~program at this level.~~

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349 ~~(b)~~ Moderate-risk Nonsecure residential.—Programs or
 350 program models at this commitment level are residential but may
 351 allow youth to have supervised access to the community.
 352 Facilities at this commitment level are either environmentally
 353 secure, staff secure, or are hardware-secure with walls,
 354 fencing, or locking doors. Residential facilities at this
 355 commitment level shall have no more than 90 beds each, including
 356 campus-style programs, unless those campus-style programs
 357 include more than one treatment program using different
 358 treatment protocols, and have facilities that coexist separately
 359 in distinct locations on the same property. Facilities at this
 360 commitment level shall provide 24-hour awake supervision,
 361 custody, care, and treatment of residents. Youth assessed and
 362 classified for placement in programs at this commitment level
 363 represent a low or moderate risk to public safety and require
 364 close supervision. The staff at a facility at this commitment
 365 level may seclude a child who is a physical threat to himself or
 366 herself or others. Mechanical restraint may also be used when
 367 necessary.

368 (b)(e) High-risk residential.—Programs or program models at
 369 this commitment level are residential and do not allow youth to
 370 have access to the community, except that temporary release
 371 providing community access for up to 72 continuous hours may be
 372 approved by a court for a youth who has made successful progress
 373 in his or her program in order for the youth to attend a family
 374 emergency or, during the final 60 days of his or her placement,
 375 to visit his or her home, enroll in school or a career and
 376 technical education program, complete a job interview, or
 377 participate in a community service project. High-risk

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378 residential facilities are hardware-secure with perimeter
 379 fencing and locking doors. Residential facilities at this
 380 commitment level shall have no more than 90 beds each, including
 381 campus-style programs, unless those campus-style programs
 382 include more than one treatment program using different
 383 treatment protocols, and have facilities that coexist separately
 384 in distinct locations on the same property. Facilities at this
 385 commitment level shall provide 24-hour awake supervision,
 386 custody, care, and treatment of residents. Youth assessed and
 387 classified for this level of placement require close supervision
 388 in a structured residential setting. Placement in programs at
 389 this level is prompted by a concern for public safety that
 390 outweighs placement in programs at lower commitment levels. The
 391 staff at a facility at this commitment level may seclude a child
 392 who is a physical threat to himself or herself or others.
 393 Mechanical restraint may also be used when necessary. The
 394 facility may provide for single cell occupancy, except that
 395 youth may be housed together during prerelease transition.

396 (c)(d) Maximum-risk residential. ~~Programs or program models~~
 397 ~~at this commitment level include juvenile correctional~~
 398 ~~facilities and juvenile prisons.~~ The programs at this commitment
 399 level are long-term residential and do not allow youth to have
 400 access to the community. Facilities at this commitment level are
 401 maximum-custody, hardware-secure with perimeter security fencing
 402 and locking doors. Residential facilities at this commitment
 403 level shall have no more than 90 beds each, including campus-
 404 style programs, unless those campus-style programs include more
 405 than one treatment program using different treatment protocols,
 406 and have facilities that coexist separately in distinct

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407 locations on the same property. Facilities at this commitment
 408 level shall provide 24-hour awake supervision, custody, care,
 409 and treatment of residents. The staff at a facility at this
 410 commitment level may seclude a child who is a physical threat to
 411 himself or herself or others. Mechanical restraint may also be
 412 used when necessary. Facilities at this commitment level shall
 413 provide for single cell occupancy, except that youth may be
 414 housed together during prerelease transition. Youth assessed and
 415 classified for this level of placement require close supervision
 416 in a maximum security residential setting. Placement in a
 417 program at this level is prompted by a demonstrated need to
 418 protect the public.

419 (46) "Sex" has the same meaning as in s. 553.865.

420 (51)(50) "Temporary release" means the terms and conditions
 421 under which a child is temporarily released from a residential
 422 commitment facility or allowed home visits. If the temporary
 423 release is from a moderate-risk nonsecure residential facility,
 424 a high-risk residential facility, or a maximum-risk residential
 425 facility, the terms and conditions of the temporary release must
 426 be approved by the child, the court, and the facility.

427 Section 7. Subsection (2) of section 985.115, Florida
 428 Statutes, is amended to read:

429 985.115 Release or delivery from custody.—

430 (2) Unless otherwise ordered by the court under s. 985.255
 431 or s. 985.26, and unless there is a need to hold the child, a
 432 person taking a child into custody shall attempt to release the
 433 child as follows:

434 (a) To the child's parent, guardian, or legal custodian or,
 435 if the child's parent, guardian, or legal custodian is

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436 unavailable, unwilling, or unable to provide supervision for the
 437 child, to any responsible adult. Prior to releasing the child to
 438 a responsible adult, other than the parent, guardian, or legal
 439 custodian, the person taking the child into custody may conduct
 440 a criminal history background check of the person to whom the
 441 child is to be released. If the person has a prior felony
 442 conviction, or a conviction for child abuse, drug trafficking,
 443 or prostitution, that person is not a responsible adult for the
 444 purposes of this section. The person to whom the child is
 445 released shall agree to inform the department or the person
 446 releasing the child of the child's subsequent change of address
 447 and to produce the child in court at such time as the court may
 448 direct, and the child shall join in the agreement.

449 (b) Contingent upon specific appropriation, to a shelter
 450 approved by the department or to an authorized agent.

451 (c) If the child is believed to be suffering from a serious
 452 physical condition which requires either prompt diagnosis or
 453 prompt treatment, to a law enforcement officer who shall deliver
 454 the child to a hospital for necessary evaluation and treatment.

455 (d) If the child is believed to be mentally ill as defined
 456 in s. 394.463(1), to a law enforcement officer who shall take
 457 the child to a designated public receiving facility as defined
 458 in s. 394.455 for examination under s. 394.463.

459 (e) If the child appears to be intoxicated and has
 460 threatened, attempted, or inflicted physical harm on himself or
 461 herself or another, or is incapacitated by substance abuse, to a
 462 law enforcement officer who shall deliver the child to a
 463 hospital, addictions receiving facility, or treatment resource.

464 (f) If available, to a juvenile assessment center equipped

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465 and staffed to assume custody of the child for the purpose of
 466 assessing the needs of the child in custody. The center may then
 467 release or deliver the child under this section with a copy of
 468 the assessment. A juvenile assessment center may not be
 469 considered a facility that can receive a child under paragraph
 470 (c), paragraph (d), or paragraph (e).

471 Section 8. Subsections (3) and (4) of section 985.126,
 472 Florida Statutes, are amended to read:

473 985.126 Diversion programs; data collection; denial of
 474 participation or expunged record.—

475 (3) (a) Beginning October 1, 2018, each diversion program
 476 shall submit data to the department which identifies for each
 477 minor participating in the diversion program:

478 1. The race, ethnicity, sex ~~gender~~, and age of that minor.
 479 2. The offense committed, including the specific law
 480 establishing the offense.

481 3. The judicial circuit and county in which the offense was
 482 committed and the law enforcement agency that had contact with
 483 the minor for the offense.

484 4. Other demographic information necessary to properly
 485 register a case into the Juvenile Justice Information System
 486 Prevention Web, as specified by the department.

487 (b) Beginning October 1, 2018, each law enforcement agency
 488 shall submit to the department data that identifies for each
 489 minor who was eligible for a diversion program, but was instead
 490 referred to the department, provided a notice to appear, or
 491 arrested:

492 1. The data required pursuant to paragraph (a).
 493 2. Whether the minor was offered the opportunity to

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494 participate in a diversion program. If the minor was:
 495 a. Not offered such opportunity, the reason such offer was
 496 not made.
 497 b. Offered such opportunity, whether the minor or his or
 498 her parent or legal guardian declined to participate in the
 499 diversion program.

500 (c) The data required pursuant to paragraph (a) shall be
 501 entered into the Juvenile Justice Information System Prevention
 502 Web within 7 days after the youth's admission into the program.

503 (d) The data required pursuant to paragraph (b) shall be
 504 submitted on or with the arrest affidavit or notice to appear.

505 (4) Beginning January 1, 2019, the department shall compile
 506 and semiannually publish the data required by subsection (3) on
 507 the department's website in a format that is, at a minimum,
 508 sortable by judicial circuit, county, law enforcement agency,
 509 race, ethnicity, sex ~~gender~~, age, and offense committed.

510 Section 9. Subsection (3) of section 985.17, Florida
 511 Statutes, is amended to read:

512 985.17 Prevention services.—

513 (3) The department's prevention services for youth at risk
 514 of becoming delinquent should:

515 (a) Focus on preventing initial or further involvement of
 516 such youth in the juvenile justice system by including services
 517 such as literacy services, sex-specific ~~gender-specific~~
 518 programming, recreational services, and after-school services,
 519 and should include targeted services to troubled, truant,
 520 ungovernable, abused, trafficked, or runaway youth. To decrease
 521 the likelihood that a youth will commit a delinquent act, the
 522 department should use mentoring and may provide specialized

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523 services addressing the strengthening of families, job training,
524 and substance abuse.

525 (b) Address the multiple needs of such youth in order to
526 decrease the prevalence of disproportionate minority
527 representation in the juvenile justice system.

528 Section 10. Paragraph (a) of subsection (2) of section
529 985.26, Florida Statutes, is amended to read:

530 985.26 Length of detention.—

531 (2)(a)1. A court may order a child to be placed on
532 supervised release detention care for any time period until an
533 adjudicatory hearing is completed. However, if a child has
534 served 60 days on supervised release detention care, the court
535 must conduct a hearing within 15 days after the 60th day, to
536 determine the need for continued supervised release detention
537 care. At the hearing, and upon good cause being shown that the
538 nature of the charge requires additional time for the
539 prosecution or defense of the case or that the totality of the
540 circumstances, including the preservation of public safety,
541 warrants an extension, the court may order the child to remain
542 on supervised release detention care until the adjudicatory
543 hearing is completed.

544 2. Except as provided in paragraph (b) or paragraph (c), a
545 child may not be held in secure detention care under a special
546 detention order for more than 21 days unless an adjudicatory
547 hearing for the case has been commenced in good faith by the
548 court.

549 3. This section does not prohibit a court from
550 transitioning a child to and from secure detention care and
551 supervised release detention care, including electronic

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552 monitoring, when the court finds such a placement necessary, or
553 no longer necessary, to preserve public safety or to ensure the
554 child's safety, appearance in court, or compliance with a court
555 order. Such transition may be initiated upon the court's own
556 motion, or upon a motion of the child or of the state, and after
557 considering any information provided by the department regarding
558 the child's adjustment to detention supervision. Each period of
559 secure detention care or supervised release detention care
560 counts toward the time limitations in this subsection whether
561 served consecutively or nonconsecutively.

562 Section 11. Section 985.27, Florida Statutes, is amended to
563 read:

564 985.27 Postdisposition detention while awaiting residential
565 commitment placement.—The court must place all children who are
566 adjudicated and awaiting placement in a moderate-risk ~~nonsecure~~,
567 high-risk, or maximum-risk residential commitment program in
568 secure detention care until the placement or commitment is
569 accomplished.

570 Section 12. Subsection (2) of section 985.441, Florida
571 Statutes, is amended, and paragraph (b) of subsection (1) and
572 subsection (4) of that section are reenacted, to read:

573 985.441 Commitment.—

574 (1) The court that has jurisdiction of an adjudicated
575 delinquent child may, by an order stating the facts upon which a
576 determination of a sanction and rehabilitative program was made
577 at the disposition hearing:

578 (b) Commit the child to the department at a restrictiveness
579 level defined in s. 985.03. Such commitment must be for the
580 purpose of exercising active control over the child, including,

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581 but not limited to, custody, care, training, monitoring for
 582 substance abuse, electronic monitoring, and treatment of the
 583 child and release of the child from residential commitment into
 584 the community in a postcommitment nonresidential conditional
 585 release program. If the child is not successful in the
 586 conditional release program, the department may use the transfer
 587 procedure under subsection (4).

588 (2) Notwithstanding subsection (1), the court having
 589 jurisdiction over an adjudicated delinquent child whose offense
 590 is a misdemeanor, or a child who is currently on probation for a
 591 misdemeanor, may not commit the child for any misdemeanor
 592 offense or any probation violation that is technical in nature
 593 and not a new violation of law at a restrictiveness level other
 594 than minimum-risk nonresidential. However, the court may commit
 595 such child to a moderate-risk nonsecure residential placement
 596 if:

597 (a) The child has previously been adjudicated or had
 598 adjudication withheld for a felony offense;

599 (b) The child has previously been adjudicated or had
 600 adjudication withheld for three or more misdemeanor offenses
 601 within the previous 18 months;

602 (c) The child is before the court for disposition for a
 603 violation of s. 800.03, s. 806.031, or s. 828.12; or

604 (d) The court finds by a preponderance of the evidence that
 605 the protection of the public requires such placement or that the
 606 particular needs of the child would be best served by such
 607 placement. Such finding must be in writing.

608 (4) The department may transfer a child, when necessary to
 609 appropriately administer the child's commitment, from one

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610 facility or program to another facility or program operated,
 611 contracted, subcontracted, or designated by the department,
 612 including a postcommitment nonresidential conditional release
 613 program, except that the department may not transfer any child
 614 adjudicated solely for a misdemeanor to a residential program
 615 except as provided in subsection (2). The department shall
 616 notify the court that committed the child to the department and
 617 any attorney of record for the child, in writing, of its intent
 618 to transfer the child from a commitment facility or program to
 619 another facility or program of a higher or lower restrictiveness
 620 level. If the child is under the jurisdiction of a dependency
 621 court, the department shall also provide notice to the
 622 dependency court and the Department of Children and Families,
 623 and, if appointed, the Guardian Ad Litem Program and the child's
 624 attorney ad litem. The court that committed the child may agree
 625 to the transfer or may set a hearing to review the transfer. If
 626 the court does not respond within 10 days after receipt of the
 627 notice, the transfer of the child shall be deemed granted.

628 Section 13. Section 985.465, Florida Statutes, is amended
 629 to read:

630 985.465 Maximum-risk residential ~~Juvenile correctional~~
 631 ~~facilities or juvenile prison.~~ A maximum-risk juvenile
 632 ~~correctional facility or juvenile prison~~ is a physically secure
 633 residential commitment program with a designated length of stay
 634 from 18 months to 36 months, primarily serving children 13 years
 635 of age to 19 years of age or until the jurisdiction of the court
 636 expires. Each child committed to this level must meet one of the
 637 following criteria:

638 (1) The child is at least 13 years of age at the time of

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639 the disposition for the current offense and has been adjudicated
 640 on the current offense for:

641 (a) Arson;
 642 (b) Sexual battery;
 643 (c) Robbery;
 644 (d) Kidnapping;
 645 (e) Aggravated child abuse;
 646 (f) Aggravated assault;
 647 (g) Aggravated stalking;
 648 (h) Murder;
 649 (i) Manslaughter;
 650 (j) Unlawful throwing, placing, or discharging of a
 651 destructive device or bomb;
 652 (k) Armed burglary;
 653 (l) Aggravated battery;
 654 (m) Carjacking;
 655 (n) Home-invasion robbery;
 656 (o) Burglary with an assault or battery;
 657 (p) Any lewd or lascivious offense committed upon or in the
 658 presence of a person less than 16 years of age; or
 659 (q) Carrying, displaying, using, threatening to use, or
 660 attempting to use a weapon or firearm during the commission of a
 661 felony.

662 (2) The child is at least 13 years of age at the time of
 663 the disposition, the current offense is a felony, and the child
 664 has previously been committed three or more times to a
 665 delinquency commitment program.

666 (3) The child is at least 13 years of age and is currently
 667 committed for a felony offense and transferred from a moderate-

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668 risk or high-risk residential commitment placement.

669 (4) The child is at least 13 years of age at the time of
 670 the disposition for the current offense, the child is eligible
 671 for prosecution as an adult for the current offense, and the
 672 current offense is ranked at level 7 or higher on the Criminal
 673 Punishment Code offense severity ranking chart pursuant to s.
 674 921.0022.

675 Section 14. Paragraph (a) of subsection (3) of section
 676 985.601, Florida Statutes, is amended, and subsection (12) is
 677 added to that section, to read:

678 985.601 Administering the juvenile justice continuum.—
 679 (3) (a) The department shall develop or contract for
 680 diversified and innovative programs to provide rehabilitative
 681 treatment, including early intervention and prevention,
 682 diversion, comprehensive intake, case management, diagnostic and
 683 classification assessments, trauma-informed care, individual and
 684 family counseling, family engagement resources and programs,
 685 sex-specific ~~gender-specific~~ programming, shelter care,
 686 diversified detention care emphasizing alternatives to secure
 687 detention, diversified probation, halfway houses, foster homes,
 688 community-based substance abuse treatment services, community-
 689 based mental health treatment services, community-based
 690 residential and nonresidential programs, mother-infant programs,
 691 and environmental programs. The department may pay expenses in
 692 support of innovative programs and activities that address
 693 identified needs and the well-being of children in the
 694 department's care or under its supervision, subject to the
 695 requirements of chapters 215, 216, and 287. Each program shall
 696 place particular emphasis on reintegration and conditional

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697 release for all children in the program.

698 (12) The department may use state or federal funds to
 699 purchase and distribute promotional and educational materials
 700 that are consistent with the dignity and integrity of the state
 701 for all of the following purposes:

702 (a) Educating children and families about the juvenile
 703 justice continuum, including local prevention programs or
 704 community services available for participation or enrollment.

705 (b) Staff recruitment at job fairs, career fairs, community
 706 events, the Institute for Commercialization of Florida
 707 Technology, community college campuses, or state university
 708 campuses.

709 (c) Educating children and families on children-specific
 710 public safety issues, including, but not limited to, safe
 711 storage of adult-owned firearms, consequences of child firearm
 712 offenses, human trafficking, or drug and alcohol abuse.

713 Section 15. Section 985.664, Florida Statutes, is amended
 714 to read:

715 985.664 Juvenile justice circuit advisory boards.—

716 (1) Each judicial circuit in this state shall have ~~There is~~
 717 ~~authorized~~ a juvenile justice circuit advisory board ~~to be~~
 718 ~~established in each of the 20 judicial circuits. The~~ Except in
 719 ~~single county circuits, each juvenile justice circuit advisory~~
 720 ~~board shall work with the chief probation officer of the circuit~~
 721 ~~to use data to inform policies and practices that better improve~~
 722 ~~the juvenile justice continuum have a county organization~~
 723 ~~representing each of the counties in the circuit. The county~~
 724 ~~organization shall report directly to the juvenile justice~~
 725 ~~circuit advisory board on the juvenile justice needs of the~~

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726 ~~county. The purpose of each juvenile justice circuit advisory~~
 727 ~~board is to provide advice and direction to the department in~~
 728 ~~the development and implementation of juvenile justice programs~~
 729 ~~and to work collaboratively with the department in seeking~~
 730 ~~program improvements and policy changes to address the emerging~~
 731 ~~and changing needs of Florida's youth who are at risk of~~
 732 ~~delinquency.~~

733 ~~(2) The duties and responsibilities of a juvenile justice~~
 734 ~~circuit advisory board include, but are not limited to:~~

735 ~~(a) Developing a comprehensive plan for the circuit. The~~
 736 ~~initial circuit plan shall be submitted to the department no~~
 737 ~~later than December 31, 2014, and no later than June 30 every 3~~
 738 ~~years thereafter. The department shall prescribe a format and~~
 739 ~~content requirements for the submission of the comprehensive~~
 740 ~~plan.~~

741 ~~(b) Participating in the facilitation of interagency~~
 742 ~~cooperation and information sharing.~~

743 ~~(c) Providing recommendations for public or private grants~~
 744 ~~to be administered by one of the community partners that support~~
 745 ~~one or more components of the comprehensive circuit plan.~~

746 ~~(d) Providing recommendations to the department in the~~
 747 ~~evaluation of prevention and early intervention grant programs,~~
 748 ~~including the Community Juvenile Justice Partnership Grant~~
 749 ~~program established in s. 985.676 and proceeds from the Invest~~
 750 ~~in Children license plate annual use fees.~~

751 ~~(e) Providing an annual report to the department describing~~
 752 ~~the board's activities. The department shall prescribe a format~~
 753 ~~and content requirements for submission of annual reports. The~~
 754 ~~annual report must be submitted to the department no later than~~

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755 ~~August 1 of each year.~~

756 ~~(3)~~ Each juvenile justice circuit advisory board shall have
 757 a minimum of 14 ~~16~~ members. The membership of each board must
 758 reflect:

759 (a) The circuit's geography and population distribution.

760 (b) Diversity in the judicial circuit.

761 ~~(3)(4)~~ Each member of the juvenile justice circuit advisory
 762 board must be approved by the chief probation officer of the
 763 circuit Secretary of Juvenile Justice, except those members
 764 listed in paragraphs (a), (b), (c), (e), (f), (g), and (h). The
 765 juvenile justice circuit advisory boards established under
 766 subsection (1) must include as members:

767 (a) The state attorney or his or her designee.

768 (b) The public defender or his or her designee.

769 (c) The chief judge or his or her designee.

770 (d) A representative of the corresponding circuit or
 771 regional entity of the Department of Children and Families.

772 (e) The sheriff or the sheriff's designee from each county
 773 in the circuit.

774 (f) A police chief or his or her designee from each county
 775 in the circuit.

776 (g) A county commissioner or his or her designee from each
 777 county in the circuit.

778 (h) The superintendent of each school district in the
 779 circuit or his or her designee.

780 (i) A representative from the workforce organization of
 781 each county in the circuit.

782 (j) A representative of the business community.

783 (k) A youth representative who has had an experience with

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784 the juvenile justice system and is not older than 21 years of
 785 age.

786 (l) A representative of the faith community.

787 (m) A health services representative who specializes in
 788 mental health care, victim-service programs, or victims of
 789 crimes.

790 (n) A parent or family member of a youth who has been
 791 involved with the juvenile justice system.

792 (o) Up to three ~~five~~ representatives from ~~any~~ ~~of~~ the
 793 community following who are not otherwise represented in this
 794 subsection:

795 1. Community leaders.

796 2. Youth-serving coalitions.

797 ~~(4)(5)~~ The chief probation officer in each circuit shall
 798 serve as the chair of the juvenile justice circuit advisory
 799 board for that circuit ~~When a vacancy in the office of the chair~~
 800 ~~occurs, the juvenile justice circuit advisory board shall~~
 801 ~~appoint a new chair, who must meet the board membership~~
 802 ~~requirements in subsection (4). The chair shall appoint members~~
 803 ~~to vacant seats within 45 days after the vacancy and submit the~~
 804 ~~appointments to the department for approval. The chair shall~~
 805 ~~serve at the pleasure of the Secretary of Juvenile Justice.~~

806 ~~(6) A member may not serve more than three consecutive 2-~~
 807 ~~year terms, except those members listed in paragraphs (4)(a),~~
 808 ~~(b), (c), (e), (f), (g), and (h). A former member who has not~~
 809 ~~served on the juvenile justice circuit advisory board for 2~~
 810 ~~years is eligible to serve on the juvenile justice circuit~~
 811 ~~advisory board again.~~

812 ~~(7) At least half of the voting members of the juvenile~~

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813 ~~justice circuit advisory board constitutes a quorum. A quorum~~
814 ~~must be present in order for the board to vote on a measure or~~
815 ~~position.~~

816 ~~(8) In order for a juvenile justice circuit advisory board~~
817 ~~measure or position to pass, it must receive more than 50~~
818 ~~percent of the vote.~~

819 ~~(9) Each juvenile justice circuit advisory board must~~
820 ~~provide for the establishment of an executive committee of not~~
821 ~~more than 10 members. The duties and authority of the executive~~
822 ~~committee must be addressed in the bylaws.~~

823 ~~(10) Each juvenile justice circuit advisory board shall~~
824 ~~have bylaws. The department shall prescribe a format and content~~
825 ~~requirements for the bylaws. All bylaws must be approved by the~~
826 ~~department. The bylaws shall address at least the following~~
827 ~~issues: election or appointment of officers; filling of vacant~~
828 ~~positions; meeting attendance requirements; and the~~
829 ~~establishment and duties of an executive committee.~~

830 ~~(11) Members of juvenile justice circuit advisory boards~~
831 ~~are subject to part III of chapter 112.~~

832 Section 16. Subsections (1) and (2) of section 985.676,
833 Florida Statutes, are amended to read:

834 985.676 Community juvenile justice partnership grants.—

835 (1) GRANTS; CRITERIA.—

836 (a) In order to encourage the development of a circuit
837 juvenile justice plan ~~and the development and implementation of~~
838 ~~circuit interagency agreements under s. 985.664~~, the community
839 juvenile justice partnership grant program is established and
840 shall be administered by the department.

841 (b) In awarding these grants, the department shall consider

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842 applications that at a minimum provide for the following:

843 1. The participation of the agencies and programs needed to
844 implement the project or program for which the applicant is
845 applying;

846 2. The reduction of truancy and in-school and out-of-school
847 suspensions and expulsions, the enhancement of school safety,
848 and other delinquency early-intervention and diversion services;

849 3. The number of youths from 10 through 17 years of age
850 within the geographic area to be served by the program, giving
851 those geographic areas having the highest number of youths from
852 10 to 17 years of age priority for selection;

853 4. The extent to which the program targets high-juvenile-
854 crime neighborhoods and those public schools serving juveniles
855 from high-crime neighborhoods;

856 5. The validity and cost-effectiveness of the program; and

857 6. The degree to which the program is located in and
858 managed by local leaders of the target neighborhoods and public
859 schools serving the target neighborhoods.

860 (c) In addition, the department may consider the following
861 criteria in awarding grants:

862 1. The circuit juvenile justice plan and any county
863 juvenile justice plans that are referred to or incorporated into
864 the circuit plan, including a list of individuals, groups, and
865 public and private entities that participated in the development
866 of the plan.

867 2. The diversity of community entities participating in the
868 development of the circuit juvenile justice plan.

869 3. The number of community partners who will be actively
870 involved in the operation of the grant program.

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871 4. The number of students or youths to be served by the
872 grant and the criteria by which they will be selected.

873 5. The criteria by which the grant program will be
874 evaluated and, if deemed successful, the feasibility of
875 implementation in other communities.

876 (2) GRANT APPLICATION PROCEDURES.—

877 (a) Each entity wishing to apply for an annual community
878 juvenile justice partnership grant, which may be renewed for a
879 maximum of 2 additional years for the same provision of
880 services, shall submit a grant proposal for funding or continued
881 funding to the department. The department shall establish the
882 grant application procedures. In order to be considered for
883 funding, the grant proposal shall include the following
884 assurances and information:

885 1. ~~A letter from the chair of the juvenile justice circuit~~
886 ~~board confirming that the grant application has been reviewed~~
887 ~~and found to support one or more purposes or goals of the~~
888 ~~juvenile justice plan as developed by the board.~~

889 2. A rationale and description of the program and the
890 services to be provided, including goals and objectives.

891 ~~2.3.~~ A method for identification of the juveniles most
892 likely to be involved in the juvenile justice system who will be
893 the focus of the program.

894 ~~3.4.~~ Provisions for the participation of parents and
895 guardians in the program.

896 ~~4.5.~~ Coordination with other community-based and social
897 service prevention efforts, including, but not limited to, drug
898 and alcohol abuse prevention and dropout prevention programs,
899 that serve the target population or neighborhood.

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900 ~~5.6.~~ An evaluation component to measure the effectiveness
901 of the program in accordance with s. 985.632.

902 ~~6.7.~~ A program budget, including the amount and sources of
903 local cash and in-kind resources committed to the budget. The
904 proposal must establish to the satisfaction of the department
905 that the entity will make a cash or in-kind contribution to the
906 program of a value that is at least equal to 20 percent of the
907 amount of the grant.

908 ~~7.8.~~ The necessary program staff.

909 (b) The department shall consider the recommendations of
910 community stakeholders ~~the juvenile justice circuit advisory~~
911 ~~board~~ as to the priority that should be given to proposals
912 submitted by entities within a circuit in awarding such grants.

913 (c) The department shall make available, to anyone wishing
914 to apply for such a grant, information on all of the criteria to
915 be used in the selection of the proposals for funding pursuant
916 to the provisions of this subsection.

917 (d) The department shall review all program proposals
918 submitted. Entities submitting proposals shall be notified of
919 approval not later than June 30 of each year.

920 (e) Each entity that is awarded a grant as provided for in
921 this section shall submit an annual evaluation report to the
922 department and, the circuit juvenile justice manager, ~~and the~~
923 ~~juvenile justice circuit advisory board~~, by a date subsequent to
924 the end of the contract period established by the department,
925 documenting the extent to which the program objectives have been
926 met, the effect of the program on the juvenile arrest rate, and
927 any other information required by the department. The department
928 shall coordinate and incorporate all such annual evaluation

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929 reports with s. 985.632. Each entity is also subject to a
 930 financial audit and a performance audit.

931 (f) The department may establish rules and policy
 932 provisions necessary to implement this section.

933 Section 17. Subsection (2) of section 1003.51, Florida
 934 Statutes, is amended to read:

935 1003.51 Other public educational services.—

936 (2) The State Board of Education shall adopt rules
 937 articulating expectations for effective education programs for
 938 students in Department of Juvenile Justice programs, including,
 939 but not limited to, education programs in juvenile justice
 940 prevention, day treatment, residential, and detention programs.
 941 The rules ~~rule~~ shall establish policies and standards for
 942 education programs for students in Department of Juvenile
 943 Justice programs and shall include the following:

944 (a) The interagency collaborative process needed to ensure
 945 effective programs with measurable results.

946 (b) The responsibilities of the Department of Education,
 947 the Department of Juvenile Justice, CareerSource Florida, Inc.,
 948 district school boards, and providers of education services to
 949 students in Department of Juvenile Justice programs.

950 (c) Academic expectations.

951 (d) Career expectations.

952 (e) Education transition planning and services.

953 (f) Service delivery options available to district school
 954 boards, including direct service and contracting.

955 (g) Assessment procedures, which:

956 1. For prevention ~~and~~ day treatment, ~~and residential~~
 957 ~~programs~~, include appropriate academic and career assessments

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958 administered at program entry and exit that are selected by the
 959 Department of Education in partnership with representatives from
 960 the Department of Juvenile Justice, district school boards, and
 961 education providers. ~~Assessments must be completed within the~~
 962 ~~first 10 school days after a student's entry into the program.~~

963 2. Provide for determination of the areas of academic need
 964 and strategies for appropriate intervention and instruction for
 965 each student in a detention facility within 5 school days after
 966 the student's entry into the program and administer a research-
 967 based assessment that will assist the student in determining his
 968 or her educational and career options and goals within 22 school
 969 days after the student's entry into the program.

970

971 The results of these assessments, together with a portfolio
 972 depicting the student's academic and career accomplishments,
 973 shall be included in the discharge packet assembled for each
 974 student.

975 (h) Recommended instructional programs, including, but not
 976 limited to:

977 1. Secondary education.

978 2. High school equivalency examination preparation.

979 3. Postsecondary education.

980 4. Career and professional education (CAPE).

981 5. Job preparation.

982 6. Virtual education that:

983 a. Provides competency-based instruction that addresses the
 984 unique academic needs of the student through delivery by an
 985 entity accredited by an accrediting body approved by the
 986 Department of Education AdvanceED or the Southern Association of

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987 ~~Colleges and Schools.~~

988 b. Confers certifications and diplomas.

989 c. Issues credit that articulates with and transcripts that

990 are recognized by secondary schools.

991 d. Allows the student to continue to access and progress

992 through the program once the student leaves the juvenile justice

993 system.

994 (i) Funding requirements, which must provide that at least

995 95 percent of the FEPF funds generated by students in Department

996 of Juvenile Justice programs or in an education program for

997 juveniles under s. 985.19 must be spent on instructional costs

998 for those students. Department of Juvenile Justice education

999 programs are entitled to 100 percent of the formula-based

1000 categorical funds generated by students in Department of

1001 Juvenile Justice programs. Such funds must be spent on

1002 appropriate categoricals, such as instructional materials and

1003 public school technology for those students.

1004 (j) Qualifications of instructional staff, procedures for

1005 the selection of instructional staff, and procedures for

1006 consistent instruction and qualified staff year-round.

1007 Qualifications shall include those for instructors of CAPE

1008 courses, standardized across the state, and shall be based on

1009 state certification, local school district approval, and

1010 industry-recognized certifications as identified on the CAPE

1011 Industry Certification Funding List. Procedures for the use of

1012 noncertified instructional personnel who possess expert

1013 knowledge or experience in their fields of instruction shall be

1014 established.

1015 (k) Transition services, including the roles and

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1016 responsibilities of appropriate personnel in the juvenile

1017 justice education program, the school district where the student

1018 will reenter, provider organizations, and the Department of

1019 Juvenile Justice.

1020 (1) Procedures and timeframe for transfer of education

1021 records when a student enters and leaves a Department of

1022 Juvenile Justice education program.

1023 (m) The requirement that each district school board

1024 maintain an academic transcript for each student enrolled in a

1025 juvenile justice education program that delineates each course

1026 completed by the student as provided by the State Course Code

1027 Directory.

1028 (n) The requirement that each district school board make

1029 available and transmit a copy of a student's transcript in the

1030 discharge packet when the student exits a juvenile justice

1031 education program.

1032 (o) Contract requirements.

1033

~~(p) Performance expectations for providers and district~~

1034 ~~school boards, including student performance measures by type of~~

1035 ~~program, education program performance ratings, school~~

1036 ~~improvement, and corrective action plans for low-performing~~

1037 ~~programs.~~

1038

~~(q) The role and responsibility of the district school~~

1039 ~~board in securing workforce development funds.~~

1040

~~(r) A series of graduated sanctions for district school~~

1041 ~~boards whose educational programs in Department of Juvenile~~

1042 ~~Justice programs are considered to be unsatisfactory and for~~

1043 ~~instances in which district school boards fail to meet standards~~

1044 ~~prescribed by law, rule, or State Board of Education policy.~~

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1045 ~~These sanctions shall include the option of requiring a district~~
 1046 ~~school board to contract with a provider or another district~~
 1047 ~~school board if the educational program at the Department of~~
 1048 ~~Juvenile Justice program is performing below minimum standards~~
 1049 ~~and, after 6 months, is still performing below minimum~~
 1050 ~~standards.~~

1051 (q) ~~(s)~~ Curriculum, guidance counseling, transition, and
 1052 education services expectations, including curriculum
 1053 flexibility for detention centers operated by the Department of
 1054 Juvenile Justice.

1055 (r) ~~(t)~~ Other aspects of program operations.

1056 Section 18. Section 1003.52, Florida Statutes, is amended
 1057 to read:

1058 1003.52 Educational services in Department of Juvenile
 1059 Justice programs.—

1060 (1) The Department of Education shall serve as the lead
 1061 agency for juvenile justice education programs, curriculum,
 1062 support services, and resources. To this end, the Department of
 1063 Education and the Department of Juvenile Justice shall each
 1064 designate a Coordinator for Juvenile Justice Education Programs
 1065 to serve as the point of contact for resolving issues not
 1066 addressed by district school boards and to provide each
 1067 department's participation in the following activities:

1068 (a) Training, collaborating, and coordinating with district
 1069 school boards, local workforce development boards, and local
 1070 youth councils, educational contract providers, and juvenile
 1071 justice providers, whether state operated or contracted.

1072 (b) Collecting information on the academic, career and
 1073 technical ~~professional~~ education ~~(CAPE)~~, and transition

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1074 performance of students in juvenile justice programs and
 1075 reporting on the results.

1076 (c) Developing academic and career and technical education
 1077 ~~CAPE~~ protocols that provide guidance to district school boards
 1078 and juvenile justice education providers in all aspects of
 1079 education programming, including records transfer and
 1080 transition.

1081 (d) Implementing a joint accountability, program
 1082 performance, and program improvement process.

1083

1084 Annually, a cooperative agreement and plan for juvenile justice
 1085 education service enhancement shall be developed between the
 1086 Department of Juvenile Justice and the Department of Education
 1087 and submitted to the Secretary of Juvenile Justice and the
 1088 Commissioner of Education by June 30. The plan shall include, at
 1089 a minimum, each agency's role regarding educational program
 1090 accountability, technical assistance, training, and coordination
 1091 of services.

1092 (2) Students participating in Department of Juvenile
 1093 Justice education programs pursuant to chapter 985 which are
 1094 sponsored by a community-based agency or are operated or
 1095 contracted for by the Department of Juvenile Justice shall
 1096 receive education programs according to rules of the State Board
 1097 of Education. These students shall be eligible for services
 1098 afforded to students enrolled in programs pursuant to s. 1003.53
 1099 and all corresponding State Board of Education rules.

1100 (3) The district school board of the county in which the
 1101 juvenile justice education prevention, day treatment,
 1102 ~~residential~~, or detention program is located shall provide or

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1103 contract for appropriate educational assessments and an
 1104 appropriate program of instruction and special education
 1105 services.

1106 (a) All contracts between a district school board desiring
 1107 to contract directly with juvenile justice education programs to
 1108 provide academic instruction for students in such programs must
 1109 be in writing. Unless both parties agree to an extension of
 1110 time, the district school board and the juvenile justice
 1111 education program shall negotiate and execute a new or renewal
 1112 contract within 40 days after the district school board provides
 1113 the proposal to the juvenile justice education program. The
 1114 Department of Education shall provide mediation services for any
 1115 disputes relating to this paragraph.

1116 (b) District school boards shall satisfy invoices issued by
 1117 juvenile justice education programs within 15 working days after
 1118 receipt. If a district school board does not timely issue a
 1119 warrant for payment, it must pay to the juvenile justice
 1120 education program interest at a rate of 1 percent per month,
 1121 calculated on a daily basis, on the unpaid balance until such
 1122 time as a warrant is issued for the invoice and accrued interest
 1123 amount. The district school board may not delay payment to a
 1124 juvenile justice education program of any portion of funds owed
 1125 pending the district's receipt of local funds.

1126 (c) The district school board shall make provisions for
 1127 each student to participate in basic career and technical
 1128 education, ~~CAPE~~, and exceptional student programs, as
 1129 appropriate. Students served in Department of Juvenile Justice
 1130 education programs shall have access to the appropriate courses
 1131 and instruction to prepare them for the high school equivalency

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1132 examination. Students participating in high school equivalency
 1133 examination preparation programs shall be funded at the basic
 1134 program cost factor for Department of Juvenile Justice programs
 1135 in the Florida Education Finance Program. Each program shall be
 1136 conducted according to applicable law providing for the
 1137 operation of public schools and rules of the State Board of
 1138 Education. School districts shall provide the high school
 1139 equivalency examination exit option for all juvenile justice
 1140 education programs.

1141 (d) The Department of Education, with the assistance of the
 1142 school districts and juvenile justice education providers, shall
 1143 select a common student assessment instrument and protocol for
 1144 measuring student learning gains and student progression while a
 1145 student is in a juvenile justice education program. The
 1146 Department of Education and the Department of Juvenile Justice
 1147 shall jointly review the effectiveness of this assessment and
 1148 implement changes as necessary.

1149 (4) Educational services shall be provided at times of the
 1150 day most appropriate for the juvenile justice program. School
 1151 programming in juvenile justice detention, prevention, or day
 1152 treatment, ~~and residential~~ programs shall be made available by
 1153 the local school district during the juvenile justice school
 1154 year, as provided in s. 1003.01(14). In addition, students in
 1155 juvenile justice education programs shall have access to courses
 1156 offered pursuant to ss. 1002.37, 1002.45, and 1003.498. The
 1157 Department of Education and the school districts shall adopt
 1158 policies necessary to provide such access.

1159 (5) The educational program shall provide instruction based
 1160 on each student's individualized transition plan, assessed

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1161 educational needs, and the education programs available in the
 1162 school district in which the student will return. Depending on
 1163 the student's needs, educational programming may consist of
 1164 remedial courses, academic courses required for grade
 1165 advancement, ~~CAPE courses,~~ high school equivalency examination
 1166 preparation, or exceptional student education curricula and
 1167 related services which support the transition goals and reentry
 1168 and which may lead to completion of the requirements for receipt
 1169 of a high school diploma or its equivalent. Prevention and day
 1170 treatment juvenile justice education programs, at a minimum,
 1171 shall provide career readiness and exploration opportunities as
 1172 well as truancy and dropout prevention intervention services.
 1173 ~~Residential juvenile justice education programs with a~~
 1174 ~~contracted minimum length of stay of 9 months shall provide CAPE~~
 1175 ~~courses that lead to preapprentice certifications and industry~~
 1176 ~~certifications. Programs with contracted lengths of stay of less~~
 1177 ~~than 9 months may provide career education courses that lead to~~
 1178 ~~preapprentice certifications and CAPE industry certifications.~~
 1179 ~~If the duration of a program is less than 40 days, the~~
 1180 ~~educational component may be limited to tutorial remediation~~
 1181 ~~activities, career employability skills instruction, education~~
 1182 ~~counseling, and transition services that prepare students for a~~
 1183 ~~return to school, the community, and their home settings based~~
 1184 ~~on the students' needs.~~

1185 (6) Participation in the program by students of compulsory
 1186 school-attendance age as provided for in s. 1003.21 shall be
 1187 mandatory. All students of noncompulsory school-attendance age
 1188 who have not received a high school diploma or its equivalent
 1189 shall participate in the educational program, unless the student

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1190 files a formal declaration of his or her intent to terminate
 1191 school enrollment as described in s. 1003.21 and is afforded the
 1192 opportunity to take the high school equivalency examination and
 1193 attain a Florida high school diploma before release from a
 1194 juvenile justice education program. A student who has received a
 1195 high school diploma or its equivalent and is not employed shall
 1196 participate in workforce development ~~or other CAPE education~~ or
 1197 Florida College System institution or university courses while
 1198 in the program, subject to available funding.

1199 (7) An individualized progress monitoring plan shall be
 1200 developed for all students not classified as exceptional
 1201 education students upon entry in a juvenile justice education
 1202 program and upon reentry in the school district. These plans
 1203 shall address academic, literacy, and career and technical
 1204 skills and shall include provisions for intensive remedial
 1205 instruction in the areas of weakness.

1206 (8) Each district school board shall maintain an academic
 1207 record for each student enrolled in a juvenile justice education
 1208 program as prescribed by s. 1003.51. Such record shall delineate
 1209 each course completed by the student according to procedures in
 1210 the State Course Code Directory. The district school board shall
 1211 include a copy of a student's academic record in the discharge
 1212 packet when the student exits the program.

1213 (9) Each district school board shall make provisions for
 1214 high school level students to earn credits toward high school
 1215 graduation while in ~~residential and nonresidential~~ juvenile
 1216 justice detention, prevention, or day treatment education
 1217 programs. Provisions must be made for the transfer of credits
 1218 and partial credits earned.

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1219 (10) School districts and juvenile justice education
 1220 providers shall develop individualized transition plans during
 1221 the course of a student's stay in a juvenile justice education
 1222 program to coordinate academic, career and technical, and
 1223 secondary and postsecondary services that assist the student in
 1224 successful community reintegration upon release. Development of
 1225 the transition plan shall be a collaboration of the personnel in
 1226 the juvenile justice education program, reentry personnel,
 1227 personnel from the school district where the student will
 1228 return, the student, the student's family, and the Department of
 1229 Juvenile Justice ~~personnel for committed students~~.

1230 (a) Transition planning must begin upon a student's
 1231 placement in the program. The transition plan must include, at a
 1232 minimum:

1233 1. Services and interventions that address the student's
 1234 assessed educational needs and postrelease education plans.

1235 2. Services to be provided during the program stay and
 1236 services to be implemented upon release, including, but not
 1237 limited to, continuing education in secondary school, ~~CAPE~~
 1238 ~~programs~~, postsecondary education, or employment, based on the
 1239 student's needs.

1240 3. Specific monitoring responsibilities to determine
 1241 whether the individualized transition plan is being implemented
 1242 and the student is provided access to support services that will
 1243 sustain the student's success by individuals who are responsible
 1244 for the reintegration and coordination of these activities.

1245 (b) For the purpose of transition planning and reentry
 1246 services, representatives from the school district and the one-
 1247 stop center where the student will return shall participate as

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1248 members of the local Department of Juvenile Justice reentry
 1249 teams. The school district, upon return of a student from a
 1250 juvenile justice education program, must consider the individual
 1251 needs and circumstances of the student and the transition plan
 1252 recommendations when reenrolling a student in a public school. A
 1253 local school district may not maintain a standardized policy for
 1254 all students returning from a juvenile justice program but place
 1255 students based on their needs and their performance in the
 1256 juvenile justice education program, including any virtual
 1257 education options.

1258 (c) The Department of Education and the Department of
 1259 Juvenile Justice shall provide oversight and guidance to school
 1260 districts, education providers, and reentry personnel on how to
 1261 implement effective educational transition planning and
 1262 services.

1263 (11) The district school board shall recruit and train
 1264 teachers who are interested, qualified, or experienced in
 1265 educating students in juvenile justice programs. Students in
 1266 juvenile justice programs shall be provided a wide range of
 1267 education programs and opportunities including textbooks,
 1268 technology, instructional support, and resources commensurate
 1269 with resources provided to students in public schools, including
 1270 textbooks and access to technology. If the district school board
 1271 operates a juvenile justice education program at a juvenile
 1272 justice facility, the district school board, in consultation
 1273 with the director of the juvenile justice facility, shall select
 1274 the instructional personnel assigned to that program. The
 1275 Secretary of Juvenile Justice or the director of a juvenile
 1276 justice program may request that the performance of a teacher

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1277 assigned by the district to a juvenile justice education program
1278 be reviewed by the district and that the teacher be reassigned
1279 based upon an evaluation conducted pursuant to s. 1012.34 or for
1280 inappropriate behavior. Juvenile justice education programs
1281 shall have access to the substitute teacher pool used by the
1282 district school board.

1283 (12) District school boards may contract with a private
1284 provider for the provision of education programs to students
1285 placed in juvenile justice detention, prevention, or day
1286 treatment programs with the Department of Juvenile Justice and
1287 shall generate local, state, and federal funding, including
1288 funding through the Florida Education Finance Program for such
1289 students. The district school board's planning and budgeting
1290 process shall include the needs of Department of Juvenile
1291 Justice education programs in the district school board's plan
1292 for expenditures for state categorical and federal funds.

1293 (13) (a) Eligible students enrolled in juvenile justice
1294 education programs shall be funded the same as students enrolled
1295 in traditional public schools funded in the Florida Education
1296 Finance Program and as specified in s. 1011.62 and the General
1297 Appropriations Act.

1298 (b) Juvenile justice education programs to receive the
1299 appropriate FEFP funding for Department of Juvenile Justice
1300 education programs shall include those operated through a
1301 contract with the Department of Juvenile Justice.

1302 (c) Consistent with the rules of the State Board of
1303 Education, district school boards shall request an alternative
1304 FTE survey for Department of Juvenile Justice education programs
1305 experiencing fluctuations in student enrollment.

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1306 (d) FTE count periods shall be prescribed in rules of the
1307 State Board of Education and shall be the same for programs of
1308 the Department of Juvenile Justice as for other public school
1309 programs. The summer school period for students in Department of
1310 Juvenile Justice education programs shall begin on the day
1311 immediately following the end of the regular school year and end
1312 on the day immediately preceding the subsequent regular school
1313 year. Students shall be funded for no more than 25 hours per
1314 week of direct instruction.

1315 (e) Each juvenile justice education program must receive
1316 all federal funds for which the program is eligible.

1317 (14) Each district school board shall negotiate a
1318 cooperative agreement with the Department of Juvenile Justice on
1319 the delivery of educational services to students in juvenile
1320 justice detention, prevention, or day treatment programs under
1321 the jurisdiction of the Department of Juvenile Justice. Such
1322 agreement must include, but is not limited to:

1323 (a) Roles and responsibilities of each agency, including
1324 the roles and responsibilities of contract providers.

1325 (b) Administrative issues including procedures for sharing
1326 information.

1327 (c) Allocation of resources including maximization of
1328 local, state, and federal funding.

1329 (d) Procedures for educational evaluation for educational
1330 exceptionalities and special needs.

1331 (e) Curriculum and delivery of instruction.

1332 (f) Classroom management procedures and attendance
1333 policies.

1334 (g) Procedures for provision of qualified instructional

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1335 personnel, whether supplied by the district school board or
 1336 provided under contract by the provider, and for performance of
 1337 duties while in a juvenile justice setting.

1338 (h) Provisions for improving skills in teaching and working
 1339 with students referred to juvenile justice education programs.

1340 (i) Transition plans for students moving into and out of
 1341 juvenile justice education programs.

1342 (j) Procedures and timelines for the timely documentation
 1343 of credits earned and transfer of student records.

1344 (k) Methods and procedures for dispute resolution.

1345 (l) Provisions for ensuring the safety of education
 1346 personnel and support for the agreed-upon education program.

1347 (m) Strategies for correcting any deficiencies found
 1348 through the accountability and evaluation system and student
 1349 performance measures.

1350 (15) Nothing in this section or in a cooperative agreement
 1351 requires the district school board to provide more services than
 1352 can be supported by the funds generated by students in the
 1353 juvenile justice programs.

1354 (16) ~~The Department of Education, in consultation with the~~
 1355 ~~Department of Juvenile Justice, district school boards, and~~
 1356 ~~providers, shall adopt rules establishing:~~

1357 ~~(a) Objective and measurable student performance measures~~
 1358 ~~to evaluate a student's educational progress while participating~~
 1359 ~~in a prevention, day treatment, or residential program. The~~
 1360 ~~student performance measures must be based on appropriate~~
 1361 ~~outcomes for all students in juvenile justice education~~
 1362 ~~programs, taking into consideration the student's length of stay~~
 1363 ~~in the program. Performance measures shall include outcomes that~~

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1364 ~~relate to student achievement of career education goals,~~
 1365 ~~acquisition of employability skills, receipt of a high school~~
 1366 ~~diploma or its equivalent, grade advancement, and the number of~~
 1367 ~~CAPE industry certifications earned.~~

1368 ~~(b) A performance rating system to be used by the~~
 1369 ~~Department of Education to evaluate the delivery of educational~~
 1370 ~~services within each of the juvenile justice programs. The~~
 1371 ~~performance rating shall be primarily based on data regarding~~
 1372 ~~student performance as described in paragraph (a).~~

1373 ~~(c) The timeframes, procedures, and resources to be used to~~
 1374 ~~improve a low-rated educational program or to terminate or~~
 1375 ~~reassign the program.~~

1376 ~~(d) The Department of Education, in partnership with the~~
 1377 ~~Department of Juvenile Justice, shall develop a comprehensive~~
 1378 ~~accountability and program improvement process. The~~
 1379 ~~accountability and program improvement process shall be based on~~
 1380 ~~student performance measures by type of program and shall rate~~
 1381 ~~education program performance. The accountability system shall~~
 1382 ~~identify and recognize high-performing education programs. The~~
 1383 ~~Department of Education, in partnership with the Department of~~
 1384 ~~Juvenile Justice, shall identify low-performing programs. Low-~~
 1385 ~~performing education programs shall receive an onsite program~~
 1386 ~~evaluation from the Department of Juvenile Justice. School~~
 1387 ~~improvement, technical assistance, or the reassignment of the~~
 1388 ~~program shall be based, in part, on the results of the program~~
 1389 ~~evaluation. Through a corrective action process, low-performing~~
 1390 ~~programs must demonstrate improvement or the programs shall be~~
 1391 ~~reassigned.~~

1392 ~~(17) The department, in collaboration with the Department~~

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1393 of Juvenile Justice, shall collect data and report on
 1394 commitment, day treatment, prevention, and detention programs.
 1395 The report shall be submitted to the President of the Senate,
 1396 the Speaker of the House of Representatives, and the Governor by
 1397 February 1 of each year. The report must include, at a minimum:
 1398 (a) The number and percentage of students who:
 1399 1. Return to an alternative school, middle school, or high
 1400 school upon release and the attendance rate of such students
 1401 before and after participation in juvenile justice education
 1402 programs.
 1403 2. Receive a standard high school diploma or a high school
 1404 equivalency diploma.
 1405 3. Receive industry certification.
 1406 4. Enroll in a postsecondary educational institution.
 1407 5. Complete a juvenile justice education program without
 1408 reoffending.
 1409 6. Reoffend within 1 year after completion of a day
 1410 treatment or residential commitment program.
 1411 7. Remain employed 1 year after completion of a day
 1412 treatment or residential commitment program.
 1413 8. Demonstrate learning gains pursuant to paragraph (3)(d).
 1414 (b) The following cost data for each juvenile justice
 1415 education program:
 1416 1. The amount of funding provided by district school boards
 1417 to juvenile justice programs and the amount retained for
 1418 administration, including documenting the purposes of such
 1419 expenses.
 1420 2. The status of the development of cooperative agreements.
 1421 3. Recommendations for system improvement.

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1422 4. Information on the identification of, and services
 1423 provided to, exceptional students, to determine whether these
 1424 students are properly reported for funding and are appropriately
 1425 served.
 1426 ~~(18)~~ The district school board shall not be charged any
 1427 rent, maintenance, utilities, or overhead on such facilities.
 1428 Maintenance, repairs, and remodeling of existing facilities
 1429 shall be provided by the Department of Juvenile Justice.
 1430 (17)~~(19)~~ When additional facilities are required in
 1431 juvenile justice detention, prevention, or day treatment
 1432 programs, the district school board and the Department of
 1433 Juvenile Justice shall agree on the appropriate site based on
 1434 the instructional needs of the students. When the most
 1435 appropriate site for instruction is on district school board
 1436 property, a special capital outlay request shall be made by the
 1437 commissioner in accordance with s. 1013.60. When the most
 1438 appropriate site is on state property, state capital outlay
 1439 funds shall be requested by the Department of Juvenile Justice
 1440 provided by s. 216.043 and shall be submitted as specified by s.
 1441 216.023. Any instructional facility to be built on state
 1442 property shall have educational specifications jointly developed
 1443 by the district school board and the Department of Juvenile
 1444 Justice and approved by the Department of Education. The size of
 1445 space and occupant design capacity criteria as provided by State
 1446 Board of Education rules shall be used for remodeling or new
 1447 construction whether facilities are provided on state property
 1448 or district school board property.
 1449 (18)~~(20)~~ The parent of an exceptional student shall have
 1450 the due process rights provided for in this chapter.

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1451 (19)~~(21)~~ The State Board of Education shall adopt rules
 1452 necessary to implement this section. Such rules must require the
 1453 minimum amount of paperwork and reporting.

1454 ~~(22) The Department of Juvenile Justice and the Department
 1455 of Education, in consultation with CareerSource Florida, Inc.,
 1456 the statewide Workforce Development Youth Council, district
 1457 school boards, Florida College System institutions, providers,
 1458 and others, shall jointly develop a multiagency plan for CAPE
 1459 which describes the funding, curriculum, transfer of credits,
 1460 goals, and outcome measures for career education programming in
 1461 juvenile commitment facilities, pursuant to s. 985.622. The plan
 1462 must be reviewed annually.~~

1463 Section 19. Paragraph (a) of subsection (2) of section
 1464 330.41, Florida Statutes, is amended to read:

1465 330.41 Unmanned Aircraft Systems Act.—

1466 (2) DEFINITIONS.—As used in this act, the term:

1467 (a) "Critical infrastructure facility" means any of the
 1468 following, if completely enclosed by a fence or other physical
 1469 barrier that is obviously designed to exclude intruders, or if
 1470 clearly marked with a sign or signs which indicate that entry is
 1471 forbidden and which are posted on the property in a manner
 1472 reasonably likely to come to the attention of intruders:

- 1473 1. A power generation or transmission facility, substation,
 1474 switching station, or electrical control center.
- 1475 2. A chemical or rubber manufacturing or storage facility.
- 1476 3. A water intake structure, water treatment facility,
 1477 wastewater treatment plant, or pump station.
- 1478 4. A mining facility.
- 1479 5. A natural gas or compressed gas compressor station,

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1480 storage facility, or natural gas or compressed gas pipeline.

1481 6. A liquid natural gas or propane gas terminal or storage
 1482 facility.

1483 7. Any portion of an aboveground oil or gas pipeline.

1484 8. A refinery.

1485 9. A gas processing plant, including a plant used in the
 1486 processing, treatment, or fractionation of natural gas.

1487 10. A wireless communications facility, including the
 1488 tower, antennae, support structures, and all associated ground-
 1489 based equipment.

1490 11. A seaport as listed in s. 311.09(1), which need not be
 1491 completely enclosed by a fence or other physical barrier and
 1492 need not be marked with a sign or signs indicating that entry is
 1493 forbidden.

1494 12. An inland port or other facility or group of facilities
 1495 serving as a point of intermodal transfer of freight in a
 1496 specific area physically separated from a seaport.

1497 13. An airport as defined in s. 330.27.

1498 14. A spaceport territory as defined in s. 331.303(18).

1499 15. A military installation as defined in 10 U.S.C. s.
 1500 2801(c)(4) and an armory as defined in s. 250.01.

1501 16. A dam as defined in s. 373.403(1) or other structures,
 1502 such as locks, floodgates, or dikes, which are designed to
 1503 maintain or control the level of navigable waterways.

1504 17. A state correctional institution as defined in s.
 1505 944.02 or a private correctional facility authorized under
 1506 chapter 957.

1507 18. A secure detention center or facility as defined in s.
 1508 985.03, or a moderate-risk ~~nonsecure~~ residential facility, a

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1509 high-risk residential facility, or a maximum-risk residential
1510 facility as those terms are described in s. 985.03(44).

1511 19. A county detention facility as defined in s. 951.23.

1512 20. A critical infrastructure facility as defined in s.
1513 692.201.

1514 Section 20. Paragraphs (c) and (j) of subsection (3),
1515 paragraph (a) of subsection (10), and paragraph (f) of
1516 subsection (12) of section 553.865, Florida Statutes, are
1517 amended to read:

1518 553.865 Private spaces.—

1519 (3) As used in this section, the term:

1520 (c) "Covered entity" means any:

1521 1. Correctional institution;

1522 2. Detention facility;

1523 3. Educational institution;

1524 4. Maximum-risk residential facilities Juvenile
1525 ~~correctional facility or juvenile prison~~ as described in s.
1526 985.465, any detention center or facility designated by the
1527 Department of Juvenile Justice to provide secure detention as
1528 defined in s. 985.03(18) (a), and any facility used for a
1529 residential program as described in s. 985.03(44) ~~s-~~
1530 ~~985.03(44) (b), (c), or (d)~~; or

1531 5. Public building.

1532 (j) "Public building" means a building comfort-conditioned
1533 for occupancy which is owned or leased by the state, a state
1534 agency, or a political subdivision. The term does not include a
1535 correctional institution, a detention facility, an educational
1536 institution, a maximum-risk residential ~~juvenile correctional~~
1537 ~~facility or juvenile prison~~ as described in s. 985.465, a

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1538 detention center or facility designated by the Department of
1539 Juvenile Justice to provide secure detention as defined in s.
1540 985.03(18) (a), or any facility used for a residential program as
1541 described in s. 985.03(44) ~~s. 985.03(44) (b), (c), or (d)~~.

1542 (10) (a) Each maximum-risk residential ~~juvenile correctional~~
1543 ~~facility or juvenile prison~~ as described in s. 985.465, each
1544 detention center or facility designated by the Department of
1545 Juvenile Justice to provide secure detention as defined in s.
1546 985.03(18) (a), and each facility used for a residential program
1547 as described in s. 985.03(44) ~~s. 985.03(44) (b), (c), or (d)~~
1548 shall establish disciplinary procedures for any juvenile as
1549 defined in s. 985.03(7) who willfully enters, for a purpose
1550 other than those listed in subsection (6), a restroom or
1551 changing facility designated for the opposite sex in such
1552 juvenile correctional facility, juvenile prison, secure
1553 detention center or facility, or residential program facility
1554 and refuses to depart when asked to do so by delinquency program
1555 staff, detention staff, or residential program staff.

1556 (12) A covered entity that is:

1557 (f) A maximum-risk residential ~~juvenile correctional~~
1558 ~~facility or juvenile prison~~ as described in s. 985.465, a
1559 detention center or facility designated by the Department of
1560 Juvenile Justice to provide secure detention as defined in s.
1561 985.03(18) (a), or a facility used for a residential program as
1562 described in s. 985.03(44) ~~s. 985.03(44) (b), (c), or (d)~~ shall
1563 submit documentation to the Department of Juvenile Justice
1564 regarding compliance with subsections (4) and (5), as
1565 applicable, within 1 year after being established or, if such
1566 institution or facility was established before July 1, 2023, no

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1567 later than April 1, 2024.

1568 Section 21. Paragraph (c) of subsection (18) of section
1569 1001.42, Florida Statutes, is amended to read:

1570 1001.42 Powers and duties of district school board.—The
1571 district school board, acting as a board, shall exercise all
1572 powers and perform all duties listed below:

1573 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
1574 Maintain a system of school improvement and education
1575 accountability as provided by statute and State Board of
1576 Education rule. This system of school improvement and education
1577 accountability shall be consistent with, and implemented
1578 through, the district's continuing system of planning and
1579 budgeting required by this section and ss. 1008.385, 1010.01,
1580 and 1011.01. This system of school improvement and education
1581 accountability shall comply with the provisions of ss. 1008.33,
1582 1008.34, 1008.345, and 1008.385 and include the following:

1583 (c) *Public disclosure*.—The district school board shall
1584 provide information regarding the performance of students and
1585 educational programs as required pursuant to ss. 1008.22 and
1586 1008.385 and implement a system of school reports as required by
1587 statute and State Board of Education rule which shall include
1588 schools operating for the purpose of providing educational
1589 services to students in Department of Juvenile Justice programs,
1590 ~~and for those schools, report on the elements specified in s.~~
1591 ~~1003.52(17)~~. Annual public disclosure reports shall be in an
1592 easy-to-read report card format and shall include the school's
1593 grade, high school graduation rate calculated without high
1594 school equivalency examinations, disaggregated by student
1595 ethnicity, and performance data as specified in state board

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1596 rule.

1597 Section 22. For the purpose of incorporating the amendment
1598 made by this act to section 985.03, Florida Statutes, in a
1599 reference thereto, section 985.721, Florida Statutes, is
1600 reenacted to read:

1601 985.721 Escapes from secure detention or residential
1602 commitment facility.—An escape from:

1603 (1) Any secure detention facility maintained for the
1604 temporary detention of children, pending adjudication,
1605 disposition, or placement;

1606 (2) Any residential commitment facility described in s.
1607 985.03(44), maintained for the custody, treatment, punishment,
1608 or rehabilitation of children found to have committed delinquent
1609 acts or violations of law; or

1610 (3) Lawful transportation to or from any such secure
1611 detention facility or residential commitment facility,

1612 constitutes escape within the intent and meaning of s. 944.40
1613 and is a felony of the third degree, punishable as provided in
1614 s. 775.082, s. 775.083, or s. 775.084.

1615 Section 23. For the purpose of incorporating the amendment
1616 made by this act to section 985.115, Florida Statutes, in a
1617 reference thereto, subsection (1) of section 985.25, Florida
1618 Statutes, is reenacted to read:

1619 985.25 Detention intake.—

1620 (1) The department shall receive custody of a child who has
1621 been taken into custody from the law enforcement agency or court
1622 and shall review the facts in the law enforcement report or
1623 probable cause affidavit and make such further inquiry as may be
1624

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1625 necessary to determine whether detention care is appropriate.

1626 (a) During the period of time from the taking of the child
1627 into custody to the date of the detention hearing, the initial
1628 decision as to the child's placement into detention care shall
1629 be made by the department under ss. 985.24 and 985.245(1).

1630 (b) The department shall base the decision whether to place
1631 the child into detention care on an assessment of risk in
1632 accordance with the risk assessment instrument and procedures
1633 developed by the department under s. 985.245, except that a
1634 child shall be placed in secure detention care until the child's
1635 detention hearing if the child meets the criteria specified in
1636 s. 985.255(1)(f), is charged with possessing or discharging a
1637 firearm on school property in violation of s. 790.115, or is
1638 charged with any other offense involving the possession or use
1639 of a firearm.

1640 (c) If the final score on the child's risk assessment
1641 instrument indicates detention care is appropriate, but the
1642 department otherwise determines the child should be released,
1643 the department shall contact the state attorney, who may
1644 authorize release.

1645 (d) If the final score on the risk assessment instrument
1646 indicates detention is not appropriate, the child may be
1647 released by the department in accordance with ss. 985.115 and
1648 985.13.

1649
1650 Under no circumstances shall the department or the state
1651 attorney or law enforcement officer authorize the detention of
1652 any child in a jail or other facility intended or used for the
1653 detention of adults, without an order of the court.

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1654 Section 24. For the purpose of incorporating the amendment
1655 made by this act to section 985.27, Florida Statutes, in a
1656 reference thereto, subsection (3) of section 985.255, Florida
1657 Statutes, is reenacted to read:

1658 985.255 Detention criteria; detention hearing.—

1659 (3)(a) The purpose of the detention hearing required under
1660 subsection (1) is to determine the existence of probable cause
1661 that the child has committed the delinquent act or violation of
1662 law that he or she is charged with and the need for continued
1663 detention. The court shall use the results of the risk
1664 assessment performed by the department and, based on the
1665 criteria in subsection (1), shall determine the need for
1666 continued detention. If the child is a prolific juvenile
1667 offender who is detained under s. 985.26(2)(c), the court shall
1668 use the results of the risk assessment performed by the
1669 department and the criteria in subsection (1) or subsection (2)
1670 only to determine whether the prolific juvenile offender should
1671 be held in secure detention.

1672 (b) If the court orders a placement more restrictive than
1673 indicated by the results of the risk assessment instrument, the
1674 court shall state, in writing, clear and convincing reasons for
1675 such placement.

1676 (c) Except as provided in s. 790.22(8) or s. 985.27, when a
1677 child is placed into detention care, or into a respite home or
1678 other placement pursuant to a court order following a hearing,
1679 the court order must include specific instructions that direct
1680 the release of the child from such placement no later than 5
1681 p.m. on the last day of the detention period specified in s.
1682 985.26 or s. 985.27, whichever is applicable, unless the

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1683 requirements of such applicable provision have been met or an
 1684 order of continuance has been granted under s. 985.26(4). If the
 1685 court order does not include a release date, the release date
 1686 shall be requested from the court on the same date that the
 1687 child is placed in detention care. If a subsequent hearing is
 1688 needed to provide additional information to the court for safety
 1689 planning, the initial order placing the child in detention care
 1690 shall reflect the next detention review hearing, which shall be
 1691 held within 3 calendar days after the child's initial detention
 1692 placement.

1693 Section 25. For the purpose of incorporating the amendment
 1694 made by this act to section 985.441, Florida Statutes, in a
 1695 reference thereto, paragraph (h) of subsection (2) of section
 1696 985.475, Florida Statutes, is reenacted to read:

1697 985.475 Juvenile sexual offenders.—

1698 (2) Following a delinquency adjudicatory hearing under s.
 1699 985.35, the court may on its own or upon request by the state or
 1700 the department and subject to specific appropriation, determine
 1701 whether a juvenile sexual offender placement is required for the
 1702 protection of the public and what would be the best approach to
 1703 address the treatment needs of the juvenile sexual offender.
 1704 When the court determines that a juvenile has no history of a
 1705 recent comprehensive assessment focused on sexually deviant
 1706 behavior, the court may, subject to specific appropriation,
 1707 order the department to conduct or arrange for an examination to
 1708 determine whether the juvenile sexual offender is amenable to
 1709 community-based treatment.

1710 (h) If the juvenile sexual offender violates any condition
 1711 of the disposition or the court finds that the juvenile sexual

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1712 offender is failing to make satisfactory progress in treatment,
 1713 the court may revoke the community-based treatment alternative
 1714 and order commitment to the department under s. 985.441.

1715 Section 26. For the purpose of incorporating the amendment
 1716 made by this act to section 985.441, Florida Statutes, in a
 1717 reference thereto, paragraph (b) of subsection (4) of section
 1718 985.565, Florida Statutes, is reenacted to read:

1719 985.565 Sentencing powers; procedures; alternatives for
 1720 juveniles prosecuted as adults.—

1721 (4) SENTENCING ALTERNATIVES.—

1722 (b) *Juvenile sanctions.*—For juveniles transferred to adult
 1723 court but who do not qualify for such transfer under s.
 1724 985.556(3), the court may impose juvenile sanctions under this
 1725 paragraph. If juvenile sentences are imposed, the court shall,
 1726 under this paragraph, adjudge the child to have committed a
 1727 delinquent act. Adjudication of delinquency may not be deemed a
 1728 conviction, nor shall it operate to impose any of the civil
 1729 disabilities ordinarily resulting from a conviction. The court
 1730 shall impose an adult sanction or a juvenile sanction and may
 1731 not sentence the child to a combination of adult and juvenile
 1732 punishments. An adult sanction or a juvenile sanction may
 1733 include enforcement of an order of restitution or probation
 1734 previously ordered in any juvenile proceeding. However, if the
 1735 court imposes a juvenile sanction and the department determines
 1736 that the sanction is unsuitable for the child, the department
 1737 shall return custody of the child to the sentencing court for
 1738 further proceedings, including the imposition of adult
 1739 sanctions. Upon adjudicating a child delinquent under subsection
 1740 (1), the court may:

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1741 1. Place the child in a probation program under the
1742 supervision of the department for an indeterminate period of
1743 time until the child reaches the age of 19 years or sooner if
1744 discharged by order of the court.

1745 2. Commit the child to the department for treatment in an
1746 appropriate program for children for an indeterminate period of
1747 time until the child is 21 or sooner if discharged by the
1748 department. The department shall notify the court of its intent
1749 to discharge no later than 14 days before discharge. Failure of
1750 the court to timely respond to the department's notice shall be
1751 considered approval for discharge.

1752 3. Order disposition under ss. 985.435, 985.437, 985.439,
1753 985.441, 985.45, and 985.455 as an alternative to youthful
1754 offender or adult sentencing if the court determines not to
1755 impose youthful offender or adult sanctions.

1756

1757 It is the intent of the Legislature that the criteria and
1758 guidelines in this subsection are mandatory and that a
1759 determination of disposition under this subsection is subject to
1760 the right of the child to appellate review under s. 985.534.

1761 Section 27. This act shall take effect July 1, 2024.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 1352

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Bradley

SUBJECT: Juvenile Justice

DATE: February 12, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1352 amends s. 381.887, F.S., adding personnel of the Department of Juvenile Justice (DJJ) and of any contracted provider with direct contact with youth to the list of personnel that are offered immunity from civil and criminal liability as a result of administering an emergency opioid antagonist (EOA).

The bill amends s. 985.619, F.S., permitting the Florida Scholars Academy board of trustees to review and approve an annual academic calendar to provide educational services to youth.

The bill amends s. 985.664, F.S., to require that each judicial circuit in this state have a juvenile justice circuit advisory board, and specifies requirements of such board. The bill removes reference to the juvenile justice circuit advisory board in ss. 938.17 and 948.51, F.S.

The bill amends s. 790.22, F.S., to remove the provision requiring the juvenile justice circuit advisory board to establish certain community service programs and transfers the responsibility to the alternative sanctions coordinators of the circuit courts.

The bill amends s. 985.601, F.S., to authorize the department to use state or federal funds to purchase and distribute promotional and educational materials that are consistent with the dignity and integrity of the state for the following purposes:

- Educating children and families about the juvenile justice continuum, including local prevention programs or community services available for participation or enrollment.

- Staff recruitment at job fairs, career fairs, community events, the Institute for Commercialization of Florida Technology, community college campuses, or state university campuses.
- Educating children and families on children-specific public safety issues, including, but not limited to, safe storage of adult-owned firearms, consequences of child firearm offenses, human trafficking, or drug and alcohol abuse.

The bill amends s. 985.115, F.S., to provide that a juvenile assessment center may not be considered a facility that can receive a child who is suffering from a serious physical condition that requires a medical diagnosis or treatment, is mentally ill as defined in s. 394.463(1), F.S., or the child is intoxicated and has threatened or attempted physical harm to him or herself or another.

The bill amends s. 985.03, F.S., to revise definitions and remove “minimum-risk nonresidential” as a restrictiveness level for committed youth. The bill revises the term “nonsecure residential” programs to “moderate-risk.” The term “juvenile prison” and “juvenile correctional facilities” are removed to standardize the term “maximum risk residential.” Corresponding changes are made in ss. 985.27, 985.441, 985.465, 330.41, and 553.865, F.S.

The bill amends various statutes throughout ch. 985, F.S., to replace the terms gender and gender-specific, with sex and sex-specific respectively. These changes are made in ss. 985.02, 985.126, 985.17, and 985.601, F.S.

The bill amends s. 985.26, F.S., to authorize that transitions from secure detention care and supervised release detention care be initiated upon the court’s own motion, or upon a motion of the child or of the state, and after considering any information provided by the department regarding the child’s adjustment to detention supervision.

The bill amends s. 985.676, F.S., to revise the required contents of a grant proposal applicants must submit to be considered for funding from an annual community juvenile justice partnership grant. The bill requires the department to consider the recommendations of community stakeholders, rather than the juvenile justice circuit advisor board, as to certain priorities. The bill removes the juvenile justice circuit advisory board from the entities to which each awarded grantee is required to submit an annual evaluation report.

The bill amends s. 1003.01, F.S., to include the Florida Scholars Academy as an educational entity.

The bill amends s. 1003.51, F.S., to revise requirements for certain State Board of Education rules to establish policies and standards for certain education programs. The bill provides for a use of course delivery model aligned to the state academic standards. The bill also provides accountability measures and school improvement requirements as public alternative schools for juvenile justice education programs.

The bill amends s. 1003.52, F.S., to revise the role of Coordinators for Juvenile Justice Education Programs in collecting certain information and developing protocols that provide guidance to district school boards and juvenile justice education providers in all aspects of educational

programming, including records transfer and transition. The bill removes provisions relating to career and professional education (CAPE)¹ and provisions related to requiring residential juvenile justice education programs to provide certain CAPE courses. The bill requires each district school board to make provisions for high school level students to earn credits towards high school graduation while in juvenile justice detention, prevention, or day programs.

The bill authorizes district school boards to contract with private providers for the provision of education programs to students placed in such programs. The bill requires each district school board to negotiate a cooperative agreement with the department on the delivery of education services to students in such programs. The bill removes provisions requiring the Department of Education, in consultation with the DJJ, to adopt rules and collect data and report on certain programs. The bill removes a provision requiring that specified entities jointly develop a multiagency plan for CAPE.

The bill provides that school districts shall provide the high school equivalency examination exit option for all juvenile justice programs, except for residential programs operated under s. 985.619, F.S. The district school board shall select appropriate academic and career assessments to be administered at the time of program entry and exit for the purpose of developing goals for education transition plans, progress monitoring plans, and individual education plans.

The bill does not have a fiscal impact on DJJ. See Section V, Fiscal Impact Statement.

The bill is effective July 1, 2024.

II. Present Situation:

The Department of Juvenile Justice Continuum

Section 985.601, F.S., provides for administering the juvenile justice continuum. The DJJ is authorized to plan, develop, and coordinate comprehensive services and programs statewide for the prevention, early intervention, control, and rehabilitative treatment of delinquent behavior.²

The department is also authorized to develop and implement an appropriate continuum of care that provides individualized, multidisciplinary assessments, objective evaluations of relative risks, and the matching of needs with placements for all children under its care, and that uses a system of case management to facilitate each child being appropriately assessed, provided with services, and placed in a program that meets the child's needs.³

¹ Section 1003.52(5), F.S., states, prevention and day treatment juvenile justice education programs, at a minimum, shall provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services. Residential juvenile justice education programs with a contracted minimum length of stay of 9 months shall provide CAPE courses that lead to preapprentice certifications and industry certifications. Programs with contracted lengths of stay of less than 9 months may provide career education courses that lead to preapprentice certifications and CAPE industry certifications.

² Section 985.601(1), F.S.

³ Section 985.601(2), F.S.

Circuit Advisory Boards

Section 985.664, F.S., authorizes the establishment of Juvenile Justice Circuit Advisory Boards.⁴ The Circuit Advisory Boards serve as advisors to the DJJ according to their statutory responsibilities. Members of the boards work closely with Delinquency Prevention Specialists and DJJ staff to plan for services that meet the identified needs of juveniles and families within the local community. The Juvenile Justice Circuit Advisory Boards are vehicles for collaboration. Through the Circuit Advisory Boards, the department promotes community partnerships to increase public safety. Boards primarily focus on juvenile delinquency prevention programs and services such as mentoring, teen courts, civil citation, partnership programs, after school programs and public forums to increase communication between youth and law enforcement.⁵

Florida Scholars Academy

Section 985.619, F.S., creates the Florida Scholars Academy within the DJJ developing a single-uniform education system overseen by the DJJ to provide educational opportunities to students in the DJJ residential commitment programs.⁶ The Florida Scholars Academy serves as a national model with a focus on improving outcomes for youth through individualized educational pathways. The Florida Scholars Academy helps youth in DJJ care attain a high school or high school equivalency diploma, industry-recognized credentials, and enroll in a postsecondary program of study at a Florida college, university, or technical college.⁷

Requirements for juvenile justice education are specified in s. 1003.52, F.S. Section 1003.52, F.S., designates the Florida Department of Education as the lead agency for juvenile justice education programs, curriculum, support services, and resources. Additionally, s. 1003.52, F.S., stipulates that the “district school board of the county in which the juvenile justice prevention, day treatment, residential, or detention program is located shall provide or contract for appropriate educational assessments and an appropriate program of instruction and special education services.”⁸

Section 1003.52(5), F.S., states: Prevention and day treatment juvenile justice education programs, at a minimum, shall provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services. Residential juvenile justice education programs with a contracted minimum length of stay of 9 months shall provide Career and Professional Education (CAPE) courses that lead to preapprentice certifications and industry certifications.⁹

⁴ Section 985.664, F.S.

⁵ Department of Juvenile Justice, Juvenile Justice Circuit Advisory Boards Prevent Juvenile Crime, available at <https://www.djj.state.fl.us/content/download/21162/file/circuit-advisory-board-brochure-3.pdf> (last visited on January 22, 2024).

⁶ Section 985.619(2), F.S.

⁷ Florida Department of Justice, *Governor Ron DeSantis Signs Legislation Creating First-of-its-Kind Education System for Juvenile Justice-Involved Youth* available at <https://www.djj.state.fl.us/news/press-releases/2023/governor-ron-desantis-signs-legislation-creating-first-of-its-kind-education-system-for-juvenile-justice-involved-youth> (last visited on January 26, 2024).

⁸ Section 1003.52, F.S.

⁹ Section 1003.52(5), F.S.

County Delinquency Prevention

The sheriff's office of the county must be a partner in a written agreement with the DJJ to participate in a juvenile assessment center or with the district school board to participate in a suspension program.¹⁰ A sheriff's office that receives proceeds pursuant to s. 939.185, F.S., shall account for all funds annually by August 1 in a written report to the juvenile justice circuit advisory board if funds are used for assessment centers, and to the district school board if funds are used for suspension programs.¹¹

Community Corrections Assistance to Counties or County Consortiums

A county, or a consortium of two or more counties, may contract with the Department of Corrections for community corrections funds as provided in this section. In order to enter into a community corrections partnership contract, a county or county consortium must have a public safety coordinating council established under s. 951.26, F.S.,¹² and must designate a county officer or agency to be responsible for administering community corrections funds received from the state. The public safety coordinating council shall prepare, develop, and implement a comprehensive public safety plan for the county, or the geographic area represented by the county consortium, and shall submit an annual report to the Department of Corrections concerning the status of the program. In preparing the comprehensive public safety plan, the public safety coordinating council shall cooperate with the juvenile justice circuit advisory board established under s. 985.664, F.S., in order to include programs and services for juveniles in the plan.¹³

Juvenile Assessment Centers

Every child under the age of 18 charged with a crime in Florida is referred to the DJJ.¹⁴ The DJJ serves as the primary case manager responsible for managing, coordinating, and monitoring services provided to the child.¹⁵ Intake and screening services for a child referred to the DJJ are performed at a Juvenile Assessment Center (JAC).¹⁶ The purpose of the intake process is to assess the child's needs and risks and to determine the most appropriate treatment plan and setting for the child's programmatic need and risks.¹⁷ Once a child is in the custody of the DJJ, the DJJ determines whether detention care is appropriate.¹⁸

A Juvenile Assessment Center (JAC) is a facility where law enforcement may release a child taken into custody for them to be screened after arrest. Youth may not be released to a JAC:

¹⁰ Section 938.17(1), F.S.

¹¹ Section 938.17(4), F.S.

¹² Section 951.26(1), F.S., provides that each board of county commissioners shall establish a county public safety coordinating council for the county or shall join with a consortium of one or more other counties to establish a public safety coordinating council for the geographic area represented by the member counties.

¹³ Section 948.51(2), F.S.

¹⁴ A referral is similar to an arrest in the adult criminal justice system. See Probation and Community Intervention, Overview, Department of Juvenile Justice, available at <http://www.djj.state.fl.us/services/probation> (last visited January 22, 2024).

¹⁵ Section 985.145(1), F.S.

¹⁶ Section 985.135(4), F.S.

¹⁷ Section 985.14(2), F.S. The intake process consists of a preliminary screening and may be followed by a comprehensive assessment, consisting of a full mental health, cognitive impairment, substance abuse, or psychosexual evaluation.

¹⁸ Section 985.25(1), F.S.

- If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, to a law enforcement officer who shall deliver the child to a hospital for necessary evaluation and treatment.¹⁹
- If the child is believed to be mentally ill as defined in s. 394.463(1), F.S., to a law enforcement officer who shall take the child to a designated public receiving facility as defined in s. 394.455, F.S., for examination under s. 394.463, F.S.²⁰
- If the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse, to a law enforcement officer who shall deliver the child to a hospital, addictions receiving facility, or treatment resource.²¹

Secure Detention Transfer

The court is not prohibited from transitioning a child to and from secure detention care and supervised release detention care, including electronic monitoring, when the court finds such a placement necessary, or no longer necessary, to preserve public safety or to ensure the child's safety, appearance in court, or compliance with a court order.²²

Restrictiveness Levels

The Legislature finds that there is a need for a secure placement for certain children alleged to have committed a delinquent act. The Legislature finds that detention should be used only when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate.²³

According to the DJJ, “Minimum-risk nonresidential” is an option the court can utilize when they want to commit a youth but have them stay in the community and attend a program 5 days a week for services. This type of program is better accomplished through probation instead of commitment. Operationally, this definition causes issues because in all other areas of law a youth who is committed to the department is removed from the community and housed in a secure facility. This level of commitment blurs the lines between community probation and traditional commitment. There is other statutory language that allows for these programs and for a court to utilize them, but it instead keeps the youth on probation instead of commitment.²⁴

Chapter 985, F.S., and other sections of statute that reference juvenile justice residential restrictiveness levels use various out-of-date and misleading definitions. This includes the term “nonsecure residential” to describe a facility in which youth are securely housed with both staff and hardware security provided. Additionally, the term “maximum-risk residential” is used interchangeably with “juvenile prison” and “juvenile correctional facility” without proper cross references. In practice, the department and stakeholders refer to these programs as “maximum-

¹⁹ Section 985.115(2)(c), F.S.

²⁰ Section 985.115(2)(d), F.S.

²¹ Section 985.115(2)(e), F.S.

²² Section 985.26(2)(a)3., F.S.

²³ Section 985.02(4)(a), F.S.

²⁴ Department of Juvenile Justice, 2024 Agency Legislative Bill Analysis on SB 1352, pg. 2 (on file with the Senate Committee on Criminal Justice).

risk.” Further, the department provides housing, treatment services, etc. for youth based on their sex, which is currently not a defined term.²⁵

Emergency Opioid Antagonists

Opioid receptor antagonists block one or more of the opioid receptors in the central or peripheral nervous system. The two most commonly used, centrally-acting opioid receptor antagonists are naloxone and naltrexone. Naloxone comes in intravenous, intramuscular, and intranasal formulations and is FDA-approved for the use in an opioid overdose and the reversal of respiratory depression associated with opioid use. Naltrexone is available in both oral and long acting injectable formulations and is FDA-approved for the treatment of opioid and/or alcohol maintenance treatment. The most commonly used peripheral opioid receptor antagonist is methylnaltrexone, which is a potent competitive antagonist acting at the digestive tract and is also FDA-approved for the treatment of opioid-induced constipation.²⁶

Section 381.887, F.S., provides that the purpose of the section is to provide for the prescribing, ordering, and dispensing of EOAs to patients and caregivers and to encourage the prescribing, ordering, and dispensing of EOAs by authorized health care practitioners. The section states that: An authorized health care practitioner may prescribe and dispense an EOA to, and a pharmacist may order an EOA with an autoinjection delivery system or intranasal application delivery system for, a patient or caregiver for use in accordance with this section.

- A pharmacist may dispense an EOA pursuant to a prescription by an authorized health care practitioner. A pharmacist may dispense an EOA with an autoinjection delivery system or intranasal application delivery system, which must be appropriately labeled with instructions for use, pursuant to a pharmacist’s order or pursuant to a nonpatient-specific standing order.
- A patient or caregiver is authorized to store and possess approved EOAs and, in an emergency situation when a physician is not immediately available, administer the EOA to a person believed in good faith to be experiencing an opioid overdose, regardless of whether that person has a prescription for an EOA.

The section also authorizes emergency responders, crime laboratory personnel, and personnel of a law enforcement agency or another agency who, if they are likely to come in contact with a controlled substance or persons at risk of an overdose, to possess, store, and administer EOAs as clinically indicated and provides immunity for such persons as a result of administering an EOA.

Additionally, the section provides immunity to:

- A person, including, but not limited to, an authorized health care practitioner, a dispensing health care practitioner, or a pharmacist, who possesses, administers, prescribes, dispenses, or stores an approved EOA in compliance with this section and s. 768.13, F.S.²⁷

²⁵ *Id.*

²⁶ National Library of Medicine, *Opioid Antagonists*, available at <https://www.ncbi.nlm.nih.gov/books/NBK537079/#:~:text=3%5D%5B4%5D-.The%20two%20most%20commonly%20used%20centrally%20acting%20opioid%20receptor%20antagonists,depression%20associated%20with%20opioid%20use> (last visited on January 22, 2024).

²⁷ Section 768.12, F.S., is the Good Samaritan Act. Section 381.887, F.S., specifies that this immunity is the immunity afforded under the Good Samaritan Act.

- An authorized health care practitioner, acting in good faith and exercising reasonable care, for prescribing an EOA in accordance with this section.
- A dispensing health care practitioner or pharmacist, acting in good faith and exercising reasonable care, for dispensing an EOA in accordance with this section.

The Good Samaritan Act

Section 768.13, F.S., establishes the Good Samaritan Act. The Act provides civil immunity to any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations related to and arising out of a declared public health emergency, a declared state of emergency, or at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, without objection of the injured victim or victims thereof, for any damages resulting from the treatment or as a result of any act or failure to act in providing or arranging treatment where the person acts as an ordinary reasonably prudent person would.²⁸

The Good Samaritan Act also provides certain immunities to health care providers and health care practitioners providing emergency care in specified situations, to any person participating in emergency response activities under specified circumstances, and any person who renders emergency care or treatment to an injured animal in specified circumstances.²⁹

III. Effect of Proposed Changes:

This bill amends s. 381.887, F.S., to add personnel of the Department of Juvenile Justice (DJJ) and of any contracted provider with direct contact with youth to the list of personnel that are offered immunity from civil and criminal liability as a result of administering an emergency opioid antagonist.

The bill amends s. 790.22, F.S., to remove the provision permitting the juvenile justice circuit advisory board to establish certain community service programs. The bill designates the responsibility of establishing appropriate community service programs available to the alternative sanctions coordinators of the circuit courts.

The bill amends s. 938.17, F.S., to provide that the sheriff's office that receives proceeds pursuant to s. 939.185, F.S., shall account for all funds annually in a written report to the DJJ if funds are used for assessment centers, and to the district school board if funds are used for suspension programs, rather than the juvenile justice circuit advisory board.

The bill amends s. 948.51, F.S., to require the public safety coordinating council of a county (or a consortium of two or more counties) to collaborate with the DJJ, rather than the juvenile justice circuit advisory board when preparing a comprehensive safety plan.

The bill amends s. 985.02, F.S., to revise the legislative intent for the general protections for children in DJJ from gender-specific to sex-specific. The terms "gender-specific" and "gender" are replaced with "sex-specific" and "sex," respectively.

²⁸ Section 768.13(2)(a), F.S.

²⁹ Section 768.13(b)1., F.S.

The bill amends s. 985.03, F.S., to revise definitions and remove “minimum-risk nonresidential” as a restrictiveness level for committed youth. The bill revises the term “nonsecure residential” programs to “moderate-risk.” The term “juvenile prison” and “juvenile correctional facilities” are removed to standardize the term “maximum risk residential.”

The bill amends s. 985.115, F.S., to provide that a juvenile assessment center may not be considered a facility that can receive a child who is suffering from a serious physical condition that requires a medical diagnosis or treatment, is mentally ill as defined in s. 394.463(1), F.S., or the child is intoxicated and has threatened or attempted physical harm to him or herself or another.

The bill amends s. 985.126, F.S., to revise the information a diversion program is required to report about each minor to include sex rather than gender.

The bill amends s. 985.17, F.S., to revise the programming focus for the department’s prevention services for youth at risk of becoming delinquent to include sex-specific services rather than gender-specific services.

The bill amends s. 985.26, F.S., to authorize that transitions from secure detention care and supervised release detention care be initiated upon the court’s own motion, or upon a motion of the child or of the state, and after considering any information provided by the department regarding the child’s adjustment to detention supervision.

The bill amends s. 985.27, F.S., to revise the required court placement in secure detention for children who are adjudicated and awaiting placement in a moderate-risk, rather than nonsecure, residential commitment program.

The bill amends s. 985.441, F.S., to authorize a court to commit certain children to a moderate-risk, rather than nonsecure, residential placement under certain circumstances.

The bill amends s. 985.465, F.S., to revise the physically secure residential commitment program to send specified children to maximum-risk residential facilities rather than juvenile correctional facilities or prisons.

The bill amends s. 985.601, F.S., to revise certain required programs for rehabilitative treatment to include sex-specific programming rather than gender-specific programming. The bill also authorizes the department to use state or federal funds to purchase and distribute promotional and educational materials that are consistent with the dignity and integrity of the state for the following purposes:

- Educating children and families about the juvenile justice continuum, including local prevention programs or community services available for participation or enrollment.
- Staff recruitment at job fairs, career fairs, community events, the Institute for Commercialization of Florida Technology, community college campuses, or state university campuses.

- Educating children and families on children-specific public safety issues, including, but not limited to, safe storage of adult-owned firearms, consequences of child firearm offenses, human trafficking, or drug and alcohol abuse.

The bill amends s. 985.619, F.S., permitting the Florida Scholars Academy board of trustees to review and approve an annual academic calendar to provide educational services to youth for a school year composed of 250 days or 1,250 hours of instruction for students enrolled in a traditional K-12 education pathway. The board of trustees may decrease the minimum number of days for instruction by up to 20 days or 100 hours for teacher planning.

The bill amends s. 985.664, F.S., to require that each judicial circuit in this state shall have a juvenile justice circuit advisory board. The bill requires the juvenile justice circuit advisory board shall work with the chief probation officer of the circuit to use data to inform policies and practices that better improve the juvenile justice continuum. The bill removes provisions relating to the juvenile justice circuit advisory board's purpose, duties, and responsibilities and decreases the minimum number of members that each juvenile justice circuit advisory board is required to have. The bill requires that each member of the juvenile justice circuit advisory board be approved by the chief probation officer of the circuit, rather than the Secretary of Juvenile Justice. The bill requires the chief probation officer in each circuit to serve as the chair of the juvenile justice advisory board for that circuit. The bill removes provisions relating to board membership and vacancies; deletes provisions relating to quorums and the passing of measures; and deletes provisions requiring the establishment of executive committees and having bylaws.

The bill amends s. 985.676, F.S., to revise the requirements of what grant proposal applicants must submit to be considered for funding for an annual community juvenile justice partnership grant. The bill requires the department to consider the recommendations of community stakeholders, rather than the juvenile justice circuit advisory board, as to certain priorities. The bill removes the juvenile justice circuit advisory board from the entities to which each awarded grantee is required to submit an annual evaluation report.

The bill amends s. 1003.01, F.S., to include the Florida Scholars Academy as an educational entity.

The bill amends s. 1003.51, F.S., to revise requirements for certain State Board of Education rules to establish policies and standards for certain education programs. The bill provides for a use of course delivery models aligned to the state academic standards, including:

- Direct instruction;
- Blended learning pursuant to s. 1011.61(1), F.S.;
- District virtual instruction programs;
- Virtual charter schools;
- Florida Virtual School;
- Virtual course offerings;
- District franchises of Florida Virtual School; and
- Credit recovery course procedures.

The bill also provides accountability measures and school improvement requirements as public alternative schools for juvenile justice education programs.

The bill amends s. 1003.52, F.S., to revise the role of Coordinators for Juvenile Justice Education Programs in collecting certain information and developing protocols that provide guidance to district school boards and juvenile justice education providers in all aspects of educational programming, including records transfer and transition. The bill removes provisions relating to career and professional education (CAPE) and provisions related to requiring residential juvenile justice education programs to provide certain CAPE courses. The bill requires each district school board to make provisions for high school level students to earn credits towards high school graduation while in juvenile justice detention, prevention, or day programs.

The bill authorizes district school boards to contract with private providers for the provision of education programs to students placed in such programs. The bill requires each district school board to negotiate a cooperative agreement with the department on the delivery of education services to students in such programs. The bill removes provisions requiring the Department of Education, in consultation with the DJJ, to adopt rules and collect data and report on certain programs. The bill removes a provision requiring that specified entities jointly develop a multiagency plan for CAPE.

The bill provides that school districts shall provide the high school equivalency examination exit option for all juvenile justice programs, except for residential programs operated under s. 985.619, F.S. The district school board shall select appropriate academic and career assessments to be administered at the time of program entry and exit for the purpose of developing goals for education transition plans, progress monitoring plans, and individual education plans.

The bill amends s. 330.41, F.S., to make conforming changes by replacing the term nonsecure residential facility with the term moderate-risk residential facility.

The bill amends s. 553.865, F.S., to conform a provision changing the term juvenile correctional facility or juvenile prison to maximum-risk residential facilities.

The bill amends s. 1001.42, F.S., to make conforming changes.

The bill reenacts s. 985.721, s. 985.25(1), s. 985.255(3), s. 985.475(2)(h), and s. 985.565(4)(b), F.S.

The bill is effective July 1, 2024.

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:

This bill does not have a fiscal impact on state or local governments.³⁰

VI. Technical Deficiencies:

The bill removes accountability measures under s. 1003.51, F.S., and provides that data for accountability measuring for detention, prevention, and day programs will be captured in the Department of Education report for alternative schools in the Juvenile Justice Educational Annual Report for school improvement. Alternative schools have a separate rating system that is outlined in s. 1008.341, F.S. In that statute, it defines an alternative school as a school that provides dropout prevention and academic interventions as defined in s. 1003.53, F.S. Although there may be an overlap in services offered, the statute does not mention detention, prevention, and day treatment schools referenced in s. 1003.52, F.S.

VII. Related Issues:

None.

³⁰ Department of Juvenile Justice, *2024 Agency Legislative Bill Analysis, SB 1352*, January 12, 2024.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 381.887, 790.22, 938.17, 948.51, 985.02, 985.03, 985.115, 985.126, 985.17, 985.26, 985.27, 985.441, 985.465, 985.601, 985.619, 985.664, 985.676, 1003.01, 1003.51, 1003.52, 330.41, 553.865, 1001.42, 985.721, 985.25, 985.255, 985.475, and 985.565.

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

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

CS by Appropriations Committee on Criminal and Civil Justice:

The committee substitute:

- Clarifies educational components needed to conform with the creation of the Florida Scholars Academy.
- Provides accountability measures for juvenile justice education programs to include detention, prevention, and day programs.
- Permits the use of course delivery models aligned to the state academic standards.
- Permits the Florida Scholars Academy board of trustees to review and approve an annual academic calendar to provide educational services.
- Makes conforming changes to education statutes to include current operational practices and terminology.

B. Amendments:

None.

February 8, 2024

Meeting Date

CCJ Approps

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

7062

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Agriculture,
Environment, and General Government, *Chair*
Health Policy, *Vice Chair*
Appropriations
Appropriations Committee on Health
and Human Services
Children, Families, and Elder Affairs
Community Affairs
Regulated Industries
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR JASON BRODEUR

10th District

January 30, 2024

The Honorable Jennifer Bradley, Chair
Appropriations Committee on Criminal and Civil Justice
408 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Bradley,

I respectfully request that **Senate Bill 1512, Controlled Substances**, be placed on the agenda of the Appropriations Committee on Criminal and Civil Justice meeting to be considered at your earliest convenience.

If you have any questions or concerns, please do not hesitate to reach out to me or my office.

Sincerely,

A handwritten signature in black ink that reads "Jason Brodeur".

Senator Jason Brodeur – District 10

CC: Marti Harkness– Staff Director
Rebecca Henderson– Administrative Assistant

REPLY TO:

- 110 Timberlachen Circle, Suite 1012, Lake Mary, Florida 32746 (407) 333-1802
- 405 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5010

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

By Senator Brodeur

10-00914A-24

20241512__

1 A bill to be entitled
 2 An act relating to controlled substances; amending s.
 3 893.03, F.S.; adding tianeptine to the list of
 4 Schedule I controlled substances; amending ss. 893.13,
 5 893.131, and 893.135, F.S.; conforming cross-
 6 references; providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Paragraph (a) of subsection (1) of section
 11 893.03, Florida Statutes, is amended to read:
 12 893.03 Standards and schedules.—The substances enumerated
 13 in this section are controlled by this chapter. The controlled
 14 substances listed or to be listed in Schedules I, II, III, IV,
 15 and V are included by whatever official, common, usual,
 16 chemical, trade name, or class designated. The provisions of
 17 this section shall not be construed to include within any of the
 18 schedules contained in this section any excluded drugs listed
 19 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
 20 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
 21 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempt
 22 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
 23 Anabolic Steroid Products."
 24 (1) SCHEDULE I.—A substance in Schedule I has a high
 25 potential for abuse and has no currently accepted medical use in
 26 treatment in the United States and in its use under medical
 27 supervision does not meet accepted safety standards. The
 28 following substances are controlled in Schedule I:
 29 (a) Unless specifically excepted or unless listed in

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30 another schedule, any of the following substances, including
 31 their isomers, esters, ethers, salts, and salts of isomers,
 32 esters, and ethers, whenever the existence of such isomers,
 33 esters, ethers, and salts is possible within the specific
 34 chemical designation:
 35 1. Acetyl-alpha-methylfentanyl.
 36 2. Acetylmethadol.
 37 3. Allylprodine.
 38 4. Alphacetylmethadol (except levo-alpha-acetylmethadol, also
 39 known as levo-alpha-acetylmethadol, levomethadyl acetate, or
 40 LAAM).
 41 5. Alphamethadol.
 42 6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl)
 43 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-
 44 (N-propanilido) piperidine).
 45 7. Alpha-methylthiofentanyl.
 46 8. Alphameprodine.
 47 9. Benzethidine.
 48 10. Benzylfentanyl.
 49 11. Betacetylmethadol.
 50 12. Beta-hydroxyfentanyl.
 51 13. Beta-hydroxy-3-methylfentanyl.
 52 14. Betameprodine.
 53 15. Betamethadol.
 54 16. Betaprodine.
 55 17. Clonitazene.
 56 18. Dextromoramide.
 57 19. Diampromide.
 58 20. Diethylthiambutene.

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59 21. Difenoxin.
 60 22. Dimenoxadol.
 61 23. Dimepheptanol.
 62 24. Dimethylthiambutene.
 63 25. Dioxaphetyl butyrate.
 64 26. Dipipanone.
 65 27. Ethylmethylthiambutene.
 66 28. Etonitazene.
 67 29. Etoxeridine.
 68 30. Flunitrazepam.
 69 31. Furethidine.
 70 32. Hydroxypethidine.
 71 33. Ketobemidone.
 72 34. Levomoramide.
 73 35. Levophenacymorphan.
 74 36. Desmethylprodine (1-Methyl-4-Phenyl-4-
 75 Propionoxypiperidine).
 76 37. 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
 77 piperidyl]-N-phenylpropanamide).
 78 38. 3-Methylthiofentanyl.
 79 39. Morpheridine.
 80 40. Noracymethadol.
 81 41. Norlevorphanol.
 82 42. Normethadone.
 83 43. Norpipanone.
 84 44. Para-Fluorofentanyl.
 85 45. Phenadoxone.
 86 46. Phenampromide.
 87 47. Phenomorphan.

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88 48. Phenoperidine.
 89 49. PEPAP (1-(2-Phenylethyl)-4-Phenyl-4-
 90 Acetyloxypiperidine).
 91 50. Piritramide.
 92 51. Proheptazine.
 93 52. Properidine.
 94 53. Propiram.
 95 54. Racemoramide.
 96 55. Thenylfentanyl.
 97 56. Thiofentanyl.
 98 57. Tianeptine.
 99 58. Tilidine.
 100 59.58. Trimeperidine.
 101 60.59. Acetylfentanyl.
 102 61.60. Butyrylfentanyl.
 103 62.61. Beta-Hydroxythiofentanyl.
 104 63.62. Fentanyl derivatives. Unless specifically excepted,
 105 listed in another schedule, or contained within a pharmaceutical
 106 product approved by the United States Food and Drug
 107 Administration, any material, compound, mixture, or preparation,
 108 including its salts, isomers, esters, or ethers, and salts of
 109 isomers, esters, or ethers, whenever the existence of such salts
 110 is possible within any of the following specific chemical
 111 designations containing a 4-anilidopiperidine structure:
 112 a. With or without substitution at the carbonyl of the
 113 aniline moiety with alkyl, alkenyl, carboalkoxy, cycloalkyl,
 114 methoxyalkyl, cyanoalkyl, or aryl groups, or furanyl,
 115 dihydrofuranyl, benzyl moiety, or rings containing heteroatoms
 116 sulfur, oxygen, or nitrogen;

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- 117 b. With or without substitution at the piperidine amino
 118 moiety with a phenethyl, benzyl, alkylaryl (including
 119 heteroaromatics), alkyltetrazolyl ring, or an alkyl or
 120 carbomethoxy group, whether or not further substituted in the
 121 ring or group;
- 122 c. With or without substitution or addition to the
 123 piperidine ring to any extent with one or more methyl,
 124 carbomethoxy, methoxy, methoxymethyl, aryl, allyl, or ester
 125 groups;
- 126 d. With or without substitution of one or more hydrogen
 127 atoms for halogens, or methyl, alkyl, or methoxy groups, in the
 128 aromatic ring of the anilide moiety;
- 129 e. With or without substitution at the alpha or beta
 130 position of the piperidine ring with alkyl, hydroxyl, or methoxy
 131 groups;
- 132 f. With or without substitution of the benzene ring of the
 133 anilide moiety for an aromatic heterocycle; and
- 134 g. With or without substitution of the piperidine ring for
 135 a pyrrolidine ring, perhydroazepine ring, or azepine ring;
 136
 137 excluding, Alfentanil, Carfentanil, Fentanyl, and Sufentanil;
 138 including, but not limited to:
- 139 (I) Acetyl-alpha-methylfentanyl.
 140 (II) Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl)
 141 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-
 142 (N-propanilido) piperidine).
 143 (III) Alpha-methylthiofentanyl.
 144 (IV) Benzylfentanyl.
 145 (V) Beta-hydroxyfentanyl.

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- 146 (VI) Beta-hydroxy-3-methylfentanyl.
 147 (VII) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
 148 piperidyl]-N-phenylpropanamide).
 149 (VIII) 3-Methylthiofentanyl.
 150 (IX) Para-Fluorofentanyl.
 151 (X) Thenylfentanyl or Thienyl fentanyl.
 152 (XI) Thiofentanyl.
 153 (XII) Acetylfentanyl.
 154 (XIII) Butyrylfentanyl.
 155 (XIV) Beta-Hydroxythiofentanyl.
 156 (XV) Lofentanil.
 157 (XVI) Ocfentanil.
 158 (XVII) Ohmfentanyl.
 159 (XVIII) Benzodioxolefentanyl.
 160 (XIX) Furanyl fentanyl.
 161 (XX) Pentanoyl fentanyl.
 162 (XXI) Cyclopentyl fentanyl.
 163 (XXII) Isobutyryl fentanyl.
 164 (XXIII) Remifentanil.
 165 64.63. Nitazene derivatives. Unless specifically excepted,
 166 listed in another schedule, or contained within a pharmaceutical
 167 product approved by the United States Food and Drug
 168 Administration, any material, compound, mixture, or preparation,
 169 including its salts, isomers, esters, or ethers, and salts of
 170 isomers, esters, or ethers, whenever the existence of such salts
 171 is possible within any of the following specific chemical
 172 designations containing a benzimidazole ring with an ethylamine
 173 substitution at the 1-position and a benzyl ring substitution at
 174 the 2-position structure:

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175 a. With or without substitution on the benzimidazole ring
 176 with alkyl, alkoxy, carboalkoxy, amino, nitro, or aryl groups,
 177 or halogens;

178 b. With or without substitution at the ethylamine amino
 179 moiety with alkyl, dialkyl, acetyl, or benzyl groups, whether or
 180 not further substituted in the ring system;

181 c. With or without inclusion of the ethylamine amino moiety
 182 in a cyclic structure;

183 d. With or without substitution of the benzyl ring; or

184 e. With or without replacement of the benzyl ring with an
 185 aromatic ring, including, but not limited to:

186 (I) Butonitazene.
 187 (II) Clonitazene.
 188 (III) Etodesnitazene.
 189 (IV) Etonitazene.
 190 (V) Flunitazene.
 191 (VI) Isotodesnitazene.
 192 (VII) Isotonitazene.
 193 (VIII) Metodesnitazene.
 194 (IX) Metonitazene.
 195 (X) Nitazene.
 196 (XI) N-Desethyl Etonitazene.
 197 (XII) N-Desethyl Isotonitazene.
 198 (XIII) N-Piperidino Etonitazene.
 199 (XIV) N-Pyrrolidino Etonitazene.
 200 (XV) Protonitazene.

201 Section 2. Paragraph (i) of subsection (1) of section
 202 893.13, Florida Statutes, is amended to read:
 203 893.13 Prohibited acts; penalties.—

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204 (1)

205 (i) Except as authorized by this chapter, a person commits
 206 a felony of the first degree, punishable as provided in s.
 207 775.082, s. 775.083, or s. 775.084, and must be sentenced to a
 208 mandatory minimum term of imprisonment of 3 years, if:

209 1. The person sells, manufactures, or delivers, or
 210 possesses with intent to sell, manufacture, or deliver, any of
 211 the following:

212 a. Alfentanil, as described in s. 893.03(2)(b)1.;

213 b. Carfentanil, as described in s. 893.03(2)(b)6.;

214 c. Fentanyl, as described in s. 893.03(2)(b)9.;

215 d. Sufentanil, as described in s. 893.03(2)(b)30.;

216 e. A fentanyl derivative, as described in s.
 217 893.03(1)(a)63. ~~s. 893.03(1)(a)62.~~;

218 f. A controlled substance analog, as described in s.
 219 893.0356, of any substance described in sub-subparagraphs a.-e.;

220 or

221 g. A mixture containing any substance described in sub-
 222 subparagraphs a.-f.; and

223 2. The substance or mixture listed in subparagraph 1. is in
 224 a form that resembles, or is mixed, granulated, absorbed, spray-
 225 dried, or aerosolized as or onto, coated on, in whole or in
 226 part, or solubilized with or into, a product, when such product
 227 or its packaging further has at least one of the following
 228 attributes:

229 a. Resembles the trade dress of a branded food product,
 230 consumer food product, or logo food product;

231 b. Incorporates an actual or fake registered copyright,
 232 service mark, or trademark;

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233 c. Resembles candy, cereal, a gummy, a vitamin, or a
 234 chewable product, such as a gum or gelatin-based product; or
 235 d. Contains a cartoon character imprint.

236 Section 3. Paragraph (a) of subsection (2) of section
 237 893.131, Florida Statutes, is amended to read:
 238 893.131 Distribution of controlled substances resulting in
 239 overdose or serious bodily injury.—

240 (2) (a) Except as provided in paragraph (b), a person 18
 241 years of age or older who unlawfully distributes:

242 1. Heroin, as described in s. 893.03(1)(b)11.;

243 2. Alfentanil, as described in s. 893.03(2)(b)1.;

244 3. Carfentanil, as described in s. 893.03(2)(b)6.;

245 4. Fentanyl, as described in s. 893.03(2)(b)9.;

246 5. Sufentanil, as described in s. 893.03(2)(b)30.;

247 6. Fentanyl derivatives, as described in s. 893.03(1)(a)63.
 248 ~~s. 893.03(1)(a)62.~~;

249 7. A controlled substance analog, as described in s.
 250 893.0356, of any substance specified in subparagraphs 1.-6.; or
 251 8. A mixture containing any substance specified in
 252 subparagraphs 1.-7.,
 253 and an overdose or serious bodily injury of the user results,
 254 commits a felony of the second degree, punishable as provided in
 255 s. 775.082, s. 775.083, or s. 775.084, when such substance or
 256 mixture is proven to have caused or been a substantial factor in
 257 causing the overdose or serious bodily injury of the user.

258 Section 4. Paragraph (c) of subsection (1) of section
 259 893.135, Florida Statutes, is amended to read:
 260 893.135 Trafficking; mandatory sentences; suspension or
 261

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262 reduction of sentences; conspiracy to engage in trafficking.—
 263 (1) Except as authorized in this chapter or in chapter 499
 264 and notwithstanding the provisions of s. 893.13:
 265 (c)1. A person who knowingly sells, purchases,
 266 manufactures, delivers, or brings into this state, or who is
 267 knowingly in actual or constructive possession of, 4 grams or
 268 more of any morphine, opium, hydromorphone, or any salt,
 269 derivative, isomer, or salt of an isomer thereof, including
 270 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
 271 (3)(c)4., or 4 grams or more of any mixture containing any such
 272 substance, but less than 30 kilograms of such substance or
 273 mixture, commits a felony of the first degree, which felony
 274 shall be known as "trafficking in illegal drugs," punishable as
 275 provided in s. 775.082, s. 775.083, or s. 775.084. If the
 276 quantity involved:

277 a. Is 4 grams or more, but less than 14 grams, such person
 278 shall be sentenced to a mandatory minimum term of imprisonment
 279 of 3 years and shall be ordered to pay a fine of \$50,000.

280 b. Is 14 grams or more, but less than 28 grams, such person
 281 shall be sentenced to a mandatory minimum term of imprisonment
 282 of 15 years and shall be ordered to pay a fine of \$100,000.

283 c. Is 28 grams or more, but less than 30 kilograms, such
 284 person shall be sentenced to a mandatory minimum term of
 285 imprisonment of 25 years and shall be ordered to pay a fine of
 286 \$500,000.

287 2. A person who knowingly sells, purchases, manufactures,
 288 delivers, or brings into this state, or who is knowingly in
 289 actual or constructive possession of, 28 grams or more of
 290 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as

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291 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
 292 grams or more of any mixture containing any such substance,
 293 commits a felony of the first degree, which felony shall be
 294 known as "trafficking in hydrocodone," punishable as provided in
 295 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:
 296 a. Is 28 grams or more, but less than 50 grams, such person
 297 shall be sentenced to a mandatory minimum term of imprisonment
 298 of 3 years and shall be ordered to pay a fine of \$50,000.
 299 b. Is 50 grams or more, but less than 100 grams, such
 300 person shall be sentenced to a mandatory minimum term of
 301 imprisonment of 7 years and shall be ordered to pay a fine of
 302 \$100,000.
 303 c. Is 100 grams or more, but less than 300 grams, such
 304 person shall be sentenced to a mandatory minimum term of
 305 imprisonment of 15 years and shall be ordered to pay a fine of
 306 \$500,000.
 307 d. Is 300 grams or more, but less than 30 kilograms, such
 308 person shall be sentenced to a mandatory minimum term of
 309 imprisonment of 25 years and shall be ordered to pay a fine of
 310 \$750,000.
 311 3. A person who knowingly sells, purchases, manufactures,
 312 delivers, or brings into this state, or who is knowingly in
 313 actual or constructive possession of, 7 grams or more of
 314 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
 315 thereof, or 7 grams or more of any mixture containing any such
 316 substance, commits a felony of the first degree, which felony
 317 shall be known as "trafficking in oxycodone," punishable as
 318 provided in s. 775.082, s. 775.083, or s. 775.084. If the
 319 quantity involved:

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320 a. Is 7 grams or more, but less than 14 grams, such person
 321 shall be sentenced to a mandatory minimum term of imprisonment
 322 of 3 years and shall be ordered to pay a fine of \$50,000.
 323 b. Is 14 grams or more, but less than 25 grams, such person
 324 shall be sentenced to a mandatory minimum term of imprisonment
 325 of 7 years and shall be ordered to pay a fine of \$100,000.
 326 c. Is 25 grams or more, but less than 100 grams, such
 327 person shall be sentenced to a mandatory minimum term of
 328 imprisonment of 15 years and shall be ordered to pay a fine of
 329 \$500,000.
 330 d. Is 100 grams or more, but less than 30 kilograms, such
 331 person shall be sentenced to a mandatory minimum term of
 332 imprisonment of 25 years and shall be ordered to pay a fine of
 333 \$750,000.
 334 4.a. A person who knowingly sells, purchases, manufactures,
 335 delivers, or brings into this state, or who is knowingly in
 336 actual or constructive possession of, 4 grams or more of:
 337 (I) Alfentanil, as described in s. 893.03(2)(b)1.;
 338 (II) Carfentanil, as described in s. 893.03(2)(b)6.;
 339 (III) Fentanyl, as described in s. 893.03(2)(b)9.;
 340 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;
 341 (V) A fentanyl derivative, as described in s.
 342 893.03(1)(a)63. ~~s. 893.03(1)(a)62.~~;
 343 (VI) A controlled substance analog, as described in s.
 344 893.0356, of any substance described in sub-sub-subparagraphs
 345 (I)-(V); or
 346 (VII) A mixture containing any substance described in sub-
 347 sub-subparagraphs (I)-(VI),
 348

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349 commits a felony of the first degree, which felony shall be
 350 known as "trafficking in dangerous fentanyl or fentanyl
 351 analogues," punishable as provided in s. 775.082, s. 775.083, or
 352 s. 775.084.

353 b. If the quantity involved under sub-subparagraph a.:

354 (I) Is 4 grams or more, but less than 14 grams, such person
 355 shall be sentenced to a mandatory minimum term of imprisonment
 356 of 7 years, and shall be ordered to pay a fine of \$50,000.

357 (II) Is 14 grams or more, but less than 28 grams, such
 358 person shall be sentenced to a mandatory minimum term of
 359 imprisonment of 20 years, and shall be ordered to pay a fine of
 360 \$100,000.

361 (III) Is 28 grams or more, such person shall be sentenced
 362 to a mandatory minimum term of imprisonment of 25 years, and
 363 shall be ordered to pay a fine of \$500,000.

364 c. A person 18 years of age or older who violates sub-
 365 subparagraph a. by knowingly selling or delivering to a minor at
 366 least 4 grams of a substance or mixture listed in sub-
 367 subparagraph a. shall be sentenced to a mandatory minimum term
 368 of not less than 25 years and not exceeding life imprisonment,
 369 and shall be ordered to pay a fine of \$1 million if the
 370 substance or mixture listed in sub-subparagraph a. is in a form
 371 that resembles, or is mixed, granulated, absorbed, spray-dried,
 372 or aerosolized as or onto, coated on, in whole or in part, or
 373 solubilized with or into, a product, when such product or its
 374 packaging further has at least one of the following attributes:

375 (I) Resembles the trade dress of a branded food product,
 376 consumer food product, or logo food product;

377 (II) Incorporates an actual or fake registered copyright,

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378 service mark, or trademark;

379 (III) Resembles candy, cereal, a gummy, a vitamin, or a
 380 chewable product, such as a gum or gelatin-based product; or

381 (IV) Contains a cartoon character imprint.

382 5. A person who knowingly sells, purchases, manufactures,
 383 delivers, or brings into this state, or who is knowingly in
 384 actual or constructive possession of, 30 kilograms or more of
 385 any morphine, opium, oxycodone, hydrocodone, codeine,
 386 hydromorphone, or any salt, derivative, isomer, or salt of an
 387 isomer thereof, including heroin, as described in s.
 388 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 389 more of any mixture containing any such substance, commits the
 390 first degree felony of trafficking in illegal drugs. A person
 391 who has been convicted of the first degree felony of trafficking
 392 in illegal drugs under this subparagraph shall be punished by
 393 life imprisonment and is ineligible for any form of
 394 discretionary early release except pardon or executive clemency
 395 or conditional medical release under s. 947.149. However, if the
 396 court determines that, in addition to committing any act
 397 specified in this paragraph:

398 a. The person intentionally killed an individual or
 399 counseled, commanded, induced, procured, or caused the
 400 intentional killing of an individual and such killing was the
 401 result; or

402 b. The person's conduct in committing that act led to a
 403 natural, though not inevitable, lethal result,

404 such person commits the capital felony of trafficking in illegal
 405 drugs, punishable as provided in ss. 775.082 and 921.142. A
 406

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407 person sentenced for a capital felony under this paragraph shall
408 also be sentenced to pay the maximum fine provided under
409 subparagraph 1.

410 6. A person who knowingly brings into this state 60
411 kilograms or more of any morphine, opium, oxycodone,
412 hydrocodone, codeine, hydromorphone, or any salt, derivative,
413 isomer, or salt of an isomer thereof, including heroin, as
414 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
415 60 kilograms or more of any mixture containing any such
416 substance, and who knows that the probable result of such
417 importation would be the death of a person, commits capital
418 importation of illegal drugs, a capital felony punishable as
419 provided in ss. 775.082 and 921.142. A person sentenced for a
420 capital felony under this paragraph shall also be sentenced to
421 pay the maximum fine provided under subparagraph 1.

422 Section 5. This act shall take effect July 1, 2024.

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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 1512
INTRODUCER: Senator Brodeur
SUBJECT: Controlled Substances
DATE: February 7, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1512 amends s. 893.13, F.S., to add tianeptine to the list of Schedule I controlled substances.

“Tianeptine” is an antidepressant agent with a novel neurochemical profile. It increases serotonin (5-hydroxytryptamine; 5-HT) uptake in the brain (in contrast with most antidepressant agents) and reduces stress-induced atrophy of neuronal dendrites.¹

The bill may have a positive, indeterminate impact on prison admissions. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

Tianeptine or “gas station heroin” is an opioid, like heroin and morphine.² Currently, tianeptine is not listed as a controlled substance on the Florida Controlled Substance Schedules. Tianeptine is used as a prescription drug in some European, Asian, and Latin American countries, but it is not approved as a drug in the United States.³

On September 20, 2023, Florida’s Attorney General issued Emergency Rule ER23-1, immediately placing tianeptine as a Schedule I Substance in order to curtail its abuse by Florida’s children, young adults, and others.

¹ National Library of Medicine, *Tianeptine: a review of its use in depressive disorders*, Wagstaff, A.J., Ormrod, D., Spencer, C.M., available at, <https://pubmed.ncbi.nlm.nih.gov/11463130/>, (last visited January 14, 2024).

² Cleveland Clinic, *The Dangers of Gas Station Heroin*, available at, <https://health.clevelandclinic.org/gas-station-heroin-tianeptine>, (last visited January 16, 2024).

³ U.S. Food and Drug Administration, *Tianeptine in Dietary Supplements*, available at, <https://www.fda.gov/food/dietary-supplement-ingredient-directory/tianeptine-dietary-supplements> (Last visited January 24, 2024).

The emergency rule states:

(1) Under the authority of Section 893.035, F.S., the following substance is hereby added to Schedule I, subsection 893.03(1)(a), F.S.:

TIANEPTINE (7-((3-chloro-6-methyl-5,5-dioxido-6,11-dihydrodibenzo[c,f][1,2]thiazepin-11-yl)amino)heptanoic acid.

(2) All provisions of Chapter 893, F.S., applicable to controlled substances listed in Schedule I shall be applicable to the substances listed in subsection (1) above.

The Attorney General found that these circumstances presented an immediate and imminent hazard to the public health, safety, and welfare which requires emergency action. In addition, the Attorney General has found that the above-mentioned compound meets the statutory criteria for placement as a controlled substance in Schedule I, s. 893.03(1)(a), F.S. The emergency rule and the temporary scheduling of tianeptine expire on June 30, 2024.⁴

Florida Controlled Substance Schedules

Section 893.03, F.S., classifies controlled substances into five categories or classifications, known as schedules. The schedules regulate the manufacture, distribution, preparation, and dispensing of substances listed in the schedules. The most important factors in determining which schedule may apply to a substance are the “potential for abuse”⁵ of the substance and whether there is a currently accepted medical use for the substance. The controlled substance schedules are described as follows:

- Schedule I substances (s. 893.03(1), F.S.) have a high potential for abuse and no currently accepted medical use in treatment in the United States. Use of these substances under medical supervision does not meet accepted safety standards.
- Schedule II substances (s. 893.03(2), F.S.) have a high potential for abuse and a currently accepted but severely restricted medical use in treatment in the United States. Abuse of these substances may lead to severe psychological or physical dependence.
- Schedule III substances (s. 893.03(3), F.S.) have a potential for abuse less than the Schedule I and Schedule II substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to moderate or low physical dependence or high psychological dependence. Abuse of anabolic steroids may lead to physical damage.
- Schedule IV substances (s. 893.03(4), F.S.) have a low potential for abuse relative to Schedule III substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule III substances.

⁴ Department of Legal Affairs 2ER23-1, Addition of Tianeptine to Schedule 1, available at, <https://www.flrules.org/gateway/ruleNo.asp?id=2ER23-1> (last visited January 24, 2024).

⁵ Section 893.035(3)(a), F.S., defines “potential for abuse” as a substance that has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of the substance being: used in amounts that create a hazard to the user’s health or the safety of the community; diverted from legal channels and distributed through illegal channels; or taken on the user’s own initiative rather than on the basis of professional medical advice.

- Schedule V substances (s. 893.03(5), F.S.) have a low potential for abuse relative to Schedule IV substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule IV substances.

Controlled Substance Analog

A “controlled substance analog” is defined in s. 893.0356(2)(a), F.S., as a substance which, due to its chemical structure and potential for abuse, meets the following criteria:

- The substance is substantially similar to that of a controlled substance listed in Schedule I; or
- Schedule II of s. 893.03, F.S.; and
- The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system or is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than that of a controlled substance listed in Schedule I or Schedule II of s. 893.03, F.S.

Controlled Substance Offenses Under ss. 893.13 and 893.135, F.S.

Section 893.13, F.S., in part, punishes unlawful possession, sale, purchase, manufacture, and delivery of a controlled substance.⁶ The penalty for violating s. 893.13, F.S., generally depends on the act committed, the substance and quantity of the substance involved, and the location in which the violation occurred.

Section 893.13(1), F.S., prohibits a person from selling, manufacturing,⁷ or delivering,⁸ or possessing with the intent to sell, manufacture, or deliver a controlled substance. The penalty for selling a controlled substance varies depending on several factors, including the type and amount of the substance sold, and the location where the sale takes place. Generally, sale of a controlled substance is punishable as either a second degree felony⁹ or third degree felony.¹⁰

Drug trafficking, which is punished in s. 893.135, F.S., consists of knowingly selling, purchasing, manufacturing, delivering, or bringing into this state (importation), or knowingly being in actual or constructive possession of, certain Schedule I or Schedule II controlled substances in a statutorily-specified quantity. The statute only applies to a limited number of

⁶ See e.g., s. 893.13(1)(a) and (b) and (6), F.S.

⁷ “Manufacture” means the production, preparation, propagation, compounding, cultivating, growing, conversion, or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of a controlled substance by:

- A practitioner or pharmacist as an incident to his or her administering or delivering of a controlled substance in the course of his or her professional practice.
- A practitioner, or his or her authorized agent under the practitioner’s supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis, and not for sale. Section 893.02(15)(a), F.S.

⁸ “Deliver” or “delivery” means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship. Section 893.02(6), F.S.

⁹ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

¹⁰ Section 893.13(1), F.S. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

such controlled substances, and the controlled substances involved in the trafficking must meet a specified weight or quantity threshold.

Drug trafficking occurs when a person knowingly sells, purchases, manufactures, delivers, or brings into the state, or is in actual or constructive possession of, a specified quantity of a controlled substance.¹¹ Generally, a drug trafficking offense is punishable as a first degree felony.^{12,13} Section 893.135, F.S., outlines threshold amounts of the applicable controlled substance for each trafficking offense. All drug trafficking offenses are subject to mandatory minimum sentences and heightened fines, which are determined by the threshold amounts.

III. Effect of Proposed Changes:

The bill amends s. 893.13, F.S., to add tianeptine to the list of Schedule I controlled substances.

“Tianeptine” is an antidepressant agent with a novel neurochemical profile. It increases serotonin (5-hydroxytryptamine; 5-HT) uptake in the brain (in contrast with most antidepressant agents) and reduces stress-induced atrophy of neuronal dendrites.¹⁴

The bill amends ss. 893.131 and 893.135, F.S., to make conforming changes.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹¹ Florida law criminalizes trafficking in cannabis; cocaine; illegal drugs, which include morphine, opium, hydromorphone, or any salt derivative, isomer, or salt of an isomer thereof, including heroin; hydrocodone, oxycodone; fentanyl; phencyclidine; methaqualone; amphetamine; flunitrazepam; gamma-hydroxybutyric (GHB); gamma-butyrolactone (GBL); 1,4-Butanediol; phenethylamines; lysergic acid diethylamide (LSD); synthetic cannabinoids; and n-benzyl phenethylamines. Section 893.135, F.S.

¹²A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

¹³ Trafficking in certain controlled substances can be a capital offense under specified circumstances. See, e.g., s. 893.135(1)(h)2., F.S. (Any person who knowingly manufactures or brings into this state 400 grams or more of amphetamine . . . who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of amphetamine, a capital felony).

¹⁴ National Library of Medicine, *Tianeptine: a review of its use in depressive disorders*, Wagstaff, A.J., Ormrod, D., Spencer, C.M., available at, <https://pubmed.ncbi.nlm.nih.gov/11463130/>, (last visited January 14, 2024).

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:

A preliminary Criminal Justice Impact Conference (CJIC) analysis concluded that the bill may have a positive indeterminate prison bed impact due to the potential increase in the number of offenders going to prison for drug offenses under s. 893.13, F.S.¹⁵

VI. Related Issues:

None.

VII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 893.03, 893.13, 893.131, and 893.135.

VIII. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁵ Office of Economic and Demographic Research *SB 1512 Preliminary Estimate*, (on file with the Senate Committee on Criminal Justice).

February 8, 2024

Meeting Date

CCJ Approps

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

7062

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
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Florida Smart Justice Alliance

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

FOR CONSIDERATION By the Appropriations Committee on Criminal and Civil Justice

604-02833-24

20247062pb

A bill to be entitled

An act relating to public records; amending s. 741.29, F.S.; providing a public records exemption for certain information pertaining to a lethality assessment administered by a trained law enforcement officer; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Paragraph (g) is added to subsection (2) of section 741.29, Florida Statutes, as created by SB 638, 2024 Regular Session, to read:

741.29 Domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting.—

(2) The department shall consult with the Department of Children and Families and at least one domestic violence advocacy organization to develop the policies, procedures, and training necessary for implementation of a statewide evidence-based lethality assessment. Training on how to administer a lethality assessment must be accessible to a law enforcement officer in an online format.

(g) A lethality assessment form that contains a victim's information and responses to the lethality assessment is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that a lethality assessment form that contains a victim's information and responses to the lethality assessment be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that the release of information included on a lethality assessment form could subject victims of domestic violence to an increased risk of abuse. Such information contained on a lethality assessment form is sensitive in nature. The Legislature further finds that such victims are more likely to participate in a lethality assessment if such form is protected from public disclosure. The Legislature finds that the harm that may result from the release of such information outweighs the public benefit that may be derived from the disclosure of the information.

Section 3. This act shall take effect on the same date that SB 638 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 7062

INTRODUCER: For consideration by the Appropriations Committee on Criminal and Civil Justice

SUBJECT: Public Records/Lethality Assessment

DATE: February 7, 2024

REVISED: _____

ANALYST

Kolich

STAFF DIRECTOR

Harkness

REFERENCE

Favorable

ACTION

I. Summary:

SB 7062 amends s. 741.29, F.S., to create a public records exemption for a lethality assessment form that contains a victim's information and responses to a lethality assessment.

This bill is linked to SB 638, which requires law enforcement officers who investigate an alleged incident of domestic violence to administer a lethality assessment if the allegation is against an intimate partner, regardless of whether an arrest is made. Lethality assessments are used to determine a victim's risk of serious bodily injury or death at the hands of their aggressor and will be administered for any call relating to intimate partner violence.

The exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment.

The bill provides a public necessity statement as required by the State Constitution.

Because the bill creates a new public record exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect on the same date that SB 638 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three

¹ FLA. CONST. art. I, s. 24(a).

branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Finally, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate (2022-2024)* and Rule 14.1, *The Rules of the Florida House of Representatives*, Edition 1 (2022-2024).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

Legislative Review Process and Future Repeal

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁶ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ The Act requires the repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

Exemption Must Serve an Identifiable Public Purpose and Be Drafted No Broader than Necessary

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

Public Necessity Statement and Two-thirds Vote Requirement

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁶

Domestic Violence

Domestic violence is any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

offense resulting in physical injury or death of one family or household member by another family or household member.²⁷

Domestic Violence in Florida

In 2020, 106,615 crimes of domestic violence were reported to Florida law enforcement agencies, resulting in 63,217 arrests.²⁸ Of those 106,615 reported domestic violence offenses, the relationship of the victims to the offenders varied, including:

- 20,735 were spousal;²⁹
- 29,663 were co-habitants;³⁰ and
- 20,142 were other.³¹

Domestic Violence Training

Section 943.171, F.S., requires basic skills training in handling domestic violence cases. Every basic skills course required in order for law enforcement officers to obtain initial certification shall include a minimum of six hours of training in handling domestic violence cases and training must include the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.

Domestic Violence Investigations

Section 741.29, F.S., provides domestic violence investigations require an officer who investigates an alleged incident of domestic violence to:

- Assist the victim to obtain medical treatment if such is required;³²
- Advise the victim that there is a domestic violence center from which the victim may receive services;³³
- Give the victim immediate notice of the legal rights and remedies available;³⁴

²⁷ Section 741.28, F.S.; “Family or household member,” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

²⁸ Florida Department of Law Enforcement, *Crime in Florida: Florida Uniform Crime Report*, available at: <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence> (Last accessed December 12, 2023).

²⁹ Florida Department of Law Enforcement, *Domestic Violence, Victim to Offender Relationships*, available at: <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence/Domestic-Violence-Relationships-Chart.aspx> (Last accessed December 14, 2023). Spouse means the victim and offender are married by law or have been previously married. This category included ex-spouses.

³⁰ *Id.* Co-Habitant means the victim lived with the offender as a married couple without legal marriage. This category includes former co-habitants.

³¹ *Id.* Other means the victim and offender had a child together but were never married and never lived together.

³² Section 741.29 (1), F.S.

³³ Section 741.29 (1), F.S.

³⁴ Section 741.29 (1), F.S. The Legal Rights and Remedies Notice to Victims must include a general summary of s. 741.30, F.S., the resource listing and phone number for the area domestic violence center, and a copy of the following statement: “If you are a victim of domestic violence, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of minor children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

- Make a written report, whether or not an arrest is made, that is complete and clearly indicates the alleged offense was an incident of domestic violence. The report shall be given to the officer's supervisor and filed with the law enforcement agency in a manner that will permit data on domestic violence cases to be compiled.³⁵ Such report must include:
 - A description of physical injuries observed, if any.
 - If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the officer must include the grounds for not arresting anyone or for arresting two or more parties.
 - A statement which indicates that a copy of the legal rights and remedies notice was given to the victim.
- Obtain a written statement from the victim and witnesses concerning the alleged domestic violence when possible; and
- Make an arrest whenever the officer determines probable cause that an act of domestic violence has been committed.^{36, 37}

When complaints are received from two or more parties, the officers must evaluate each complaint separately to determine whether there is probable cause for arrest. If the officer has probable cause to believe that two or more persons have committed a crime, or two or more persons make complaints, the officer must attempt to determine who was the primary aggressor.³⁸ Section 943.171, F.S., requires the training in handling domestic violence cases to include the recognition and determination of the primary aggressor. Arrest is the preferred response only for the primary aggressor and not the preferred response for a person who acts in a reasonable manner to protect or defend oneself or another family or household member.³⁹

A law enforcement officer may not be held liable, in any civil action, for an arrest based on probable cause, enforcement in good faith of a court order, or service of process in good faith under this chapter arising from an alleged incident of domestic violence brought by any party to the incident.⁴⁰

The Use of Lethality assessments in Incidents of Domestic Violence

Effective July 1, 2023, Utah implemented a bill requiring police to perform a lethality assessment for domestic violence calls. Since the law went into effect in Utah, the Director of Public Policy at the Utah Domestic Violence Coalition reported that victim resource providers have seen 80 percent more people statewide reaching out for help.⁴¹

³⁵ Section 741.29 (2), F.S.

³⁶ Section 741.29(3), F.S.

³⁷ Section 901.15(7), F.S., provides that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has committed an act of domestic violence. The decision to arrest does not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly discourage arrest and charges of both parties for domestic violence or dating violence on each other and to encourage training of law enforcement and prosecutors in these areas.

³⁸ Section 741.29(4)(a), F.S.

³⁹ Section 741.29.(4)(b), F.S.

⁴⁰ Section 741.29(5), F.S.

⁴¹ See KSL News Radio, *Utah domestic violence victim advocates call for funding amid a surge of demand*, Adam Small, November 7, 2023, available at: <https://kslnnewsradio.com/2056767/utah-domestic-violence-victim-advocates-call-for-funding/> (Last accessed December 8, 2023).

Maryland is another state that has implemented lethality assessments as a statewide approach. Maryland Network Against Domestic Violence (MNADV) created and implemented the Lethality Assessment Program Maryland Model in 2005.⁴² The program was created based on the research conducted and supported by a grant from the National Institute of Justice. The program was developed as a way for first responders to identify victims of intimate partner violence who are at the greatest risk of being killed. The program has been adopted in 31 additional states since the initial implementation in Maryland. Researchers found that although the program did not appear to have a significant effect on reducing the frequency of intimate partner violence, at follow-up, it appeared to significantly reduce the severity and frequency of the violence that survivors experience and increased help seeking and safety planning.⁴³ Overall, the evaluation concluded that although additional research is needed on the Lethality Assessment Program, it shows promise as an evidence-informed intervention that increases survivors' safety and empowers them to make self-care decisions.⁴⁴

There is no current law in Florida pertaining to the administration of a lethality assessment.

III. Effect of Proposed Changes:

The bill amends s. 741.29, F.S., to create a public records exemption for a lethality assessment form that contains a victim's information and responses to a lethality assessment. Lethality assessments are used to determine a victim's risk of serious bodily injury or death at the hands of their aggressor and will be administered for any call relating to intimate partner violence.

The exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment.

The bill provides the following public necessity statement:

The Legislature finds that it is a public necessity that a lethality assessment form that contains a victim's information and responses to the lethality assessment be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that the release of information included on a lethality assessment form could subject victims of domestic violence to an increased risk of abuse. Such information contained on a lethality assessment form is sensitive in nature. The Legislature further finds that such victims are more likely to participate in a lethality assessment if such

⁴² See Maryland Network Against Domestic Violence, *Lethality Assessment Program*. Available at: <https://www.mnadv.org/lethality-assessment-program/lap-program-overview-2/> (Last accessed December 14, 2023).

⁴³ See National Institute of Justice, *How Effective are Lethality Assessment Programs for Addressing Intimate Partner Violence?*, available at: <https://nij.ojp.gov/topics/articles/how-effective-are-lethality-assessment-programs-addressing-intimate-partner> (Last accessed December 14, 2023).

⁴⁴ Inter-University Consortium for Political and Social Research, *Police Departments' Use of Lethality Assessments: An Experimental Evaluation*, Messing, Jill, Campbell, Jacquelyn, Wilson, Janet, Brown, Sheryll, and Patchell, Beverly, January 13, 2016, available at, <https://doi.org/10.3886/ICPSR34975.v1> (Last accessed December 14, 2023).

form is protected from public disclosure. The Legislature finds that the harm that may result from the release of such information outweighs the public benefit that may be derived from the disclosure of this information.

The bill takes effect on the same date that SB 638 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

IV. Constitutional Issues:

Municipality/County Mandates Restrictions:

None.

A. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for records pertaining to a victim's information and responses on a lethality assessment form; therefore, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect victims of domestic violence. This bill exempts only records pertaining a victim's information and responses on a lethality assessment form from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

B. Trust Funds Restrictions:

None.

C. State Tax or Fee Increases:

None.

D. 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 section 741.29 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Appropriations Committee on Criminal and Civil Justice

Judge:

Started: 2/8/2024 2:01:36 PM

Ends: 2/8/2024 3:03:52 PM Length: 01:02:17

2:01:34 PM Sen. Powell (Chair)
2:02:25 PM S 864
2:02:35 PM Sen. Collins
2:03:35 PM Sen. Powell
2:03:48 PM Nancy Lawther PhD, Florida Parent Teacher Association (waive in support)
2:04:08 PM Laurette Philipsen, Florida Cares (waive in support)
2:04:20 PM Olivia Babis Keller, Lobbyist, Disability Rights Florida
2:05:30 PM Sen. Powell
2:05:31 PM Kalisha Baptiste, Counselor
2:09:09 PM Sen. Powell
2:09:16 PM Michael Baptiste (waive in support)
2:09:18 PM Deshan Baptiste (waive in support)
2:09:23 PM Jonathan Webber, Lobbyist, Southern Poverty Law Center Action Fund (waive in support)
2:09:28 PM Angela Drzewuecki, Lobbyist, Florida Sheriffs Association (waive in support)
2:09:41 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)
2:09:58 PM Sen. Collins
2:10:52 PM Sen. Powell
2:11:44 PM Sen. Bradley (Chair)
2:11:47 PM S. 86
2:11:53 PM Sen. Book
2:12:50 PM Sen. Bradley
2:12:52 PM Am. 824208
2:12:58 PM Sen. Book
2:13:10 PM Sen. Bradley
2:13:24 PM Sen. Book
2:13:27 PM Sen. Bradley
2:13:31 PM S 86 (cont.)
2:13:36 PM Lisa Hurley, Lobbyist, Family Law Secion of Florida Bar (waive in support)
2:13:42 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)
2:13:52 PM Sen. Book
2:13:58 PM Sen. Bradley
2:15:18 PM S 1190
2:15:31 PM Sen. Ingoglia
2:16:15 PM Sen. Bradley
2:16:19 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)
2:16:55 PM S 1224
2:17:05 PM Sen. Burton
2:17:48 PM Sen. Bradley
2:17:49 PM Am. 559494
2:17:55 PM Sen. Burton
2:17:59 PM Sen. Bradley
2:18:05 PM Dennis Moaz, Lobbyist, Statewide Guardian ad Litem Office (waive in support)
2:18:17 PM Sen. Burton
2:18:19 PM Sen. Bradley
2:18:25 PM Am. 146686
2:18:36 PM Sen. Burton
2:18:53 PM Sen. Bradley
2:19:08 PM Sen. Burton
2:19:09 PM Sen. Bradley
2:19:13 PM S 1224 (cont.)
2:19:21 PM Erin Collins, Justice Leagues of Florida (waive in support)
2:19:26 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)

2:19:37 PM Sen. Burton
2:19:41 PM Sen. Bradley
2:20:09 PM S 764
2:20:42 PM Sen. Stewart
2:21:47 PM Sen. Bradley
2:21:52 PM Am. 423522
2:22:02 PM Sen. Stewart
2:22:30 PM Sen. Bradley
2:22:34 PM Bobbie Smith, Lobbyist, Florida Department of Law Enforcement (waive in support)
2:22:43 PM Sen. Stewart
2:22:45 PM Sen. Bradley
2:22:53 PM S 764 (cont.)
2:22:59 PM Bobbie Smith, Lobbyist, Florida Department of Law Enforcement (waive in support)
2:23:03 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)
2:23:07 PM Aaron DiPietro, Lobbyist, Florida Family Policy Council (waive in support)
2:23:19 PM Sen. Stewart
2:23:22 PM Sen. Bradley
2:23:51 PM S 638
2:24:01 PM Sen. Grall
2:24:38 PM Sen. Bradley
2:24:43 PM Am. 271446
2:24:48 PM Sen. Grall
2:25:42 PM Sen. Bradley
2:25:56 PM Sen. Grall
2:25:57 PM Sen. Bradley
2:26:03 PM S 638 (cont.)
2:26:09 PM Sen. Pizzo
2:27:15 PM Sen. Grall
2:27:19 PM Sen. Bradley
2:27:25 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)
2:27:38 PM Sen. Grall
2:28:08 PM Sen. Bradley
2:28:39 PM Sen. Powell (Chair)
2:28:43 PM S 7062
2:28:59 PM Sen. Bradley
2:29:39 PM Sen. Powell
2:29:48 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)
2:30:53 PM Sen. Bradley (Chair)
2:30:57 PM S 640
2:31:04 PM Sen. Berman
2:32:54 PM Sen. Bradley
2:32:59 PM Bobbie Smith, Lobbyist, Florida Department of Law Enforcement (waive in support)
2:33:04 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)
2:33:14 PM Sen. Berman
2:33:15 PM Sen. Bradley
2:33:45 PM S 1512
2:34:00 PM Sen. Rouson
2:35:07 PM Sen. Bradley
2:35:11 PM Sen. Pizzo
2:35:22 PM Sen. Bradley
2:35:24 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)
2:35:27 PM Libby Guzzo, Lobbyist, Office of Attorney General (waive in support)
2:35:38 PM Sen. Rouson
2:35:41 PM Sen. Bradley
2:36:05 PM S 1278
2:36:22 PM Sen. Martin
2:36:24 PM Sen. Bradley
2:36:26 PM Am. 685438
2:36:31 PM Sen. Martin
2:38:22 PM Sen. Bradley
2:38:35 PM Sen. Martin
2:38:36 PM Sen. Bradley

2:38:41 PM S 1278 (cont.)
2:38:49 PM Jake Felder, Lobbyist, Florida Department of Corrections (waive in support)
2:38:54 PM Laurette Philipsen, Florida Cares (waive in support)
2:38:58 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)
2:39:09 PM Sen. Martin
2:39:11 PM Sen. Bradley
2:39:52 PM Sen. Powell (Chair)
2:39:55 PM S 1230
2:40:05 PM Sen. Bradley
2:40:56 PM Sen. Powell
2:41:04 PM Am. 306208
2:41:08 PM Sen. Bradley
2:41:39 PM Sen. Powell
2:41:48 PM Bobbie Smith, Lobbyist, Florida Department of Law Enforcement (waive in support)
2:42:01 PM Sen. Bradley
2:42:02 PM Sen. Powell
2:42:10 PM Am. 744770
2:42:15 PM Sen. Bradley
2:42:24 PM Sen. Powell
2:42:35 PM Bobbie Smith, Lobbyist, Florida Department of Law Enforcement (waive in support)
2:42:44 PM Sen. Bradley
2:42:46 PM Sen. Powell
2:42:52 PM S 1230 (cont.)
2:43:09 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)
2:43:15 PM Bobbie Smith, Lobbyist, Florida Department of Law Enforcement (waive in support)
2:43:29 PM Sen. Bradley
2:43:30 PM Sen. Powell
2:43:57 PM S 1352
2:44:06 PM Sen. Bradley
2:45:28 PM Sen. Powell
2:45:40 PM Sen. Pizzo
2:45:54 PM Sen. Bradley
2:46:06 PM Sen. Pizzo
2:46:13 PM Sen. Torres
2:46:35 PM Sen. Bradley
2:46:59 PM Sen. Pizzo
2:47:18 PM Sen. Bradley
2:47:30 PM Sen. Powell
2:47:34 PM Am. 754204
2:47:41 PM Sen. Bradley
2:48:21 PM Sen. Powell
2:48:35 PM Quinn Diaz, Lobbyist, Equality Florida
2:49:50 PM Sen. Pizzo
2:50:02 PM Q. Diaz
2:50:16 PM Sen. Pizzo
2:50:32 PM Q. Diaz
2:50:51 PM Sen. Pizzo
2:50:57 PM Sen. Powell
2:51:02 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)
2:51:09 PM Chancer Teel, Lobbyist, Florida Department of Juvenile Justice (waive in support)
2:51:21 PM Sen. Pizzo
2:52:31 PM Sen. Powell
2:52:42 PM Sen. Bradley
2:52:44 PM Sen. Powell
2:53:06 PM S 1352 (cont.)
2:53:26 PM Sen. Bradley
2:54:17 PM Sen. Powell
2:55:01 PM Sen. Bradley (Chair)
2:55:06 PM S 208
2:55:17 PM Sen. Burgess
2:55:27 PM Sen. Bradley
2:55:48 PM Laurette Philipsen

2:57:04 PM Sen. Bradley
2:57:22 PM Olivia Babis Keller, Lobbyist, Disability Rights Florida
2:57:53 PM Sen. Bradley
2:57:56 PM Karen Murillo, Lobbyist, American Association of Retired Persons (waive in support)
2:58:00 PM Alex Anderson, Lobbyist, Alzheimer's Association (waive in support)
2:58:06 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waive in support)
2:58:16 PM Sen. Burgess
2:58:47 PM Sen. Bradley
2:59:13 PM S 570
2:59:19 PM Sen. Burgess
2:59:54 PM Sen. Bradley
3:00:00 PM Clay Roberts, Lobbyist, Florida Conference of District Court of Appeal Judges (waive in support)
3:00:11 PM Sen. Burgess
3:00:45 PM Sen. Pizzo
3:00:46 PM Sen. Burgess
3:00:49 PM Sen. Pizzo
3:00:52 PM Sen. Bradley
3:01:20 PM Sen. Burgess
3:01:51 PM Sen. Bradley
3:01:55 PM Sen. Torres
3:02:08 PM Sen. Bradley