

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Children, Families, and Elder Affairs; and
Senator Burton

604-03139-24

20241224c2

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

604-03139-24

20241224c2

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

604-03139-24

20241224c2

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

604-03139-24

20241224c2

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

89 authorizing a child's guardian ad litem and attorney

90 ad litem to inspect certain records; amending s.

91 39.8296, F.S.; revising the duties and appointment of

92 the executive director of the Statewide Guardian ad

93 Litem Office; requiring the training program for

94 guardians ad litem to be maintained and updated

95 regularly; deleting provisions regarding the training

96 curriculum and the establishment of a curriculum

97 committee; requiring the office to provide oversight

98 and technical assistance to attorneys ad litem;

99 specifying certain requirements of the office;

100 amending s. 39.8297, F.S.; conforming provisions to

101 changes made by the act; creating s. 1009.898, F.S.;

102 authorizing, subject to appropriation, the Fostering

103 Prosperity program to provide certain grants to youth

104 and young adults who are aging out of foster care;

105 requiring that such grants remain available for a

106 certain period of time after reunification of a young

107 adult with his or her parent; requiring the State

108 Board of Education to adopt certain rules; amending

109 ss. 29.008, 39.6011, 40.24, 43.16, 61.402, 110.205,

110 320.08058, 943.053, 985.43, 985.441, 985.455, 985.461,

111 and 985.48, F.S.; conforming provisions to changes

112 made by the act; amending ss. 39.302, 39.521, 61.13,

113 119.071, 322.09, 394.495, 627.746, 934.255, and

114 960.065, F.S.; conforming cross-references; providing

115 a directive to the Division of Law Revision; providing

116 an effective date;

604-03139-24

20241224c2

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

119

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

123 39.001 Purposes and intent; personnel standards and
124 screening.—

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

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

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

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

142 (10) PLAN FOR COMPREHENSIVE APPROACH.—

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

604-03139-24

20241224c2

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

174 Section 2. Subsection (2) of section 39.00145, Florida

604-03139-24

20241224c2

175 Statutes, is amended to read:

176 39.00145 Records concerning children.—

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

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

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

193 (c) If a child or the child's caregiver, guardian ad litem,
194 or attorney ad litem, if one is appointed, requests access to
195 the child's case record, any person or entity that fails to
196 provide any record in the case record under assertion of a claim
197 of exemption from the public records requirements of chapter
198 119, or fails to provide access within a reasonable time, is
199 subject to sanctions and penalties under s. 119.10.

200 (d) For the purposes of this subsection, the term
201 "caregiver" is limited to parents, legal custodians, permanent
202 guardians, or foster parents; employees of a residential home,
203 institution, facility, or agency at which the child resides; and

604-03139-24

20241224c2

204 other individuals legally responsible for a child's welfare in a
205 residential setting.

206 Section 3. Paragraph (a) of subsection (2) of section
207 39.00146, Florida Statutes, is amended to read:

208 39.00146 Case record face sheet.—

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

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

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

218 2. The current county of residence and the county of
219 residence at the time of the referral.†

220 3. The reason for the referral and any family safety
221 concerns.†

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

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

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

231 Section 4. Paragraph (b) of subsection (2) and paragraph
232 (b) of subsection (3) of section 39.0016, Florida Statutes, are

604-03139-24

20241224c2

233 amended to read:

234 39.0016 Education of abused, neglected, and abandoned
235 children; agency agreements; children having or suspected of
236 having a disability.—

237 (2) AGENCY AGREEMENTS.—

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

245 1. A requirement that the department shall:

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

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

256 c. Establish a protocol for the department to share
257 information about a child known to the department with the
258 school district, consistent with the Family Educational Rights
259 and Privacy Act, since the sharing of information will assist
260 each agency in obtaining education and related services for the
261 benefit of the child. The protocol must require the district

604-03139-24

20241224c2

262 school boards or other local educational entities to access the
263 department's Florida Safe Families Network to obtain information
264 about children known to the department, consistent with the
265 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
266 1232g.

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

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

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

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

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

285 c. Determine whether transportation is available for a
286 child known to the department when such transportation will
287 avoid a change in school assignment due to a change in
288 residential placement. Recognizing that continued enrollment in
289 the same school throughout the time the child known to the
290 department is in out-of-home care is preferable unless

604-03139-24

20241224c2

291 enrollment in the same school would be unsafe or otherwise
292 impractical, the department, the district school board, and the
293 Department of Education shall assess the availability of
294 federal, charitable, or grant funding for such transportation.

295 d. Provide individualized student intervention or an
296 individual educational plan when a determination has been made
297 through legally appropriate criteria that intervention services
298 are required. The intervention or individual educational plan
299 must include strategies to enable the child known to the
300 department to maximize the attainment of educational goals.

301 3. A requirement that the department and the district
302 school board shall cooperate in accessing the services and
303 supports needed for a child known to the department who has or
304 is suspected of having a disability to receive an appropriate
305 education consistent with the Individuals with Disabilities
306 Education Act and state implementing laws, rules, and
307 assurances. Coordination of services for a child known to the
308 department who has or is suspected of having a disability may
309 include:

310 a. Referral for screening.

311 b. Sharing of evaluations between the school district and
312 the department where appropriate.

313 c. Provision of education and related services appropriate
314 for the needs and abilities of the child known to the
315 department.

316 d. Coordination of services and plans between the school
317 and the residential setting to avoid duplication or conflicting
318 service plans.

319 e. Appointment of a surrogate parent, consistent with the

604-03139-24

20241224c2

320 Individuals with Disabilities Education Act and pursuant to
321 subsection (3), for educational purposes for a child known to
322 the department who qualifies.

323 f. For each child known to the department 14 years of age
324 and older, transition planning by the department and all
325 providers, including the department's independent living program
326 staff and the guardian ad litem of the child, to meet the
327 requirements of the local school district for educational
328 purposes.

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

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

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

335 b. A court of competent jurisdiction over a child under
336 this chapter has determined that no person has the authority
337 under the Individuals with Disabilities Education Act, including
338 the parent or parents subject to the dependency action, or that
339 no person has the authority, willingness, or ability to serve as
340 the educational decisionmaker for the child without judicial
341 action.

342 2. A surrogate parent appointed by the district school
343 superintendent or the court must be at least 18 years old and
344 have no personal or professional interest that conflicts with
345 the interests of the student to be represented. Neither the
346 district school superintendent nor the court may appoint an
347 employee of the Department of Education, the local school
348 district, a community-based care provider, the Department of

604-03139-24

20241224c2

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

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

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

604-03139-24

20241224c2

378 limit or prohibit the continuance of a surrogate parent
379 appointment when the responsibility for the student's
380 educational placement moves among and between public and private
381 agencies.

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

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

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

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

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

401 d. The appointed surrogate no longer wishes to represent
402 the child or is unable to represent the child.

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

604-03139-24

20241224c2

407 represents the child.

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

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

414 8. The person appointed as a surrogate parent under this
415 paragraph must:

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

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

421 c. Represent the interests and safeguard the rights of the
422 child in educational decisions that affect the child.

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

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

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

604-03139-24

20241224c2

436 Section 5. Present subsections (8) through (30) and (31)
437 through (87) of section 39.01, Florida Statutes, are
438 redesignated as subsections (9) through (31) and (34) through
439 (90), respectively, present subsections (9), (36), and (58) are
440 amended, and new subsections (8), (32), and (33) are added to
441 that section, to read:

442 39.01 Definitions.—When used in this chapter, unless the
443 context otherwise requires:

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

448 (10)~~(9)~~ "Caregiver" means the parent, legal custodian,
449 permanent guardian, adult household member, or other person
450 responsible for a child's welfare as defined in subsection (57)
451 ~~(54)~~.

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

604-03139-24

20241224c2

465 until the jurisdiction of the court over the child terminates or
466 until excused by the court.

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

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

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

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

488 39.013 Procedures and jurisdiction; right to counsel;
489 guardian ad litem.—

490 (11) The court shall appoint a guardian ad litem at the
491 earliest possible time to represent a child throughout the
492 proceedings, including any appeals. The guardian ad litem may
493 represent the child in proceedings outside of the dependency

604-03139-24

20241224c2

494 case to secure the services and benefits that provide for the
495 care, safety, and protection of the child ~~encourage the~~
496 ~~Statewide Guardian Ad Litem Office to provide greater~~
497 ~~representation to those children who are within 1 year of~~
498 ~~transferring out of foster care.~~

499 Section 7. Paragraph (b) of subsection (1) of section
500 39.01305, Florida Statutes, is amended to read:

501 39.01305 Appointment of an attorney for a dependent child
502 with certain special needs.—

503 (1)

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

522 Section 8. Subsection (3) of section 39.0132, Florida

604-03139-24

20241224c2

523 Statutes, is amended to read:

524 39.0132 Oaths, records, and confidential information.—

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

548 Section 9. Paragraph (a) of subsection (3) of section
549 39.0136, Florida Statutes, is amended to read:

550 39.0136 Time limitations; continuances.—

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

604-03139-24

20241224c2

552 (a) Periods of delay resulting from a continuance granted
553 at the request of the child's counsel, ~~or the child's~~ guardian
554 ad litem, or attorney ad litem, if one is appointed, ~~if the~~
555 ~~child is of sufficient capacity to express reasonable consent,~~
556 ~~at the request or with the consent of the child.~~ The court must
557 consider the best interests of the child when determining
558 periods of delay under this section.

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

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

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

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

570 39.0139 Visitation or other contact; restrictions.—

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

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

604-03139-24

20241224c2

581 (b) At the hearing, the court may receive and rely upon any
582 relevant and material evidence submitted to the extent of its
583 probative value, including written and oral reports or
584 recommendations from the Child Protection Team, the child's
585 therapist, the child's guardian ad litem, or the child's
586 attorney ad litem, if one is appointed, even if these reports,
587 recommendations, and evidence may not be admissible under the
588 rules of evidence.

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

591 39.202 Confidentiality of reports and records in cases of
592 child abuse or neglect; exception.—

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

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

608 (t) Persons with whom the department is seeking to place
609 the child or to whom placement has been granted, including

604-03139-24

20241224c2

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

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

620 39.402 Placement in a shelter.—

621 (8)

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

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

626 2. Inform the parents or legal custodians of their right to
627 counsel to represent them at the shelter hearing and at each
628 subsequent hearing or proceeding, and the right of the parents
629 to appointed counsel, pursuant to the procedures set forth in s.
630 39.013;

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

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

638 a. Whether the mother of the child was married at the

604-03139-24

20241224c2

639 probable time of conception of the child or at the time of birth
640 of the child.

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

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

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

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

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

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

657 h. Whether a man has been determined to be the father of
658 the child by the Department of Revenue as provided in s.
659 409.256.

660 (11)

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

604-03139-24

20241224c2

668 services to the child, the court shall issue an order granting
669 access. The court may also order the parents to provide all
670 known medical information to the department and to any others
671 granted access under this subsection.

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

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

683 (a) Periods of delay resulting from a continuance granted
684 at the request or with the consent of the child's ~~counsel or the~~
685 ~~child's~~ guardian ad litem or attorney ad litem, if one is ~~has~~
686 ~~been~~ appointed by the court, ~~or, if the child is of sufficient~~
687 ~~capacity to express reasonable consent, at the request or with~~
688 ~~the consent of the child's attorney or the child's guardian ad~~
689 ~~litem, if one has been appointed by the court, and the child.~~

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

692 39.4022 Multidisciplinary teams; staffings; assessments;
693 report.—

694 (4) PARTICIPANTS.—

695 (a) Collaboration among diverse individuals who are part of
696 the child's network is necessary to make the most informed

604-03139-24

20241224c2

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

705 1. Each multidisciplinary team staffing must invite the
706 following members:

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

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

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

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

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

723 f. The case manager for the child, or his or her case
724 manager supervisor; and

725 g. A representative from the Department of Juvenile

604-03139-24

20241224c2

726 Justice, if the child is dually involved with both the
727 department and the Department of Juvenile Justice.

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

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

- 738 1. A representative from Children's Medical Services;
739 2. ~~A guardian ad litem, if one is appointed;~~
740 ~~3.~~ A school personnel representative who has direct contact
741 with the child;
742 ~~3.4.~~ A therapist or other behavioral health professional,
743 if applicable;
744 ~~4.5.~~ A mental health professional with expertise in sibling
745 bonding, if the department or lead agency deems such expert is
746 necessary; or
747 ~~5.6.~~ Other community providers of services to the child or
748 stakeholders, when applicable.

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

752 39.4023 Placement and education transitions; transition
753 plans.—

754 (3) PLACEMENT TRANSITIONS.—

604-03139-24

20241224c2

755 (d) *Transition planning.*—

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

765 2. A placement change may occur immediately in an emergency
766 situation without convening a multidisciplinary team staffing.
767 However, a multidisciplinary team staffing must be held within
768 72 hours after the emergency situation arises.

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

776 a. The child, unless he or she, due to age or capacity, is
777 unable to comprehend the written notice, which will necessitate
778 the department or lead agency to provide notice in an age-
779 appropriate and capacity-appropriate alternative manner.†

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

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

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

783 e. The attorney ad litem for the child, if one is

604-03139-24

20241224c2

784 appointed.~~;~~ and

785 f. The attorney for the department.

786 4. The transition plan must be developed through
787 cooperation among the persons included in subparagraph 3., and
788 such persons must share any relevant information necessary for
789 its development. Subject to the child's needs and preferences,
790 the transition plan must meet the requirements of s.

791 409.1415(2)(b)8. and exclude any placement changes that occur
792 between 7 p.m. and 8 a.m.

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

797 (4) EDUCATION TRANSITIONS.—

798 (c) *Minimizing school changes.*—

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

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

809 3. The determination of whether it is in the child's best
810 interest to remain in the school of origin, and if not, of which
811 school the child will attend in the future, must be made in
812 consultation with the following individuals, including, but not

604-03139-24

20241224c2

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

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

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

836 b. The preference of the child's parents or legal
837 guardians.

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

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

604-03139-24

20241224c2

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

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

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

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

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

861 j. The availability of extracurricular activities important
862 to the child.

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

867 l. The child's permanency goal and timeframe for achieving
868 permanency.

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

604-03139-24

20241224c2

871 behaviorally.

872 n. The length of the commute to the school or program from
873 the child's home or placement and how such commute would impact
874 the child.

875 o. The length of time the child has attended the school or
876 program of origin.

877 5. The cost of transportation cannot be a factor in making
878 a best interest determination.

879 Section 16. Paragraph (f) of subsection (3) of section
880 39.407, Florida Statutes, is amended to read:

881 39.407 Medical, psychiatric, and psychological examination
882 and treatment of child; physical, mental, or substance abuse
883 examination of person with or requesting child custody.—

884 (3)

885 (f)1. The department shall fully inform the court of the
886 child's medical and behavioral status as part of the social
887 services report prepared for each judicial review hearing held
888 for a child for whom psychotropic medication has been prescribed
889 or provided under this subsection. As a part of the information
890 provided to the court, the department shall furnish copies of
891 all pertinent medical records concerning the child which have
892 been generated since the previous hearing. On its own motion or
893 on good cause shown by any party, including the ~~any~~ guardian ad
894 litem, ~~attorney,~~ or attorney ad litem, if one is ~~who has been~~
895 ~~appointed to represent the child or the child's interests,~~ the
896 court may review the status more frequently than required in
897 this subsection.

898 2. The court may, in the best interests of the child, order
899 the department to obtain a medical opinion addressing whether

604-03139-24

20241224c2

900 the continued use of the medication under the circumstances is
901 safe and medically appropriate.

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

904 39.4085 Goals for dependent children; responsibilities;
905 education; Office of the Children's Ombudsman.—

906 (1) The Legislature finds that the design and delivery of
907 child welfare services should be directed by the principle that
908 the health and safety of children, including the freedom from
909 abuse, abandonment, or neglect, is of paramount concern and,
910 therefore, establishes the following goals for children in
911 shelter or foster care:

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

918 (t) To have a guardian ad litem appointed ~~to represent,~~
919 ~~within reason, their best interests~~ and, if appropriate, an
920 attorney ad litem ~~appointed to represent their legal interests;~~
921 the guardian ad litem or and attorney ad litem, if one is
922 appointed, shall have immediate and unlimited access to the
923 children they represent.

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

927

928 This subsection establishes goals and not rights. This

604-03139-24

20241224c2

929 subsection does not require the delivery of any particular
930 service or level of service in excess of existing
931 appropriations. A person does not have a cause of action against
932 the state or any of its subdivisions, agencies, contractors,
933 subcontractors, or agents, based upon the adoption of or failure
934 to provide adequate funding for the achievement of these goals
935 by the Legislature. This subsection does not require the
936 expenditure of funds to meet the goals established in this
937 subsection except those funds specifically appropriated for such
938 purpose.

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

941 39.502 Notice, process, and service.—

942 (8) It is not necessary to the validity of a proceeding
943 covered by this part that the parents be present if their
944 identity or residence is unknown after a diligent search has
945 been made; however, but in this event the petitioner must ~~shall~~
946 file an affidavit of diligent search prepared by the person who
947 made the search and inquiry, and the court must ~~may~~ appoint a
948 guardian ad litem for the child if a guardian ad litem has not
949 previously been appointed.

950 Section 19. Paragraph (c) of subsection (3) of section
951 39.522, Florida Statutes, is amended to read:

952 39.522 Postdisposition change of custody.—

953 (3)

954 (c)1. The department or community-based care lead agency
955 must notify a current caregiver who has been in the physical
956 custody placement for at least 9 consecutive months and who
957 meets all the established criteria in paragraph (b) of an intent

604-03139-24

20241224c2

958 to change the physical custody of the child, and a
959 multidisciplinary team staffing must be held in accordance with
960 ss. 39.4022 and 39.4023 at least 21 days before the intended
961 date for the child's change in physical custody, unless there is
962 an emergency situation as defined in s. 39.4022(2)(b). If there
963 is not a unanimous consensus decision reached by the
964 multidisciplinary team, the department's official position must
965 be provided to the parties within the designated time period as
966 provided for in s. 39.4022.

967 2. A caregiver who objects to the department's official
968 position on the change in physical custody must notify the court
969 and the department or community-based care lead agency of his or
970 her objection and the intent to request an evidentiary hearing
971 in writing in accordance with this section within 5 days after
972 receiving notice of the department's official position provided
973 under subparagraph 1. The transition of the child to the new
974 caregiver may not begin before the expiration of the 5-day
975 period within which the current caregiver may object.

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

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

985 a. Grant party status to the current caregiver who is
986 seeking permanent custody and has maintained physical custody of

604-03139-24

20241224c2

987 that child for at least 9 continuous months for the limited
988 purpose of filing a motion for a hearing on the objection and
989 presenting evidence pursuant to this subsection.~~†~~

990 ~~b. Appoint an attorney for the child who is the subject of~~
991 ~~the permanent custody proceeding, in addition to the guardian ad~~
992 ~~litem, if one is appointed;~~

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

995 ~~c.d.~~ Appoint a court-selected neutral and independent
996 licensed professional with expertise in the science and research
997 of child-parent bonding.

998 Section 20. Paragraph (c) of subsection (1) and paragraph
999 (c) of subsection (3) of section 39.6012, Florida Statutes, are
1000 amended to read:

1001 39.6012 Case plan tasks; services.—

1002 (1) The services to be provided to the parent and the tasks
1003 that must be completed are subject to the following:

1004 (c) If there is evidence of harm as defined in s.
1005 39.01(37)(g) ~~s. 39.01(34)(g)~~, the case plan must include as a
1006 required task for the parent whose actions caused the harm that
1007 the parent submit to a substance abuse disorder assessment or
1008 evaluation and participate and comply with treatment and
1009 services identified in the assessment or evaluation as being
1010 necessary.

1011 (3) In addition to any other requirement, if the child is
1012 in an out-of-home placement, the case plan must include:

1013 (c) When appropriate, for a child who is 13 years of age or
1014 older, a written description of the programs and services that
1015 will help the child prepare for the transition from foster care

604-03139-24

20241224c2

1016 to independent living. The written description must include age-
1017 appropriate activities for the child's development of
1018 relationships, coping skills, and emotional well-being.

1019 Section 21. Section 39.6036, Florida Statutes, is created
1020 to read:

1021 39.6036 Supportive adults for children transitioning out of
1022 foster care.-

1023 (1) The Legislature finds that a committed, caring adult
1024 provides a lifeline for a child transitioning out of foster care
1025 to live independently. Accordingly, it is the intent of the
1026 Legislature that the Statewide Guardian ad Litem Office help
1027 children connect with supportive adults with the hope of
1028 creating an ongoing relationship that lasts into adulthood.

1029 (2) The Statewide Guardian ad Litem Office shall work with
1030 a child who is transitioning out of foster care to identify at
1031 least one supportive adult with whom the child can enter into a
1032 formal agreement for an ongoing relationship and document such
1033 agreement in the child's court file. If the child cannot
1034 identify a supportive adult, the Statewide Guardian ad Litem
1035 Office shall work in coordination with the Office of Continuing
1036 Care to identify at least one supportive adult with whom the
1037 child can enter into a formal agreement for an ongoing
1038 relationship and document such agreement in the child's court
1039 file.

1040 Section 22. Paragraph (c) of subsection (10) of section
1041 39.621, Florida Statutes, is amended to read:

1042 39.621 Permanency determination by the court.-

1043 (10) The permanency placement is intended to continue until
1044 the child reaches the age of majority and may not be disturbed

604-03139-24

20241224c2

1045 absent a finding by the court that the circumstances of the
1046 permanency placement are no longer in the best interest of the
1047 child.

1048 (c) The court shall base its decision concerning any motion
1049 by a parent for reunification or increased contact with a child
1050 on the effect of the decision on the safety, well-being, and
1051 physical and emotional health of the child. Factors that must be
1052 considered and addressed in the findings of fact of the order on
1053 the motion must include:

1054 1. The compliance or noncompliance of the parent with the
1055 case plan;

1056 2. The circumstances which caused the child's dependency
1057 and whether those circumstances have been resolved;

1058 3. The stability and longevity of the child's placement;

1059 4. The preferences of the child, if the child is of
1060 sufficient age and understanding to express a preference;

1061 5. The recommendation of the current custodian; and

1062 6. Any ~~The~~ recommendation of the guardian ad litem, ~~if one~~
1063 ~~has been appointed.~~

1064 Section 23. Subsection (2) of section 39.6241, Florida
1065 Statutes, is amended to read:

1066 39.6241 Another planned permanent living arrangement.—

1067 (2) The department and the guardian ad litem must provide
1068 the court with a recommended list and description of services
1069 needed by the child, such as independent living services and
1070 medical, dental, educational, or psychological referrals, and a
1071 recommended list and description of services needed by his or
1072 her caregiver. The guardian ad litem must also advise the court
1073 whether the child has been connected with a supportive adult

604-03139-24

20241224c2

1074 and, if the child has been connected with a supportive adult,
1075 whether the child has entered into a formal agreement with the
1076 adult. If the child has entered into a formal agreement pursuant
1077 to s. 39.6036, the guardian ad litem must ensure that the
1078 agreement is documented in the child's court file.

1079 Section 24. Paragraphs (b) and (f) of subsection (1),
1080 paragraph (c) of subsection (2), subsection (3), and paragraph
1081 (e) of subsection (4) of section 39.701, Florida Statutes, are
1082 amended to read:

1083 39.701 Judicial review.—

1084 (1) GENERAL PROVISIONS.—

1085 (b)1. The court shall retain jurisdiction over a child
1086 returned to his or her parents for a minimum period of 6 months
1087 after following the reunification, but, at that time, based on a
1088 report of the social service agency and the guardian ad litem,
1089 ~~if one has been appointed,~~ and any other relevant factors, the
1090 court shall make a determination as to whether supervision by
1091 the department and the court's jurisdiction shall continue or be
1092 terminated.

1093 2. Notwithstanding subparagraph 1., the court must retain
1094 jurisdiction over a child if the child is placed in the home
1095 with a parent or caregiver with an in-home safety plan and such
1096 safety plan remains necessary for the child to reside safely in
1097 the home.

1098 (f) Notice of a judicial review hearing or a citizen review
1099 panel hearing, and a copy of the motion for judicial review, if
1100 any, must be served by the clerk of the court upon all of the
1101 following persons, if available to be served, regardless of
1102 whether the person was present at the previous hearing at which

604-03139-24

20241224c2

1103 the date, time, and location of the hearing was announced:

1104 1. The social service agency charged with the supervision
1105 of care, custody, or guardianship of the child, if that agency
1106 is not the movant.

1107 2. The foster parent or legal custodian in whose home the
1108 child resides.

1109 3. The parents.

1110 4. The guardian ad litem for the child, ~~or the~~
1111 ~~representative of the guardian ad litem program if the program~~
1112 ~~has been appointed.~~

1113 5. The attorney ad litem for the child, if one is
1114 appointed.

1115 6. The child, if the child is 13 years of age or older.

1116 7. Any preadoptive parent.

1117 8. Such other persons as the court may direct.

1118 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
1119 AGE.—

1120 (c) *Review determinations.*—The court and any citizen review
1121 panel shall take into consideration the information contained in
1122 the social services study and investigation and all medical,
1123 psychological, and educational records that support the terms of
1124 the case plan; testimony by the social services agency, the
1125 parent, the foster parent or caregiver, the guardian ad litem,
1126 the ~~or~~ surrogate parent for educational decisionmaking if one
1127 has been appointed for the child, and any other person deemed
1128 appropriate; and any relevant and material evidence submitted to
1129 the court, including written and oral reports to the extent of
1130 their probative value. These reports and evidence may be
1131 received by the court in its effort to determine the action to

604-03139-24

20241224c2

1132 be taken with regard to the child and may be relied upon to the
1133 extent of their probative value, even though not competent in an
1134 adjudicatory hearing. In its deliberations, the court and any
1135 citizen review panel shall seek to determine:

1136 1. If the parent was advised of the right to receive
1137 assistance from any person or social service agency in the
1138 preparation of the case plan.

1139 2. If the parent has been advised of the right to have
1140 counsel present at the judicial review or citizen review
1141 hearings. If not so advised, the court or citizen review panel
1142 shall advise the parent of such right.

1143 3. If a guardian ad litem needs to be appointed for the
1144 child in a case in which a guardian ad litem has not previously
1145 been appointed ~~or if there is a need to continue a guardian ad~~
1146 ~~litem in a case in which a guardian ad litem has been appointed.~~

1147 4. Who holds the rights to make educational decisions for
1148 the child. If appropriate, the court may refer the child to the
1149 district school superintendent for appointment of a surrogate
1150 parent or may itself appoint a surrogate parent under the
1151 Individuals with Disabilities Education Act and s. 39.0016.

1152 5. The compliance or lack of compliance of all parties with
1153 applicable items of the case plan, including the parents'
1154 compliance with child support orders.

1155 6. The compliance or lack of compliance with a visitation
1156 contract between the parent and the social service agency for
1157 contact with the child, including the frequency, duration, and
1158 results of the parent-child visitation and the reason for any
1159 noncompliance.

1160 7. The frequency, kind, and duration of contacts among

604-03139-24

20241224c2

1161 siblings who have been separated during placement, as well as
1162 any efforts undertaken to reunite separated siblings if doing so
1163 is in the best interests of the child.

1164 8. The compliance or lack of compliance of the parent in
1165 meeting specified financial obligations pertaining to the care
1166 of the child, including the reason for failure to comply, if
1167 applicable.

1168 9. Whether the child is receiving safe and proper care
1169 according to s. 39.6012, including, but not limited to, the
1170 appropriateness of the child's current placement, including
1171 whether the child is in a setting that is as family-like and as
1172 close to the parent's home as possible, consistent with the
1173 child's best interests and special needs, and including
1174 maintaining stability in the child's educational placement, as
1175 documented by assurances from the community-based care lead
1176 agency that:

1177 a. The placement of the child takes into account the
1178 appropriateness of the current educational setting and the
1179 proximity to the school in which the child is enrolled at the
1180 time of placement.

1181 b. The community-based care lead agency has coordinated
1182 with appropriate local educational agencies to ensure that the
1183 child remains in the school in which the child is enrolled at
1184 the time of placement.

1185 10. A projected date likely for the child's return home or
1186 other permanent placement.

1187 11. When appropriate, the basis for the unwillingness or
1188 inability of the parent to become a party to a case plan. The
1189 court and the citizen review panel shall determine if the

604-03139-24

20241224c2

1190 efforts of the social service agency to secure party
1191 participation in a case plan were sufficient.

1192 12. For a child who has reached 13 years of age but is not
1193 yet 18 years of age, the adequacy of the child's preparation for
1194 adulthood and independent living. For a child who is 15 years of
1195 age or older, the court shall determine if appropriate steps are
1196 being taken for the child to obtain a driver license or
1197 learner's driver license.

1198 13. If amendments to the case plan are required. Amendments
1199 to the case plan must be made under s. 39.6013.

1200 14. If the parents and caregivers have developed a
1201 productive relationship that includes meaningful communication
1202 and mutual support.

1203 (3) REVIEW HEARINGS FOR CHILDREN 16 AND 17 YEARS OF AGE.—At
1204 each review hearing held under this subsection, the court shall
1205 give the child and the guardian ad litem the opportunity to
1206 address the court and provide any information relevant to the
1207 child's best interest, particularly in relation to independent
1208 living transition services. The foster parent or legal
1209 custodian, ~~or guardian ad litem~~ may also provide any information
1210 relevant to the child's best interest to the court. In addition
1211 to the review and report required under paragraphs (1) (a) and
1212 (2) (a), respectively, and the review and report required under
1213 s. 39.822(2) (a)2., the court shall:

1214 (a) Inquire about the life skills the child has acquired
1215 and whether those services are age appropriate, at the first
1216 judicial review hearing held subsequent to the child's 16th
1217 birthday. At the judicial review hearing, the department shall
1218 provide the court with a report that includes specific

604-03139-24

20241224c2

1219 information related to the life skills that the child has
1220 acquired since the child's 13th birthday or since the date the
1221 child came into foster care, whichever came later. For any child
1222 who may meet the requirements for appointment of a guardian
1223 advocate under s. 393.12 or a guardian under chapter 744, the
1224 updated case plan must be developed in a face-to-face conference
1225 with the child, if appropriate; the child's attorney ad litem,
1226 if one is appointed; the child's; any court-appointed guardian
1227 ad litem; the temporary custodian of the child; and the parent
1228 of the child, if the parent's rights have not been terminated.

1229 (b) The court shall hold a judicial review hearing within
1230 90 days after a child's 17th birthday. The court shall issue an
1231 order, separate from the order on judicial review, that the
1232 disability of nonage of the child has been removed under ss.
1233 743.044-743.047 for any disability that the court finds is in
1234 the child's best interest to remove. The department shall
1235 include in the social study report for the first judicial review
1236 that occurs after the child's 17th birthday written verification
1237 that the child has:

1238 1. A current Medicaid card and all necessary information
1239 concerning the Medicaid program sufficient to prepare the child
1240 to apply for coverage upon reaching the age of 18, if such
1241 application is appropriate.

1242 2. A certified copy of the child's birth certificate and,
1243 if the child does not have a valid driver license, a Florida
1244 identification card issued under s. 322.051.

1245 3. A social security card and information relating to
1246 social security insurance benefits if the child is eligible for
1247 those benefits. If the child has received such benefits and they

604-03139-24

20241224c2

1248 are being held in trust for the child, a full accounting of
1249 these funds must be provided and the child must be informed as
1250 to how to access those funds.

1251 4. All relevant information related to the Road-to-
1252 Independence Program under s. 409.1451, including, but not
1253 limited to, eligibility requirements, information on
1254 participation, and assistance in gaining admission to the
1255 program. If the child is eligible for the Road-to-Independence
1256 Program, he or she must be advised that he or she may continue
1257 to reside with the licensed family home or group care provider
1258 with whom the child was residing at the time the child attained
1259 his or her 18th birthday, in another licensed family home, or
1260 with a group care provider arranged by the department.

1261 5. An open bank account or the identification necessary to
1262 open a bank account and to acquire essential banking and
1263 budgeting skills.

1264 6. Information on public assistance and how to apply for
1265 public assistance.

1266 7. A clear understanding of where he or she will be living
1267 on his or her 18th birthday, how living expenses will be paid,
1268 and the educational program or school in which he or she will be
1269 enrolled.

1270 8. Information related to the ability of the child to
1271 remain in care until he or she reaches 21 years of age under s.
1272 39.013.

1273 9. A letter providing the dates that the child is under the
1274 jurisdiction of the court.

1275 10. A letter stating that the child is in compliance with
1276 financial aid documentation requirements.

604-03139-24

20241224c2

- 1277 11. The child's educational records.
- 1278 12. The child's entire health and mental health records.
- 1279 13. The process for accessing the child's case file.
- 1280 14. A statement encouraging the child to attend all
- 1281 judicial review hearings.
- 1282 15. Information on how to obtain a driver license or
- 1283 learner's driver license.
- 1284 (c) At the first judicial review hearing held subsequent to
- 1285 the child's 17th birthday, if the court determines pursuant to
- 1286 chapter 744 that there is a good faith basis to believe that the
- 1287 child qualifies for appointment of a guardian advocate, limited
- 1288 guardian, or plenary guardian for the child and that no less
- 1289 restrictive decisionmaking assistance will meet the child's
- 1290 needs:
- 1291 1. The department shall complete a multidisciplinary report
- 1292 which must include, but is not limited to, a psychosocial
- 1293 evaluation and educational report if such a report has not been
- 1294 completed within the previous 2 years.
- 1295 2. The department shall identify one or more individuals
- 1296 who are willing to serve as the guardian advocate under s.
- 1297 393.12 or as the plenary or limited guardian under chapter 744.
- 1298 Any other interested parties or participants may make efforts to
- 1299 identify such a guardian advocate, limited guardian, or plenary
- 1300 guardian. The child's biological or adoptive family members,
- 1301 including the child's parents if the parents' rights have not
- 1302 been terminated, may not be considered for service as the
- 1303 plenary or limited guardian unless the court enters a written
- 1304 order finding that such an appointment is in the child's best
- 1305 interests.

604-03139-24

20241224c2

1306 3. Proceedings may be initiated within 180 days after the
1307 child's 17th birthday for the appointment of a guardian
1308 advocate, plenary guardian, or limited guardian for the child in
1309 a separate proceeding in the court division with jurisdiction
1310 over guardianship matters and pursuant to chapter 744. The
1311 Legislature encourages the use of pro bono representation to
1312 initiate proceedings under this section.

1313 4. In the event another interested party or participant
1314 initiates proceedings for the appointment of a guardian
1315 advocate, plenary guardian, or limited guardian for the child,
1316 the department shall provide all necessary documentation and
1317 information to the petitioner to complete a petition under s.
1318 393.12 or chapter 744 within 45 days after the first judicial
1319 review hearing after the child's 17th birthday.

1320 5. Any proceedings seeking appointment of a guardian
1321 advocate or a determination of incapacity and the appointment of
1322 a guardian must be conducted in a separate proceeding in the
1323 court division with jurisdiction over guardianship matters and
1324 pursuant to chapter 744.

1325 (d) If the court finds at the judicial review hearing after
1326 the child's 17th birthday that the department has not met its
1327 obligations to the child as stated in this part, in the written
1328 case plan, or in the provision of independent living services,
1329 the court may issue an order directing the department to show
1330 cause as to why it has not done so. If the department cannot
1331 justify its noncompliance, the court may give the department 30
1332 days within which to comply. If the department fails to comply
1333 within 30 days, the court may hold the department in contempt.

1334 (e) If necessary, the court may review the status of the

604-03139-24

20241224c2

1335 child more frequently during the year before the child's 18th
1336 birthday. At the last review hearing before the child reaches 18
1337 years of age, and in addition to the requirements of subsection
1338 (2), the court shall:

1339 1. Address whether the child plans to remain in foster
1340 care, and, if so, ensure that the child's transition plan
1341 includes a plan for meeting one or more of the criteria
1342 specified in s. 39.6251 and determine if the child has entered
1343 into a formal agreement for an ongoing relationship with a
1344 supportive adult.

1345 2. Ensure that the transition plan includes a supervised
1346 living arrangement under s. 39.6251.

1347 3. Ensure the child has been informed of:

1348 a. The right to continued support and services from the
1349 department and the community-based care lead agency.

1350 b. The right to request termination of dependency
1351 jurisdiction and be discharged from foster care.

1352 c. The opportunity to reenter foster care under s. 39.6251.

1353 4. Ensure that the child, if he or she requests termination
1354 of dependency jurisdiction and discharge from foster care, has
1355 been informed of:

1356 a. Services or benefits for which the child may be eligible
1357 based on his or her former placement in foster care, including,
1358 but not limited to, the assistance of the Office of Continuing
1359 Care under s. 414.56.

1360 b. Services or benefits that may be lost through
1361 termination of dependency jurisdiction.

1362 c. Other federal, state, local, or community-based services
1363 or supports available to him or her.

604-03139-24

20241224c2

1364 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—During
1365 each period of time that a young adult remains in foster care,
1366 the court shall review the status of the young adult at least
1367 every 6 months and must hold a permanency review hearing at
1368 least annually.

1369 (e)1. Notwithstanding the provisions of this subsection, if
1370 a young adult has chosen to remain in extended foster care after
1371 he or she has reached 18 years of age, the department may not
1372 close a case and the court may not terminate jurisdiction until
1373 the court finds, following a hearing, that the following
1374 criteria have been met:

1375 a.1. Attendance of the young adult at the hearing; or

1376 b.2. Findings by the court that:

1377 (I)a. The young adult has been informed by the department
1378 of his or her right to attend the hearing and has provided
1379 written consent to waive this right; and

1380 (II)b. The young adult has been informed of the potential
1381 negative effects of early termination of care, the option to
1382 reenter care before reaching 21 years of age, the procedure for,
1383 and limitations on, reentering care, and the availability of
1384 alternative services, and has signed a document attesting that
1385 he or she has been so informed and understands these provisions;
1386 or

1387 (III)e. The young adult has voluntarily left the program,
1388 has not signed the document in sub-subparagraph b., and is
1389 unwilling to participate in any further court proceeding.

1390 2.3. In all permanency hearings or hearings regarding the
1391 transition of the young adult from care to independent living,
1392 the court shall consult with the young adult regarding the

604-03139-24

20241224c2

1393 proposed permanency plan, case plan, and individual education
1394 plan for the young adult and ensure that he or she has
1395 understood the conversation. The court shall also inquire of the
1396 young adult regarding his or her relationship with the
1397 supportive adult with whom the young adult has entered into a
1398 formal agreement for an ongoing relationship, if such agreement
1399 exists.

1400 Section 25. Paragraph (a) of subsection (3) of section
1401 39.801, Florida Statutes, is amended to read:

1402 39.801 Procedures and jurisdiction; notice; service of
1403 process.—

1404 (3) Before the court may terminate parental rights, in
1405 addition to the other requirements set forth in this part, the
1406 following requirements must be met:

1407 (a) Notice of the date, time, and place of the advisory
1408 hearing for the petition to terminate parental rights; if
1409 applicable, instructions for appearance through audio-video
1410 communication technology; and a copy of the petition must be
1411 personally served upon the following persons, specifically
1412 notifying them that a petition has been filed:

1413 1. The parents of the child.

1414 2. The legal custodians of the child.

1415 3. If the parents who would be entitled to notice are dead
1416 or unknown, a living relative of the child, unless upon diligent
1417 search and inquiry no such relative can be found.

1418 4. Any person who has physical custody of the child.

1419 5. Any grandparent entitled to priority for adoption under
1420 s. 63.0425.

1421 6. Any prospective parent who has been identified under s.

604-03139-24

20241224c2

1422 39.503 or s. 39.803, unless a court order has been entered
1423 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1424 indicates no further notice is required. Except as otherwise
1425 provided in this section, if there is not a legal father, notice
1426 of the petition for termination of parental rights must be
1427 provided to any known prospective father who is identified under
1428 oath before the court or who is identified by a diligent search
1429 of the Florida Putative Father Registry. Service of the notice
1430 of the petition for termination of parental rights is not
1431 required if the prospective father executes an affidavit of
1432 nonpaternity or a consent to termination of his parental rights
1433 which is accepted by the court after notice and opportunity to
1434 be heard by all parties to address the best interests of the
1435 child in accepting such affidavit.

1436 7. The guardian ad litem for the child ~~or the~~
1437 ~~representative of the guardian ad litem program, if the program~~
1438 ~~has been appointed.~~

1439
1440 A party may consent to service or notice by e-mail by providing
1441 a primary e-mail address to the clerk of the court. The document
1442 containing the notice to respond or appear must contain, in type
1443 at least as large as the type in the balance of the document,
1444 the following or substantially similar language: "FAILURE TO
1445 APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE
1446 TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN). IF
1447 YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE
1448 ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN
1449 THE PETITION ATTACHED TO THIS NOTICE."

1450 Section 26. Subsection (2) of section 39.807, Florida

604-03139-24

20241224c2

1451 Statutes, is amended to read:

1452 39.807 Right to counsel; guardian ad litem.—

1453 (2) (a) The court shall appoint a guardian ad litem to
1454 represent the ~~best interest of the~~ child in any termination of
1455 parental rights proceedings and shall ascertain at each stage of
1456 the proceedings whether a guardian ad litem has been appointed.

1457 (b) The guardian ad litem has the ~~following~~
1458 responsibilities and authority specified in s. 39.822.†

1459 ~~1. To investigate the allegations of the petition and any~~
1460 ~~subsequent matters arising in the case and,~~

1461 (c) Unless excused by the court, the guardian ad litem must
1462 ~~to~~ file a written report. This report must include a statement
1463 of the wishes of the child and the recommendations of the
1464 guardian ad litem and must be provided to all parties and the
1465 court at least 72 hours before the disposition hearing.

1466 ~~2. To be present at all court hearings unless excused by~~
1467 ~~the court.~~

1468 ~~3. To represent the best interests of the child until the~~
1469 ~~jurisdiction of the court over the child terminates or until~~
1470 ~~excused by the court.~~

1471 ~~(c) A guardian ad litem is not required to post bond but~~
1472 ~~shall file an acceptance of the office.~~

1473 ~~(d) A guardian ad litem is entitled to receive service of~~
1474 ~~pleadings and papers as provided by the Florida Rules of~~
1475 ~~Juvenile Procedure.~~

1476 (d) ~~(e)~~ This subsection does not apply to any voluntary
1477 relinquishment of parental rights proceeding.

1478 Section 27. Subsection (2) of section 39.808, Florida
1479 Statutes, is amended to read:

604-03139-24

20241224c2

1480 39.808 Advisory hearing; pretrial status conference.—

1481 (2) At the hearing the court shall inform the parties of
1482 their rights under s. 39.807, ~~shall~~ appoint counsel for the
1483 parties in accordance with legal requirements, and ~~shall~~ appoint
1484 a guardian ad litem to represent the ~~interests of the~~ child if
1485 one has not already been appointed.

1486 Section 28. Subsection (2) of section 39.815, Florida
1487 Statutes, is amended to read:

1488 39.815 Appeal.—

1489 (2) An attorney for the department shall represent the
1490 state upon appeal. When a notice of appeal is filed in the
1491 circuit court, the clerk shall notify the attorney for the
1492 department, ~~together with~~ the attorney for the parent, the
1493 guardian ad litem, and the any attorney ad litem for the child,
1494 if one is appointed.

1495 Section 29. Section 39.820, Florida Statutes, is repealed.

1496 Section 30. Subsections (1) and (3) of section 39.821,
1497 Florida Statutes, are amended to read:

1498 39.821 Qualifications of guardians ad litem.—

1499 (1) Because of the special trust or responsibility placed
1500 in a guardian ad litem, the Statewide Guardian ad Litem Office
1501 ~~Program~~ may use any private funds collected by the office
1502 ~~program~~, or any state funds so designated, to conduct a security
1503 background investigation before certifying a volunteer to serve.
1504 A security background investigation must include, but need not
1505 be limited to, employment history checks, checks of references,
1506 local criminal history records checks through local law
1507 enforcement agencies, and statewide criminal history records
1508 checks through the Department of Law Enforcement. Upon request,

604-03139-24

20241224c2

1509 an employer shall furnish a copy of the personnel record for the
1510 employee or former employee who is the subject of a security
1511 background investigation conducted under this section. The
1512 information contained in the personnel record may include, but
1513 need not be limited to, disciplinary matters and the reason why
1514 the employee was terminated from employment. An employer who
1515 releases a personnel record for purposes of a security
1516 background investigation is presumed to have acted in good faith
1517 and is not liable for information contained in the record
1518 without a showing that the employer maliciously falsified the
1519 record. A security background investigation conducted under this
1520 section must ensure that a person is not certified as a guardian
1521 ad litem if the person has an arrest awaiting final disposition
1522 for, been convicted of, regardless of adjudication, entered a
1523 plea of nolo contendere or guilty to, or been adjudicated
1524 delinquent and the record has not been sealed or expunged for,
1525 any offense prohibited under the provisions listed in s. 435.04.
1526 All applicants must undergo a level 2 background screening
1527 pursuant to chapter 435 before being certified to serve as a
1528 guardian ad litem. In analyzing and evaluating the information
1529 obtained in the security background investigation, the office
1530 ~~program~~ must give particular emphasis to past activities
1531 involving children, including, but not limited to, child-related
1532 criminal offenses or child abuse. The office ~~program~~ has sole
1533 discretion in determining whether to certify a person based on
1534 his or her security background investigation. The information
1535 collected pursuant to the security background investigation is
1536 confidential and exempt from s. 119.07(1).

1537 (3) It is a misdemeanor of the first degree, punishable as

604-03139-24

20241224c2

1538 provided in s. 775.082 or s. 775.083, for any person to
1539 willfully, knowingly, or intentionally fail, by false statement,
1540 misrepresentation, impersonation, or other fraudulent means, to
1541 disclose in any application for a volunteer position or for paid
1542 employment with the Statewide Guardian ad Litem Office Program,
1543 any material fact used in making a determination as to the
1544 applicant's qualifications for such position.

1545 Section 31. Section 39.822, Florida Statutes, is amended to
1546 read:

1547 39.822 Appointment of guardian ad litem for abused,
1548 abandoned, or neglected child.—

1549 (1) A guardian ad litem shall be appointed by the court at
1550 the earliest possible time to represent the child in any child
1551 abuse, abandonment, or neglect judicial proceeding, whether
1552 civil or criminal. A guardian ad litem is a fiduciary and must
1553 provide independent representation of the child using a best
1554 interest standard of decisionmaking and advocacy.

1555 (2) (a) A guardian ad litem must:

1556 1. Be present at all court hearings unless excused by the
1557 court.

1558 2. Investigate issues related to the best interest of the
1559 child who is the subject of the appointment, review all
1560 disposition recommendations and changes in placement, and,
1561 unless excused by the court, file written reports and
1562 recommendations in accordance with general law.

1563 3. Represent the child until the court's jurisdiction over
1564 the child terminates or until excused by the court.

1565 4. Advocate for the child's participation in the
1566 proceedings and to report the child's preferences to the court,

604-03139-24

20241224c2

1567 to the extent the child has the ability and desire to express
1568 his or her preferences.

1569 5. Perform other duties that are consistent with the scope
1570 of the appointment.

1571 (b) A guardian ad litem shall have immediate and unlimited
1572 access to the children he or she represents.

1573 (c) A guardian ad litem is not required to post bond but
1574 must file an acceptance of the appointment.

1575 (d) A guardian ad litem is entitled to receive service of
1576 pleadings and papers as provided by the Florida Rules of
1577 Juvenile Procedure.

1578 (3) Any person participating in a civil or criminal
1579 judicial proceeding resulting from such appointment shall be
1580 presumed prima facie to be acting in good faith and in so doing
1581 shall be immune from any liability, civil or criminal, that
1582 otherwise might be incurred or imposed.

1583 (4)-(2) In those cases in which the parents are financially
1584 able, the parent or parents of the child shall reimburse the
1585 court, in part or in whole, for the cost of provision of
1586 guardian ad litem representation services. Reimbursement to the
1587 individual providing guardian ad litem representation is not
1588 ~~services shall not be~~ contingent upon successful collection by
1589 the court from the parent or parents.

1590 (5)-(3) Upon presentation by a guardian ad litem of a court
1591 order appointing the guardian ad litem:

1592 (a) An agency, as defined in chapter 119, shall allow the
1593 guardian ad litem to inspect and copy records related to the
1594 best interests of the child who is the subject of the
1595 appointment, including, but not limited to, records made

604-03139-24

20241224c2

1596 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of
1597 the State Constitution. The guardian ad litem shall maintain the
1598 confidential or exempt status of any records shared by an agency
1599 under this paragraph.

1600 (b) A person or an organization, other than an agency under
1601 paragraph (a), shall allow the guardian ad litem to inspect and
1602 copy any records related to the best interests of the child who
1603 is the subject of the appointment, including, but not limited
1604 to, confidential records.

1605
1606 For the purposes of this subsection, the term "records related
1607 to the best interests of the child" includes, but is not limited
1608 to, medical, mental health, substance abuse, child care,
1609 education, law enforcement, court, social services, and
1610 financial records.

1611 ~~(4) The guardian ad litem or the program representative~~
1612 ~~shall review all disposition recommendations and changes in~~
1613 ~~placements, and must be present at all critical stages of the~~
1614 ~~dependency proceeding or submit a written report of~~
1615 ~~recommendations to the court. Written reports must be filed with~~
1616 ~~the court and served on all parties whose whereabouts are known~~
1617 ~~at least 72 hours prior to the hearing.~~

1618 Section 32. Subsection (4) of section 39.827, Florida
1619 Statutes, is amended to read:

1620 39.827 Hearing for appointment of a guardian advocate.—

1621 (4) The hearing under this section must ~~shall~~ remain
1622 confidential and closed to the public. The clerk shall keep all
1623 court records required by this part separate from other records
1624 of the circuit court. All court records required by this part

604-03139-24

20241224c2

1625 ~~are shall be~~ confidential and exempt from ~~the provisions of~~ s.
1626 119.07(1). ~~All~~ Records may only ~~shall~~ be inspected ~~only~~ upon
1627 order of the court by persons deemed by the court to have a
1628 proper interest therein, except that a child and the parents or
1629 custodians of the child and their attorneys, the guardian ad
1630 litem, and the department and its designees, and the attorney ad
1631 litem, if one is appointed, ~~shall~~ always have the right to
1632 inspect and copy any official record pertaining to the child.
1633 The court may permit authorized representatives of recognized
1634 organizations compiling statistics for proper purposes to
1635 inspect and make abstracts from official records, under whatever
1636 conditions upon their use and disposition the court may deem
1637 proper, and may punish by contempt proceedings any violation of
1638 those conditions. All information obtained pursuant to this part
1639 in the discharge of official duty by any judge, employee of the
1640 court, or authorized agent of the department is ~~shall be~~
1641 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
1642 may shall not be disclosed to anyone other than the authorized
1643 personnel of the court or the department and its designees,
1644 except upon order of the court.

1645 Section 33. Paragraphs (a), (b), and (d) of subsection (1)
1646 and subsection (2) of section 39.8296, Florida Statutes, are
1647 amended to read:

1648 39.8296 Statewide Guardian ad Litem Office; legislative
1649 findings and intent; creation; appointment of executive
1650 director; duties of office.—

1651 (1) LEGISLATIVE FINDINGS AND INTENT.—

1652 (a) The Legislature finds that for the past 20 years, the
1653 Statewide Guardian ad Litem Office ~~Program~~ has been the only

604-03139-24

20241224c2

1654 mechanism for best interest representation for children in
1655 Florida who are involved in dependency proceedings.

1656 (b) The Legislature also finds that while the Statewide
1657 Guardian ad Litem Office Program has been supervised by court
1658 administration within the circuit courts since the office's
1659 ~~program's~~ inception, there is a perceived conflict of interest
1660 created by the supervision of program staff by the judges before
1661 whom they appear.

1662 (d) It is therefore the intent of the Legislature to place
1663 the Statewide Guardian ad Litem Office Program in an appropriate
1664 place and provide a statewide infrastructure to increase
1665 functioning and standardization among the local offices ~~programs~~
1666 currently operating in the 20 judicial circuits.

1667 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
1668 Statewide Guardian ad Litem Office within the Justice
1669 Administrative Commission. The Justice Administrative Commission
1670 shall provide administrative support and service to the office
1671 to the extent requested by the executive director within the
1672 available resources of the commission. The Statewide Guardian ad
1673 Litem Office is not subject to control, supervision, or
1674 direction by the Justice Administrative Commission in the
1675 performance of its duties, but the employees of the office are
1676 governed by the classification plan and salary and benefits plan
1677 approved by the Justice Administrative Commission.

1678 (a) The head of the Statewide Guardian ad Litem Office is
1679 the executive director, who shall be appointed by the Governor
1680 from a list of a minimum of three eligible applicants submitted
1681 by a Guardian ad Litem Qualifications Committee. The Guardian ad
1682 Litem Qualifications Committee shall be composed of five

604-03139-24

20241224c2

1683 persons, two persons appointed by the Governor, two persons
1684 appointed by the Chief Justice of the Supreme Court, and one
1685 person appointed by the Statewide Guardian ad Litem Office
1686 ~~Association~~. The committee shall provide for statewide
1687 advertisement and the receiving of applications for the position
1688 of executive director. The Governor shall appoint an executive
1689 director from among the recommendations, or the Governor may
1690 reject the nominations and request the submission of new
1691 nominees. The executive director must have knowledge in
1692 dependency law and knowledge of social service delivery systems
1693 available to meet the needs of children who are abused,
1694 neglected, or abandoned. The executive director shall serve on a
1695 full-time basis and shall personally, or through representatives
1696 of the office, carry out the purposes and functions of the
1697 Statewide Guardian ad Litem Office in accordance with state and
1698 federal law and the state's long-established policy of
1699 prioritizing children's best interests. The executive director
1700 shall report to the Governor. The executive director shall serve
1701 a 3-year term, subject to removal for cause by the Governor. Any
1702 person appointed to serve as the executive director may be
1703 permitted to serve more than one term without the necessity of
1704 convening the Guardian ad Litem Qualifications Committee.

1705 (b) The Statewide Guardian ad Litem Office shall, within
1706 available resources, have oversight responsibilities for and
1707 provide technical assistance to all guardian ad litem and
1708 attorney ad litem offices ~~programs~~ located within the judicial
1709 circuits.

1710 1. The office shall identify the resources required to
1711 implement methods of collecting, reporting, and tracking

604-03139-24

20241224c2

1712 reliable and consistent case data.

1713 2. The office shall review the current guardian ad litem
1714 offices ~~programs~~ in Florida and other states.

1715 3. The office, in consultation with local guardian ad litem
1716 offices, shall develop statewide performance measures and
1717 standards.

1718 4. The office shall develop and maintain a guardian ad
1719 litem training program, which must be updated regularly, ~~which~~
1720 ~~shall include, but is not limited to, training on the~~
1721 ~~recognition of and responses to head trauma and brain injury in~~
1722 ~~a child under 6 years of age. The office shall establish a~~
1723 ~~curriculum committee to develop the training program specified~~
1724 ~~in this subparagraph. The curriculum committee shall include,~~
1725 ~~but not be limited to, dependency judges, directors of circuit~~
1726 ~~guardian ad litem programs, active certified guardians ad litem,~~
1727 ~~a mental health professional who specializes in the treatment of~~
1728 ~~children, a member of a child advocacy group, a representative~~
1729 ~~of a domestic violence advocacy group, an individual with a~~
1730 ~~degree in social work, and a social worker experienced in~~
1731 ~~working with victims and perpetrators of child abuse.~~

1732 5. The office shall review the various methods of funding
1733 guardian ad litem offices ~~programs~~, maximize the use of those
1734 funding sources to the extent possible, and review the kinds of
1735 services being provided by circuit guardian ad litem offices
1736 ~~programs~~.

1737 6. The office shall determine the feasibility or
1738 desirability of new concepts of organization, administration,
1739 financing, or service delivery designed to preserve the civil
1740 and constitutional rights and fulfill other needs of dependent

604-03139-24

20241224c2

1741 children.

1742 7. The office shall ensure that each child has an attorney
1743 assigned to his or her case and, within available resources, is
1744 represented using multidisciplinary teams that may include
1745 volunteers, pro bono attorneys, social workers, and mentors.

1746 8. The office shall provide oversight and technical
1747 assistance to attorneys ad litem, including, but not limited to,
1748 all of the following:

1749 a. Develop an attorney ad litem training program in
1750 collaboration with dependency court stakeholders, including, but
1751 not limited to, dependency judges, representatives from legal
1752 aid providing attorney ad litem representation, and an attorney
1753 ad litem appointed from a registry maintained by the chief
1754 judge. The training program must be updated regularly with or
1755 without convening the stakeholders group.

1756 b. Offer consultation and technical assistance to chief
1757 judges in maintaining attorney registries for the selection of
1758 attorneys ad litem.

1759 c. Assist with recruitment, training, and mentoring of
1760 attorneys ad litem as needed.

1761 9.7. In an effort to promote normalcy and establish trust
1762 between a ~~court-appointed volunteer~~ guardian ad litem and a
1763 child alleged to be abused, abandoned, or neglected under this
1764 chapter, a guardian ad litem may transport a child. However, a
1765 guardian ad litem ~~volunteer~~ may not be required by a guardian ad
1766 litem circuit office or ordered by ~~or directed by the program or~~
1767 a court to transport a child.

1768 10.8. The office shall submit to the Governor, the
1769 President of the Senate, the Speaker of the House of

604-03139-24

20241224c2

1770 Representatives, and the Chief Justice of the Supreme Court an
1771 interim report describing the progress of the office in meeting
1772 the goals as described in this section. The office shall submit
1773 to the Governor, the President of the Senate, the Speaker of the
1774 House of Representatives, and the Chief Justice of the Supreme
1775 Court a proposed plan including alternatives for meeting the
1776 state's guardian ad litem and attorney ad litem needs. This plan
1777 may include recommendations for less than the entire state, may
1778 include a phase-in system, and shall include estimates of the
1779 cost of each of the alternatives. Each year the office shall
1780 provide a status report and provide further recommendations to
1781 address the need for guardian ad litem representation services
1782 and related issues.

1783 Section 34. Section 39.8297, Florida Statutes, is amended
1784 to read:

1785 39.8297 County funding for guardian ad litem employees.—

1786 (1) A county and the executive director of the Statewide
1787 Guardian ad Litem Office may enter into an agreement by which
1788 the county agrees to provide funds to the local guardian ad
1789 litem office in order to employ persons who will assist in the
1790 operation of the guardian ad litem office program in the county.

1791 (2) The agreement, at a minimum, must provide that:

1792 (a) Funding for the persons who are employed will be
1793 provided on at least a fiscal-year basis.

1794 (b) The persons who are employed will be hired, supervised,
1795 managed, and terminated by the executive director of the
1796 Statewide Guardian ad Litem Office. The statewide office is
1797 responsible for compliance with all requirements of federal and
1798 state employment laws, and shall fully indemnify the county from

604-03139-24

20241224c2

1799 any liability under such laws, as authorized by s. 768.28(19),
1800 to the extent such liability is the result of the acts or
1801 omissions of the Statewide Guardian ad Litem Office or its
1802 agents or employees.

1803 (c) The county is the employer for purposes of s. 440.10
1804 and chapter 443.

1805 (d) Employees funded by the county under this section and
1806 other county employees may be aggregated for purposes of a
1807 flexible benefits plan pursuant to s. 125 of the Internal
1808 Revenue Code of 1986.

1809 (e) Persons employed under this section may be terminated
1810 after a substantial breach of the agreement or because funding
1811 to the guardian ad litem office ~~program~~ has expired.

1812 (3) Persons employed under this section may not be counted
1813 in a formula or similar process used by the Statewide Guardian
1814 ad Litem Office to measure personnel needs of a judicial
1815 circuit's guardian ad litem office ~~program~~.

1816 (4) Agreements created pursuant to this section do not
1817 obligate the state to allocate funds to a county to employ
1818 persons in the guardian ad litem office ~~program~~.

1819 Section 35. Section 1009.898, Florida Statutes, is created
1820 to read:

1821 1009.898 Fostering Prosperity grants.-

1822 (1) Subject to the appropriation of funds for that purpose
1823 by the Legislature, the Fostering Prosperity program shall
1824 administer the following grants to youth and young adults aging
1825 out of foster care:

1826 (a) Grants to provide financial literacy instruction using
1827 a curriculum developed by the Department of Financial Services

604-03139-24

20241224c2

1828 in consultation with the Department of Education.

1829 (b) Grants to provide CLT, SAT, or ACT preparation,
1830 including one-on-one support and fee waivers for the
1831 examinations.

1832 (c) Grants to youth and young adults planning to pursue
1833 trade careers or paid apprenticeships.

1834 (2) If a young adult who is aging out of foster care is
1835 reunited with his or her parent, the grants must remain
1836 available for the young adult for up to 1 year after
1837 reunification.

1838 (3) The State Board of Education shall adopt rules to
1839 administer this section.

1840 Section 36. Subsection (1) of section 29.008, Florida
1841 Statutes, is amended to read:

1842 29.008 County funding of court-related functions.—

1843 (1) Counties are required by s. 14, Art. V of the State
1844 Constitution to fund the cost of communications services,
1845 existing radio systems, existing multiagency criminal justice
1846 information systems, and the cost of construction or lease,
1847 maintenance, utilities, and security of facilities for the
1848 circuit and county courts, public defenders' offices, state
1849 attorneys' offices, guardian ad litem offices, and the offices
1850 of the clerks of the circuit and county courts performing court-
1851 related functions. For purposes of this section, the term
1852 "circuit and county courts" includes the offices and staffing of
1853 the guardian ad litem offices ~~programs~~, and the term "public
1854 defenders' offices" includes the offices of criminal conflict
1855 and civil regional counsel. The county designated under s.
1856 35.05(1) as the headquarters for each appellate district shall

604-03139-24

20241224c2

1857 fund these costs for the appellate division of the public
1858 defender's office in that county. For purposes of implementing
1859 these requirements, the term:

1860 (a) "Facility" means reasonable and necessary buildings and
1861 office space and appurtenant equipment and furnishings,
1862 structures, real estate, easements, and related interests in
1863 real estate, including, but not limited to, those for the
1864 purpose of housing legal materials for use by the general public
1865 and personnel, equipment, or functions of the circuit or county
1866 courts, public defenders' offices, state attorneys' offices, and
1867 court-related functions of the office of the clerks of the
1868 circuit and county courts and all storage. The term "facility"
1869 includes all wiring necessary for court reporting services. The
1870 term also includes access to parking for such facilities in
1871 connection with such court-related functions that may be
1872 available free or from a private provider or a local government
1873 for a fee. The office space provided by a county may not be less
1874 than the standards for space allotment adopted by the Department
1875 of Management Services, except this requirement applies only to
1876 facilities that are leased, or on which construction commences,
1877 after June 30, 2003. County funding must include physical
1878 modifications and improvements to all facilities as are required
1879 for compliance with the Americans with Disabilities Act. Upon
1880 mutual agreement of a county and the affected entity in this
1881 paragraph, the office space provided by the county may vary from
1882 the standards for space allotment adopted by the Department of
1883 Management Services.

1884 1. As of July 1, 2005, equipment and furnishings shall be
1885 limited to that appropriate and customary for courtrooms,

604-03139-24

20241224c2

1886 hearing rooms, jury facilities, and other public areas in
1887 courthouses and any other facility occupied by the courts, state
1888 attorneys, public defenders, guardians ad litem, and criminal
1889 conflict and civil regional counsel. Court reporting equipment
1890 in these areas or facilities is not a responsibility of the
1891 county.

1892 2. Equipment and furnishings under this paragraph in
1893 existence and owned by counties on July 1, 2005, except for that
1894 in the possession of the clerks, for areas other than
1895 courtrooms, hearing rooms, jury facilities, and other public
1896 areas in courthouses and any other facility occupied by the
1897 courts, state attorneys, and public defenders, shall be
1898 transferred to the state at no charge. This provision does not
1899 apply to any communications services as defined in paragraph
1900 (f).

1901 (b) "Construction or lease" includes, but is not limited
1902 to, all reasonable and necessary costs of the acquisition or
1903 lease of facilities for all judicial officers, staff, jurors,
1904 volunteers of a tenant agency, and the public for the circuit
1905 and county courts, the public defenders' offices, state
1906 attorneys' offices, and for performing the court-related
1907 functions of the offices of the clerks of the circuit and county
1908 courts. This includes expenses related to financing such
1909 facilities and the existing and future cost and bonded
1910 indebtedness associated with placing the facilities in use.

1911 (c) "Maintenance" includes, but is not limited to, all
1912 reasonable and necessary costs of custodial and groundskeeping
1913 services and renovation and reconstruction as needed to
1914 accommodate functions for the circuit and county courts, the

604-03139-24

20241224c2

1915 public defenders' offices, and state attorneys' offices and for
1916 performing the court-related functions of the offices of the
1917 clerks of the circuit and county court and for maintaining the
1918 facilities in a condition appropriate and safe for the use
1919 intended.

1920 (d) "Utilities" means all electricity services for light,
1921 heat, and power; natural or manufactured gas services for light,
1922 heat, and power; water and wastewater services and systems,
1923 stormwater or runoff services and systems, sewer services and
1924 systems, all costs or fees associated with these services and
1925 systems, and any costs or fees associated with the mitigation of
1926 environmental impacts directly related to the facility.

1927 (e) "Security" includes but is not limited to, all
1928 reasonable and necessary costs of services of law enforcement
1929 officers or licensed security guards and all electronic,
1930 cellular, or digital monitoring and screening devices necessary
1931 to ensure the safety and security of all persons visiting or
1932 working in a facility; to provide for security of the facility,
1933 including protection of property owned by the county or the
1934 state; and for security of prisoners brought to any facility.
1935 This includes bailiffs while providing courtroom and other
1936 security for each judge and other quasi-judicial officers.

1937 (f) "Communications services" are defined as any reasonable
1938 and necessary transmission, emission, and reception of signs,
1939 signals, writings, images, and sounds of intelligence of any
1940 nature by wire, radio, optical, audio equipment, or other
1941 electromagnetic systems and includes all facilities and
1942 equipment owned, leased, or used by judges, clerks, public
1943 defenders, state attorneys, guardians ad litem, criminal

604-03139-24

20241224c2

1944 conflict and civil regional counsel, and all staff of the state
1945 courts system, state attorneys' offices, public defenders'
1946 offices, and clerks of the circuit and county courts performing
1947 court-related functions. Such system or services shall include,
1948 but not be limited to:

1949 1. Telephone system infrastructure, including computer
1950 lines, telephone switching equipment, and maintenance, and
1951 facsimile equipment, wireless communications, cellular
1952 telephones, pagers, and video teleconferencing equipment and
1953 line charges. Each county shall continue to provide access to a
1954 local carrier for local and long distance service and shall pay
1955 toll charges for local and long distance service.

1956 2. All computer networks, systems and equipment, including
1957 computer hardware and software, modems, printers, wiring,
1958 network connections, maintenance, support staff or services
1959 including any county-funded support staff located in the offices
1960 of the circuit court, county courts, state attorneys, public
1961 defenders, guardians ad litem, and criminal conflict and civil
1962 regional counsel; training, supplies, and line charges necessary
1963 for an integrated computer system to support the operations and
1964 management of the state courts system, the offices of the public
1965 defenders, the offices of the state attorneys, the guardian ad
1966 litem offices, the offices of criminal conflict and civil
1967 regional counsel, and the offices of the clerks of the circuit
1968 and county courts; and the capability to connect those entities
1969 and reporting data to the state as required for the transmission
1970 of revenue, performance accountability, case management, data
1971 collection, budgeting, and auditing purposes. The integrated
1972 computer system shall be operational by July 1, 2006, and, at a

604-03139-24

20241224c2

1973 minimum, permit the exchange of financial, performance
1974 accountability, case management, case disposition, and other
1975 data across multiple state and county information systems
1976 involving multiple users at both the state level and within each
1977 judicial circuit and be able to electronically exchange judicial
1978 case background data, sentencing scoresheets, and video evidence
1979 information stored in integrated case management systems over
1980 secure networks. Once the integrated system becomes operational,
1981 counties may reject requests to purchase communications services
1982 included in this subparagraph not in compliance with standards,
1983 protocols, or processes adopted by the board established
1984 pursuant to former s. 29.0086.

1985 3. Courier messenger and subpoena services.

1986 4. Auxiliary aids and services for qualified individuals
1987 with a disability which are necessary to ensure access to the
1988 courts. Such auxiliary aids and services include, but are not
1989 limited to, sign language interpretation services required under
1990 the federal Americans with Disabilities Act other than services
1991 required to satisfy due-process requirements and identified as a
1992 state funding responsibility pursuant to ss. 29.004-29.007,
1993 real-time transcription services for individuals who are hearing
1994 impaired, and assistive listening devices and the equipment
1995 necessary to implement such accommodations.

1996 (g) "Existing radio systems" includes, but is not limited
1997 to, law enforcement radio systems that are used by the circuit
1998 and county courts, the offices of the public defenders, the
1999 offices of the state attorneys, and for court-related functions
2000 of the offices of the clerks of the circuit and county courts.
2001 This includes radio systems that were operational or under

604-03139-24

20241224c2

2002 contract at the time Revision No. 7, 1998, to Art. V of the
2003 State Constitution was adopted and any enhancements made
2004 thereafter, the maintenance of those systems, and the personnel
2005 and supplies necessary for operation.

2006 (h) "Existing multiagency criminal justice information
2007 systems" includes, but is not limited to, those components of
2008 the multiagency criminal justice information system as defined
2009 in s. 943.045, supporting the offices of the circuit or county
2010 courts, the public defenders' offices, the state attorneys'
2011 offices, or those portions of the offices of the clerks of the
2012 circuit and county courts performing court-related functions
2013 that are used to carry out the court-related activities of those
2014 entities. This includes upgrades and maintenance of the current
2015 equipment, maintenance and upgrades of supporting technology
2016 infrastructure and associated staff, and services and expenses
2017 to assure continued information sharing and reporting of
2018 information to the state. The counties shall also provide
2019 additional information technology services, hardware, and
2020 software as needed for new judges and staff of the state courts
2021 system, state attorneys' offices, public defenders' offices,
2022 guardian ad litem offices, and the offices of the clerks of the
2023 circuit and county courts performing court-related functions.

2024 Section 37. Paragraph (a) of subsection (1) of section
2025 39.6011, Florida Statutes, is amended to read:

2026 39.6011 Case plan development.—

2027 (1) The department shall prepare a draft of the case plan
2028 for each child receiving services under this chapter. A parent
2029 of a child may not be threatened or coerced with the loss of
2030 custody or parental rights for failing to admit in the case plan

604-03139-24

20241224c2

2031 of abusing, neglecting, or abandoning a child. Participating in
2032 the development of a case plan is not an admission to any
2033 allegation of abuse, abandonment, or neglect, and it is not a
2034 consent to a finding of dependency or termination of parental
2035 rights. The case plan shall be developed subject to the
2036 following requirements:

2037 (a) The case plan must be developed in a face-to-face
2038 conference with the parent of the child, the ~~any~~ court-appointed
2039 guardian ad litem, and, if appropriate, the child and the
2040 temporary custodian of the child.

2041 Section 38. Subsection (8) of section 40.24, Florida
2042 Statutes, is amended to read:

2043 40.24 Compensation and reimbursement policy.—

2044 (8) In circuits that elect to allow jurors to donate their
2045 jury service fee upon conclusion of juror service, each juror
2046 may irrevocably donate all of the juror's compensation to the 26
2047 U.S.C. s. 501(c)(3) organization specified by the Statewide
2048 Guardian ad Litem Office ~~program~~ or to a domestic violence
2049 shelter as specified annually on a rotating basis by the clerk
2050 of court in the circuit for the juror's county of residence. The
2051 funds collected may not reduce or offset the amount of
2052 compensation that the Statewide Guardian ad Litem Office ~~program~~
2053 or domestic violence shelter would otherwise receive from the
2054 state. The clerk of court shall ensure that all jurors are given
2055 written notice at the conclusion of their service that they have
2056 the option to so donate their compensation, and that the
2057 applicable program specified by the Statewide Guardian ad Litem
2058 Office ~~program~~ or a domestic violence shelter receives all funds
2059 donated by the jurors. Any circuit guardian ad litem office

604-03139-24

20241224c2

2060 ~~program~~ receiving donations of juror compensation must expend
2061 such moneys on services for children for whom guardians ad litem
2062 have been appointed.

2063 Section 39. Subsections (5), (6), and (7) of section 43.16,
2064 Florida Statutes, are amended to read:

2065 43.16 Justice Administrative Commission; membership, powers
2066 and duties.—

2067 (5) The duties of the commission shall include, but not be
2068 limited to, the following:

2069 (a) The maintenance of a central state office for
2070 administrative services and assistance when possible to and on
2071 behalf of the state attorneys and public defenders of Florida,
2072 the capital collateral regional counsel of Florida, the criminal
2073 conflict and civil regional counsel, and the Statewide Guardian
2074 Ad Litem Office Program.

2075 (b) Each state attorney, public defender, and criminal
2076 conflict and civil regional counsel and the Statewide Guardian
2077 Ad Litem Office Program shall continue to prepare necessary
2078 budgets, vouchers that represent valid claims for reimbursement
2079 by the state for authorized expenses, and other things
2080 incidental to the proper administrative operation of the office,
2081 such as revenue transmittals to the Chief Financial Officer and
2082 automated systems plans, but will forward such items to the
2083 commission for recording and submission to the proper state
2084 officer. However, when requested by a state attorney, a public
2085 defender, a criminal conflict and civil regional counsel, or the
2086 Statewide Guardian Ad Litem Office Program, the commission will
2087 either assist in the preparation of budget requests, voucher
2088 schedules, and other forms and reports or accomplish the entire

604-03139-24

20241224c2

2089 project involved.

2090 (6) The commission, each state attorney, each public
2091 defender, the criminal conflict and civil regional counsel, the
2092 capital collateral regional counsel, and the Statewide Guardian
2093 Ad Litem Office Program shall establish and maintain internal
2094 controls designed to:

2095 (a) Prevent and detect fraud, waste, and abuse as defined
2096 in s. 11.45(1).

2097 (b) Promote and encourage compliance with applicable laws,
2098 rules, contracts, grant agreements, and best practices.

2099 (c) Support economical and efficient operations.

2100 (d) Ensure reliability of financial records and reports.

2101 (e) Safeguard assets.

2102 (7) ~~The provisions contained in This section is shall be~~
2103 supplemental to ~~those of~~ chapter 27, relating to state
2104 attorneys, public defenders, criminal conflict and civil
2105 regional counsel, and capital collateral regional counsel; to
2106 ~~those of~~ chapter 39, relating to the Statewide Guardian Ad Litem
2107 Office Program; or to other laws pertaining hereto.

2108 Section 40. Paragraph (a) of subsection (1) and subsection
2109 (4) of section 61.402, Florida Statutes, are amended to read:

2110 61.402 Qualifications of guardians ad litem.—

2111 (1) A person appointed as a guardian ad litem pursuant to
2112 s. 61.401 must be:

2113 (a) Certified by the Statewide Guardian Ad Litem Office
2114 Program pursuant to s. 39.821;

2115 (b) Certified by a not-for-profit legal aid organization as
2116 defined in s. 68.096; or

2117 (c) An attorney who is a member in good standing of The

604-03139-24

20241224c2

2118 Florida Bar.

2119 (4) Nothing in this section requires the Statewide Guardian
2120 Ad Litem Office Program or a not-for-profit legal aid
2121 organization to train or certify guardians ad litem appointed
2122 under this chapter.

2123 Section 41. Paragraph (x) of subsection (2) of section
2124 110.205, Florida Statutes, is amended to read:

2125 110.205 Career service; exemptions.—

2126 (2) EXEMPT POSITIONS.—The exempt positions that are not
2127 covered by this part include the following:

2128 (x) All officers and employees of the Justice
2129 Administrative Commission, Office of the State Attorney, Office
2130 of the Public Defender, regional offices of capital collateral
2131 counsel, offices of criminal conflict and civil regional
2132 counsel, and Statewide Guardian Ad Litem Office, including the
2133 circuit guardian ad litem offices ~~programs~~.

2134 Section 42. Paragraph (b) of subsection (96) of section
2135 320.08058, Florida Statutes, is amended to read:

2136 320.08058 Specialty license plates.—

2137 (96) GUARDIAN AD LITEM LICENSE PLATES.—

2138 (b) The annual use fees from the sale of the plate shall be
2139 distributed to the Florida Guardian Ad Litem Foundation, Inc., a
2140 direct-support organization and a nonprofit corporation under s.
2141 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the
2142 proceeds may be used for administrative costs and the marketing
2143 of the plate. The remainder of the proceeds must be used in this
2144 state to support the mission and efforts of the Statewide
2145 Guardian Ad Litem Office Program to represent abused, abandoned,
2146 and neglected children and advocate for their best interests;

604-03139-24

20241224c2

2147 recruit and retain volunteer child advocates; and meet the
2148 unique needs of the dependent children the program serves.

2149 Section 43. Paragraph (e) of subsection (3) of section
2150 943.053, Florida Statutes, is amended to read:

2151 943.053 Dissemination of criminal justice information;
2152 fees.—

2153 (3)

2154 (e) The fee per record for criminal history information
2155 provided pursuant to this subsection and s. 943.0542 is \$24 per
2156 name submitted, except that the fee for the Statewide Guardian
2157 Ad Litem Office ~~program~~ and vendors of the Department of
2158 Children and Families, the Department of Juvenile Justice, the
2159 Agency for Persons with Disabilities, and the Department of
2160 Elderly Affairs is \$8 for each name submitted; the fee for a
2161 state criminal history provided for application processing as
2162 required by law to be performed by the Department of Agriculture
2163 and Consumer Services is \$15 for each name submitted; and the
2164 fee for requests under s. 943.0542, which implements the
2165 National Child Protection Act, is \$18 for each volunteer name
2166 submitted. An office of the public defender or an office of
2167 criminal conflict and civil regional counsel may not be assessed
2168 a fee for Florida criminal history information or wanted person
2169 information.

2170 Section 44. Subsection (2) of section 985.43, Florida
2171 Statutes, is amended to read:

2172 985.43 Predisposition reports; other evaluations.—

2173 (2) The court shall consider the child's entire assessment
2174 and predisposition report and shall review the records of
2175 earlier judicial proceedings before making a final disposition

604-03139-24

20241224c2

2176 of the case. If the child is under the jurisdiction of a
2177 dependency court, the court may receive and consider any
2178 information provided by the Statewide Guardian Ad Litem Office
2179 ~~Program~~ and the child's attorney ad litem, if one is appointed.
2180 The court may, by order, require additional evaluations and
2181 studies to be performed by the department; the county school
2182 system; or any social, psychological, or psychiatric agency of
2183 the state. The court shall order the educational needs
2184 assessment completed under s. 985.18(2) to be included in the
2185 assessment and predisposition report.

2186 Section 45. Subsection (4) of section 985.441, Florida
2187 Statutes, is amended to read:

2188 985.441 Commitment.—

2189 (4) The department may transfer a child, when necessary to
2190 appropriately administer the child's commitment, from one
2191 facility or program to another facility or program operated,
2192 contracted, subcontracted, or designated by the department,
2193 including a postcommitment nonresidential conditional release
2194 program, except that the department may not transfer any child
2195 adjudicated solely for a misdemeanor to a residential program
2196 except as provided in subsection (2). The department shall
2197 notify the court that committed the child to the department and
2198 any attorney of record for the child, in writing, of its intent
2199 to transfer the child from a commitment facility or program to
2200 another facility or program of a higher or lower restrictiveness
2201 level. If the child is under the jurisdiction of a dependency
2202 court, the department shall also provide notice to the
2203 dependency court, ~~and~~ the Department of Children and Families,
2204 ~~and, if appointed,~~ the Statewide Guardian Ad Litem Office,

604-03139-24

20241224c2

2205 ~~Program~~ and the child's attorney ad litem, if one is appointed.
2206 The court that committed the child may agree to the transfer or
2207 may set a hearing to review the transfer. If the court does not
2208 respond within 10 days after receipt of the notice, the transfer
2209 of the child shall be deemed granted.

2210 Section 46. Subsection (3) of section 985.455, Florida
2211 Statutes, is amended to read:

2212 985.455 Other dispositional issues.—

2213 (3) Any commitment of a delinquent child to the department
2214 must be for an indeterminate period of time, which may include
2215 periods of temporary release; however, the period of time may
2216 not exceed the maximum term of imprisonment that an adult may
2217 serve for the same offense, except that the duration of a
2218 minimum-risk nonresidential commitment for an offense that is a
2219 misdemeanor of the second degree, or is equivalent to a
2220 misdemeanor of the second degree, may be for a period not to
2221 exceed 6 months. The duration of the child's placement in a
2222 commitment program of any restrictiveness level shall be based
2223 on objective performance-based treatment planning. The child's
2224 treatment plan progress and adjustment-related issues shall be
2225 reported to the court quarterly, unless the court requests
2226 monthly reports. If the child is under the jurisdiction of a
2227 dependency court, the court may receive and consider any
2228 information provided by the Statewide Guardian Ad Litem Office
2229 ~~Program~~ or the child's attorney ad litem, if one is appointed.
2230 The child's length of stay in a commitment program may be
2231 extended if the child fails to comply with or participate in
2232 treatment activities. The child's length of stay in the program
2233 shall not be extended for purposes of sanction or punishment.

604-03139-24

20241224c2

2234 Any temporary release from such program must be approved by the
2235 court. Any child so committed may be discharged from
2236 institutional confinement or a program upon the direction of the
2237 department with the concurrence of the court. The child's
2238 treatment plan progress and adjustment-related issues must be
2239 communicated to the court at the time the department requests
2240 the court to consider releasing the child from the commitment
2241 program. The department shall give the court that committed the
2242 child to the department reasonable notice, in writing, of its
2243 desire to discharge the child from a commitment facility. The
2244 court that committed the child may thereafter accept or reject
2245 the request. If the court does not respond within 10 days after
2246 receipt of the notice, the request of the department shall be
2247 deemed granted. This section does not limit the department's
2248 authority to revoke a child's temporary release status and
2249 return the child to a commitment facility for any violation of
2250 the terms and conditions of the temporary release.

2251 Section 47. Paragraph (b) of subsection (4) of section
2252 985.461, Florida Statutes, is amended to read:

2253 985.461 Transition to adulthood.—

2254 (4) As part of the child's treatment plan, the department
2255 may provide transition-to-adulthood services to children
2256 released from residential commitment. To support participation
2257 in transition-to-adulthood services and subject to
2258 appropriation, the department may:

2259 (b) Use community reentry teams to assist in the
2260 development of a list of age-appropriate activities and
2261 responsibilities to be incorporated in the child's written case
2262 plan for any youth who is under the custody or supervision of

604-03139-24

20241224c2

2263 the department. Community reentry teams may include
2264 representatives from school districts, law enforcement,
2265 workforce development services, community-based service
2266 providers, the Statewide Guardian Ad Litem Office ~~Program~~, and
2267 the youth's family. Such community reentry teams must be created
2268 within existing resources provided to the department. Activities
2269 may include, but are not limited to, life skills training,
2270 including training to develop banking and budgeting skills,
2271 interviewing and career planning skills, parenting skills,
2272 personal health management, and time management or
2273 organizational skills; educational support; employment training;
2274 and counseling.

2275 Section 48. Subsection (11) of section 985.48, Florida
2276 Statutes, is amended to read:

2277 985.48 Juvenile sexual offender commitment programs; sexual
2278 abuse intervention networks.—

2279 (11) Membership of a sexual abuse intervention network
2280 shall include, but is not limited to, representatives from:

2281 (a) Local law enforcement agencies;

2282 (b) Local school boards;

2283 (c) Child protective investigators;

2284 (d) The office of the state attorney;

2285 (e) The office of the public defender;

2286 (f) The juvenile division of the circuit court;

2287 (g) Professionals licensed under chapter 458, chapter 459,
2288 s. 490.0145, or s. 491.0144 providing treatment for juvenile
2289 sexual offenders or their victims;

2290 (h) The Statewide Guardian Ad Litem Office ~~program~~;

2291 (i) The Department of Juvenile Justice; and

604-03139-24

20241224c2

2292 (j) The Department of Children and Families.
2293 Section 49. Subsection (1) of section 39.302, Florida
2294 Statutes, is amended to read:
2295 39.302 Protective investigations of institutional child
2296 abuse, abandonment, or neglect.—
2297 (1) The department shall conduct a child protective
2298 investigation of each report of institutional child abuse,
2299 abandonment, or neglect. Upon receipt of a report that alleges
2300 that an employee or agent of the department, or any other entity
2301 or person covered by s. 39.01(39) or (57) ~~s. 39.01(36) or (54)~~,
2302 acting in an official capacity, has committed an act of child
2303 abuse, abandonment, or neglect, the department shall initiate a
2304 child protective investigation within the timeframe established
2305 under s. 39.101(2) and notify the appropriate state attorney,
2306 law enforcement agency, and licensing agency, which shall
2307 immediately conduct a joint investigation, unless independent
2308 investigations are more feasible. When conducting investigations
2309 or having face-to-face interviews with the child, investigation
2310 visits shall be unannounced unless it is determined by the
2311 department or its agent that unannounced visits threaten the
2312 safety of the child. If a facility is exempt from licensing, the
2313 department shall inform the owner or operator of the facility of
2314 the report. Each agency conducting a joint investigation is
2315 entitled to full access to the information gathered by the
2316 department in the course of the investigation. A protective
2317 investigation must include an interview with the child's parent
2318 or legal guardian. The department shall make a full written
2319 report to the state attorney within 3 business days after making
2320 the oral report. A criminal investigation shall be coordinated,

604-03139-24

20241224c2

2321 whenever possible, with the child protective investigation of
2322 the department. Any interested person who has information
2323 regarding the offenses described in this subsection may forward
2324 a statement to the state attorney as to whether prosecution is
2325 warranted and appropriate. Within 15 days after the completion
2326 of the investigation, the state attorney shall report the
2327 findings to the department and shall include in the report a
2328 determination of whether or not prosecution is justified and
2329 appropriate in view of the circumstances of the specific case.

2330 Section 50. Paragraph (c) of subsection (1) of section
2331 39.521, Florida Statutes, is amended to read:

2332 39.521 Disposition hearings; powers of disposition.—

2333 (1) A disposition hearing shall be conducted by the court,
2334 if the court finds that the facts alleged in the petition for
2335 dependency were proven in the adjudicatory hearing, or if the
2336 parents or legal custodians have consented to the finding of
2337 dependency or admitted the allegations in the petition, have
2338 failed to appear for the arraignment hearing after proper
2339 notice, or have not been located despite a diligent search
2340 having been conducted.

2341 (c) When any child is adjudicated by a court to be
2342 dependent, the court having jurisdiction of the child has the
2343 power by order to:

2344 1. Require the parent and, when appropriate, the legal
2345 guardian or the child to participate in treatment and services
2346 identified as necessary. The court may require the person who
2347 has custody or who is requesting custody of the child to submit
2348 to a mental health or substance abuse disorder assessment or
2349 evaluation. The order may be made only upon good cause shown and

604-03139-24

20241224c2

2350 pursuant to notice and procedural requirements provided under
2351 the Florida Rules of Juvenile Procedure. The mental health
2352 assessment or evaluation must be administered by a qualified
2353 professional as defined in s. 39.01, and the substance abuse
2354 assessment or evaluation must be administered by a qualified
2355 professional as defined in s. 397.311. The court may also
2356 require such person to participate in and comply with treatment
2357 and services identified as necessary, including, when
2358 appropriate and available, participation in and compliance with
2359 a mental health court program established under chapter 394 or a
2360 treatment-based drug court program established under s. 397.334.
2361 Adjudication of a child as dependent based upon evidence of harm
2362 as defined in s. 39.01(37)(g) ~~s. 39.01(34)(g)~~ demonstrates good
2363 cause, and the court shall require the parent whose actions
2364 caused the harm to submit to a substance abuse disorder
2365 assessment or evaluation and to participate and comply with
2366 treatment and services identified in the assessment or
2367 evaluation as being necessary. In addition to supervision by the
2368 department, the court, including the mental health court program
2369 or the treatment-based drug court program, may oversee the
2370 progress and compliance with treatment by a person who has
2371 custody or is requesting custody of the child. The court may
2372 impose appropriate available sanctions for noncompliance upon a
2373 person who has custody or is requesting custody of the child or
2374 make a finding of noncompliance for consideration in determining
2375 whether an alternative placement of the child is in the child's
2376 best interests. Any order entered under this subparagraph may be
2377 made only upon good cause shown. This subparagraph does not
2378 authorize placement of a child with a person seeking custody of

604-03139-24

20241224c2

2379 the child, other than the child's parent or legal custodian, who
2380 requires mental health or substance abuse disorder treatment.

2381 2. Require, if the court deems necessary, the parties to
2382 participate in dependency mediation.

2383 3. Require placement of the child either under the
2384 protective supervision of an authorized agent of the department
2385 in the home of one or both of the child's parents or in the home
2386 of a relative of the child or another adult approved by the
2387 court, or in the custody of the department. Protective
2388 supervision continues until the court terminates it or until the
2389 child reaches the age of 18, whichever date is first. Protective
2390 supervision shall be terminated by the court whenever the court
2391 determines that permanency has been achieved for the child,
2392 whether with a parent, another relative, or a legal custodian,
2393 and that protective supervision is no longer needed. The
2394 termination of supervision may be with or without retaining
2395 jurisdiction, at the court's discretion, and shall in either
2396 case be considered a permanency option for the child. The order
2397 terminating supervision by the department must set forth the
2398 powers of the custodian of the child and include the powers
2399 ordinarily granted to a guardian of the person of a minor unless
2400 otherwise specified. Upon the court's termination of supervision
2401 by the department, further judicial reviews are not required if
2402 permanency has been established for the child.

2403 4. Determine whether the child has a strong attachment to
2404 the prospective permanent guardian and whether such guardian has
2405 a strong commitment to permanently caring for the child.

2406 Section 51. Paragraph (c) of subsection (2) of section
2407 61.13, Florida Statutes, is amended to read:

604-03139-24

20241224c2

2408 61.13 Support of children; parenting and time-sharing;
2409 powers of court.—

2410 (2)

2411 (c) The court shall determine all matters relating to
2412 parenting and time-sharing of each minor child of the parties in
2413 accordance with the best interests of the child and in
2414 accordance with the Uniform Child Custody Jurisdiction and
2415 Enforcement Act, except that modification of a parenting plan
2416 and time-sharing schedule requires a showing of a substantial
2417 and material change of circumstances.

2418 1. It is the public policy of this state that each minor
2419 child has frequent and continuing contact with both parents
2420 after the parents separate or the marriage of the parties is
2421 dissolved and to encourage parents to share the rights and
2422 responsibilities, and joys, of childrearing. Unless otherwise
2423 provided in this section or agreed to by the parties, there is a
2424 rebuttable presumption that equal time-sharing of a minor child
2425 is in the best interests of the minor child. To rebut this
2426 presumption, a party must prove by a preponderance of the
2427 evidence that equal time-sharing is not in the best interests of
2428 the minor child. Except when a time-sharing schedule is agreed
2429 to by the parties and approved by the court, the court must
2430 evaluate all of the factors set forth in subsection (3) and make
2431 specific written findings of fact when creating or modifying a
2432 time-sharing schedule.

2433 2. The court shall order that the parental responsibility
2434 for a minor child be shared by both parents unless the court
2435 finds that shared parental responsibility would be detrimental
2436 to the child. In determining detriment to the child, the court

604-03139-24

20241224c2

2437 shall consider:

2438 a. Evidence of domestic violence, as defined in s. 741.28;

2439 b. Whether either parent has or has had reasonable cause to
2440 believe that he or she or his or her minor child or children are
2441 or have been in imminent danger of becoming victims of an act of
2442 domestic violence as defined in s. 741.28 or sexual violence as
2443 defined in s. 784.046(1)(c) by the other parent against the
2444 parent or against the child or children whom the parents share
2445 in common regardless of whether a cause of action has been
2446 brought or is currently pending in the court;

2447 c. Whether either parent has or has had reasonable cause to
2448 believe that his or her minor child or children are or have been
2449 in imminent danger of becoming victims of an act of abuse ~~as~~
2450 ~~defined in s. 39.01(2)~~, abandonment ~~as defined in s. 39.01(1)~~,
2451 or neglect, as those terms are defined in s. 39.01, ~~s. 39.01(50)~~
2452 by the other parent against the child or children whom the
2453 parents share in common regardless of whether a cause of action
2454 has been brought or is currently pending in the court; and

2455 d. Any other relevant factors.

2456 3. The following evidence creates a rebuttable presumption
2457 that shared parental responsibility is detrimental to the child:

2458 a. A parent has been convicted of a misdemeanor of the
2459 first degree or higher involving domestic violence, as defined
2460 in s. 741.28 and chapter 775;

2461 b. A parent meets the criteria of s. 39.806(1)(d); or

2462 c. A parent has been convicted of or had adjudication
2463 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
2464 at the time of the offense:

2465 (I) The parent was 18 years of age or older.

604-03139-24

20241224c2

2466 (II) The victim was under 18 years of age or the parent
2467 believed the victim to be under 18 years of age.

2468
2469 If the presumption is not rebutted after the convicted parent is
2470 advised by the court that the presumption exists, shared
2471 parental responsibility, including time-sharing with the child,
2472 and decisions made regarding the child, may not be granted to
2473 the convicted parent. However, the convicted parent is not
2474 relieved of any obligation to provide financial support. If the
2475 court determines that shared parental responsibility would be
2476 detrimental to the child, it may order sole parental
2477 responsibility and make such arrangements for time-sharing as
2478 specified in the parenting plan as will best protect the child
2479 or abused spouse from further harm. Whether or not there is a
2480 conviction of any offense of domestic violence or child abuse or
2481 the existence of an injunction for protection against domestic
2482 violence, the court shall consider evidence of domestic violence
2483 or child abuse as evidence of detriment to the child.

2484 4. In ordering shared parental responsibility, the court
2485 may consider the expressed desires of the parents and may grant
2486 to one party the ultimate responsibility over specific aspects
2487 of the child's welfare or may divide those responsibilities
2488 between the parties based on the best interests of the child.
2489 Areas of responsibility may include education, health care, and
2490 any other responsibilities that the court finds unique to a
2491 particular family.

2492 5. The court shall order sole parental responsibility for a
2493 minor child to one parent, with or without time-sharing with the
2494 other parent if it is in the best interests of the minor child.

604-03139-24

20241224c2

2495 6. There is a rebuttable presumption against granting time-
2496 sharing with a minor child if a parent has been convicted of or
2497 had adjudication withheld for an offense enumerated in s.

2498 943.0435(1)(h)1.a., and at the time of the offense:

2499 a. The parent was 18 years of age or older.

2500 b. The victim was under 18 years of age or the parent
2501 believed the victim to be under 18 years of age.

2502
2503 A parent may rebut the presumption upon a specific finding in
2504 writing by the court that the parent poses no significant risk
2505 of harm to the child and that time-sharing is in the best
2506 interests of the minor child. If the presumption is rebutted,
2507 the court must consider all time-sharing factors in subsection
2508 (3) when developing a time-sharing schedule.

2509 7. Access to records and information pertaining to a minor
2510 child, including, but not limited to, medical, dental, and
2511 school records, may not be denied to either parent. Full rights
2512 under this subparagraph apply to either parent unless a court
2513 order specifically revokes these rights, including any
2514 restrictions on these rights as provided in a domestic violence
2515 injunction. A parent having rights under this subparagraph has
2516 the same rights upon request as to form, substance, and manner
2517 of access as are available to the other parent of a child,
2518 including, without limitation, the right to in-person
2519 communication with medical, dental, and education providers.

2520 Section 52. Paragraph (d) of subsection (4) of section
2521 119.071, Florida Statutes, is amended to read:

2522 119.071 General exemptions from inspection or copying of
2523 public records.—

604-03139-24

20241224c2

2524 (4) AGENCY PERSONNEL INFORMATION.—
2525 (d)1. For purposes of this paragraph, the term:
2526 a. "Home addresses" means the dwelling location at which an
2527 individual resides and includes the physical address, mailing
2528 address, street address, parcel identification number, plot
2529 identification number, legal property description, neighborhood
2530 name and lot number, GPS coordinates, and any other descriptive
2531 property information that may reveal the home address.
2532 b. "Judicial assistant" means a court employee assigned to
2533 the following class codes: 8140, 8150, 8310, and 8320.
2534 c. "Telephone numbers" includes home telephone numbers,
2535 personal cellular telephone numbers, personal pager telephone
2536 numbers, and telephone numbers associated with personal
2537 communications devices.
2538 2.a. The home addresses, telephone numbers, dates of birth,
2539 and photographs of active or former sworn law enforcement
2540 personnel or of active or former civilian personnel employed by
2541 a law enforcement agency, including correctional and
2542 correctional probation officers, personnel of the Department of
2543 Children and Families whose duties include the investigation of
2544 abuse, neglect, exploitation, fraud, theft, or other criminal
2545 activities, personnel of the Department of Health whose duties
2546 are to support the investigation of child abuse or neglect, and
2547 personnel of the Department of Revenue or local governments
2548 whose responsibilities include revenue collection and
2549 enforcement or child support enforcement; the names, home
2550 addresses, telephone numbers, photographs, dates of birth, and
2551 places of employment of the spouses and children of such
2552 personnel; and the names and locations of schools and day care

604-03139-24

20241224c2

2553 facilities attended by the children of such personnel are exempt
2554 from s. 119.07(1) and s. 24(a), Art. I of the State
2555 Constitution.

2556 b. The home addresses, telephone numbers, dates of birth,
2557 and photographs of current or former nonsworn investigative
2558 personnel of the Department of Financial Services whose duties
2559 include the investigation of fraud, theft, workers' compensation
2560 coverage requirements and compliance, other related criminal
2561 activities, or state regulatory requirement violations; the
2562 names, home addresses, telephone numbers, dates of birth, and
2563 places of employment of the spouses and children of such
2564 personnel; and the names and locations of schools and day care
2565 facilities attended by the children of such personnel are exempt
2566 from s. 119.07(1) and s. 24(a), Art. I of the State
2567 Constitution.

2568 c. The home addresses, telephone numbers, dates of birth,
2569 and photographs of current or former nonsworn investigative
2570 personnel of the Office of Financial Regulation's Bureau of
2571 Financial Investigations whose duties include the investigation
2572 of fraud, theft, other related criminal activities, or state
2573 regulatory requirement violations; the names, home addresses,
2574 telephone numbers, dates of birth, and places of employment of
2575 the spouses and children of such personnel; and the names and
2576 locations of schools and day care facilities attended by the
2577 children of such personnel are exempt from s. 119.07(1) and s.
2578 24(a), Art. I of the State Constitution.

2579 d. The home addresses, telephone numbers, dates of birth,
2580 and photographs of current or former firefighters certified in
2581 compliance with s. 633.408; the names, home addresses, telephone

604-03139-24

20241224c2

2582 numbers, photographs, dates of birth, and places of employment
2583 of the spouses and children of such firefighters; and the names
2584 and locations of schools and day care facilities attended by the
2585 children of such firefighters are exempt from s. 119.07(1) and
2586 s. 24(a), Art. I of the State Constitution.

2587 e. The home addresses, dates of birth, and telephone
2588 numbers of current or former justices of the Supreme Court,
2589 district court of appeal judges, circuit court judges, and
2590 county court judges, ~~and of~~ current judicial assistants; the
2591 names, home addresses, telephone numbers, dates of birth, and
2592 places of employment of the spouses and children of current or
2593 former justices and judges and ~~of~~ current judicial assistants;
2594 and the names and locations of schools and day care facilities
2595 attended by the children of current or former justices and
2596 judges and of current judicial assistants are exempt from s.
2597 119.07(1) and s. 24(a), Art. I of the State Constitution. This
2598 sub-subparagraph is subject to the Open Government Sunset Review
2599 Act in accordance with s. 119.15 and shall stand repealed on
2600 October 2, 2028, unless reviewed and saved from repeal through
2601 reenactment by the Legislature.

2602 f. The home addresses, telephone numbers, dates of birth,
2603 and photographs of current or former state attorneys, assistant
2604 state attorneys, statewide prosecutors, or assistant statewide
2605 prosecutors; the names, home addresses, telephone numbers,
2606 photographs, dates of birth, and places of employment of the
2607 spouses and children of current or former state attorneys,
2608 assistant state attorneys, statewide prosecutors, or assistant
2609 statewide prosecutors; and the names and locations of schools
2610 and day care facilities attended by the children of current or

604-03139-24

20241224c2

2611 former state attorneys, assistant state attorneys, statewide
2612 prosecutors, or assistant statewide prosecutors are exempt from
2613 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2614 g. The home addresses, dates of birth, and telephone
2615 numbers of general magistrates, special magistrates, judges of
2616 compensation claims, administrative law judges of the Division
2617 of Administrative Hearings, and child support enforcement
2618 hearing officers; the names, home addresses, telephone numbers,
2619 dates of birth, and places of employment of the spouses and
2620 children of general magistrates, special magistrates, judges of
2621 compensation claims, administrative law judges of the Division
2622 of Administrative Hearings, and child support enforcement
2623 hearing officers; and the names and locations of schools and day
2624 care facilities attended by the children of general magistrates,
2625 special magistrates, judges of compensation claims,
2626 administrative law judges of the Division of Administrative
2627 Hearings, and child support enforcement hearing officers are
2628 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2629 Constitution.

2630 h. The home addresses, telephone numbers, dates of birth,
2631 and photographs of current or former human resource, labor
2632 relations, or employee relations directors, assistant directors,
2633 managers, or assistant managers of any local government agency
2634 or water management district whose duties include hiring and
2635 firing employees, labor contract negotiation, administration, or
2636 other personnel-related duties; the names, home addresses,
2637 telephone numbers, dates of birth, and places of employment of
2638 the spouses and children of such personnel; and the names and
2639 locations of schools and day care facilities attended by the

604-03139-24

20241224c2

2640 children of such personnel are exempt from s. 119.07(1) and s.
2641 24(a), Art. I of the State Constitution.

2642 i. The home addresses, telephone numbers, dates of birth,
2643 and photographs of current or former code enforcement officers;
2644 the names, home addresses, telephone numbers, dates of birth,
2645 and places of employment of the spouses and children of such
2646 personnel; and the names and locations of schools and day care
2647 facilities attended by the children of such personnel are exempt
2648 from s. 119.07(1) and s. 24(a), Art. I of the State
2649 Constitution.

2650 j. The home addresses, telephone numbers, places of
2651 employment, dates of birth, and photographs of current or former
2652 guardians ad litem, as defined in s. 39.01 ~~s. 39.820~~; the names,
2653 home addresses, telephone numbers, dates of birth, and places of
2654 employment of the spouses and children of such persons; and the
2655 names and locations of schools and day care facilities attended
2656 by the children of such persons are exempt from s. 119.07(1) and
2657 s. 24(a), Art. I of the State Constitution.

2658 k. The home addresses, telephone numbers, dates of birth,
2659 and photographs of current or former juvenile probation
2660 officers, juvenile probation supervisors, detention
2661 superintendents, assistant detention superintendents, juvenile
2662 justice detention officers I and II, juvenile justice detention
2663 officer supervisors, juvenile justice residential officers,
2664 juvenile justice residential officer supervisors I and II,
2665 juvenile justice counselors, juvenile justice counselor
2666 supervisors, human services counselor administrators, senior
2667 human services counselor administrators, rehabilitation
2668 therapists, and social services counselors of the Department of

604-03139-24

20241224c2

2669 Juvenile Justice; the names, home addresses, telephone numbers,
2670 dates of birth, and places of employment of spouses and children
2671 of such personnel; and the names and locations of schools and
2672 day care facilities attended by the children of such personnel
2673 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2674 Constitution.

2675 1. The home addresses, telephone numbers, dates of birth,
2676 and photographs of current or former public defenders, assistant
2677 public defenders, criminal conflict and civil regional counsel,
2678 and assistant criminal conflict and civil regional counsel; the
2679 names, home addresses, telephone numbers, dates of birth, and
2680 places of employment of the spouses and children of current or
2681 former public defenders, assistant public defenders, criminal
2682 conflict and civil regional counsel, and assistant criminal
2683 conflict and civil regional counsel; and the names and locations
2684 of schools and day care facilities attended by the children of
2685 current or former public defenders, assistant public defenders,
2686 criminal conflict and civil regional counsel, and assistant
2687 criminal conflict and civil regional counsel are exempt from s.
2688 119.07(1) and s. 24(a), Art. I of the State Constitution.

2689 m. The home addresses, telephone numbers, dates of birth,
2690 and photographs of current or former investigators or inspectors
2691 of the Department of Business and Professional Regulation; the
2692 names, home addresses, telephone numbers, dates of birth, and
2693 places of employment of the spouses and children of such current
2694 or former investigators and inspectors; and the names and
2695 locations of schools and day care facilities attended by the
2696 children of such current or former investigators and inspectors
2697 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

604-03139-24

20241224c2

2698 Constitution.

2699 n. The home addresses, telephone numbers, and dates of
2700 birth of county tax collectors; the names, home addresses,
2701 telephone numbers, dates of birth, and places of employment of
2702 the spouses and children of such tax collectors; and the names
2703 and locations of schools and day care facilities attended by the
2704 children of such tax collectors are exempt from s. 119.07(1) and
2705 s. 24(a), Art. I of the State Constitution.

2706 o. The home addresses, telephone numbers, dates of birth,
2707 and photographs of current or former personnel of the Department
2708 of Health whose duties include, or result in, the determination
2709 or adjudication of eligibility for social security disability
2710 benefits, the investigation or prosecution of complaints filed
2711 against health care practitioners, or the inspection of health
2712 care practitioners or health care facilities licensed by the
2713 Department of Health; the names, home addresses, telephone
2714 numbers, dates of birth, and places of employment of the spouses
2715 and children of such personnel; and the names and locations of
2716 schools and day care facilities attended by the children of such
2717 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
2718 the State Constitution.

2719 p. The home addresses, telephone numbers, dates of birth,
2720 and photographs of current or former impaired practitioner
2721 consultants who are retained by an agency or current or former
2722 employees of an impaired practitioner consultant whose duties
2723 result in a determination of a person's skill and safety to
2724 practice a licensed profession; the names, home addresses,
2725 telephone numbers, dates of birth, and places of employment of
2726 the spouses and children of such consultants or their employees;

604-03139-24

20241224c2

2727 and the names and locations of schools and day care facilities
2728 attended by the children of such consultants or employees are
2729 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2730 Constitution.

2731 q. The home addresses, telephone numbers, dates of birth,
2732 and photographs of current or former emergency medical
2733 technicians or paramedics certified under chapter 401; the
2734 names, home addresses, telephone numbers, dates of birth, and
2735 places of employment of the spouses and children of such
2736 emergency medical technicians or paramedics; and the names and
2737 locations of schools and day care facilities attended by the
2738 children of such emergency medical technicians or paramedics are
2739 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2740 Constitution.

2741 r. The home addresses, telephone numbers, dates of birth,
2742 and photographs of current or former personnel employed in an
2743 agency's office of inspector general or internal audit
2744 department whose duties include auditing or investigating waste,
2745 fraud, abuse, theft, exploitation, or other activities that
2746 could lead to criminal prosecution or administrative discipline;
2747 the names, home addresses, telephone numbers, dates of birth,
2748 and places of employment of spouses and children of such
2749 personnel; and the names and locations of schools and day care
2750 facilities attended by the children of such personnel are exempt
2751 from s. 119.07(1) and s. 24(a), Art. I of the State
2752 Constitution.

2753 s. The home addresses, telephone numbers, dates of birth,
2754 and photographs of current or former directors, managers,
2755 supervisors, nurses, and clinical employees of an addiction

604-03139-24

20241224c2

2756 treatment facility; the home addresses, telephone numbers,
2757 photographs, dates of birth, and places of employment of the
2758 spouses and children of such personnel; and the names and
2759 locations of schools and day care facilities attended by the
2760 children of such personnel are exempt from s. 119.07(1) and s.
2761 24(a), Art. I of the State Constitution. For purposes of this
2762 sub-subparagraph, the term "addiction treatment facility" means
2763 a county government, or agency thereof, that is licensed
2764 pursuant to s. 397.401 and provides substance abuse prevention,
2765 intervention, or clinical treatment, including any licensed
2766 service component described in s. 397.311(26).

2767 t. The home addresses, telephone numbers, dates of birth,
2768 and photographs of current or former directors, managers,
2769 supervisors, and clinical employees of a child advocacy center
2770 that meets the standards of s. 39.3035(2) and fulfills the
2771 screening requirement of s. 39.3035(3), and the members of a
2772 Child Protection Team as described in s. 39.303 whose duties
2773 include supporting the investigation of child abuse or sexual
2774 abuse, child abandonment, child neglect, and child exploitation
2775 or to provide services as part of a multidisciplinary case
2776 review team; the names, home addresses, telephone numbers,
2777 photographs, dates of birth, and places of employment of the
2778 spouses and children of such personnel and members; and the
2779 names and locations of schools and day care facilities attended
2780 by the children of such personnel and members are exempt from s.
2781 119.07(1) and s. 24(a), Art. I of the State Constitution.

2782 u. The home addresses, telephone numbers, places of
2783 employment, dates of birth, and photographs of current or former
2784 staff and domestic violence advocates, as defined in s.

604-03139-24

20241224c2

2785 90.5036(1)(b), of domestic violence centers certified by the
2786 Department of Children and Families under chapter 39; the names,
2787 home addresses, telephone numbers, places of employment, dates
2788 of birth, and photographs of the spouses and children of such
2789 personnel; and the names and locations of schools and day care
2790 facilities attended by the children of such personnel are exempt
2791 from s. 119.07(1) and s. 24(a), Art. I of the State
2792 Constitution.

2793 v. The home addresses, telephone numbers, dates of birth,
2794 and photographs of current or former inspectors or investigators
2795 of the Department of Agriculture and Consumer Services; the
2796 names, home addresses, telephone numbers, dates of birth, and
2797 places of employment of the spouses and children of current or
2798 former inspectors or investigators; and the names and locations
2799 of schools and day care facilities attended by the children of
2800 current or former inspectors or investigators are exempt from s.
2801 119.07(1) and s. 24(a), Art. I of the State Constitution. This
2802 sub-subparagraph is subject to the Open Government Sunset Review
2803 Act in accordance with s. 119.15 and shall stand repealed on
2804 October 2, 2028, unless reviewed and saved from repeal through
2805 reenactment by the Legislature.

2806 3. An agency that is the custodian of the information
2807 specified in subparagraph 2. and that is not the employer of the
2808 officer, employee, justice, judge, or other person specified in
2809 subparagraph 2. must maintain the exempt status of that
2810 information only if the officer, employee, justice, judge, other
2811 person, or employing agency of the designated employee submits a
2812 written and notarized request for maintenance of the exemption
2813 to the custodial agency. The request must state under oath the

604-03139-24

20241224c2

2814 statutory basis for the individual's exemption request and
2815 confirm the individual's status as a party eligible for exempt
2816 status.

2817 4.a. A county property appraiser, as defined in s.
2818 192.001(3), or a county tax collector, as defined in s.
2819 192.001(4), who receives a written and notarized request for
2820 maintenance of the exemption pursuant to subparagraph 3. must
2821 comply by removing the name of the individual with exempt status
2822 and the instrument number or Official Records book and page
2823 number identifying the property with the exempt status from all
2824 publicly available records maintained by the property appraiser
2825 or tax collector. For written requests received on or before
2826 July 1, 2021, a county property appraiser or county tax
2827 collector must comply with this sub-subparagraph by October 1,
2828 2021. A county property appraiser or county tax collector may
2829 not remove the street address, legal description, or other
2830 information identifying real property within the agency's
2831 records so long as a name or personal information otherwise
2832 exempt from inspection and copying pursuant to this section is
2833 not associated with the property or otherwise displayed in the
2834 public records of the agency.

2835 b. Any information restricted from public display,
2836 inspection, or copying under sub-subparagraph a. must be
2837 provided to the individual whose information was removed.

2838 5. An officer, an employee, a justice, a judge, or other
2839 person specified in subparagraph 2. may submit a written request
2840 for the release of his or her exempt information to the
2841 custodial agency. The written request must be notarized and must
2842 specify the information to be released and the party authorized

604-03139-24

20241224c2

2843 to receive the information. Upon receipt of the written request,
2844 the custodial agency must release the specified information to
2845 the party authorized to receive such information.

2846 6. The exemptions in this paragraph apply to information
2847 held by an agency before, on, or after the effective date of the
2848 exemption.

2849 7. Information made exempt under this paragraph may be
2850 disclosed pursuant to s. 28.2221 to a title insurer authorized
2851 pursuant to s. 624.401 and its affiliates as defined in s.
2852 624.10; a title insurance agent or title insurance agency as
2853 defined in s. 626.841(1) or (2), respectively; or an attorney
2854 duly admitted to practice law in this state and in good standing
2855 with The Florida Bar.

2856 8. The exempt status of a home address contained in the
2857 Official Records is maintained only during the period when a
2858 protected party resides at the dwelling location. Upon
2859 conveyance of real property after October 1, 2021, and when such
2860 real property no longer constitutes a protected party's home
2861 address as defined in sub-subparagraph 1.a., the protected party
2862 must submit a written request to release the removed information
2863 to the county recorder. The written request to release the
2864 removed information must be notarized, must confirm that a
2865 protected party's request for release is pursuant to a
2866 conveyance of his or her dwelling location, and must specify the
2867 Official Records book and page, instrument number, or clerk's
2868 file number for each document containing the information to be
2869 released.

2870 9. Upon the death of a protected party as verified by a
2871 certified copy of a death certificate or court order, any party

604-03139-24

20241224c2

2872 can request the county recorder to release a protected
2873 decedent's removed information unless there is a related request
2874 on file with the county recorder for continued removal of the
2875 decedent's information or unless such removal is otherwise
2876 prohibited by statute or by court order. The written request to
2877 release the removed information upon the death of a protected
2878 party must attach the certified copy of a death certificate or
2879 court order and must be notarized, must confirm the request for
2880 release is due to the death of a protected party, and must
2881 specify the Official Records book and page number, instrument
2882 number, or clerk's file number for each document containing the
2883 information to be released. A fee may not be charged for the
2884 release of any document pursuant to such request.

2885 10. Except as otherwise expressly provided in this
2886 paragraph, this paragraph is subject to the Open Government
2887 Sunset Review Act in accordance with s. 119.15 and shall stand
2888 repealed on October 2, 2024, unless reviewed and saved from
2889 repeal through reenactment by the Legislature.

2890 Section 53. Subsection (4) of section 322.09, Florida
2891 Statutes, is amended to read:

2892 322.09 Application of minors; responsibility for negligence
2893 or misconduct of minor.—

2894 (4) Notwithstanding subsections (1) and (2), if a caregiver
2895 of a minor who is under the age of 18 years and is in out-of-
2896 home care as defined in s. 39.01 ~~s. 39.01(55)~~, an authorized
2897 representative of a residential group home at which such a minor
2898 resides, the caseworker at the agency at which the state has
2899 placed the minor, or a guardian ad litem specifically authorized
2900 by the minor's caregiver to sign for a learner's driver license

604-03139-24

20241224c2

2901 signs the minor's application for a learner's driver license,
2902 that caregiver, group home representative, caseworker, or
2903 guardian ad litem does not assume any obligation or become
2904 liable for any damages caused by the negligence or willful
2905 misconduct of the minor by reason of having signed the
2906 application. Before signing the application, the caseworker,
2907 authorized group home representative, or guardian ad litem shall
2908 notify the caregiver or other responsible party of his or her
2909 intent to sign and verify the application.

2910 Section 54. Paragraph (p) of subsection (4) of section
2911 394.495, Florida Statutes, is amended to read:

2912 394.495 Child and adolescent mental health system of care;
2913 programs and services.—

2914 (4) The array of services may include, but is not limited
2915 to:

2916 (p) Trauma-informed services for children who have suffered
2917 sexual exploitation as defined in s. 39.01(80)(g) ~~s.~~
2918 ~~39.01(77)(g)~~.

2919 Section 55. Section 627.746, Florida Statutes, is amended
2920 to read:

2921 627.746 Coverage for minors who have a learner's driver
2922 license; additional premium prohibited.—An insurer that issues
2923 an insurance policy on a private passenger motor vehicle to a
2924 named insured who is a caregiver of a minor who is under the age
2925 of 18 years and is in out-of-home care as defined in s. 39.01 ~~s.~~
2926 ~~39.01(55)~~ may not charge an additional premium for coverage of
2927 the minor while the minor is operating the insured vehicle, for
2928 the period of time that the minor has a learner's driver
2929 license, until such time as the minor obtains a driver license.

604-03139-24

20241224c2

2930 Section 56. Paragraph (c) of subsection (1) of section
2931 934.255, Florida Statutes, is amended to read:

2932 934.255 Subpoenas in investigations of sexual offenses.—

2933 (1) As used in this section, the term:

2934 (c) "Sexual abuse of a child" means a criminal offense
2935 based on any conduct described in s. 39.01(80) ~~s. 39.01(77)~~.

2936 Section 57. Subsection (5) of section 960.065, Florida
2937 Statutes, is amended to read:

2938 960.065 Eligibility for awards.—

2939 (5) A person is not ineligible for an award pursuant to
2940 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
2941 person is a victim of sexual exploitation of a child as defined
2942 in s. 39.01(80) (g) ~~s. 39.01(77) (g)~~.

2943 Section 58. The Division of Law Revision is requested to
2944 prepare a reviser's bill for the 2025 Regular Session of the
2945 Legislature to substitute the term "Statewide Guardian ad Litem
2946 Office" for the term "Guardian ad Litem Program" or "Statewide
2947 Guardian ad Litem Program" throughout the Florida Statutes.

2948 Section 59. This act shall take effect July 1, 2024.