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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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02/29/2024 02:40 PM

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Senator Burton moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

39.001 Purposes and intent; personnel standards and
screening.—

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

(j) To ensure that, when reunification or adoption is not



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12 possible, the child will be prepared for alternative permanency
13 goals or placements, to include, but not be limited to, long-
14 term foster care, independent living, custody to a relative on a
15 permanent basis with or without legal guardianship, or custody
16 to a foster parent or legal custodian on a permanent basis with
17 or without legal guardianship. Permanency for a child who is
18 transitioning from foster care to independent living includes
19 naturally occurring, lifelong, kin-like connections between the
20 child and a supportive adult.

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

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

27 (10) PLAN FOR COMPREHENSIVE APPROACH.—

28 (a) The office shall develop a state plan for the promotion
29 of adoption, support of adoptive families, and prevention of
30 abuse, abandonment, and neglect of children. The Department of
31 Children and Families, the Department of Corrections, the
32 Department of Education, the Department of Health, the
33 Department of Juvenile Justice, the Department of Law
34 Enforcement, the Statewide Guardian ad Litem Office, and the
35 Agency for Persons with Disabilities shall participate and fully
36 cooperate in the development of the state plan at both the state
37 and local levels. Furthermore, appropriate local agencies and
38 organizations shall be provided an opportunity to participate in
39 the development of the state plan at the local level.
40 Appropriate local groups and organizations shall include, but



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41 not be limited to, community mental health centers; circuit
42 guardian ad litem offices ~~programs for children under the~~
43 ~~circuit court~~; the school boards of the local school districts;
44 the Florida local advocacy councils; community-based care lead
45 agencies; private or public organizations or programs with
46 recognized expertise in working with child abuse prevention
47 programs for children and families; private or public
48 organizations or programs with recognized expertise in working
49 with children who are sexually abused, physically abused,
50 emotionally abused, abandoned, or neglected and with expertise
51 in working with the families of such children; private or public
52 programs or organizations with expertise in maternal and infant
53 health care; multidisciplinary Child Protection Teams; child day
54 care centers; law enforcement agencies; and the circuit courts,
55 ~~when guardian ad litem programs are not available in the local~~
56 ~~area~~. The state plan to be provided to the Legislature and the
57 Governor shall include, as a minimum, the information required
58 of the various groups in paragraph (b).

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

61 39.00145 Records concerning children.—

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

67 (a) A complete and accurate copy of any record in a child's
68 case record must be provided, upon request and at no cost, to
69 the child who is the subject of the case record and to the



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70 child's caregiver, guardian ad litem, or attorney ad litem, if
71 one is appointed.

72 (b) The department shall release the information in a
73 manner and setting that are appropriate to the age and maturity
74 of the child and the nature of the information being released,
75 which may include the release of information in a therapeutic
76 setting, if appropriate. This paragraph does not deny the child
77 access to his or her records.

78 (c) If a child or the child's caregiver, guardian ad litem,
79 or attorney ad litem, if one is appointed, requests access to
80 the child's case record, any person or entity that fails to
81 provide any record in the case record under assertion of a claim
82 of exemption from the public records requirements of chapter
83 119, or fails to provide access within a reasonable time, is
84 subject to sanctions and penalties under s. 119.10.

85 (d) For the purposes of this subsection, the term
86 "caregiver" is limited to parents, legal custodians, permanent
87 guardians, or foster parents; employees of a residential home,
88 institution, facility, or agency at which the child resides; and
89 other individuals legally responsible for a child's welfare in a
90 residential setting.

91 Section 3. Paragraph (a) of subsection (2) of section
92 39.00146, Florida Statutes, is amended to read:

93 39.00146 Case record face sheet.-

94 (2) The case record of every child under the supervision or
95 in the custody of the department or the department's authorized
96 agents, including community-based care lead agencies and their
97 subcontracted providers, must include a face sheet containing
98 relevant information about the child and his or her case,



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99 including at least all of the following:

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

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

103 2. The current county of residence and the county of
104 residence at the time of the referral.~~†~~

105 3. The reason for the referral and any family safety
106 concerns.~~†~~

107 4. The personal identifying information of the parents or
108 legal custodians who had custody of the child at the time of the
109 referral, including name, date of birth, and county of
110 residence.~~†~~

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

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

116 Section 4. Paragraph (b) of subsection (2) and paragraph
117 (b) of subsection (3) of section 39.0016, Florida Statutes, are
118 amended to read:

119 39.0016 Education of abused, neglected, and abandoned
120 children; agency agreements; children having or suspected of
121 having a disability.—

122 (2) AGENCY AGREEMENTS.—

123 (b) The department shall enter into agreements with
124 district school boards or other local educational entities
125 regarding education and related services for children known to
126 the department who are of school age and children known to the
127 department who are younger than school age but who would



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128 otherwise qualify for services from the district school board.

129 Such agreements must ~~shall~~ include, but are not limited to:

130 1. A requirement that the department shall:

131 a. Ensure that children known to the department are
132 enrolled in school or in the best educational setting that meets
133 the needs of the child. The agreement must ~~shall~~ provide for
134 continuing the enrollment of a child known to the department at
135 the school of origin when possible if it is in the best interest
136 of the child, with the goal of minimal disruption of education.

137 b. Notify the school and school district in which a child
138 known to the department is enrolled of the name and phone number
139 of the child known to the department caregiver and caseworker
140 for child safety purposes.

141 c. Establish a protocol for the department to share
142 information about a child known to the department with the
143 school district, consistent with the Family Educational Rights
144 and Privacy Act, since the sharing of information will assist
145 each agency in obtaining education and related services for the
146 benefit of the child. The protocol must require the district
147 school boards or other local educational entities to access the
148 department's Florida Safe Families Network to obtain information
149 about children known to the department, consistent with the
150 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
151 1232g.

152 d. Notify the school district of the department's case
153 planning for a child known to the department, both at the time
154 of plan development and plan review. Within the plan development
155 or review process, the school district may provide information
156 regarding the child known to the department if the school



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157 district deems it desirable and appropriate.

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

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

162 a. Provide the department with a general listing of the
163 services and information available from the district school
164 board to facilitate educational access for a child known to the
165 department.

166 b. Identify all educational and other services provided by
167 the school and school district which the school district
168 believes are reasonably necessary to meet the educational needs
169 of a child known to the department.

170 c. Determine whether transportation is available for a
171 child known to the department when such transportation will
172 avoid a change in school assignment due to a change in
173 residential placement. Recognizing that continued enrollment in
174 the same school throughout the time the child known to the
175 department is in out-of-home care is preferable unless
176 enrollment in the same school would be unsafe or otherwise
177 impractical, the department, the district school board, and the
178 Department of Education shall assess the availability of
179 federal, charitable, or grant funding for such transportation.

180 d. Provide individualized student intervention or an
181 individual educational plan when a determination has been made
182 through legally appropriate criteria that intervention services
183 are required. The intervention or individual educational plan
184 must include strategies to enable the child known to the
185 department to maximize the attainment of educational goals.



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186 3. A requirement that the department and the district
187 school board shall cooperate in accessing the services and
188 supports needed for a child known to the department who has or
189 is suspected of having a disability to receive an appropriate
190 education consistent with the Individuals with Disabilities
191 Education Act and state implementing laws, rules, and
192 assurances. Coordination of services for a child known to the
193 department who has or is suspected of having a disability may
194 include:

195 a. Referral for screening.

196 b. Sharing of evaluations between the school district and
197 the department where appropriate.

198 c. Provision of education and related services appropriate
199 for the needs and abilities of the child known to the
200 department.

201 d. Coordination of services and plans between the school
202 and the residential setting to avoid duplication or conflicting
203 service plans.

204 e. Appointment of a surrogate parent, consistent with the
205 Individuals with Disabilities Education Act and pursuant to
206 subsection (3), for educational purposes for a child known to
207 the department who qualifies.

208 f. For each child known to the department 14 years of age
209 and older, transition planning by the department and all
210 providers, including the department's independent living program
211 staff and the guardian ad litem of the child, to meet the
212 requirements of the local school district for educational
213 purposes.

214 (3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.—



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215 (b)1. Each district school superintendent or dependency
216 court must appoint a surrogate parent for a child known to the
217 department who has or is suspected of having a disability, as
218 defined in s. 1003.01(9), when:

219 a. After reasonable efforts, no parent can be located; or

220 b. A court of competent jurisdiction over a child under
221 this chapter has determined that no person has the authority
222 under the Individuals with Disabilities Education Act, including
223 the parent or parents subject to the dependency action, or that
224 no person has the authority, willingness, or ability to serve as
225 the educational decisionmaker for the child without judicial
226 action.

227 2. A surrogate parent appointed by the district school
228 superintendent or the court must be at least 18 years old and
229 have no personal or professional interest that conflicts with
230 the interests of the student to be represented. Neither the
231 district school superintendent nor the court may appoint an
232 employee of the Department of Education, the local school
233 district, a community-based care provider, the Department of
234 Children and Families, or any other public or private agency
235 involved in the education or care of the child as appointment of
236 those persons is prohibited by federal law. This prohibition
237 includes group home staff and therapeutic foster parents.
238 However, a person who acts in a parental role to a child, such
239 as a foster parent or relative caregiver, is not prohibited from
240 serving as a surrogate parent if he or she is employed by such
241 agency, willing to serve, and knowledgeable about the child and
242 the exceptional student education process. The surrogate parent
243 may be a court-appointed guardian ad litem or a relative or



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244 nonrelative adult who is involved in the child's life regardless
245 of whether that person has physical custody of the child. Each
246 person appointed as a surrogate parent must have the knowledge
247 and skills acquired by successfully completing training using
248 materials developed and approved by the Department of Education
249 to ensure adequate representation of the child.

250 ~~3. If a guardian ad litem has been appointed for a child,~~
251 The district school superintendent must first consider the
252 child's guardian ad litem when appointing a surrogate parent.
253 The district school superintendent must accept the appointment
254 of the court if he or she has not previously appointed a
255 surrogate parent. Similarly, the court must accept a surrogate
256 parent duly appointed by a district school superintendent.

257 4. A surrogate parent appointed by the district school
258 superintendent or the court must be accepted by any subsequent
259 school or school district without regard to where the child is
260 receiving residential care so that a single surrogate parent can
261 follow the education of the child during his or her entire time
262 in state custody. Nothing in this paragraph or in rule shall
263 limit or prohibit the continuance of a surrogate parent
264 appointment when the responsibility for the student's
265 educational placement moves among and between public and private
266 agencies.

267 5. For a child known to the department, the responsibility
268 to appoint a surrogate parent resides with both the district
269 school superintendent and the court with jurisdiction over the
270 child. If the court elects to appoint a surrogate parent, notice
271 shall be provided as soon as practicable to the child's school.
272 At any time the court determines that it is in the best



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273 interests of a child to remove a surrogate parent, the court may
274 appoint a new surrogate parent for educational decisionmaking
275 purposes for that child.

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

278 a. The child is determined to no longer be eligible or in
279 need of special programs, except when termination of special
280 programs is being contested.

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

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

286 d. The appointed surrogate no longer wishes to represent
287 the child or is unable to represent the child.

288 e. The superintendent of the school district in which the
289 child is attending school, the Department of Education contract
290 designee, or the court that appointed the surrogate determines
291 that the appointed surrogate parent no longer adequately
292 represents the child.

293 f. The child moves to a geographic location that is not
294 reasonably accessible to the appointed surrogate.

295 7. The appointment and termination of appointment of a
296 surrogate under this paragraph shall be entered as an order of
297 the court with a copy of the order provided to the child's
298 school as soon as practicable.

299 8. The person appointed as a surrogate parent under this
300 paragraph must:

301 a. Be acquainted with the child and become knowledgeable



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302 about his or her disability and educational needs.

303 b. Represent the child in all matters relating to
304 identification, evaluation, and educational placement and the
305 provision of a free and appropriate education to the child.

306 c. Represent the interests and safeguard the rights of the
307 child in educational decisions that affect the child.

308 9. The responsibilities of the person appointed as a
309 surrogate parent shall not extend to the care, maintenance,
310 custody, residential placement, or any other area not
311 specifically related to the education of the child, unless the
312 same person is appointed by the court for such other purposes.

313 10. A person appointed as a surrogate parent shall enjoy
314 all of the procedural safeguards afforded a parent with respect
315 to the identification, evaluation, and educational placement of
316 a student with a disability or a student who is suspected of
317 having a disability.

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

321 Section 5. Present subsections (8) through (30) and (31)
322 through (87) of section 39.01, Florida Statutes, are
323 redesignated as subsections (9) through (31) and (34) through
324 (90), respectively, present subsections (9), (36), and (58) are
325 amended, and new subsections (8), (32), and (33) are added to
326 that section, to read:

327 39.01 Definitions.—When used in this chapter, unless the
328 context otherwise requires:

329 (8) "Attorney ad litem" means an attorney appointed by the
330 court to represent a child in a dependency case who has an



331 attorney-client relationship with the child under the rules
332 regulating The Florida Bar.

333 (10)~~(9)~~ "Caregiver" means the parent, legal custodian,
334 permanent guardian, adult household member, or other person
335 responsible for a child's welfare as defined in subsection (57)
336 ~~(54)~~.

337 (32) "Guardian ad litem" means a person or an entity that
338 is a fiduciary appointed by the court to represent a child in
339 any civil, criminal, or administrative proceeding to which the
340 child is a party, including, but not limited to, under this
341 chapter, which uses a best interest standard for decisionmaking
342 and advocacy. For purposes of this chapter, the term includes,
343 but is not limited to, the Statewide Guardian ad Litem Office,
344 which includes all circuit guardian ad litem offices and the
345 duly certified volunteers, staff, and attorneys assigned by the
346 Statewide Guardian ad Litem Office to represent children; a
347 court-appointed attorney; or a responsible adult who is
348 appointed by the court. A guardian ad litem is a party to the
349 judicial proceeding as a representative of the child and serves
350 until the jurisdiction of the court over the child terminates or
351 until excused by the court.

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

355 (39)~~(36)~~ "Institutional child abuse or neglect" means
356 situations of known or suspected child abuse or neglect in which
357 the person allegedly perpetrating the child abuse or neglect is
358 an employee of a public or private school, public or private day
359 care center, residential home, institution, facility, or agency



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360 or any other person at such institution responsible for the
361 child's welfare as defined in subsection (57) ~~(54)~~.

362 (61)~~(58)~~ "Party" means the parent or parents of the child,
363 the petitioner, the department, the guardian ad litem ~~or the~~
364 ~~representative of the guardian ad litem program when the program~~
365 ~~has been appointed~~, and the child. The presence of the child may
366 be excused by order of the court when presence would not be in
367 the child's best interest. Notice to the child may be excused by
368 order of the court when the age, capacity, or other condition of
369 the child is such that the notice would be meaningless or
370 detrimental to the child.

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

373 39.013 Procedures and jurisdiction; right to counsel;
374 guardian ad litem.-

375 (11) The court shall appoint a guardian ad litem at the
376 earliest possible time to represent a child throughout the
377 proceedings, including any appeals. The guardian ad litem may
378 represent the child in proceedings outside of the dependency
379 case to secure the services and benefits that provide for the
380 care, safety, and protection of the child ~~encourage the~~
381 ~~Statewide Guardian Ad Litem Office to provide greater~~
382 ~~representation to those children who are within 1 year of~~
383 ~~transferring out of foster care.~~

384 Section 7. Paragraph (b) of subsection (1) of section
385 39.01305, Florida Statutes, is amended to read:

386 39.01305 Appointment of an attorney for a dependent child
387 with certain special needs.-

388 (1)



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389 (b) The Legislature recognizes the existence of
390 organizations that provide attorney representation to children
391 in certain jurisdictions throughout the state. Further, the
392 Statewide Guardian ad Litem Office ~~Program~~ provides best
393 interest representation for dependent children in every
394 jurisdiction in accordance with state and federal law. The
395 Legislature, therefore, does not intend that funding provided
396 for representation under this section supplant proven and
397 existing organizations representing children. Instead, the
398 Legislature intends that funding provided for representation
399 under this section be an additional resource for the
400 representation of more children in these jurisdictions, to the
401 extent necessary to meet the requirements of this chapter, with
402 the cooperation of existing local organizations or through the
403 expansion of those organizations. The Legislature encourages the
404 expansion of pro bono representation for children. This section
405 is not intended to limit the ability of a pro bono attorney to
406 appear on behalf of a child.

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

409 39.0132 Oaths, records, and confidential information.—

410 (3) The clerk shall keep all court records required by this
411 chapter separate from other records of the circuit court. All
412 court records required by this chapter may ~~shall~~ not be open to
413 inspection by the public. All records may ~~shall~~ be inspected
414 only upon order of the court by persons deemed by the court to
415 have a proper interest therein, except that, subject to ~~the~~
416 ~~provisions of~~ s. 63.162, a child, ~~and~~ the parents of the child
417 and their attorneys, the guardian ad litem, criminal conflict



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418 and civil regional counsels, law enforcement agencies, ~~and~~ the
419 department and its designees, and the attorney ad litem, if one
420 is appointed, shall always have the right to inspect and copy
421 any official record pertaining to the child. The Justice
422 Administrative Commission may inspect court dockets required by
423 this chapter as necessary to audit compensation of court-
424 appointed attorneys. If the docket is insufficient for purposes
425 of the audit, the commission may petition the court for
426 additional documentation as necessary and appropriate. The court
427 may permit authorized representatives of recognized
428 organizations compiling statistics for proper purposes to
429 inspect and make abstracts from official records, under whatever
430 conditions upon their use and disposition the court may deem
431 proper, and may punish by contempt proceedings any violation of
432 those conditions.

433 Section 9. Paragraph (a) of subsection (3) of section
434 39.0136, Florida Statutes, is amended to read:

435 39.0136 Time limitations; continuances.-

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

437 (a) Periods of delay resulting from a continuance granted
438 at the request of the child's counsel, ~~or the child's guardian~~
439 ~~ad litem, or attorney ad litem, if one is appointed, if the~~
440 ~~child is of sufficient capacity to express reasonable consent,~~
441 ~~at the request or with the consent of the child.~~ The court must
442 consider the best interests of the child when determining
443 periods of delay under this section.

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

446 39.01375 Best interest determination for placement.-The



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447 department, community-based care lead agency, or court shall
448 consider all of the following factors when determining whether a
449 proposed placement under this chapter is in the child's best
450 interest:

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

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

455 39.0139 Visitation or other contact; restrictions.—

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

460 (a) ~~Before~~ ~~Prior to~~ the hearing, the court shall appoint ~~an~~
461 ~~attorney ad litem or~~ a guardian ad litem for the child if one
462 has not already been appointed. The guardian ad litem and Any
463 attorney ad litem, if one is or guardian ad litem appointed,
464 must shall have special training in the dynamics of child sexual
465 abuse.

466 (b) At the hearing, the court may receive and rely upon any
467 relevant and material evidence submitted to the extent of its
468 probative value, including written and oral reports or
469 recommendations from the Child Protection Team, the child's
470 therapist, the child's guardian ad litem, or the child's
471 attorney ad litem, if one is appointed, even if these reports,
472 recommendations, and evidence may not be admissible under the
473 rules of evidence.

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



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476 39.202 Confidentiality of reports and records in cases of
477 child abuse or neglect; exception.—

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

483 (d) The parent or legal custodian of any child who is
484 alleged to have been abused, abandoned, or neglected; the child;
485 the child's guardian ad litem; the child's attorney ad litem, if
486 one is appointed; or, ~~and the child, and their attorneys,~~
487 ~~including~~ any attorney representing a child in civil or criminal
488 proceedings. This access must ~~shall~~ be made available no later
489 than 60 days after the department receives the initial report of
490 abuse, neglect, or abandonment. However, any information
491 otherwise made confidential or exempt by law may ~~shall~~ not be
492 released pursuant to this paragraph.

493 (t) Persons with whom the department is seeking to place
494 the child or to whom placement has been granted, including
495 foster parents for whom an approved home study has been
496 conducted, the designee of a licensed child-caring agency as
497 defined in s. 39.01 ~~s. 39.01(41)~~, an approved relative or
498 nonrelative with whom a child is placed pursuant to s. 39.402,
499 preadoptive parents for whom a favorable preliminary adoptive
500 home study has been conducted, adoptive parents, or an adoption
501 entity acting on behalf of preadoptive or adoptive parents.

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



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505 39.402 Placement in a shelter.-

506 (8)

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

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

511 2. Inform the parents or legal custodians of their right to
512 counsel to represent them at the shelter hearing and at each
513 subsequent hearing or proceeding, and the right of the parents
514 to appointed counsel, pursuant to the procedures set forth in s.
515 39.013;

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

518 4. Inquire of those present at the shelter hearing as to
519 the identity and location of the legal father. In determining
520 who the legal father of the child may be, the court shall
521 inquire under oath of those present at the shelter hearing
522 whether they have any of the following information:

523 a. Whether the mother of the child was married at the
524 probable time of conception of the child or at the time of birth
525 of the child.

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

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

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



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534 e. Whether any man has acknowledged or claimed paternity of
535 the child in a jurisdiction in which the mother resided at the
536 time of or since conception of the child or in which the child
537 has resided or resides.

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

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

542 h. Whether a man has been determined to be the father of
543 the child by the Department of Revenue as provided in s.
544 409.256.

545 (11)

546 (b) The court shall request that the parents consent to
547 provide access to the child's medical records and provide
548 information to the court, the department or its contract
549 agencies, and the any guardian ad litem or attorney ad litem, if
550 one is appointed, for the child. If a parent is unavailable or
551 unable to consent or withholds consent and the court determines
552 access to the records and information is necessary to provide
553 services to the child, the court shall issue an order granting
554 access. The court may also order the parents to provide all
555 known medical information to the department and to any others
556 granted access under this subsection.

557 (c) The court shall request that the parents consent to
558 provide access to the child's child care records, early
559 education program records, or other educational records and
560 provide information to the court, the department or its contract
561 agencies, and the any guardian ad litem or attorney ad litem, if
562 one is appointed, for the child. If a parent is unavailable or



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563 unable to consent or withholds consent and the court determines
564 access to the records and information is necessary to provide
565 services to the child, the court shall issue an order granting
566 access.

567 (14) The time limitations in this section do not include:

568 (a) Periods of delay resulting from a continuance granted
569 at the request or with the consent of the child's ~~counsel or the~~
570 ~~child's~~ guardian ad litem or attorney ad litem, if one is ~~has~~
571 ~~been~~ appointed by the court, ~~or, if the child is of sufficient~~
572 ~~capacity to express reasonable consent, at the request or with~~
573 ~~the consent of the child's attorney or the child's guardian ad~~
574 ~~litem, if one has been appointed by the court, and the child.~~

575 Section 14. Paragraphs (a) and (b) of subsection (4) of
576 section 39.4022, Florida Statutes, are amended to read:

577 39.4022 Multidisciplinary teams; staffings; assessments;
578 report.—

579 (4) PARTICIPANTS.—

580 (a) Collaboration among diverse individuals who are part of
581 the child's network is necessary to make the most informed
582 decisions possible for the child. A diverse team is preferable
583 to ensure that the necessary combination of technical skills,
584 cultural knowledge, community resources, and personal
585 relationships is developed and maintained for the child and
586 family. The participants necessary to achieve an appropriately
587 diverse team for a child may vary by child and may include
588 extended family, friends, neighbors, coaches, clergy, coworkers,
589 or others the family identifies as potential sources of support.

590 1. Each multidisciplinary team staffing must invite the
591 following members:



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

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

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

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

605 e. A representative from the community-based care lead
606 agency, when the lead agency is directly involved in the goal
607 identified by the staffing;

608 f. The case manager for the child, or his or her case
609 manager supervisor; and

610 g. A representative from the Department of Juvenile
611 Justice, if the child is dually involved with both the
612 department and the Department of Juvenile Justice.

613 2. The multidisciplinary team must make reasonable efforts
614 to have all mandatory invitees attend. However, the
615 multidisciplinary team staffing may not be delayed if the
616 invitees in subparagraph 1. fail to attend after being provided
617 reasonable opportunities.

618 (b) Based on the particular goal the multidisciplinary team
619 staffing identifies as the purpose of convening the staffing as
620 provided under subsection (5), the department or lead agency may



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621 also invite to the meeting other professionals, including, but
622 not limited to:

- 623 1. A representative from Children's Medical Services;
- 624 2. ~~A guardian ad litem, if one is appointed;~~
- 625 ~~3.~~ A school personnel representative who has direct contact
626 with the child;
- 627 ~~3.4.~~ A therapist or other behavioral health professional,
628 if applicable;
- 629 ~~4.5.~~ A mental health professional with expertise in sibling
630 bonding, if the department or lead agency deems such expert is
631 necessary; or
- 632 ~~5.6.~~ Other community providers of services to the child or
633 stakeholders, when applicable.

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

637 39.4023 Placement and education transitions; transition
638 plans.—

639 (3) PLACEMENT TRANSITIONS.—

640 (d) *Transition planning*.—

641 1. If the supportive services provided pursuant to
642 paragraph (c) have not been successful to make the maintenance
643 of the placement suitable or if there are other circumstances
644 that require the child to be moved, the department or the
645 community-based care lead agency must convene a
646 multidisciplinary team staffing as required under s. 39.4022
647 before the child's placement is changed, or within 72 hours of
648 moving the child in an emergency situation, for the purpose of
649 developing an appropriate transition plan.



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650 2. A placement change may occur immediately in an emergency
651 situation without convening a multidisciplinary team staffing.
652 However, a multidisciplinary team staffing must be held within
653 72 hours after the emergency situation arises.

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

661 a. The child, unless he or she, due to age or capacity, is
662 unable to comprehend the written notice, which will necessitate
663 the department or lead agency to provide notice in an age-
664 appropriate and capacity-appropriate alternative manner.~~†~~

665 b. The child's parents, unless prohibited by court order.~~†~~

666 c. The child's out-of-home caregiver.~~†~~

667 d. The guardian ad litem.~~†, if one is appointed;†~~

668 e. The attorney ad litem for the child, if one is
669 appointed.~~† and~~

670 f. The attorney for the department.

671 4. The transition plan must be developed through
672 cooperation among the persons included in subparagraph 3., and
673 such persons must share any relevant information necessary for
674 its development. Subject to the child's needs and preferences,
675 the transition plan must meet the requirements of s.

676 409.1415(2)(b)8. and exclude any placement changes that occur
677 between 7 p.m. and 8 a.m.

678 5. The department or the community-based care lead agency



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679 shall file the transition plan with the court within 48 hours
680 after the creation of such plan and provide a copy of the plan
681 to the persons included in subparagraph 3.

682 (4) EDUCATION TRANSITIONS.—

683 (c) *Minimizing school changes.*—

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

688 2. Members of a multidisciplinary team staffing convened
689 for a purpose other than a school change must determine the
690 child's best interest regarding remaining in the school or
691 program of origin if the child's educational options are
692 affected by any other decision being made by the
693 multidisciplinary team.

694 3. The determination of whether it is in the child's best
695 interest to remain in the school of origin, and if not, of which
696 school the child will attend in the future, must be made in
697 consultation with the following individuals, including, but not
698 limited to, the child; the parents; the caregiver; the child
699 welfare professional; the guardian ad litem, ~~if appointed~~; the
700 educational surrogate, if appointed; child care and educational
701 staff, including teachers and guidance counselors; and the
702 school district representative or foster care liaison. A
703 multidisciplinary team member may contact any of these
704 individuals in advance of a multidisciplinary team staffing to
705 obtain his or her recommendation. An individual may remotely
706 attend the multidisciplinary team staffing if one of the
707 identified goals is related to determining an educational



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708 placement. The multidisciplinary team may rely on a report from
709 the child's current school or program district and, if
710 applicable, any other school district being considered for the
711 educational placement if the required school personnel are not
712 available to attend the multidisciplinary team staffing in
713 person or remotely.

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

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

721 b. The preference of the child's parents or legal
722 guardians.

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

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

727 e. Whether the child is suspected of having a disability
728 under the Individuals with Disabilities Education Act (IDEA) or
729 s. 504 of the Rehabilitation Act of 1973, or has begun receiving
730 interventions under this state's multitiered system of supports.

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

734 g. Whether the child is a student with a disability under
735 IDEA who is receiving special education and related services or
736 a student with a disability under s. 504 of the Rehabilitation



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737 Act of 1973 who is receiving accommodations and services and, if
738 so, whether those required services are available in a school or
739 program other than the school or program of origin.

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

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

746 j. The availability of extracurricular activities important
747 to the child.

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

752 l. The child's permanency goal and timeframe for achieving
753 permanency.

754 m. The child's history of school transfers and how such
755 transfers have impacted the child academically, emotionally, and
756 behaviorally.

757 n. The length of the commute to the school or program from
758 the child's home or placement and how such commute would impact
759 the child.

760 o. The length of time the child has attended the school or
761 program of origin.

762 5. The cost of transportation cannot be a factor in making
763 a best interest determination.

764 Section 16. Paragraph (f) of subsection (3) of section
765 39.407, Florida Statutes, is amended to read:



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766 39.407 Medical, psychiatric, and psychological examination
767 and treatment of child; physical, mental, or substance abuse
768 examination of person with or requesting child custody.—

769 (3)

770 (f)1. The department shall fully inform the court of the
771 child's medical and behavioral status as part of the social
772 services report prepared for each judicial review hearing held
773 for a child for whom psychotropic medication has been prescribed
774 or provided under this subsection. As a part of the information
775 provided to the court, the department shall furnish copies of
776 all pertinent medical records concerning the child which have
777 been generated since the previous hearing. On its own motion or
778 on good cause shown by any party, including the any guardian ad
779 ~~litem, attorney, or attorney ad litem, if one is who has been~~
780 ~~appointed to represent the child or the child's interests,~~ the
781 court may review the status more frequently than required in
782 this subsection.

783 2. The court may, in the best interests of the child, order
784 the department to obtain a medical opinion addressing whether
785 the continued use of the medication under the circumstances is
786 safe and medically appropriate.

787 Section 17. Paragraphs (m), (t), and (u) of subsection (1)
788 of section 39.4085, Florida Statutes, are amended to read:

789 39.4085 Goals for dependent children; responsibilities;
790 education; Office of the Children's Ombudsman.—

791 (1) The Legislature finds that the design and delivery of
792 child welfare services should be directed by the principle that
793 the health and safety of children, including the freedom from
794 abuse, abandonment, or neglect, is of paramount concern and,



795 therefore, establishes the following goals for children in
796 shelter or foster care:

797 (m) To receive meaningful case management and planning that
798 will quickly return the child to his or her family or move the
799 child on to other forms of permanency. For a child who is
800 transitioning from foster care to independent living, permanency
801 includes establishing naturally occurring, lifelong, kin-like
802 connections between the child and a supportive adult.

803 (t) To have a guardian ad litem appointed ~~to represent,~~
804 ~~within reason, their best interests~~ and, if appropriate, an
805 attorney ad litem ~~appointed to represent their legal interests;~~
806 the guardian ad litem or and attorney ad litem, if one is
807 appointed, shall have immediate and unlimited access to the
808 children they represent.

809 (u) To have all their records available for review by their
810 guardian ad litem or and attorney ad litem, if one is appointed,
811 if they deem such review necessary.

812
813 This subsection establishes goals and not rights. This
814 subsection does not require the delivery of any particular
815 service or level of service in excess of existing
816 appropriations. A person does not have a cause of action against
817 the state or any of its subdivisions, agencies, contractors,
818 subcontractors, or agents, based upon the adoption of or failure
819 to provide adequate funding for the achievement of these goals
820 by the Legislature. This subsection does not require the
821 expenditure of funds to meet the goals established in this
822 subsection except those funds specifically appropriated for such
823 purpose.



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824 Section 18. Subsection (8) of section 39.502, Florida
825 Statutes, is amended to read:

826 39.502 Notice, process, and service.—

827 (8) It is not necessary to the validity of a proceeding
828 covered by this part that the parents be present if their
829 identity or residence is unknown after a diligent search has
830 been made; however, but in this event the petitioner must shall
831 file an affidavit of diligent search prepared by the person who
832 made the search and inquiry, and the court must may appoint a
833 guardian ad litem for the child if a guardian ad litem has not
834 previously been appointed.

835 Section 19. Paragraph (c) of subsection (3) of section
836 39.522, Florida Statutes, is amended to read:

837 39.522 Postdisposition change of custody.—

838 (3)

839 (c)1. The department or community-based care lead agency
840 must notify a current caregiver who has been in the physical
841 custody placement for at least 9 consecutive months and who
842 meets all the established criteria in paragraph (b) of an intent
843 to change the physical custody of the child, and a
844 multidisciplinary team staffing must be held in accordance with
845 ss. 39.4022 and 39.4023 at least 21 days before the intended
846 date for the child's change in physical custody, unless there is
847 an emergency situation as defined in s. 39.4022(2)(b). If there
848 is not a unanimous consensus decision reached by the
849 multidisciplinary team, the department's official position must
850 be provided to the parties within the designated time period as
851 provided for in s. 39.4022.

852 2. A caregiver who objects to the department's official



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853 position on the change in physical custody must notify the court
854 and the department or community-based care lead agency of his or
855 her objection and the intent to request an evidentiary hearing
856 in writing in accordance with this section within 5 days after
857 receiving notice of the department's official position provided
858 under subparagraph 1. The transition of the child to the new
859 caregiver may not begin before the expiration of the 5-day
860 period within which the current caregiver may object.

861 3. Upon the department or community-based care lead agency
862 receiving written notice of the caregiver's objection, the
863 change to the child's physical custody must be placed in
864 abeyance and the child may not be transitioned to a new physical
865 placement without a court order, unless there is an emergency
866 situation as defined in s. 39.4022(2)(b).

867 4. Within 7 days after receiving written notice from the
868 caregiver, the court must conduct an initial case status
869 hearing, at which time the court must do all of the following:

870 a. Grant party status to the current caregiver who is
871 seeking permanent custody and has maintained physical custody of
872 that child for at least 9 continuous months for the limited
873 purpose of filing a motion for a hearing on the objection and
874 presenting evidence pursuant to this subsection. ~~†~~

875 ~~b. Appoint an attorney for the child who is the subject of~~
876 ~~the permanent custody proceeding, in addition to the guardian ad~~
877 ~~litem, if one is appointed;†~~

878 ~~b.e.~~ Advise the caregiver of his or her right to retain
879 counsel for purposes of the evidentiary hearing. ~~†~~ and

880 ~~c.d.~~ Appoint a court-selected neutral and independent
881 licensed professional with expertise in the science and research



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882 of child-parent bonding.

883 Section 20. Paragraph (c) of subsection (1) and paragraph
884 (c) of subsection (3) of section 39.6012, Florida Statutes, are
885 amended to read:

886 39.6012 Case plan tasks; services.—

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

889 (c) If there is evidence of harm as defined in s.
890 39.01(37)(g) ~~s. 39.01(34)(g)~~, the case plan must include as a
891 required task for the parent whose actions caused the harm that
892 the parent submit to a substance abuse disorder assessment or
893 evaluation and participate and comply with treatment and
894 services identified in the assessment or evaluation as being
895 necessary.

896 (3) In addition to any other requirement, if the child is
897 in an out-of-home placement, the case plan must include:

898 (c) When appropriate, for a child who is 13 years of age or
899 older, a written description of the programs and services that
900 will help the child prepare for the transition from foster care
901 to independent living. The written description must include age-
902 appropriate activities for the child's development of
903 relationships, coping skills, and emotional well-being.

904 Section 21. Section 39.6036, Florida Statutes, is created
905 to read:

906 39.6036 Supportive adults for children transitioning out of
907 foster care.—

908 (1) The Legislature finds that a committed, caring adult
909 provides a lifeline for a child transitioning out of foster care
910 to live independently. Accordingly, it is the intent of the



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911 Legislature that the Statewide Guardian ad Litem Office help
912 children connect with supportive adults with the hope of
913 creating an ongoing relationship that lasts into adulthood.

914 (2) The Statewide Guardian ad Litem Office shall work with
915 a child who is transitioning out of foster care to identify at
916 least one supportive adult with whom the child can enter into a
917 formal agreement for an ongoing relationship and document such
918 agreement in the child's court file. If the child cannot
919 identify a supportive adult, the Statewide Guardian ad Litem
920 Office shall work in coordination with the Office of Continuing
921 Care to identify at least one supportive adult with whom the
922 child can enter into a formal agreement for an ongoing
923 relationship and document such agreement in the child's court
924 file.

925 Section 22. Paragraph (c) of subsection (10) of section
926 39.621, Florida Statutes, is amended to read:

927 39.621 Permanency determination by the court.—

928 (10) The permanency placement is intended to continue until
929 the child reaches the age of majority and may not be disturbed
930 absent a finding by the court that the circumstances of the
931 permanency placement are no longer in the best interest of the
932 child.

933 (c) The court shall base its decision concerning any motion
934 by a parent for reunification or increased contact with a child
935 on the effect of the decision on the safety, well-being, and
936 physical and emotional health of the child. Factors that must be
937 considered and addressed in the findings of fact of the order on
938 the motion must include:

939 1. The compliance or noncompliance of the parent with the



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940 case plan;

941 2. The circumstances which caused the child's dependency
942 and whether those circumstances have been resolved;

943 3. The stability and longevity of the child's placement;

944 4. The preferences of the child, if the child is of
945 sufficient age and understanding to express a preference;

946 5. The recommendation of the current custodian; and

947 6. Any ~~The~~ recommendation of the guardian ad litem, ~~if one~~
948 ~~has been appointed.~~

949 Section 23. Subsection (2) of section 39.6241, Florida
950 Statutes, is amended to read:

951 39.6241 Another planned permanent living arrangement.—

952 (2) The department and the guardian ad litem must provide
953 the court with a recommended list and description of services
954 needed by the child, such as independent living services and
955 medical, dental, educational, or psychological referrals, and a
956 recommended list and description of services needed by his or
957 her caregiver. The guardian ad litem must also advise the court
958 whether the child has been connected with a supportive adult
959 and, if the child has been connected with a supportive adult,
960 whether the child has entered into a formal agreement with the
961 adult. If the child has entered into a formal agreement pursuant
962 to s. 39.6036, the guardian ad litem must ensure that the
963 agreement is documented in the child's court file.

964 Section 24. Paragraphs (b) and (f) of subsection (1),
965 paragraph (c) of subsection (2), subsection (3), and paragraph
966 (e) of subsection (4) of section 39.701, Florida Statutes, are
967 amended to read:

968 39.701 Judicial review.—



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969 (1) GENERAL PROVISIONS.—

970 (b)1. The court shall retain jurisdiction over a child
971 returned to his or her parents for a minimum period of 6 months
972 after following the reunification, but, at that time, based on a
973 report of the social service agency and the guardian ad litem,
974 ~~if one has been appointed,~~ and any other relevant factors, the
975 court shall make a determination as to whether supervision by
976 the department and the court's jurisdiction shall continue or be
977 terminated.

978 2. Notwithstanding subparagraph 1., the court must retain
979 jurisdiction over a child if the child is placed in the home
980 with a parent or caregiver with an in-home safety plan and such
981 safety plan remains necessary for the child to reside safely in
982 the home.

983 (f) Notice of a judicial review hearing or a citizen review
984 panel hearing, and a copy of the motion for judicial review, if
985 any, must be served by the clerk of the court upon all of the
986 following persons, if available to be served, regardless of
987 whether the person was present at the previous hearing at which
988 the date, time, and location of the hearing was announced:

989 1. The social service agency charged with the supervision
990 of care, custody, or guardianship of the child, if that agency
991 is not the movant.

992 2. The foster parent or legal custodian in whose home the
993 child resides.

994 3. The parents.

995 4. The guardian ad litem for the child, ~~or the~~
996 ~~representative of the guardian ad litem program if the program~~
997 ~~has been appointed.~~



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998 5. The attorney ad litem for the child, if one is
999 appointed.

1000 6. The child, if the child is 13 years of age or older.

1001 7. Any preadoptive parent.

1002 8. Such other persons as the court may direct.

1003 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
1004 AGE.—

1005 (c) *Review determinations.*—The court and any citizen review
1006 panel shall take into consideration the information contained in
1007 the social services study and investigation and all medical,
1008 psychological, and educational records that support the terms of
1009 the case plan; testimony by the social services agency, the
1010 parent, the foster parent or caregiver, the guardian ad litem,
1011 the ~~or~~ surrogate parent for educational decisionmaking if one
1012 has been appointed for the child, and any other person deemed
1013 appropriate; and any relevant and material evidence submitted to
1014 the court, including written and oral reports to the extent of
1015 their probative value. These reports and evidence may be
1016 received by the court in its effort to determine the action to
1017 be taken with regard to the child and may be relied upon to the
1018 extent of their probative value, even though not competent in an
1019 adjudicatory hearing. In its deliberations, the court and any
1020 citizen review panel shall seek to determine:

1021 1. If the parent was advised of the right to receive
1022 assistance from any person or social service agency in the
1023 preparation of the case plan.

1024 2. If the parent has been advised of the right to have
1025 counsel present at the judicial review or citizen review
1026 hearings. If not so advised, the court or citizen review panel



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1027 shall advise the parent of such right.

1028 3. If a guardian ad litem needs to be appointed for the
1029 child in a case in which a guardian ad litem has not previously
1030 been appointed ~~or if there is a need to continue a guardian ad~~
1031 ~~litem in a case in which a guardian ad litem has been appointed.~~

1032 4. Who holds the rights to make educational decisions for
1033 the child. If appropriate, the court may refer the child to the
1034 district school superintendent for appointment of a surrogate
1035 parent or may itself appoint a surrogate parent under the
1036 Individuals with Disabilities Education Act and s. 39.0016.

1037 5. The compliance or lack of compliance of all parties with
1038 applicable items of the case plan, including the parents'
1039 compliance with child support orders.

1040 6. The compliance or lack of compliance with a visitation
1041 contract between the parent and the social service agency for
1042 contact with the child, including the frequency, duration, and
1043 results of the parent-child visitation and the reason for any
1044 noncompliance.

1045 7. The frequency, kind, and duration of contacts among
1046 siblings who have been separated during placement, as well as
1047 any efforts undertaken to reunite separated siblings if doing so
1048 is in the best interests of the child.

1049 8. The compliance or lack of compliance of the parent in
1050 meeting specified financial obligations pertaining to the care
1051 of the child, including the reason for failure to comply, if
1052 applicable.

1053 9. Whether the child is receiving safe and proper care
1054 according to s. 39.6012, including, but not limited to, the
1055 appropriateness of the child's current placement, including



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1056 whether the child is in a setting that is as family-like and as
1057 close to the parent's home as possible, consistent with the
1058 child's best interests and special needs, and including
1059 maintaining stability in the child's educational placement, as
1060 documented by assurances from the community-based care lead
1061 agency that:

1062 a. The placement of the child takes into account the
1063 appropriateness of the current educational setting and the
1064 proximity to the school in which the child is enrolled at the
1065 time of placement.

1066 b. The community-based care lead agency has coordinated
1067 with appropriate local educational agencies to ensure that the
1068 child remains in the school in which the child is enrolled at
1069 the time of placement.

1070 10. A projected date likely for the child's return home or
1071 other permanent placement.

1072 11. When appropriate, the basis for the unwillingness or
1073 inability of the parent to become a party to a case plan. The
1074 court and the citizen review panel shall determine if the
1075 efforts of the social service agency to secure party
1076 participation in a case plan were sufficient.

1077 12. For a child who has reached 13 years of age but is not
1078 yet 18 years of age, the adequacy of the child's preparation for
1079 adulthood and independent living. For a child who is 15 years of
1080 age or older, the court shall determine if appropriate steps are
1081 being taken for the child to obtain a driver license or
1082 learner's driver license.

1083 13. If amendments to the case plan are required. Amendments
1084 to the case plan must be made under s. 39.6013.



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1085 14. If the parents and caregivers have developed a
1086 productive relationship that includes meaningful communication
1087 and mutual support.

1088 (3) REVIEW HEARINGS FOR CHILDREN 16 AND 17 YEARS OF AGE.—At
1089 each review hearing held under this subsection, the court shall
1090 give the child and the guardian ad litem the opportunity to
1091 address the court and provide any information relevant to the
1092 child's best interest, particularly in relation to independent
1093 living transition services. The foster parent or legal
1094 custodian, ~~or guardian ad litem~~ may also provide any information
1095 relevant to the child's best interest to the court. In addition
1096 to the review and report required under paragraphs (1) (a) and
1097 (2) (a), respectively, and the review and report required under
1098 s. 39.822(2) (a)2., the court shall:

1099 (a) Inquire about the life skills the child has acquired
1100 and whether those services are age appropriate, at the first
1101 judicial review hearing held subsequent to the child's 16th
1102 birthday. At the judicial review hearing, the department shall
1103 provide the court with a report that includes specific
1104 information related to the life skills that the child has
1105 acquired since the child's 13th birthday or since the date the
1106 child came into foster care, whichever came later. For any child
1107 who may meet the requirements for appointment of a guardian
1108 advocate under s. 393.12 or a guardian under chapter 744, the
1109 updated case plan must be developed in a face-to-face conference
1110 with the child, if appropriate; the child's attorney ad litem,
1111 if one is appointed; the child's; ~~any court-appointed~~ guardian
1112 ad litem; the temporary custodian of the child; and the parent
1113 of the child, if the parent's rights have not been terminated.



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1114 (b) The court shall hold a judicial review hearing within
1115 90 days after a child's 17th birthday. The court shall issue an
1116 order, separate from the order on judicial review, that the
1117 disability of nonage of the child has been removed under ss.
1118 743.044-743.047 for any disability that the court finds is in
1119 the child's best interest to remove. The department shall
1120 include in the social study report for the first judicial review
1121 that occurs after the child's 17th birthday written verification
1122 that the child has:

1123 1. A current Medicaid card and all necessary information
1124 concerning the Medicaid program sufficient to prepare the child
1125 to apply for coverage upon reaching the age of 18, if such
1126 application is appropriate.

1127 2. A certified copy of the child's birth certificate and,
1128 if the child does not have a valid driver license, a Florida
1129 identification card issued under s. 322.051.

1130 3. A social security card and information relating to
1131 social security insurance benefits if the child is eligible for
1132 those benefits. If the child has received such benefits and they
1133 are being held in trust for the child, a full accounting of
1134 these funds must be provided and the child must be informed as
1135 to how to access those funds.

1136 4. All relevant information related to the Road-to-
1137 Independence Program under s. 409.1451, including, but not
1138 limited to, eligibility requirements, information on
1139 participation, and assistance in gaining admission to the
1140 program. If the child is eligible for the Road-to-Independence
1141 Program, he or she must be advised that he or she may continue
1142 to reside with the licensed family home or group care provider



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1143 with whom the child was residing at the time the child attained
1144 his or her 18th birthday, in another licensed family home, or
1145 with a group care provider arranged by the department.

1146 5. An open bank account or the identification necessary to
1147 open a bank account and to acquire essential banking and
1148 budgeting skills.

1149 6. Information on public assistance and how to apply for
1150 public assistance.

1151 7. A clear understanding of where he or she will be living
1152 on his or her 18th birthday, how living expenses will be paid,
1153 and the educational program or school in which he or she will be
1154 enrolled.

1155 8. Information related to the ability of the child to
1156 remain in care until he or she reaches 21 years of age under s.
1157 39.013.

1158 9. A letter providing the dates that the child is under the
1159 jurisdiction of the court.

1160 10. A letter stating that the child is in compliance with
1161 financial aid documentation requirements.

1162 11. The child's educational records.

1163 12. The child's entire health and mental health records.

1164 13. The process for accessing the child's case file.

1165 14. A statement encouraging the child to attend all
1166 judicial review hearings.

1167 15. Information on how to obtain a driver license or
1168 learner's driver license.

1169 (c) At the first judicial review hearing held subsequent to
1170 the child's 17th birthday, if the court determines pursuant to
1171 chapter 744 that there is a good faith basis to believe that the



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1172 child qualifies for appointment of a guardian advocate, limited
1173 guardian, or plenary guardian for the child and that no less
1174 restrictive decisionmaking assistance will meet the child's
1175 needs:

1176 1. The department shall complete a multidisciplinary report
1177 which must include, but is not limited to, a psychosocial
1178 evaluation and educational report if such a report has not been
1179 completed within the previous 2 years.

1180 2. The department shall identify one or more individuals
1181 who are willing to serve as the guardian advocate under s.
1182 393.12 or as the plenary or limited guardian under chapter 744.
1183 Any other interested parties or participants may make efforts to
1184 identify such a guardian advocate, limited guardian, or plenary
1185 guardian. The child's biological or adoptive family members,
1186 including the child's parents if the parents' rights have not
1187 been terminated, may not be considered for service as the
1188 plenary or limited guardian unless the court enters a written
1189 order finding that such an appointment is in the child's best
1190 interests.

1191 3. Proceedings may be initiated within 180 days after the
1192 child's 17th birthday for the appointment of a guardian
1193 advocate, plenary guardian, or limited guardian for the child in
1194 a separate proceeding in the court division with jurisdiction
1195 over guardianship matters and pursuant to chapter 744. The
1196 Legislature encourages the use of pro bono representation to
1197 initiate proceedings under this section.

1198 4. In the event another interested party or participant
1199 initiates proceedings for the appointment of a guardian
1200 advocate, plenary guardian, or limited guardian for the child,



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1201 the department shall provide all necessary documentation and
1202 information to the petitioner to complete a petition under s.
1203 393.12 or chapter 744 within 45 days after the first judicial
1204 review hearing after the child's 17th birthday.

1205 5. Any proceedings seeking appointment of a guardian
1206 advocate or a determination of incapacity and the appointment of
1207 a guardian must be conducted in a separate proceeding in the
1208 court division with jurisdiction over guardianship matters and
1209 pursuant to chapter 744.

1210 (d) If the court finds at the judicial review hearing after
1211 the child's 17th birthday that the department has not met its
1212 obligations to the child as stated in this part, in the written
1213 case plan, or in the provision of independent living services,
1214 the court may issue an order directing the department to show
1215 cause as to why it has not done so. If the department cannot
1216 justify its noncompliance, the court may give the department 30
1217 days within which to comply. If the department fails to comply
1218 within 30 days, the court may hold the department in contempt.

1219 (e) If necessary, the court may review the status of the
1220 child more frequently during the year before the child's 18th
1221 birthday. At the last review hearing before the child reaches 18
1222 years of age, and in addition to the requirements of subsection
1223 (2), the court shall:

1224 1. Address whether the child plans to remain in foster
1225 care, and, if so, ensure that the child's transition plan
1226 includes a plan for meeting one or more of the criteria
1227 specified in s. 39.6251 and determine if the child has entered
1228 into a formal agreement for an ongoing relationship with a
1229 supportive adult.



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1230 2. Ensure that the transition plan includes a supervised
1231 living arrangement under s. 39.6251.

1232 3. Ensure the child has been informed of:

1233 a. The right to continued support and services from the
1234 department and the community-based care lead agency.

1235 b. The right to request termination of dependency
1236 jurisdiction and be discharged from foster care.

1237 c. The opportunity to reenter foster care under s. 39.6251.

1238 4. Ensure that the child, if he or she requests termination
1239 of dependency jurisdiction and discharge from foster care, has
1240 been informed of:

1241 a. Services or benefits for which the child may be eligible
1242 based on his or her former placement in foster care, including,
1243 but not limited to, the assistance of the Office of Continuing
1244 Care under s. 414.56.

1245 b. Services or benefits that may be lost through
1246 termination of dependency jurisdiction.

1247 c. Other federal, state, local, or community-based services
1248 or supports available to him or her.

1249 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—During
1250 each period of time that a young adult remains in foster care,
1251 the court shall review the status of the young adult at least
1252 every 6 months and must hold a permanency review hearing at
1253 least annually.

1254 (e)1. Notwithstanding the provisions of this subsection, if
1255 a young adult has chosen to remain in extended foster care after
1256 he or she has reached 18 years of age, the department may not
1257 close a case and the court may not terminate jurisdiction until
1258 the court finds, following a hearing, that the following



1259 criteria have been met:

1260 ~~a.1.~~ Attendance of the young adult at the hearing; or

1261 ~~b.2.~~ Findings by the court that:

1262 ~~(I)a.~~ The young adult has been informed by the department
1263 of his or her right to attend the hearing and has provided
1264 written consent to waive this right; and

1265 ~~(II)b.~~ The young adult has been informed of the potential
1266 negative effects of early termination of care, the option to
1267 reenter care before reaching 21 years of age, the procedure for,
1268 and limitations on, reentering care, and the availability of
1269 alternative services, and has signed a document attesting that
1270 he or she has been so informed and understands these provisions;
1271 or

1272 ~~(III)e.~~ The young adult has voluntarily left the program,
1273 has not signed the document in sub-subparagraph b., and is
1274 unwilling to participate in any further court proceeding.

1275 ~~2.3.~~ In all permanency hearings or hearings regarding the
1276 transition of the young adult from care to independent living,
1277 the court shall consult with the young adult regarding the
1278 proposed permanency plan, case plan, and individual education
1279 plan for the young adult and ensure that he or she has
1280 understood the conversation. The court shall also inquire of the
1281 young adult regarding his or her relationship with the
1282 supportive adult with whom the young adult has entered into a
1283 formal agreement for an ongoing relationship, if such agreement
1284 exists.

1285 Section 25. Paragraph (a) of subsection (3) of section
1286 39.801, Florida Statutes, is amended to read:

1287 39.801 Procedures and jurisdiction; notice; service of



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1288 process.—

1289 (3) Before the court may terminate parental rights, in
1290 addition to the other requirements set forth in this part, the
1291 following requirements must be met:

1292 (a) Notice of the date, time, and place of the advisory
1293 hearing for the petition to terminate parental rights; if
1294 applicable, instructions for appearance through audio-video
1295 communication technology; and a copy of the petition must be
1296 personally served upon the following persons, specifically
1297 notifying them that a petition has been filed:

1298 1. The parents of the child.

1299 2. The legal custodians of the child.

1300 3. If the parents who would be entitled to notice are dead
1301 or unknown, a living relative of the child, unless upon diligent
1302 search and inquiry no such relative can be found.

1303 4. Any person who has physical custody of the child.

1304 5. Any grandparent entitled to priority for adoption under
1305 s. 63.0425.

1306 6. Any prospective parent who has been identified under s.
1307 39.503 or s. 39.803, unless a court order has been entered
1308 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1309 indicates no further notice is required. Except as otherwise
1310 provided in this section, if there is not a legal father, notice
1311 of the petition for termination of parental rights must be
1312 provided to any known prospective father who is identified under
1313 oath before the court or who is identified by a diligent search
1314 of the Florida Putative Father Registry. Service of the notice
1315 of the petition for termination of parental rights is not
1316 required if the prospective father executes an affidavit of



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1317 nonpaternity or a consent to termination of his parental rights
1318 which is accepted by the court after notice and opportunity to
1319 be heard by all parties to address the best interests of the
1320 child in accepting such affidavit.

1321 7. The guardian ad litem for the child ~~or the~~
1322 ~~representative of the guardian ad litem program, if the program~~
1323 ~~has been appointed.~~

1324
1325 A party may consent to service or notice by e-mail by providing
1326 a primary e-mail address to the clerk of the court. The document
1327 containing the notice to respond or appear must contain, in type
1328 at least as large as the type in the balance of the document,
1329 the following or substantially similar language: "FAILURE TO
1330 APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE
1331 TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN). IF
1332 YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE
1333 ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN
1334 THE PETITION ATTACHED TO THIS NOTICE."

1335 Section 26. Subsection (2) of section 39.807, Florida
1336 Statutes, is amended to read:

1337 39.807 Right to counsel; guardian ad litem.—

1338 (2) (a) The court shall appoint a guardian ad litem to
1339 represent the ~~best interest of the~~ child in any termination of
1340 parental rights proceedings and shall ascertain at each stage of
1341 the proceedings whether a guardian ad litem has been appointed.

1342 (b) The guardian ad litem has the ~~following~~
1343 responsibilities and authority specified in s. 39.822.÷

1344 ~~1. To investigate the allegations of the petition and any~~
1345 ~~subsequent matters arising in the case and,~~



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1346 (c) Unless excused by the court, the guardian ad litem must
1347 ~~to~~ file a written report. This report must include a statement
1348 of the wishes of the child and the recommendations of the
1349 guardian ad litem and must be provided to all parties and the
1350 court at least 72 hours before the disposition hearing.

1351 ~~2. To be present at all court hearings unless excused by~~
1352 ~~the court.~~

1353 ~~3. To represent the best interests of the child until the~~
1354 ~~jurisdiction of the court over the child terminates or until~~
1355 ~~excused by the court.~~

1356 ~~(c) A guardian ad litem is not required to post bond but~~
1357 ~~shall file an acceptance of the office.~~

1358 ~~(d) A guardian ad litem is entitled to receive service of~~
1359 ~~pleadings and papers as provided by the Florida Rules of~~
1360 ~~Juvenile Procedure.~~

1361 ~~(d)(e)~~ This subsection does not apply to any voluntary
1362 relinquishment of parental rights proceeding.

1363 Section 27. Subsection (2) of section 39.808, Florida
1364 Statutes, is amended to read:

1365 39.808 Advisory hearing; pretrial status conference.—

1366 (2) At the hearing the court shall inform the parties of
1367 their rights under s. 39.807, ~~shall~~ appoint counsel for the
1368 parties in accordance with legal requirements, and ~~shall~~ appoint
1369 a guardian ad litem to represent the ~~interests of the child~~ if
1370 one has not already been appointed.

1371 Section 28. Subsection (2) of section 39.815, Florida
1372 Statutes, is amended to read:

1373 39.815 Appeal.—

1374 (2) An attorney for the department shall represent the



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1375 state upon appeal. When a notice of appeal is filed in the
1376 circuit court, the clerk shall notify the attorney for the
1377 department, ~~together with~~ the attorney for the parent, the
1378 guardian ad litem, and the any attorney ad litem for the child,
1379 if one is appointed.

1380 Section 29. Section 39.820, Florida Statutes, is repealed.

1381 Section 30. Subsections (1) and (3) of section 39.821,
1382 Florida Statutes, are amended to read:

1383 39.821 Qualifications of guardians ad litem.—

1384 (1) Because of the special trust or responsibility placed
1385 in a guardian ad litem, the Statewide Guardian ad Litem Office
1386 ~~Program~~ may use any private funds collected by the office
1387 ~~program~~, or any state funds so designated, to conduct a security
1388 background investigation before certifying a volunteer to serve.
1389 A security background investigation must include, but need not
1390 be limited to, employment history checks, checks of references,
1391 local criminal history records checks through local law
1392 enforcement agencies, and statewide criminal history records
1393 checks through the Department of Law Enforcement. Upon request,
1394 an employer shall furnish a copy of the personnel record for the
1395 employee or former employee who is the subject of a security
1396 background investigation conducted under this section. The
1397 information contained in the personnel record may include, but
1398 need not be limited to, disciplinary matters and the reason why
1399 the employee was terminated from employment. An employer who
1400 releases a personnel record for purposes of a security
1401 background investigation is presumed to have acted in good faith
1402 and is not liable for information contained in the record
1403 without a showing that the employer maliciously falsified the



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1404 record. A security background investigation conducted under this
1405 section must ensure that a person is not certified as a guardian
1406 ad litem if the person has an arrest awaiting final disposition
1407 for, been convicted of, regardless of adjudication, entered a
1408 plea of nolo contendere or guilty to, or been adjudicated
1409 delinquent and the record has not been sealed or expunged for,
1410 any offense prohibited under the provisions listed in s. 435.04.
1411 All applicants must undergo a level 2 background screening
1412 pursuant to chapter 435 before being certified to serve as a
1413 guardian ad litem. In analyzing and evaluating the information
1414 obtained in the security background investigation, the office
1415 ~~program~~ must give particular emphasis to past activities
1416 involving children, including, but not limited to, child-related
1417 criminal offenses or child abuse. The office ~~program~~ has sole
1418 discretion in determining whether to certify a person based on
1419 his or her security background investigation. The information
1420 collected pursuant to the security background investigation is
1421 confidential and exempt from s. 119.07(1).

1422 (3) It is a misdemeanor of the first degree, punishable as
1423 provided in s. 775.082 or s. 775.083, for any person to
1424 willfully, knowingly, or intentionally fail, by false statement,
1425 misrepresentation, impersonation, or other fraudulent means, to
1426 disclose in any application for a volunteer position or for paid
1427 employment with the Statewide Guardian ad Litem Office Program,
1428 any material fact used in making a determination as to the
1429 applicant's qualifications for such position.

1430 Section 31. Section 39.822, Florida Statutes, is amended to
1431 read:

1432 39.822 Appointment of guardian ad litem for abused,



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1433 abandoned, or neglected child.—

1434 (1) A guardian ad litem shall be appointed by the court at
1435 the earliest possible time to represent the child in any child
1436 abuse, abandonment, or neglect judicial proceeding, whether
1437 civil or criminal. A guardian ad litem is a fiduciary and must
1438 provide independent representation of the child using a best
1439 interest standard of decisionmaking and advocacy.

1440 (2) (a) A guardian ad litem must:

1441 1. Be present at all court hearings unless excused by the
1442 court.

1443 2. Investigate issues related to the best interest of the
1444 child who is the subject of the appointment, review all
1445 disposition recommendations and changes in placement, and,
1446 unless excused by the court, file written reports and
1447 recommendations in accordance with general law.

1448 3. Represent the child until the court's jurisdiction over
1449 the child terminates or until excused by the court.

1450 4. Advocate for the child's participation in the
1451 proceedings and to report the child's preferences to the court,
1452 to the extent the child has the ability and desire to express
1453 his or her preferences.

1454 5. Perform other duties that are consistent with the scope
1455 of the appointment.

1456 (b) A guardian ad litem shall have immediate and unlimited
1457 access to the children he or she represents.

1458 (c) A guardian ad litem is not required to post bond but
1459 must file an acceptance of the appointment.

1460 (d) A guardian ad litem is entitled to receive service of
1461 pleadings and papers as provided by the Florida Rules of



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1462 Juvenile Procedure.

1463 (3) Any person participating in a civil or criminal
1464 judicial proceeding resulting from such appointment shall be
1465 presumed prima facie to be acting in good faith and in so doing
1466 shall be immune from any liability, civil or criminal, that
1467 otherwise might be incurred or imposed.

1468 (4) ~~(2)~~ In those cases in which the parents are financially
1469 able, the parent or parents of the child shall reimburse the
1470 court, in part or in whole, for the cost of provision of
1471 guardian ad litem representation services. Reimbursement to the
1472 individual providing guardian ad litem representation is not
1473 ~~services shall not be~~ contingent upon successful collection by
1474 the court from the parent or parents.

1475 (5) ~~(3)~~ Upon presentation by a guardian ad litem of a court
1476 order appointing the guardian ad litem:

1477 (a) An agency, as defined in chapter 119, shall allow the
1478 guardian ad litem to inspect and copy records related to the
1479 best interests of the child who is the subject of the
1480 appointment, including, but not limited to, records made
1481 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of
1482 the State Constitution. The guardian ad litem shall maintain the
1483 confidential or exempt status of any records shared by an agency
1484 under this paragraph.

1485 (b) A person or an organization, other than an agency under
1486 paragraph (a), shall allow the guardian ad litem to inspect and
1487 copy any records related to the best interests of the child who
1488 is the subject of the appointment, including, but not limited
1489 to, confidential records.

1490



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1491 For the purposes of this subsection, the term "records related
1492 to the best interests of the child" includes, but is not limited
1493 to, medical, mental health, substance abuse, child care,
1494 education, law enforcement, court, social services, and
1495 financial records.

1496 ~~(4) The guardian ad litem or the program representative~~
1497 ~~shall review all disposition recommendations and changes in~~
1498 ~~placements, and must be present at all critical stages of the~~
1499 ~~dependency proceeding or submit a written report of~~
1500 ~~recommendations to the court. Written reports must be filed with~~
1501 ~~the court and served on all parties whose whereabouts are known~~
1502 ~~at least 72 hours prior to the hearing.~~

1503 Section 32. Subsection (4) of section 39.827, Florida
1504 Statutes, is amended to read:

1505 39.827 Hearing for appointment of a guardian advocate.—

1506 (4) The hearing under this section must ~~shall~~ remain
1507 confidential and closed to the public. The clerk shall keep all
1508 court records required by this part separate from other records
1509 of the circuit court. All court records required by this part
1510 are ~~shall be~~ confidential and exempt from ~~the provisions of~~ s.
1511 119.07(1). ~~All~~ Records may only ~~shall~~ be inspected ~~only~~ upon
1512 order of the court by persons deemed by the court to have a
1513 proper interest therein, except that a child and the parents or
1514 custodians of the child and their attorneys, the guardian ad
1515 litem, and the department and its designees, and the attorney ad
1516 litem, if one is appointed, ~~shall~~ always have the right to
1517 inspect and copy any official record pertaining to the child.
1518 The court may permit authorized representatives of recognized
1519 organizations compiling statistics for proper purposes to



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1520 inspect and make abstracts from official records, under whatever
1521 conditions upon their use and disposition the court may deem
1522 proper, and may punish by contempt proceedings any violation of
1523 those conditions. All information obtained pursuant to this part
1524 in the discharge of official duty by any judge, employee of the
1525 court, or authorized agent of the department is ~~shall be~~
1526 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
1527 may ~~shall~~ not be disclosed to anyone other than the authorized
1528 personnel of the court or the department and its designees,
1529 except upon order of the court.

1530 Section 33. Paragraphs (a), (b), and (d) of subsection (1)
1531 and subsection (2) of section 39.8296, Florida Statutes, are
1532 amended to read:

1533 39.8296 Statewide Guardian ad Litem Office; legislative
1534 findings and intent; creation; appointment of executive
1535 director; duties of office.—

1536 (1) LEGISLATIVE FINDINGS AND INTENT.—

1537 (a) The Legislature finds that for the past 20 years, the
1538 Statewide Guardian ad Litem Office Program has been the only
1539 mechanism for best interest representation for children in
1540 Florida who are involved in dependency proceedings.

1541 (b) The Legislature also finds that while the Statewide
1542 Guardian ad Litem Office Program has been supervised by court
1543 administration within the circuit courts since the office's
1544 program's inception, there is a perceived conflict of interest
1545 created by the supervision of program staff by the judges before
1546 whom they appear.

1547 (d) It is therefore the intent of the Legislature to place
1548 the Statewide Guardian ad Litem Office Program in an appropriate



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1549 place and provide a statewide infrastructure to increase
1550 functioning and standardization among the local offices ~~programs~~
1551 currently operating in the 20 judicial circuits.

1552 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
1553 Statewide Guardian ad Litem Office within the Justice
1554 Administrative Commission. The Justice Administrative Commission
1555 shall provide administrative support and service to the office
1556 to the extent requested by the executive director within the
1557 available resources of the commission. The Statewide Guardian ad
1558 Litem Office is not subject to control, supervision, or
1559 direction by the Justice Administrative Commission in the
1560 performance of its duties, but the employees of the office are
1561 governed by the classification plan and salary and benefits plan
1562 approved by the Justice Administrative Commission.

1563 (a) The head of the Statewide Guardian ad Litem Office is
1564 the executive director, who shall be appointed by the Governor
1565 from a list of a minimum of three eligible applicants submitted
1566 by a Guardian ad Litem Qualifications Committee. The Guardian ad
1567 Litem Qualifications Committee shall be composed of five
1568 persons, two persons appointed by the Governor, two persons
1569 appointed by the Chief Justice of the Supreme Court, and one
1570 person appointed by the Statewide Guardian ad Litem Office
1571 ~~Association~~. The committee shall provide for statewide
1572 advertisement and the receiving of applications for the position
1573 of executive director. The Governor shall appoint an executive
1574 director from among the recommendations, or the Governor may
1575 reject the nominations and request the submission of new
1576 nominees. The executive director must have knowledge in
1577 dependency law and knowledge of social service delivery systems



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1578 available to meet the needs of children who are abused,
1579 neglected, or abandoned. The executive director shall serve on a
1580 full-time basis and shall personally, or through representatives
1581 of the office, carry out the purposes and functions of the
1582 Statewide Guardian ad Litem Office in accordance with state and
1583 federal law and the state's long-established policy of
1584 prioritizing children's best interests. The executive director
1585 shall report to the Governor. The executive director shall serve
1586 a 3-year term, subject to removal for cause by the Governor. Any
1587 person appointed to serve as the executive director may be
1588 permitted to serve more than one term without the necessity of
1589 convening the Guardian ad Litem Qualifications Committee.

1590 (b) The Statewide Guardian ad Litem Office shall, within
1591 available resources, have oversight responsibilities for and
1592 provide technical assistance to all guardian ad litem and
1593 attorney ad litem offices ~~programs~~ located within the judicial
1594 circuits.

1595 1. The office shall identify the resources required to
1596 implement methods of collecting, reporting, and tracking
1597 reliable and consistent case data.

1598 2. The office shall review the current guardian ad litem
1599 offices ~~programs~~ in Florida and other states.

1600 3. The office, in consultation with local guardian ad litem
1601 offices, shall develop statewide performance measures and
1602 standards.

1603 4. The office shall develop and maintain a guardian ad
1604 litem training program, which must be updated regularly, ~~which~~
1605 ~~shall include, but is not limited to, training on the~~
1606 ~~recognition of and responses to head trauma and brain injury in~~



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1607 ~~a child under 6 years of age. The office shall establish a~~
1608 ~~curriculum committee to develop the training program specified~~
1609 ~~in this subparagraph. The curriculum committee shall include,~~
1610 ~~but not be limited to, dependency judges, directors of circuit~~
1611 ~~guardian ad litem programs, active certified guardians ad litem,~~
1612 ~~a mental health professional who specializes in the treatment of~~
1613 ~~children, a member of a child advocacy group, a representative~~
1614 ~~of a domestic violence advocacy group, an individual with a~~
1615 ~~degree in social work, and a social worker experienced in~~
1616 ~~working with victims and perpetrators of child abuse.~~

1617 5. The office shall review the various methods of funding
1618 guardian ad litem offices ~~programs~~, maximize the use of those
1619 funding sources to the extent possible, and review the kinds of
1620 services being provided by circuit guardian ad litem offices
1621 ~~programs~~.

1622 6. The office shall determine the feasibility or
1623 desirability of new concepts of organization, administration,
1624 financing, or service delivery designed to preserve the civil
1625 and constitutional rights and fulfill other needs of dependent
1626 children.

1627 7. The office shall ensure that each child has an attorney
1628 assigned to his or her case and, within available resources, is
1629 represented using multidisciplinary teams that may include
1630 volunteers, pro bono attorneys, social workers, and mentors.

1631 8. The office shall provide oversight and technical
1632 assistance to attorneys ad litem, including, but not limited to,
1633 all of the following:

1634 a. Develop an attorney ad litem training program in
1635 collaboration with dependency court stakeholders, including, but



1636 not limited to, dependency judges, representatives from legal
1637 aid providing attorney ad litem representation, and an attorney
1638 ad litem appointed from a registry maintained by the chief
1639 judge. The training program must be updated regularly with or
1640 without convening the stakeholders group.

1641 b. Offer consultation and technical assistance to chief
1642 judges in maintaining attorney registries for the selection of
1643 attorneys ad litem.

1644 c. Assist with recruitment, training, and mentoring of
1645 attorneys ad litem as needed.

1646 9.7. In an effort to promote normalcy and establish trust
1647 between a ~~court-appointed volunteer~~ guardian ad litem and a
1648 child alleged to be abused, abandoned, or neglected under this
1649 chapter, a guardian ad litem may transport a child. However, a
1650 guardian ad litem ~~volunteer~~ may not be required by a guardian ad
1651 litem circuit office or ordered by ~~or directed by the program or~~
1652 a court to transport a child.

1653 10.8. The office shall submit to the Governor, the
1654 President of the Senate, the Speaker of the House of
1655 Representatives, and the Chief Justice of the Supreme Court an
1656 interim report describing the progress of the office in meeting
1657 the goals as described in this section. The office shall submit
1658 to the Governor, the President of the Senate, the Speaker of the
1659 House of Representatives, and the Chief Justice of the Supreme
1660 Court a proposed plan including alternatives for meeting the
1661 state's guardian ad litem and attorney ad litem needs. This plan
1662 may include recommendations for less than the entire state, may
1663 include a phase-in system, and shall include estimates of the
1664 cost of each of the alternatives. Each year the office shall



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1665 provide a status report and provide further recommendations to
1666 address the need for guardian ad litem representation services
1667 and related issues.

1668 Section 34. Section 39.8297, Florida Statutes, is amended
1669 to read:

1670 39.8297 County funding for guardian ad litem employees.—

1671 (1) A county and the executive director of the Statewide
1672 Guardian ad Litem Office may enter into an agreement by which
1673 the county agrees to provide funds to the local guardian ad
1674 litem office in order to employ persons who will assist in the
1675 operation of the guardian ad litem office program in the county.

1676 (2) The agreement, at a minimum, must provide that:

1677 (a) Funding for the persons who are employed will be
1678 provided on at least a fiscal-year basis.

1679 (b) The persons who are employed will be hired, supervised,
1680 managed, and terminated by the executive director of the
1681 Statewide Guardian ad Litem Office. The statewide office is
1682 responsible for compliance with all requirements of federal and
1683 state employment laws, and shall fully indemnify the county from
1684 any liability under such laws, as authorized by s. 768.28(19),
1685 to the extent such liability is the result of the acts or
1686 omissions of the Statewide Guardian ad Litem Office or its
1687 agents or employees.

1688 (c) The county is the employer for purposes of s. 440.10
1689 and chapter 443.

1690 (d) Employees funded by the county under this section and
1691 other county employees may be aggregated for purposes of a
1692 flexible benefits plan pursuant to s. 125 of the Internal
1693 Revenue Code of 1986.



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1694 (e) Persons employed under this section may be terminated
1695 after a substantial breach of the agreement or because funding
1696 to the guardian ad litem office ~~program~~ has expired.

1697 (3) Persons employed under this section may not be counted
1698 in a formula or similar process used by the Statewide Guardian
1699 ad Litem Office to measure personnel needs of a judicial
1700 circuit's guardian ad litem office ~~program~~.

1701 (4) Agreements created pursuant to this section do not
1702 obligate the state to allocate funds to a county to employ
1703 persons in the guardian ad litem office ~~program~~.

1704 Section 35. Subsection (6) is added to section 414.56,
1705 Florida Statutes, to read:

1706 414.56 Office of Continuing Care.—The department shall
1707 establish an Office of Continuing Care to ensure young adults
1708 who age out of the foster care system between 18 and 21 years of
1709 age, or 22 years of age with a documented disability, have a
1710 point of contact until the young adult reaches the age of 26 in
1711 order to receive ongoing support and care coordination needed to
1712 achieve self-sufficiency. Duties of the office include, but are
1713 not limited to:

1714 (6) In coordination with the Statewide Guardian Ad Litem
1715 Office, identifying supportive adults for children transitioning
1716 out of foster care to live independently in accordance with s.
1717 39.6036.

1718 Section 36. Section 1009.898, Florida Statutes, is created
1719 to read:

1720 1009.898 Fostering Prosperity grants.—

1721 (1) Subject to the appropriation of funds for that purpose
1722 by the Legislature, the Fostering Prosperity program shall



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1723 administer the following grants to youth and young adults aging
1724 out of foster care:

1725 (a) Grants to provide financial literacy instruction using
1726 a curriculum developed by the Department of Financial Services
1727 in consultation with the Department of Education.

1728 (b) Grants to provide CLT, SAT, or ACT preparation,
1729 including one-on-one support and fee waivers for the
1730 examinations.

1731 (c) Grants to youth and young adults planning to pursue
1732 trade careers or paid apprenticeships.

1733 (2) If a young adult who is aging out of foster care is
1734 reunited with his or her parent, the grants must remain
1735 available for the young adult for up to 1 year after
1736 reunification.

1737 (3) The State Board of Education shall adopt rules to
1738 administer this section.

1739 Section 37. Subsection (1) of section 29.008, Florida
1740 Statutes, is amended to read:

1741 29.008 County funding of court-related functions.—

1742 (1) Counties are required by s. 14, Art. V of the State
1743 Constitution to fund the cost of communications services,
1744 existing radio systems, existing multiagency criminal justice
1745 information systems, and the cost of construction or lease,
1746 maintenance, utilities, and security of facilities for the
1747 circuit and county courts, public defenders' offices, state
1748 attorneys' offices, guardian ad litem offices, and the offices
1749 of the clerks of the circuit and county courts performing court-
1750 related functions. For purposes of this section, the term
1751 "circuit and county courts" includes the offices and staffing of



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1752 the guardian ad litem offices ~~programs~~, and the term "public
1753 defenders' offices" includes the offices of criminal conflict
1754 and civil regional counsel. The county designated under s.
1755 35.05(1) as the headquarters for each appellate district shall
1756 fund these costs for the appellate division of the public
1757 defender's office in that county. For purposes of implementing
1758 these requirements, the term:

1759 (a) "Facility" means reasonable and necessary buildings and
1760 office space and appurtenant equipment and furnishings,
1761 structures, real estate, easements, and related interests in
1762 real estate, including, but not limited to, those for the
1763 purpose of housing legal materials for use by the general public
1764 and personnel, equipment, or functions of the circuit or county
1765 courts, public defenders' offices, state attorneys' offices, and
1766 court-related functions of the office of the clerks of the
1767 circuit and county courts and all storage. The term "facility"
1768 includes all wiring necessary for court reporting services. The
1769 term also includes access to parking for such facilities in
1770 connection with such court-related functions that may be
1771 available free or from a private provider or a local government
1772 for a fee. The office space provided by a county may not be less
1773 than the standards for space allotment adopted by the Department
1774 of Management Services, except this requirement applies only to
1775 facilities that are leased, or on which construction commences,
1776 after June 30, 2003. County funding must include physical
1777 modifications and improvements to all facilities as are required
1778 for compliance with the Americans with Disabilities Act. Upon
1779 mutual agreement of a county and the affected entity in this
1780 paragraph, the office space provided by the county may vary from



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1781 the standards for space allotment adopted by the Department of
1782 Management Services.

1783 1. As of July 1, 2005, equipment and furnishings shall be
1784 limited to that appropriate and customary for courtrooms,
1785 hearing rooms, jury facilities, and other public areas in
1786 courthouses and any other facility occupied by the courts, state
1787 attorneys, public defenders, guardians ad litem, and criminal
1788 conflict and civil regional counsel. Court reporting equipment
1789 in these areas or facilities is not a responsibility of the
1790 county.

1791 2. Equipment and furnishings under this paragraph in
1792 existence and owned by counties on July 1, 2005, except for that
1793 in the possession of the clerks, for areas other than
1794 courtrooms, hearing rooms, jury facilities, and other public
1795 areas in courthouses and any other facility occupied by the
1796 courts, state attorneys, and public defenders, shall be
1797 transferred to the state at no charge. This provision does not
1798 apply to any communications services as defined in paragraph
1799 (f).

1800 (b) "Construction or lease" includes, but is not limited
1801 to, all reasonable and necessary costs of the acquisition or
1802 lease of facilities for all judicial officers, staff, jurors,
1803 volunteers of a tenant agency, and the public for the circuit
1804 and county courts, the public defenders' offices, state
1805 attorneys' offices, and for performing the court-related
1806 functions of the offices of the clerks of the circuit and county
1807 courts. This includes expenses related to financing such
1808 facilities and the existing and future cost and bonded
1809 indebtedness associated with placing the facilities in use.



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1810 (c) "Maintenance" includes, but is not limited to, all
1811 reasonable and necessary costs of custodial and groundskeeping
1812 services and renovation and reconstruction as needed to
1813 accommodate functions for the circuit and county courts, the
1814 public defenders' offices, and state attorneys' offices and for
1815 performing the court-related functions of the offices of the
1816 clerks of the circuit and county court and for maintaining the
1817 facilities in a condition appropriate and safe for the use
1818 intended.

1819 (d) "Utilities" means all electricity services for light,
1820 heat, and power; natural or manufactured gas services for light,
1821 heat, and power; water and wastewater services and systems,
1822 stormwater or runoff services and systems, sewer services and
1823 systems, all costs or fees associated with these services and
1824 systems, and any costs or fees associated with the mitigation of
1825 environmental impacts directly related to the facility.

1826 (e) "Security" includes but is not limited to, all
1827 reasonable and necessary costs of services of law enforcement
1828 officers or licensed security guards and all electronic,
1829 cellular, or digital monitoring and screening devices necessary
1830 to ensure the safety and security of all persons visiting or
1831 working in a facility; to provide for security of the facility,
1832 including protection of property owned by the county or the
1833 state; and for security of prisoners brought to any facility.
1834 This includes bailiffs while providing courtroom and other
1835 security for each judge and other quasi-judicial officers.

1836 (f) "Communications services" are defined as any reasonable
1837 and necessary transmission, emission, and reception of signs,
1838 signals, writings, images, and sounds of intelligence of any



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1839 nature by wire, radio, optical, audio equipment, or other
1840 electromagnetic systems and includes all facilities and
1841 equipment owned, leased, or used by judges, clerks, public
1842 defenders, state attorneys, guardians ad litem, criminal
1843 conflict and civil regional counsel, and all staff of the state
1844 courts system, state attorneys' offices, public defenders'
1845 offices, and clerks of the circuit and county courts performing
1846 court-related functions. Such system or services shall include,
1847 but not be limited to:

1848 1. Telephone system infrastructure, including computer
1849 lines, telephone switching equipment, and maintenance, and
1850 facsimile equipment, wireless communications, cellular
1851 telephones, pagers, and video teleconferencing equipment and
1852 line charges. Each county shall continue to provide access to a
1853 local carrier for local and long distance service and shall pay
1854 toll charges for local and long distance service.

1855 2. All computer networks, systems and equipment, including
1856 computer hardware and software, modems, printers, wiring,
1857 network connections, maintenance, support staff or services
1858 including any county-funded support staff located in the offices
1859 of the circuit court, county courts, state attorneys, public
1860 defenders, guardians ad litem, and criminal conflict and civil
1861 regional counsel; training, supplies, and line charges necessary
1862 for an integrated computer system to support the operations and
1863 management of the state courts system, the offices of the public
1864 defenders, the offices of the state attorneys, the guardian ad
1865 litem offices, the offices of criminal conflict and civil
1866 regional counsel, and the offices of the clerks of the circuit
1867 and county courts; and the capability to connect those entities



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1868 and reporting data to the state as required for the transmission
1869 of revenue, performance accountability, case management, data
1870 collection, budgeting, and auditing purposes. The integrated
1871 computer system shall be operational by July 1, 2006, and, at a
1872 minimum, permit the exchange of financial, performance
1873 accountability, case management, case disposition, and other
1874 data across multiple state and county information systems
1875 involving multiple users at both the state level and within each
1876 judicial circuit and be able to electronically exchange judicial
1877 case background data, sentencing scoresheets, and video evidence
1878 information stored in integrated case management systems over
1879 secure networks. Once the integrated system becomes operational,
1880 counties may reject requests to purchase communications services
1881 included in this subparagraph not in compliance with standards,
1882 protocols, or processes adopted by the board established
1883 pursuant to former s. 29.0086.

1884 3. Courier messenger and subpoena services.

1885 4. Auxiliary aids and services for qualified individuals
1886 with a disability which are necessary to ensure access to the
1887 courts. Such auxiliary aids and services include, but are not
1888 limited to, sign language interpretation services required under
1889 the federal Americans with Disabilities Act other than services
1890 required to satisfy due-process requirements and identified as a
1891 state funding responsibility pursuant to ss. 29.004-29.007,
1892 real-time transcription services for individuals who are hearing
1893 impaired, and assistive listening devices and the equipment
1894 necessary to implement such accommodations.

1895 (g) "Existing radio systems" includes, but is not limited
1896 to, law enforcement radio systems that are used by the circuit



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1897 and county courts, the offices of the public defenders, the
1898 offices of the state attorneys, and for court-related functions
1899 of the offices of the clerks of the circuit and county courts.
1900 This includes radio systems that were operational or under
1901 contract at the time Revision No. 7, 1998, to Art. V of the
1902 State Constitution was adopted and any enhancements made
1903 thereafter, the maintenance of those systems, and the personnel
1904 and supplies necessary for operation.

1905 (h) "Existing multiagency criminal justice information
1906 systems" includes, but is not limited to, those components of
1907 the multiagency criminal justice information system as defined
1908 in s. 943.045, supporting the offices of the circuit or county
1909 courts, the public defenders' offices, the state attorneys'
1910 offices, or those portions of the offices of the clerks of the
1911 circuit and county courts performing court-related functions
1912 that are used to carry out the court-related activities of those
1913 entities. This includes upgrades and maintenance of the current
1914 equipment, maintenance and upgrades of supporting technology
1915 infrastructure and associated staff, and services and expenses
1916 to assure continued information sharing and reporting of
1917 information to the state. The counties shall also provide
1918 additional information technology services, hardware, and
1919 software as needed for new judges and staff of the state courts
1920 system, state attorneys' offices, public defenders' offices,
1921 guardian ad litem offices, and the offices of the clerks of the
1922 circuit and county courts performing court-related functions.

1923 Section 38. Paragraph (a) of subsection (1) of section
1924 39.6011, Florida Statutes, is amended to read:

1925 39.6011 Case plan development.—



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1926 (1) The department shall prepare a draft of the case plan
1927 for each child receiving services under this chapter. A parent
1928 of a child may not be threatened or coerced with the loss of
1929 custody or parental rights for failing to admit in the case plan
1930 of abusing, neglecting, or abandoning a child. Participating in
1931 the development of a case plan is not an admission to any
1932 allegation of abuse, abandonment, or neglect, and it is not a
1933 consent to a finding of dependency or termination of parental
1934 rights. The case plan shall be developed subject to the
1935 following requirements:

1936 (a) The case plan must be developed in a face-to-face
1937 conference with the parent of the child, the ~~any~~ court-appointed
1938 guardian ad litem, and, if appropriate, the child and the
1939 temporary custodian of the child.

1940 Section 39. Subsection (8) of section 40.24, Florida
1941 Statutes, is amended to read:

1942 40.24 Compensation and reimbursement policy.—

1943 (8) In circuits that elect to allow jurors to donate their
1944 jury service fee upon conclusion of juror service, each juror
1945 may irrevocably donate all of the juror's compensation to the 26
1946 U.S.C. s. 501(c)(3) organization specified by the Statewide
1947 Guardian ad Litem Office ~~program~~ or to a domestic violence
1948 shelter as specified annually on a rotating basis by the clerk
1949 of court in the circuit for the juror's county of residence. The
1950 funds collected may not reduce or offset the amount of
1951 compensation that the Statewide Guardian ad Litem Office ~~program~~
1952 or domestic violence shelter would otherwise receive from the
1953 state. The clerk of court shall ensure that all jurors are given
1954 written notice at the conclusion of their service that they have



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1955 the option to so donate their compensation, and that the
1956 applicable program specified by the Statewide Guardian ad Litem
1957 Office ~~program~~ or a domestic violence shelter receives all funds
1958 donated by the jurors. Any circuit guardian ad litem office
1959 ~~program~~ receiving donations of juror compensation must expend
1960 such moneys on services for children for whom guardians ad litem
1961 have been appointed.

1962 Section 40. Subsections (5), (6), and (7) of section 43.16,
1963 Florida Statutes, are amended to read:

1964 43.16 Justice Administrative Commission; membership, powers
1965 and duties.—

1966 (5) The duties of the commission shall include, but not be
1967 limited to, the following:

1968 (a) The maintenance of a central state office for
1969 administrative services and assistance when possible to and on
1970 behalf of the state attorneys and public defenders of Florida,
1971 the capital collateral regional counsel of Florida, the criminal
1972 conflict and civil regional counsel, and the Statewide Guardian
1973 Ad Litem Office ~~Program~~.

1974 (b) Each state attorney, public defender, and criminal
1975 conflict and civil regional counsel and the Statewide Guardian
1976 Ad Litem Office ~~Program~~ shall continue to prepare necessary
1977 budgets, vouchers that represent valid claims for reimbursement
1978 by the state for authorized expenses, and other things
1979 incidental to the proper administrative operation of the office,
1980 such as revenue transmittals to the Chief Financial Officer and
1981 automated systems plans, but will forward such items to the
1982 commission for recording and submission to the proper state
1983 officer. However, when requested by a state attorney, a public



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1984 defender, a criminal conflict and civil regional counsel, or the
1985 Statewide Guardian Ad Litem Office Program, the commission will
1986 either assist in the preparation of budget requests, voucher
1987 schedules, and other forms and reports or accomplish the entire
1988 project involved.

1989 (6) The commission, each state attorney, each public
1990 defender, the criminal conflict and civil regional counsel, the
1991 capital collateral regional counsel, and the Statewide Guardian
1992 Ad Litem Office Program shall establish and maintain internal
1993 controls designed to:

1994 (a) Prevent and detect fraud, waste, and abuse as defined
1995 in s. 11.45(1).

1996 (b) Promote and encourage compliance with applicable laws,
1997 rules, contracts, grant agreements, and best practices.

1998 (c) Support economical and efficient operations.

1999 (d) Ensure reliability of financial records and reports.

2000 (e) Safeguard assets.

2001 (7) ~~The provisions contained in~~ This section is ~~shall be~~
2002 supplemental to ~~those of~~ chapter 27, relating to state
2003 attorneys, public defenders, criminal conflict and civil
2004 regional counsel, and capital collateral regional counsel; to
2005 ~~those of~~ chapter 39, relating to the Statewide Guardian Ad Litem
2006 Office Program; or to other laws pertaining hereto.

2007 Section 41. Paragraph (a) of subsection (1) and subsection
2008 (4) of section 61.402, Florida Statutes, are amended to read:

2009 61.402 Qualifications of guardians ad litem.—

2010 (1) A person appointed as a guardian ad litem pursuant to
2011 s. 61.401 must be:

2012 (a) Certified by the Statewide Guardian Ad Litem Office



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2013 ~~Program~~ pursuant to s. 39.821;

2014 (b) Certified by a not-for-profit legal aid organization as

2015 defined in s. 68.096; or

2016 (c) An attorney who is a member in good standing of The

2017 Florida Bar.

2018 (4) Nothing in this section requires the Statewide Guardian

2019 Ad Litem Office ~~Program~~ or a not-for-profit legal aid

2020 organization to train or certify guardians ad litem appointed

2021 under this chapter.

2022 Section 42. Paragraph (x) of subsection (2) of section

2023 110.205, Florida Statutes, is amended to read:

2024 110.205 Career service; exemptions.—

2025 (2) EXEMPT POSITIONS.—The exempt positions that are not

2026 covered by this part include the following:

2027 (x) All officers and employees of the Justice

2028 Administrative Commission, Office of the State Attorney, Office

2029 of the Public Defender, regional offices of capital collateral

2030 counsel, offices of criminal conflict and civil regional

2031 counsel, and Statewide Guardian Ad Litem Office, including the

2032 circuit guardian ad litem offices ~~programs~~.

2033 Section 43. Paragraph (b) of subsection (96) of section

2034 320.08058, Florida Statutes, is amended to read:

2035 320.08058 Specialty license plates.—

2036 (96) GUARDIAN AD LITEM LICENSE PLATES.—

2037 (b) The annual use fees from the sale of the plate shall be

2038 distributed to the Florida Guardian Ad Litem Foundation, Inc., a

2039 direct-support organization and a nonprofit corporation under s.

2040 501(c) (3) of the Internal Revenue Code. Up to 10 percent of the

2041 proceeds may be used for administrative costs and the marketing



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2042 of the plate. The remainder of the proceeds must be used in this
2043 state to support the mission and efforts of the Statewide
2044 Guardian Ad Litem Office Program to represent abused, abandoned,
2045 and neglected children and advocate for their best interests;
2046 recruit and retain volunteer child advocates; and meet the
2047 unique needs of the dependent children the program serves.

2048 Section 44. Paragraph (e) of subsection (3) of section
2049 943.053, Florida Statutes, is amended to read:

2050 943.053 Dissemination of criminal justice information;
2051 fees.—

2052 (3)

2053 (e) The fee per record for criminal history information
2054 provided pursuant to this subsection and s. 943.0542 is \$24 per
2055 name submitted, except that the fee for the Statewide Guardian
2056 Ad Litem Office program and vendors of the Department of
2057 Children and Families, the Department of Juvenile Justice, the
2058 Agency for Persons with Disabilities, and the Department of
2059 Elderly Affairs is \$8 for each name submitted; the fee for a
2060 state criminal history provided for application processing as
2061 required by law to be performed by the Department of Agriculture
2062 and Consumer Services is \$15 for each name submitted; and the
2063 fee for requests under s. 943.0542, which implements the
2064 National Child Protection Act, is \$18 for each volunteer name
2065 submitted. An office of the public defender or an office of
2066 criminal conflict and civil regional counsel may not be assessed
2067 a fee for Florida criminal history information or wanted person
2068 information.

2069 Section 45. Subsection (2) of section 985.43, Florida
2070 Statutes, is amended to read:



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2071 985.43 Predisposition reports; other evaluations.—
2072 (2) The court shall consider the child's entire assessment
2073 and predisposition report and shall review the records of
2074 earlier judicial proceedings before making a final disposition
2075 of the case. If the child is under the jurisdiction of a
2076 dependency court, the court may receive and consider any
2077 information provided by the Statewide Guardian Ad Litem Office
2078 ~~Program~~ and the child's attorney ad litem, if one is appointed.
2079 The court may, by order, require additional evaluations and
2080 studies to be performed by the department; the county school
2081 system; or any social, psychological, or psychiatric agency of
2082 the state. The court shall order the educational needs
2083 assessment completed under s. 985.18(2) to be included in the
2084 assessment and predisposition report.
2085 Section 46. Subsection (4) of section 985.441, Florida
2086 Statutes, is amended to read:
2087 985.441 Commitment.—
2088 (4) The department may transfer a child, when necessary to
2089 appropriately administer the child's commitment, from one
2090 facility or program to another facility or program operated,
2091 contracted, subcontracted, or designated by the department,
2092 including a postcommitment nonresidential conditional release
2093 program, except that the department may not transfer any child
2094 adjudicated solely for a misdemeanor to a residential program
2095 except as provided in subsection (2). The department shall
2096 notify the court that committed the child to the department and
2097 any attorney of record for the child, in writing, of its intent
2098 to transfer the child from a commitment facility or program to
2099 another facility or program of a higher or lower restrictiveness



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2100 level. If the child is under the jurisdiction of a dependency
2101 court, the department shall also provide notice to the
2102 dependency court, ~~and~~ the Department of Children and Families,
2103 ~~and, if appointed,~~ the Statewide Guardian Ad Litem Office,
2104 ~~Program~~ and the child's attorney ad litem, if one is appointed.
2105 The court that committed the child may agree to the transfer or
2106 may set a hearing to review the transfer. If the court does not
2107 respond within 10 days after receipt of the notice, the transfer
2108 of the child shall be deemed granted.

2109 Section 47. Subsection (3) of section 985.455, Florida
2110 Statutes, is amended to read:

2111 985.455 Other dispositional issues.—

2112 (3) Any commitment of a delinquent child to the department
2113 must be for an indeterminate period of time, which may include
2114 periods of temporary release; however, the period of time may
2115 not exceed the maximum term of imprisonment that an adult may
2116 serve for the same offense, except that the duration of a
2117 minimum-risk nonresidential commitment for an offense that is a
2118 misdemeanor of the second degree, or is equivalent to a
2119 misdemeanor of the second degree, may be for a period not to
2120 exceed 6 months. The duration of the child's placement in a
2121 commitment program of any restrictiveness level shall be based
2122 on objective performance-based treatment planning. The child's
2123 treatment plan progress and adjustment-related issues shall be
2124 reported to the court quarterly, unless the court requests
2125 monthly reports. If the child is under the jurisdiction of a
2126 dependency court, the court may receive and consider any
2127 information provided by the Statewide Guardian Ad Litem Office
2128 ~~Program~~ or the child's attorney ad litem, if one is appointed.



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2129 The child's length of stay in a commitment program may be
2130 extended if the child fails to comply with or participate in
2131 treatment activities. The child's length of stay in the program
2132 shall not be extended for purposes of sanction or punishment.
2133 Any temporary release from such program must be approved by the
2134 court. Any child so committed may be discharged from
2135 institutional confinement or a program upon the direction of the
2136 department with the concurrence of the court. The child's
2137 treatment plan progress and adjustment-related issues must be
2138 communicated to the court at the time the department requests
2139 the court to consider releasing the child from the commitment
2140 program. The department shall give the court that committed the
2141 child to the department reasonable notice, in writing, of its
2142 desire to discharge the child from a commitment facility. The
2143 court that committed the child may thereafter accept or reject
2144 the request. If the court does not respond within 10 days after
2145 receipt of the notice, the request of the department shall be
2146 deemed granted. This section does not limit the department's
2147 authority to revoke a child's temporary release status and
2148 return the child to a commitment facility for any violation of
2149 the terms and conditions of the temporary release.

2150 Section 48. Paragraph (b) of subsection (4) of section
2151 985.461, Florida Statutes, is amended to read:

2152 985.461 Transition to adulthood.-

2153 (4) As part of the child's treatment plan, the department
2154 may provide transition-to-adulthood services to children
2155 released from residential commitment. To support participation
2156 in transition-to-adulthood services and subject to
2157 appropriation, the department may:



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2158 (b) Use community reentry teams to assist in the
2159 development of a list of age-appropriate activities and
2160 responsibilities to be incorporated in the child's written case
2161 plan for any youth who is under the custody or supervision of
2162 the department. Community reentry teams may include
2163 representatives from school districts, law enforcement,
2164 workforce development services, community-based service
2165 providers, the Statewide Guardian Ad Litem Office Program, and
2166 the youth's family. Such community reentry teams must be created
2167 within existing resources provided to the department. Activities
2168 may include, but are not limited to, life skills training,
2169 including training to develop banking and budgeting skills,
2170 interviewing and career planning skills, parenting skills,
2171 personal health management, and time management or
2172 organizational skills; educational support; employment training;
2173 and counseling.

2174 Section 49. Subsection (11) of section 985.48, Florida
2175 Statutes, is amended to read:

2176 985.48 Juvenile sexual offender commitment programs; sexual
2177 abuse intervention networks.—

2178 (11) Membership of a sexual abuse intervention network
2179 shall include, but is not limited to, representatives from:

- 2180 (a) Local law enforcement agencies;
- 2181 (b) Local school boards;
- 2182 (c) Child protective investigators;
- 2183 (d) The office of the state attorney;
- 2184 (e) The office of the public defender;
- 2185 (f) The juvenile division of the circuit court;
- 2186 (g) Professionals licensed under chapter 458, chapter 459,



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2187 s. 490.0145, or s. 491.0144 providing treatment for juvenile
2188 sexual offenders or their victims;

2189 (h) The Statewide Guardian Ad Litem Office ~~program~~;

2190 (i) The Department of Juvenile Justice; and

2191 (j) The Department of Children and Families.

2192 Section 50. Subsection (1) of section 39.302, Florida
2193 Statutes, is amended to read:

2194 39.302 Protective investigations of institutional child
2195 abuse, abandonment, or neglect.—

2196 (1) The department shall conduct a child protective
2197 investigation of each report of institutional child abuse,
2198 abandonment, or neglect. Upon receipt of a report that alleges
2199 that an employee or agent of the department, or any other entity
2200 or person covered by s. 39.01(39) or (57) ~~s. 39.01(36) or (54)~~,
2201 acting in an official capacity, has committed an act of child
2202 abuse, abandonment, or neglect, the department shall initiate a
2203 child protective investigation within the timeframe established
2204 under s. 39.101(2) and notify the appropriate state attorney,
2205 law enforcement agency, and licensing agency, which shall
2206 immediately conduct a joint investigation, unless independent
2207 investigations are more feasible. When conducting investigations
2208 or having face-to-face interviews with the child, investigation
2209 visits shall be unannounced unless it is determined by the
2210 department or its agent that unannounced visits threaten the
2211 safety of the child. If a facility is exempt from licensing, the
2212 department shall inform the owner or operator of the facility of
2213 the report. Each agency conducting a joint investigation is
2214 entitled to full access to the information gathered by the
2215 department in the course of the investigation. A protective



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2216 investigation must include an interview with the child's parent
2217 or legal guardian. The department shall make a full written
2218 report to the state attorney within 3 business days after making
2219 the oral report. A criminal investigation shall be coordinated,
2220 whenever possible, with the child protective investigation of
2221 the department. Any interested person who has information
2222 regarding the offenses described in this subsection may forward
2223 a statement to the state attorney as to whether prosecution is
2224 warranted and appropriate. Within 15 days after the completion
2225 of the investigation, the state attorney shall report the
2226 findings to the department and shall include in the report a
2227 determination of whether or not prosecution is justified and
2228 appropriate in view of the circumstances of the specific case.

2229 Section 51. Paragraph (c) of subsection (1) of section
2230 39.521, Florida Statutes, is amended to read:

2231 39.521 Disposition hearings; powers of disposition.—

2232 (1) A disposition hearing shall be conducted by the court,
2233 if the court finds that the facts alleged in the petition for
2234 dependency were proven in the adjudicatory hearing, or if the
2235 parents or legal custodians have consented to the finding of
2236 dependency or admitted the allegations in the petition, have
2237 failed to appear for the arraignment hearing after proper
2238 notice, or have not been located despite a diligent search
2239 having been conducted.

2240 (c) When any child is adjudicated by a court to be
2241 dependent, the court having jurisdiction of the child has the
2242 power by order to:

2243 1. Require the parent and, when appropriate, the legal
2244 guardian or the child to participate in treatment and services



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2245 identified as necessary. The court may require the person who
2246 has custody or who is requesting custody of the child to submit
2247 to a mental health or substance abuse disorder assessment or
2248 evaluation. The order may be made only upon good cause shown and
2249 pursuant to notice and procedural requirements provided under
2250 the Florida Rules of Juvenile Procedure. The mental health
2251 assessment or evaluation must be administered by a qualified
2252 professional as defined in s. 39.01, and the substance abuse
2253 assessment or evaluation must be administered by a qualified
2254 professional as defined in s. 397.311. The court may also
2255 require such person to participate in and comply with treatment
2256 and services identified as necessary, including, when
2257 appropriate and available, participation in and compliance with
2258 a mental health court program established under chapter 394 or a
2259 treatment-based drug court program established under s. 397.334.
2260 Adjudication of a child as dependent based upon evidence of harm
2261 as defined in s. 39.01(37)(g) ~~s. 39.01(34)(g)~~ demonstrates good
2262 cause, and the court shall require the parent whose actions
2263 caused the harm to submit to a substance abuse disorder
2264 assessment or evaluation and to participate and comply with
2265 treatment and services identified in the assessment or
2266 evaluation as being necessary. In addition to supervision by the
2267 department, the court, including the mental health court program
2268 or the treatment-based drug court program, may oversee the
2269 progress and compliance with treatment by a person who has
2270 custody or is requesting custody of the child. The court may
2271 impose appropriate available sanctions for noncompliance upon a
2272 person who has custody or is requesting custody of the child or
2273 make a finding of noncompliance for consideration in determining



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2274 whether an alternative placement of the child is in the child's
2275 best interests. Any order entered under this subparagraph may be
2276 made only upon good cause shown. This subparagraph does not
2277 authorize placement of a child with a person seeking custody of
2278 the child, other than the child's parent or legal custodian, who
2279 requires mental health or substance abuse disorder treatment.

2280 2. Require, if the court deems necessary, the parties to
2281 participate in dependency mediation.

2282 3. Require placement of the child either under the
2283 protective supervision of an authorized agent of the department
2284 in the home of one or both of the child's parents or in the home
2285 of a relative of the child or another adult approved by the
2286 court, or in the custody of the department. Protective
2287 supervision continues until the court terminates it or until the
2288 child reaches the age of 18, whichever date is first. Protective
2289 supervision shall be terminated by the court whenever the court
2290 determines that permanency has been achieved for the child,
2291 whether with a parent, another relative, or a legal custodian,
2292 and that protective supervision is no longer needed. The
2293 termination of supervision may be with or without retaining
2294 jurisdiction, at the court's discretion, and shall in either
2295 case be considered a permanency option for the child. The order
2296 terminating supervision by the department must set forth the
2297 powers of the custodian of the child and include the powers
2298 ordinarily granted to a guardian of the person of a minor unless
2299 otherwise specified. Upon the court's termination of supervision
2300 by the department, further judicial reviews are not required if
2301 permanency has been established for the child.

2302 4. Determine whether the child has a strong attachment to



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2303 the prospective permanent guardian and whether such guardian has
2304 a strong commitment to permanently caring for the child.

2305 Section 52. Paragraph (c) of subsection (2) of section
2306 61.13, Florida Statutes, is amended to read:

2307 61.13 Support of children; parenting and time-sharing;
2308 powers of court.—

2309 (2)

2310 (c) The court shall determine all matters relating to
2311 parenting and time-sharing of each minor child of the parties in
2312 accordance with the best interests of the child and in
2313 accordance with the Uniform Child Custody Jurisdiction and
2314 Enforcement Act, except that modification of a parenting plan
2315 and time-sharing schedule requires a showing of a substantial
2316 and material change of circumstances.

2317 1. It is the public policy of this state that each minor
2318 child has frequent and continuing contact with both parents
2319 after the parents separate or the marriage of the parties is
2320 dissolved and to encourage parents to share the rights and
2321 responsibilities, and joys, of childrearing. Unless otherwise
2322 provided in this section or agreed to by the parties, there is a
2323 rebuttable presumption that equal time-sharing of a minor child
2324 is in the best interests of the minor child. To rebut this
2325 presumption, a party must prove by a preponderance of the
2326 evidence that equal time-sharing is not in the best interests of
2327 the minor child. Except when a time-sharing schedule is agreed
2328 to by the parties and approved by the court, the court must
2329 evaluate all of the factors set forth in subsection (3) and make
2330 specific written findings of fact when creating or modifying a
2331 time-sharing schedule.



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2332 2. The court shall order that the parental responsibility
2333 for a minor child be shared by both parents unless the court
2334 finds that shared parental responsibility would be detrimental
2335 to the child. In determining detriment to the child, the court
2336 shall consider:

2337 a. Evidence of domestic violence, as defined in s. 741.28;

2338 b. Whether either parent has or has had reasonable cause to
2339 believe that he or she or his or her minor child or children are
2340 or have been in imminent danger of becoming victims of an act of
2341 domestic violence as defined in s. 741.28 or sexual violence as
2342 defined in s. 784.046(1)(c) by the other parent against the
2343 parent or against the child or children whom the parents share
2344 in common regardless of whether a cause of action has been
2345 brought or is currently pending in the court;

2346 c. Whether either parent has or has had reasonable cause to
2347 believe that his or her minor child or children are or have been
2348 in imminent danger of becoming victims of an act of abuse ~~as~~
2349 ~~defined in s. 39.01(2)~~, abandonment ~~as defined in s. 39.01(1)~~,
2350 or neglect, as those terms are defined in s. 39.01, s. 39.01(50)
2351 by the other parent against the child or children whom the
2352 parents share in common regardless of whether a cause of action
2353 has been brought or is currently pending in the court; and

2354 d. Any other relevant factors.

2355 3. The following evidence creates a rebuttable presumption
2356 that shared parental responsibility is detrimental to the child:

2357 a. A parent has been convicted of a misdemeanor of the
2358 first degree or higher involving domestic violence, as defined
2359 in s. 741.28 and chapter 775;

2360 b. A parent meets the criteria of s. 39.806(1)(d); or



2361 c. A parent has been convicted of or had adjudication
2362 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
2363 at the time of the offense:

2364 (I) The parent was 18 years of age or older.

2365 (II) The victim was under 18 years of age or the parent
2366 believed the victim to be under 18 years of age.

2367

2368 If the presumption is not rebutted after the convicted parent is
2369 advised by the court that the presumption exists, shared
2370 parental responsibility, including time-sharing with the child,
2371 and decisions made regarding the child, may not be granted to
2372 the convicted parent. However, the convicted parent is not
2373 relieved of any obligation to provide financial support. If the
2374 court determines that shared parental responsibility would be
2375 detrimental to the child, it may order sole parental
2376 responsibility and make such arrangements for time-sharing as
2377 specified in the parenting plan as will best protect the child
2378 or abused spouse from further harm. Whether or not there is a
2379 conviction of any offense of domestic violence or child abuse or
2380 the existence of an injunction for protection against domestic
2381 violence, the court shall consider evidence of domestic violence
2382 or child abuse as evidence of detriment to the child.

2383 4. In ordering shared parental responsibility, the court
2384 may consider the expressed desires of the parents and may grant
2385 to one party the ultimate responsibility over specific aspects
2386 of the child's welfare or may divide those responsibilities
2387 between the parties based on the best interests of the child.
2388 Areas of responsibility may include education, health care, and
2389 any other responsibilities that the court finds unique to a



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2390 particular family.

2391 5. The court shall order sole parental responsibility for a
2392 minor child to one parent, with or without time-sharing with the
2393 other parent if it is in the best interests of the minor child.

2394 6. There is a rebuttable presumption against granting time-
2395 sharing with a minor child if a parent has been convicted of or
2396 had adjudication withheld for an offense enumerated in s.

2397 943.0435(1)(h)1.a., and at the time of the offense:

2398 a. The parent was 18 years of age or older.

2399 b. The victim was under 18 years of age or the parent
2400 believed the victim to be under 18 years of age.

2401
2402 A parent may rebut the presumption upon a specific finding in
2403 writing by the court that the parent poses no significant risk
2404 of harm to the child and that time-sharing is in the best
2405 interests of the minor child. If the presumption is rebutted,
2406 the court must consider all time-sharing factors in subsection
2407 (3) when developing a time-sharing schedule.

2408 7. Access to records and information pertaining to a minor
2409 child, including, but not limited to, medical, dental, and
2410 school records, may not be denied to either parent. Full rights
2411 under this subparagraph apply to either parent unless a court
2412 order specifically revokes these rights, including any
2413 restrictions on these rights as provided in a domestic violence
2414 injunction. A parent having rights under this subparagraph has
2415 the same rights upon request as to form, substance, and manner
2416 of access as are available to the other parent of a child,
2417 including, without limitation, the right to in-person
2418 communication with medical, dental, and education providers.



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2419 Section 53. Paragraph (d) of subsection (4) of section
2420 119.071, Florida Statutes, is amended to read:

2421 119.071 General exemptions from inspection or copying of
2422 public records.—

2423 (4) AGENCY PERSONNEL INFORMATION.—

2424 (d)1. For purposes of this paragraph, the term:

2425 a. "Home addresses" means the dwelling location at which an
2426 individual resides and includes the physical address, mailing
2427 address, street address, parcel identification number, plot
2428 identification number, legal property description, neighborhood
2429 name and lot number, GPS coordinates, and any other descriptive
2430 property information that may reveal the home address.

2431 b. "Judicial assistant" means a court employee assigned to
2432 the following class codes: 8140, 8150, 8310, and 8320.

2433 c. "Telephone numbers" includes home telephone numbers,
2434 personal cellular telephone numbers, personal pager telephone
2435 numbers, and telephone numbers associated with personal
2436 communications devices.

2437 2.a. The home addresses, telephone numbers, dates of birth,
2438 and photographs of active or former sworn law enforcement
2439 personnel or of active or former civilian personnel employed by
2440 a law enforcement agency, including correctional and
2441 correctional probation officers, personnel of the Department of
2442 Children and Families whose duties include the investigation of
2443 abuse, neglect, exploitation, fraud, theft, or other criminal
2444 activities, personnel of the Department of Health whose duties
2445 are to support the investigation of child abuse or neglect, and
2446 personnel of the Department of Revenue or local governments
2447 whose responsibilities include revenue collection and



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2448 enforcement or child support enforcement; the names, home
2449 addresses, telephone numbers, photographs, dates of birth, and
2450 places of employment of the spouses and children of such
2451 personnel; and the names and locations of schools and day care
2452 facilities attended by the children of such personnel are exempt
2453 from s. 119.07(1) and s. 24(a), Art. I of the State
2454 Constitution.

2455 b. The home addresses, telephone numbers, dates of birth,
2456 and photographs of current or former nonsworn investigative
2457 personnel of the Department of Financial Services whose duties
2458 include the investigation of fraud, theft, workers' compensation
2459 coverage requirements and compliance, other related criminal
2460 activities, or state regulatory requirement violations; the
2461 names, home addresses, telephone numbers, dates of birth, and
2462 places of employment of the spouses and children of such
2463 personnel; and the names and locations of schools and day care
2464 facilities attended by the children of such personnel are exempt
2465 from s. 119.07(1) and s. 24(a), Art. I of the State
2466 Constitution.

2467 c. The home addresses, telephone numbers, dates of birth,
2468 and photographs of current or former nonsworn investigative
2469 personnel of the Office of Financial Regulation's Bureau of
2470 Financial Investigations whose duties include the investigation
2471 of fraud, theft, other related criminal activities, or state
2472 regulatory requirement violations; the names, home addresses,
2473 telephone numbers, dates of birth, and places of employment of
2474 the spouses and children of such personnel; and the names and
2475 locations of schools and day care facilities attended by the
2476 children of such personnel are exempt from s. 119.07(1) and s.



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2477 24(a), Art. I of the State Constitution.

2478 d. The home addresses, telephone numbers, dates of birth,
2479 and photographs of current or former firefighters certified in
2480 compliance with s. 633.408; the names, home addresses, telephone
2481 numbers, photographs, dates of birth, and places of employment
2482 of the spouses and children of such firefighters; and the names
2483 and locations of schools and day care facilities attended by the
2484 children of such firefighters are exempt from s. 119.07(1) and
2485 s. 24(a), Art. I of the State Constitution.

2486 e. The home addresses, dates of birth, and telephone
2487 numbers of current or former justices of the Supreme Court,
2488 district court of appeal judges, circuit court judges, and
2489 county court judges, and ~~of~~ current judicial assistants; the
2490 names, home addresses, telephone numbers, dates of birth, and
2491 places of employment of the spouses and children of current or
2492 former justices and judges and ~~of~~ current judicial assistants;
2493 and the names and locations of schools and day care facilities
2494 attended by the children of current or former justices and
2495 judges and of current judicial assistants are exempt from s.
2496 119.07(1) and s. 24(a), Art. I of the State Constitution. This
2497 sub-subparagraph is subject to the Open Government Sunset Review
2498 Act in accordance with s. 119.15 and shall stand repealed on
2499 October 2, 2028, unless reviewed and saved from repeal through
2500 reenactment by the Legislature.

2501 f. The home addresses, telephone numbers, dates of birth,
2502 and photographs of current or former state attorneys, assistant
2503 state attorneys, statewide prosecutors, or assistant statewide
2504 prosecutors; the names, home addresses, telephone numbers,
2505 photographs, dates of birth, and places of employment of the



2506 spouses and children of current or former state attorneys,
2507 assistant state attorneys, statewide prosecutors, or assistant
2508 statewide prosecutors; and the names and locations of schools
2509 and day care facilities attended by the children of current or
2510 former state attorneys, assistant state attorneys, statewide
2511 prosecutors, or assistant statewide prosecutors are exempt from
2512 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2513 g. The home addresses, dates of birth, and telephone
2514 numbers of general magistrates, special magistrates, judges of
2515 compensation claims, administrative law judges of the Division
2516 of Administrative Hearings, and child support enforcement
2517 hearing officers; the names, home addresses, telephone numbers,
2518 dates of birth, and places of employment of the spouses and
2519 children of general magistrates, special magistrates, judges of
2520 compensation claims, administrative law judges of the Division
2521 of Administrative Hearings, and child support enforcement
2522 hearing officers; and the names and locations of schools and day
2523 care facilities attended by the children of general magistrates,
2524 special magistrates, judges of compensation claims,
2525 administrative law judges of the Division of Administrative
2526 Hearings, and child support enforcement hearing officers are
2527 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2528 Constitution.

2529 h. The home addresses, telephone numbers, dates of birth,
2530 and photographs of current or former human resource, labor
2531 relations, or employee relations directors, assistant directors,
2532 managers, or assistant managers of any local government agency
2533 or water management district whose duties include hiring and
2534 firing employees, labor contract negotiation, administration, or



2535 other personnel-related duties; the names, home addresses,
2536 telephone numbers, dates of birth, and places of employment of
2537 the spouses and children of such personnel; and the names and
2538 locations of schools and day care facilities attended by the
2539 children of such personnel are exempt from s. 119.07(1) and s.
2540 24(a), Art. I of the State Constitution.

2541 i. The home addresses, telephone numbers, dates of birth,
2542 and photographs of current or former code enforcement officers;
2543 the names, home addresses, telephone numbers, dates of birth,
2544 and places of employment of the spouses and children of such
2545 personnel; and the names and locations of schools and day care
2546 facilities attended by the children of such personnel are exempt
2547 from s. 119.07(1) and s. 24(a), Art. I of the State
2548 Constitution.

2549 j. The home addresses, telephone numbers, places of
2550 employment, dates of birth, and photographs of current or former
2551 guardians ad litem, as defined in s. 39.01 ~~s. 39.820~~; the names,
2552 home addresses, telephone numbers, dates of birth, and places of
2553 employment of the spouses and children of such persons; and the
2554 names and locations of schools and day care facilities attended
2555 by the children of such persons are exempt from s. 119.07(1) and
2556 s. 24(a), Art. I of the State Constitution.

2557 k. The home addresses, telephone numbers, dates of birth,
2558 and photographs of current or former juvenile probation
2559 officers, juvenile probation supervisors, detention
2560 superintendents, assistant detention superintendents, juvenile
2561 justice detention officers I and II, juvenile justice detention
2562 officer supervisors, juvenile justice residential officers,
2563 juvenile justice residential officer supervisors I and II,



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2564 juvenile justice counselors, juvenile justice counselor
2565 supervisors, human services counselor administrators, senior
2566 human services counselor administrators, rehabilitation
2567 therapists, and social services counselors of the Department of
2568 Juvenile Justice; the names, home addresses, telephone numbers,
2569 dates of birth, and places of employment of spouses and children
2570 of such personnel; and the names and locations of schools and
2571 day care facilities attended by the children of such personnel
2572 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2573 Constitution.

2574 1. The home addresses, telephone numbers, dates of birth,
2575 and photographs of current or former public defenders, assistant
2576 public defenders, criminal conflict and civil regional counsel,
2577 and assistant criminal conflict and civil regional counsel; the
2578 names, home addresses, telephone numbers, dates of birth, and
2579 places of employment of the spouses and children of current or
2580 former public defenders, assistant public defenders, criminal
2581 conflict and civil regional counsel, and assistant criminal
2582 conflict and civil regional counsel; and the names and locations
2583 of schools and day care facilities attended by the children of
2584 current or former public defenders, assistant public defenders,
2585 criminal conflict and civil regional counsel, and assistant
2586 criminal conflict and civil regional counsel are exempt from s.
2587 119.07(1) and s. 24(a), Art. I of the State Constitution.

2588 m. The home addresses, telephone numbers, dates of birth,
2589 and photographs of current or former investigators or inspectors
2590 of the Department of Business and Professional Regulation; the
2591 names, home addresses, telephone numbers, dates of birth, and
2592 places of employment of the spouses and children of such current



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2593 or former investigators and inspectors; and the names and
2594 locations of schools and day care facilities attended by the
2595 children of such current or former investigators and inspectors
2596 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2597 Constitution.

2598 n. The home addresses, telephone numbers, and dates of
2599 birth of county tax collectors; the names, home addresses,
2600 telephone numbers, dates of birth, and places of employment of
2601 the spouses and children of such tax collectors; and the names
2602 and locations of schools and day care facilities attended by the
2603 children of such tax collectors are exempt from s. 119.07(1) and
2604 s. 24(a), Art. I of the State Constitution.

2605 o. The home addresses, telephone numbers, dates of birth,
2606 and photographs of current or former personnel of the Department
2607 of Health whose duties include, or result in, the determination
2608 or adjudication of eligibility for social security disability
2609 benefits, the investigation or prosecution of complaints filed
2610 against health care practitioners, or the inspection of health
2611 care practitioners or health care facilities licensed by the
2612 Department of Health; the names, home addresses, telephone
2613 numbers, dates of birth, and places of employment of the spouses
2614 and children of such personnel; and the names and locations of
2615 schools and day care facilities attended by the children of such
2616 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
2617 the State Constitution.

2618 p. The home addresses, telephone numbers, dates of birth,
2619 and photographs of current or former impaired practitioner
2620 consultants who are retained by an agency or current or former
2621 employees of an impaired practitioner consultant whose duties



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2622 result in a determination of a person's skill and safety to
2623 practice a licensed profession; the names, home addresses,
2624 telephone numbers, dates of birth, and places of employment of
2625 the spouses and children of such consultants or their employees;
2626 and the names and locations of schools and day care facilities
2627 attended by the children of such consultants or employees are
2628 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2629 Constitution.

2630 q. The home addresses, telephone numbers, dates of birth,
2631 and photographs of current or former emergency medical
2632 technicians or paramedics certified under chapter 401; the
2633 names, home addresses, telephone numbers, dates of birth, and
2634 places of employment of the spouses and children of such
2635 emergency medical technicians or paramedics; and the names and
2636 locations of schools and day care facilities attended by the
2637 children of such emergency medical technicians or paramedics are
2638 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2639 Constitution.

2640 r. The home addresses, telephone numbers, dates of birth,
2641 and photographs of current or former personnel employed in an
2642 agency's office of inspector general or internal audit
2643 department whose duties include auditing or investigating waste,
2644 fraud, abuse, theft, exploitation, or other activities that
2645 could lead to criminal prosecution or administrative discipline;
2646 the names, home addresses, telephone numbers, dates of birth,
2647 and places of employment of spouses and children of such
2648 personnel; and the names and locations of schools and day care
2649 facilities attended by the children of such personnel are exempt
2650 from s. 119.07(1) and s. 24(a), Art. I of the State



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2651 Constitution.

2652 s. The home addresses, telephone numbers, dates of birth,
2653 and photographs of current or former directors, managers,
2654 supervisors, nurses, and clinical employees of an addiction
2655 treatment facility; the home addresses, telephone numbers,
2656 photographs, dates of birth, and places of employment of the
2657 spouses and children of such personnel; and the names and
2658 locations of schools and day care facilities attended by the
2659 children of such personnel are exempt from s. 119.07(1) and s.
2660 24(a), Art. I of the State Constitution. For purposes of this
2661 sub-subparagraph, the term "addiction treatment facility" means
2662 a county government, or agency thereof, that is licensed
2663 pursuant to s. 397.401 and provides substance abuse prevention,
2664 intervention, or clinical treatment, including any licensed
2665 service component described in s. 397.311(26).

2666 t. The home addresses, telephone numbers, dates of birth,
2667 and photographs of current or former directors, managers,
2668 supervisors, and clinical employees of a child advocacy center
2669 that meets the standards of s. 39.3035(2) and fulfills the
2670 screening requirement of s. 39.3035(3), and the members of a
2671 Child Protection Team as described in s. 39.303 whose duties
2672 include supporting the investigation of child abuse or sexual
2673 abuse, child abandonment, child neglect, and child exploitation
2674 or to provide services as part of a multidisciplinary case
2675 review team; the names, home addresses, telephone numbers,
2676 photographs, dates of birth, and places of employment of the
2677 spouses and children of such personnel and members; and the
2678 names and locations of schools and day care facilities attended
2679 by the children of such personnel and members are exempt from s.



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2680 119.07(1) and s. 24(a), Art. I of the State Constitution.

2681 u. The home addresses, telephone numbers, places of
2682 employment, dates of birth, and photographs of current or former
2683 staff and domestic violence advocates, as defined in s.

2684 90.5036(1)(b), of domestic violence centers certified by the
2685 Department of Children and Families under chapter 39; the names,
2686 home addresses, telephone numbers, places of employment, dates
2687 of birth, and photographs of the spouses and children of such
2688 personnel; and the names and locations of schools and day care
2689 facilities attended by the children of such personnel are exempt
2690 from s. 119.07(1) and s. 24(a), Art. I of the State
2691 Constitution.

2692 v. The home addresses, telephone numbers, dates of birth,
2693 and photographs of current or former inspectors or investigators
2694 of the Department of Agriculture and Consumer Services; the
2695 names, home addresses, telephone numbers, dates of birth, and
2696 places of employment of the spouses and children of current or
2697 former inspectors or investigators; and the names and locations
2698 of schools and day care facilities attended by the children of
2699 current or former inspectors or investigators are exempt from s.
2700 119.07(1) and s. 24(a), Art. I of the State Constitution. This
2701 sub-subparagraph is subject to the Open Government Sunset Review
2702 Act in accordance with s. 119.15 and shall stand repealed on
2703 October 2, 2028, unless reviewed and saved from repeal through
2704 reenactment by the Legislature.

2705 3. An agency that is the custodian of the information
2706 specified in subparagraph 2. and that is not the employer of the
2707 officer, employee, justice, judge, or other person specified in
2708 subparagraph 2. must maintain the exempt status of that



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2709 information only if the officer, employee, justice, judge, other
2710 person, or employing agency of the designated employee submits a
2711 written and notarized request for maintenance of the exemption
2712 to the custodial agency. The request must state under oath the
2713 statutory basis for the individual's exemption request and
2714 confirm the individual's status as a party eligible for exempt
2715 status.

2716 4.a. A county property appraiser, as defined in s.
2717 192.001(3), or a county tax collector, as defined in s.
2718 192.001(4), who receives a written and notarized request for
2719 maintenance of the exemption pursuant to subparagraph 3. must
2720 comply by removing the name of the individual with exempt status
2721 and the instrument number or Official Records book and page
2722 number identifying the property with the exempt status from all
2723 publicly available records maintained by the property appraiser
2724 or tax collector. For written requests received on or before
2725 July 1, 2021, a county property appraiser or county tax
2726 collector must comply with this sub-subparagraph by October 1,
2727 2021. A county property appraiser or county tax collector may
2728 not remove the street address, legal description, or other
2729 information identifying real property within the agency's
2730 records so long as a name or personal information otherwise
2731 exempt from inspection and copying pursuant to this section is
2732 not associated with the property or otherwise displayed in the
2733 public records of the agency.

2734 b. Any information restricted from public display,
2735 inspection, or copying under sub-subparagraph a. must be
2736 provided to the individual whose information was removed.

2737 5. An officer, an employee, a justice, a judge, or other



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2738 person specified in subparagraph 2. may submit a written request
2739 for the release of his or her exempt information to the
2740 custodial agency. The written request must be notarized and must
2741 specify the information to be released and the party authorized
2742 to receive the information. Upon receipt of the written request,
2743 the custodial agency must release the specified information to
2744 the party authorized to receive such information.

2745 6. The exemptions in this paragraph apply to information
2746 held by an agency before, on, or after the effective date of the
2747 exemption.

2748 7. Information made exempt under this paragraph may be
2749 disclosed pursuant to s. 28.2221 to a title insurer authorized
2750 pursuant to s. 624.401 and its affiliates as defined in s.
2751 624.10; a title insurance agent or title insurance agency as
2752 defined in s. 626.841(1) or (2), respectively; or an attorney
2753 duly admitted to practice law in this state and in good standing
2754 with The Florida Bar.

2755 8. The exempt status of a home address contained in the
2756 Official Records is maintained only during the period when a
2757 protected party resides at the dwelling location. Upon
2758 conveyance of real property after October 1, 2021, and when such
2759 real property no longer constitutes a protected party's home
2760 address as defined in sub-subparagraph 1.a., the protected party
2761 must submit a written request to release the removed information
2762 to the county recorder. The written request to release the
2763 removed information must be notarized, must confirm that a
2764 protected party's request for release is pursuant to a
2765 conveyance of his or her dwelling location, and must specify the
2766 Official Records book and page, instrument number, or clerk's



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2767 file number for each document containing the information to be
2768 released.

2769 9. Upon the death of a protected party as verified by a
2770 certified copy of a death certificate or court order, any party
2771 can request the county recorder to release a protected
2772 decedent's removed information unless there is a related request
2773 on file with the county recorder for continued removal of the
2774 decedent's information or unless such removal is otherwise
2775 prohibited by statute or by court order. The written request to
2776 release the removed information upon the death of a protected
2777 party must attach the certified copy of a death certificate or
2778 court order and must be notarized, must confirm the request for
2779 release is due to the death of a protected party, and must
2780 specify the Official Records book and page number, instrument
2781 number, or clerk's file number for each document containing the
2782 information to be released. A fee may not be charged for the
2783 release of any document pursuant to such request.

2784 10. Except as otherwise expressly provided in this
2785 paragraph, this paragraph is subject to the Open Government
2786 Sunset Review Act in accordance with s. 119.15 and shall stand
2787 repealed on October 2, 2024, unless reviewed and saved from
2788 repeal through reenactment by the Legislature.

2789 Section 54. Subsection (4) of section 322.09, Florida
2790 Statutes, is amended to read:

2791 322.09 Application of minors; responsibility for negligence
2792 or misconduct of minor.—

2793 (4) Notwithstanding subsections (1) and (2), if a caregiver
2794 of a minor who is under the age of 18 years and is in out-of-
2795 home care as defined in s. 39.01 ~~s. 39.01(55)~~, an authorized



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2796 representative of a residential group home at which such a minor
2797 resides, the caseworker at the agency at which the state has
2798 placed the minor, or a guardian ad litem specifically authorized
2799 by the minor's caregiver to sign for a learner's driver license
2800 signs the minor's application for a learner's driver license,
2801 that caregiver, group home representative, caseworker, or
2802 guardian ad litem does not assume any obligation or become
2803 liable for any damages caused by the negligence or willful
2804 misconduct of the minor by reason of having signed the
2805 application. Before signing the application, the caseworker,
2806 authorized group home representative, or guardian ad litem shall
2807 notify the caregiver or other responsible party of his or her
2808 intent to sign and verify the application.

2809 Section 55. Paragraph (p) of subsection (4) of section
2810 394.495, Florida Statutes, is amended to read:

2811 394.495 Child and adolescent mental health system of care;
2812 programs and services.—

2813 (4) The array of services may include, but is not limited
2814 to:

2815 (p) Trauma-informed services for children who have suffered
2816 sexual exploitation as defined in s. 39.01(80)(g) ~~s.~~
2817 ~~39.01(77)(g)~~.

2818 Section 56. Section 627.746, Florida Statutes, is amended
2819 to read:

2820 627.746 Coverage for minors who have a learner's driver
2821 license; additional premium prohibited.—An insurer that issues
2822 an insurance policy on a private passenger motor vehicle to a
2823 named insured who is a caregiver of a minor who is under the age
2824 of 18 years and is in out-of-home care as defined in s. 39.01 ~~s.~~



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2825 ~~39.01(55)~~ may not charge an additional premium for coverage of
2826 the minor while the minor is operating the insured vehicle, for
2827 the period of time that the minor has a learner's driver
2828 license, until such time as the minor obtains a driver license.

2829 Section 57. Paragraph (c) of subsection (1) of section
2830 934.255, Florida Statutes, is amended to read:

2831 934.255 Subpoenas in investigations of sexual offenses.—

2832 (1) As used in this section, the term:

2833 (c) "Sexual abuse of a child" means a criminal offense
2834 based on any conduct described in s. 39.01(80) ~~s. 39.01(77)~~.

2835 Section 58. Subsection (5) of section 960.065, Florida
2836 Statutes, is amended to read:

2837 960.065 Eligibility for awards.—

2838 (5) A person is not ineligible for an award pursuant to
2839 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
2840 person is a victim of sexual exploitation of a child as defined
2841 in s. 39.01(80) (g) ~~s. 39.01(77) (g)~~.

2842 Section 59. Section 741.29, Florida Statutes, is amended to
2843 read:

2844 741.29 Domestic violence; investigation of incidents;
2845 notice to victims of legal rights and remedies; reporting.—

2846 (1) Any law enforcement officer who investigates an alleged
2847 incident of domestic violence shall:

2848 (a) Assist the victim to obtain medical treatment if such
2849 is required as a result of the alleged incident to which the
2850 officer responds; ~~Any law enforcement officer who investigates
2851 an alleged incident of domestic violence shall~~

2852 (b) Advise the victim of such violence that there is a
2853 domestic violence center from which the victim may receive



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2854 services;~~;~~

2855 (c) Administer a lethality assessment consistent with the
2856 requirements established in subsection (2) if the allegation of
2857 domestic violence is against an intimate partner, regardless of
2858 whether an arrest is made; and

2859 (d) ~~The law enforcement officer shall~~ Give the victim
2860 immediate notice of the legal rights and remedies available on a
2861 standard form developed and distributed by the department. As
2862 necessary, the department shall revise the Legal Rights and
2863 Remedies Notice to Victims to include a general summary of s.
2864 741.30 using simple English as well as Spanish, and shall
2865 distribute the notice as a model form to be used by all law
2866 enforcement agencies throughout this ~~the~~ state. The notice must
2867 ~~shall~~ include:

2868 1. ~~(a)~~ The resource listing, including telephone number, for
2869 the area domestic violence center designated by the Department
2870 of Children and Families; and

2871 2. ~~(b)~~ A copy of the following statement:

2872
2873 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may
2874 ask the state attorney to file a criminal complaint.
2875 You also have the right to go to court and file a
2876 petition requesting an injunction for protection from
2877 domestic violence which may include, but need not be
2878 limited to, provisions which restrain the abuser from
2879 further acts of abuse; direct the abuser to leave your
2880 household; prevent the abuser from entering your
2881 residence, school, business, or place of employment;
2882 award you custody of your minor child or children; and



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2883 direct the abuser to pay support to you and the minor
2884 children if the abuser has a legal obligation to do
2885 so.”
2886

2887 (2) The department shall consult with the Department of
2888 Children and Families and at least one domestic violence
2889 advocacy organization and may consult with the Florida Sheriffs
2890 Association, the Florida Police Chiefs Association, and the
2891 Florida Partnership to End Domestic Violence to develop the
2892 policies, procedures, and training necessary for implementation
2893 of a statewide evidence-based lethality assessment. Such
2894 policies, procedures, and training must establish how to
2895 determine whether a victim and aggressor are intimate partners
2896 and establish a statewide process for referring a victim to a
2897 certified domestic violence center. By January 1, 2025, the
2898 department must adopt a statewide lethality assessment form that
2899 includes all the information in paragraph (c). Training on how
2900 to administer a lethality assessment and the approved lethality
2901 assessment form must be accessible to a law enforcement officer
2902 in an online format.

2903 (a) The department must monitor evidence-based standards
2904 relating to administering a lethality assessment or the
2905 lethality assessment form. If the department identifies changes
2906 in such evidence-based standards, the department shall submit a
2907 report to the President of the Senate and the Speaker of the
2908 House of Representatives which must include the current policies
2909 and procedures for administering a lethality assessment, any
2910 proposed statutory changes necessary for statewide
2911 implementation, and any proposed changes to the lethality



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2912 assessment or the lethality assessment form to maintain
2913 compliance with evidence-based standards.

2914 (b) The Criminal Justice Standards and Training Commission
2915 shall require by rule that all law enforcement officers receive
2916 instruction on the policies and procedures for administering a
2917 lethality assessment as part of basic recruit training or as
2918 part of the required instruction for continued employment. A law
2919 enforcement officer may not administer a lethality assessment to
2920 a victim if the officer has not received training on
2921 administering a lethality assessment. All of the following
2922 requirements for training on administering a lethality
2923 assessment must be met by October 1, 2026:

2924 1. Commission-approved basic recruit training programs
2925 required by s. 943.13(9) and continuing training or education
2926 required by s. 943.135 must incorporate the training required by
2927 this subsection.

2928 2. All law enforcement officers must successfully complete
2929 the training required by this subsection, including officers who
2930 received an exemption from completing the commission-approved
2931 basic recruit training program under s. 943.131, as part of
2932 their basic recruit training or the continued training or
2933 education required under s. 943.135(1), as applicable. An
2934 officer's employing agency must place the officer's
2935 certification on inactive status if the officer fails to
2936 complete the training required under this subsection. The
2937 officer's certification will remain inactive until the officer
2938 completes the training and the officer's employing agency
2939 notifies the commission that he or she has completed the
2940 training.



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2941 (c) To administer a lethality assessment, a law enforcement
2942 officer shall ask the victim, in the same or similar wording and
2943 in the same order, all of the following questions:

2944 1. Did the aggressor ever use a weapon against you or
2945 threaten you with a weapon?

2946 2. Did the aggressor ever threaten to kill you or your
2947 children?

2948 3. Do you believe the aggressor will try to kill you?

2949 4. Has the aggressor ever choked you or attempted to choke
2950 you?

2951 5. Does the aggressor have a gun or could the aggressor
2952 easily obtain a gun?

2953 6. Is the aggressor violently or constantly jealous, or
2954 does the aggressor control most of your daily activities?

2955 7. Did you leave or separate from the aggressor after you
2956 were living together or married?

2957 8. Is the aggressor unemployed?

2958 9. To the best of your knowledge, has the aggressor ever
2959 attempted suicide?

2960 10. Do you have a child whom the aggressor believes is not
2961 the aggressor's biological child?

2962 11. Has the aggressor ever followed, spied on, or left
2963 threatening messages for you?

2964 12. Is there anything else that worries you about your
2965 safety and, if so, what worries you?

2966 (d) A law enforcement officer shall advise a victim of the
2967 results of the assessment and refer the victim to the nearest
2968 locally certified domestic violence center if:

2969 1. The victim answers affirmatively to any of the questions



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2970 provided in subparagraphs (c)1.-4.;

2971 2. The victim answers negatively to the questions provided
2972 in subparagraphs (c)1.-4., but affirmatively to at least four of
2973 the questions provided in subparagraphs (c)5.-11.; or

2974 3. As a result of the victim's response to subparagraph
2975 (c)12., the law enforcement officer believes the victim is in a
2976 potentially lethal situation.

2977 (e) If a victim does not, or is unable to, provide
2978 information to a law enforcement officer sufficient to allow the
2979 law enforcement officer to administer a lethality assessment,
2980 the law enforcement officer must document the lack of a
2981 lethality assessment in the written police report required in
2982 subsection (3) and refer the victim to the nearest locally
2983 certified domestic violence center.

2984 (f) A law enforcement officer may not include in a probable
2985 cause statement, written police report, or incident report the
2986 domestic violence center to which a victim was referred.

2987 (3) ~~(2)~~ When a law enforcement officer investigates an
2988 allegation that an incident of domestic violence has occurred,
2989 the officer shall handle the incident pursuant to the arrest
2990 policy provided in s. 901.15(7), and as developed in accordance
2991 with subsections (4), (5), and (6) ~~(3), (4), and (5)~~. Regardless
2992 of whether ~~or not~~ an arrest is made, the officer shall make a
2993 written police report that is complete and clearly indicates the
2994 alleged offense was an incident of domestic violence. Such
2995 report ~~shall~~ must be given to the officer's supervisor and filed
2996 with the law enforcement agency in a manner that will permit
2997 data on domestic violence cases to be compiled. Such report must
2998 include all of the following:



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2999 (a) A description of physical injuries observed, if any.
3000 (b) If a law enforcement officer decides not to make an
3001 arrest or decides to arrest two or more parties, ~~the officer~~
3002 ~~shall include in the report~~ the grounds for not arresting anyone
3003 or for arresting two or more parties.
3004 (c) A statement which indicates that a copy of the legal
3005 rights and remedies notice was given to the victim.
3006 (d) A notation of the score of a lethality assessment, if
3007 one was administered pursuant to paragraph (1) (c).
3008
3009 Whenever possible, the law enforcement officer shall obtain a
3010 written statement from the victim and witnesses concerning the
3011 alleged domestic violence. The officer shall submit the report
3012 to the supervisor or other person to whom the employer's rules
3013 or policies require reports of similar allegations of criminal
3014 activity to be made. The law enforcement agency shall, without
3015 charge, send a copy of the initial police report, as well as any
3016 subsequent, supplemental, or related report, which excludes
3017 victim/witness statements or other materials that are part of an
3018 active criminal investigation and are exempt from disclosure
3019 under chapter 119, to the nearest locally certified domestic
3020 violence center within 24 hours after the agency's receipt of
3021 the report. The report furnished to the domestic violence center
3022 must include a narrative description of the domestic violence
3023 incident.
3024 (4) (3) Whenever a law enforcement officer determines upon
3025 probable cause that an act of domestic violence has been
3026 committed within the jurisdiction the officer may arrest the
3027 person or persons suspected of its commission and charge such



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3028 person or persons with the appropriate crime. The decision to
3029 arrest and charge shall not require consent of the victim or
3030 consideration of the relationship of the parties.

3031 (5) (a) ~~(4) (a)~~ When complaints are received from two or more
3032 parties, the officers shall evaluate each complaint separately
3033 to determine whether there is probable cause for arrest.

3034 (b) If a law enforcement officer has probable cause to
3035 believe that two or more persons have committed a misdemeanor or
3036 felony, or if two or more persons make complaints to the
3037 officer, the officer must ~~shall~~ try to determine who was the
3038 primary aggressor. Arrest is the preferred response only with
3039 respect to the primary aggressor and not the preferred response
3040 with respect to a person who acts in a reasonable manner to
3041 protect or defend oneself or another family or household member
3042 from domestic violence.

3043 (6) (5) ~~A~~ ~~no~~ law enforcement officer may not ~~shall~~ be held
3044 liable, in any civil action, for an arrest based on probable
3045 cause, enforcement in good faith of a court order, or service of
3046 process in good faith under this chapter arising from an alleged
3047 incident of domestic violence brought by any party to the
3048 incident.

3049 (7) (6) A person who willfully violates a condition of
3050 pretrial release provided in s. 903.047, when the original
3051 arrest was for an act of domestic violence as defined in s.
3052 741.28, commits a misdemeanor of the first degree, punishable as
3053 provided in s. 775.082 or s. 775.083, and shall be held in
3054 custody until his or her first appearance.

3055 Section 60. For the purpose of incorporating the amendment
3056 made by this act to section 741.29, Florida Statutes, in a



3057 reference thereto, section 39.906, Florida Statutes, is
3058 reenacted to read:

3059 39.906 Referral to centers and notice of rights.—Any law
3060 enforcement officer who investigates an alleged incident of
3061 domestic violence shall advise the victim of such violence that
3062 there is a domestic violence center from which the victim may
3063 receive services. The law enforcement officer shall give the
3064 victim immediate notice of the legal rights and remedies
3065 available in accordance with the provisions of s. 741.29.

3066 Section 61. The Division of Law Revision is requested to
3067 prepare a reviser's bill for the 2025 Regular Session of the
3068 Legislature to substitute the term "Statewide Guardian ad Litem
3069 Office" for the term "Guardian ad Litem Program" or "Statewide
3070 Guardian ad Litem Program" throughout the Florida Statutes.

3071 Section 62. This act shall take effect July 1, 2024.

3072
3073 ===== T I T L E A M E N D M E N T =====

3074 And the title is amended as follows:

3075 Delete everything before the enacting clause
3076 and insert:

3077 A bill to be entitled
3078 An act relating to the protection of children and
3079 victims of crime; amending s. 39.001, F.S.; revising
3080 the purposes of ch. 39, F.S.; requiring the Statewide
3081 Guardian ad Litem Office and circuit guardian ad litem
3082 offices to participate in the development of a certain
3083 state plan; conforming a provision to changes made by
3084 the act; amending s. 39.00145, F.S.; authorizing a
3085 child's attorney ad litem to inspect certain records;



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3086 amending s. 39.00146, F.S.; conforming provisions to
3087 changes made by the act; amending s. 39.0016, F.S.;
3088 requiring a child's guardian ad litem be included in
3089 the coordination of certain educational services;
3090 amending s. 39.01, F.S.; providing and revising
3091 definitions; amending s. 39.013, F.S.; requiring the
3092 court to appoint a guardian ad litem for a child at
3093 the earliest possible time; authorizing a guardian ad
3094 litem to represent a child in other proceedings to
3095 secure certain services and benefits; amending s.
3096 39.01305, F.S.; conforming a provision to changes made
3097 by the act; amending s. 39.0132, F.S.; authorizing a
3098 child's attorney ad litem to inspect certain records;
3099 amending s. 39.0136, F.S.; revising the parties who
3100 may request a continuance in a proceeding; amending s.
3101 39.01375, F.S.; conforming provisions to changes made
3102 by the act; amending s. 39.0139, F.S.; conforming
3103 provisions to changes made by the act; amending s.
3104 39.202, F.S.; requiring that certain confidential
3105 records be released to the guardian ad litem and
3106 attorney ad litem; conforming a cross-reference;
3107 amending s. 39.402, F.S.; requiring parents to consent
3108 to provide certain information to the guardian ad
3109 litem and attorney ad litem; conforming provisions to
3110 changes made by the act; amending s. 39.4022, F.S.;
3111 revising the participants who must be invited to a
3112 multidisciplinary team staffing; amending s. 39.4023,
3113 F.S.; requiring that notice of a multidisciplinary
3114 team staffing be provided to a child's guardian ad



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3115 litem and attorney ad litem; conforming provisions to
3116 changes made by the act; amending s. 39.407, F.S.;
3117 conforming provisions to changes made by the act;
3118 amending s. 39.4085, F.S.; providing a goal of
3119 permanency; conforming provisions to changes made by
3120 the act; amending ss. 39.502 and 39.522, F.S.;
3121 conforming provisions to changes made by the act;
3122 amending s. 39.6012, F.S.; requiring a case plan to
3123 include written descriptions of certain activities;
3124 conforming a cross-reference; creating s. 39.6036,
3125 F.S.; providing legislative findings and intent;
3126 requiring the Statewide Guardian ad Litem Office to
3127 work with certain children to identify a supportive
3128 adult to enter into a specified agreement; requiring
3129 such agreement be documented in the child's court
3130 file; requiring the office to coordinate with the
3131 Office of Continuing Care for a specified purpose;
3132 amending s. 39.621, F.S.; conforming provisions to
3133 changes made by the act; amending s. 39.6241, F.S.;
3134 requiring a guardian ad litem to advise the court
3135 regarding certain information and to ensure a certain
3136 agreement has been documented in the child's court
3137 file; amending s. 39.701, F.S.; requiring certain
3138 notice be given to an attorney ad litem; requiring a
3139 court to give a guardian ad litem an opportunity to
3140 address the court in certain proceedings; requiring
3141 the court to inquire and determine if a child has a
3142 certain agreement documented in his or her court file
3143 at a specified hearing; conforming provisions to



3144 changes made by the act; amending s. 39.801, F.S.;

3145 conforming provisions to changes made by the act;

3146 amending s. 39.807, F.S.; requiring a court to appoint

3147 a guardian ad litem to represent a child in certain

3148 proceedings; revising a guardian ad litem's

3149 responsibilities and authorities; deleting provisions

3150 relating to bonds and service of pleadings or papers;

3151 amending s. 39.808, F.S.; conforming provisions to

3152 changes made by the act; amending s. 39.815, F.S.;

3153 conforming provisions to changes made by the act;

3154 repealing s. 39.820, F.S., relating to definitions of

3155 the terms "guardian ad litem" and "guardian advocate";

3156 amending s. 39.821, F.S.; conforming provisions to

3157 changes made by the act; amending s. 39.822, F.S.;

3158 declaring that a guardian ad litem is a fiduciary and

3159 must provide independent representation of a child;

3160 revising responsibilities of a guardian ad litem;

3161 requiring that guardians ad litem have certain access

3162 to the children they represent; providing actions that

3163 a guardian ad litem does and does not have to fulfill;

3164 making technical changes; amending s. 39.827, F.S.;

3165 authorizing a child's guardian ad litem and attorney

3166 ad litem to inspect certain records; amending s.

3167 39.8296, F.S.; revising the duties and appointment of

3168 the executive director of the Statewide Guardian ad

3169 Litem Office; requiring the training program for

3170 guardians ad litem to be maintained and updated

3171 regularly; deleting provisions regarding the training

3172 curriculum and the establishment of a curriculum



3173 committee; requiring the office to provide oversight
3174 and technical assistance to attorneys ad litem;
3175 specifying certain requirements of the office;
3176 amending s. 39.8297, F.S.; conforming provisions to
3177 changes made by the act; amending s. 414.56, F.S.;
3178 revising the duties of the Office of Continuing Care;
3179 creating s. 1009.898, F.S.; authorizing, subject to
3180 appropriation, the Fostering Prosperity program to
3181 provide certain grants to youth and young adults who
3182 are aging out of foster care; requiring that such
3183 grants remain available for a certain period of time
3184 after reunification of a young adult with his or her
3185 parent; requiring the State Board of Education to
3186 adopt certain rules; amending ss. 29.008, 39.6011,
3187 40.24, 43.16, 61.402, 110.205, 320.08058, 943.053,
3188 985.43, 985.441, 985.455, 985.461, and 985.48, F.S.;
3189 conforming provisions to changes made by the act;
3190 amending ss. 39.302, 39.521, 61.13, 119.071, 322.09,
3191 394.495, 627.746, 934.255, and 960.065, F.S.;
3192 conforming cross-references; amending s. 741.29, F.S.;
3193 requiring law enforcement officers who investigate an
3194 alleged incident of domestic violence to administer a
3195 lethality assessment under certain circumstances;
3196 requiring the Department of Law Enforcement to consult
3197 with specified entities, and authorizing the
3198 department to consult with other specified entities,
3199 to develop certain policies, procedures, and training
3200 necessary for the implementation of a statewide
3201 evidence-based lethality assessment; requiring such



3202 policies, procedures, and training to establish how to
3203 determine whether a victim and aggressor are intimate
3204 partners and establish a statewide process for
3205 referring a victim to a certified domestic violence
3206 center; requiring the department to adopt a statewide
3207 lethality assessment form by a specified date;
3208 requiring that training on administering lethality
3209 assessments be available to law enforcement officers
3210 in an online format; requiring the department to
3211 submit a specified report to the Legislature upon
3212 certain circumstances; requiring the Criminal Justice
3213 Standards and Training Commission to require by rule
3214 that law enforcement officers receive instruction on
3215 the policies and procedures for administering a
3216 lethality assessment as part of basic recruit training
3217 or required instruction for continued employment;
3218 prohibiting a law enforcement officer from
3219 administering a lethality assessment if he or she has
3220 not received specified training; requiring that basic
3221 recruit training programs and continuing training or
3222 education requirements incorporate such training, and
3223 that all law enforcement officers successfully
3224 complete such training, by a specified date; requiring
3225 law enforcement agencies to place officers'
3226 certification on inactive status if they fail to
3227 timely complete the required training; providing that
3228 such officers' certification remains inactive until
3229 they complete the training and their employing agency
3230 notifies the commission of such completion; requiring



3231 law enforcement officers administering a lethality
3232 assessment to ask a victim specified questions;
3233 requiring law enforcement officers to advise the
3234 victim of the results of the lethality assessment and
3235 refer the victim to certain domestic violence centers
3236 if certain conditions are met; requiring law
3237 enforcement officers to document in the written police
3238 report a victim's refusal or inability to provide
3239 information necessary for the lethality assessment;
3240 prohibiting law enforcement officers from disclosing
3241 in certain statements and reports the domestic
3242 violence center to which the victim was referred;
3243 requiring that written police reports for domestic
3244 violence incidents include the results of the
3245 lethality assessment, if one was administered; making
3246 technical changes; reenacting s. 39.906, F.S.,
3247 relating to referral to domestic violence centers and
3248 notice of rights, to incorporate the amendment made to
3249 s. 741.29, F.S., in a reference thereto; providing a
3250 directive to the Division of Law Revision; providing
3251 an effective date.