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1 A bill to be entitled
2 An act relating to the protection of children and
3 victims of crime; amending s. 39.001, F.S.; revising
4 the purposes of ch. 39, F.S.; requiring the Statewide
5 Guardian ad Litem Office and circuit guardian ad litem
6 offices to participate in the development of a certain
7 state plan; conforming a provision to changes made by
8 the act; amending s. 39.00145, F.S.; authorizing a
9 child's attorney ad litem to inspect certain records;
10 amending s. 39.00146, F.S.; conforming provisions to
11 changes made by the act; amending s. 39.0016, F.S.;
12 requiring a child's guardian ad litem be included in
13 the coordination of certain educational services;
14 amending s. 39.01, F.S.; providing and revising
15 definitions; amending s. 39.013, F.S.; requiring the
16 court to appoint a guardian ad litem for a child at
17 the 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; amending s. 741.29, F.S.;

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117 requiring law enforcement officers who investigate an
118 alleged incident of domestic violence to administer a
119 lethality assessment under certain circumstances;
120 requiring the Department of Law Enforcement to consult
121 with specified entities, and authorizing the
122 department to consult with other specified entities,
123 to develop certain policies, procedures, and training
124 necessary for the implementation of a statewide
125 evidence-based lethality assessment; requiring such
126 policies, procedures, and training to establish how to
127 determine whether a victim and aggressor are intimate
128 partners and establish a statewide process for
129 referring a victim to a certified domestic violence
130 center; requiring the department to adopt a statewide
131 lethality assessment form by a specified date;
132 requiring that training on administering lethality
133 assessments be available to law enforcement officers
134 in an online format; requiring the department to
135 submit a specified report to the Legislature upon
136 certain circumstances; requiring the Criminal Justice
137 Standards and Training Commission to require by rule
138 that law enforcement officers receive instruction on
139 the policies and procedures for administering a
140 lethality assessment as part of basic recruit training
141 or required instruction for continued employment;
142 prohibiting a law enforcement officer from
143 administering a lethality assessment if he or she has
144 not received specified training; requiring that basic
145 recruit training programs and continuing training or

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146 education requirements incorporate such training, and
147 that all law enforcement officers successfully
148 complete such training, by a specified date; requiring
149 law enforcement agencies to place officers'
150 certification on inactive status if they fail to
151 timely complete the required training; providing that
152 such officers' certification remains inactive until
153 they complete the training and their employing agency
154 notifies the commission of such completion; requiring
155 law enforcement officers administering a lethality
156 assessment to ask a victim specified questions;
157 requiring law enforcement officers to advise the
158 victim of the results of the lethality assessment and
159 refer the victim to certain domestic violence centers
160 if certain conditions are met; requiring law
161 enforcement officers to document in the written police
162 report a victim's refusal or inability to provide
163 information necessary for the lethality assessment;
164 prohibiting law enforcement officers from disclosing
165 in certain statements and reports the domestic
166 violence center to which the victim was referred;
167 requiring that written police reports for domestic
168 violence incidents include the results of the
169 lethality assessment, if one was administered; making
170 technical changes; reenacting s. 39.906, F.S.,
171 relating to referral to domestic violence centers and
172 notice of rights, to incorporate the amendment made to
173 s. 741.29, F.S., in a reference thereto; providing a
174 directive to the Division of Law Revision; providing

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175 an effective date.

176
177 Be It Enacted by the Legislature of the State of Florida:

178
179 Section 1. Paragraph (j) of subsection (1), paragraph (j)
180 of subsection (3), and paragraph (a) of subsection (10) of
181 section 39.001, Florida Statutes, are amended to read:

182 39.001 Purposes and intent; personnel standards and
183 screening.—

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

185 (j) To ensure that, when reunification or adoption is not
186 possible, the child will be prepared for alternative permanency
187 goals or placements, to include, but not be limited to, long-
188 term foster care, independent living, custody to a relative on a
189 permanent basis with or without legal guardianship, or custody
190 to a foster parent or legal custodian on a permanent basis with
191 or without legal guardianship. Permanency for a child who is
192 transitioning from foster care to independent living includes
193 naturally occurring, lifelong, kin-like connections between the
194 child and a supportive adult.

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

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

201 (10) PLAN FOR COMPREHENSIVE APPROACH.—

202 (a) The office shall develop a state plan for the promotion
203 of adoption, support of adoptive families, and prevention of

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204 abuse, abandonment, and neglect of children. The Department of
205 Children and Families, the Department of Corrections, the
206 Department of Education, the Department of Health, the
207 Department of Juvenile Justice, the Department of Law
208 Enforcement, the Statewide Guardian ad Litem Office, and the
209 Agency for Persons with Disabilities shall participate and fully
210 cooperate in the development of the state plan at both the state
211 and local levels. Furthermore, appropriate local agencies and
212 organizations shall be provided an opportunity to participate in
213 the development of the state plan at the local level.
214 Appropriate local groups and organizations shall include, but
215 not be limited to, community mental health centers; circuit
216 guardian ad litem offices ~~programs for children under the~~
217 ~~circuit court~~; the school boards of the local school districts;
218 the Florida local advocacy councils; community-based care lead
219 agencies; private or public organizations or programs with
220 recognized expertise in working with child abuse prevention
221 programs for children and families; private or public
222 organizations or programs with recognized expertise in working
223 with children who are sexually abused, physically abused,
224 emotionally abused, abandoned, or neglected and with expertise
225 in working with the families of such children; private or public
226 programs or organizations with expertise in maternal and infant
227 health care; multidisciplinary Child Protection Teams; child day
228 care centers; law enforcement agencies; and the circuit courts,
229 ~~when guardian ad litem programs are not available in the local~~
230 ~~area~~. The state plan to be provided to the Legislature and the
231 Governor shall include, as a minimum, the information required
232 of the various groups in paragraph (b).

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

235 39.00145 Records concerning children.—

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

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

246 (b) The department shall release the information in a
247 manner and setting that are appropriate to the age and maturity
248 of the child and the nature of the information being released,
249 which may include the release of information in a therapeutic
250 setting, if appropriate. This paragraph does not deny the child
251 access to his or her records.

252 (c) If a child or the child's caregiver, guardian ad litem,
253 or attorney ad litem, if one is appointed, requests access to
254 the child's case record, any person or entity that fails to
255 provide any record in the case record under assertion of a claim
256 of exemption from the public records requirements of chapter
257 119, or fails to provide access within a reasonable time, is
258 subject to sanctions and penalties under s. 119.10.

259 (d) For the purposes of this subsection, the term
260 "caregiver" is limited to parents, legal custodians, permanent
261 guardians, or foster parents; employees of a residential home,

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262 institution, facility, or agency at which the child resides; and
263 other individuals legally responsible for a child's welfare in a
264 residential setting.

265 Section 3. Paragraph (a) of subsection (2) of section
266 39.00146, Florida Statutes, is amended to read:

267 39.00146 Case record face sheet.—

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

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

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

277 2. The current county of residence and the county of
278 residence at the time of the referral.†

279 3. The reason for the referral and any family safety
280 concerns.†

281 4. The personal identifying information of the parents or
282 legal custodians who had custody of the child at the time of the
283 referral, including name, date of birth, and county of
284 residence.†

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

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

290 Section 4. Paragraph (b) of subsection (2) and paragraph

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291 (b) of subsection (3) of section 39.0016, Florida Statutes, are
292 amended to read:

293 39.0016 Education of abused, neglected, and abandoned
294 children; agency agreements; children having or suspected of
295 having a disability.—

296 (2) AGENCY AGREEMENTS.—

297 (b) The department shall enter into agreements with
298 district school boards or other local educational entities
299 regarding education and related services for children known to
300 the department who are of school age and children known to the
301 department who are younger than school age but who would
302 otherwise qualify for services from the district school board.
303 Such agreements must ~~shall~~ include, but are not limited to:

304 1. A requirement that the department shall:

305 a. Ensure that children known to the department are
306 enrolled in school or in the best educational setting that meets
307 the needs of the child. The agreement must ~~shall~~ provide for
308 continuing the enrollment of a child known to the department at
309 the school of origin when possible if it is in the best interest
310 of the child, with the goal of minimal disruption of education.

311 b. Notify the school and school district in which a child
312 known to the department is enrolled of the name and phone number
313 of the child known to the department caregiver and caseworker
314 for child safety purposes.

315 c. Establish a protocol for the department to share
316 information about a child known to the department with the
317 school district, consistent with the Family Educational Rights
318 and Privacy Act, since the sharing of information will assist
319 each agency in obtaining education and related services for the

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320 benefit of the child. The protocol must require the district
321 school boards or other local educational entities to access the
322 department's Florida Safe Families Network to obtain information
323 about children known to the department, consistent with the
324 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
325 1232g.

326 d. Notify the school district of the department's case
327 planning for a child known to the department, both at the time
328 of plan development and plan review. Within the plan development
329 or review process, the school district may provide information
330 regarding the child known to the department if the school
331 district deems it desirable and appropriate.

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

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

336 a. Provide the department with a general listing of the
337 services and information available from the district school
338 board to facilitate educational access for a child known to the
339 department.

340 b. Identify all educational and other services provided by
341 the school and school district which the school district
342 believes are reasonably necessary to meet the educational needs
343 of a child known to the department.

344 c. Determine whether transportation is available for a
345 child known to the department when such transportation will
346 avoid a change in school assignment due to a change in
347 residential placement. Recognizing that continued enrollment in
348 the same school throughout the time the child known to the

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349 department is in out-of-home care is preferable unless
350 enrollment in the same school would be unsafe or otherwise
351 impractical, the department, the district school board, and the
352 Department of Education shall assess the availability of
353 federal, charitable, or grant funding for such transportation.

354 d. Provide individualized student intervention or an
355 individual educational plan when a determination has been made
356 through legally appropriate criteria that intervention services
357 are required. The intervention or individual educational plan
358 must include strategies to enable the child known to the
359 department to maximize the attainment of educational goals.

360 3. A requirement that the department and the district
361 school board shall cooperate in accessing the services and
362 supports needed for a child known to the department who has or
363 is suspected of having a disability to receive an appropriate
364 education consistent with the Individuals with Disabilities
365 Education Act and state implementing laws, rules, and
366 assurances. Coordination of services for a child known to the
367 department who has or is suspected of having a disability may
368 include:

369 a. Referral for screening.

370 b. Sharing of evaluations between the school district and
371 the department where appropriate.

372 c. Provision of education and related services appropriate
373 for the needs and abilities of the child known to the
374 department.

375 d. Coordination of services and plans between the school
376 and the residential setting to avoid duplication or conflicting
377 service plans.

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378 e. Appointment of a surrogate parent, consistent with the
379 Individuals with Disabilities Education Act and pursuant to
380 subsection (3), for educational purposes for a child known to
381 the department who qualifies.

382 f. For each child known to the department 14 years of age
383 and older, transition planning by the department and all
384 providers, including the department's independent living program
385 staff and the guardian ad litem of the child, to meet the
386 requirements of the local school district for educational
387 purposes.

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

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

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

394 b. A court of competent jurisdiction over a child under
395 this chapter has determined that no person has the authority
396 under the Individuals with Disabilities Education Act, including
397 the parent or parents subject to the dependency action, or that
398 no person has the authority, willingness, or ability to serve as
399 the educational decisionmaker for the child without judicial
400 action.

401 2. A surrogate parent appointed by the district school
402 superintendent or the court must be at least 18 years old and
403 have no personal or professional interest that conflicts with
404 the interests of the student to be represented. Neither the
405 district school superintendent nor the court may appoint an
406 employee of the Department of Education, the local school

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407 district, a community-based care provider, the Department of
408 Children and Families, or any other public or private agency
409 involved in the education or care of the child as appointment of
410 those persons is prohibited by federal law. This prohibition
411 includes group home staff and therapeutic foster parents.
412 However, a person who acts in a parental role to a child, such
413 as a foster parent or relative caregiver, is not prohibited from
414 serving as a surrogate parent if he or she is employed by such
415 agency, willing to serve, and knowledgeable about the child and
416 the exceptional student education process. The surrogate parent
417 may be a court-appointed guardian ad litem or a relative or
418 nonrelative adult who is involved in the child's life regardless
419 of whether that person has physical custody of the child. Each
420 person appointed as a surrogate parent must have the knowledge
421 and skills acquired by successfully completing training using
422 materials developed and approved by the Department of Education
423 to ensure adequate representation of the child.

424 ~~3. If a guardian ad litem has been appointed for a child,~~
425 The district school superintendent must first consider the
426 child's guardian ad litem when appointing a surrogate parent.
427 The district school superintendent must accept the appointment
428 of the court if he or she has not previously appointed a
429 surrogate parent. Similarly, the court must accept a surrogate
430 parent duly appointed by a district school superintendent.

431 4. A surrogate parent appointed by the district school
432 superintendent or the court must be accepted by any subsequent
433 school or school district without regard to where the child is
434 receiving residential care so that a single surrogate parent can
435 follow the education of the child during his or her entire time

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436 in state custody. Nothing in this paragraph or in rule shall
437 limit or prohibit the continuance of a surrogate parent
438 appointment when the responsibility for the student's
439 educational placement moves among and between public and private
440 agencies.

441 5. For a child known to the department, the responsibility
442 to appoint a surrogate parent resides with both the district
443 school superintendent and the court with jurisdiction over the
444 child. If the court elects to appoint a surrogate parent, notice
445 shall be provided as soon as practicable to the child's school.
446 At any time the court determines that it is in the best
447 interests of a child to remove a surrogate parent, the court may
448 appoint a new surrogate parent for educational decisionmaking
449 purposes for that child.

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

452 a. The child is determined to no longer be eligible or in
453 need of special programs, except when termination of special
454 programs is being contested.

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

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

460 d. The appointed surrogate no longer wishes to represent
461 the child or is unable to represent the child.

462 e. The superintendent of the school district in which the
463 child is attending school, the Department of Education contract
464 designee, or the court that appointed the surrogate determines

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465 that the appointed surrogate parent no longer adequately
466 represents the child.

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

469 7. The appointment and termination of appointment of a
470 surrogate under this paragraph shall be entered as an order of
471 the court with a copy of the order provided to the child's
472 school as soon as practicable.

473 8. The person appointed as a surrogate parent under this
474 paragraph must:

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

477 b. Represent the child in all matters relating to
478 identification, evaluation, and educational placement and the
479 provision of a free and appropriate education to the child.

480 c. Represent the interests and safeguard the rights of the
481 child in educational decisions that affect the child.

482 9. The responsibilities of the person appointed as a
483 surrogate parent shall not extend to the care, maintenance,
484 custody, residential placement, or any other area not
485 specifically related to the education of the child, unless the
486 same person is appointed by the court for such other purposes.

487 10. A person appointed as a surrogate parent shall enjoy
488 all of the procedural safeguards afforded a parent with respect
489 to the identification, evaluation, and educational placement of
490 a student with a disability or a student who is suspected of
491 having a disability.

492 11. A person appointed as a surrogate parent shall not be
493 held liable for actions taken in good faith on behalf of the

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494 student in protecting the special education rights of the child.

495 Section 5. Present subsections (8) through (30) and (31)
496 through (87) of section 39.01, Florida Statutes, are
497 redesignated as subsections (9) through (31) and (34) through
498 (90), respectively, present subsections (9), (36), and (58) are
499 amended, and new subsections (8), (32), and (33) are added to
500 that section, to read:

501 39.01 Definitions.—When used in this chapter, unless the
502 context otherwise requires:

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

507 (10)~~(9)~~ "Caregiver" means the parent, legal custodian,
508 permanent guardian, adult household member, or other person
509 responsible for a child's welfare as defined in subsection (57)
510 ~~(54)~~.

511 (32) "Guardian ad litem" means a person or an entity that
512 is a fiduciary appointed by the court to represent a child in
513 any civil, criminal, or administrative proceeding to which the
514 child is a party, including, but not limited to, under this
515 chapter, which uses a best interest standard for decisionmaking
516 and advocacy. For purposes of this chapter, the term includes,
517 but is not limited to, the Statewide Guardian ad Litem Office,
518 which includes all circuit guardian ad litem offices and the
519 duly certified volunteers, staff, and attorneys assigned by the
520 Statewide Guardian ad Litem Office to represent children; a
521 court-appointed attorney; or a responsible adult who is
522 appointed by the court. A guardian ad litem is a party to the

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523 judicial proceeding as a representative of the child and serves
524 until the jurisdiction of the court over the child terminates or
525 until excused by the court.

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

529 (39)~~(36)~~ "Institutional child abuse or neglect" means
530 situations of known or suspected child abuse or neglect in which
531 the person allegedly perpetrating the child abuse or neglect is
532 an employee of a public or private school, public or private day
533 care center, residential home, institution, facility, or agency
534 or any other person at such institution responsible for the
535 child's welfare as defined in subsection (57) ~~(54)~~.

536 (61)~~(58)~~ "Party" means the parent or parents of the child,
537 the petitioner, the department, the guardian ad litem ~~or the~~
538 ~~representative of the guardian ad litem program when the program~~
539 ~~has been appointed~~, and the child. The presence of the child may
540 be excused by order of the court when presence would not be in
541 the child's best interest. Notice to the child may be excused by
542 order of the court when the age, capacity, or other condition of
543 the child is such that the notice would be meaningless or
544 detrimental to the child.

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

547 39.013 Procedures and jurisdiction; right to counsel;
548 guardian ad litem.—

549 (11) The court shall appoint a guardian ad litem at the
550 earliest possible time to represent a child throughout the
551 proceedings, including any appeals. The guardian ad litem may

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552 represent the child in proceedings outside of the dependency
553 case to secure the services and benefits that provide for the
554 care, safety, and protection of the child ~~encourage the~~
555 ~~Statewide Guardian Ad Litem Office to provide greater~~
556 ~~representation to those children who are within 1 year of~~
557 ~~transferring out of foster care.~~

558 Section 7. Paragraph (b) of subsection (1) of section
559 39.01305, Florida Statutes, is amended to read:

560 39.01305 Appointment of an attorney for a dependent child
561 with certain special needs.—

562 (1)

563 (b) The Legislature recognizes the existence of
564 organizations that provide attorney representation to children
565 in certain jurisdictions throughout the state. Further, the
566 Statewide Guardian ad Litem Office ~~Program~~ provides best
567 interest representation for dependent children in every
568 jurisdiction in accordance with state and federal law. The
569 Legislature, therefore, does not intend that funding provided
570 for representation under this section supplant proven and
571 existing organizations representing children. Instead, the
572 Legislature intends that funding provided for representation
573 under this section be an additional resource for the
574 representation of more children in these jurisdictions, to the
575 extent necessary to meet the requirements of this chapter, with
576 the cooperation of existing local organizations or through the
577 expansion of those organizations. The Legislature encourages the
578 expansion of pro bono representation for children. This section
579 is not intended to limit the ability of a pro bono attorney to
580 appear on behalf of a child.

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

583 39.0132 Oaths, records, and confidential information.—

584 (3) The clerk shall keep all court records required by this
585 chapter separate from other records of the circuit court. All
586 court records required by this chapter may ~~shall~~ not be open to
587 inspection by the public. All records may ~~shall~~ be inspected
588 only upon order of the court by persons deemed by the court to
589 have a proper interest therein, except that, subject to ~~the~~
590 ~~provisions of s. 63.162, a child, and the parents of the child~~
591 and their attorneys, the guardian ad litem, criminal conflict
592 and civil regional counsels, law enforcement agencies, ~~and the~~
593 department and its designees, and the attorney ad litem, if one
594 is appointed, shall always have the right to inspect and copy
595 any official record pertaining to the child. The Justice
596 Administrative Commission may inspect court dockets required by
597 this chapter as necessary to audit compensation of court-
598 appointed attorneys. If the docket is insufficient for purposes
599 of the audit, the commission may petition the court for
600 additional documentation as necessary and appropriate. The court
601 may permit authorized representatives of recognized
602 organizations compiling statistics for proper purposes to
603 inspect and make abstracts from official records, under whatever
604 conditions upon their use and disposition the court may deem
605 proper, and may punish by contempt proceedings any violation of
606 those conditions.

607 Section 9. Paragraph (a) of subsection (3) of section
608 39.0136, Florida Statutes, is amended to read:

609 39.0136 Time limitations; continuances.—

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

611 (a) Periods of delay resulting from a continuance granted
612 at the request of the child's counsel, ~~or the child's~~ guardian
613 ad litem, or attorney ad litem, if one is appointed, ~~if the~~
614 ~~child is of sufficient capacity to express reasonable consent,~~
615 ~~at the request or with the consent of the child.~~ The court must
616 consider the best interests of the child when determining
617 periods of delay under this section.

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

620 39.01375 Best interest determination for placement.—The
621 department, community-based care lead agency, or court shall
622 consider all of the following factors when determining whether a
623 proposed placement under this chapter is in the child's best
624 interest:

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

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

629 39.0139 Visitation or other contact; restrictions.—

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

634 (a) Before ~~Prior to~~ the hearing, the court shall appoint ~~an~~
635 ~~attorney ad litem or~~ a guardian ad litem for the child if one
636 has not already been appointed. The guardian ad litem and Any
637 attorney ad litem, if one is ~~or guardian ad litem~~ appointed,
638 must ~~shall~~ have special training in the dynamics of child sexual

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639 abuse.

640 (b) At the hearing, the court may receive and rely upon any
641 relevant and material evidence submitted to the extent of its
642 probative value, including written and oral reports or
643 recommendations from the Child Protection Team, the child's
644 therapist, the child's guardian ad litem, or the child's
645 attorney ad litem, if one is appointed, even if these reports,
646 recommendations, and evidence may not be admissible under the
647 rules of evidence.

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

650 39.202 Confidentiality of reports and records in cases of
651 child abuse or neglect; exception.—

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

657 (d) The parent or legal custodian of any child who is
658 alleged to have been abused, abandoned, or neglected; the child;
659 the child's guardian ad litem; the child's attorney ad litem, if
660 one is appointed; or, ~~and the child, and their attorneys,~~
661 ~~including~~ any attorney representing a child in civil or criminal
662 proceedings. This access must ~~shall~~ be made available no later
663 than 60 days after the department receives the initial report of
664 abuse, neglect, or abandonment. However, any information
665 otherwise made confidential or exempt by law may ~~shall~~ not be
666 released pursuant to this paragraph.

667 (t) Persons with whom the department is seeking to place

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668 the child or to whom placement has been granted, including
669 foster parents for whom an approved home study has been
670 conducted, the designee of a licensed child-caring agency as
671 defined in s. 39.01 ~~s. 39.01(41)~~, an approved relative or
672 nonrelative with whom a child is placed pursuant to s. 39.402,
673 preadoptive parents for whom a favorable preliminary adoptive
674 home study has been conducted, adoptive parents, or an adoption
675 entity acting on behalf of preadoptive or adoptive parents.

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

679 39.402 Placement in a shelter.—

680 (8)

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

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

685 2. Inform the parents or legal custodians of their right to
686 counsel to represent them at the shelter hearing and at each
687 subsequent hearing or proceeding, and the right of the parents
688 to appointed counsel, pursuant to the procedures set forth in s.
689 39.013;

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

692 4. Inquire of those present at the shelter hearing as to
693 the identity and location of the legal father. In determining
694 who the legal father of the child may be, the court shall
695 inquire under oath of those present at the shelter hearing
696 whether they have any of the following information:

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697 a. Whether the mother of the child was married at the
698 probable time of conception of the child or at the time of birth
699 of the child.

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

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

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

708 e. Whether any man has acknowledged or claimed paternity of
709 the child in a jurisdiction in which the mother resided at the
710 time of or since conception of the child or in which the child
711 has resided or resides.

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

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

716 h. Whether a man has been determined to be the father of
717 the child by the Department of Revenue as provided in s.
718 409.256.

719 (11)

720 (b) The court shall request that the parents consent to
721 provide access to the child's medical records and provide
722 information to the court, the department or its contract
723 agencies, and the ~~any~~ guardian ad litem or attorney ad litem, if
724 one is appointed, for the child. If a parent is unavailable or
725 unable to consent or withholds consent and the court determines

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726 access to the records and information is necessary to provide
727 services to the child, the court shall issue an order granting
728 access. The court may also order the parents to provide all
729 known medical information to the department and to any others
730 granted access under this subsection.

731 (c) The court shall request that the parents consent to
732 provide access to the child's child care records, early
733 education program records, or other educational records and
734 provide information to the court, the department or its contract
735 agencies, and the any guardian ad litem or attorney ad litem, if
736 one is appointed, for the child. If a parent is unavailable or
737 unable to consent or withholds consent and the court determines
738 access to the records and information is necessary to provide
739 services to the child, the court shall issue an order granting
740 access.

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

742 (a) Periods of delay resulting from a continuance granted
743 at the request or with the consent of the child's ~~counsel or the~~
744 ~~child's~~ guardian ad litem or attorney ad litem, if one is ~~has~~
745 ~~been appointed by the court, or, if the child is of sufficient~~
746 ~~capacity to express reasonable consent, at the request or with~~
747 ~~the consent of the child's attorney or the child's guardian ad~~
748 ~~litem, if one has been appointed by the court, and the child.~~

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

751 39.4022 Multidisciplinary teams; staffings; assessments;
752 report.—

753 (4) PARTICIPANTS.—

754 (a) Collaboration among diverse individuals who are part of

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755 the child's network is necessary to make the most informed
756 decisions possible for the child. A diverse team is preferable
757 to ensure that the necessary combination of technical skills,
758 cultural knowledge, community resources, and personal
759 relationships is developed and maintained for the child and
760 family. The participants necessary to achieve an appropriately
761 diverse team for a child may vary by child and may include
762 extended family, friends, neighbors, coaches, clergy, coworkers,
763 or others the family identifies as potential sources of support.

764 1. Each multidisciplinary team staffing must invite the
765 following members:

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

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

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

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

779 e. A representative from the community-based care lead
780 agency, when the lead agency is directly involved in the goal
781 identified by the staffing;

782 f. The case manager for the child, or his or her case
783 manager supervisor; and

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784 g. A representative from the Department of Juvenile
785 Justice, if the child is dually involved with both the
786 department and the Department of Juvenile Justice.

787 2. The multidisciplinary team must make reasonable efforts
788 to have all mandatory invitees attend. However, the
789 multidisciplinary team staffing may not be delayed if the
790 invitees in subparagraph 1. fail to attend after being provided
791 reasonable opportunities.

792 (b) Based on the particular goal the multidisciplinary team
793 staffing identifies as the purpose of convening the staffing as
794 provided under subsection (5), the department or lead agency may
795 also invite to the meeting other professionals, including, but
796 not limited to:

- 797 1. A representative from Children's Medical Services;
798 2. ~~A guardian ad litem, if one is appointed;~~
799 ~~3.~~ A school personnel representative who has direct contact
800 with the child;
801 ~~3.4.~~ A therapist or other behavioral health professional,
802 if applicable;
803 ~~4.5.~~ A mental health professional with expertise in sibling
804 bonding, if the department or lead agency deems such expert is
805 necessary; or
806 ~~5.6.~~ Other community providers of services to the child or
807 stakeholders, when applicable.

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

811 39.4023 Placement and education transitions; transition
812 plans.-

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813 (3) PLACEMENT TRANSITIONS.—

814 (d) *Transition planning*.—

815 1. If the supportive services provided pursuant to
816 paragraph (c) have not been successful to make the maintenance
817 of the placement suitable or if there are other circumstances
818 that require the child to be moved, the department or the
819 community-based care lead agency must convene a
820 multidisciplinary team staffing as required under s. 39.4022
821 before the child's placement is changed, or within 72 hours of
822 moving the child in an emergency situation, for the purpose of
823 developing an appropriate transition plan.

824 2. A placement change may occur immediately in an emergency
825 situation without convening a multidisciplinary team staffing.
826 However, a multidisciplinary team staffing must be held within
827 72 hours after the emergency situation arises.

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

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

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

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

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

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842 e. The attorney ad litem for the child, if one is
843 appointed. ~~;~~ and

844 f. The attorney for the department.

845 4. The transition plan must be developed through
846 cooperation among the persons included in subparagraph 3., and
847 such persons must share any relevant information necessary for
848 its development. Subject to the child's needs and preferences,
849 the transition plan must meet the requirements of s.

850 409.1415(2)(b)8. and exclude any placement changes that occur
851 between 7 p.m. and 8 a.m.

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

856 (4) EDUCATION TRANSITIONS.—

857 (c) *Minimizing school changes.*—

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

862 2. Members of a multidisciplinary team staffing convened
863 for a purpose other than a school change must determine the
864 child's best interest regarding remaining in the school or
865 program of origin if the child's educational options are
866 affected by any other decision being made by the
867 multidisciplinary team.

868 3. The determination of whether it is in the child's best
869 interest to remain in the school of origin, and if not, of which
870 school the child will attend in the future, must be made in

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871 consultation with the following individuals, including, but not
872 limited to, the child; the parents; the caregiver; the child
873 welfare professional; the guardian ad litem, ~~if appointed~~; the
874 educational surrogate, if appointed; child care and educational
875 staff, including teachers and guidance counselors; and the
876 school district representative or foster care liaison. A
877 multidisciplinary team member may contact any of these
878 individuals in advance of a multidisciplinary team staffing to
879 obtain his or her recommendation. An individual may remotely
880 attend the multidisciplinary team staffing if one of the
881 identified goals is related to determining an educational
882 placement. The multidisciplinary team may rely on a report from
883 the child's current school or program district and, if
884 applicable, any other school district being considered for the
885 educational placement if the required school personnel are not
886 available to attend the multidisciplinary team staffing in
887 person or remotely.

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

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

895 b. The preference of the child's parents or legal
896 guardians.

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

899 d. The child's cultural and community connections in the

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900 school or program of origin.

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

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

908 g. Whether the child is a student with a disability under
909 IDEA who is receiving special education and related services or
910 a student with a disability under s. 504 of the Rehabilitation
911 Act of 1973 who is receiving accommodations and services and, if
912 so, whether those required services are available in a school or
913 program other than the school or program of origin.

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

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

920 j. The availability of extracurricular activities important
921 to the child.

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

926 l. The child's permanency goal and timeframe for achieving
927 permanency.

928 m. The child's history of school transfers and how such

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929 transfers have impacted the child academically, emotionally, and
930 behaviorally.

931 n. The length of the commute to the school or program from
932 the child's home or placement and how such commute would impact
933 the child.

934 o. The length of time the child has attended the school or
935 program of origin.

936 5. The cost of transportation cannot be a factor in making
937 a best interest determination.

938 Section 16. Paragraph (f) of subsection (3) of section
939 39.407, Florida Statutes, is amended to read:

940 39.407 Medical, psychiatric, and psychological examination
941 and treatment of child; physical, mental, or substance abuse
942 examination of person with or requesting child custody.—

943 (3)

944 (f)1. The department shall fully inform the court of the
945 child's medical and behavioral status as part of the social
946 services report prepared for each judicial review hearing held
947 for a child for whom psychotropic medication has been prescribed
948 or provided under this subsection. As a part of the information
949 provided to the court, the department shall furnish copies of
950 all pertinent medical records concerning the child which have
951 been generated since the previous hearing. On its own motion or
952 on good cause shown by any party, including the ~~any~~ guardian ad
953 litem, ~~attorney,~~ or attorney ad litem, if one is ~~who has been~~
954 appointed ~~to represent the child or the child's interests,~~ the
955 court may review the status more frequently than required in
956 this subsection.

957 2. The court may, in the best interests of the child, order

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958 the department to obtain a medical opinion addressing whether
959 the continued use of the medication under the circumstances is
960 safe and medically appropriate.

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

963 39.4085 Goals for dependent children; responsibilities;
964 education; Office of the Children's Ombudsman.—

965 (1) The Legislature finds that the design and delivery of
966 child welfare services should be directed by the principle that
967 the health and safety of children, including the freedom from
968 abuse, abandonment, or neglect, is of paramount concern and,
969 therefore, establishes the following goals for children in
970 shelter or foster care:

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

977 (t) To have a guardian ad litem appointed ~~to represent,~~
978 ~~within reason, their best interests~~ and, if appropriate, an
979 attorney ad litem ~~appointed to represent their legal interests;~~
980 the guardian ad litem or and attorney ad litem, if one is
981 appointed, shall have immediate and unlimited access to the
982 children they represent.

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

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987 This subsection establishes goals and not rights. This
988 subsection does not require the delivery of any particular
989 service or level of service in excess of existing
990 appropriations. A person does not have a cause of action against
991 the state or any of its subdivisions, agencies, contractors,
992 subcontractors, or agents, based upon the adoption of or failure
993 to provide adequate funding for the achievement of these goals
994 by the Legislature. This subsection does not require the
995 expenditure of funds to meet the goals established in this
996 subsection except those funds specifically appropriated for such
997 purpose.

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

1000 39.502 Notice, process, and service.—

1001 (8) It is not necessary to the validity of a proceeding
1002 covered by this part that the parents be present if their
1003 identity or residence is unknown after a diligent search has
1004 been made; however, ~~but in this event~~ the petitioner must ~~shall~~
1005 file an affidavit of diligent search prepared by the person who
1006 made the search and inquiry, and the court must ~~may~~ appoint a
1007 guardian ad litem for the child if a guardian ad litem has not
1008 previously been appointed.

1009 Section 19. Paragraph (c) of subsection (3) of section
1010 39.522, Florida Statutes, is amended to read:

1011 39.522 Postdisposition change of custody.—

1012 (3)

1013 (c)1. The department or community-based care lead agency
1014 must notify a current caregiver who has been in the physical
1015 custody placement for at least 9 consecutive months and who

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1016 meets all the established criteria in paragraph (b) of an intent
1017 to change the physical custody of the child, and a
1018 multidisciplinary team staffing must be held in accordance with
1019 ss. 39.4022 and 39.4023 at least 21 days before the intended
1020 date for the child's change in physical custody, unless there is
1021 an emergency situation as defined in s. 39.4022(2)(b). If there
1022 is not a unanimous consensus decision reached by the
1023 multidisciplinary team, the department's official position must
1024 be provided to the parties within the designated time period as
1025 provided for in s. 39.4022.

1026 2. A caregiver who objects to the department's official
1027 position on the change in physical custody must notify the court
1028 and the department or community-based care lead agency of his or
1029 her objection and the intent to request an evidentiary hearing
1030 in writing in accordance with this section within 5 days after
1031 receiving notice of the department's official position provided
1032 under subparagraph 1. The transition of the child to the new
1033 caregiver may not begin before the expiration of the 5-day
1034 period within which the current caregiver may object.

1035 3. Upon the department or community-based care lead agency
1036 receiving written notice of the caregiver's objection, the
1037 change to the child's physical custody must be placed in
1038 abeyance and the child may not be transitioned to a new physical
1039 placement without a court order, unless there is an emergency
1040 situation as defined in s. 39.4022(2)(b).

1041 4. Within 7 days after receiving written notice from the
1042 caregiver, the court must conduct an initial case status
1043 hearing, at which time the court must do all of the following:

1044 a. Grant party status to the current caregiver who is

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1045 seeking permanent custody and has maintained physical custody of
1046 that child for at least 9 continuous months for the limited
1047 purpose of filing a motion for a hearing on the objection and
1048 presenting evidence pursuant to this subsection.†

1049 ~~b. Appoint an attorney for the child who is the subject of~~
1050 ~~the permanent custody proceeding, in addition to the guardian ad~~
1051 ~~litem, if one is appointed;~~

1052 b.e. Advise the caregiver of his or her right to retain
1053 counsel for purposes of the evidentiary hearing.† ~~and~~

1054 c.d. Appoint a court-selected neutral and independent
1055 licensed professional with expertise in the science and research
1056 of child-parent bonding.

1057 Section 20. Paragraph (c) of subsection (1) and paragraph
1058 (c) of subsection (3) of section 39.6012, Florida Statutes, are
1059 amended to read:

1060 39.6012 Case plan tasks; services.—

1061 (1) The services to be provided to the parent and the tasks
1062 that must be completed are subject to the following:

1063 (c) If there is evidence of harm as defined in s.
1064 39.01(37)(g) ~~s. 39.01(34)(g)~~, the case plan must include as a
1065 required task for the parent whose actions caused the harm that
1066 the parent submit to a substance abuse disorder assessment or
1067 evaluation and participate and comply with treatment and
1068 services identified in the assessment or evaluation as being
1069 necessary.

1070 (3) In addition to any other requirement, if the child is
1071 in an out-of-home placement, the case plan must include:

1072 (c) When appropriate, for a child who is 13 years of age or
1073 older, a written description of the programs and services that

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1074 will help the child prepare for the transition from foster care
1075 to independent living. The written description must include age-
1076 appropriate activities for the child's development of
1077 relationships, coping skills, and emotional well-being.

1078 Section 21. Section 39.6036, Florida Statutes, is created
1079 to read:

1080 39.6036 Supportive adults for children transitioning out of
1081 foster care.-

1082 (1) The Legislature finds that a committed, caring adult
1083 provides a lifeline for a child transitioning out of foster care
1084 to live independently. Accordingly, it is the intent of the
1085 Legislature that the Statewide Guardian ad Litem Office help
1086 children connect with supportive adults with the hope of
1087 creating an ongoing relationship that lasts into adulthood.

1088 (2) The Statewide Guardian ad Litem Office shall work with
1089 a child who is transitioning out of foster care to identify at
1090 least one supportive adult with whom the child can enter into a
1091 formal agreement for an ongoing relationship and document such
1092 agreement in the child's court file. If the child cannot
1093 identify a supportive adult, the Statewide Guardian ad Litem
1094 Office shall work in coordination with the Office of Continuing
1095 Care to identify at least one supportive adult with whom the
1096 child can enter into a formal agreement for an ongoing
1097 relationship and document such agreement in the child's court
1098 file.

1099 Section 22. Paragraph (c) of subsection (10) of section
1100 39.621, Florida Statutes, is amended to read:

1101 39.621 Permanency determination by the court.-

1102 (10) The permanency placement is intended to continue until

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1103 the child reaches the age of majority and may not be disturbed
1104 absent a finding by the court that the circumstances of the
1105 permanency placement are no longer in the best interest of the
1106 child.

1107 (c) The court shall base its decision concerning any motion
1108 by a parent for reunification or increased contact with a child
1109 on the effect of the decision on the safety, well-being, and
1110 physical and emotional health of the child. Factors that must be
1111 considered and addressed in the findings of fact of the order on
1112 the motion must include:

1113 1. The compliance or noncompliance of the parent with the
1114 case plan;

1115 2. The circumstances which caused the child's dependency
1116 and whether those circumstances have been resolved;

1117 3. The stability and longevity of the child's placement;

1118 4. The preferences of the child, if the child is of
1119 sufficient age and understanding to express a preference;

1120 5. The recommendation of the current custodian; and

1121 6. Any ~~The~~ recommendation of the guardian ad litem, ~~if one~~
1122 ~~has been appointed.~~

1123 Section 23. Subsection (2) of section 39.6241, Florida
1124 Statutes, is amended to read:

1125 39.6241 Another planned permanent living arrangement.—

1126 (2) The department and the guardian ad litem must provide
1127 the court with a recommended list and description of services
1128 needed by the child, such as independent living services and
1129 medical, dental, educational, or psychological referrals, and a
1130 recommended list and description of services needed by his or
1131 her caregiver. The guardian ad litem must also advise the court

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1132 whether the child has been connected with a supportive adult
1133 and, if the child has been connected with a supportive adult,
1134 whether the child has entered into a formal agreement with the
1135 adult. If the child has entered into a formal agreement pursuant
1136 to s. 39.6036, the guardian ad litem must ensure that the
1137 agreement is documented in the child's court file.

1138 Section 24. Paragraphs (b) and (f) of subsection (1),
1139 paragraph (c) of subsection (2), subsection (3), and paragraph
1140 (e) of subsection (4) of section 39.701, Florida Statutes, are
1141 amended to read:

1142 39.701 Judicial review.—

1143 (1) GENERAL PROVISIONS.—

1144 (b)1. The court shall retain jurisdiction over a child
1145 returned to his or her parents for a minimum period of 6 months
1146 after following the reunification, but, at that time, based on a
1147 report of the social service agency and the guardian ad litem,
1148 ~~if one has been appointed,~~ and any other relevant factors, the
1149 court shall make a determination as to whether supervision by
1150 the department and the court's jurisdiction shall continue or be
1151 terminated.

1152 2. Notwithstanding subparagraph 1., the court must retain
1153 jurisdiction over a child if the child is placed in the home
1154 with a parent or caregiver with an in-home safety plan and such
1155 safety plan remains necessary for the child to reside safely in
1156 the home.

1157 (f) Notice of a judicial review hearing or a citizen review
1158 panel hearing, and a copy of the motion for judicial review, if
1159 any, must be served by the clerk of the court upon all of the
1160 following persons, if available to be served, regardless of

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1161 whether the person was present at the previous hearing at which
1162 the date, time, and location of the hearing was announced:

1163 1. The social service agency charged with the supervision
1164 of care, custody, or guardianship of the child, if that agency
1165 is not the movant.

1166 2. The foster parent or legal custodian in whose home the
1167 child resides.

1168 3. The parents.

1169 4. The guardian ad litem for the child, ~~or the~~
1170 ~~representative of the guardian ad litem program if the program~~
1171 ~~has been appointed.~~

1172 5. The attorney ad litem for the child, if one is
1173 appointed.

1174 6. The child, if the child is 13 years of age or older.

1175 7. Any preadoptive parent.

1176 8. Such other persons as the court may direct.

1177 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
1178 AGE.—

1179 (c) *Review determinations.*—The court and any citizen review
1180 panel shall take into consideration the information contained in
1181 the social services study and investigation and all medical,
1182 psychological, and educational records that support the terms of
1183 the case plan; testimony by the social services agency, the
1184 parent, the foster parent or caregiver, the guardian ad litem,
1185 the ~~or~~ surrogate parent for educational decisionmaking if one
1186 has been appointed for the child, and any other person deemed
1187 appropriate; and any relevant and material evidence submitted to
1188 the court, including written and oral reports to the extent of
1189 their probative value. These reports and evidence may be

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1190 received by the court in its effort to determine the action to
1191 be taken with regard to the child and may be relied upon to the
1192 extent of their probative value, even though not competent in an
1193 adjudicatory hearing. In its deliberations, the court and any
1194 citizen review panel shall seek to determine:

1195 1. If the parent was advised of the right to receive
1196 assistance from any person or social service agency in the
1197 preparation of the case plan.

1198 2. If the parent has been advised of the right to have
1199 counsel present at the judicial review or citizen review
1200 hearings. If not so advised, the court or citizen review panel
1201 shall advise the parent of such right.

1202 3. If a guardian ad litem needs to be appointed for the
1203 child in a case in which a guardian ad litem has not previously
1204 been appointed ~~or if there is a need to continue a guardian ad~~
1205 ~~litem in a case in which a guardian ad litem has been appointed.~~

1206 4. Who holds the rights to make educational decisions for
1207 the child. If appropriate, the court may refer the child to the
1208 district school superintendent for appointment of a surrogate
1209 parent or may itself appoint a surrogate parent under the
1210 Individuals with Disabilities Education Act and s. 39.0016.

1211 5. The compliance or lack of compliance of all parties with
1212 applicable items of the case plan, including the parents'
1213 compliance with child support orders.

1214 6. The compliance or lack of compliance with a visitation
1215 contract between the parent and the social service agency for
1216 contact with the child, including the frequency, duration, and
1217 results of the parent-child visitation and the reason for any
1218 noncompliance.

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1219 7. The frequency, kind, and duration of contacts among
1220 siblings who have been separated during placement, as well as
1221 any efforts undertaken to reunite separated siblings if doing so
1222 is in the best interests of the child.

1223 8. The compliance or lack of compliance of the parent in
1224 meeting specified financial obligations pertaining to the care
1225 of the child, including the reason for failure to comply, if
1226 applicable.

1227 9. Whether the child is receiving safe and proper care
1228 according to s. 39.6012, including, but not limited to, the
1229 appropriateness of the child's current placement, including
1230 whether the child is in a setting that is as family-like and as
1231 close to the parent's home as possible, consistent with the
1232 child's best interests and special needs, and including
1233 maintaining stability in the child's educational placement, as
1234 documented by assurances from the community-based care lead
1235 agency that:

1236 a. The placement of the child takes into account the
1237 appropriateness of the current educational setting and the
1238 proximity to the school in which the child is enrolled at the
1239 time of placement.

1240 b. The community-based care lead agency has coordinated
1241 with appropriate local educational agencies to ensure that the
1242 child remains in the school in which the child is enrolled at
1243 the time of placement.

1244 10. A projected date likely for the child's return home or
1245 other permanent placement.

1246 11. When appropriate, the basis for the unwillingness or
1247 inability of the parent to become a party to a case plan. The

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1248 court and the citizen review panel shall determine if the
1249 efforts of the social service agency to secure party
1250 participation in a case plan were sufficient.

1251 12. For a child who has reached 13 years of age but is not
1252 yet 18 years of age, the adequacy of the child's preparation for
1253 adulthood and independent living. For a child who is 15 years of
1254 age or older, the court shall determine if appropriate steps are
1255 being taken for the child to obtain a driver license or
1256 learner's driver license.

1257 13. If amendments to the case plan are required. Amendments
1258 to the case plan must be made under s. 39.6013.

1259 14. If the parents and caregivers have developed a
1260 productive relationship that includes meaningful communication
1261 and mutual support.

1262 (3) REVIEW HEARINGS FOR CHILDREN 16 AND 17 YEARS OF AGE.—At
1263 each review hearing held under this subsection, the court shall
1264 give the child and the guardian ad litem the opportunity to
1265 address the court and provide any information relevant to the
1266 child's best interest, particularly in relation to independent
1267 living transition services. The foster parent or legal
1268 custodian, ~~or guardian ad litem~~ may also provide any information
1269 relevant to the child's best interest to the court. In addition
1270 to the review and report required under paragraphs (1)(a) and
1271 (2)(a), respectively, and the review and report required under
1272 s. 39.822(2)(a)2., the court shall:

1273 (a) Inquire about the life skills the child has acquired
1274 and whether those services are age appropriate, at the first
1275 judicial review hearing held subsequent to the child's 16th
1276 birthday. At the judicial review hearing, the department shall

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1277 provide the court with a report that includes specific
1278 information related to the life skills that the child has
1279 acquired since the child's 13th birthday or since the date the
1280 child came into foster care, whichever came later. For any child
1281 who may meet the requirements for appointment of a guardian
1282 advocate under s. 393.12 or a guardian under chapter 744, the
1283 updated case plan must be developed in a face-to-face conference
1284 with the child, if appropriate; the child's attorney ad litem,
1285 if one is appointed; the child's; ~~any court-appointed~~ guardian
1286 ad litem; the temporary custodian of the child; and the parent
1287 of the child, if the parent's rights have not been terminated.

1288 (b) The court shall hold a judicial review hearing within
1289 90 days after a child's 17th birthday. The court shall issue an
1290 order, separate from the order on judicial review, that the
1291 disability of nonage of the child has been removed under ss.
1292 743.044-743.047 for any disability that the court finds is in
1293 the child's best interest to remove. The department shall
1294 include in the social study report for the first judicial review
1295 that occurs after the child's 17th birthday written verification
1296 that the child has:

1297 1. A current Medicaid card and all necessary information
1298 concerning the Medicaid program sufficient to prepare the child
1299 to apply for coverage upon reaching the age of 18, if such
1300 application is appropriate.

1301 2. A certified copy of the child's birth certificate and,
1302 if the child does not have a valid driver license, a Florida
1303 identification card issued under s. 322.051.

1304 3. A social security card and information relating to
1305 social security insurance benefits if the child is eligible for

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1306 those benefits. If the child has received such benefits and they
1307 are being held in trust for the child, a full accounting of
1308 these funds must be provided and the child must be informed as
1309 to how to access those funds.

1310 4. All relevant information related to the Road-to-
1311 Independence Program under s. 409.1451, including, but not
1312 limited to, eligibility requirements, information on
1313 participation, and assistance in gaining admission to the
1314 program. If the child is eligible for the Road-to-Independence
1315 Program, he or she must be advised that he or she may continue
1316 to reside with the licensed family home or group care provider
1317 with whom the child was residing at the time the child attained
1318 his or her 18th birthday, in another licensed family home, or
1319 with a group care provider arranged by the department.

1320 5. An open bank account or the identification necessary to
1321 open a bank account and to acquire essential banking and
1322 budgeting skills.

1323 6. Information on public assistance and how to apply for
1324 public assistance.

1325 7. A clear understanding of where he or she will be living
1326 on his or her 18th birthday, how living expenses will be paid,
1327 and the educational program or school in which he or she will be
1328 enrolled.

1329 8. Information related to the ability of the child to
1330 remain in care until he or she reaches 21 years of age under s.
1331 39.013.

1332 9. A letter providing the dates that the child is under the
1333 jurisdiction of the court.

1334 10. A letter stating that the child is in compliance with

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1335 financial aid documentation requirements.

1336 11. The child's educational records.

1337 12. The child's entire health and mental health records.

1338 13. The process for accessing the child's case file.

1339 14. A statement encouraging the child to attend all

1340 judicial review hearings.

1341 15. Information on how to obtain a driver license or

1342 learner's driver license.

1343 (c) At the first judicial review hearing held subsequent to

1344 the child's 17th birthday, if the court determines pursuant to

1345 chapter 744 that there is a good faith basis to believe that the

1346 child qualifies for appointment of a guardian advocate, limited

1347 guardian, or plenary guardian for the child and that no less

1348 restrictive decisionmaking assistance will meet the child's

1349 needs:

1350 1. The department shall complete a multidisciplinary report

1351 which must include, but is not limited to, a psychosocial

1352 evaluation and educational report if such a report has not been

1353 completed within the previous 2 years.

1354 2. The department shall identify one or more individuals

1355 who are willing to serve as the guardian advocate under s.

1356 393.12 or as the plenary or limited guardian under chapter 744.

1357 Any other interested parties or participants may make efforts to

1358 identify such a guardian advocate, limited guardian, or plenary

1359 guardian. The child's biological or adoptive family members,

1360 including the child's parents if the parents' rights have not

1361 been terminated, may not be considered for service as the

1362 plenary or limited guardian unless the court enters a written

1363 order finding that such an appointment is in the child's best

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1364 interests.

1365 3. Proceedings may be initiated within 180 days after the
1366 child's 17th birthday for the appointment of a guardian
1367 advocate, plenary guardian, or limited guardian for the child in
1368 a separate proceeding in the court division with jurisdiction
1369 over guardianship matters and pursuant to chapter 744. The
1370 Legislature encourages the use of pro bono representation to
1371 initiate proceedings under this section.

1372 4. In the event another interested party or participant
1373 initiates proceedings for the appointment of a guardian
1374 advocate, plenary guardian, or limited guardian for the child,
1375 the department shall provide all necessary documentation and
1376 information to the petitioner to complete a petition under s.
1377 393.12 or chapter 744 within 45 days after the first judicial
1378 review hearing after the child's 17th birthday.

1379 5. Any proceedings seeking appointment of a guardian
1380 advocate or a determination of incapacity and the appointment of
1381 a guardian must be conducted in a separate proceeding in the
1382 court division with jurisdiction over guardianship matters and
1383 pursuant to chapter 744.

1384 (d) If the court finds at the judicial review hearing after
1385 the child's 17th birthday that the department has not met its
1386 obligations to the child as stated in this part, in the written
1387 case plan, or in the provision of independent living services,
1388 the court may issue an order directing the department to show
1389 cause as to why it has not done so. If the department cannot
1390 justify its noncompliance, the court may give the department 30
1391 days within which to comply. If the department fails to comply
1392 within 30 days, the court may hold the department in contempt.

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1393 (e) If necessary, the court may review the status of the
1394 child more frequently during the year before the child's 18th
1395 birthday. At the last review hearing before the child reaches 18
1396 years of age, and in addition to the requirements of subsection
1397 (2), the court shall:

1398 1. Address whether the child plans to remain in foster
1399 care, and, if so, ensure that the child's transition plan
1400 includes a plan for meeting one or more of the criteria
1401 specified in s. 39.6251 and determine if the child has entered
1402 into a formal agreement for an ongoing relationship with a
1403 supportive adult.

1404 2. Ensure that the transition plan includes a supervised
1405 living arrangement under s. 39.6251.

1406 3. Ensure the child has been informed of:

1407 a. The right to continued support and services from the
1408 department and the community-based care lead agency.

1409 b. The right to request termination of dependency
1410 jurisdiction and be discharged from foster care.

1411 c. The opportunity to reenter foster care under s. 39.6251.

1412 4. Ensure that the child, if he or she requests termination
1413 of dependency jurisdiction and discharge from foster care, has
1414 been informed of:

1415 a. Services or benefits for which the child may be eligible
1416 based on his or her former placement in foster care, including,
1417 but not limited to, the assistance of the Office of Continuing
1418 Care under s. 414.56.

1419 b. Services or benefits that may be lost through
1420 termination of dependency jurisdiction.

1421 c. Other federal, state, local, or community-based services

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1422 or supports available to him or her.

1423 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—During
1424 each period of time that a young adult remains in foster care,
1425 the court shall review the status of the young adult at least
1426 every 6 months and must hold a permanency review hearing at
1427 least annually.

1428 (e)1. Notwithstanding the provisions of this subsection, if
1429 a young adult has chosen to remain in extended foster care after
1430 he or she has reached 18 years of age, the department may not
1431 close a case and the court may not terminate jurisdiction until
1432 the court finds, following a hearing, that the following
1433 criteria have been met:

1434 ~~a.1.~~ Attendance of the young adult at the hearing; or

1435 ~~b.2.~~ Findings by the court that:

1436 (I)~~a.~~ The young adult has been informed by the department
1437 of his or her right to attend the hearing and has provided
1438 written consent to waive this right; and

1439 (II)~~b.~~ The young adult has been informed of the potential
1440 negative effects of early termination of care, the option to
1441 reenter care before reaching 21 years of age, the procedure for,
1442 and limitations on, reentering care, and the availability of
1443 alternative services, and has signed a document attesting that
1444 he or she has been so informed and understands these provisions;
1445 or

1446 (III)~~e.~~ The young adult has voluntarily left the program,
1447 has not signed the document in sub-subparagraph b., and is
1448 unwilling to participate in any further court proceeding.

1449 ~~2.3.~~ In all permanency hearings or hearings regarding the
1450 transition of the young adult from care to independent living,

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1451 the court shall consult with the young adult regarding the
1452 proposed permanency plan, case plan, and individual education
1453 plan for the young adult and ensure that he or she has
1454 understood the conversation. The court shall also inquire of the
1455 young adult regarding his or her relationship with the
1456 supportive adult with whom the young adult has entered into a
1457 formal agreement for an ongoing relationship, if such agreement
1458 exists.

1459 Section 25. Paragraph (a) of subsection (3) of section
1460 39.801, Florida Statutes, is amended to read:

1461 39.801 Procedures and jurisdiction; notice; service of
1462 process.—

1463 (3) Before the court may terminate parental rights, in
1464 addition to the other requirements set forth in this part, the
1465 following requirements must be met:

1466 (a) Notice of the date, time, and place of the advisory
1467 hearing for the petition to terminate parental rights; if
1468 applicable, instructions for appearance through audio-video
1469 communication technology; and a copy of the petition must be
1470 personally served upon the following persons, specifically
1471 notifying them that a petition has been filed:

- 1472 1. The parents of the child.
- 1473 2. The legal custodians of the child.
- 1474 3. If the parents who would be entitled to notice are dead
1475 or unknown, a living relative of the child, unless upon diligent
1476 search and inquiry no such relative can be found.
- 1477 4. Any person who has physical custody of the child.
- 1478 5. Any grandparent entitled to priority for adoption under
1479 s. 63.0425.

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1480 6. Any prospective parent who has been identified under s.
1481 39.503 or s. 39.803, unless a court order has been entered
1482 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1483 indicates no further notice is required. Except as otherwise
1484 provided in this section, if there is not a legal father, notice
1485 of the petition for termination of parental rights must be
1486 provided to any known prospective father who is identified under
1487 oath before the court or who is identified by a diligent search
1488 of the Florida Putative Father Registry. Service of the notice
1489 of the petition for termination of parental rights is not
1490 required if the prospective father executes an affidavit of
1491 nonpaternity or a consent to termination of his parental rights
1492 which is accepted by the court after notice and opportunity to
1493 be heard by all parties to address the best interests of the
1494 child in accepting such affidavit.

1495 7. The guardian ad litem for the child ~~or the~~
1496 ~~representative of the guardian ad litem program, if the program~~
1497 ~~has been appointed.~~

1498
1499 A party may consent to service or notice by e-mail by providing
1500 a primary e-mail address to the clerk of the court. The document
1501 containing the notice to respond or appear must contain, in type
1502 at least as large as the type in the balance of the document,
1503 the following or substantially similar language: "FAILURE TO
1504 APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE
1505 TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN). IF
1506 YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE
1507 ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN
1508 THE PETITION ATTACHED TO THIS NOTICE."

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1509 Section 26. Subsection (2) of section 39.807, Florida
1510 Statutes, is amended to read:

1511 39.807 Right to counsel; guardian ad litem.—

1512 (2) (a) The court shall appoint a guardian ad litem to
1513 represent the ~~best interest of the~~ child in any termination of
1514 parental rights proceedings and shall ascertain at each stage of
1515 the proceedings whether a guardian ad litem has been appointed.

1516 (b) The guardian ad litem has the ~~following~~
1517 responsibilities and authority specified in s. 39.822.†

1518 ~~1. To investigate the allegations of the petition and any~~
1519 ~~subsequent matters arising in the case and,~~

1520 (c) Unless excused by the court, the guardian ad litem must
1521 ~~to~~ file a written report. This report must include a statement
1522 of the wishes of the child and the recommendations of the
1523 guardian ad litem and must be provided to all parties and the
1524 court at least 72 hours before the disposition hearing.

1525 ~~2. To be present at all court hearings unless excused by~~
1526 ~~the court.~~

1527 ~~3. To represent the best interests of the child until the~~
1528 ~~jurisdiction of the court over the child terminates or until~~
1529 ~~excused by the court.~~

1530 ~~(c) A guardian ad litem is not required to post bond but~~
1531 ~~shall file an acceptance of the office.~~

1532 ~~(d) A guardian ad litem is entitled to receive service of~~
1533 ~~pleadings and papers as provided by the Florida Rules of~~
1534 ~~Juvenile Procedure.~~

1535 (d)(e) This subsection does not apply to any voluntary
1536 relinquishment of parental rights proceeding.

1537 Section 27. Subsection (2) of section 39.808, Florida

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1538 Statutes, is amended to read:

1539 39.808 Advisory hearing; pretrial status conference.—

1540 (2) At the hearing the court shall inform the parties of
1541 their rights under s. 39.807, ~~shall~~ appoint counsel for the
1542 parties in accordance with legal requirements, and ~~shall~~ appoint
1543 a guardian ad litem to represent the ~~interests of the~~ child if
1544 one has not already been appointed.

1545 Section 28. Subsection (2) of section 39.815, Florida
1546 Statutes, is amended to read:

1547 39.815 Appeal.—

1548 (2) An attorney for the department shall represent the
1549 state upon appeal. When a notice of appeal is filed in the
1550 circuit court, the clerk shall notify the attorney for the
1551 department, ~~together with~~ the attorney for the parent, the
1552 guardian ad litem, and the any attorney ad litem for the child,
1553 if one is appointed.

1554 Section 29. Section 39.820, Florida Statutes, is repealed.

1555 Section 30. Subsections (1) and (3) of section 39.821,
1556 Florida Statutes, are amended to read:

1557 39.821 Qualifications of guardians ad litem.—

1558 (1) Because of the special trust or responsibility placed
1559 in a guardian ad litem, the Statewide Guardian ad Litem Office
1560 ~~Program~~ may use any private funds collected by the office
1561 ~~program~~, or any state funds so designated, to conduct a security
1562 background investigation before certifying a volunteer to serve.
1563 A security background investigation must include, but need not
1564 be limited to, employment history checks, checks of references,
1565 local criminal history records checks through local law
1566 enforcement agencies, and statewide criminal history records

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1567 checks through the Department of Law Enforcement. Upon request,
1568 an employer shall furnish a copy of the personnel record for the
1569 employee or former employee who is the subject of a security
1570 background investigation conducted under this section. The
1571 information contained in the personnel record may include, but
1572 need not be limited to, disciplinary matters and the reason why
1573 the employee was terminated from employment. An employer who
1574 releases a personnel record for purposes of a security
1575 background investigation is presumed to have acted in good faith
1576 and is not liable for information contained in the record
1577 without a showing that the employer maliciously falsified the
1578 record. A security background investigation conducted under this
1579 section must ensure that a person is not certified as a guardian
1580 ad litem if the person has an arrest awaiting final disposition
1581 for, been convicted of, regardless of adjudication, entered a
1582 plea of nolo contendere or guilty to, or been adjudicated
1583 delinquent and the record has not been sealed or expunged for,
1584 any offense prohibited under the provisions listed in s. 435.04.
1585 All applicants must undergo a level 2 background screening
1586 pursuant to chapter 435 before being certified to serve as a
1587 guardian ad litem. In analyzing and evaluating the information
1588 obtained in the security background investigation, the office
1589 ~~program~~ must give particular emphasis to past activities
1590 involving children, including, but not limited to, child-related
1591 criminal offenses or child abuse. The office ~~program~~ has sole
1592 discretion in determining whether to certify a person based on
1593 his or her security background investigation. The information
1594 collected pursuant to the security background investigation is
1595 confidential and exempt from s. 119.07(1).

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1596 (3) It is a misdemeanor of the first degree, punishable as
1597 provided in s. 775.082 or s. 775.083, for any person to
1598 willfully, knowingly, or intentionally fail, by false statement,
1599 misrepresentation, impersonation, or other fraudulent means, to
1600 disclose in any application for a volunteer position or for paid
1601 employment with the Statewide Guardian ad Litem Office ~~Program~~,
1602 any material fact used in making a determination as to the
1603 applicant's qualifications for such position.

1604 Section 31. Section 39.822, Florida Statutes, is amended to
1605 read:

1606 39.822 Appointment of guardian ad litem for abused,
1607 abandoned, or neglected child.—

1608 (1) A guardian ad litem shall be appointed by the court at
1609 the earliest possible time to represent the child in any child
1610 abuse, abandonment, or neglect judicial proceeding, whether
1611 civil or criminal. A guardian ad litem is a fiduciary and must
1612 provide independent representation of the child using a best
1613 interest standard of decisionmaking and advocacy.

1614 (2) (a) A guardian ad litem must:

1615 1. Be present at all court hearings unless excused by the
1616 court.

1617 2. Investigate issues related to the best interest of the
1618 child who is the subject of the appointment, review all
1619 disposition recommendations and changes in placement, and,
1620 unless excused by the court, file written reports and
1621 recommendations in accordance with general law.

1622 3. Represent the child until the court's jurisdiction over
1623 the child terminates or until excused by the court.

1624 4. Advocate for the child's participation in the

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1625 proceedings and to report the child's preferences to the court,
1626 to the extent the child has the ability and desire to express
1627 his or her preferences.

1628 5. Perform other duties that are consistent with the scope
1629 of the appointment.

1630 (b) A guardian ad litem shall have immediate and unlimited
1631 access to the children he or she represents.

1632 (c) A guardian ad litem is not required to post bond but
1633 must file an acceptance of the appointment.

1634 (d) A guardian ad litem is entitled to receive service of
1635 pleadings and papers as provided by the Florida Rules of
1636 Juvenile Procedure.

1637 (3) Any person participating in a civil or criminal
1638 judicial proceeding resulting from such appointment shall be
1639 presumed prima facie to be acting in good faith and in so doing
1640 shall be immune from any liability, civil or criminal, that
1641 otherwise might be incurred or imposed.

1642 (4)~~(2)~~ In those cases in which the parents are financially
1643 able, the parent or parents of the child shall reimburse the
1644 court, in part or in whole, for the cost of provision of
1645 guardian ad litem representation ~~services~~. Reimbursement to the
1646 individual providing guardian ad litem representation is not
1647 ~~services shall not be~~ contingent upon successful collection by
1648 the court from the parent or parents.

1649 (5)~~(3)~~ Upon presentation by a guardian ad litem of a court
1650 order appointing the guardian ad litem:

1651 (a) An agency, as defined in chapter 119, shall allow the
1652 guardian ad litem to inspect and copy records related to the
1653 best interests of the child who is the subject of the

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1654 appointment, including, but not limited to, records made
1655 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of
1656 the State Constitution. The guardian ad litem shall maintain the
1657 confidential or exempt status of any records shared by an agency
1658 under this paragraph.

1659 (b) A person or an organization, other than an agency under
1660 paragraph (a), shall allow the guardian ad litem to inspect and
1661 copy any records related to the best interests of the child who
1662 is the subject of the appointment, including, but not limited
1663 to, confidential records.

1664
1665 For the purposes of this subsection, the term "records related
1666 to the best interests of the child" includes, but is not limited
1667 to, medical, mental health, substance abuse, child care,
1668 education, law enforcement, court, social services, and
1669 financial records.

1670 ~~(4) The guardian ad litem or the program representative~~
1671 ~~shall review all disposition recommendations and changes in~~
1672 ~~placements, and must be present at all critical stages of the~~
1673 ~~dependency proceeding or submit a written report of~~
1674 ~~recommendations to the court. Written reports must be filed with~~
1675 ~~the court and served on all parties whose whereabouts are known~~
1676 ~~at least 72 hours prior to the hearing.~~

1677 Section 32. Subsection (4) of section 39.827, Florida
1678 Statutes, is amended to read:

1679 39.827 Hearing for appointment of a guardian advocate.—

1680 (4) The hearing under this section must ~~shall~~ remain
1681 confidential and closed to the public. The clerk shall keep all
1682 court records required by this part separate from other records

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1683 of the circuit court. All court records required by this part
1684 are ~~shall be~~ confidential and exempt from the provisions of s.
1685 119.07(1). ~~All~~ Records may only ~~shall~~ be inspected ~~only~~ upon
1686 order of the court by persons deemed by the court to have a
1687 proper interest therein, except that a child and the parents or
1688 custodians of the child and their attorneys, the guardian ad
1689 litem, and the department and its designees, and the attorney ad
1690 litem, if one is appointed, ~~shall~~ always have the right to
1691 inspect and copy any official record pertaining to the child.
1692 The court may permit authorized representatives of recognized
1693 organizations compiling statistics for proper purposes to
1694 inspect and make abstracts from official records, under whatever
1695 conditions upon their use and disposition the court may deem
1696 proper, and may punish by contempt proceedings any violation of
1697 those conditions. All information obtained pursuant to this part
1698 in the discharge of official duty by any judge, employee of the
1699 court, or authorized agent of the department is ~~shall be~~
1700 confidential and exempt from the provisions of s. 119.07(1) and
1701 may ~~shall~~ not be disclosed to anyone other than the authorized
1702 personnel of the court or the department and its designees,
1703 except upon order of the court.

1704 Section 33. Paragraphs (a), (b), and (d) of subsection (1)
1705 and subsection (2) of section 39.8296, Florida Statutes, are
1706 amended to read:

1707 39.8296 Statewide Guardian ad Litem Office; legislative
1708 findings and intent; creation; appointment of executive
1709 director; duties of office.—

1710 (1) LEGISLATIVE FINDINGS AND INTENT.—

1711 (a) The Legislature finds that for the past 20 years, the

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1712 Statewide Guardian ad Litem Office ~~Program~~ has been the only
1713 mechanism for best interest representation for children in
1714 Florida who are involved in dependency proceedings.

1715 (b) The Legislature also finds that while the Statewide
1716 Guardian ad Litem Office ~~Program~~ has been supervised by court
1717 administration within the circuit courts since the office's
1718 ~~program's~~ inception, there is a perceived conflict of interest
1719 created by the supervision of program staff by the judges before
1720 whom they appear.

1721 (d) It is therefore the intent of the Legislature to place
1722 the Statewide Guardian ad Litem Office ~~Program~~ in an appropriate
1723 place and provide a statewide infrastructure to increase
1724 functioning and standardization among the local offices ~~programs~~
1725 currently operating in the 20 judicial circuits.

1726 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
1727 Statewide Guardian ad Litem Office within the Justice
1728 Administrative Commission. The Justice Administrative Commission
1729 shall provide administrative support and service to the office
1730 to the extent requested by the executive director within the
1731 available resources of the commission. The Statewide Guardian ad
1732 Litem Office is not subject to control, supervision, or
1733 direction by the Justice Administrative Commission in the
1734 performance of its duties, but the employees of the office are
1735 governed by the classification plan and salary and benefits plan
1736 approved by the Justice Administrative Commission.

1737 (a) The head of the Statewide Guardian ad Litem Office is
1738 the executive director, who shall be appointed by the Governor
1739 from a list of a minimum of three eligible applicants submitted
1740 by a Guardian ad Litem Qualifications Committee. The Guardian ad

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1741 Litem Qualifications Committee shall be composed of five
1742 persons, two persons appointed by the Governor, two persons
1743 appointed by the Chief Justice of the Supreme Court, and one
1744 person appointed by the Statewide Guardian ad Litem Office
1745 ~~Association~~. The committee shall provide for statewide
1746 advertisement and the receiving of applications for the position
1747 of executive director. The Governor shall appoint an executive
1748 director from among the recommendations, or the Governor may
1749 reject the nominations and request the submission of new
1750 nominees. The executive director must have knowledge in
1751 dependency law and knowledge of social service delivery systems
1752 available to meet the needs of children who are abused,
1753 neglected, or abandoned. The executive director shall serve on a
1754 full-time basis and shall personally, or through representatives
1755 of the office, carry out the purposes and functions of the
1756 Statewide Guardian ad Litem Office in accordance with state and
1757 federal law and the state's long-established policy of
1758 prioritizing children's best interests. The executive director
1759 shall report to the Governor. The executive director shall serve
1760 a 3-year term, subject to removal for cause by the Governor. Any
1761 person appointed to serve as the executive director may be
1762 permitted to serve more than one term without the necessity of
1763 convening the Guardian ad Litem Qualifications Committee.

1764 (b) The Statewide Guardian ad Litem Office shall, within
1765 available resources, have oversight responsibilities for and
1766 provide technical assistance to all guardian ad litem and
1767 attorney ad litem offices ~~programs~~ located within the judicial
1768 circuits.

1769 1. The office shall identify the resources required to

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1770 implement methods of collecting, reporting, and tracking
1771 reliable and consistent case data.

1772 2. The office shall review the current guardian ad litem
1773 offices ~~programs~~ in Florida and other states.

1774 3. The office, in consultation with local guardian ad litem
1775 offices, shall develop statewide performance measures and
1776 standards.

1777 4. The office shall develop and maintain a guardian ad
1778 litem training program, which must be updated regularly, ~~which~~
1779 ~~shall include, but is not limited to, training on the~~
1780 ~~recognition of and responses to head trauma and brain injury in~~
1781 ~~a child under 6 years of age. The office shall establish a~~
1782 ~~curriculum committee to develop the training program specified~~
1783 ~~in this subparagraph. The curriculum committee shall include,~~
1784 ~~but not be limited to, dependency judges, directors of circuit~~
1785 ~~guardian ad litem programs, active certified guardians ad litem,~~
1786 ~~a mental health professional who specializes in the treatment of~~
1787 ~~children, a member of a child advocacy group, a representative~~
1788 ~~of a domestic violence advocacy group, an individual with a~~
1789 ~~degree in social work, and a social worker experienced in~~
1790 ~~working with victims and perpetrators of child abuse.~~

1791 5. The office shall review the various methods of funding
1792 guardian ad litem offices ~~programs~~, maximize the use of those
1793 funding sources to the extent possible, and review the kinds of
1794 services being provided by circuit guardian ad litem offices
1795 ~~programs~~.

1796 6. The office shall determine the feasibility or
1797 desirability of new concepts of organization, administration,
1798 financing, or service delivery designed to preserve the civil

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1799 and constitutional rights and fulfill other needs of dependent
1800 children.

1801 7. The office shall ensure that each child has an attorney
1802 assigned to his or her case and, within available resources, is
1803 represented using multidisciplinary teams that may include
1804 volunteers, pro bono attorneys, social workers, and mentors.

1805 8. The office shall provide oversight and technical
1806 assistance to attorneys ad litem, including, but not limited to,
1807 all of the following:

1808 a. Develop an attorney ad litem training program in
1809 collaboration with dependency court stakeholders, including, but
1810 not limited to, dependency judges, representatives from legal
1811 aid providing attorney ad litem representation, and an attorney
1812 ad litem appointed from a registry maintained by the chief
1813 judge. The training program must be updated regularly with or
1814 without convening the stakeholders group.

1815 b. Offer consultation and technical assistance to chief
1816 judges in maintaining attorney registries for the selection of
1817 attorneys ad litem.

1818 c. Assist with recruitment, training, and mentoring of
1819 attorneys ad litem as needed.

1820 9.7. In an effort to promote normalcy and establish trust
1821 between a ~~court-appointed volunteer~~ guardian ad litem and a
1822 child alleged to be abused, abandoned, or neglected under this
1823 chapter, a guardian ad litem may transport a child. However, a
1824 guardian ad litem ~~volunteer~~ may not be required by a guardian ad
1825 litem circuit office or ordered by ~~or directed by the program or~~
1826 a court to transport a child.

1827 10.8. The office shall submit to the Governor, the

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1828 President of the Senate, the Speaker of the House of
1829 Representatives, and the Chief Justice of the Supreme Court an
1830 interim report describing the progress of the office in meeting
1831 the goals as described in this section. The office shall submit
1832 to the Governor, the President of the Senate, the Speaker of the
1833 House of Representatives, and the Chief Justice of the Supreme
1834 Court a proposed plan including alternatives for meeting the
1835 state's guardian ad litem and attorney ad litem needs. This plan
1836 may include recommendations for less than the entire state, may
1837 include a phase-in system, and shall include estimates of the
1838 cost of each of the alternatives. Each year the office shall
1839 provide a status report and provide further recommendations to
1840 address the need for guardian ad litem representation ~~services~~
1841 and related issues.

1842 Section 34. Section 39.8297, Florida Statutes, is amended
1843 to read:

1844 39.8297 County funding for guardian ad litem employees.—

1845 (1) A county and the executive director of the Statewide
1846 Guardian ad Litem Office may enter into an agreement by which
1847 the county agrees to provide funds to the local guardian ad
1848 litem office in order to employ persons who will assist in the
1849 operation of the guardian ad litem office ~~program~~ in the county.

1850 (2) The agreement, at a minimum, must provide that:

1851 (a) Funding for the persons who are employed will be
1852 provided on at least a fiscal-year basis.

1853 (b) The persons who are employed will be hired, supervised,
1854 managed, and terminated by the executive director of the
1855 Statewide Guardian ad Litem Office. The statewide office is
1856 responsible for compliance with all requirements of federal and

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1857 state employment laws, and shall fully indemnify the county from
1858 any liability under such laws, as authorized by s. 768.28(19),
1859 to the extent such liability is the result of the acts or
1860 omissions of the Statewide Guardian ad Litem Office or its
1861 agents or employees.

1862 (c) The county is the employer for purposes of s. 440.10
1863 and chapter 443.

1864 (d) Employees funded by the county under this section and
1865 other county employees may be aggregated for purposes of a
1866 flexible benefits plan pursuant to s. 125 of the Internal
1867 Revenue Code of 1986.

1868 (e) Persons employed under this section may be terminated
1869 after a substantial breach of the agreement or because funding
1870 to the guardian ad litem office ~~program~~ has expired.

1871 (3) Persons employed under this section may not be counted
1872 in a formula or similar process used by the Statewide Guardian
1873 ad Litem Office to measure personnel needs of a judicial
1874 circuit's guardian ad litem office ~~program~~.

1875 (4) Agreements created pursuant to this section do not
1876 obligate the state to allocate funds to a county to employ
1877 persons in the guardian ad litem office ~~program~~.

1878 Section 35. Subsection (6) is added to section 414.56,
1879 Florida Statutes, to read:

1880 414.56 Office of Continuing Care.—The department shall
1881 establish an Office of Continuing Care to ensure young adults
1882 who age out of the foster care system between 18 and 21 years of
1883 age, or 22 years of age with a documented disability, have a
1884 point of contact until the young adult reaches the age of 26 in
1885 order to receive ongoing support and care coordination needed to

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1886 achieve self-sufficiency. Duties of the office include, but are
1887 not limited to:

1888 (6) In coordination with the Statewide Guardian Ad Litem
1889 Office, identifying supportive adults for children transitioning
1890 out of foster care to live independently in accordance with s.
1891 39.6036.

1892 Section 36. Section 1009.898, Florida Statutes, is created
1893 to read:

1894 1009.898 Fostering Prosperity grants.-

1895 (1) Subject to the appropriation of funds for that purpose
1896 by the Legislature, the Fostering Prosperity program shall
1897 administer the following grants to youth and young adults aging
1898 out of foster care:

1899 (a) Grants to provide financial literacy instruction using
1900 a curriculum developed by the Department of Financial Services
1901 in consultation with the Department of Education.

1902 (b) Grants to provide CLT, SAT, or ACT preparation,
1903 including one-on-one support and fee waivers for the
1904 examinations.

1905 (c) Grants to youth and young adults planning to pursue
1906 trade careers or paid apprenticeships.

1907 (2) If a young adult who is aging out of foster care is
1908 reunited with his or her parent, the grants must remain
1909 available for the young adult for up to 1 year after
1910 reunification.

1911 (3) The State Board of Education shall adopt rules to
1912 administer this section.

1913 Section 37. Subsection (1) of section 29.008, Florida
1914 Statutes, is amended to read:

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1915 29.008 County funding of court-related functions.—

1916 (1) Counties are required by s. 14, Art. V of the State
1917 Constitution to fund the cost of communications services,
1918 existing radio systems, existing multiagency criminal justice
1919 information systems, and the cost of construction or lease,
1920 maintenance, utilities, and security of facilities for the
1921 circuit and county courts, public defenders' offices, state
1922 attorneys' offices, guardian ad litem offices, and the offices
1923 of the clerks of the circuit and county courts performing court-
1924 related functions. For purposes of this section, the term
1925 "circuit and county courts" includes the offices and staffing of
1926 the guardian ad litem offices ~~programs~~, and the term "public
1927 defenders' offices" includes the offices of criminal conflict
1928 and civil regional counsel. The county designated under s.
1929 35.05(1) as the headquarters for each appellate district shall
1930 fund these costs for the appellate division of the public
1931 defender's office in that county. For purposes of implementing
1932 these requirements, the term:

1933 (a) "Facility" means reasonable and necessary buildings and
1934 office space and appurtenant equipment and furnishings,
1935 structures, real estate, easements, and related interests in
1936 real estate, including, but not limited to, those for the
1937 purpose of housing legal materials for use by the general public
1938 and personnel, equipment, or functions of the circuit or county
1939 courts, public defenders' offices, state attorneys' offices, and
1940 court-related functions of the office of the clerks of the
1941 circuit and county courts and all storage. The term "facility"
1942 includes all wiring necessary for court reporting services. The
1943 term also includes access to parking for such facilities in

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1944 connection with such court-related functions that may be
1945 available free or from a private provider or a local government
1946 for a fee. The office space provided by a county may not be less
1947 than the standards for space allotment adopted by the Department
1948 of Management Services, except this requirement applies only to
1949 facilities that are leased, or on which construction commences,
1950 after June 30, 2003. County funding must include physical
1951 modifications and improvements to all facilities as are required
1952 for compliance with the Americans with Disabilities Act. Upon
1953 mutual agreement of a county and the affected entity in this
1954 paragraph, the office space provided by the county may vary from
1955 the standards for space allotment adopted by the Department of
1956 Management Services.

1957 1. As of July 1, 2005, equipment and furnishings shall be
1958 limited to that appropriate and customary for courtrooms,
1959 hearing rooms, jury facilities, and other public areas in
1960 courthouses and any other facility occupied by the courts, state
1961 attorneys, public defenders, guardians ad litem, and criminal
1962 conflict and civil regional counsel. Court reporting equipment
1963 in these areas or facilities is not a responsibility of the
1964 county.

1965 2. Equipment and furnishings under this paragraph in
1966 existence and owned by counties on July 1, 2005, except for that
1967 in the possession of the clerks, for areas other than
1968 courtrooms, hearing rooms, jury facilities, and other public
1969 areas in courthouses and any other facility occupied by the
1970 courts, state attorneys, and public defenders, shall be
1971 transferred to the state at no charge. This provision does not
1972 apply to any communications services as defined in paragraph

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1973 (f).

1974 (b) "Construction or lease" includes, but is not limited
1975 to, all reasonable and necessary costs of the acquisition or
1976 lease of facilities for all judicial officers, staff, jurors,
1977 volunteers of a tenant agency, and the public for the circuit
1978 and county courts, the public defenders' offices, state
1979 attorneys' offices, and for performing the court-related
1980 functions of the offices of the clerks of the circuit and county
1981 courts. This includes expenses related to financing such
1982 facilities and the existing and future cost and bonded
1983 indebtedness associated with placing the facilities in use.

1984 (c) "Maintenance" includes, but is not limited to, all
1985 reasonable and necessary costs of custodial and groundskeeping
1986 services and renovation and reconstruction as needed to
1987 accommodate functions for the circuit and county courts, the
1988 public defenders' offices, and state attorneys' offices and for
1989 performing the court-related functions of the offices of the
1990 clerks of the circuit and county court and for maintaining the
1991 facilities in a condition appropriate and safe for the use
1992 intended.

1993 (d) "Utilities" means all electricity services for light,
1994 heat, and power; natural or manufactured gas services for light,
1995 heat, and power; water and wastewater services and systems,
1996 stormwater or runoff services and systems, sewer services and
1997 systems, all costs or fees associated with these services and
1998 systems, and any costs or fees associated with the mitigation of
1999 environmental impacts directly related to the facility.

2000 (e) "Security" includes but is not limited to, all
2001 reasonable and necessary costs of services of law enforcement

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2002 officers or licensed security guards and all electronic,
2003 cellular, or digital monitoring and screening devices necessary
2004 to ensure the safety and security of all persons visiting or
2005 working in a facility; to provide for security of the facility,
2006 including protection of property owned by the county or the
2007 state; and for security of prisoners brought to any facility.
2008 This includes bailiffs while providing courtroom and other
2009 security for each judge and other quasi-judicial officers.

2010 (f) "Communications services" are defined as any reasonable
2011 and necessary transmission, emission, and reception of signs,
2012 signals, writings, images, and sounds of intelligence of any
2013 nature by wire, radio, optical, audio equipment, or other
2014 electromagnetic systems and includes all facilities and
2015 equipment owned, leased, or used by judges, clerks, public
2016 defenders, state attorneys, guardians ad litem, criminal
2017 conflict and civil regional counsel, and all staff of the state
2018 courts system, state attorneys' offices, public defenders'
2019 offices, and clerks of the circuit and county courts performing
2020 court-related functions. Such system or services shall include,
2021 but not be limited to:

2022 1. Telephone system infrastructure, including computer
2023 lines, telephone switching equipment, and maintenance, and
2024 facsimile equipment, wireless communications, cellular
2025 telephones, pagers, and video teleconferencing equipment and
2026 line charges. Each county shall continue to provide access to a
2027 local carrier for local and long distance service and shall pay
2028 toll charges for local and long distance service.

2029 2. All computer networks, systems and equipment, including
2030 computer hardware and software, modems, printers, wiring,

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2031 network connections, maintenance, support staff or services
2032 including any county-funded support staff located in the offices
2033 of the circuit court, county courts, state attorneys, public
2034 defenders, guardians ad litem, and criminal conflict and civil
2035 regional counsel; training, supplies, and line charges necessary
2036 for an integrated computer system to support the operations and
2037 management of the state courts system, the offices of the public
2038 defenders, the offices of the state attorneys, the guardian ad
2039 litem offices, the offices of criminal conflict and civil
2040 regional counsel, and the offices of the clerks of the circuit
2041 and county courts; and the capability to connect those entities
2042 and reporting data to the state as required for the transmission
2043 of revenue, performance accountability, case management, data
2044 collection, budgeting, and auditing purposes. The integrated
2045 computer system shall be operational by July 1, 2006, and, at a
2046 minimum, permit the exchange of financial, performance
2047 accountability, case management, case disposition, and other
2048 data across multiple state and county information systems
2049 involving multiple users at both the state level and within each
2050 judicial circuit and be able to electronically exchange judicial
2051 case background data, sentencing scoresheets, and video evidence
2052 information stored in integrated case management systems over
2053 secure networks. Once the integrated system becomes operational,
2054 counties may reject requests to purchase communications services
2055 included in this subparagraph not in compliance with standards,
2056 protocols, or processes adopted by the board established
2057 pursuant to former s. 29.0086.

2058 3. Courier messenger and subpoena services.

2059 4. Auxiliary aids and services for qualified individuals

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2060 with a disability which are necessary to ensure access to the
2061 courts. Such auxiliary aids and services include, but are not
2062 limited to, sign language interpretation services required under
2063 the federal Americans with Disabilities Act other than services
2064 required to satisfy due-process requirements and identified as a
2065 state funding responsibility pursuant to ss. 29.004-29.007,
2066 real-time transcription services for individuals who are hearing
2067 impaired, and assistive listening devices and the equipment
2068 necessary to implement such accommodations.

2069 (g) "Existing radio systems" includes, but is not limited
2070 to, law enforcement radio systems that are used by the circuit
2071 and county courts, the offices of the public defenders, the
2072 offices of the state attorneys, and for court-related functions
2073 of the offices of the clerks of the circuit and county courts.
2074 This includes radio systems that were operational or under
2075 contract at the time Revision No. 7, 1998, to Art. V of the
2076 State Constitution was adopted and any enhancements made
2077 thereafter, the maintenance of those systems, and the personnel
2078 and supplies necessary for operation.

2079 (h) "Existing multiagency criminal justice information
2080 systems" includes, but is not limited to, those components of
2081 the multiagency criminal justice information system as defined
2082 in s. 943.045, supporting the offices of the circuit or county
2083 courts, the public defenders' offices, the state attorneys'
2084 offices, or those portions of the offices of the clerks of the
2085 circuit and county courts performing court-related functions
2086 that are used to carry out the court-related activities of those
2087 entities. This includes upgrades and maintenance of the current
2088 equipment, maintenance and upgrades of supporting technology

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2089 infrastructure and associated staff, and services and expenses
2090 to assure continued information sharing and reporting of
2091 information to the state. The counties shall also provide
2092 additional information technology services, hardware, and
2093 software as needed for new judges and staff of the state courts
2094 system, state attorneys' offices, public defenders' offices,
2095 guardian ad litem offices, and the offices of the clerks of the
2096 circuit and county courts performing court-related functions.

2097 Section 38. Paragraph (a) of subsection (1) of section
2098 39.6011, Florida Statutes, is amended to read:

2099 39.6011 Case plan development.—

2100 (1) The department shall prepare a draft of the case plan
2101 for each child receiving services under this chapter. A parent
2102 of a child may not be threatened or coerced with the loss of
2103 custody or parental rights for failing to admit in the case plan
2104 of abusing, neglecting, or abandoning a child. Participating in
2105 the development of a case plan is not an admission to any
2106 allegation of abuse, abandonment, or neglect, and it is not a
2107 consent to a finding of dependency or termination of parental
2108 rights. The case plan shall be developed subject to the
2109 following requirements:

2110 (a) The case plan must be developed in a face-to-face
2111 conference with the parent of the child, the ~~any~~ court-appointed
2112 guardian ad litem, and, if appropriate, the child and the
2113 temporary custodian of the child.

2114 Section 39. Subsection (8) of section 40.24, Florida
2115 Statutes, is amended to read:

2116 40.24 Compensation and reimbursement policy.—

2117 (8) In circuits that elect to allow jurors to donate their

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2118 jury service fee upon conclusion of juror service, each juror
2119 may irrevocably donate all of the juror's compensation to the 26
2120 U.S.C. s. 501(c)(3) organization specified by the Statewide
2121 Guardian ad Litem ~~Office program~~ or to a domestic violence
2122 shelter as specified annually on a rotating basis by the clerk
2123 of court in the circuit for the juror's county of residence. The
2124 funds collected may not reduce or offset the amount of
2125 compensation that the Statewide Guardian ad Litem Office ~~program~~
2126 or domestic violence shelter would otherwise receive from the
2127 state. The clerk of court shall ensure that all jurors are given
2128 written notice at the conclusion of their service that they have
2129 the option to so donate their compensation, and that the
2130 applicable program specified by the Statewide Guardian ad Litem
2131 Office ~~program~~ or a domestic violence shelter receives all funds
2132 donated by the jurors. Any circuit guardian ad litem office
2133 ~~program~~ receiving donations of juror compensation must expend
2134 such moneys on services for children for whom guardians ad litem
2135 have been appointed.

2136 Section 40. Subsections (5), (6), and (7) of section 43.16,
2137 Florida Statutes, are amended to read:

2138 43.16 Justice Administrative Commission; membership, powers
2139 and duties.—

2140 (5) The duties of the commission shall include, but not be
2141 limited to, the following:

2142 (a) The maintenance of a central state office for
2143 administrative services and assistance when possible to and on
2144 behalf of the state attorneys and public defenders of Florida,
2145 the capital collateral regional counsel of Florida, the criminal
2146 conflict and civil regional counsel, and the Statewide Guardian

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2147 Ad Litem Office Program.

2148 (b) Each state attorney, public defender, and criminal
2149 conflict and civil regional counsel and the Statewide Guardian
2150 Ad Litem Office Program shall continue to prepare necessary
2151 budgets, vouchers that represent valid claims for reimbursement
2152 by the state for authorized expenses, and other things
2153 incidental to the proper administrative operation of the office,
2154 such as revenue transmittals to the Chief Financial Officer and
2155 automated systems plans, but will forward such items to the
2156 commission for recording and submission to the proper state
2157 officer. However, when requested by a state attorney, a public
2158 defender, a criminal conflict and civil regional counsel, or the
2159 Statewide Guardian Ad Litem Office Program, the commission will
2160 either assist in the preparation of budget requests, voucher
2161 schedules, and other forms and reports or accomplish the entire
2162 project involved.

2163 (6) The commission, each state attorney, each public
2164 defender, the criminal conflict and civil regional counsel, the
2165 capital collateral regional counsel, and the Statewide Guardian
2166 Ad Litem Office Program shall establish and maintain internal
2167 controls designed to:

2168 (a) Prevent and detect fraud, waste, and abuse as defined
2169 in s. 11.45(1).

2170 (b) Promote and encourage compliance with applicable laws,
2171 rules, contracts, grant agreements, and best practices.

2172 (c) Support economical and efficient operations.

2173 (d) Ensure reliability of financial records and reports.

2174 (e) Safeguard assets.

2175 (7) ~~The provisions contained in This section is shall be~~

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2176 supplemental to ~~those of~~ chapter 27, relating to state
2177 attorneys, public defenders, criminal conflict and civil
2178 regional counsel, and capital collateral regional counsel; to
2179 ~~those of~~ chapter 39, relating to the Statewide Guardian Ad Litem
2180 Office Program; or to other laws pertaining hereto.

2181 Section 41. Paragraph (a) of subsection (1) and subsection
2182 (4) of section 61.402, Florida Statutes, are amended to read:

2183 61.402 Qualifications of guardians ad litem.—

2184 (1) A person appointed as a guardian ad litem pursuant to
2185 s. 61.401 must be:

2186 (a) Certified by the Statewide Guardian Ad Litem Office
2187 Program pursuant to s. 39.821;

2188 (b) Certified by a not-for-profit legal aid organization as
2189 defined in s. 68.096; or

2190 (c) An attorney who is a member in good standing of The
2191 Florida Bar.

2192 (4) Nothing in this section requires the Statewide Guardian
2193 Ad Litem Office Program or a not-for-profit legal aid
2194 organization to train or certify guardians ad litem appointed
2195 under this chapter.

2196 Section 42. Paragraph (x) of subsection (2) of section
2197 110.205, Florida Statutes, is amended to read:

2198 110.205 Career service; exemptions.—

2199 (2) EXEMPT POSITIONS.—The exempt positions that are not
2200 covered by this part include the following:

2201 (x) All officers and employees of the Justice
2202 Administrative Commission, Office of the State Attorney, Office
2203 of the Public Defender, regional offices of capital collateral
2204 counsel, offices of criminal conflict and civil regional

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2205 counsel, and Statewide Guardian Ad Litem Office, including the
2206 circuit guardian ad litem offices ~~programs~~.

2207 Section 43. Paragraph (b) of subsection (96) of section
2208 320.08058, Florida Statutes, is amended to read:

2209 320.08058 Specialty license plates.—

2210 (96) GUARDIAN AD LITEM LICENSE PLATES.—

2211 (b) The annual use fees from the sale of the plate shall be
2212 distributed to the Florida Guardian Ad Litem Foundation, Inc., a
2213 direct-support organization and a nonprofit corporation under s.
2214 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the
2215 proceeds may be used for administrative costs and the marketing
2216 of the plate. The remainder of the proceeds must be used in this
2217 state to support the mission and efforts of the Statewide
2218 Guardian Ad Litem Office ~~Program~~ to represent abused, abandoned,
2219 and neglected children and advocate for their best interests;
2220 recruit and retain volunteer child advocates; and meet the
2221 unique needs of the dependent children the program serves.

2222 Section 44. Paragraph (e) of subsection (3) of section
2223 943.053, Florida Statutes, is amended to read:

2224 943.053 Dissemination of criminal justice information;
2225 fees.—

2226 (3)

2227 (e) The fee per record for criminal history information
2228 provided pursuant to this subsection and s. 943.0542 is \$24 per
2229 name submitted, except that the fee for the Statewide Guardian
2230 Ad Litem Office ~~program~~ and vendors of the Department of
2231 Children and Families, the Department of Juvenile Justice, the
2232 Agency for Persons with Disabilities, and the Department of
2233 Elderly Affairs is \$8 for each name submitted; the fee for a

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2234 state criminal history provided for application processing as
2235 required by law to be performed by the Department of Agriculture
2236 and Consumer Services is \$15 for each name submitted; and the
2237 fee for requests under s. 943.0542, which implements the
2238 National Child Protection Act, is \$18 for each volunteer name
2239 submitted. An office of the public defender or an office of
2240 criminal conflict and civil regional counsel may not be assessed
2241 a fee for Florida criminal history information or wanted person
2242 information.

2243 Section 45. Subsection (2) of section 985.43, Florida
2244 Statutes, is amended to read:

2245 985.43 Predisposition reports; other evaluations.—

2246 (2) The court shall consider the child's entire assessment
2247 and predisposition report and shall review the records of
2248 earlier judicial proceedings before making a final disposition
2249 of the case. If the child is under the jurisdiction of a
2250 dependency court, the court may receive and consider any
2251 information provided by the Statewide Guardian Ad Litem Office
2252 ~~Program~~ and the child's attorney ad litem, if one is appointed.
2253 The court may, by order, require additional evaluations and
2254 studies to be performed by the department; the county school
2255 system; or any social, psychological, or psychiatric agency of
2256 the state. The court shall order the educational needs
2257 assessment completed under s. 985.18(2) to be included in the
2258 assessment and predisposition report.

2259 Section 46. Subsection (4) of section 985.441, Florida
2260 Statutes, is amended to read:

2261 985.441 Commitment.—

2262 (4) The department may transfer a child, when necessary to

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2263 appropriately administer the child's commitment, from one
2264 facility or program to another facility or program operated,
2265 contracted, subcontracted, or designated by the department,
2266 including a postcommitment nonresidential conditional release
2267 program, except that the department may not transfer any child
2268 adjudicated solely for a misdemeanor to a residential program
2269 except as provided in subsection (2). The department shall
2270 notify the court that committed the child to the department and
2271 any attorney of record for the child, in writing, of its intent
2272 to transfer the child from a commitment facility or program to
2273 another facility or program of a higher or lower restrictiveness
2274 level. If the child is under the jurisdiction of a dependency
2275 court, the department shall also provide notice to the
2276 dependency court, and the Department of Children and Families,
2277 ~~and, if appointed,~~ the Statewide Guardian Ad Litem Office,
2278 ~~Program~~ and the child's attorney ad litem, if one is appointed.
2279 The court that committed the child may agree to the transfer or
2280 may set a hearing to review the transfer. If the court does not
2281 respond within 10 days after receipt of the notice, the transfer
2282 of the child shall be deemed granted.

2283 Section 47. Subsection (3) of section 985.455, Florida
2284 Statutes, is amended to read:

2285 985.455 Other dispositional issues.—

2286 (3) Any commitment of a delinquent child to the department
2287 must be for an indeterminate period of time, which may include
2288 periods of temporary release; however, the period of time may
2289 not exceed the maximum term of imprisonment that an adult may
2290 serve for the same offense, except that the duration of a
2291 minimum-risk nonresidential commitment for an offense that is a

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2292 misdemeanor of the second degree, or is equivalent to a
2293 misdemeanor of the second degree, may be for a period not to
2294 exceed 6 months. The duration of the child's placement in a
2295 commitment program of any restrictiveness level shall be based
2296 on objective performance-based treatment planning. The child's
2297 treatment plan progress and adjustment-related issues shall be
2298 reported to the court quarterly, unless the court requests
2299 monthly reports. If the child is under the jurisdiction of a
2300 dependency court, the court may receive and consider any
2301 information provided by the Statewide Guardian Ad Litem Office
2302 ~~Program~~ or the child's attorney ad litem, if one is appointed.
2303 The child's length of stay in a commitment program may be
2304 extended if the child fails to comply with or participate in
2305 treatment activities. The child's length of stay in the program
2306 shall not be extended for purposes of sanction or punishment.
2307 Any temporary release from such program must be approved by the
2308 court. Any child so committed may be discharged from
2309 institutional confinement or a program upon the direction of the
2310 department with the concurrence of the court. The child's
2311 treatment plan progress and adjustment-related issues must be
2312 communicated to the court at the time the department requests
2313 the court to consider releasing the child from the commitment
2314 program. The department shall give the court that committed the
2315 child to the department reasonable notice, in writing, of its
2316 desire to discharge the child from a commitment facility. The
2317 court that committed the child may thereafter accept or reject
2318 the request. If the court does not respond within 10 days after
2319 receipt of the notice, the request of the department shall be
2320 deemed granted. This section does not limit the department's

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2321 authority to revoke a child's temporary release status and
2322 return the child to a commitment facility for any violation of
2323 the terms and conditions of the temporary release.

2324 Section 48. Paragraph (b) of subsection (4) of section
2325 985.461, Florida Statutes, is amended to read:

2326 985.461 Transition to adulthood.—

2327 (4) As part of the child's treatment plan, the department
2328 may provide transition-to-adulthood services to children
2329 released from residential commitment. To support participation
2330 in transition-to-adulthood services and subject to
2331 appropriation, the department may:

2332 (b) Use community reentry teams to assist in the
2333 development of a list of age-appropriate activities and
2334 responsibilities to be incorporated in the child's written case
2335 plan for any youth who is under the custody or supervision of
2336 the department. Community reentry teams may include
2337 representatives from school districts, law enforcement,
2338 workforce development services, community-based service
2339 providers, the Statewide Guardian Ad Litem Office Program, and
2340 the youth's family. Such community reentry teams must be created
2341 within existing resources provided to the department. Activities
2342 may include, but are not limited to, life skills training,
2343 including training to develop banking and budgeting skills,
2344 interviewing and career planning skills, parenting skills,
2345 personal health management, and time management or
2346 organizational skills; educational support; employment training;
2347 and counseling.

2348 Section 49. Subsection (11) of section 985.48, Florida
2349 Statutes, is amended to read:

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2350 985.48 Juvenile sexual offender commitment programs; sexual
2351 abuse intervention networks.—

2352 (11) Membership of a sexual abuse intervention network
2353 shall include, but is not limited to, representatives from:

2354 (a) Local law enforcement agencies;

2355 (b) Local school boards;

2356 (c) Child protective investigators;

2357 (d) The office of the state attorney;

2358 (e) The office of the public defender;

2359 (f) The juvenile division of the circuit court;

2360 (g) Professionals licensed under chapter 458, chapter 459,
2361 s. 490.0145, or s. 491.0144 providing treatment for juvenile
2362 sexual offenders or their victims;

2363 (h) The Statewide Guardian Ad Litem Office ~~program~~;

2364 (i) The Department of Juvenile Justice; and

2365 (j) The Department of Children and Families.

2366 Section 50. Subsection (1) of section 39.302, Florida
2367 Statutes, is amended to read:

2368 39.302 Protective investigations of institutional child
2369 abuse, abandonment, or neglect.—

2370 (1) The department shall conduct a child protective
2371 investigation of each report of institutional child abuse,
2372 abandonment, or neglect. Upon receipt of a report that alleges
2373 that an employee or agent of the department, or any other entity
2374 or person covered by s. 39.01(39) or (57) ~~s. 39.01(36) or (54)~~,
2375 acting in an official capacity, has committed an act of child
2376 abuse, abandonment, or neglect, the department shall initiate a
2377 child protective investigation within the timeframe established
2378 under s. 39.101(2) and notify the appropriate state attorney,

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2379 law enforcement agency, and licensing agency, which shall
2380 immediately conduct a joint investigation, unless independent
2381 investigations are more feasible. When conducting investigations
2382 or having face-to-face interviews with the child, investigation
2383 visits shall be unannounced unless it is determined by the
2384 department or its agent that unannounced visits threaten the
2385 safety of the child. If a facility is exempt from licensing, the
2386 department shall inform the owner or operator of the facility of
2387 the report. Each agency conducting a joint investigation is
2388 entitled to full access to the information gathered by the
2389 department in the course of the investigation. A protective
2390 investigation must include an interview with the child's parent
2391 or legal guardian. The department shall make a full written
2392 report to the state attorney within 3 business days after making
2393 the oral report. A criminal investigation shall be coordinated,
2394 whenever possible, with the child protective investigation of
2395 the department. Any interested person who has information
2396 regarding the offenses described in this subsection may forward
2397 a statement to the state attorney as to whether prosecution is
2398 warranted and appropriate. Within 15 days after the completion
2399 of the investigation, the state attorney shall report the
2400 findings to the department and shall include in the report a
2401 determination of whether or not prosecution is justified and
2402 appropriate in view of the circumstances of the specific case.

2403 Section 51. Paragraph (c) of subsection (1) of section
2404 39.521, Florida Statutes, is amended to read:

2405 39.521 Disposition hearings; powers of disposition.—

2406 (1) A disposition hearing shall be conducted by the court,
2407 if the court finds that the facts alleged in the petition for

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2408 dependency were proven in the adjudicatory hearing, or if the
2409 parents or legal custodians have consented to the finding of
2410 dependency or admitted the allegations in the petition, have
2411 failed to appear for the arraignment hearing after proper
2412 notice, or have not been located despite a diligent search
2413 having been conducted.

2414 (c) When any child is adjudicated by a court to be
2415 dependent, the court having jurisdiction of the child has the
2416 power by order to:

2417 1. Require the parent and, when appropriate, the legal
2418 guardian or the child to participate in treatment and services
2419 identified as necessary. The court may require the person who
2420 has custody or who is requesting custody of the child to submit
2421 to a mental health or substance abuse disorder assessment or
2422 evaluation. The order may be made only upon good cause shown and
2423 pursuant to notice and procedural requirements provided under
2424 the Florida Rules of Juvenile Procedure. The mental health
2425 assessment or evaluation must be administered by a qualified
2426 professional as defined in s. 39.01, and the substance abuse
2427 assessment or evaluation must be administered by a qualified
2428 professional as defined in s. 397.311. The court may also
2429 require such person to participate in and comply with treatment
2430 and services identified as necessary, including, when
2431 appropriate and available, participation in and compliance with
2432 a mental health court program established under chapter 394 or a
2433 treatment-based drug court program established under s. 397.334.
2434 Adjudication of a child as dependent based upon evidence of harm
2435 as defined in s. 39.01(37)(g) ~~s. 39.01(34)(g)~~ demonstrates good
2436 cause, and the court shall require the parent whose actions

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2437 caused the harm to submit to a substance abuse disorder
2438 assessment or evaluation and to participate and comply with
2439 treatment and services identified in the assessment or
2440 evaluation as being necessary. In addition to supervision by the
2441 department, the court, including the mental health court program
2442 or the treatment-based drug court program, may oversee the
2443 progress and compliance with treatment by a person who has
2444 custody or is requesting custody of the child. The court may
2445 impose appropriate available sanctions for noncompliance upon a
2446 person who has custody or is requesting custody of the child or
2447 make a finding of noncompliance for consideration in determining
2448 whether an alternative placement of the child is in the child's
2449 best interests. Any order entered under this subparagraph may be
2450 made only upon good cause shown. This subparagraph does not
2451 authorize placement of a child with a person seeking custody of
2452 the child, other than the child's parent or legal custodian, who
2453 requires mental health or substance abuse disorder treatment.

2454 2. Require, if the court deems necessary, the parties to
2455 participate in dependency mediation.

2456 3. Require placement of the child either under the
2457 protective supervision of an authorized agent of the department
2458 in the home of one or both of the child's parents or in the home
2459 of a relative of the child or another adult approved by the
2460 court, or in the custody of the department. Protective
2461 supervision continues until the court terminates it or until the
2462 child reaches the age of 18, whichever date is first. Protective
2463 supervision shall be terminated by the court whenever the court
2464 determines that permanency has been achieved for the child,
2465 whether with a parent, another relative, or a legal custodian,

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2466 and that protective supervision is no longer needed. The
2467 termination of supervision may be with or without retaining
2468 jurisdiction, at the court's discretion, and shall in either
2469 case be considered a permanency option for the child. The order
2470 terminating supervision by the department must set forth the
2471 powers of the custodian of the child and include the powers
2472 ordinarily granted to a guardian of the person of a minor unless
2473 otherwise specified. Upon the court's termination of supervision
2474 by the department, further judicial reviews are not required if
2475 permanency has been established for the child.

2476 4. Determine whether the child has a strong attachment to
2477 the prospective permanent guardian and whether such guardian has
2478 a strong commitment to permanently caring for the child.

2479 Section 52. Paragraph (c) of subsection (2) of section
2480 61.13, Florida Statutes, is amended to read:

2481 61.13 Support of children; parenting and time-sharing;
2482 powers of court.-

2483 (2)

2484 (c) The court shall determine all matters relating to
2485 parenting and time-sharing of each minor child of the parties in
2486 accordance with the best interests of the child and in
2487 accordance with the Uniform Child Custody Jurisdiction and
2488 Enforcement Act, except that modification of a parenting plan
2489 and time-sharing schedule requires a showing of a substantial
2490 and material change of circumstances.

2491 1. It is the public policy of this state that each minor
2492 child has frequent and continuing contact with both parents
2493 after the parents separate or the marriage of the parties is
2494 dissolved and to encourage parents to share the rights and

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2495 responsibilities, and joys, of childrearing. Unless otherwise
2496 provided in this section or agreed to by the parties, there is a
2497 rebuttable presumption that equal time-sharing of a minor child
2498 is in the best interests of the minor child. To rebut this
2499 presumption, a party must prove by a preponderance of the
2500 evidence that equal time-sharing is not in the best interests of
2501 the minor child. Except when a time-sharing schedule is agreed
2502 to by the parties and approved by the court, the court must
2503 evaluate all of the factors set forth in subsection (3) and make
2504 specific written findings of fact when creating or modifying a
2505 time-sharing schedule.

2506 2. The court shall order that the parental responsibility
2507 for a minor child be shared by both parents unless the court
2508 finds that shared parental responsibility would be detrimental
2509 to the child. In determining detriment to the child, the court
2510 shall consider:

2511 a. Evidence of domestic violence, as defined in s. 741.28;

2512 b. Whether either parent has or has had reasonable cause to
2513 believe that he or she or his or her minor child or children are
2514 or have been in imminent danger of becoming victims of an act of
2515 domestic violence as defined in s. 741.28 or sexual violence as
2516 defined in s. 784.046(1)(c) by the other parent against the
2517 parent or against the child or children whom the parents share
2518 in common regardless of whether a cause of action has been
2519 brought or is currently pending in the court;

2520 c. Whether either parent has or has had reasonable cause to
2521 believe that his or her minor child or children are or have been
2522 in imminent danger of becoming victims of an act of abuse ~~as~~
2523 ~~defined in s. 39.01(2), abandonment as defined in s. 39.01(1),~~

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2524 or neglect, as those terms are defined in s. 39.01, ~~s. 39.01(50)~~
2525 by the other parent against the child or children whom the
2526 parents share in common regardless of whether a cause of action
2527 has been brought or is currently pending in the court; and

2528 d. Any other relevant factors.

2529 3. The following evidence creates a rebuttable presumption
2530 that shared parental responsibility is detrimental to the child:

2531 a. A parent has been convicted of a misdemeanor of the
2532 first degree or higher involving domestic violence, as defined
2533 in s. 741.28 and chapter 775;

2534 b. A parent meets the criteria of s. 39.806(1)(d); or

2535 c. A parent has been convicted of or had adjudication
2536 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
2537 at the time of the offense:

2538 (I) The parent was 18 years of age or older.

2539 (II) The victim was under 18 years of age or the parent
2540 believed the victim to be under 18 years of age.

2541
2542 If the presumption is not rebutted after the convicted parent is
2543 advised by the court that the presumption exists, shared
2544 parental responsibility, including time-sharing with the child,
2545 and decisions made regarding the child, may not be granted to
2546 the convicted parent. However, the convicted parent is not
2547 relieved of any obligation to provide financial support. If the
2548 court determines that shared parental responsibility would be
2549 detrimental to the child, it may order sole parental
2550 responsibility and make such arrangements for time-sharing as
2551 specified in the parenting plan as will best protect the child
2552 or abused spouse from further harm. Whether or not there is a

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2553 conviction of any offense of domestic violence or child abuse or
2554 the existence of an injunction for protection against domestic
2555 violence, the court shall consider evidence of domestic violence
2556 or child abuse as evidence of detriment to the child.

2557 4. In ordering shared parental responsibility, the court
2558 may consider the expressed desires of the parents and may grant
2559 to one party the ultimate responsibility over specific aspects
2560 of the child's welfare or may divide those responsibilities
2561 between the parties based on the best interests of the child.
2562 Areas of responsibility may include education, health care, and
2563 any other responsibilities that the court finds unique to a
2564 particular family.

2565 5. The court shall order sole parental responsibility for a
2566 minor child to one parent, with or without time-sharing with the
2567 other parent if it is in the best interests of the minor child.

2568 6. There is a rebuttable presumption against granting time-
2569 sharing with a minor child if a parent has been convicted of or
2570 had adjudication withheld for an offense enumerated in s.
2571 943.0435(1)(h)1.a., and at the time of the offense:

2572 a. The parent was 18 years of age or older.

2573 b. The victim was under 18 years of age or the parent
2574 believed the victim to be under 18 years of age.

2575
2576 A parent may rebut the presumption upon a specific finding in
2577 writing by the court that the parent poses no significant risk
2578 of harm to the child and that time-sharing is in the best
2579 interests of the minor child. If the presumption is rebutted,
2580 the court must consider all time-sharing factors in subsection
2581 (3) when developing a time-sharing schedule.

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2582 7. Access to records and information pertaining to a minor
2583 child, including, but not limited to, medical, dental, and
2584 school records, may not be denied to either parent. Full rights
2585 under this subparagraph apply to either parent unless a court
2586 order specifically revokes these rights, including any
2587 restrictions on these rights as provided in a domestic violence
2588 injunction. A parent having rights under this subparagraph has
2589 the same rights upon request as to form, substance, and manner
2590 of access as are available to the other parent of a child,
2591 including, without limitation, the right to in-person
2592 communication with medical, dental, and education providers.

2593 Section 53. Paragraph (d) of subsection (4) of section
2594 119.071, Florida Statutes, is amended to read:

2595 119.071 General exemptions from inspection or copying of
2596 public records.—

2597 (4) AGENCY PERSONNEL INFORMATION.—

2598 (d)1. For purposes of this paragraph, the term:

2599 a. "Home addresses" means the dwelling location at which an
2600 individual resides and includes the physical address, mailing
2601 address, street address, parcel identification number, plot
2602 identification number, legal property description, neighborhood
2603 name and lot number, GPS coordinates, and any other descriptive
2604 property information that may reveal the home address.

2605 b. "Judicial assistant" means a court employee assigned to
2606 the following class codes: 8140, 8150, 8310, and 8320.

2607 c. "Telephone numbers" includes home telephone numbers,
2608 personal cellular telephone numbers, personal pager telephone
2609 numbers, and telephone numbers associated with personal
2610 communications devices.

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2611 2.a. The home addresses, telephone numbers, dates of birth,
2612 and photographs of active or former sworn law enforcement
2613 personnel or of active or former civilian personnel employed by
2614 a law enforcement agency, including correctional and
2615 correctional probation officers, personnel of the Department of
2616 Children and Families whose duties include the investigation of
2617 abuse, neglect, exploitation, fraud, theft, or other criminal
2618 activities, personnel of the Department of Health whose duties
2619 are to support the investigation of child abuse or neglect, and
2620 personnel of the Department of Revenue or local governments
2621 whose responsibilities include revenue collection and
2622 enforcement or child support enforcement; the names, home
2623 addresses, telephone numbers, photographs, dates of birth, and
2624 places of employment of the spouses and children of such
2625 personnel; and the names and locations of schools and day care
2626 facilities attended by the children of such personnel are exempt
2627 from s. 119.07(1) and s. 24(a), Art. I of the State
2628 Constitution.

2629 b. The home addresses, telephone numbers, dates of birth,
2630 and photographs of current or former nonsworn investigative
2631 personnel of the Department of Financial Services whose duties
2632 include the investigation of fraud, theft, workers' compensation
2633 coverage requirements and compliance, other related criminal
2634 activities, or state regulatory requirement violations; the
2635 names, home addresses, telephone numbers, dates of birth, and
2636 places of employment of the spouses and children of such
2637 personnel; and the names and locations of schools and day care
2638 facilities attended by the children of such personnel are exempt
2639 from s. 119.07(1) and s. 24(a), Art. I of the State

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2640 Constitution.

2641 c. The home addresses, telephone numbers, dates of birth,
2642 and photographs of current or former nonsworn investigative
2643 personnel of the Office of Financial Regulation's Bureau of
2644 Financial Investigations whose duties include the investigation
2645 of fraud, theft, other related criminal activities, or state
2646 regulatory requirement violations; the names, home addresses,
2647 telephone numbers, dates of birth, and places of employment of
2648 the spouses and children of such personnel; and the names and
2649 locations of schools and day care facilities attended by the
2650 children of such personnel are exempt from s. 119.07(1) and s.
2651 24(a), Art. I of the State Constitution.

2652 d. The home addresses, telephone numbers, dates of birth,
2653 and photographs of current or former firefighters certified in
2654 compliance with s. 633.408; the names, home addresses, telephone
2655 numbers, photographs, dates of birth, and places of employment
2656 of the spouses and children of such firefighters; and the names
2657 and locations of schools and day care facilities attended by the
2658 children of such firefighters are exempt from s. 119.07(1) and
2659 s. 24(a), Art. I of the State Constitution.

2660 e. The home addresses, dates of birth, and telephone
2661 numbers of current or former justices of the Supreme Court,
2662 district court of appeal judges, circuit court judges, and
2663 county court judges, ~~and~~ ~~of~~ current judicial assistants; the
2664 names, home addresses, telephone numbers, dates of birth, and
2665 places of employment of the spouses and children of current or
2666 former justices and judges and ~~of~~ current judicial assistants;
2667 and the names and locations of schools and day care facilities
2668 attended by the children of current or former justices and

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2669 judges and of current judicial assistants are exempt from s.
2670 119.07(1) and s. 24(a), Art. I of the State Constitution. This
2671 sub-subparagraph is subject to the Open Government Sunset Review
2672 Act in accordance with s. 119.15 and shall stand repealed on
2673 October 2, 2028, unless reviewed and saved from repeal through
2674 reenactment by the Legislature.

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

2687 g. The home addresses, dates of birth, and telephone
2688 numbers of general magistrates, special magistrates, judges of
2689 compensation claims, administrative law judges of the Division
2690 of Administrative Hearings, and child support enforcement
2691 hearing officers; the names, home addresses, telephone numbers,
2692 dates of birth, and places of employment of the spouses and
2693 children of general magistrates, special magistrates, judges of
2694 compensation claims, administrative law judges of the Division
2695 of Administrative Hearings, and child support enforcement
2696 hearing officers; and the names and locations of schools and day
2697 care facilities attended by the children of general magistrates,

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2698 special magistrates, judges of compensation claims,
2699 administrative law judges of the Division of Administrative
2700 Hearings, and child support enforcement hearing officers are
2701 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2702 Constitution.

2703 h. The home addresses, telephone numbers, dates of birth,
2704 and photographs of current or former human resource, labor
2705 relations, or employee relations directors, assistant directors,
2706 managers, or assistant managers of any local government agency
2707 or water management district whose duties include hiring and
2708 firing employees, labor contract negotiation, administration, or
2709 other personnel-related duties; the names, home addresses,
2710 telephone numbers, dates of birth, and places of employment of
2711 the spouses and children of such personnel; and the names and
2712 locations of schools and day care facilities attended by the
2713 children of such personnel are exempt from s. 119.07(1) and s.
2714 24(a), Art. I of the State Constitution.

2715 i. The home addresses, telephone numbers, dates of birth,
2716 and photographs of current or former code enforcement officers;
2717 the names, home addresses, telephone numbers, dates of birth,
2718 and places of employment of the spouses and children of such
2719 personnel; and the names and locations of schools and day care
2720 facilities attended by the children of such personnel are exempt
2721 from s. 119.07(1) and s. 24(a), Art. I of the State
2722 Constitution.

2723 j. The home addresses, telephone numbers, places of
2724 employment, dates of birth, and photographs of current or former
2725 guardians ad litem, as defined in s. 39.01 ~~s. 39.820~~; the names,
2726 home addresses, telephone numbers, dates of birth, and places of

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

2731 k. The home addresses, telephone numbers, dates of birth,
2732 and photographs of current or former juvenile probation
2733 officers, juvenile probation supervisors, detention
2734 superintendents, assistant detention superintendents, juvenile
2735 justice detention officers I and II, juvenile justice detention
2736 officer supervisors, juvenile justice residential officers,
2737 juvenile justice residential officer supervisors I and II,
2738 juvenile justice counselors, juvenile justice counselor
2739 supervisors, human services counselor administrators, senior
2740 human services counselor administrators, rehabilitation
2741 therapists, and social services counselors of the Department of
2742 Juvenile Justice; the names, home addresses, telephone numbers,
2743 dates of birth, and places of employment of spouses and children
2744 of such personnel; and the names and locations of schools and
2745 day care facilities attended by the children of such personnel
2746 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2747 Constitution.

2748 l. The home addresses, telephone numbers, dates of birth,
2749 and photographs of current or former public defenders, assistant
2750 public defenders, criminal conflict and civil regional counsel,
2751 and assistant criminal conflict and civil regional counsel; the
2752 names, home addresses, telephone numbers, dates of birth, and
2753 places of employment of the spouses and children of current or
2754 former public defenders, assistant public defenders, criminal
2755 conflict and civil regional counsel, and assistant criminal

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2756 conflict and civil regional counsel; and the names and locations
2757 of schools and day care facilities attended by the children of
2758 current or former public defenders, assistant public defenders,
2759 criminal conflict and civil regional counsel, and assistant
2760 criminal conflict and civil regional counsel are exempt from s.
2761 119.07(1) and s. 24(a), Art. I of the State Constitution.

2762 m. The home addresses, telephone numbers, dates of birth,
2763 and photographs of current or former investigators or inspectors
2764 of the Department of Business and Professional Regulation; the
2765 names, home addresses, telephone numbers, dates of birth, and
2766 places of employment of the spouses and children of such current
2767 or former investigators and inspectors; and the names and
2768 locations of schools and day care facilities attended by the
2769 children of such current or former investigators and inspectors
2770 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2771 Constitution.

2772 n. The home addresses, telephone numbers, and dates of
2773 birth of county tax collectors; the names, home addresses,
2774 telephone numbers, dates of birth, and places of employment of
2775 the spouses and children of such tax collectors; and the names
2776 and locations of schools and day care facilities attended by the
2777 children of such tax collectors are exempt from s. 119.07(1) and
2778 s. 24(a), Art. I of the State Constitution.

2779 o. The home addresses, telephone numbers, dates of birth,
2780 and photographs of current or former personnel of the Department
2781 of Health whose duties include, or result in, the determination
2782 or adjudication of eligibility for social security disability
2783 benefits, the investigation or prosecution of complaints filed
2784 against health care practitioners, or the inspection of health

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2785 care practitioners or health care facilities licensed by the
2786 Department of Health; the names, home addresses, telephone
2787 numbers, dates of birth, and places of employment of the spouses
2788 and children of such personnel; and the names and locations of
2789 schools and day care facilities attended by the children of such
2790 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
2791 the State Constitution.

2792 p. The home addresses, telephone numbers, dates of birth,
2793 and photographs of current or former impaired practitioner
2794 consultants who are retained by an agency or current or former
2795 employees of an impaired practitioner consultant whose duties
2796 result in a determination of a person's skill and safety to
2797 practice a licensed profession; the names, home addresses,
2798 telephone numbers, dates of birth, and places of employment of
2799 the spouses and children of such consultants or their employees;
2800 and the names and locations of schools and day care facilities
2801 attended by the children of such consultants or employees are
2802 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2803 Constitution.

2804 q. The home addresses, telephone numbers, dates of birth,
2805 and photographs of current or former emergency medical
2806 technicians or paramedics certified under chapter 401; the
2807 names, home addresses, telephone numbers, dates of birth, and
2808 places of employment of the spouses and children of such
2809 emergency medical technicians or paramedics; and the names and
2810 locations of schools and day care facilities attended by the
2811 children of such emergency medical technicians or paramedics are
2812 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2813 Constitution.

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2814 r. The home addresses, telephone numbers, dates of birth,
2815 and photographs of current or former personnel employed in an
2816 agency's office of inspector general or internal audit
2817 department whose duties include auditing or investigating waste,
2818 fraud, abuse, theft, exploitation, or other activities that
2819 could lead to criminal prosecution or administrative discipline;
2820 the names, home addresses, telephone numbers, dates of birth,
2821 and places of employment of spouses and children of such
2822 personnel; and the names and locations of schools and day care
2823 facilities attended by the children of such personnel are exempt
2824 from s. 119.07(1) and s. 24(a), Art. I of the State
2825 Constitution.

2826 s. The home addresses, telephone numbers, dates of birth,
2827 and photographs of current or former directors, managers,
2828 supervisors, nurses, and clinical employees of an addiction
2829 treatment facility; the home addresses, telephone numbers,
2830 photographs, dates of birth, and places of employment of the
2831 spouses and children of such personnel; and the names and
2832 locations of schools and day care facilities attended by the
2833 children of such personnel are exempt from s. 119.07(1) and s.
2834 24(a), Art. I of the State Constitution. For purposes of this
2835 sub-subparagraph, the term "addiction treatment facility" means
2836 a county government, or agency thereof, that is licensed
2837 pursuant to s. 397.401 and provides substance abuse prevention,
2838 intervention, or clinical treatment, including any licensed
2839 service component described in s. 397.311(26).

2840 t. The home addresses, telephone numbers, dates of birth,
2841 and photographs of current or former directors, managers,
2842 supervisors, and clinical employees of a child advocacy center

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2843 that meets the standards of s. 39.3035(2) and fulfills the
2844 screening requirement of s. 39.3035(3), and the members of a
2845 Child Protection Team as described in s. 39.303 whose duties
2846 include supporting the investigation of child abuse or sexual
2847 abuse, child abandonment, child neglect, and child exploitation
2848 or to provide services as part of a multidisciplinary case
2849 review team; the names, home addresses, telephone numbers,
2850 photographs, dates of birth, and places of employment of the
2851 spouses and children of such personnel and members; and the
2852 names and locations of schools and day care facilities attended
2853 by the children of such personnel and members are exempt from s.
2854 119.07(1) and s. 24(a), Art. I of the State Constitution.

2855 u. The home addresses, telephone numbers, places of
2856 employment, dates of birth, and photographs of current or former
2857 staff and domestic violence advocates, as defined in s.
2858 90.5036(1)(b), of domestic violence centers certified by the
2859 Department of Children and Families under chapter 39; the names,
2860 home addresses, telephone numbers, places of employment, dates
2861 of birth, and photographs of the spouses and children of such
2862 personnel; and the names and locations of schools and day care
2863 facilities attended by the children of such personnel are exempt
2864 from s. 119.07(1) and s. 24(a), Art. I of the State
2865 Constitution.

2866 v. The home addresses, telephone numbers, dates of birth,
2867 and photographs of current or former inspectors or investigators
2868 of the Department of Agriculture and Consumer Services; the
2869 names, home addresses, telephone numbers, dates of birth, and
2870 places of employment of the spouses and children of current or
2871 former inspectors or investigators; and the names and locations

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2872 of schools and day care facilities attended by the children of
2873 current or former inspectors or investigators are exempt from s.
2874 119.07(1) and s. 24(a), Art. I of the State Constitution. This
2875 sub-subparagraph is subject to the Open Government Sunset Review
2876 Act in accordance with s. 119.15 and shall stand repealed on
2877 October 2, 2028, unless reviewed and saved from repeal through
2878 reenactment by the Legislature.

2879 3. An agency that is the custodian of the information
2880 specified in subparagraph 2. and that is not the employer of the
2881 officer, employee, justice, judge, or other person specified in
2882 subparagraph 2. must maintain the exempt status of that
2883 information only if the officer, employee, justice, judge, other
2884 person, or employing agency of the designated employee submits a
2885 written and notarized request for maintenance of the exemption
2886 to the custodial agency. The request must state under oath the
2887 statutory basis for the individual's exemption request and
2888 confirm the individual's status as a party eligible for exempt
2889 status.

2890 4.a. A county property appraiser, as defined in s.
2891 192.001(3), or a county tax collector, as defined in s.
2892 192.001(4), who receives a written and notarized request for
2893 maintenance of the exemption pursuant to subparagraph 3. must
2894 comply by removing the name of the individual with exempt status
2895 and the instrument number or Official Records book and page
2896 number identifying the property with the exempt status from all
2897 publicly available records maintained by the property appraiser
2898 or tax collector. For written requests received on or before
2899 July 1, 2021, a county property appraiser or county tax
2900 collector must comply with this sub-subparagraph by October 1,

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2901 2021. A county property appraiser or county tax collector may
2902 not remove the street address, legal description, or other
2903 information identifying real property within the agency's
2904 records so long as a name or personal information otherwise
2905 exempt from inspection and copying pursuant to this section is
2906 not associated with the property or otherwise displayed in the
2907 public records of the agency.

2908 b. Any information restricted from public display,
2909 inspection, or copying under sub-subparagraph a. must be
2910 provided to the individual whose information was removed.

2911 5. An officer, an employee, a justice, a judge, or other
2912 person specified in subparagraph 2. may submit a written request
2913 for the release of his or her exempt information to the
2914 custodial agency. The written request must be notarized and must
2915 specify the information to be released and the party authorized
2916 to receive the information. Upon receipt of the written request,
2917 the custodial agency must release the specified information to
2918 the party authorized to receive such information.

2919 6. The exemptions in this paragraph apply to information
2920 held by an agency before, on, or after the effective date of the
2921 exemption.

2922 7. Information made exempt under this paragraph may be
2923 disclosed pursuant to s. 28.2221 to a title insurer authorized
2924 pursuant to s. 624.401 and its affiliates as defined in s.
2925 624.10; a title insurance agent or title insurance agency as
2926 defined in s. 626.841(1) or (2), respectively; or an attorney
2927 duly admitted to practice law in this state and in good standing
2928 with The Florida Bar.

2929 8. The exempt status of a home address contained in the

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2930 Official Records is maintained only during the period when a
2931 protected party resides at the dwelling location. Upon
2932 conveyance of real property after October 1, 2021, and when such
2933 real property no longer constitutes a protected party's home
2934 address as defined in sub-subparagraph 1.a., the protected party
2935 must submit a written request to release the removed information
2936 to the county recorder. The written request to release the
2937 removed information must be notarized, must confirm that a
2938 protected party's request for release is pursuant to a
2939 conveyance of his or her dwelling location, and must specify the
2940 Official Records book and page, instrument number, or clerk's
2941 file number for each document containing the information to be
2942 released.

2943 9. Upon the death of a protected party as verified by a
2944 certified copy of a death certificate or court order, any party
2945 can request the county recorder to release a protected
2946 decedent's removed information unless there is a related request
2947 on file with the county recorder for continued removal of the
2948 decedent's information or unless such removal is otherwise
2949 prohibited by statute or by court order. The written request to
2950 release the removed information upon the death of a protected
2951 party must attach the certified copy of a death certificate or
2952 court order and must be notarized, must confirm the request for
2953 release is due to the death of a protected party, and must
2954 specify the Official Records book and page number, instrument
2955 number, or clerk's file number for each document containing the
2956 information to be released. A fee may not be charged for the
2957 release of any document pursuant to such request.

2958 10. Except as otherwise expressly provided in this

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2959 paragraph, this paragraph is subject to the Open Government
2960 Sunset Review Act in accordance with s. 119.15 and shall stand
2961 repealed on October 2, 2024, unless reviewed and saved from
2962 repeal through reenactment by the Legislature.

2963 Section 54. Subsection (4) of section 322.09, Florida
2964 Statutes, is amended to read:

2965 322.09 Application of minors; responsibility for negligence
2966 or misconduct of minor.—

2967 (4) Notwithstanding subsections (1) and (2), if a caregiver
2968 of a minor who is under the age of 18 years and is in out-of-
2969 home care as defined in s. 39.01 ~~s. 39.01(55)~~, an authorized
2970 representative of a residential group home at which such a minor
2971 resides, the caseworker at the agency at which the state has
2972 placed the minor, or a guardian ad litem specifically authorized
2973 by the minor's caregiver to sign for a learner's driver license
2974 signs the minor's application for a learner's driver license,
2975 that caregiver, group home representative, caseworker, or
2976 guardian ad litem does not assume any obligation or become
2977 liable for any damages caused by the negligence or willful
2978 misconduct of the minor by reason of having signed the
2979 application. Before signing the application, the caseworker,
2980 authorized group home representative, or guardian ad litem shall
2981 notify the caregiver or other responsible party of his or her
2982 intent to sign and verify the application.

2983 Section 55. Paragraph (p) of subsection (4) of section
2984 394.495, Florida Statutes, is amended to read:

2985 394.495 Child and adolescent mental health system of care;
2986 programs and services.—

2987 (4) The array of services may include, but is not limited

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2988 to:

2989 (p) Trauma-informed services for children who have suffered
2990 sexual exploitation as defined in s. 39.01(80)(g) ~~s.~~
2991 ~~39.01(77)(g)~~.

2992 Section 56. Section 627.746, Florida Statutes, is amended
2993 to read:

2994 627.746 Coverage for minors who have a learner's driver
2995 license; additional premium prohibited.—An insurer that issues
2996 an insurance policy on a private passenger motor vehicle to a
2997 named insured who is a caregiver of a minor who is under the age
2998 of 18 years and is in out-of-home care as defined in s. 39.01 ~~s.~~
2999 ~~39.01(55)~~ may not charge an additional premium for coverage of
3000 the minor while the minor is operating the insured vehicle, for
3001 the period of time that the minor has a learner's driver
3002 license, until such time as the minor obtains a driver license.

3003 Section 57. Paragraph (c) of subsection (1) of section
3004 934.255, Florida Statutes, is amended to read:

3005 934.255 Subpoenas in investigations of sexual offenses.—

3006 (1) As used in this section, the term:

3007 (c) "Sexual abuse of a child" means a criminal offense
3008 based on any conduct described in s. 39.01(80) ~~s. 39.01(77)~~.

3009 Section 58. Subsection (5) of section 960.065, Florida
3010 Statutes, is amended to read:

3011 960.065 Eligibility for awards.—

3012 (5) A person is not ineligible for an award pursuant to
3013 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
3014 person is a victim of sexual exploitation of a child as defined
3015 in s. 39.01(80)(g) ~~s. 39.01(77)(g)~~.

3016 Section 59. Section 741.29, Florida Statutes, is amended to

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3017 read:

3018 741.29 Domestic violence; investigation of incidents;
3019 notice to victims of legal rights and remedies; reporting.—

3020 (1) Any law enforcement officer who investigates an alleged
3021 incident of domestic violence shall:

3022 (a) Assist the victim to obtain medical treatment if such
3023 is required as a result of the alleged incident to which the
3024 officer responds; ~~Any law enforcement officer who investigates~~
3025 ~~an alleged incident of domestic violence shall~~

3026 (b) Advise the victim of such violence that there is a
3027 domestic violence center from which the victim may receive
3028 services; ~~—~~

3029 (c) Administer a lethality assessment consistent with the
3030 requirements established in subsection (2) if the allegation of
3031 domestic violence is against an intimate partner, regardless of
3032 whether an arrest is made; and

3033 ~~(d) The law enforcement officer shall~~ Give the victim
3034 immediate notice of the legal rights and remedies available on a
3035 standard form developed and distributed by the department. As
3036 necessary, the department shall revise the Legal Rights and
3037 Remedies Notice to Victims to include a general summary of s.
3038 741.30 using simple English as well as Spanish, and shall
3039 distribute the notice as a model form to be used by all law
3040 enforcement agencies throughout this ~~the~~ state. The notice must
3041 ~~shall~~ include:

3042 1. (a) The resource listing, including telephone number, for
3043 the area domestic violence center designated by the Department
3044 of Children and Families; and

3045 2. (b) A copy of the following statement:

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3046
3047 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may
3048 ask the state attorney to file a criminal complaint.
3049 You also have the right to go to court and file a
3050 petition requesting an injunction for protection from
3051 domestic violence which may include, but need not be
3052 limited to, provisions which restrain the abuser from
3053 further acts of abuse; direct the abuser to leave your
3054 household; prevent the abuser from entering your
3055 residence, school, business, or place of employment;
3056 award you custody of your minor child or children; and
3057 direct the abuser to pay support to you and the minor
3058 children if the abuser has a legal obligation to do
3059 so."

3060
3061 (2) The department shall consult with the Department of
3062 Children and Families and at least one domestic violence
3063 advocacy organization and may consult with the Florida Sheriffs
3064 Association, the Florida Police Chiefs Association, and the
3065 Florida Partnership to End Domestic Violence to develop the
3066 policies, procedures, and training necessary for implementation
3067 of a statewide evidence-based lethality assessment. Such
3068 policies, procedures, and training must establish how to
3069 determine whether a victim and aggressor are intimate partners
3070 and establish a statewide process for referring a victim to a
3071 certified domestic violence center. By January 1, 2025, the
3072 department must adopt a statewide lethality assessment form that
3073 includes all the information in paragraph (c). Training on how
3074 to administer a lethality assessment and the approved lethality

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3075 assessment form must be accessible to a law enforcement officer
3076 in an online format.

3077 (a) The department must monitor evidence-based standards
3078 relating to administering a lethality assessment or the
3079 lethality assessment form. If the department identifies changes
3080 in such evidence-based standards, the department shall submit a
3081 report to the President of the Senate and the Speaker of the
3082 House of Representatives which must include the current policies
3083 and procedures for administering a lethality assessment, any
3084 proposed statutory changes necessary for statewide
3085 implementation, and any proposed changes to the lethality
3086 assessment or the lethality assessment form to maintain
3087 compliance with evidence-based standards.

3088 (b) The Criminal Justice Standards and Training Commission
3089 shall require by rule that all law enforcement officers receive
3090 instruction on the policies and procedures for administering a
3091 lethality assessment as part of basic recruit training or as
3092 part of the required instruction for continued employment. A law
3093 enforcement officer may not administer a lethality assessment to
3094 a victim if the officer has not received training on
3095 administering a lethality assessment. All of the following
3096 requirements for training on administering a lethality
3097 assessment must be met by October 1, 2026:

3098 1. Commission-approved basic recruit training programs
3099 required by s. 943.13(9) and continuing training or education
3100 required by s. 943.135 must incorporate the training required by
3101 this subsection.

3102 2. All law enforcement officers must successfully complete
3103 the training required by this subsection, including officers who

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3104 received an exemption from completing the commission-approved
3105 basic recruit training program under s. 943.131, as part of
3106 their basic recruit training or the continued training or
3107 education required under s. 943.135(1), as applicable. An
3108 officer's employing agency must place the officer's
3109 certification on inactive status if the officer fails to
3110 complete the training required under this subsection. The
3111 officer's certification will remain inactive until the officer
3112 completes the training and the officer's employing agency
3113 notifies the commission that he or she has completed the
3114 training.

3115 (c) To administer a lethality assessment, a law enforcement
3116 officer shall ask the victim, in the same or similar wording and
3117 in the same order, all of the following questions:

3118 1. Did the aggressor ever use a weapon against you or
3119 threaten you with a weapon?

3120 2. Did the aggressor ever threaten to kill you or your
3121 children?

3122 3. Do you believe the aggressor will try to kill you?

3123 4. Has the aggressor ever choked you or attempted to choke
3124 you?

3125 5. Does the aggressor have a gun or could the aggressor
3126 easily obtain a gun?

3127 6. Is the aggressor violently or constantly jealous, or
3128 does the aggressor control most of your daily activities?

3129 7. Did you leave or separate from the aggressor after you
3130 were living together or married?

3131 8. Is the aggressor unemployed?

3132 9. To the best of your knowledge, has the aggressor ever

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3133 attempted suicide?

3134 10. Do you have a child whom the aggressor believes is not
3135 the aggressor's biological child?

3136 11. Has the aggressor ever followed, spied on, or left
3137 threatening messages for you?

3138 12. Is there anything else that worries you about your
3139 safety and, if so, what worries you?

3140 (d) A law enforcement officer shall advise a victim of the
3141 results of the assessment and refer the victim to the nearest
3142 locally certified domestic violence center if:

3143 1. The victim answers affirmatively to any of the questions
3144 provided in subparagraphs (c)1.-4.;

3145 2. The victim answers negatively to the questions provided
3146 in subparagraphs (c)1.-4., but affirmatively to at least four of
3147 the questions provided in subparagraphs (c)5.-11.; or

3148 3. As a result of the victim's response to subparagraph
3149 (c)12., the law enforcement officer believes the victim is in a
3150 potentially lethal situation.

3151 (e) If a victim does not, or is unable to, provide
3152 information to a law enforcement officer sufficient to allow the
3153 law enforcement officer to administer a lethality assessment,
3154 the law enforcement officer must document the lack of a
3155 lethality assessment in the written police report required in
3156 subsection (3) and refer the victim to the nearest locally
3157 certified domestic violence center.

3158 (f) A law enforcement officer may not include in a probable
3159 cause statement, written police report, or incident report the
3160 domestic violence center to which a victim was referred.

3161 (3)-~~2~~ When a law enforcement officer investigates an

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3162 allegation that an incident of domestic violence has occurred,
3163 the officer shall handle the incident pursuant to the arrest
3164 policy provided in s. 901.15(7), and as developed in accordance
3165 with subsections (4), (5), and (6) ~~(3), (4), and (5)~~. Regardless
3166 of whether or not an arrest is made, the officer shall make a
3167 written police report that is complete and clearly indicates the
3168 alleged offense was an incident of domestic violence. Such
3169 report must ~~shall~~ be given to the officer's supervisor and filed
3170 with the law enforcement agency in a manner that will permit
3171 data on domestic violence cases to be compiled. Such report must
3172 include all of the following:

3173 (a) A description of physical injuries observed, if any.

3174 (b) If a law enforcement officer decides not to make an
3175 arrest or decides to arrest two or more parties, ~~the officer~~
3176 ~~shall include in the report~~ the grounds for not arresting anyone
3177 or for arresting two or more parties.

3178 (c) A statement which indicates that a copy of the legal
3179 rights and remedies notice was given to the victim.

3180 (d) A notation of the score of a lethality assessment, if
3181 one was administered pursuant to paragraph (1)(c).

3182

3183 Whenever possible, the law enforcement officer shall obtain a
3184 written statement from the victim and witnesses concerning the
3185 alleged domestic violence. The officer shall submit the report
3186 to the supervisor or other person to whom the employer's rules
3187 or policies require reports of similar allegations of criminal
3188 activity to be made. The law enforcement agency shall, without
3189 charge, send a copy of the initial police report, as well as any
3190 subsequent, supplemental, or related report, which excludes

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3191 victim/witness statements or other materials that are part of an
3192 active criminal investigation and are exempt from disclosure
3193 under chapter 119, to the nearest locally certified domestic
3194 violence center within 24 hours after the agency's receipt of
3195 the report. The report furnished to the domestic violence center
3196 must include a narrative description of the domestic violence
3197 incident.

3198 (4)~~(3)~~ Whenever a law enforcement officer determines upon
3199 probable cause that an act of domestic violence has been
3200 committed within the jurisdiction the officer may arrest the
3201 person or persons suspected of its commission and charge such
3202 person or persons with the appropriate crime. The decision to
3203 arrest and charge shall not require consent of the victim or
3204 consideration of the relationship of the parties.

3205 (5) (a)~~(4) (a)~~ When complaints are received from two or more
3206 parties, the officers shall evaluate each complaint separately
3207 to determine whether there is probable cause for arrest.

3208 (b) If a law enforcement officer has probable cause to
3209 believe that two or more persons have committed a misdemeanor or
3210 felony, or if two or more persons make complaints to the
3211 officer, the officer must ~~shall~~ try to determine who was the
3212 primary aggressor. Arrest is the preferred response only with
3213 respect to the primary aggressor and not the preferred response
3214 with respect to a person who acts in a reasonable manner to
3215 protect or defend oneself or another family or household member
3216 from domestic violence.

3217 (6)~~(5)~~ A ~~No~~ law enforcement officer may not ~~shall~~ be held
3218 liable, in any civil action, for an arrest based on probable
3219 cause, enforcement in good faith of a court order, or service of

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3220 process in good faith under this chapter arising from an alleged
3221 incident of domestic violence brought by any party to the
3222 incident.

3223 (7)~~(6)~~ A person who willfully violates a condition of
3224 pretrial release provided in s. 903.047, when the original
3225 arrest was for an act of domestic violence as defined in s.
3226 741.28, commits a misdemeanor of the first degree, punishable as
3227 provided in s. 775.082 or s. 775.083, and shall be held in
3228 custody until his or her first appearance.

3229 Section 60. For the purpose of incorporating the amendment
3230 made by this act to section 741.29, Florida Statutes, in a
3231 reference thereto, section 39.906, Florida Statutes, is
3232 reenacted to read:

3233 39.906 Referral to centers and notice of rights.—Any law
3234 enforcement officer who investigates an alleged incident of
3235 domestic violence shall advise the victim of such violence that
3236 there is a domestic violence center from which the victim may
3237 receive services. The law enforcement officer shall give the
3238 victim immediate notice of the legal rights and remedies
3239 available in accordance with the provisions of s. 741.29.

3240 Section 61. The Division of Law Revision is requested to
3241 prepare a reviser's bill for the 2025 Regular Session of the
3242 Legislature to substitute the term "Statewide Guardian ad Litem
3243 Office" for the term "Guardian ad Litem Program" or "Statewide
3244 Guardian ad Litem Program" throughout the Florida Statutes.

3245 Section 62. This act shall take effect July 1, 2024.