

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

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

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

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

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

89 authorizing a child's guardian ad litem and attorney

90 ad litem to inspect certain records; amending s.

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

92 the executive director of the Statewide Guardian ad

93 Litem Office; requiring the training program for

94 guardians ad litem to be maintained and updated

95 regularly; deleting provisions regarding the training

96 curriculum and the establishment of a curriculum

97 committee; requiring the office to provide oversight

98 and technical assistance to attorneys ad litem;

99 specifying certain requirements of the office;

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

101 changes made by the act; amending s. 414.56, F.S.;

102 revising the duties of the Office of Continuing Care;

103 creating s. 1009.898, F.S.; authorizing, subject to

104 appropriation, the Fostering Prosperity program to

105 provide certain grants to youth and young adults who

106 are aging out of foster care; requiring that such

107 grants remain available for a certain period of time

108 after reunification of a young adult with his or her

109 parent; requiring the State Board of Education to

110 adopt certain rules; amending ss. 29.008, 39.6011,

111 40.24, 43.16, 61.402, 110.205, 320.08058, 943.053,

112 985.43, 985.441, 985.455, 985.461, and 985.48, F.S.;

113 conforming provisions to changes made by the act;

114 amending ss. 39.302, 39.521, 61.13, 119.071, 322.09,

115 394.495, 627.746, 934.255, and 960.065, F.S.;

116 conforming cross-references; providing a directive to

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117 the Division of Law Revision; providing an effective
118 date.

119
120 Be It Enacted by the Legislature of the State of Florida:

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

125 39.001 Purposes and intent; personnel standards and
126 screening.—

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

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

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

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

144 (10) PLAN FOR COMPREHENSIVE APPROACH.—

145 (a) The office shall develop a state plan for the promotion

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

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175 of the various groups in paragraph (b).

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

178 39.00145 Records concerning children.—

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

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

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

195 (c) If a child or the child's caregiver, guardian ad litem,
196 or attorney ad litem, if one is appointed, requests access to
197 the child's case record, any person or entity that fails to
198 provide any record in the case record under assertion of a claim
199 of exemption from the public records requirements of chapter
200 119, or fails to provide access within a reasonable time, is
201 subject to sanctions and penalties under s. 119.10.

202 (d) For the purposes of this subsection, the term
203 "caregiver" is limited to parents, legal custodians, permanent

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204 guardians, or foster parents; employees of a residential home,
205 institution, facility, or agency at which the child resides; and
206 other individuals legally responsible for a child's welfare in a
207 residential setting.

208 Section 3. Paragraph (a) of subsection (2) of section
209 39.00146, Florida Statutes, is amended to read:

210 39.00146 Case record face sheet.—

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

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

219 1. The child's name and date of birth.‡

220 2. The current county of residence and the county of
221 residence at the time of the referral.‡

222 3. The reason for the referral and any family safety
223 concerns.‡

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

228 5. The date of removal from the home.‡~~and~~

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

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233 Section 4. Paragraph (b) of subsection (2) and paragraph
234 (b) of subsection (3) of section 39.0016, Florida Statutes, are
235 amended to read:

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

239 (2) AGENCY AGREEMENTS.—

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

247 1. A requirement that the department shall:

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

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

258 c. Establish a protocol for the department to share
259 information about a child known to the department with the
260 school district, consistent with the Family Educational Rights
261 and Privacy Act, since the sharing of information will assist

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262 each agency in obtaining education and related services for the
263 benefit of the child. The protocol must require the district
264 school boards or other local educational entities to access the
265 department's Florida Safe Families Network to obtain information
266 about children known to the department, consistent with the
267 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
268 1232g.

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

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

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

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

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

287 c. Determine whether transportation is available for a
288 child known to the department when such transportation will
289 avoid a change in school assignment due to a change in
290 residential placement. Recognizing that continued enrollment in

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291 the same school throughout the time the child known to the
292 department is in out-of-home care is preferable unless
293 enrollment in the same school would be unsafe or otherwise
294 impractical, the department, the district school board, and the
295 Department of Education shall assess the availability of
296 federal, charitable, or grant funding for such transportation.

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

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

312 a. Referral for screening.

313 b. Sharing of evaluations between the school district and
314 the department where appropriate.

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

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

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320 service plans.

321 e. Appointment of a surrogate parent, consistent with the
322 Individuals with Disabilities Education Act and pursuant to
323 subsection (3), for educational purposes for a child known to
324 the department who qualifies.

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

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

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

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

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

344 2. A surrogate parent appointed by the district school
345 superintendent or the court must be at least 18 years old and
346 have no personal or professional interest that conflicts with
347 the interests of the student to be represented. Neither the
348 district school superintendent nor the court may appoint an

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

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

374 4. A surrogate parent appointed by the district school
375 superintendent or the court must be accepted by any subsequent
376 school or school district without regard to where the child is
377 receiving residential care so that a single surrogate parent can

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378 follow the education of the child during his or her entire time
379 in state custody. Nothing in this paragraph or in rule shall
380 limit or prohibit the continuance of a surrogate parent
381 appointment when the responsibility for the student's
382 educational placement moves among and between public and private
383 agencies.

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

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

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

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

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

403 d. The appointed surrogate no longer wishes to represent
404 the child or is unable to represent the child.

405 e. The superintendent of the school district in which the
406 child is attending school, the Department of Education contract

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407 designee, or the court that appointed the surrogate determines
408 that the appointed surrogate parent no longer adequately
409 represents the child.

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

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

416 8. The person appointed as a surrogate parent under this
417 paragraph must:

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

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

423 c. Represent the interests and safeguard the rights of the
424 child in educational decisions that affect the child.

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

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

435 11. A person appointed as a surrogate parent shall not be

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436 held liable for actions taken in good faith on behalf of the
437 student in protecting the special education rights of the child.

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

444 39.01 Definitions.—When used in this chapter, unless the
445 context otherwise requires:

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

450 (10)~~(9)~~ "Caregiver" means the parent, legal custodian,
451 permanent guardian, adult household member, or other person
452 responsible for a child's welfare as defined in subsection (57)
453 ~~(54)~~.

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

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465 appointed by the court. A guardian ad litem is a party to the
466 judicial proceeding as a representative of the child and serves
467 until the jurisdiction of the court over the child terminates or
468 until excused by the court.

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

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

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

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

490 39.013 Procedures and jurisdiction; right to counsel;
491 guardian ad litem.—

492 (11) The court shall appoint a guardian ad litem at the
493 earliest possible time to represent a child throughout the

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494 proceedings, including any appeals. The guardian ad litem may
495 represent the child in proceedings outside of the dependency
496 case to secure the services and benefits that provide for the
497 care, safety, and protection of the child ~~encourage the~~
498 ~~Statewide Guardian Ad Litem Office to provide greater~~
499 ~~representation to those children who are within 1 year of~~
500 ~~transferring out of foster care.~~

501 Section 7. Paragraph (b) of subsection (1) of section
502 39.01305, Florida Statutes, is amended to read:

503 39.01305 Appointment of an attorney for a dependent child
504 with certain special needs.-

505 (1)

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

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523 appear on behalf of a child.

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

526 39.0132 Oaths, records, and confidential information.—

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

550 Section 9. Paragraph (a) of subsection (3) of section
551 39.0136, Florida Statutes, is amended to read:

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552 39.0136 Time limitations; continuances.—

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

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

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

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

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

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

572 39.0139 Visitation or other contact; restrictions.—

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

577 (a) Before ~~Prior to~~ the hearing, the court shall appoint ~~an~~
578 ~~attorney ad litem or~~ a guardian ad litem for the child if one
579 has not already been appointed. The guardian ad litem and Any
580 attorney ad litem, if one is or guardian ad litem appointed,

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581 ~~must shall~~ have special training in the dynamics of child sexual
582 abuse.

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

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

593 39.202 Confidentiality of reports and records in cases of
594 child abuse or neglect; exception.—

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

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

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

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

622 39.402 Placement in a shelter.—

623 (8)

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

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

628 2. Inform the parents or legal custodians of their right to
629 counsel to represent them at the shelter hearing and at each
630 subsequent hearing or proceeding, and the right of the parents
631 to appointed counsel, pursuant to the procedures set forth in s.
632 39.013;

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

635 4. Inquire of those present at the shelter hearing as to
636 the identity and location of the legal father. In determining
637 who the legal father of the child may be, the court shall
638 inquire under oath of those present at the shelter hearing

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639 whether they have any of the following information:

640 a. Whether the mother of the child was married at the
641 probable time of conception of the child or at the time of birth
642 of the child.

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

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

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

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

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

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

659 h. Whether a man has been determined to be the father of
660 the child by the Department of Revenue as provided in s.
661 409.256.

662 (11)

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

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668 unable to consent or withholds consent and the court determines
669 access to the records and information is necessary to provide
670 services to the child, the court shall issue an order granting
671 access. The court may also order the parents to provide all
672 known medical information to the department and to any others
673 granted access under this subsection.

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

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

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

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

694 39.4022 Multidisciplinary teams; staffings; assessments;
695 report.—

696 (4) PARTICIPANTS.—

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697 (a) Collaboration among diverse individuals who are part of
698 the child's network is necessary to make the most informed
699 decisions possible for the child. A diverse team is preferable
700 to ensure that the necessary combination of technical skills,
701 cultural knowledge, community resources, and personal
702 relationships is developed and maintained for the child and
703 family. The participants necessary to achieve an appropriately
704 diverse team for a child may vary by child and may include
705 extended family, friends, neighbors, coaches, clergy, coworkers,
706 or others the family identifies as potential sources of support.

707 1. Each multidisciplinary team staffing must invite the
708 following members:

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

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

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

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

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

725 f. The case manager for the child, or his or her case

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726 manager supervisor; and

727 g. A representative from the Department of Juvenile
728 Justice, if the child is dually involved with both the
729 department and the Department of Juvenile Justice.

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

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

- 740 1. A representative from Children's Medical Services;
- 741 ~~2. A guardian ad litem, if one is appointed;~~
- 742 ~~3.~~ A school personnel representative who has direct contact
743 with the child;
- 744 ~~3.4.~~ A therapist or other behavioral health professional,
745 if applicable;
- 746 ~~4.5.~~ A mental health professional with expertise in sibling
747 bonding, if the department or lead agency deems such expert is
748 necessary; or
- 749 ~~5.6.~~ Other community providers of services to the child or
750 stakeholders, when applicable.

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

754 39.4023 Placement and education transitions; transition

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755 plans.—

756 (3) PLACEMENT TRANSITIONS.—

757 (d) *Transition planning*.—

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

767 2. A placement change may occur immediately in an emergency
768 situation without convening a multidisciplinary team staffing.
769 However, a multidisciplinary team staffing must be held within
770 72 hours after the emergency situation arises.

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

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

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

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

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- 784 d. The guardian ad litem, ~~if one is appointed;~~
785 e. The attorney ad litem for the child, if one is
786 appointed; ~~and~~
787 f. The attorney for the department.
- 788 4. The transition plan must be developed through
789 cooperation among the persons included in subparagraph 3., and
790 such persons must share any relevant information necessary for
791 its development. Subject to the child's needs and preferences,
792 the transition plan must meet the requirements of s.
793 409.1415(2)(b)8. and exclude any placement changes that occur
794 between 7 p.m. and 8 a.m.
- 795 5. The department or the community-based care lead agency
796 shall file the transition plan with the court within 48 hours
797 after the creation of such plan and provide a copy of the plan
798 to the persons included in subparagraph 3.
- 799 (4) EDUCATION TRANSITIONS.—
800 (c) *Minimizing school changes.*—
- 801 1. Every effort must be made to keep a child in the school
802 of origin if it is in the child's best interest. Any placement
803 decision must include thoughtful consideration of which school a
804 child will attend if a school change is necessary.
- 805 2. Members of a multidisciplinary team staffing convened
806 for a purpose other than a school change must determine the
807 child's best interest regarding remaining in the school or
808 program of origin if the child's educational options are
809 affected by any other decision being made by the
810 multidisciplinary team.
- 811 3. The determination of whether it is in the child's best
812 interest to remain in the school of origin, and if not, of which

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

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

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

838 b. The preference of the child's parents or legal
839 guardians.

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

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

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

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

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

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

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

863 j. The availability of extracurricular activities important
864 to the child.

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

869 l. The child's permanency goal and timeframe for achieving
870 permanency.

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871 m. The child's history of school transfers and how such
872 transfers have impacted the child academically, emotionally, and
873 behaviorally.

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

877 o. The length of time the child has attended the school or
878 program of origin.

879 5. The cost of transportation cannot be a factor in making
880 a best interest determination.

881 Section 16. Paragraph (f) of subsection (3) of section
882 39.407, Florida Statutes, is amended to read:

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

886 (3)

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

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900 2. The court may, in the best interests of the child, order
901 the department to obtain a medical opinion addressing whether
902 the continued use of the medication under the circumstances is
903 safe and medically appropriate.

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

906 39.4085 Goals for dependent children; responsibilities;
907 education; Office of the Children's Ombudsman.—

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

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

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

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

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929

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

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

943 39.502 Notice, process, and service.—

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

952 Section 19. Paragraph (c) of subsection (3) of section
953 39.522, Florida Statutes, is amended to read:

954 39.522 Postdisposition change of custody.—

955 (3)

956 (c)1. The department or community-based care lead agency
957 must notify a current caregiver who has been in the physical

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958 custody placement for at least 9 consecutive months and who
959 meets all the established criteria in paragraph (b) of an intent
960 to change the physical custody of the child, and a
961 multidisciplinary team staffing must be held in accordance with
962 ss. 39.4022 and 39.4023 at least 21 days before the intended
963 date for the child's change in physical custody, unless there is
964 an emergency situation as defined in s. 39.4022(2)(b). If there
965 is not a unanimous consensus decision reached by the
966 multidisciplinary team, the department's official position must
967 be provided to the parties within the designated time period as
968 provided for in s. 39.4022.

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

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

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

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987 a. Grant party status to the current caregiver who is
988 seeking permanent custody and has maintained physical custody of
989 that child for at least 9 continuous months for the limited
990 purpose of filing a motion for a hearing on the objection and
991 presenting evidence pursuant to this subsection.†

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

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

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

1000 Section 20. Paragraph (c) of subsection (1) and paragraph
1001 (c) of subsection (3) of section 39.6012, Florida Statutes, are
1002 amended to read:

1003 39.6012 Case plan tasks; services.—

1004 (1) The services to be provided to the parent and the tasks
1005 that must be completed are subject to the following:

1006 (c) If there is evidence of harm as defined in s.
1007 39.01(37)(g) ~~s. 39.01(34)(g)~~, the case plan must include as a
1008 required task for the parent whose actions caused the harm that
1009 the parent submit to a substance abuse disorder assessment or
1010 evaluation and participate and comply with treatment and
1011 services identified in the assessment or evaluation as being
1012 necessary.

1013 (3) In addition to any other requirement, if the child is
1014 in an out-of-home placement, the case plan must include:

1015 (c) When appropriate, for a child who is 13 years of age or

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1016 older, a written description of the programs and services that
1017 will help the child prepare for the transition from foster care
1018 to independent living. The written description must include age-
1019 appropriate activities for the child's development of
1020 relationships, coping skills, and emotional well-being.

1021 Section 21. Section 39.6036, Florida Statutes, is created
1022 to read:

1023 39.6036 Supportive adults for children transitioning out of
1024 foster care.-

1025 (1) The Legislature finds that a committed, caring adult
1026 provides a lifeline for a child transitioning out of foster care
1027 to live independently. Accordingly, it is the intent of the
1028 Legislature that the Statewide Guardian ad Litem Office help
1029 children connect with supportive adults with the hope of
1030 creating an ongoing relationship that lasts into adulthood.

1031 (2) The Statewide Guardian ad Litem Office shall work with
1032 a child who is transitioning out of foster care to identify at
1033 least one supportive adult with whom the child can enter into a
1034 formal agreement for an ongoing relationship and document such
1035 agreement in the child's court file. If the child cannot
1036 identify a supportive adult, the Statewide Guardian ad Litem
1037 Office shall work in coordination with the Office of Continuing
1038 Care to identify at least one supportive adult with whom the
1039 child can enter into a formal agreement for an ongoing
1040 relationship and document such agreement in the child's court
1041 file.

1042 Section 22. Paragraph (c) of subsection (10) of section
1043 39.621, Florida Statutes, is amended to read:

1044 39.621 Permanency determination by the court.-

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1045 (10) The permanency placement is intended to continue until
1046 the child reaches the age of majority and may not be disturbed
1047 absent a finding by the court that the circumstances of the
1048 permanency placement are no longer in the best interest of the
1049 child.

1050 (c) The court shall base its decision concerning any motion
1051 by a parent for reunification or increased contact with a child
1052 on the effect of the decision on the safety, well-being, and
1053 physical and emotional health of the child. Factors that must be
1054 considered and addressed in the findings of fact of the order on
1055 the motion must include:

1056 1. The compliance or noncompliance of the parent with the
1057 case plan;

1058 2. The circumstances which caused the child's dependency
1059 and whether those circumstances have been resolved;

1060 3. The stability and longevity of the child's placement;

1061 4. The preferences of the child, if the child is of
1062 sufficient age and understanding to express a preference;

1063 5. The recommendation of the current custodian; and

1064 6. Any ~~The~~ recommendation of the guardian ad litem, ~~if one~~
1065 ~~has been appointed.~~

1066 Section 23. Subsection (2) of section 39.6241, Florida
1067 Statutes, is amended to read:

1068 39.6241 Another planned permanent living arrangement.—

1069 (2) The department and the guardian ad litem must provide
1070 the court with a recommended list and description of services
1071 needed by the child, such as independent living services and
1072 medical, dental, educational, or psychological referrals, and a
1073 recommended list and description of services needed by his or

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1074 her caregiver. The guardian ad litem must also advise the court
1075 whether the child has been connected with a supportive adult
1076 and, if the child has been connected with a supportive adult,
1077 whether the child has entered into a formal agreement with the
1078 adult. If the child has entered into a formal agreement pursuant
1079 to s. 39.6036, the guardian ad litem must ensure that the
1080 agreement is documented in the child's court file.

1081 Section 24. Paragraphs (b) and (f) of subsection (1),
1082 paragraph (c) of subsection (2), subsection (3), and paragraph
1083 (e) of subsection (4) of section 39.701, Florida Statutes, are
1084 amended to read:

1085 39.701 Judicial review.—

1086 (1) GENERAL PROVISIONS.—

1087 (b)1. The court shall retain jurisdiction over a child
1088 returned to his or her parents for a minimum period of 6 months
1089 after following the reunification, but, at that time, based on a
1090 report of the social service agency and the guardian ad litem,
1091 ~~if one has been appointed,~~ and any other relevant factors, the
1092 court shall make a determination as to whether supervision by
1093 the department and the court's jurisdiction shall continue or be
1094 terminated.

1095 2. Notwithstanding subparagraph 1., the court must retain
1096 jurisdiction over a child if the child is placed in the home
1097 with a parent or caregiver with an in-home safety plan and such
1098 safety plan remains necessary for the child to reside safely in
1099 the home.

1100 (f) Notice of a judicial review hearing or a citizen review
1101 panel hearing, and a copy of the motion for judicial review, if
1102 any, must be served by the clerk of the court upon all of the

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1103 following persons, if available to be served, regardless of
1104 whether the person was present at the previous hearing at which
1105 the date, time, and location of the hearing was announced:

1106 1. The social service agency charged with the supervision
1107 of care, custody, or guardianship of the child, if that agency
1108 is not the movant.

1109 2. The foster parent or legal custodian in whose home the
1110 child resides.

1111 3. The parents.

1112 4. The guardian ad litem for the child, ~~or the~~
1113 ~~representative of the guardian ad litem program if the program~~
1114 ~~has been appointed.~~

1115 5. The attorney ad litem for the child, if one is
1116 appointed.

1117 6. The child, if the child is 13 years of age or older.

1118 7. Any preadoptive parent.

1119 8. Such other persons as the court may direct.

1120 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
1121 AGE.—

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

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1132 their probative value. These reports and evidence may be
1133 received by the court in its effort to determine the action to
1134 be taken with regard to the child and may be relied upon to the
1135 extent of their probative value, even though not competent in an
1136 adjudicatory hearing. In its deliberations, the court and any
1137 citizen review panel shall seek to determine:

1138 1. If the parent was advised of the right to receive
1139 assistance from any person or social service agency in the
1140 preparation of the case plan.

1141 2. If the parent has been advised of the right to have
1142 counsel present at the judicial review or citizen review
1143 hearings. If not so advised, the court or citizen review panel
1144 shall advise the parent of such right.

1145 3. If a guardian ad litem needs to be appointed for the
1146 child in a case in which a guardian ad litem has not previously
1147 been appointed ~~or if there is a need to continue a guardian ad~~
1148 ~~litem in a case in which a guardian ad litem has been appointed.~~

1149 4. Who holds the rights to make educational decisions for
1150 the child. If appropriate, the court may refer the child to the
1151 district school superintendent for appointment of a surrogate
1152 parent or may itself appoint a surrogate parent under the
1153 Individuals with Disabilities Education Act and s. 39.0016.

1154 5. The compliance or lack of compliance of all parties with
1155 applicable items of the case plan, including the parents'
1156 compliance with child support orders.

1157 6. The compliance or lack of compliance with a visitation
1158 contract between the parent and the social service agency for
1159 contact with the child, including the frequency, duration, and
1160 results of the parent-child visitation and the reason for any

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1161 noncompliance.

1162 7. The frequency, kind, and duration of contacts among
1163 siblings who have been separated during placement, as well as
1164 any efforts undertaken to reunite separated siblings if doing so
1165 is in the best interests of the child.

1166 8. The compliance or lack of compliance of the parent in
1167 meeting specified financial obligations pertaining to the care
1168 of the child, including the reason for failure to comply, if
1169 applicable.

1170 9. Whether the child is receiving safe and proper care
1171 according to s. 39.6012, including, but not limited to, the
1172 appropriateness of the child's current placement, including
1173 whether the child is in a setting that is as family-like and as
1174 close to the parent's home as possible, consistent with the
1175 child's best interests and special needs, and including
1176 maintaining stability in the child's educational placement, as
1177 documented by assurances from the community-based care lead
1178 agency that:

1179 a. The placement of the child takes into account the
1180 appropriateness of the current educational setting and the
1181 proximity to the school in which the child is enrolled at the
1182 time of placement.

1183 b. The community-based care lead agency has coordinated
1184 with appropriate local educational agencies to ensure that the
1185 child remains in the school in which the child is enrolled at
1186 the time of placement.

1187 10. A projected date likely for the child's return home or
1188 other permanent placement.

1189 11. When appropriate, the basis for the unwillingness or

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1190 inability of the parent to become a party to a case plan. The
1191 court and the citizen review panel shall determine if the
1192 efforts of the social service agency to secure party
1193 participation in a case plan were sufficient.

1194 12. For a child who has reached 13 years of age but is not
1195 yet 18 years of age, the adequacy of the child's preparation for
1196 adulthood and independent living. For a child who is 15 years of
1197 age or older, the court shall determine if appropriate steps are
1198 being taken for the child to obtain a driver license or
1199 learner's driver license.

1200 13. If amendments to the case plan are required. Amendments
1201 to the case plan must be made under s. 39.6013.

1202 14. If the parents and caregivers have developed a
1203 productive relationship that includes meaningful communication
1204 and mutual support.

1205 (3) REVIEW HEARINGS FOR CHILDREN 16 AND 17 YEARS OF AGE.—At
1206 each review hearing held under this subsection, the court shall
1207 give the child and the guardian ad litem the opportunity to
1208 address the court and provide any information relevant to the
1209 child's best interest, particularly in relation to independent
1210 living transition services. The foster parent or legal
1211 custodian, ~~or guardian ad litem~~ may also provide any information
1212 relevant to the child's best interest to the court. In addition
1213 to the review and report required under paragraphs (1)(a) and
1214 (2)(a), respectively, and the review and report required under
1215 s. 39.822(2)(a)2., the court shall:

1216 (a) Inquire about the life skills the child has acquired
1217 and whether those services are age appropriate, at the first
1218 judicial review hearing held subsequent to the child's 16th

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1219 birthday. At the judicial review hearing, the department shall
1220 provide the court with a report that includes specific
1221 information related to the life skills that the child has
1222 acquired since the child's 13th birthday or since the date the
1223 child came into foster care, whichever came later. For any child
1224 who may meet the requirements for appointment of a guardian
1225 advocate under s. 393.12 or a guardian under chapter 744, the
1226 updated case plan must be developed in a face-to-face conference
1227 with the child, if appropriate; the child's attorney ad litem,
1228 if one is appointed; the child's;~~any court-appointed~~ guardian
1229 ad litem; the temporary custodian of the child; and the parent
1230 of the child, if the parent's rights have not been terminated.

1231 (b) The court shall hold a judicial review hearing within
1232 90 days after a child's 17th birthday. The court shall issue an
1233 order, separate from the order on judicial review, that the
1234 disability of nonage of the child has been removed under ss.
1235 743.044-743.047 for any disability that the court finds is in
1236 the child's best interest to remove. The department shall
1237 include in the social study report for the first judicial review
1238 that occurs after the child's 17th birthday written verification
1239 that the child has:

1240 1. A current Medicaid card and all necessary information
1241 concerning the Medicaid program sufficient to prepare the child
1242 to apply for coverage upon reaching the age of 18, if such
1243 application is appropriate.

1244 2. A certified copy of the child's birth certificate and,
1245 if the child does not have a valid driver license, a Florida
1246 identification card issued under s. 322.051.

1247 3. A social security card and information relating to

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1248 social security insurance benefits if the child is eligible for
1249 those benefits. If the child has received such benefits and they
1250 are being held in trust for the child, a full accounting of
1251 these funds must be provided and the child must be informed as
1252 to how to access those funds.

1253 4. All relevant information related to the Road-to-
1254 Independence Program under s. 409.1451, including, but not
1255 limited to, eligibility requirements, information on
1256 participation, and assistance in gaining admission to the
1257 program. If the child is eligible for the Road-to-Independence
1258 Program, he or she must be advised that he or she may continue
1259 to reside with the licensed family home or group care provider
1260 with whom the child was residing at the time the child attained
1261 his or her 18th birthday, in another licensed family home, or
1262 with a group care provider arranged by the department.

1263 5. An open bank account or the identification necessary to
1264 open a bank account and to acquire essential banking and
1265 budgeting skills.

1266 6. Information on public assistance and how to apply for
1267 public assistance.

1268 7. A clear understanding of where he or she will be living
1269 on his or her 18th birthday, how living expenses will be paid,
1270 and the educational program or school in which he or she will be
1271 enrolled.

1272 8. Information related to the ability of the child to
1273 remain in care until he or she reaches 21 years of age under s.
1274 39.013.

1275 9. A letter providing the dates that the child is under the
1276 jurisdiction of the court.

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1277 10. A letter stating that the child is in compliance with
1278 financial aid documentation requirements.

1279 11. The child's educational records.

1280 12. The child's entire health and mental health records.

1281 13. The process for accessing the child's case file.

1282 14. A statement encouraging the child to attend all
1283 judicial review hearings.

1284 15. Information on how to obtain a driver license or
1285 learner's driver license.

1286 (c) At the first judicial review hearing held subsequent to
1287 the child's 17th birthday, if the court determines pursuant to
1288 chapter 744 that there is a good faith basis to believe that the
1289 child qualifies for appointment of a guardian advocate, limited
1290 guardian, or plenary guardian for the child and that no less
1291 restrictive decisionmaking assistance will meet the child's
1292 needs:

1293 1. The department shall complete a multidisciplinary report
1294 which must include, but is not limited to, a psychosocial
1295 evaluation and educational report if such a report has not been
1296 completed within the previous 2 years.

1297 2. The department shall identify one or more individuals
1298 who are willing to serve as the guardian advocate under s.
1299 393.12 or as the plenary or limited guardian under chapter 744.
1300 Any other interested parties or participants may make efforts to
1301 identify such a guardian advocate, limited guardian, or plenary
1302 guardian. The child's biological or adoptive family members,
1303 including the child's parents if the parents' rights have not
1304 been terminated, may not be considered for service as the
1305 plenary or limited guardian unless the court enters a written

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1306 order finding that such an appointment is in the child's best
1307 interests.

1308 3. Proceedings may be initiated within 180 days after the
1309 child's 17th birthday for the appointment of a guardian
1310 advocate, plenary guardian, or limited guardian for the child in
1311 a separate proceeding in the court division with jurisdiction
1312 over guardianship matters and pursuant to chapter 744. The
1313 Legislature encourages the use of pro bono representation to
1314 initiate proceedings under this section.

1315 4. In the event another interested party or participant
1316 initiates proceedings for the appointment of a guardian
1317 advocate, plenary guardian, or limited guardian for the child,
1318 the department shall provide all necessary documentation and
1319 information to the petitioner to complete a petition under s.
1320 393.12 or chapter 744 within 45 days after the first judicial
1321 review hearing after the child's 17th birthday.

1322 5. Any proceedings seeking appointment of a guardian
1323 advocate or a determination of incapacity and the appointment of
1324 a guardian must be conducted in a separate proceeding in the
1325 court division with jurisdiction over guardianship matters and
1326 pursuant to chapter 744.

1327 (d) If the court finds at the judicial review hearing after
1328 the child's 17th birthday that the department has not met its
1329 obligations to the child as stated in this part, in the written
1330 case plan, or in the provision of independent living services,
1331 the court may issue an order directing the department to show
1332 cause as to why it has not done so. If the department cannot
1333 justify its noncompliance, the court may give the department 30
1334 days within which to comply. If the department fails to comply

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1335 within 30 days, the court may hold the department in contempt.

1336 (e) If necessary, the court may review the status of the
1337 child more frequently during the year before the child's 18th
1338 birthday. At the last review hearing before the child reaches 18
1339 years of age, and in addition to the requirements of subsection
1340 (2), the court shall:

1341 1. Address whether the child plans to remain in foster
1342 care, and, if so, ensure that the child's transition plan
1343 includes a plan for meeting one or more of the criteria
1344 specified in s. 39.6251 and determine if the child has entered
1345 into a formal agreement for an ongoing relationship with a
1346 supportive adult.

1347 2. Ensure that the transition plan includes a supervised
1348 living arrangement under s. 39.6251.

1349 3. Ensure the child has been informed of:

1350 a. The right to continued support and services from the
1351 department and the community-based care lead agency.

1352 b. The right to request termination of dependency
1353 jurisdiction and be discharged from foster care.

1354 c. The opportunity to reenter foster care under s. 39.6251.

1355 4. Ensure that the child, if he or she requests termination
1356 of dependency jurisdiction and discharge from foster care, has
1357 been informed of:

1358 a. Services or benefits for which the child may be eligible
1359 based on his or her former placement in foster care, including,
1360 but not limited to, the assistance of the Office of Continuing
1361 Care under s. 414.56.

1362 b. Services or benefits that may be lost through
1363 termination of dependency jurisdiction.

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1364 c. Other federal, state, local, or community-based services
1365 or supports available to him or her.

1366 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—During
1367 each period of time that a young adult remains in foster care,
1368 the court shall review the status of the young adult at least
1369 every 6 months and must hold a permanency review hearing at
1370 least annually.

1371 (e)1. Notwithstanding the provisions of this subsection, if
1372 a young adult has chosen to remain in extended foster care after
1373 he or she has reached 18 years of age, the department may not
1374 close a case and the court may not terminate jurisdiction until
1375 the court finds, following a hearing, that the following
1376 criteria have been met:

1377 a.1. Attendance of the young adult at the hearing; or

1378 b.2. Findings by the court that:

1379 (I)a. The young adult has been informed by the department
1380 of his or her right to attend the hearing and has provided
1381 written consent to waive this right; and

1382 (II)b. The young adult has been informed of the potential
1383 negative effects of early termination of care, the option to
1384 reenter care before reaching 21 years of age, the procedure for,
1385 and limitations on, reentering care, and the availability of
1386 alternative services, and has signed a document attesting that
1387 he or she has been so informed and understands these provisions;
1388 or

1389 (III)e. The young adult has voluntarily left the program,
1390 has not signed the document in sub-subparagraph b., and is
1391 unwilling to participate in any further court proceeding.

1392 2.3. In all permanency hearings or hearings regarding the

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1393 transition of the young adult from care to independent living,
1394 the court shall consult with the young adult regarding the
1395 proposed permanency plan, case plan, and individual education
1396 plan for the young adult and ensure that he or she has
1397 understood the conversation. The court shall also inquire of the
1398 young adult regarding his or her relationship with the
1399 supportive adult with whom the young adult has entered into a
1400 formal agreement for an ongoing relationship, if such agreement
1401 exists.

1402 Section 25. Paragraph (a) of subsection (3) of section
1403 39.801, Florida Statutes, is amended to read:

1404 39.801 Procedures and jurisdiction; notice; service of
1405 process.—

1406 (3) Before the court may terminate parental rights, in
1407 addition to the other requirements set forth in this part, the
1408 following requirements must be met:

1409 (a) Notice of the date, time, and place of the advisory
1410 hearing for the petition to terminate parental rights; if
1411 applicable, instructions for appearance through audio-video
1412 communication technology; and a copy of the petition must be
1413 personally served upon the following persons, specifically
1414 notifying them that a petition has been filed:

- 1415 1. The parents of the child.
- 1416 2. The legal custodians of the child.
- 1417 3. If the parents who would be entitled to notice are dead
1418 or unknown, a living relative of the child, unless upon diligent
1419 search and inquiry no such relative can be found.
- 1420 4. Any person who has physical custody of the child.
- 1421 5. Any grandparent entitled to priority for adoption under

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1422 s. 63.0425.

1423 6. Any prospective parent who has been identified under s.
1424 39.503 or s. 39.803, unless a court order has been entered
1425 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1426 indicates no further notice is required. Except as otherwise
1427 provided in this section, if there is not a legal father, notice
1428 of the petition for termination of parental rights must be
1429 provided to any known prospective father who is identified under
1430 oath before the court or who is identified by a diligent search
1431 of the Florida Putative Father Registry. Service of the notice
1432 of the petition for termination of parental rights is not
1433 required if the prospective father executes an affidavit of
1434 nonpaternity or a consent to termination of his parental rights
1435 which is accepted by the court after notice and opportunity to
1436 be heard by all parties to address the best interests of the
1437 child in accepting such affidavit.

1438 7. The guardian ad litem for the child ~~or the~~
1439 ~~representative of the guardian ad litem program, if the program~~
1440 ~~has been appointed.~~

1441
1442 A party may consent to service or notice by e-mail by providing
1443 a primary e-mail address to the clerk of the court. The document
1444 containing the notice to respond or appear must contain, in type
1445 at least as large as the type in the balance of the document,
1446 the following or substantially similar language: "FAILURE TO
1447 APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE
1448 TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN). IF
1449 YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE
1450 ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN

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1451 THE PETITION ATTACHED TO THIS NOTICE.”

1452 Section 26. Subsection (2) of section 39.807, Florida
1453 Statutes, is amended to read:

1454 39.807 Right to counsel; guardian ad litem.—

1455 (2) (a) The court shall appoint a guardian ad litem to
1456 represent the ~~best interest of the~~ child in any termination of
1457 parental rights proceedings and shall ascertain at each stage of
1458 the proceedings whether a guardian ad litem has been appointed.

1459 (b) The guardian ad litem has the ~~following~~
1460 responsibilities and authority specified in s. 39.822.÷

1461 ~~1. To investigate the allegations of the petition and any~~
1462 ~~subsequent matters arising in the case and,~~

1463 (c) Unless excused by the court, the guardian ad litem must
1464 ~~to~~ file a written report. This report must include a statement
1465 of the wishes of the child and the recommendations of the
1466 guardian ad litem and must be provided to all parties and the
1467 court at least 72 hours before the disposition hearing.

1468 ~~2. To be present at all court hearings unless excused by~~
1469 ~~the court.~~

1470 ~~3. To represent the best interests of the child until the~~
1471 ~~jurisdiction of the court over the child terminates or until~~
1472 ~~excused by the court.~~

1473 ~~(c) A guardian ad litem is not required to post bond but~~
1474 ~~shall file an acceptance of the office.~~

1475 ~~(d) A guardian ad litem is entitled to receive service of~~
1476 ~~pleadings and papers as provided by the Florida Rules of~~
1477 ~~Juvenile Procedure.~~

1478 (d)~~(e)~~ This subsection does not apply to any voluntary
1479 relinquishment of parental rights proceeding.

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1480 Section 27. Subsection (2) of section 39.808, Florida
1481 Statutes, is amended to read:

1482 39.808 Advisory hearing; pretrial status conference.—

1483 (2) At the hearing the court shall inform the parties of
1484 their rights under s. 39.807, ~~shall~~ appoint counsel for the
1485 parties in accordance with legal requirements, and ~~shall~~ appoint
1486 a guardian ad litem to represent the ~~interests of the child~~ if
1487 one has not already been appointed.

1488 Section 28. Subsection (2) of section 39.815, Florida
1489 Statutes, is amended to read:

1490 39.815 Appeal.—

1491 (2) An attorney for the department shall represent the
1492 state upon appeal. When a notice of appeal is filed in the
1493 circuit court, the clerk shall notify the attorney for the
1494 department, ~~together with~~ the attorney for the parent, the
1495 guardian ad litem, and the any attorney ad litem for the child,
1496 if one is appointed.

1497 Section 29. Section 39.820, Florida Statutes, is repealed.

1498 Section 30. Subsections (1) and (3) of section 39.821,
1499 Florida Statutes, are amended to read:

1500 39.821 Qualifications of guardians ad litem.—

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

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1509 enforcement agencies, and statewide criminal history records
1510 checks through the Department of Law Enforcement. Upon request,
1511 an employer shall furnish a copy of the personnel record for the
1512 employee or former employee who is the subject of a security
1513 background investigation conducted under this section. The
1514 information contained in the personnel record may include, but
1515 need not be limited to, disciplinary matters and the reason why
1516 the employee was terminated from employment. An employer who
1517 releases a personnel record for purposes of a security
1518 background investigation is presumed to have acted in good faith
1519 and is not liable for information contained in the record
1520 without a showing that the employer maliciously falsified the
1521 record. A security background investigation conducted under this
1522 section must ensure that a person is not certified as a guardian
1523 ad litem if the person has an arrest awaiting final disposition
1524 for, been convicted of, regardless of adjudication, entered a
1525 plea of nolo contendere or guilty to, or been adjudicated
1526 delinquent and the record has not been sealed or expunged for,
1527 any offense prohibited under the provisions listed in s. 435.04.
1528 All applicants must undergo a level 2 background screening
1529 pursuant to chapter 435 before being certified to serve as a
1530 guardian ad litem. In analyzing and evaluating the information
1531 obtained in the security background investigation, the office
1532 ~~program~~ must give particular emphasis to past activities
1533 involving children, including, but not limited to, child-related
1534 criminal offenses or child abuse. The office ~~program~~ has sole
1535 discretion in determining whether to certify a person based on
1536 his or her security background investigation. The information
1537 collected pursuant to the security background investigation is

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1538 confidential and exempt from s. 119.07(1).

1539 (3) It is a misdemeanor of the first degree, punishable as
1540 provided in s. 775.082 or s. 775.083, for any person to
1541 willfully, knowingly, or intentionally fail, by false statement,
1542 misrepresentation, impersonation, or other fraudulent means, to
1543 disclose in any application for a volunteer position or for paid
1544 employment with the Statewide Guardian ad Litem Office Program,
1545 any material fact used in making a determination as to the
1546 applicant's qualifications for such position.

1547 Section 31. Section 39.822, Florida Statutes, is amended to
1548 read:

1549 39.822 Appointment of guardian ad litem for abused,
1550 abandoned, or neglected child.—

1551 (1) A guardian ad litem shall be appointed by the court at
1552 the earliest possible time to represent the child in any child
1553 abuse, abandonment, or neglect judicial proceeding, whether
1554 civil or criminal. A guardian ad litem is a fiduciary and must
1555 provide independent representation of the child using a best
1556 interest standard of decisionmaking and advocacy.

1557 (2) (a) A guardian ad litem must:

1558 1. Be present at all court hearings unless excused by the
1559 court.

1560 2. Investigate issues related to the best interest of the
1561 child who is the subject of the appointment, review all
1562 disposition recommendations and changes in placement, and,
1563 unless excused by the court, file written reports and
1564 recommendations in accordance with general law.

1565 3. Represent the child until the court's jurisdiction over
1566 the child terminates or until excused by the court.

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1567 4. Advocate for the child's participation in the
1568 proceedings and to report the child's preferences to the court,
1569 to the extent the child has the ability and desire to express
1570 his or her preferences.

1571 5. Perform other duties that are consistent with the scope
1572 of the appointment.

1573 (b) A guardian ad litem shall have immediate and unlimited
1574 access to the children he or she represents.

1575 (c) A guardian ad litem is not required to post bond but
1576 must file an acceptance of the appointment.

1577 (d) A guardian ad litem is entitled to receive service of
1578 pleadings and papers as provided by the Florida Rules of
1579 Juvenile Procedure.

1580 (3) Any person participating in a civil or criminal
1581 judicial proceeding resulting from such appointment shall be
1582 presumed prima facie to be acting in good faith and in so doing
1583 shall be immune from any liability, civil or criminal, that
1584 otherwise might be incurred or imposed.

1585 (4)~~(2)~~ In those cases in which the parents are financially
1586 able, the parent or parents of the child shall reimburse the
1587 court, in part or in whole, for the cost of provision of
1588 guardian ad litem representation ~~services~~. Reimbursement to the
1589 individual providing guardian ad litem representation is not
1590 ~~services shall not be~~ contingent upon successful collection by
1591 the court from the parent or parents.

1592 (5)~~(3)~~ Upon presentation by a guardian ad litem of a court
1593 order appointing the guardian ad litem:

1594 (a) An agency, as defined in chapter 119, shall allow the
1595 guardian ad litem to inspect and copy records related to the

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1596 best interests of the child who is the subject of the
1597 appointment, including, but not limited to, records made
1598 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of
1599 the State Constitution. The guardian ad litem shall maintain the
1600 confidential or exempt status of any records shared by an agency
1601 under this paragraph.

1602 (b) A person or an organization, other than an agency under
1603 paragraph (a), shall allow the guardian ad litem to inspect and
1604 copy any records related to the best interests of the child who
1605 is the subject of the appointment, including, but not limited
1606 to, confidential records.

1607
1608 For the purposes of this subsection, the term "records related
1609 to the best interests of the child" includes, but is not limited
1610 to, medical, mental health, substance abuse, child care,
1611 education, law enforcement, court, social services, and
1612 financial records.

1613 ~~(4) The guardian ad litem or the program representative~~
1614 ~~shall review all disposition recommendations and changes in~~
1615 ~~placements, and must be present at all critical stages of the~~
1616 ~~dependency proceeding or submit a written report of~~
1617 ~~recommendations to the court. Written reports must be filed with~~
1618 ~~the court and served on all parties whose whereabouts are known~~
1619 ~~at least 72 hours prior to the hearing.~~

1620 Section 32. Subsection (4) of section 39.827, Florida
1621 Statutes, is amended to read:

1622 39.827 Hearing for appointment of a guardian advocate.—

1623 (4) The hearing under this section must ~~shall~~ remain
1624 confidential and closed to the public. The clerk shall keep all

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1625 court records required by this part separate from other records
1626 of the circuit court. All court records required by this part
1627 are ~~shall be~~ confidential and exempt from ~~the provisions of~~ s.
1628 119.07(1). ~~All~~ Records may only ~~shall~~ be inspected ~~only~~ upon
1629 order of the court by persons deemed by the court to have a
1630 proper interest therein, except that a child and the parents or
1631 custodians of the child and their attorneys, the guardian ad
1632 litem, and the department and its designees, and the attorney ad
1633 litem, if one is appointed, ~~shall~~ always have the right to
1634 inspect and copy any official record pertaining to the child.
1635 The court may permit authorized representatives of recognized
1636 organizations compiling statistics for proper purposes to
1637 inspect and make abstracts from official records, under whatever
1638 conditions upon their use and disposition the court may deem
1639 proper, and may punish by contempt proceedings any violation of
1640 those conditions. All information obtained pursuant to this part
1641 in the discharge of official duty by any judge, employee of the
1642 court, or authorized agent of the department is ~~shall be~~
1643 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
1644 may ~~shall~~ not be disclosed to anyone other than the authorized
1645 personnel of the court or the department and its designees,
1646 except upon order of the court.

1647 Section 33. Paragraphs (a), (b), and (d) of subsection (1)
1648 and subsection (2) of section 39.8296, Florida Statutes, are
1649 amended to read:

1650 39.8296 Statewide Guardian ad Litem Office; legislative
1651 findings and intent; creation; appointment of executive
1652 director; duties of office.—

1653 (1) LEGISLATIVE FINDINGS AND INTENT.—

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1654 (a) The Legislature finds that for the past 20 years, the
1655 Statewide Guardian ad Litem Office ~~Program~~ has been the only
1656 mechanism for best interest representation for children in
1657 Florida who are involved in dependency proceedings.

1658 (b) The Legislature also finds that while the Statewide
1659 Guardian ad Litem Office ~~Program~~ has been supervised by court
1660 administration within the circuit courts since the office's
1661 ~~program's~~ inception, there is a perceived conflict of interest
1662 created by the supervision of program staff by the judges before
1663 whom they appear.

1664 (d) It is therefore the intent of the Legislature to place
1665 the Statewide Guardian ad Litem Office ~~Program~~ in an appropriate
1666 place and provide a statewide infrastructure to increase
1667 functioning and standardization among the local offices ~~programs~~
1668 currently operating in the 20 judicial circuits.

1669 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
1670 Statewide Guardian ad Litem Office within the Justice
1671 Administrative Commission. The Justice Administrative Commission
1672 shall provide administrative support and service to the office
1673 to the extent requested by the executive director within the
1674 available resources of the commission. The Statewide Guardian ad
1675 Litem Office is not subject to control, supervision, or
1676 direction by the Justice Administrative Commission in the
1677 performance of its duties, but the employees of the office are
1678 governed by the classification plan and salary and benefits plan
1679 approved by the Justice Administrative Commission.

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

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1683 by a Guardian ad Litem Qualifications Committee. The Guardian ad
1684 Litem Qualifications Committee shall be composed of five
1685 persons, two persons appointed by the Governor, two persons
1686 appointed by the Chief Justice of the Supreme Court, and one
1687 person appointed by the Statewide Guardian ad Litem Office
1688 ~~Association~~. The committee shall provide for statewide
1689 advertisement and the receiving of applications for the position
1690 of executive director. The Governor shall appoint an executive
1691 director from among the recommendations, or the Governor may
1692 reject the nominations and request the submission of new
1693 nominees. The executive director must have knowledge in
1694 dependency law and knowledge of social service delivery systems
1695 available to meet the needs of children who are abused,
1696 neglected, or abandoned. The executive director shall serve on a
1697 full-time basis and shall personally, or through representatives
1698 of the office, carry out the purposes and functions of the
1699 Statewide Guardian ad Litem Office in accordance with state and
1700 federal law and the state's long-established policy of
1701 prioritizing children's best interests. The executive director
1702 shall report to the Governor. The executive director shall serve
1703 a 3-year term, subject to removal for cause by the Governor. Any
1704 person appointed to serve as the executive director may be
1705 permitted to serve more than one term without the necessity of
1706 convening the Guardian ad Litem Qualifications Committee.

1707 (b) The Statewide Guardian ad Litem Office shall, within
1708 available resources, have oversight responsibilities for and
1709 provide technical assistance to all guardian ad litem and
1710 attorney ad litem offices ~~programs~~ located within the judicial
1711 circuits.

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1712 1. The office shall identify the resources required to
1713 implement methods of collecting, reporting, and tracking
1714 reliable and consistent case data.

1715 2. The office shall review the current guardian ad litem
1716 offices ~~programs~~ in Florida and other states.

1717 3. The office, in consultation with local guardian ad litem
1718 offices, shall develop statewide performance measures and
1719 standards.

1720 4. The office shall develop and maintain a guardian ad
1721 litem training program, which must be updated regularly, ~~which~~
1722 ~~shall include, but is not limited to, training on the~~
1723 ~~recognition of and responses to head trauma and brain injury in~~
1724 ~~a child under 6 years of age. The office shall establish a~~
1725 ~~curriculum committee to develop the training program specified~~
1726 ~~in this subparagraph. The curriculum committee shall include,~~
1727 ~~but not be limited to, dependency judges, directors of circuit~~
1728 ~~guardian ad litem programs, active certified guardians ad litem,~~
1729 ~~a mental health professional who specializes in the treatment of~~
1730 ~~children, a member of a child advocacy group, a representative~~
1731 ~~of a domestic violence advocacy group, an individual with a~~
1732 ~~degree in social work, and a social worker experienced in~~
1733 ~~working with victims and perpetrators of child abuse.~~

1734 5. The office shall review the various methods of funding
1735 guardian ad litem offices ~~programs~~, maximize the use of those
1736 funding sources to the extent possible, and review the kinds of
1737 services being provided by circuit guardian ad litem offices
1738 ~~programs~~.

1739 6. The office shall determine the feasibility or
1740 desirability of new concepts of organization, administration,

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1741 financing, or service delivery designed to preserve the civil
1742 and constitutional rights and fulfill other needs of dependent
1743 children.

1744 7. The office shall ensure that each child has an attorney
1745 assigned to his or her case and, within available resources, is
1746 represented using multidisciplinary teams that may include
1747 volunteers, pro bono attorneys, social workers, and mentors.

1748 8. The office shall provide oversight and technical
1749 assistance to attorneys ad litem, including, but not limited to,
1750 all of the following:

1751 a. Develop an attorney ad litem training program in
1752 collaboration with dependency court stakeholders, including, but
1753 not limited to, dependency judges, representatives from legal
1754 aid providing attorney ad litem representation, and an attorney
1755 ad litem appointed from a registry maintained by the chief
1756 judge. The training program must be updated regularly with or
1757 without convening the stakeholders group.

1758 b. Offer consultation and technical assistance to chief
1759 judges in maintaining attorney registries for the selection of
1760 attorneys ad litem.

1761 c. Assist with recruitment, training, and mentoring of
1762 attorneys ad litem as needed.

1763 9.7. In an effort to promote normalcy and establish trust
1764 between a ~~court-appointed volunteer~~ guardian ad litem and a
1765 child alleged to be abused, abandoned, or neglected under this
1766 chapter, a guardian ad litem may transport a child. However, a
1767 guardian ad litem ~~volunteer~~ may not be required by a guardian ad
1768 litem circuit office or ordered by ~~or directed by the program or~~
1769 a court to transport a child.

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1770 ~~10.8.~~ The office shall submit to the Governor, the
1771 President of the Senate, the Speaker of the House of
1772 Representatives, and the Chief Justice of the Supreme Court an
1773 interim report describing the progress of the office in meeting
1774 the goals as described in this section. The office shall submit
1775 to the Governor, the President of the Senate, the Speaker of the
1776 House of Representatives, and the Chief Justice of the Supreme
1777 Court a proposed plan including alternatives for meeting the
1778 state's guardian ad litem and attorney ad litem needs. This plan
1779 may include recommendations for less than the entire state, may
1780 include a phase-in system, and shall include estimates of the
1781 cost of each of the alternatives. Each year the office shall
1782 provide a status report and provide further recommendations to
1783 address the need for guardian ad litem representation ~~services~~
1784 and related issues.

1785 Section 34. Section 39.8297, Florida Statutes, is amended
1786 to read:

1787 39.8297 County funding for guardian ad litem employees.—

1788 (1) A county and the executive director of the Statewide
1789 Guardian ad Litem Office may enter into an agreement by which
1790 the county agrees to provide funds to the local guardian ad
1791 litem office in order to employ persons who will assist in the
1792 operation of the guardian ad litem office ~~program~~ in the county.

1793 (2) The agreement, at a minimum, must provide that:

1794 (a) Funding for the persons who are employed will be
1795 provided on at least a fiscal-year basis.

1796 (b) The persons who are employed will be hired, supervised,
1797 managed, and terminated by the executive director of the
1798 Statewide Guardian ad Litem Office. The statewide office is

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1799 responsible for compliance with all requirements of federal and
1800 state employment laws, and shall fully indemnify the county from
1801 any liability under such laws, as authorized by s. 768.28(19),
1802 to the extent such liability is the result of the acts or
1803 omissions of the Statewide Guardian ad Litem Office or its
1804 agents or employees.

1805 (c) The county is the employer for purposes of s. 440.10
1806 and chapter 443.

1807 (d) Employees funded by the county under this section and
1808 other county employees may be aggregated for purposes of a
1809 flexible benefits plan pursuant to s. 125 of the Internal
1810 Revenue Code of 1986.

1811 (e) Persons employed under this section may be terminated
1812 after a substantial breach of the agreement or because funding
1813 to the guardian ad litem office ~~program~~ has expired.

1814 (3) Persons employed under this section may not be counted
1815 in a formula or similar process used by the Statewide Guardian
1816 ad Litem Office to measure personnel needs of a judicial
1817 circuit's guardian ad litem office ~~program~~.

1818 (4) Agreements created pursuant to this section do not
1819 obligate the state to allocate funds to a county to employ
1820 persons in the guardian ad litem office ~~program~~.

1821 Section 35. Subsection (6) is added to section 414.56,
1822 Florida Statutes, to read:

1823 414.56 Office of Continuing Care.—The department shall
1824 establish an Office of Continuing Care to ensure young adults
1825 who age out of the foster care system between 18 and 21 years of
1826 age, or 22 years of age with a documented disability, have a
1827 point of contact until the young adult reaches the age of 26 in

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1828 order to receive ongoing support and care coordination needed to
1829 achieve self-sufficiency. Duties of the office include, but are
1830 not limited to:

1831 (6) In coordination with the Statewide Guardian Ad Litem
1832 Office, identifying supportive adults for children transitioning
1833 out of foster care to live independently in accordance with s.
1834 39.6036.

1835 Section 36. Section 1009.898, Florida Statutes, is created
1836 to read:

1837 1009.898 Fostering Prosperity grants.-

1838 (1) Subject to the appropriation of funds for that purpose
1839 by the Legislature, the Fostering Prosperity program shall
1840 administer the following grants to youth and young adults aging
1841 out of foster care:

1842 (a) Grants to provide financial literacy instruction using
1843 a curriculum developed by the Department of Financial Services
1844 in consultation with the Department of Education.

1845 (b) Grants to provide CLT, SAT, or ACT preparation,
1846 including one-on-one support and fee waivers for the
1847 examinations.

1848 (c) Grants to youth and young adults planning to pursue
1849 trade careers or paid apprenticeships.

1850 (2) If a young adult who is aging out of foster care is
1851 reunited with his or her parent, the grants must remain
1852 available for the young adult for up to 1 year after
1853 reunification.

1854 (3) The State Board of Education shall adopt rules to
1855 administer this section.

1856 Section 37. Subsection (1) of section 29.008, Florida

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1857 Statutes, is amended to read:

1858 29.008 County funding of court-related functions.—

1859 (1) Counties are required by s. 14, Art. V of the State
1860 Constitution to fund the cost of communications services,
1861 existing radio systems, existing multiagency criminal justice
1862 information systems, and the cost of construction or lease,
1863 maintenance, utilities, and security of facilities for the
1864 circuit and county courts, public defenders' offices, state
1865 attorneys' offices, guardian ad litem offices, and the offices
1866 of the clerks of the circuit and county courts performing court-
1867 related functions. For purposes of this section, the term
1868 "circuit and county courts" includes the offices and staffing of
1869 the guardian ad litem offices ~~programs~~, and the term "public
1870 defenders' offices" includes the offices of criminal conflict
1871 and civil regional counsel. The county designated under s.
1872 35.05(1) as the headquarters for each appellate district shall
1873 fund these costs for the appellate division of the public
1874 defender's office in that county. For purposes of implementing
1875 these requirements, the term:

1876 (a) "Facility" means reasonable and necessary buildings and
1877 office space and appurtenant equipment and furnishings,
1878 structures, real estate, easements, and related interests in
1879 real estate, including, but not limited to, those for the
1880 purpose of housing legal materials for use by the general public
1881 and personnel, equipment, or functions of the circuit or county
1882 courts, public defenders' offices, state attorneys' offices, and
1883 court-related functions of the office of the clerks of the
1884 circuit and county courts and all storage. The term "facility"
1885 includes all wiring necessary for court reporting services. The

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1886 term also includes access to parking for such facilities in
1887 connection with such court-related functions that may be
1888 available free or from a private provider or a local government
1889 for a fee. The office space provided by a county may not be less
1890 than the standards for space allotment adopted by the Department
1891 of Management Services, except this requirement applies only to
1892 facilities that are leased, or on which construction commences,
1893 after June 30, 2003. County funding must include physical
1894 modifications and improvements to all facilities as are required
1895 for compliance with the Americans with Disabilities Act. Upon
1896 mutual agreement of a county and the affected entity in this
1897 paragraph, the office space provided by the county may vary from
1898 the standards for space allotment adopted by the Department of
1899 Management Services.

1900 1. As of July 1, 2005, equipment and furnishings shall be
1901 limited to that appropriate and customary for courtrooms,
1902 hearing rooms, jury facilities, and other public areas in
1903 courthouses and any other facility occupied by the courts, state
1904 attorneys, public defenders, guardians ad litem, and criminal
1905 conflict and civil regional counsel. Court reporting equipment
1906 in these areas or facilities is not a responsibility of the
1907 county.

1908 2. Equipment and furnishings under this paragraph in
1909 existence and owned by counties on July 1, 2005, except for that
1910 in the possession of the clerks, for areas other than
1911 courtrooms, hearing rooms, jury facilities, and other public
1912 areas in courthouses and any other facility occupied by the
1913 courts, state attorneys, and public defenders, shall be
1914 transferred to the state at no charge. This provision does not

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1915 apply to any communications services as defined in paragraph
1916 (f).

1917 (b) "Construction or lease" includes, but is not limited
1918 to, all reasonable and necessary costs of the acquisition or
1919 lease of facilities for all judicial officers, staff, jurors,
1920 volunteers of a tenant agency, and the public for the circuit
1921 and county courts, the public defenders' offices, state
1922 attorneys' offices, and for performing the court-related
1923 functions of the offices of the clerks of the circuit and county
1924 courts. This includes expenses related to financing such
1925 facilities and the existing and future cost and bonded
1926 indebtedness associated with placing the facilities in use.

1927 (c) "Maintenance" includes, but is not limited to, all
1928 reasonable and necessary costs of custodial and groundskeeping
1929 services and renovation and reconstruction as needed to
1930 accommodate functions for the circuit and county courts, the
1931 public defenders' offices, and state attorneys' offices and for
1932 performing the court-related functions of the offices of the
1933 clerks of the circuit and county court and for maintaining the
1934 facilities in a condition appropriate and safe for the use
1935 intended.

1936 (d) "Utilities" means all electricity services for light,
1937 heat, and power; natural or manufactured gas services for light,
1938 heat, and power; water and wastewater services and systems,
1939 stormwater or runoff services and systems, sewer services and
1940 systems, all costs or fees associated with these services and
1941 systems, and any costs or fees associated with the mitigation of
1942 environmental impacts directly related to the facility.

1943 (e) "Security" includes but is not limited to, all

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1944 reasonable and necessary costs of services of law enforcement
1945 officers or licensed security guards and all electronic,
1946 cellular, or digital monitoring and screening devices necessary
1947 to ensure the safety and security of all persons visiting or
1948 working in a facility; to provide for security of the facility,
1949 including protection of property owned by the county or the
1950 state; and for security of prisoners brought to any facility.
1951 This includes bailiffs while providing courtroom and other
1952 security for each judge and other quasi-judicial officers.

1953 (f) "Communications services" are defined as any reasonable
1954 and necessary transmission, emission, and reception of signs,
1955 signals, writings, images, and sounds of intelligence of any
1956 nature by wire, radio, optical, audio equipment, or other
1957 electromagnetic systems and includes all facilities and
1958 equipment owned, leased, or used by judges, clerks, public
1959 defenders, state attorneys, guardians ad litem, criminal
1960 conflict and civil regional counsel, and all staff of the state
1961 courts system, state attorneys' offices, public defenders'
1962 offices, and clerks of the circuit and county courts performing
1963 court-related functions. Such system or services shall include,
1964 but not be limited to:

1965 1. Telephone system infrastructure, including computer
1966 lines, telephone switching equipment, and maintenance, and
1967 facsimile equipment, wireless communications, cellular
1968 telephones, pagers, and video teleconferencing equipment and
1969 line charges. Each county shall continue to provide access to a
1970 local carrier for local and long distance service and shall pay
1971 toll charges for local and long distance service.

1972 2. All computer networks, systems and equipment, including

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1973 computer hardware and software, modems, printers, wiring,
1974 network connections, maintenance, support staff or services
1975 including any county-funded support staff located in the offices
1976 of the circuit court, county courts, state attorneys, public
1977 defenders, guardians ad litem, and criminal conflict and civil
1978 regional counsel; training, supplies, and line charges necessary
1979 for an integrated computer system to support the operations and
1980 management of the state courts system, the offices of the public
1981 defenders, the offices of the state attorneys, the guardian ad
1982 litem offices, the offices of criminal conflict and civil
1983 regional counsel, and the offices of the clerks of the circuit
1984 and county courts; and the capability to connect those entities
1985 and reporting data to the state as required for the transmission
1986 of revenue, performance accountability, case management, data
1987 collection, budgeting, and auditing purposes. The integrated
1988 computer system shall be operational by July 1, 2006, and, at a
1989 minimum, permit the exchange of financial, performance
1990 accountability, case management, case disposition, and other
1991 data across multiple state and county information systems
1992 involving multiple users at both the state level and within each
1993 judicial circuit and be able to electronically exchange judicial
1994 case background data, sentencing scoresheets, and video evidence
1995 information stored in integrated case management systems over
1996 secure networks. Once the integrated system becomes operational,
1997 counties may reject requests to purchase communications services
1998 included in this subparagraph not in compliance with standards,
1999 protocols, or processes adopted by the board established
2000 pursuant to former s. 29.0086.

2001 3. Courier messenger and subpoena services.

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2002 4. Auxiliary aids and services for qualified individuals
2003 with a disability which are necessary to ensure access to the
2004 courts. Such auxiliary aids and services include, but are not
2005 limited to, sign language interpretation services required under
2006 the federal Americans with Disabilities Act other than services
2007 required to satisfy due-process requirements and identified as a
2008 state funding responsibility pursuant to ss. 29.004-29.007,
2009 real-time transcription services for individuals who are hearing
2010 impaired, and assistive listening devices and the equipment
2011 necessary to implement such accommodations.

2012 (g) "Existing radio systems" includes, but is not limited
2013 to, law enforcement radio systems that are used by the circuit
2014 and county courts, the offices of the public defenders, the
2015 offices of the state attorneys, and for court-related functions
2016 of the offices of the clerks of the circuit and county courts.
2017 This includes radio systems that were operational or under
2018 contract at the time Revision No. 7, 1998, to Art. V of the
2019 State Constitution was adopted and any enhancements made
2020 thereafter, the maintenance of those systems, and the personnel
2021 and supplies necessary for operation.

2022 (h) "Existing multiagency criminal justice information
2023 systems" includes, but is not limited to, those components of
2024 the multiagency criminal justice information system as defined
2025 in s. 943.045, supporting the offices of the circuit or county
2026 courts, the public defenders' offices, the state attorneys'
2027 offices, or those portions of the offices of the clerks of the
2028 circuit and county courts performing court-related functions
2029 that are used to carry out the court-related activities of those
2030 entities. This includes upgrades and maintenance of the current

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2031 equipment, maintenance and upgrades of supporting technology
2032 infrastructure and associated staff, and services and expenses
2033 to assure continued information sharing and reporting of
2034 information to the state. The counties shall also provide
2035 additional information technology services, hardware, and
2036 software as needed for new judges and staff of the state courts
2037 system, state attorneys' offices, public defenders' offices,
2038 guardian ad litem offices, and the offices of the clerks of the
2039 circuit and county courts performing court-related functions.

2040 Section 38. Paragraph (a) of subsection (1) of section
2041 39.6011, Florida Statutes, is amended to read:

2042 39.6011 Case plan development.—

2043 (1) The department shall prepare a draft of the case plan
2044 for each child receiving services under this chapter. A parent
2045 of a child may not be threatened or coerced with the loss of
2046 custody or parental rights for failing to admit in the case plan
2047 of abusing, neglecting, or abandoning a child. Participating in
2048 the development of a case plan is not an admission to any
2049 allegation of abuse, abandonment, or neglect, and it is not a
2050 consent to a finding of dependency or termination of parental
2051 rights. The case plan shall be developed subject to the
2052 following requirements:

2053 (a) The case plan must be developed in a face-to-face
2054 conference with the parent of the child, the ~~any~~ court-appointed
2055 guardian ad litem, and, if appropriate, the child and the
2056 temporary custodian of the child.

2057 Section 39. Subsection (8) of section 40.24, Florida
2058 Statutes, is amended to read:

2059 40.24 Compensation and reimbursement policy.—

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2060 (8) In circuits that elect to allow jurors to donate their
2061 jury service fee upon conclusion of juror service, each juror
2062 may irrevocably donate all of the juror's compensation to the 26
2063 U.S.C. s. 501(c)(3) organization specified by the Statewide
2064 Guardian ad Litem Office ~~program~~ or to a domestic violence
2065 shelter as specified annually on a rotating basis by the clerk
2066 of court in the circuit for the juror's county of residence. The
2067 funds collected may not reduce or offset the amount of
2068 compensation that the Statewide Guardian ad Litem Office ~~program~~
2069 or domestic violence shelter would otherwise receive from the
2070 state. The clerk of court shall ensure that all jurors are given
2071 written notice at the conclusion of their service that they have
2072 the option to so donate their compensation, and that the
2073 applicable program specified by the Statewide Guardian ad Litem
2074 Office ~~program~~ or a domestic violence shelter receives all funds
2075 donated by the jurors. Any circuit guardian ad litem office
2076 ~~program~~ receiving donations of juror compensation must expend
2077 such moneys on services for children for whom guardians ad litem
2078 have been appointed.

2079 Section 40. Subsections (5), (6), and (7) of section 43.16,
2080 Florida Statutes, are amended to read:

2081 43.16 Justice Administrative Commission; membership, powers
2082 and duties.—

2083 (5) The duties of the commission shall include, but not be
2084 limited to, the following:

2085 (a) The maintenance of a central state office for
2086 administrative services and assistance when possible to and on
2087 behalf of the state attorneys and public defenders of Florida,
2088 the capital collateral regional counsel of Florida, the criminal

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2089 conflict and civil regional counsel, and the Statewide Guardian
2090 Ad Litem Office ~~Program~~.

2091 (b) Each state attorney, public defender, and criminal
2092 conflict and civil regional counsel and the Statewide Guardian
2093 Ad Litem Office ~~Program~~ shall continue to prepare necessary
2094 budgets, vouchers that represent valid claims for reimbursement
2095 by the state for authorized expenses, and other things
2096 incidental to the proper administrative operation of the office,
2097 such as revenue transmittals to the Chief Financial Officer and
2098 automated systems plans, but will forward such items to the
2099 commission for recording and submission to the proper state
2100 officer. However, when requested by a state attorney, a public
2101 defender, a criminal conflict and civil regional counsel, or the
2102 Statewide Guardian Ad Litem Office ~~Program~~, the commission will
2103 either assist in the preparation of budget requests, voucher
2104 schedules, and other forms and reports or accomplish the entire
2105 project involved.

2106 (6) The commission, each state attorney, each public
2107 defender, the criminal conflict and civil regional counsel, the
2108 capital collateral regional counsel, and the Statewide Guardian
2109 Ad Litem Office ~~Program~~ shall establish and maintain internal
2110 controls designed to:

2111 (a) Prevent and detect fraud, waste, and abuse as defined
2112 in s. 11.45(1).

2113 (b) Promote and encourage compliance with applicable laws,
2114 rules, contracts, grant agreements, and best practices.

2115 (c) Support economical and efficient operations.

2116 (d) Ensure reliability of financial records and reports.

2117 (e) Safeguard assets.

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2118 (7) ~~The provisions contained in This section is shall be~~
2119 supplemental to ~~those of~~ chapter 27, relating to state
2120 attorneys, public defenders, criminal conflict and civil
2121 regional counsel, and capital collateral regional counsel; to
2122 ~~those of~~ chapter 39, relating to the Statewide Guardian Ad Litem
2123 Office Program; or to other laws pertaining hereto.

2124 Section 41. Paragraph (a) of subsection (1) and subsection
2125 (4) of section 61.402, Florida Statutes, are amended to read:

2126 61.402 Qualifications of guardians ad litem.—

2127 (1) A person appointed as a guardian ad litem pursuant to
2128 s. 61.401 must be:

2129 (a) Certified by the Statewide Guardian Ad Litem Office
2130 Program pursuant to s. 39.821;

2131 (b) Certified by a not-for-profit legal aid organization as
2132 defined in s. 68.096; or

2133 (c) An attorney who is a member in good standing of The
2134 Florida Bar.

2135 (4) Nothing in this section requires the Statewide Guardian
2136 Ad Litem Office Program or a not-for-profit legal aid
2137 organization to train or certify guardians ad litem appointed
2138 under this chapter.

2139 Section 42. Paragraph (x) of subsection (2) of section
2140 110.205, Florida Statutes, is amended to read:

2141 110.205 Career service; exemptions.—

2142 (2) EXEMPT POSITIONS.—The exempt positions that are not
2143 covered by this part include the following:

2144 (x) All officers and employees of the Justice
2145 Administrative Commission, Office of the State Attorney, Office
2146 of the Public Defender, regional offices of capital collateral

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2147 counsel, offices of criminal conflict and civil regional
2148 counsel, and Statewide Guardian Ad Litem Office, including the
2149 circuit guardian ad litem offices ~~programs~~.

2150 Section 43. Paragraph (b) of subsection (96) of section
2151 320.08058, Florida Statutes, is amended to read:

2152 320.08058 Specialty license plates.—

2153 (96) GUARDIAN AD LITEM LICENSE PLATES.—

2154 (b) The annual use fees from the sale of the plate shall be
2155 distributed to the Florida Guardian Ad Litem Foundation, Inc., a
2156 direct-support organization and a nonprofit corporation under s.
2157 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the
2158 proceeds may be used for administrative costs and the marketing
2159 of the plate. The remainder of the proceeds must be used in this
2160 state to support the mission and efforts of the Statewide
2161 Guardian Ad Litem Office ~~Program~~ to represent abused, abandoned,
2162 and neglected children and advocate for their best interests;
2163 recruit and retain volunteer child advocates; and meet the
2164 unique needs of the dependent children the program serves.

2165 Section 44. Paragraph (e) of subsection (3) of section
2166 943.053, Florida Statutes, is amended to read:

2167 943.053 Dissemination of criminal justice information;
2168 fees.—

2169 (3)

2170 (e) The fee per record for criminal history information
2171 provided pursuant to this subsection and s. 943.0542 is \$24 per
2172 name submitted, except that the fee for the Statewide Guardian
2173 Ad Litem Office ~~program~~ and vendors of the Department of
2174 Children and Families, the Department of Juvenile Justice, the
2175 Agency for Persons with Disabilities, and the Department of

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2176 Elderly Affairs is \$8 for each name submitted; the fee for a
2177 state criminal history provided for application processing as
2178 required by law to be performed by the Department of Agriculture
2179 and Consumer Services is \$15 for each name submitted; and the
2180 fee for requests under s. 943.0542, which implements the
2181 National Child Protection Act, is \$18 for each volunteer name
2182 submitted. An office of the public defender or an office of
2183 criminal conflict and civil regional counsel may not be assessed
2184 a fee for Florida criminal history information or wanted person
2185 information.

2186 Section 45. Subsection (2) of section 985.43, Florida
2187 Statutes, is amended to read:

2188 985.43 Predisposition reports; other evaluations.—

2189 (2) The court shall consider the child's entire assessment
2190 and predisposition report and shall review the records of
2191 earlier judicial proceedings before making a final disposition
2192 of the case. If the child is under the jurisdiction of a
2193 dependency court, the court may receive and consider any
2194 information provided by the Statewide Guardian Ad Litem Office
2195 ~~Program~~ and the child's attorney ad litem, if one is appointed.
2196 The court may, by order, require additional evaluations and
2197 studies to be performed by the department; the county school
2198 system; or any social, psychological, or psychiatric agency of
2199 the state. The court shall order the educational needs
2200 assessment completed under s. 985.18(2) to be included in the
2201 assessment and predisposition report.

2202 Section 46. Subsection (4) of section 985.441, Florida
2203 Statutes, is amended to read:

2204 985.441 Commitment.—

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2205 (4) The department may transfer a child, when necessary to
2206 appropriately administer the child's commitment, from one
2207 facility or program to another facility or program operated,
2208 contracted, subcontracted, or designated by the department,
2209 including a postcommitment nonresidential conditional release
2210 program, except that the department may not transfer any child
2211 adjudicated solely for a misdemeanor to a residential program
2212 except as provided in subsection (2). The department shall
2213 notify the court that committed the child to the department and
2214 any attorney of record for the child, in writing, of its intent
2215 to transfer the child from a commitment facility or program to
2216 another facility or program of a higher or lower restrictiveness
2217 level. If the child is under the jurisdiction of a dependency
2218 court, the department shall also provide notice to the
2219 dependency court, ~~and~~ the Department of Children and Families,
2220 ~~and, if appointed, the~~ Statewide Guardian Ad Litem Office,
2221 ~~Program~~ and the child's attorney ad litem, if one is appointed.
2222 The court that committed the child may agree to the transfer or
2223 may set a hearing to review the transfer. If the court does not
2224 respond within 10 days after receipt of the notice, the transfer
2225 of the child shall be deemed granted.

2226 Section 47. Subsection (3) of section 985.455, Florida
2227 Statutes, is amended to read:

2228 985.455 Other dispositional issues.—

2229 (3) Any commitment of a delinquent child to the department
2230 must be for an indeterminate period of time, which may include
2231 periods of temporary release; however, the period of time may
2232 not exceed the maximum term of imprisonment that an adult may
2233 serve for the same offense, except that the duration of a

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2234 minimum-risk nonresidential commitment for an offense that is a
2235 misdemeanor of the second degree, or is equivalent to a
2236 misdemeanor of the second degree, may be for a period not to
2237 exceed 6 months. The duration of the child's placement in a
2238 commitment program of any restrictiveness level shall be based
2239 on objective performance-based treatment planning. The child's
2240 treatment plan progress and adjustment-related issues shall be
2241 reported to the court quarterly, unless the court requests
2242 monthly reports. If the child is under the jurisdiction of a
2243 dependency court, the court may receive and consider any
2244 information provided by the Statewide Guardian Ad Litem Office
2245 ~~Program~~ or the child's attorney ad litem, if one is appointed.
2246 The child's length of stay in a commitment program may be
2247 extended if the child fails to comply with or participate in
2248 treatment activities. The child's length of stay in the program
2249 shall not be extended for purposes of sanction or punishment.
2250 Any temporary release from such program must be approved by the
2251 court. Any child so committed may be discharged from
2252 institutional confinement or a program upon the direction of the
2253 department with the concurrence of the court. The child's
2254 treatment plan progress and adjustment-related issues must be
2255 communicated to the court at the time the department requests
2256 the court to consider releasing the child from the commitment
2257 program. The department shall give the court that committed the
2258 child to the department reasonable notice, in writing, of its
2259 desire to discharge the child from a commitment facility. The
2260 court that committed the child may thereafter accept or reject
2261 the request. If the court does not respond within 10 days after
2262 receipt of the notice, the request of the department shall be

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2263 deemed granted. This section does not limit the department's
2264 authority to revoke a child's temporary release status and
2265 return the child to a commitment facility for any violation of
2266 the terms and conditions of the temporary release.

2267 Section 48. Paragraph (b) of subsection (4) of section
2268 985.461, Florida Statutes, is amended to read:

2269 985.461 Transition to adulthood.—

2270 (4) As part of the child's treatment plan, the department
2271 may provide transition-to-adulthood services to children
2272 released from residential commitment. To support participation
2273 in transition-to-adulthood services and subject to
2274 appropriation, the department may:

2275 (b) Use community reentry teams to assist in the
2276 development of a list of age-appropriate activities and
2277 responsibilities to be incorporated in the child's written case
2278 plan for any youth who is under the custody or supervision of
2279 the department. Community reentry teams may include
2280 representatives from school districts, law enforcement,
2281 workforce development services, community-based service
2282 providers, the Statewide Guardian Ad Litem Office ~~Program~~, and
2283 the youth's family. Such community reentry teams must be created
2284 within existing resources provided to the department. Activities
2285 may include, but are not limited to, life skills training,
2286 including training to develop banking and budgeting skills,
2287 interviewing and career planning skills, parenting skills,
2288 personal health management, and time management or
2289 organizational skills; educational support; employment training;
2290 and counseling.

2291 Section 49. Subsection (11) of section 985.48, Florida

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2292 Statutes, is amended to read:

2293 985.48 Juvenile sexual offender commitment programs; sexual
2294 abuse intervention networks.—

2295 (11) Membership of a sexual abuse intervention network
2296 shall include, but is not limited to, representatives from:

2297 (a) Local law enforcement agencies;

2298 (b) Local school boards;

2299 (c) Child protective investigators;

2300 (d) The office of the state attorney;

2301 (e) The office of the public defender;

2302 (f) The juvenile division of the circuit court;

2303 (g) Professionals licensed under chapter 458, chapter 459,
2304 s. 490.0145, or s. 491.0144 providing treatment for juvenile
2305 sexual offenders or their victims;

2306 (h) The Statewide Guardian Ad Litem Office ~~program~~;

2307 (i) The Department of Juvenile Justice; and

2308 (j) The Department of Children and Families.

2309 Section 50. Subsection (1) of section 39.302, Florida
2310 Statutes, is amended to read:

2311 39.302 Protective investigations of institutional child
2312 abuse, abandonment, or neglect.—

2313 (1) The department shall conduct a child protective
2314 investigation of each report of institutional child abuse,
2315 abandonment, or neglect. Upon receipt of a report that alleges
2316 that an employee or agent of the department, or any other entity
2317 or person covered by s. 39.01(39) or (57) ~~s. 39.01(36) or (54)~~,
2318 acting in an official capacity, has committed an act of child
2319 abuse, abandonment, or neglect, the department shall initiate a
2320 child protective investigation within the timeframe established

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2321 under s. 39.101(2) and notify the appropriate state attorney,
2322 law enforcement agency, and licensing agency, which shall
2323 immediately conduct a joint investigation, unless independent
2324 investigations are more feasible. When conducting investigations
2325 or having face-to-face interviews with the child, investigation
2326 visits shall be unannounced unless it is determined by the
2327 department or its agent that unannounced visits threaten the
2328 safety of the child. If a facility is exempt from licensing, the
2329 department shall inform the owner or operator of the facility of
2330 the report. Each agency conducting a joint investigation is
2331 entitled to full access to the information gathered by the
2332 department in the course of the investigation. A protective
2333 investigation must include an interview with the child's parent
2334 or legal guardian. The department shall make a full written
2335 report to the state attorney within 3 business days after making
2336 the oral report. A criminal investigation shall be coordinated,
2337 whenever possible, with the child protective investigation of
2338 the department. Any interested person who has information
2339 regarding the offenses described in this subsection may forward
2340 a statement to the state attorney as to whether prosecution is
2341 warranted and appropriate. Within 15 days after the completion
2342 of the investigation, the state attorney shall report the
2343 findings to the department and shall include in the report a
2344 determination of whether or not prosecution is justified and
2345 appropriate in view of the circumstances of the specific case.

2346 Section 51. Paragraph (c) of subsection (1) of section
2347 39.521, Florida Statutes, is amended to read:

2348 39.521 Disposition hearings; powers of disposition.—

2349 (1) A disposition hearing shall be conducted by the court,

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2350 if the court finds that the facts alleged in the petition for
2351 dependency were proven in the adjudicatory hearing, or if the
2352 parents or legal custodians have consented to the finding of
2353 dependency or admitted the allegations in the petition, have
2354 failed to appear for the arraignment hearing after proper
2355 notice, or have not been located despite a diligent search
2356 having been conducted.

2357 (c) When any child is adjudicated by a court to be
2358 dependent, the court having jurisdiction of the child has the
2359 power by order to:

2360 1. Require the parent and, when appropriate, the legal
2361 guardian or the child to participate in treatment and services
2362 identified as necessary. The court may require the person who
2363 has custody or who is requesting custody of the child to submit
2364 to a mental health or substance abuse disorder assessment or
2365 evaluation. The order may be made only upon good cause shown and
2366 pursuant to notice and procedural requirements provided under
2367 the Florida Rules of Juvenile Procedure. The mental health
2368 assessment or evaluation must be administered by a qualified
2369 professional as defined in s. 39.01, and the substance abuse
2370 assessment or evaluation must be administered by a qualified
2371 professional as defined in s. 397.311. The court may also
2372 require such person to participate in and comply with treatment
2373 and services identified as necessary, including, when
2374 appropriate and available, participation in and compliance with
2375 a mental health court program established under chapter 394 or a
2376 treatment-based drug court program established under s. 397.334.
2377 Adjudication of a child as dependent based upon evidence of harm
2378 as defined in s. 39.01(37)(g) ~~s. 39.01(34)(g)~~ demonstrates good

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2379 cause, and the court shall require the parent whose actions
2380 caused the harm to submit to a substance abuse disorder
2381 assessment or evaluation and to participate and comply with
2382 treatment and services identified in the assessment or
2383 evaluation as being necessary. In addition to supervision by the
2384 department, the court, including the mental health court program
2385 or the treatment-based drug court program, may oversee the
2386 progress and compliance with treatment by a person who has
2387 custody or is requesting custody of the child. The court may
2388 impose appropriate available sanctions for noncompliance upon a
2389 person who has custody or is requesting custody of the child or
2390 make a finding of noncompliance for consideration in determining
2391 whether an alternative placement of the child is in the child's
2392 best interests. Any order entered under this subparagraph may be
2393 made only upon good cause shown. This subparagraph does not
2394 authorize placement of a child with a person seeking custody of
2395 the child, other than the child's parent or legal custodian, who
2396 requires mental health or substance abuse disorder treatment.

2397 2. Require, if the court deems necessary, the parties to
2398 participate in dependency mediation.

2399 3. Require placement of the child either under the
2400 protective supervision of an authorized agent of the department
2401 in the home of one or both of the child's parents or in the home
2402 of a relative of the child or another adult approved by the
2403 court, or in the custody of the department. Protective
2404 supervision continues until the court terminates it or until the
2405 child reaches the age of 18, whichever date is first. Protective
2406 supervision shall be terminated by the court whenever the court
2407 determines that permanency has been achieved for the child,

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2408 whether with a parent, another relative, or a legal custodian,
2409 and that protective supervision is no longer needed. The
2410 termination of supervision may be with or without retaining
2411 jurisdiction, at the court's discretion, and shall in either
2412 case be considered a permanency option for the child. The order
2413 terminating supervision by the department must set forth the
2414 powers of the custodian of the child and include the powers
2415 ordinarily granted to a guardian of the person of a minor unless
2416 otherwise specified. Upon the court's termination of supervision
2417 by the department, further judicial reviews are not required if
2418 permanency has been established for the child.

2419 4. Determine whether the child has a strong attachment to
2420 the prospective permanent guardian and whether such guardian has
2421 a strong commitment to permanently caring for the child.

2422 Section 52. Paragraph (c) of subsection (2) of section
2423 61.13, Florida Statutes, is amended to read:

2424 61.13 Support of children; parenting and time-sharing;
2425 powers of court.—

2426 (2)

2427 (c) The court shall determine all matters relating to
2428 parenting and time-sharing of each minor child of the parties in
2429 accordance with the best interests of the child and in
2430 accordance with the Uniform Child Custody Jurisdiction and
2431 Enforcement Act, except that modification of a parenting plan
2432 and time-sharing schedule requires a showing of a substantial
2433 and material change of circumstances.

2434 1. It is the public policy of this state that each minor
2435 child has frequent and continuing contact with both parents
2436 after the parents separate or the marriage of the parties is

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2437 dissolved and to encourage parents to share the rights and
2438 responsibilities, and joys, of childrearing. Unless otherwise
2439 provided in this section or agreed to by the parties, there is a
2440 rebuttable presumption that equal time-sharing of a minor child
2441 is in the best interests of the minor child. To rebut this
2442 presumption, a party must prove by a preponderance of the
2443 evidence that equal time-sharing is not in the best interests of
2444 the minor child. Except when a time-sharing schedule is agreed
2445 to by the parties and approved by the court, the court must
2446 evaluate all of the factors set forth in subsection (3) and make
2447 specific written findings of fact when creating or modifying a
2448 time-sharing schedule.

2449 2. The court shall order that the parental responsibility
2450 for a minor child be shared by both parents unless the court
2451 finds that shared parental responsibility would be detrimental
2452 to the child. In determining detriment to the child, the court
2453 shall consider:

2454 a. Evidence of domestic violence, as defined in s. 741.28;

2455 b. Whether either parent has or has had reasonable cause to
2456 believe that he or she or his or her minor child or children are
2457 or have been in imminent danger of becoming victims of an act of
2458 domestic violence as defined in s. 741.28 or sexual violence as
2459 defined in s. 784.046(1)(c) by the other parent against the
2460 parent or against the child or children whom the parents share
2461 in common regardless of whether a cause of action has been
2462 brought or is currently pending in the court;

2463 c. Whether either parent has or has had reasonable cause to
2464 believe that his or her minor child or children are or have been
2465 in imminent danger of becoming victims of an act of abuse ~~as~~

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2466 ~~defined in s. 39.01(2)~~, abandonment as ~~defined in s. 39.01(1)~~,
2467 or neglect, as those terms are defined in s. 39.01, ~~s. 39.01(50)~~
2468 by the other parent against the child or children whom the
2469 parents share in common regardless of whether a cause of action
2470 has been brought or is currently pending in the court; and

2471 d. Any other relevant factors.

2472 3. The following evidence creates a rebuttable presumption
2473 that shared parental responsibility is detrimental to the child:

2474 a. A parent has been convicted of a misdemeanor of the
2475 first degree or higher involving domestic violence, as defined
2476 in s. 741.28 and chapter 775;

2477 b. A parent meets the criteria of s. 39.806(1)(d); or

2478 c. A parent has been convicted of or had adjudication
2479 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
2480 at the time of the offense:

2481 (I) The parent was 18 years of age or older.

2482 (II) The victim was under 18 years of age or the parent
2483 believed the victim to be under 18 years of age.

2484

2485 If the presumption is not rebutted after the convicted parent is
2486 advised by the court that the presumption exists, shared
2487 parental responsibility, including time-sharing with the child,
2488 and decisions made regarding the child, may not be granted to
2489 the convicted parent. However, the convicted parent is not
2490 relieved of any obligation to provide financial support. If the
2491 court determines that shared parental responsibility would be
2492 detrimental to the child, it may order sole parental
2493 responsibility and make such arrangements for time-sharing as
2494 specified in the parenting plan as will best protect the child

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2495 or abused spouse from further harm. Whether or not there is a
2496 conviction of any offense of domestic violence or child abuse or
2497 the existence of an injunction for protection against domestic
2498 violence, the court shall consider evidence of domestic violence
2499 or child abuse as evidence of detriment to the child.

2500 4. In ordering shared parental responsibility, the court
2501 may consider the expressed desires of the parents and may grant
2502 to one party the ultimate responsibility over specific aspects
2503 of the child's welfare or may divide those responsibilities
2504 between the parties based on the best interests of the child.
2505 Areas of responsibility may include education, health care, and
2506 any other responsibilities that the court finds unique to a
2507 particular family.

2508 5. The court shall order sole parental responsibility for a
2509 minor child to one parent, with or without time-sharing with the
2510 other parent if it is in the best interests of the minor child.

2511 6. There is a rebuttable presumption against granting time-
2512 sharing with a minor child if a parent has been convicted of or
2513 had adjudication withheld for an offense enumerated in s.
2514 943.0435(1)(h)1.a., and at the time of the offense:

2515 a. The parent was 18 years of age or older.

2516 b. The victim was under 18 years of age or the parent
2517 believed the victim to be under 18 years of age.

2518
2519 A parent may rebut the presumption upon a specific finding in
2520 writing by the court that the parent poses no significant risk
2521 of harm to the child and that time-sharing is in the best
2522 interests of the minor child. If the presumption is rebutted,
2523 the court must consider all time-sharing factors in subsection

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2524 (3) when developing a time-sharing schedule.

2525 7. Access to records and information pertaining to a minor
2526 child, including, but not limited to, medical, dental, and
2527 school records, may not be denied to either parent. Full rights
2528 under this subparagraph apply to either parent unless a court
2529 order specifically revokes these rights, including any
2530 restrictions on these rights as provided in a domestic violence
2531 injunction. A parent having rights under this subparagraph has
2532 the same rights upon request as to form, substance, and manner
2533 of access as are available to the other parent of a child,
2534 including, without limitation, the right to in-person
2535 communication with medical, dental, and education providers.

2536 Section 53. Paragraph (d) of subsection (4) of section
2537 119.071, Florida Statutes, is amended to read:

2538 119.071 General exemptions from inspection or copying of
2539 public records.—

2540 (4) AGENCY PERSONNEL INFORMATION.—

2541 (d)1. For purposes of this paragraph, the term:

2542 a. "Home addresses" means the dwelling location at which an
2543 individual resides and includes the physical address, mailing
2544 address, street address, parcel identification number, plot
2545 identification number, legal property description, neighborhood
2546 name and lot number, GPS coordinates, and any other descriptive
2547 property information that may reveal the home address.

2548 b. "Judicial assistant" means a court employee assigned to
2549 the following class codes: 8140, 8150, 8310, and 8320.

2550 c. "Telephone numbers" includes home telephone numbers,
2551 personal cellular telephone numbers, personal pager telephone
2552 numbers, and telephone numbers associated with personal

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2553 communications devices.

2554 2.a. The home addresses, telephone numbers, dates of birth,
2555 and photographs of active or former sworn law enforcement
2556 personnel or of active or former civilian personnel employed by
2557 a law enforcement agency, including correctional and
2558 correctional probation officers, personnel of the Department of
2559 Children and Families whose duties include the investigation of
2560 abuse, neglect, exploitation, fraud, theft, or other criminal
2561 activities, personnel of the Department of Health whose duties
2562 are to support the investigation of child abuse or neglect, and
2563 personnel of the Department of Revenue or local governments
2564 whose responsibilities include revenue collection and
2565 enforcement or child support enforcement; the names, home
2566 addresses, telephone numbers, photographs, dates of birth, and
2567 places of employment of the spouses and children of such
2568 personnel; and the names and locations of schools and day care
2569 facilities attended by the children of such personnel are exempt
2570 from s. 119.07(1) and s. 24(a), Art. I of the State
2571 Constitution.

2572 b. The home addresses, telephone numbers, dates of birth,
2573 and photographs of current or former nonsworn investigative
2574 personnel of the Department of Financial Services whose duties
2575 include the investigation of fraud, theft, workers' compensation
2576 coverage requirements and compliance, other related criminal
2577 activities, or state regulatory requirement violations; the
2578 names, home addresses, telephone numbers, dates of birth, and
2579 places of employment of the spouses and children of such
2580 personnel; and the names and locations of schools and day care
2581 facilities attended by the children of such personnel are exempt

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2582 from s. 119.07(1) and s. 24(a), Art. I of the State
2583 Constitution.

2584 c. The home addresses, telephone numbers, dates of birth,
2585 and photographs of current or former nonsworn investigative
2586 personnel of the Office of Financial Regulation's Bureau of
2587 Financial Investigations whose duties include the investigation
2588 of fraud, theft, other related criminal activities, or state
2589 regulatory requirement violations; the names, home addresses,
2590 telephone numbers, dates of birth, and places of employment of
2591 the spouses and children of such personnel; and the names and
2592 locations of schools and day care facilities attended by the
2593 children of such personnel are exempt from s. 119.07(1) and s.
2594 24(a), Art. I of the State Constitution.

2595 d. The home addresses, telephone numbers, dates of birth,
2596 and photographs of current or former firefighters certified in
2597 compliance with s. 633.408; the names, home addresses, telephone
2598 numbers, photographs, dates of birth, and places of employment
2599 of the spouses and children of such firefighters; and the names
2600 and locations of schools and day care facilities attended by the
2601 children of such firefighters are exempt from s. 119.07(1) and
2602 s. 24(a), Art. I of the State Constitution.

2603 e. The home addresses, dates of birth, and telephone
2604 numbers of current or former justices of the Supreme Court,
2605 district court of appeal judges, circuit court judges, and
2606 county court judges, ~~and~~ of current judicial assistants; the
2607 names, home addresses, telephone numbers, dates of birth, and
2608 places of employment of the spouses and children of current or
2609 former justices and judges and ~~of~~ current judicial assistants;
2610 and the names and locations of schools and day care facilities

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2611 attended by the children of current or former justices and
2612 judges and of current judicial assistants are exempt from s.
2613 119.07(1) and s. 24(a), Art. I of the State Constitution. This
2614 sub-subparagraph is subject to the Open Government Sunset Review
2615 Act in accordance with s. 119.15 and shall stand repealed on
2616 October 2, 2028, unless reviewed and saved from repeal through
2617 reenactment by the Legislature.

2618 f. The home addresses, telephone numbers, dates of birth,
2619 and photographs of current or former state attorneys, assistant
2620 state attorneys, statewide prosecutors, or assistant statewide
2621 prosecutors; the names, home addresses, telephone numbers,
2622 photographs, dates of birth, and places of employment of the
2623 spouses and children of current or former state attorneys,
2624 assistant state attorneys, statewide prosecutors, or assistant
2625 statewide prosecutors; and the names and locations of schools
2626 and day care facilities attended by the children of current or
2627 former state attorneys, assistant state attorneys, statewide
2628 prosecutors, or assistant statewide prosecutors are exempt from
2629 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2630 g. The home addresses, dates of birth, and telephone
2631 numbers of general magistrates, special magistrates, judges of
2632 compensation claims, administrative law judges of the Division
2633 of Administrative Hearings, and child support enforcement
2634 hearing officers; the names, home addresses, telephone numbers,
2635 dates of birth, and places of employment of the spouses and
2636 children of general magistrates, special magistrates, judges of
2637 compensation claims, administrative law judges of the Division
2638 of Administrative Hearings, and child support enforcement
2639 hearing officers; and the names and locations of schools and day

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2640 care facilities attended by the children of general magistrates,
2641 special magistrates, judges of compensation claims,
2642 administrative law judges of the Division of Administrative
2643 Hearings, and child support enforcement hearing officers are
2644 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2645 Constitution.

2646 h. The home addresses, telephone numbers, dates of birth,
2647 and photographs of current or former human resource, labor
2648 relations, or employee relations directors, assistant directors,
2649 managers, or assistant managers of any local government agency
2650 or water management district whose duties include hiring and
2651 firing employees, labor contract negotiation, administration, or
2652 other personnel-related duties; the names, home addresses,
2653 telephone numbers, dates of birth, and places of employment of
2654 the spouses and children of such personnel; and the names and
2655 locations of schools and day care facilities attended by the
2656 children of such personnel are exempt from s. 119.07(1) and s.
2657 24(a), Art. I of the State Constitution.

2658 i. The home addresses, telephone numbers, dates of birth,
2659 and photographs of current or former code enforcement officers;
2660 the names, home addresses, telephone numbers, dates of birth,
2661 and places of employment of the spouses and children of such
2662 personnel; and the names and locations of schools and day care
2663 facilities attended by the children of such personnel are exempt
2664 from s. 119.07(1) and s. 24(a), Art. I of the State
2665 Constitution.

2666 j. The home addresses, telephone numbers, places of
2667 employment, dates of birth, and photographs of current or former
2668 guardians ad litem, as defined in s. 39.01 ~~s. 39.820~~; the names,

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

2674 k. The home addresses, telephone numbers, dates of birth,
2675 and photographs of current or former juvenile probation
2676 officers, juvenile probation supervisors, detention
2677 superintendents, assistant detention superintendents, juvenile
2678 justice detention officers I and II, juvenile justice detention
2679 officer supervisors, juvenile justice residential officers,
2680 juvenile justice residential officer supervisors I and II,
2681 juvenile justice counselors, juvenile justice counselor
2682 supervisors, human services counselor administrators, senior
2683 human services counselor administrators, rehabilitation
2684 therapists, and social services counselors of the Department of
2685 Juvenile Justice; the names, home addresses, telephone numbers,
2686 dates of birth, and places of employment of spouses and children
2687 of such personnel; and the names and locations of schools and
2688 day care facilities attended by the children of such personnel
2689 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2690 Constitution.

2691 l. The home addresses, telephone numbers, dates of birth,
2692 and photographs of current or former public defenders, assistant
2693 public defenders, criminal conflict and civil regional counsel,
2694 and assistant criminal conflict and civil regional counsel; the
2695 names, home addresses, telephone numbers, dates of birth, and
2696 places of employment of the spouses and children of current or
2697 former public defenders, assistant public defenders, criminal

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2698 conflict and civil regional counsel, and assistant criminal
2699 conflict and civil regional counsel; and the names and locations
2700 of schools and day care facilities attended by the children of
2701 current or former public defenders, assistant public defenders,
2702 criminal conflict and civil regional counsel, and assistant
2703 criminal conflict and civil regional counsel are exempt from s.
2704 119.07(1) and s. 24(a), Art. I of the State Constitution.

2705 m. The home addresses, telephone numbers, dates of birth,
2706 and photographs of current or former investigators or inspectors
2707 of the Department of Business and Professional Regulation; the
2708 names, home addresses, telephone numbers, dates of birth, and
2709 places of employment of the spouses and children of such current
2710 or former investigators and inspectors; and the names and
2711 locations of schools and day care facilities attended by the
2712 children of such current or former investigators and inspectors
2713 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2714 Constitution.

2715 n. The home addresses, telephone numbers, and dates of
2716 birth of county tax collectors; the names, home addresses,
2717 telephone numbers, dates of birth, and places of employment of
2718 the spouses and children of such tax collectors; and the names
2719 and locations of schools and day care facilities attended by the
2720 children of such tax collectors are exempt from s. 119.07(1) and
2721 s. 24(a), Art. I of the State Constitution.

2722 o. The home addresses, telephone numbers, dates of birth,
2723 and photographs of current or former personnel of the Department
2724 of Health whose duties include, or result in, the determination
2725 or adjudication of eligibility for social security disability
2726 benefits, the investigation or prosecution of complaints filed

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2727 against health care practitioners, or the inspection of health
2728 care practitioners or health care facilities licensed by the
2729 Department of Health; the names, home addresses, telephone
2730 numbers, dates of birth, and places of employment of the spouses
2731 and children of such personnel; and the names and locations of
2732 schools and day care facilities attended by the children of such
2733 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
2734 the State Constitution.

2735 p. The home addresses, telephone numbers, dates of birth,
2736 and photographs of current or former impaired practitioner
2737 consultants who are retained by an agency or current or former
2738 employees of an impaired practitioner consultant whose duties
2739 result in a determination of a person's skill and safety to
2740 practice a licensed profession; the names, home addresses,
2741 telephone numbers, dates of birth, and places of employment of
2742 the spouses and children of such consultants or their employees;
2743 and the names and locations of schools and day care facilities
2744 attended by the children of such consultants or employees are
2745 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2746 Constitution.

2747 q. The home addresses, telephone numbers, dates of birth,
2748 and photographs of current or former emergency medical
2749 technicians or paramedics certified under chapter 401; the
2750 names, home addresses, telephone numbers, dates of birth, and
2751 places of employment of the spouses and children of such
2752 emergency medical technicians or paramedics; and the names and
2753 locations of schools and day care facilities attended by the
2754 children of such emergency medical technicians or paramedics are
2755 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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2756 Constitution.

2757 r. The home addresses, telephone numbers, dates of birth,
2758 and photographs of current or former personnel employed in an
2759 agency's office of inspector general or internal audit
2760 department whose duties include auditing or investigating waste,
2761 fraud, abuse, theft, exploitation, or other activities that
2762 could lead to criminal prosecution or administrative discipline;
2763 the names, home addresses, telephone numbers, dates of birth,
2764 and places of employment of spouses and children of such
2765 personnel; and the names and locations of schools and day care
2766 facilities attended by the children of such personnel are exempt
2767 from s. 119.07(1) and s. 24(a), Art. I of the State
2768 Constitution.

2769 s. The home addresses, telephone numbers, dates of birth,
2770 and photographs of current or former directors, managers,
2771 supervisors, nurses, and clinical employees of an addiction
2772 treatment facility; the home addresses, telephone numbers,
2773 photographs, dates of birth, and places of employment of the
2774 spouses and children of such personnel; and the names and
2775 locations of schools and day care facilities attended by the
2776 children of such personnel are exempt from s. 119.07(1) and s.
2777 24(a), Art. I of the State Constitution. For purposes of this
2778 sub-subparagraph, the term "addiction treatment facility" means
2779 a county government, or agency thereof, that is licensed
2780 pursuant to s. 397.401 and provides substance abuse prevention,
2781 intervention, or clinical treatment, including any licensed
2782 service component described in s. 397.311(26).

2783 t. The home addresses, telephone numbers, dates of birth,
2784 and photographs of current or former directors, managers,

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2785 supervisors, and clinical employees of a child advocacy center
2786 that meets the standards of s. 39.3035(2) and fulfills the
2787 screening requirement of s. 39.3035(3), and the members of a
2788 Child Protection Team as described in s. 39.303 whose duties
2789 include supporting the investigation of child abuse or sexual
2790 abuse, child abandonment, child neglect, and child exploitation
2791 or to provide services as part of a multidisciplinary case
2792 review team; the names, home addresses, telephone numbers,
2793 photographs, dates of birth, and places of employment of the
2794 spouses and children of such personnel and members; and the
2795 names and locations of schools and day care facilities attended
2796 by the children of such personnel and members are exempt from s.
2797 119.07(1) and s. 24(a), Art. I of the State Constitution.

2798 u. The home addresses, telephone numbers, places of
2799 employment, dates of birth, and photographs of current or former
2800 staff and domestic violence advocates, as defined in s.
2801 90.5036(1)(b), of domestic violence centers certified by the
2802 Department of Children and Families under chapter 39; the names,
2803 home addresses, telephone numbers, places of employment, dates
2804 of birth, and photographs of the spouses and children of such
2805 personnel; and the names and locations of schools and day care
2806 facilities attended by the children of such personnel are exempt
2807 from s. 119.07(1) and s. 24(a), Art. I of the State
2808 Constitution.

2809 v. The home addresses, telephone numbers, dates of birth,
2810 and photographs of current or former inspectors or investigators
2811 of the Department of Agriculture and Consumer Services; the
2812 names, home addresses, telephone numbers, dates of birth, and
2813 places of employment of the spouses and children of current or

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2814 former inspectors or investigators; and the names and locations
2815 of schools and day care facilities attended by the children of
2816 current or former inspectors or investigators are exempt from s.
2817 119.07(1) and s. 24(a), Art. I of the State Constitution. This
2818 sub-subparagraph is subject to the Open Government Sunset Review
2819 Act in accordance with s. 119.15 and shall stand repealed on
2820 October 2, 2028, unless reviewed and saved from repeal through
2821 reenactment by the Legislature.

2822 3. An agency that is the custodian of the information
2823 specified in subparagraph 2. and that is not the employer of the
2824 officer, employee, justice, judge, or other person specified in
2825 subparagraph 2. must maintain the exempt status of that
2826 information only if the officer, employee, justice, judge, other
2827 person, or employing agency of the designated employee submits a
2828 written and notarized request for maintenance of the exemption
2829 to the custodial agency. The request must state under oath the
2830 statutory basis for the individual's exemption request and
2831 confirm the individual's status as a party eligible for exempt
2832 status.

2833 4.a. A county property appraiser, as defined in s.
2834 192.001(3), or a county tax collector, as defined in s.
2835 192.001(4), who receives a written and notarized request for
2836 maintenance of the exemption pursuant to subparagraph 3. must
2837 comply by removing the name of the individual with exempt status
2838 and the instrument number or Official Records book and page
2839 number identifying the property with the exempt status from all
2840 publicly available records maintained by the property appraiser
2841 or tax collector. For written requests received on or before
2842 July 1, 2021, a county property appraiser or county tax

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2843 collector must comply with this sub-subparagraph by October 1,
2844 2021. A county property appraiser or county tax collector may
2845 not remove the street address, legal description, or other
2846 information identifying real property within the agency's
2847 records so long as a name or personal information otherwise
2848 exempt from inspection and copying pursuant to this section is
2849 not associated with the property or otherwise displayed in the
2850 public records of the agency.

2851 b. Any information restricted from public display,
2852 inspection, or copying under sub-subparagraph a. must be
2853 provided to the individual whose information was removed.

2854 5. An officer, an employee, a justice, a judge, or other
2855 person specified in subparagraph 2. may submit a written request
2856 for the release of his or her exempt information to the
2857 custodial agency. The written request must be notarized and must
2858 specify the information to be released and the party authorized
2859 to receive the information. Upon receipt of the written request,
2860 the custodial agency must release the specified information to
2861 the party authorized to receive such information.

2862 6. The exemptions in this paragraph apply to information
2863 held by an agency before, on, or after the effective date of the
2864 exemption.

2865 7. Information made exempt under this paragraph may be
2866 disclosed pursuant to s. 28.2221 to a title insurer authorized
2867 pursuant to s. 624.401 and its affiliates as defined in s.
2868 624.10; a title insurance agent or title insurance agency as
2869 defined in s. 626.841(1) or (2), respectively; or an attorney
2870 duly admitted to practice law in this state and in good standing
2871 with The Florida Bar.

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2872 8. The exempt status of a home address contained in the
2873 Official Records is maintained only during the period when a
2874 protected party resides at the dwelling location. Upon
2875 conveyance of real property after October 1, 2021, and when such
2876 real property no longer constitutes a protected party's home
2877 address as defined in sub-subparagraph 1.a., the protected party
2878 must submit a written request to release the removed information
2879 to the county recorder. The written request to release the
2880 removed information must be notarized, must confirm that a
2881 protected party's request for release is pursuant to a
2882 conveyance of his or her dwelling location, and must specify the
2883 Official Records book and page, instrument number, or clerk's
2884 file number for each document containing the information to be
2885 released.

2886 9. Upon the death of a protected party as verified by a
2887 certified copy of a death certificate or court order, any party
2888 can request the county recorder to release a protected
2889 decedent's removed information unless there is a related request
2890 on file with the county recorder for continued removal of the
2891 decedent's information or unless such removal is otherwise
2892 prohibited by statute or by court order. The written request to
2893 release the removed information upon the death of a protected
2894 party must attach the certified copy of a death certificate or
2895 court order and must be notarized, must confirm the request for
2896 release is due to the death of a protected party, and must
2897 specify the Official Records book and page number, instrument
2898 number, or clerk's file number for each document containing the
2899 information to be released. A fee may not be charged for the
2900 release of any document pursuant to such request.

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2901 10. Except as otherwise expressly provided in this
2902 paragraph, this paragraph is subject to the Open Government
2903 Sunset Review Act in accordance with s. 119.15 and shall stand
2904 repealed on October 2, 2024, unless reviewed and saved from
2905 repeal through reenactment by the Legislature.

2906 Section 54. Subsection (4) of section 322.09, Florida
2907 Statutes, is amended to read:

2908 322.09 Application of minors; responsibility for negligence
2909 or misconduct of minor.—

2910 (4) Notwithstanding subsections (1) and (2), if a caregiver
2911 of a minor who is under the age of 18 years and is in out-of-
2912 home care as defined in s. 39.01 ~~s. 39.01(55)~~, an authorized
2913 representative of a residential group home at which such a minor
2914 resides, the caseworker at the agency at which the state has
2915 placed the minor, or a guardian ad litem specifically authorized
2916 by the minor's caregiver to sign for a learner's driver license
2917 signs the minor's application for a learner's driver license,
2918 that caregiver, group home representative, caseworker, or
2919 guardian ad litem does not assume any obligation or become
2920 liable for any damages caused by the negligence or willful
2921 misconduct of the minor by reason of having signed the
2922 application. Before signing the application, the caseworker,
2923 authorized group home representative, or guardian ad litem shall
2924 notify the caregiver or other responsible party of his or her
2925 intent to sign and verify the application.

2926 Section 55. Paragraph (p) of subsection (4) of section
2927 394.495, Florida Statutes, is amended to read:

2928 394.495 Child and adolescent mental health system of care;
2929 programs and services.—

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2930 (4) The array of services may include, but is not limited
2931 to:

2932 (p) Trauma-informed services for children who have suffered
2933 sexual exploitation as defined in s. 39.01(80)(g) ~~s.~~
2934 ~~39.01(77)(g)~~.

2935 Section 56. Section 627.746, Florida Statutes, is amended
2936 to read:

2937 627.746 Coverage for minors who have a learner's driver
2938 license; additional premium prohibited.—An insurer that issues
2939 an insurance policy on a private passenger motor vehicle to a
2940 named insured who is a caregiver of a minor who is under the age
2941 of 18 years and is in out-of-home care as defined in s. 39.01 ~~s.~~
2942 ~~39.01(55)~~ may not charge an additional premium for coverage of
2943 the minor while the minor is operating the insured vehicle, for
2944 the period of time that the minor has a learner's driver
2945 license, until such time as the minor obtains a driver license.

2946 Section 57. Paragraph (c) of subsection (1) of section
2947 934.255, Florida Statutes, is amended to read:

2948 934.255 Subpoenas in investigations of sexual offenses.—

2949 (1) As used in this section, the term:

2950 (c) "Sexual abuse of a child" means a criminal offense
2951 based on any conduct described in s. 39.01(80) ~~s. 39.01(77)~~.

2952 Section 58. Subsection (5) of section 960.065, Florida
2953 Statutes, is amended to read:

2954 960.065 Eligibility for awards.—

2955 (5) A person is not ineligible for an award pursuant to
2956 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
2957 person is a victim of sexual exploitation of a child as defined
2958 in s. 39.01(80)(g) ~~s. 39.01(77)(g)~~.

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2959 Section 59. The Division of Law Revision is requested to
2960 prepare a reviser's bill for the 2025 Regular Session of the
2961 Legislature to substitute the term "Statewide Guardian ad Litem
2962 Office" for the term "Guardian ad Litem Program" or "Statewide
2963 Guardian ad Litem Program" throughout the Florida Statutes.

2964 Section 60. This act shall take effect July 1, 2024.