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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 to develop certain policies,
122 procedures, and training necessary for the
123 implementation of a statewide evidence-based lethality
124 assessment; requiring such policies, procedures, and
125 training to establish how to determine whether a
126 victim and aggressor are intimate partners and
127 establish a statewide process for referring a victim
128 to a certified domestic violence center; requiring the
129 department and other entities to review certain
130 questions and make certain recommendations; requiring
131 the department to adopt a statewide lethality
132 assessment instrument and form; requiring the
133 department to confirm that certain questions
134 constitute an evidence-based lethality assessment
135 under certain circumstances; requiring the department
136 to submit to the Legislature a specified report;
137 requiring that training on administering lethality
138 assessments be available to law enforcement officers
139 in an online format; requiring the department to
140 submit to the Legislature a specified report upon
141 certain circumstances; requiring certain information
142 be included in such report; requiring the Criminal
143 Justice Standards and Training Commission to require
144 by rule that law enforcement officers receive
145 instruction on the policies and procedures for

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146 administering a lethality assessment as part of basic
147 recruit training or required instruction for continued
148 employment; prohibiting a law enforcement officer from
149 administering a lethality assessment if he or she has
150 not received specified training; requiring that basic
151 recruit training programs and continuing training or
152 education requirements incorporate such training, and
153 that all law enforcement officers successfully
154 complete such training; requiring the head of each law
155 enforcement agency to provide a specified
156 certification to the department; requiring the
157 department to submit to the Governor and Legislature a
158 specified report; requiring law enforcement officers
159 administering a lethality assessment to ask a victim
160 specified questions; requiring law enforcement
161 officers to advise the victim of the results of the
162 lethality assessment and refer the victim to certain
163 domestic violence centers if certain conditions are
164 met; requiring law enforcement officers to document in
165 the written police report a victim's refusal or
166 inability to provide information necessary for the
167 lethality assessment; prohibiting law enforcement
168 officers from disclosing in certain statements and
169 reports the domestic violence center to which the
170 victim was referred; requiring that written police
171 reports for domestic violence incidents include the
172 results of the lethality assessment, if one was
173 administered; making technical changes; reenacting s.
174 39.906, F.S., relating to referral to domestic

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175 violence centers and notice of rights, to incorporate
176 the amendment made to s. 741.29, F.S., in a reference
177 thereto; providing a directive to the Division of Law
178 Revision; providing an effective date.

179
180 Be It Enacted by the Legislature of the State of Florida:

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

185 39.001 Purposes and intent; personnel standards and
186 screening.—

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

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

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

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

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204 (10) PLAN FOR COMPREHENSIVE APPROACH.—

205 (a) The office shall develop a state plan for the promotion
206 of adoption, support of adoptive families, and prevention of
207 abuse, abandonment, and neglect of children. The Department of
208 Children and Families, the Department of Corrections, the
209 Department of Education, the Department of Health, the
210 Department of Juvenile Justice, the Department of Law
211 Enforcement, the Statewide Guardian ad Litem Office, and the
212 Agency for Persons with Disabilities shall participate and fully
213 cooperate in the development of the state plan at both the state
214 and local levels. Furthermore, appropriate local agencies and
215 organizations shall be provided an opportunity to participate in
216 the development of the state plan at the local level.

217 Appropriate local groups and organizations shall include, but
218 not be limited to, community mental health centers; circuit
219 guardian ad litem offices ~~programs for children under the~~
220 ~~circuit court~~; the school boards of the local school districts;
221 the Florida local advocacy councils; community-based care lead
222 agencies; private or public organizations or programs with
223 recognized expertise in working with child abuse prevention
224 programs for children and families; private or public
225 organizations or programs with recognized expertise in working
226 with children who are sexually abused, physically abused,
227 emotionally abused, abandoned, or neglected and with expertise
228 in working with the families of such children; private or public
229 programs or organizations with expertise in maternal and infant
230 health care; multidisciplinary Child Protection Teams; child day
231 care centers; law enforcement agencies; and the circuit courts,
232 ~~when guardian ad litem programs are not available in the local~~

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233 ~~area~~. The state plan to be provided to the Legislature and the
234 Governor shall include, as a minimum, the information required
235 of the various groups in paragraph (b).

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

238 39.00145 Records concerning children.—

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

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

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

255 (c) If a child or the child's caregiver, guardian ad litem,
256 or attorney ad litem, if one is appointed, requests access to
257 the child's case record, any person or entity that fails to
258 provide any record in the case record under assertion of a claim
259 of exemption from the public records requirements of chapter
260 119, or fails to provide access within a reasonable time, is
261 subject to sanctions and penalties under s. 119.10.

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262 (d) For the purposes of this subsection, the term
263 "caregiver" is limited to parents, legal custodians, permanent
264 guardians, or foster parents; employees of a residential home,
265 institution, facility, or agency at which the child resides; and
266 other individuals legally responsible for a child's welfare in a
267 residential setting.

268 Section 3. Paragraph (a) of subsection (2) of section
269 39.00146, Florida Statutes, is amended to read:

270 39.00146 Case record face sheet.—

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

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

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

280 2. The current county of residence and the county of
281 residence at the time of the referral.†

282 3. The reason for the referral and any family safety
283 concerns.†

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

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

289 6. The name and contact information of the attorney or
290 attorneys assigned to the case in all capacities, including the

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291 attorney or attorneys that represent the department and the
292 parents, and the guardian ad litem, ~~if one has been appointed.~~

293 Section 4. Paragraph (b) of subsection (2) and paragraph
294 (b) of subsection (3) of section 39.0016, Florida Statutes, are
295 amended to read:

296 39.0016 Education of abused, neglected, and abandoned
297 children; agency agreements; children having or suspected of
298 having a disability.—

299 (2) AGENCY AGREEMENTS.—

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

307 1. A requirement that the department shall:

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

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

318 c. Establish a protocol for the department to share
319 information about a child known to the department with the

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320 school district, consistent with the Family Educational Rights
321 and Privacy Act, since the sharing of information will assist
322 each agency in obtaining education and related services for the
323 benefit of the child. The protocol must require the district
324 school boards or other local educational entities to access the
325 department's Florida Safe Families Network to obtain information
326 about children known to the department, consistent with the
327 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
328 1232g.

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

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

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

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

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

347 c. Determine whether transportation is available for a
348 child known to the department when such transportation will

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349 avoid a change in school assignment due to a change in
350 residential placement. Recognizing that continued enrollment in
351 the same school throughout the time the child known to the
352 department is in out-of-home care is preferable unless
353 enrollment in the same school would be unsafe or otherwise
354 impractical, the department, the district school board, and the
355 Department of Education shall assess the availability of
356 federal, charitable, or grant funding for such transportation.

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

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

372 a. Referral for screening.

373 b. Sharing of evaluations between the school district and
374 the department where appropriate.

375 c. Provision of education and related services appropriate
376 for the needs and abilities of the child known to the
377 department.

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378 d. Coordination of services and plans between the school
379 and the residential setting to avoid duplication or conflicting
380 service plans.

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

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

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

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

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

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

404 2. A surrogate parent appointed by the district school
405 superintendent or the court must be at least 18 years old and
406 have no personal or professional interest that conflicts with

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407 the interests of the student to be represented. Neither the
408 district school superintendent nor the court may appoint an
409 employee of the Department of Education, the local school
410 district, a community-based care provider, the Department of
411 Children and Families, or any other public or private agency
412 involved in the education or care of the child as appointment of
413 those persons is prohibited by federal law. This prohibition
414 includes group home staff and therapeutic foster parents.
415 However, a person who acts in a parental role to a child, such
416 as a foster parent or relative caregiver, is not prohibited from
417 serving as a surrogate parent if he or she is employed by such
418 agency, willing to serve, and knowledgeable about the child and
419 the exceptional student education process. The surrogate parent
420 may be a court-appointed guardian ad litem or a relative or
421 nonrelative adult who is involved in the child's life regardless
422 of whether that person has physical custody of the child. Each
423 person appointed as a surrogate parent must have the knowledge
424 and skills acquired by successfully completing training using
425 materials developed and approved by the Department of Education
426 to ensure adequate representation of the child.

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

434 4. A surrogate parent appointed by the district school
435 superintendent or the court must be accepted by any subsequent

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436 school or school district without regard to where the child is
437 receiving residential care so that a single surrogate parent can
438 follow the education of the child during his or her entire time
439 in state custody. Nothing in this paragraph or in rule shall
440 limit or prohibit the continuance of a surrogate parent
441 appointment when the responsibility for the student's
442 educational placement moves among and between public and private
443 agencies.

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

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

455 a. The child is determined to no longer be eligible or in
456 need of special programs, except when termination of special
457 programs is being contested.

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

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

463 d. The appointed surrogate no longer wishes to represent
464 the child or is unable to represent the child.

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465 e. The superintendent of the school district in which the
466 child is attending school, the Department of Education contract
467 designee, or the court that appointed the surrogate determines
468 that the appointed surrogate parent no longer adequately
469 represents the child.

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

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

476 8. The person appointed as a surrogate parent under this
477 paragraph must:

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

480 b. Represent the child in all matters relating to
481 identification, evaluation, and educational placement and the
482 provision of a free and appropriate education to the child.

483 c. Represent the interests and safeguard the rights of the
484 child in educational decisions that affect the child.

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

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

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494 having a disability.

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

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

504 39.01 Definitions.—When used in this chapter, unless the
505 context otherwise requires:

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

510 (10) ~~(9)~~ "Caregiver" means the parent, legal custodian,
511 permanent guardian, adult household member, or other person
512 responsible for a child's welfare as defined in subsection (57)
513 ~~(54)~~.

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

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523 Statewide Guardian ad Litem Office to represent children; a
524 court-appointed attorney; or a responsible adult who is
525 appointed by the court. A guardian ad litem is a party to the
526 judicial proceeding as a representative of the child and serves
527 until the jurisdiction of the court over the child terminates or
528 until excused by the court.

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

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

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

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

550 39.013 Procedures and jurisdiction; right to counsel;
551 guardian ad litem.-

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552 (11) The court shall appoint a guardian ad litem at the
553 earliest possible time to represent a child throughout the
554 proceedings, including any appeals. The guardian ad litem may
555 represent the child in proceedings outside of the dependency
556 case to secure the services and benefits that provide for the
557 care, safety, and protection of the child ~~encourage the~~
558 ~~Statewide Guardian Ad Litem Office to provide greater~~
559 ~~representation to those children who are within 1 year of~~
560 ~~transferring out of foster care.~~

561 Section 7. Paragraph (b) of subsection (1) of section
562 39.01305, Florida Statutes, is amended to read:

563 39.01305 Appointment of an attorney for a dependent child
564 with certain special needs.—

565 (1)

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

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581 expansion of pro bono representation for children. This section
582 is not intended to limit the ability of a pro bono attorney to
583 appear on behalf of a child.

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

586 39.0132 Oaths, records, and confidential information.—

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

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610 Section 9. Paragraph (a) of subsection (3) of section
611 39.0136, Florida Statutes, is amended to read:

612 39.0136 Time limitations; continuances.—

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

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

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

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

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

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

632 39.0139 Visitation or other contact; restrictions.—

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

637 (a) Before ~~Prior to~~ the hearing, the court shall appoint ~~an~~
638 ~~attorney ad litem or~~ a guardian ad litem for the child if one

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639 has not already been appointed. The guardian ad litem and Any
640 attorney ad litem, if one is ~~or guardian ad litem~~ appointed,
641 must shall have special training in the dynamics of child sexual
642 abuse.

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

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

653 39.202 Confidentiality of reports and records in cases of
654 child abuse or neglect; exception.—

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

660 (d) The parent or legal custodian of any child who is
661 alleged to have been abused, abandoned, or neglected; the child;
662 the child's guardian ad litem; the child's attorney ad litem, if
663 one is appointed; or, and the child, and their attorneys,
664 ~~including~~ any attorney representing a child in civil or criminal
665 proceedings. This access must shall be made available no later
666 than 60 days after the department receives the initial report of
667 abuse, neglect, or abandonment. However, any information

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668 otherwise made confidential or exempt by law may ~~shall~~ not be
669 released pursuant to this paragraph.

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

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

682 39.402 Placement in a shelter.—

683 (8)

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

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

688 2. Inform the parents or legal custodians of their right to
689 counsel to represent them at the shelter hearing and at each
690 subsequent hearing or proceeding, and the right of the parents
691 to appointed counsel, pursuant to the procedures set forth in s.
692 39.013;

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

695 4. Inquire of those present at the shelter hearing as to
696 the identity and location of the legal father. In determining

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697 who the legal father of the child may be, the court shall
698 inquire under oath of those present at the shelter hearing
699 whether they have any of the following information:

700 a. Whether the mother of the child was married at the
701 probable time of conception of the child or at the time of birth
702 of the child.

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

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

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

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

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

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

719 h. Whether a man has been determined to be the father of
720 the child by the Department of Revenue as provided in s.
721 409.256.

722 (11)

723 (b) The court shall request that the parents consent to
724 provide access to the child's medical records and provide
725 information to the court, the department or its contract

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726 agencies, and the any guardian ad litem or attorney ad litem, if
727 one is appointed, for the child. If a parent is unavailable or
728 unable to consent or withholds consent and the court determines
729 access to the records and information is necessary to provide
730 services to the child, the court shall issue an order granting
731 access. The court may also order the parents to provide all
732 known medical information to the department and to any others
733 granted access under this subsection.

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

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

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

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

754 39.4022 Multidisciplinary teams; staffings; assessments;

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755 report.—

756 (4) PARTICIPANTS.—

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

767 1. Each multidisciplinary team staffing must invite the
768 following members:

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

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

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

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

782 e. A representative from the community-based care lead
783 agency, when the lead agency is directly involved in the goal

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784 identified by the staffing;

785 f. The case manager for the child, or his or her case
786 manager supervisor; and

787 g. A representative from the Department of Juvenile
788 Justice, if the child is dually involved with both the
789 department and the Department of Juvenile Justice.

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

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

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

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

802 ~~3.~~ A school personnel representative who has direct contact
803 with the child;

804 3.4. A therapist or other behavioral health professional,
805 if applicable;

806 4.5. A mental health professional with expertise in sibling
807 bonding, if the department or lead agency deems such expert is
808 necessary; or

809 5.6. Other community providers of services to the child or
810 stakeholders, when applicable.

811 Section 15. Paragraph (d) of subsection (3) and paragraph
812 (c) of subsection (4) of section 39.4023, Florida Statutes, are

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813 amended to read:

814 39.4023 Placement and education transitions; transition
815 plans.—

816 (3) PLACEMENT TRANSITIONS.—

817 (d) *Transition planning*.—

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

827 2. A placement change may occur immediately in an emergency
828 situation without convening a multidisciplinary team staffing.
829 However, a multidisciplinary team staffing must be held within
830 72 hours after the emergency situation arises.

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

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

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

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

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

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

847 f. The attorney for the department.

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

853 409.1415(2) (b) 8. and exclude any placement changes that occur
854 between 7 p.m. and 8 a.m.

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

859 (4) EDUCATION TRANSITIONS.—

860 (c) *Minimizing school changes.*—

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

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

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

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

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

898 b. The preference of the child's parents or legal
899 guardians.

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

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

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

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

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

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

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

923 j. The availability of extracurricular activities important
924 to the child.

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

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929 1. The child's permanency goal and timeframe for achieving
930 permanency.

931 m. The child's history of school transfers and how such
932 transfers have impacted the child academically, emotionally, and
933 behaviorally.

934 n. The length of the commute to the school or program from
935 the child's home or placement and how such commute would impact
936 the child.

937 o. The length of time the child has attended the school or
938 program of origin.

939 5. The cost of transportation cannot be a factor in making
940 a best interest determination.

941 Section 16. Paragraph (f) of subsection (3) of section
942 39.407, Florida Statutes, is amended to read:

943 39.407 Medical, psychiatric, and psychological examination
944 and treatment of child; physical, mental, or substance abuse
945 examination of person with or requesting child custody.-

946 (3)

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

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958 court may review the status more frequently than required in
959 this subsection.

960 2. The court may, in the best interests of the child, order
961 the department to obtain a medical opinion addressing whether
962 the continued use of the medication under the circumstances is
963 safe and medically appropriate.

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

966 39.4085 Goals for dependent children; responsibilities;
967 education; Office of the Children's Ombudsman.—

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

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

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

986 (u) To have all their records available for review by their

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987 guardian ad litem or ~~and~~ attorney ad litem, if one is appointed,
988 if they deem such review necessary.

989
990 This subsection establishes goals and not rights. This
991 subsection does not require the delivery of any particular
992 service or level of service in excess of existing
993 appropriations. A person does not have a cause of action against
994 the state or any of its subdivisions, agencies, contractors,
995 subcontractors, or agents, based upon the adoption of or failure
996 to provide adequate funding for the achievement of these goals
997 by the Legislature. This subsection does not require the
998 expenditure of funds to meet the goals established in this
999 subsection except those funds specifically appropriated for such
1000 purpose.

1001 Section 18. Subsection (8) of section 39.502, Florida
1002 Statutes, is amended to read:

1003 39.502 Notice, process, and service.—

1004 (8) It is not necessary to the validity of a proceeding
1005 covered by this part that the parents be present if their
1006 identity or residence is unknown after a diligent search has
1007 been made; however, ~~but in this event~~ the petitioner must ~~shall~~
1008 file an affidavit of diligent search prepared by the person who
1009 made the search and inquiry, and the court must ~~may~~ appoint a
1010 guardian ad litem for the child if a guardian ad litem has not
1011 previously been appointed.

1012 Section 19. Paragraph (c) of subsection (3) of section
1013 39.522, Florida Statutes, is amended to read:

1014 39.522 Postdisposition change of custody.—

1015 (3)

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1016 (c)1. The department or community-based care lead agency
1017 must notify a current caregiver who has been in the physical
1018 custody placement for at least 9 consecutive months and who
1019 meets all the established criteria in paragraph (b) of an intent
1020 to change the physical custody of the child, and a
1021 multidisciplinary team staffing must be held in accordance with
1022 ss. 39.4022 and 39.4023 at least 21 days before the intended
1023 date for the child's change in physical custody, unless there is
1024 an emergency situation as defined in s. 39.4022(2)(b). If there
1025 is not a unanimous consensus decision reached by the
1026 multidisciplinary team, the department's official position must
1027 be provided to the parties within the designated time period as
1028 provided for in s. 39.4022.

1029 2. A caregiver who objects to the department's official
1030 position on the change in physical custody must notify the court
1031 and the department or community-based care lead agency of his or
1032 her objection and the intent to request an evidentiary hearing
1033 in writing in accordance with this section within 5 days after
1034 receiving notice of the department's official position provided
1035 under subparagraph 1. The transition of the child to the new
1036 caregiver may not begin before the expiration of the 5-day
1037 period within which the current caregiver may object.

1038 3. Upon the department or community-based care lead agency
1039 receiving written notice of the caregiver's objection, the
1040 change to the child's physical custody must be placed in
1041 abeyance and the child may not be transitioned to a new physical
1042 placement without a court order, unless there is an emergency
1043 situation as defined in s. 39.4022(2)(b).

1044 4. Within 7 days after receiving written notice from the

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1045 caregiver, the court must conduct an initial case status
1046 hearing, at which time the court must do all of the following:

1047 a. Grant party status to the current caregiver who is
1048 seeking permanent custody and has maintained physical custody of
1049 that child for at least 9 continuous months for the limited
1050 purpose of filing a motion for a hearing on the objection and
1051 presenting evidence pursuant to this subsection.;

1052 ~~b. Appoint an attorney for the child who is the subject of~~
1053 ~~the permanent custody proceeding, in addition to the guardian ad~~
1054 ~~litem, if one is appointed;~~

1055 ~~b.e.~~ Advise the caregiver of his or her right to retain
1056 counsel for purposes of the evidentiary hearing.; ~~and~~

1057 ~~c.d.~~ Appoint a court-selected neutral and independent
1058 licensed professional with expertise in the science and research
1059 of child-parent bonding.

1060 Section 20. Paragraph (c) of subsection (1) and paragraph
1061 (c) of subsection (3) of section 39.6012, Florida Statutes, are
1062 amended to read:

1063 39.6012 Case plan tasks; services.—

1064 (1) The services to be provided to the parent and the tasks
1065 that must be completed are subject to the following:

1066 (c) If there is evidence of harm as defined in s.
1067 39.01(37)(g) ~~s. 39.01(34)(g)~~, the case plan must include as a
1068 required task for the parent whose actions caused the harm that
1069 the parent submit to a substance abuse disorder assessment or
1070 evaluation and participate and comply with treatment and
1071 services identified in the assessment or evaluation as being
1072 necessary.

1073 (3) In addition to any other requirement, if the child is

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1074 in an out-of-home placement, the case plan must include:

1075 (c) When appropriate, for a child who is 13 years of age or
1076 older, a written description of the programs and services that
1077 will help the child prepare for the transition from foster care
1078 to independent living. The written description must include age-
1079 appropriate activities for the child's development of
1080 relationships, coping skills, and emotional well-being.

1081 Section 21. Section 39.6036, Florida Statutes, is created
1082 to read:

1083 39.6036 Supportive adults for children transitioning out of
1084 foster care.-

1085 (1) The Legislature finds that a committed, caring adult
1086 provides a lifeline for a child transitioning out of foster care
1087 to live independently. Accordingly, it is the intent of the
1088 Legislature that the Statewide Guardian ad Litem Office help
1089 children connect with supportive adults with the hope of
1090 creating an ongoing relationship that lasts into adulthood.

1091 (2) The Statewide Guardian ad Litem Office shall work with
1092 a child who is transitioning out of foster care to identify at
1093 least one supportive adult with whom the child can enter into a
1094 formal agreement for an ongoing relationship and document such
1095 agreement in the child's court file. If the child cannot
1096 identify a supportive adult, the Statewide Guardian ad Litem
1097 Office shall work in coordination with the Office of Continuing
1098 Care to identify at least one supportive adult with whom the
1099 child can enter into a formal agreement for an ongoing
1100 relationship and document such agreement in the child's court
1101 file.

1102 Section 22. Paragraph (c) of subsection (10) of section

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1103 39.621, Florida Statutes, is amended to read:

1104 39.621 Permanency determination by the court.—

1105 (10) The permanency placement is intended to continue until
1106 the child reaches the age of majority and may not be disturbed
1107 absent a finding by the court that the circumstances of the
1108 permanency placement are no longer in the best interest of the
1109 child.

1110 (c) The court shall base its decision concerning any motion
1111 by a parent for reunification or increased contact with a child
1112 on the effect of the decision on the safety, well-being, and
1113 physical and emotional health of the child. Factors that must be
1114 considered and addressed in the findings of fact of the order on
1115 the motion must include:

1116 1. The compliance or noncompliance of the parent with the
1117 case plan;

1118 2. The circumstances which caused the child's dependency
1119 and whether those circumstances have been resolved;

1120 3. The stability and longevity of the child's placement;

1121 4. The preferences of the child, if the child is of
1122 sufficient age and understanding to express a preference;

1123 5. The recommendation of the current custodian; and

1124 6. Any ~~The~~ recommendation of the guardian ad litem, ~~if one~~
1125 ~~has been appointed.~~

1126 Section 23. Subsection (2) of section 39.6241, Florida
1127 Statutes, is amended to read:

1128 39.6241 Another planned permanent living arrangement.—

1129 (2) The department and the guardian ad litem must provide
1130 the court with a recommended list and description of services
1131 needed by the child, such as independent living services and

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1132 medical, dental, educational, or psychological referrals, and a
1133 recommended list and description of services needed by his or
1134 her caregiver. The guardian ad litem must also advise the court
1135 whether the child has been connected with a supportive adult
1136 and, if the child has been connected with a supportive adult,
1137 whether the child has entered into a formal agreement with the
1138 adult. If the child has entered into a formal agreement pursuant
1139 to s. 39.6036, the guardian ad litem must ensure that the
1140 agreement is documented in the child's court file.

1141 Section 24. Paragraphs (b) and (f) of subsection (1),
1142 paragraph (c) of subsection (2), subsection (3), and paragraph
1143 (e) of subsection (4) of section 39.701, Florida Statutes, are
1144 amended to read:

1145 39.701 Judicial review.—

1146 (1) GENERAL PROVISIONS.—

1147 (b)1. The court shall retain jurisdiction over a child
1148 returned to his or her parents for a minimum period of 6 months
1149 after following the reunification, but, at that time, based on a
1150 report of the social service agency and the guardian ad litem,
1151 ~~if one has been appointed,~~ and any other relevant factors, the
1152 court shall make a determination as to whether supervision by
1153 the department and the court's jurisdiction shall continue or be
1154 terminated.

1155 2. Notwithstanding subparagraph 1., the court must retain
1156 jurisdiction over a child if the child is placed in the home
1157 with a parent or caregiver with an in-home safety plan and such
1158 safety plan remains necessary for the child to reside safely in
1159 the home.

1160 (f) Notice of a judicial review hearing or a citizen review

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1161 panel hearing, and a copy of the motion for judicial review, if
1162 any, must be served by the clerk of the court upon all of the
1163 following persons, if available to be served, regardless of
1164 whether the person was present at the previous hearing at which
1165 the date, time, and location of the hearing was announced:

1166 1. The social service agency charged with the supervision
1167 of care, custody, or guardianship of the child, if that agency
1168 is not the movant.

1169 2. The foster parent or legal custodian in whose home the
1170 child resides.

1171 3. The parents.

1172 4. The guardian ad litem for the child, ~~or the~~
1173 ~~representative of the guardian ad litem program if the program~~
1174 ~~has been appointed.~~

1175 5. The attorney ad litem for the child, if one is
1176 appointed.

1177 6. The child, if the child is 13 years of age or older.

1178 7. Any preadoptive parent.

1179 8. Such other persons as the court may direct.

1180 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
1181 AGE.—

1182 (c) *Review determinations.*—The court and any citizen review
1183 panel shall take into consideration the information contained in
1184 the social services study and investigation and all medical,
1185 psychological, and educational records that support the terms of
1186 the case plan; testimony by the social services agency, the
1187 parent, the foster parent or caregiver, the guardian ad litem,
1188 the ~~or~~ surrogate parent for educational decisionmaking if one
1189 has been appointed for the child, and any other person deemed

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1190 appropriate; and any relevant and material evidence submitted to
1191 the court, including written and oral reports to the extent of
1192 their probative value. These reports and evidence may be
1193 received by the court in its effort to determine the action to
1194 be taken with regard to the child and may be relied upon to the
1195 extent of their probative value, even though not competent in an
1196 adjudicatory hearing. In its deliberations, the court and any
1197 citizen review panel shall seek to determine:

1198 1. If the parent was advised of the right to receive
1199 assistance from any person or social service agency in the
1200 preparation of the case plan.

1201 2. If the parent has been advised of the right to have
1202 counsel present at the judicial review or citizen review
1203 hearings. If not so advised, the court or citizen review panel
1204 shall advise the parent of such right.

1205 3. If a guardian ad litem needs to be appointed for the
1206 child in a case in which a guardian ad litem has not previously
1207 been appointed ~~or if there is a need to continue a guardian ad~~
1208 ~~litem in a case in which a guardian ad litem has been appointed.~~

1209 4. Who holds the rights to make educational decisions for
1210 the child. If appropriate, the court may refer the child to the
1211 district school superintendent for appointment of a surrogate
1212 parent or may itself appoint a surrogate parent under the
1213 Individuals with Disabilities Education Act and s. 39.0016.

1214 5. The compliance or lack of compliance of all parties with
1215 applicable items of the case plan, including the parents'
1216 compliance with child support orders.

1217 6. The compliance or lack of compliance with a visitation
1218 contract between the parent and the social service agency for

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1219 contact with the child, including the frequency, duration, and
1220 results of the parent-child visitation and the reason for any
1221 noncompliance.

1222 7. The frequency, kind, and duration of contacts among
1223 siblings who have been separated during placement, as well as
1224 any efforts undertaken to reunite separated siblings if doing so
1225 is in the best interests of the child.

1226 8. The compliance or lack of compliance of the parent in
1227 meeting specified financial obligations pertaining to the care
1228 of the child, including the reason for failure to comply, if
1229 applicable.

1230 9. Whether the child is receiving safe and proper care
1231 according to s. 39.6012, including, but not limited to, the
1232 appropriateness of the child's current placement, including
1233 whether the child is in a setting that is as family-like and as
1234 close to the parent's home as possible, consistent with the
1235 child's best interests and special needs, and including
1236 maintaining stability in the child's educational placement, as
1237 documented by assurances from the community-based care lead
1238 agency that:

1239 a. The placement of the child takes into account the
1240 appropriateness of the current educational setting and the
1241 proximity to the school in which the child is enrolled at the
1242 time of placement.

1243 b. The community-based care lead agency has coordinated
1244 with appropriate local educational agencies to ensure that the
1245 child remains in the school in which the child is enrolled at
1246 the time of placement.

1247 10. A projected date likely for the child's return home or

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1248 other permanent placement.

1249 11. When appropriate, the basis for the unwillingness or
1250 inability of the parent to become a party to a case plan. The
1251 court and the citizen review panel shall determine if the
1252 efforts of the social service agency to secure party
1253 participation in a case plan were sufficient.

1254 12. For a child who has reached 13 years of age but is not
1255 yet 18 years of age, the adequacy of the child's preparation for
1256 adulthood and independent living. For a child who is 15 years of
1257 age or older, the court shall determine if appropriate steps are
1258 being taken for the child to obtain a driver license or
1259 learner's driver license.

1260 13. If amendments to the case plan are required. Amendments
1261 to the case plan must be made under s. 39.6013.

1262 14. If the parents and caregivers have developed a
1263 productive relationship that includes meaningful communication
1264 and mutual support.

1265 (3) REVIEW HEARINGS FOR CHILDREN 16 AND 17 YEARS OF AGE.—At
1266 each review hearing held under this subsection, the court shall
1267 give the child and the guardian ad litem the opportunity to
1268 address the court and provide any information relevant to the
1269 child's best interest, particularly in relation to independent
1270 living transition services. The foster parent or legal
1271 custodian, ~~or guardian ad litem~~ may also provide any information
1272 relevant to the child's best interest to the court. In addition
1273 to the review and report required under paragraphs (1)(a) and
1274 (2)(a), respectively, and the review and report required under
1275 s. 39.822(2)(a)2., the court shall:

1276 (a) Inquire about the life skills the child has acquired

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1277 and whether those services are age appropriate, at the first
1278 judicial review hearing held subsequent to the child's 16th
1279 birthday. At the judicial review hearing, the department shall
1280 provide the court with a report that includes specific
1281 information related to the life skills that the child has
1282 acquired since the child's 13th birthday or since the date the
1283 child came into foster care, whichever came later. For any child
1284 who may meet the requirements for appointment of a guardian
1285 advocate under s. 393.12 or a guardian under chapter 744, the
1286 updated case plan must be developed in a face-to-face conference
1287 with the child, if appropriate; the child's attorney ad litem,
1288 if one is appointed; the child's; ~~any court-appointed~~ guardian
1289 ad litem; the temporary custodian of the child; and the parent
1290 of the child, if the parent's rights have not been terminated.

1291 (b) The court shall hold a judicial review hearing within
1292 90 days after a child's 17th birthday. The court shall issue an
1293 order, separate from the order on judicial review, that the
1294 disability of nonage of the child has been removed under ss.
1295 743.044-743.047 for any disability that the court finds is in
1296 the child's best interest to remove. The department shall
1297 include in the social study report for the first judicial review
1298 that occurs after the child's 17th birthday written verification
1299 that the child has:

1300 1. A current Medicaid card and all necessary information
1301 concerning the Medicaid program sufficient to prepare the child
1302 to apply for coverage upon reaching the age of 18, if such
1303 application is appropriate.

1304 2. A certified copy of the child's birth certificate and,
1305 if the child does not have a valid driver license, a Florida

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1306 identification card issued under s. 322.051.

1307 3. A social security card and information relating to
1308 social security insurance benefits if the child is eligible for
1309 those benefits. If the child has received such benefits and they
1310 are being held in trust for the child, a full accounting of
1311 these funds must be provided and the child must be informed as
1312 to how to access those funds.

1313 4. All relevant information related to the Road-to-
1314 Independence Program under s. 409.1451, including, but not
1315 limited to, eligibility requirements, information on
1316 participation, and assistance in gaining admission to the
1317 program. If the child is eligible for the Road-to-Independence
1318 Program, he or she must be advised that he or she may continue
1319 to reside with the licensed family home or group care provider
1320 with whom the child was residing at the time the child attained
1321 his or her 18th birthday, in another licensed family home, or
1322 with a group care provider arranged by the department.

1323 5. An open bank account or the identification necessary to
1324 open a bank account and to acquire essential banking and
1325 budgeting skills.

1326 6. Information on public assistance and how to apply for
1327 public assistance.

1328 7. A clear understanding of where he or she will be living
1329 on his or her 18th birthday, how living expenses will be paid,
1330 and the educational program or school in which he or she will be
1331 enrolled.

1332 8. Information related to the ability of the child to
1333 remain in care until he or she reaches 21 years of age under s.
1334 39.013.

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1335 9. A letter providing the dates that the child is under the
1336 jurisdiction of the court.

1337 10. A letter stating that the child is in compliance with
1338 financial aid documentation requirements.

1339 11. The child's educational records.

1340 12. The child's entire health and mental health records.

1341 13. The process for accessing the child's case file.

1342 14. A statement encouraging the child to attend all
1343 judicial review hearings.

1344 15. Information on how to obtain a driver license or
1345 learner's driver license.

1346 (c) At the first judicial review hearing held subsequent to
1347 the child's 17th birthday, if the court determines pursuant to
1348 chapter 744 that there is a good faith basis to believe that the
1349 child qualifies for appointment of a guardian advocate, limited
1350 guardian, or plenary guardian for the child and that no less
1351 restrictive decisionmaking assistance will meet the child's
1352 needs:

1353 1. The department shall complete a multidisciplinary report
1354 which must include, but is not limited to, a psychosocial
1355 evaluation and educational report if such a report has not been
1356 completed within the previous 2 years.

1357 2. The department shall identify one or more individuals
1358 who are willing to serve as the guardian advocate under s.
1359 393.12 or as the plenary or limited guardian under chapter 744.
1360 Any other interested parties or participants may make efforts to
1361 identify such a guardian advocate, limited guardian, or plenary
1362 guardian. The child's biological or adoptive family members,
1363 including the child's parents if the parents' rights have not

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1364 been terminated, may not be considered for service as the
1365 plenary or limited guardian unless the court enters a written
1366 order finding that such an appointment is in the child's best
1367 interests.

1368 3. Proceedings may be initiated within 180 days after the
1369 child's 17th birthday for the appointment of a guardian
1370 advocate, plenary guardian, or limited guardian for the child in
1371 a separate proceeding in the court division with jurisdiction
1372 over guardianship matters and pursuant to chapter 744. The
1373 Legislature encourages the use of pro bono representation to
1374 initiate proceedings under this section.

1375 4. In the event another interested party or participant
1376 initiates proceedings for the appointment of a guardian
1377 advocate, plenary guardian, or limited guardian for the child,
1378 the department shall provide all necessary documentation and
1379 information to the petitioner to complete a petition under s.
1380 393.12 or chapter 744 within 45 days after the first judicial
1381 review hearing after the child's 17th birthday.

1382 5. Any proceedings seeking appointment of a guardian
1383 advocate or a determination of incapacity and the appointment of
1384 a guardian must be conducted in a separate proceeding in the
1385 court division with jurisdiction over guardianship matters and
1386 pursuant to chapter 744.

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

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1393 justify its noncompliance, the court may give the department 30
1394 days within which to comply. If the department fails to comply
1395 within 30 days, the court may hold the department in contempt.

1396 (e) If necessary, the court may review the status of the
1397 child more frequently during the year before the child's 18th
1398 birthday. At the last review hearing before the child reaches 18
1399 years of age, and in addition to the requirements of subsection
1400 (2), the court shall:

1401 1. Address whether the child plans to remain in foster
1402 care, and, if so, ensure that the child's transition plan
1403 includes a plan for meeting one or more of the criteria
1404 specified in s. 39.6251 and determine if the child has entered
1405 into a formal agreement for an ongoing relationship with a
1406 supportive adult.

1407 2. Ensure that the transition plan includes a supervised
1408 living arrangement under s. 39.6251.

1409 3. Ensure the child has been informed of:

1410 a. The right to continued support and services from the
1411 department and the community-based care lead agency.

1412 b. The right to request termination of dependency
1413 jurisdiction and be discharged from foster care.

1414 c. The opportunity to reenter foster care under s. 39.6251.

1415 4. Ensure that the child, if he or she requests termination
1416 of dependency jurisdiction and discharge from foster care, has
1417 been informed of:

1418 a. Services or benefits for which the child may be eligible
1419 based on his or her former placement in foster care, including,
1420 but not limited to, the assistance of the Office of Continuing
1421 Care under s. 414.56.

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1422 b. Services or benefits that may be lost through
1423 termination of dependency jurisdiction.

1424 c. Other federal, state, local, or community-based services
1425 or supports available to him or her.

1426 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—During
1427 each period of time that a young adult remains in foster care,
1428 the court shall review the status of the young adult at least
1429 every 6 months and must hold a permanency review hearing at
1430 least annually.

1431 (e)1. Notwithstanding the provisions of this subsection, if
1432 a young adult has chosen to remain in extended foster care after
1433 he or she has reached 18 years of age, the department may not
1434 close a case and the court may not terminate jurisdiction until
1435 the court finds, following a hearing, that the following
1436 criteria have been met:

1437 ~~a.1.~~ Attendance of the young adult at the hearing; or

1438 ~~b.2.~~ Findings by the court that:

1439 ~~(I)a.~~ The young adult has been informed by the department
1440 of his or her right to attend the hearing and has provided
1441 written consent to waive this right; and

1442 ~~(II)b.~~ The young adult has been informed of the potential
1443 negative effects of early termination of care, the option to
1444 reenter care before reaching 21 years of age, the procedure for,
1445 and limitations on, reentering care, and the availability of
1446 alternative services, and has signed a document attesting that
1447 he or she has been so informed and understands these provisions;
1448 or

1449 ~~(III)c.~~ The young adult has voluntarily left the program,
1450 has not signed the document in sub-subparagraph b., and is

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1451 unwilling to participate in any further court proceeding.

1452 ~~2.3.~~ In all permanency hearings or hearings regarding the
1453 transition of the young adult from care to independent living,
1454 the court shall consult with the young adult regarding the
1455 proposed permanency plan, case plan, and individual education
1456 plan for the young adult and ensure that he or she has
1457 understood the conversation. The court shall also inquire of the
1458 young adult regarding his or her relationship with the
1459 supportive adult with whom the young adult has entered into a
1460 formal agreement for an ongoing relationship, if such agreement
1461 exists.

1462 Section 25. Paragraph (a) of subsection (3) of section
1463 39.801, Florida Statutes, is amended to read:

1464 39.801 Procedures and jurisdiction; notice; service of
1465 process.—

1466 (3) Before the court may terminate parental rights, in
1467 addition to the other requirements set forth in this part, the
1468 following requirements must be met:

1469 (a) Notice of the date, time, and place of the advisory
1470 hearing for the petition to terminate parental rights; if
1471 applicable, instructions for appearance through audio-video
1472 communication technology; and a copy of the petition must be
1473 personally served upon the following persons, specifically
1474 notifying them that a petition has been filed:

- 1475 1. The parents of the child.
- 1476 2. The legal custodians of the child.
- 1477 3. If the parents who would be entitled to notice are dead
1478 or unknown, a living relative of the child, unless upon diligent
1479 search and inquiry no such relative can be found.

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1480 4. Any person who has physical custody of the child.

1481 5. Any grandparent entitled to priority for adoption under
1482 s. 63.0425.

1483 6. Any prospective parent who has been identified under s.
1484 39.503 or s. 39.803, unless a court order has been entered
1485 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1486 indicates no further notice is required. Except as otherwise
1487 provided in this section, if there is not a legal father, notice
1488 of the petition for termination of parental rights must be
1489 provided to any known prospective father who is identified under
1490 oath before the court or who is identified by a diligent search
1491 of the Florida Putative Father Registry. Service of the notice
1492 of the petition for termination of parental rights is not
1493 required if the prospective father executes an affidavit of
1494 nonpaternity or a consent to termination of his parental rights
1495 which is accepted by the court after notice and opportunity to
1496 be heard by all parties to address the best interests of the
1497 child in accepting such affidavit.

1498 7. The guardian ad litem for the child ~~or the~~
1499 ~~representative of the guardian ad litem program, if the program~~
1500 ~~has been appointed.~~

1501
1502 A party may consent to service or notice by e-mail by providing
1503 a primary e-mail address to the clerk of the court. The document
1504 containing the notice to respond or appear must contain, in type
1505 at least as large as the type in the balance of the document,
1506 the following or substantially similar language: "FAILURE TO
1507 APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE
1508 TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN). IF

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1509 YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE
1510 ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN
1511 THE PETITION ATTACHED TO THIS NOTICE.”

1512 Section 26. Subsection (2) of section 39.807, Florida
1513 Statutes, is amended to read:

1514 39.807 Right to counsel; guardian ad litem.—

1515 (2) (a) The court shall appoint a guardian ad litem to
1516 represent the ~~best interest of the~~ child in any termination of
1517 parental rights proceedings and shall ascertain at each stage of
1518 the proceedings whether a guardian ad litem has been appointed.

1519 (b) The guardian ad litem has the ~~following~~
1520 responsibilities and authority specified in s. 39.822.÷

1521 ~~1. To investigate the allegations of the petition and any~~
1522 ~~subsequent matters arising in the case and,~~

1523 (c) Unless excused by the court, the guardian ad litem must
1524 ~~to~~ file a written report. This report must include a statement
1525 of the wishes of the child and the recommendations of the
1526 guardian ad litem and must be provided to all parties and the
1527 court at least 72 hours before the disposition hearing.

1528 ~~2. To be present at all court hearings unless excused by~~
1529 ~~the court.~~

1530 ~~3. To represent the best interests of the child until the~~
1531 ~~jurisdiction of the court over the child terminates or until~~
1532 ~~excused by the court.~~

1533 ~~(c) A guardian ad litem is not required to post bond but~~
1534 ~~shall file an acceptance of the office.~~

1535 ~~(d) A guardian ad litem is entitled to receive service of~~
1536 ~~pleadings and papers as provided by the Florida Rules of~~
1537 ~~Juvenile Procedure.~~

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1538 ~~(d)(e)~~ This subsection does not apply to any voluntary
1539 relinquishment of parental rights proceeding.

1540 Section 27. Subsection (2) of section 39.808, Florida
1541 Statutes, is amended to read:

1542 39.808 Advisory hearing; pretrial status conference.—

1543 (2) At the hearing the court shall inform the parties of
1544 their rights under s. 39.807, ~~shall~~ appoint counsel for the
1545 parties in accordance with legal requirements, and ~~shall~~ appoint
1546 a guardian ad litem to represent the ~~interests of the~~ child if
1547 one has not already been appointed.

1548 Section 28. Subsection (2) of section 39.815, Florida
1549 Statutes, is amended to read:

1550 39.815 Appeal.—

1551 (2) An attorney for the department shall represent the
1552 state upon appeal. When a notice of appeal is filed in the
1553 circuit court, the clerk shall notify the attorney for the
1554 department, ~~together with~~ the attorney for the parent, the
1555 guardian ad litem, and the any attorney ad litem for the child,
1556 if one is appointed.

1557 Section 29. Section 39.820, Florida Statutes, is repealed.

1558 Section 30. Subsections (1) and (3) of section 39.821,
1559 Florida Statutes, are amended to read:

1560 39.821 Qualifications of guardians ad litem.—

1561 (1) Because of the special trust or responsibility placed
1562 in a guardian ad litem, the Statewide Guardian ad Litem Office
1563 ~~Program~~ may use any private funds collected by the office
1564 ~~program~~, or any state funds so designated, to conduct a security
1565 background investigation before certifying a volunteer to serve.
1566 A security background investigation must include, but need not

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

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1596 his or her security background investigation. The information
1597 collected pursuant to the security background investigation is
1598 confidential and exempt from s. 119.07(1).

1599 (3) It is a misdemeanor of the first degree, punishable as
1600 provided in s. 775.082 or s. 775.083, for any person to
1601 willfully, knowingly, or intentionally fail, by false statement,
1602 misrepresentation, impersonation, or other fraudulent means, to
1603 disclose in any application for a volunteer position or for paid
1604 employment with the Statewide Guardian ad Litem Office Program,
1605 any material fact used in making a determination as to the
1606 applicant's qualifications for such position.

1607 Section 31. Section 39.822, Florida Statutes, is amended to
1608 read:

1609 39.822 Appointment of guardian ad litem for abused,
1610 abandoned, or neglected child.—

1611 (1) A guardian ad litem shall be appointed by the court at
1612 the earliest possible time to represent the child in any child
1613 abuse, abandonment, or neglect judicial proceeding, whether
1614 civil or criminal. A guardian ad litem is a fiduciary and must
1615 provide independent representation of the child using a best
1616 interest standard of decisionmaking and advocacy.

1617 (2) (a) A guardian ad litem must:

1618 1. Be present at all court hearings unless excused by the
1619 court.

1620 2. Investigate issues related to the best interest of the
1621 child who is the subject of the appointment, review all
1622 disposition recommendations and changes in placement, and,
1623 unless excused by the court, file written reports and
1624 recommendations in accordance with general law.

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1625 3. Represent the child until the court's jurisdiction over
1626 the child terminates or until excused by the court.

1627 4. Advocate for the child's participation in the
1628 proceedings and to report the child's preferences to the court,
1629 to the extent the child has the ability and desire to express
1630 his or her preferences.

1631 5. Perform other duties that are consistent with the scope
1632 of the appointment.

1633 (b) A guardian ad litem shall have immediate and unlimited
1634 access to the children he or she represents.

1635 (c) A guardian ad litem is not required to post bond but
1636 must file an acceptance of the appointment.

1637 (d) A guardian ad litem is entitled to receive service of
1638 pleadings and papers as provided by the Florida Rules of
1639 Juvenile Procedure.

1640 (3) Any person participating in a civil or criminal
1641 judicial proceeding resulting from such appointment shall be
1642 presumed prima facie to be acting in good faith and in so doing
1643 shall be immune from any liability, civil or criminal, that
1644 otherwise might be incurred or imposed.

1645 (4)~~(2)~~ In those cases in which the parents are financially
1646 able, the parent or parents of the child shall reimburse the
1647 court, in part or in whole, for the cost of provision of
1648 guardian ad litem representation services. Reimbursement to the
1649 individual providing guardian ad litem representation is not
1650 ~~services shall not be~~ contingent upon successful collection by
1651 the court from the parent or parents.

1652 (5)~~(3)~~ Upon presentation by a guardian ad litem of a court
1653 order appointing the guardian ad litem:

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1654 (a) An agency, as defined in chapter 119, shall allow the
1655 guardian ad litem to inspect and copy records related to the
1656 best interests of the child who is the subject of the
1657 appointment, including, but not limited to, records made
1658 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of
1659 the State Constitution. The guardian ad litem shall maintain the
1660 confidential or exempt status of any records shared by an agency
1661 under this paragraph.

1662 (b) A person or an organization, other than an agency under
1663 paragraph (a), shall allow the guardian ad litem to inspect and
1664 copy any records related to the best interests of the child who
1665 is the subject of the appointment, including, but not limited
1666 to, confidential records.

1667
1668 For the purposes of this subsection, the term "records related
1669 to the best interests of the child" includes, but is not limited
1670 to, medical, mental health, substance abuse, child care,
1671 education, law enforcement, court, social services, and
1672 financial records.

1673 ~~(4) The guardian ad litem or the program representative~~
1674 ~~shall review all disposition recommendations and changes in~~
1675 ~~placements, and must be present at all critical stages of the~~
1676 ~~dependency proceeding or submit a written report of~~
1677 ~~recommendations to the court. Written reports must be filed with~~
1678 ~~the court and served on all parties whose whereabouts are known~~
1679 ~~at least 72 hours prior to the hearing.~~

1680 Section 32. Subsection (4) of section 39.827, Florida
1681 Statutes, is amended to read:

1682 39.827 Hearing for appointment of a guardian advocate.—

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1683 (4) The hearing under this section must ~~shall~~ remain
1684 confidential and closed to the public. The clerk shall keep all
1685 court records required by this part separate from other records
1686 of the circuit court. All court records required by this part
1687 are ~~shall be~~ confidential and exempt from ~~the provisions of~~ s.
1688 119.07(1). ~~All~~ Records may only ~~shall~~ be inspected ~~only~~ upon
1689 order of the court by persons deemed by the court to have a
1690 proper interest therein, except that a child and the parents or
1691 custodians of the child and their attorneys, the guardian ad
1692 litem, and the department and its designees, and the attorney ad
1693 litem, if one is appointed, ~~shall~~ always have the right to
1694 inspect and copy any official record pertaining to the child.
1695 The court may permit authorized representatives of recognized
1696 organizations compiling statistics for proper purposes to
1697 inspect and make abstracts from official records, under whatever
1698 conditions upon their use and disposition the court may deem
1699 proper, and may punish by contempt proceedings any violation of
1700 those conditions. All information obtained pursuant to this part
1701 in the discharge of official duty by any judge, employee of the
1702 court, or authorized agent of the department is ~~shall be~~
1703 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
1704 may ~~shall~~ not be disclosed to anyone other than the authorized
1705 personnel of the court or the department and its designees,
1706 except upon order of the court.

1707 Section 33. Paragraphs (a), (b), and (d) of subsection (1)
1708 and subsection (2) of section 39.8296, Florida Statutes, are
1709 amended to read:

1710 39.8296 Statewide Guardian ad Litem Office; legislative
1711 findings and intent; creation; appointment of executive

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1712 director; duties of office.—

1713 (1) LEGISLATIVE FINDINGS AND INTENT.—

1714 (a) The Legislature finds that for the past 20 years, the
1715 Statewide Guardian ad Litem Office ~~Program~~ has been the only
1716 mechanism for best interest representation for children in
1717 Florida who are involved in dependency proceedings.

1718 (b) The Legislature also finds that while the Statewide
1719 Guardian ad Litem Office ~~Program~~ has been supervised by court
1720 administration within the circuit courts since the office's
1721 ~~program's~~ inception, there is a perceived conflict of interest
1722 created by the supervision of program staff by the judges before
1723 whom they appear.

1724 (d) It is therefore the intent of the Legislature to place
1725 the Statewide Guardian ad Litem Office ~~Program~~ in an appropriate
1726 place and provide a statewide infrastructure to increase
1727 functioning and standardization among the local offices ~~programs~~
1728 currently operating in the 20 judicial circuits.

1729 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
1730 Statewide Guardian ad Litem Office within the Justice
1731 Administrative Commission. The Justice Administrative Commission
1732 shall provide administrative support and service to the office
1733 to the extent requested by the executive director within the
1734 available resources of the commission. The Statewide Guardian ad
1735 Litem Office is not subject to control, supervision, or
1736 direction by the Justice Administrative Commission in the
1737 performance of its duties, but the employees of the office are
1738 governed by the classification plan and salary and benefits plan
1739 approved by the Justice Administrative Commission.

1740 (a) The head of the Statewide Guardian ad Litem Office is

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1741 the executive director, who shall be appointed by the Governor
1742 from a list of a minimum of three eligible applicants submitted
1743 by a Guardian ad Litem Qualifications Committee. The Guardian ad
1744 Litem Qualifications Committee shall be composed of five
1745 persons, two persons appointed by the Governor, two persons
1746 appointed by the Chief Justice of the Supreme Court, and one
1747 person appointed by the Statewide Guardian ad Litem Office
1748 ~~Association~~. The committee shall provide for statewide
1749 advertisement and the receiving of applications for the position
1750 of executive director. The Governor shall appoint an executive
1751 director from among the recommendations, or the Governor may
1752 reject the nominations and request the submission of new
1753 nominees. The executive director must have knowledge in
1754 dependency law and knowledge of social service delivery systems
1755 available to meet the needs of children who are abused,
1756 neglected, or abandoned. The executive director shall serve on a
1757 full-time basis and shall personally, or through representatives
1758 of the office, carry out the purposes and functions of the
1759 Statewide Guardian ad Litem Office in accordance with state and
1760 federal law and the state's long-established policy of
1761 prioritizing children's best interests. The executive director
1762 shall report to the Governor. The executive director shall serve
1763 a 3-year term, subject to removal for cause by the Governor. Any
1764 person appointed to serve as the executive director may be
1765 permitted to serve more than one term without the necessity of
1766 convening the Guardian ad Litem Qualifications Committee.

1767 (b) The Statewide Guardian ad Litem Office shall, within
1768 available resources, have oversight responsibilities for and
1769 provide technical assistance to all guardian ad litem and

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1770 attorney ad litem offices ~~programs~~ located within the judicial
1771 circuits.

1772 1. The office shall identify the resources required to
1773 implement methods of collecting, reporting, and tracking
1774 reliable and consistent case data.

1775 2. The office shall review the current guardian ad litem
1776 offices ~~programs~~ in Florida and other states.

1777 3. The office, in consultation with local guardian ad litem
1778 offices, shall develop statewide performance measures and
1779 standards.

1780 4. The office shall develop and maintain a guardian ad
1781 litem training program, which must be updated regularly, ~~which~~
1782 ~~shall include, but is not limited to, training on the~~
1783 ~~recognition of and responses to head trauma and brain injury in~~
1784 ~~a child under 6 years of age. The office shall establish a~~
1785 ~~curriculum committee to develop the training program specified~~
1786 ~~in this subparagraph. The curriculum committee shall include,~~
1787 ~~but not be limited to, dependency judges, directors of circuit~~
1788 ~~guardian ad litem programs, active certified guardians ad litem,~~
1789 ~~a mental health professional who specializes in the treatment of~~
1790 ~~children, a member of a child advocacy group, a representative~~
1791 ~~of a domestic violence advocacy group, an individual with a~~
1792 ~~degree in social work, and a social worker experienced in~~
1793 ~~working with victims and perpetrators of child abuse.~~

1794 5. The office shall review the various methods of funding
1795 guardian ad litem offices ~~programs~~, maximize the use of those
1796 funding sources to the extent possible, and review the kinds of
1797 services being provided by circuit guardian ad litem offices
1798 ~~programs~~.

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1799 6. The office shall determine the feasibility or
1800 desirability of new concepts of organization, administration,
1801 financing, or service delivery designed to preserve the civil
1802 and constitutional rights and fulfill other needs of dependent
1803 children.

1804 7. The office shall ensure that each child has an attorney
1805 assigned to his or her case and, within available resources, is
1806 represented using multidisciplinary teams that may include
1807 volunteers, pro bono attorneys, social workers, and mentors.

1808 8. The office shall provide oversight and technical
1809 assistance to attorneys ad litem, including, but not limited to,
1810 all of the following:

1811 a. Develop an attorney ad litem training program in
1812 collaboration with dependency court stakeholders, including, but
1813 not limited to, dependency judges, representatives from legal
1814 aid providing attorney ad litem representation, and an attorney
1815 ad litem appointed from a registry maintained by the chief
1816 judge. The training program must be updated regularly with or
1817 without convening the stakeholders group.

1818 b. Offer consultation and technical assistance to chief
1819 judges in maintaining attorney registries for the selection of
1820 attorneys ad litem.

1821 c. Assist with recruitment, training, and mentoring of
1822 attorneys ad litem as needed.

1823 9.7. In an effort to promote normalcy and establish trust
1824 between a ~~court-appointed volunteer~~ guardian ad litem and a
1825 child alleged to be abused, abandoned, or neglected under this
1826 chapter, a guardian ad litem may transport a child. However, a
1827 guardian ad litem ~~volunteer~~ may not be required by a guardian ad

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1828 litem circuit office or ordered by ~~or directed by the program or~~
1829 a court to transport a child.

1830 10.8. The office shall submit to the Governor, the
1831 President of the Senate, the Speaker of the House of
1832 Representatives, and the Chief Justice of the Supreme Court an
1833 interim report describing the progress of the office in meeting
1834 the goals as described in this section. The office shall submit
1835 to the Governor, the President of the Senate, the Speaker of the
1836 House of Representatives, and the Chief Justice of the Supreme
1837 Court a proposed plan including alternatives for meeting the
1838 state's guardian ad litem and attorney ad litem needs. This plan
1839 may include recommendations for less than the entire state, may
1840 include a phase-in system, and shall include estimates of the
1841 cost of each of the alternatives. Each year the office shall
1842 provide a status report and provide further recommendations to
1843 address the need for guardian ad litem representation ~~services~~
1844 and related issues.

1845 Section 34. Section 39.8297, Florida Statutes, is amended
1846 to read:

1847 39.8297 County funding for guardian ad litem employees.—

1848 (1) A county and the executive director of the Statewide
1849 Guardian ad Litem Office may enter into an agreement by which
1850 the county agrees to provide funds to the local guardian ad
1851 litem office in order to employ persons who will assist in the
1852 operation of the guardian ad litem office ~~program~~ in the county.

1853 (2) The agreement, at a minimum, must provide that:

1854 (a) Funding for the persons who are employed will be
1855 provided on at least a fiscal-year basis.

1856 (b) The persons who are employed will be hired, supervised,

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1857 managed, and terminated by the executive director of the
1858 Statewide Guardian ad Litem Office. The statewide office is
1859 responsible for compliance with all requirements of federal and
1860 state employment laws, and shall fully indemnify the county from
1861 any liability under such laws, as authorized by s. 768.28(19),
1862 to the extent such liability is the result of the acts or
1863 omissions of the Statewide Guardian ad Litem Office or its
1864 agents or employees.

1865 (c) The county is the employer for purposes of s. 440.10
1866 and chapter 443.

1867 (d) Employees funded by the county under this section and
1868 other county employees may be aggregated for purposes of a
1869 flexible benefits plan pursuant to s. 125 of the Internal
1870 Revenue Code of 1986.

1871 (e) Persons employed under this section may be terminated
1872 after a substantial breach of the agreement or because funding
1873 to the guardian ad litem office ~~program~~ has expired.

1874 (3) Persons employed under this section may not be counted
1875 in a formula or similar process used by the Statewide Guardian
1876 ad Litem Office to measure personnel needs of a judicial
1877 circuit's guardian ad litem office ~~program~~.

1878 (4) Agreements created pursuant to this section do not
1879 obligate the state to allocate funds to a county to employ
1880 persons in the guardian ad litem office ~~program~~.

1881 Section 35. Subsection (6) is added to section 414.56,
1882 Florida Statutes, to read:

1883 414.56 Office of Continuing Care.—The department shall
1884 establish an Office of Continuing Care to ensure young adults
1885 who age out of the foster care system between 18 and 21 years of

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1886 age, or 22 years of age with a documented disability, have a
1887 point of contact until the young adult reaches the age of 26 in
1888 order to receive ongoing support and care coordination needed to
1889 achieve self-sufficiency. Duties of the office include, but are
1890 not limited to:

1891 (6) In coordination with the Statewide Guardian Ad Litem
1892 Office, identifying supportive adults for children transitioning
1893 out of foster care to live independently in accordance with s.
1894 39.6036.

1895 Section 36. Section 1009.898, Florida Statutes, is created
1896 to read:

1897 1009.898 Fostering Prosperity grants.—

1898 (1) Subject to the appropriation of funds for that purpose
1899 by the Legislature, the Fostering Prosperity program shall
1900 administer the following grants to youth and young adults aging
1901 out of foster care:

1902 (a) Grants to provide financial literacy instruction using
1903 a curriculum developed by the Department of Financial Services
1904 in consultation with the Department of Education.

1905 (b) Grants to provide CLT, SAT, or ACT preparation,
1906 including one-on-one support and fee waivers for the
1907 examinations.

1908 (c) Grants to youth and young adults planning to pursue
1909 trade careers or paid apprenticeships.

1910 (2) If a young adult who is aging out of foster care is
1911 reunited with his or her parent, the grants must remain
1912 available for the young adult for up to 1 year after
1913 reunification.

1914 (3) The State Board of Education shall adopt rules to

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1915 administer this section.

1916 Section 37. Subsection (1) of section 29.008, Florida
1917 Statutes, is amended to read:

1918 29.008 County funding of court-related functions.—

1919 (1) Counties are required by s. 14, Art. V of the State
1920 Constitution to fund the cost of communications services,
1921 existing radio systems, existing multiagency criminal justice
1922 information systems, and the cost of construction or lease,
1923 maintenance, utilities, and security of facilities for the
1924 circuit and county courts, public defenders' offices, state
1925 attorneys' offices, guardian ad litem offices, and the offices
1926 of the clerks of the circuit and county courts performing court-
1927 related functions. For purposes of this section, the term
1928 "circuit and county courts" includes the offices and staffing of
1929 the guardian ad litem offices ~~programs~~, and the term "public
1930 defenders' offices" includes the offices of criminal conflict
1931 and civil regional counsel. The county designated under s.
1932 35.05(1) as the headquarters for each appellate district shall
1933 fund these costs for the appellate division of the public
1934 defender's office in that county. For purposes of implementing
1935 these requirements, the term:

1936 (a) "Facility" means reasonable and necessary buildings and
1937 office space and appurtenant equipment and furnishings,
1938 structures, real estate, easements, and related interests in
1939 real estate, including, but not limited to, those for the
1940 purpose of housing legal materials for use by the general public
1941 and personnel, equipment, or functions of the circuit or county
1942 courts, public defenders' offices, state attorneys' offices, and
1943 court-related functions of the office of the clerks of the

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1944 circuit and county courts and all storage. The term "facility"
1945 includes all wiring necessary for court reporting services. The
1946 term also includes access to parking for such facilities in
1947 connection with such court-related functions that may be
1948 available free or from a private provider or a local government
1949 for a fee. The office space provided by a county may not be less
1950 than the standards for space allotment adopted by the Department
1951 of Management Services, except this requirement applies only to
1952 facilities that are leased, or on which construction commences,
1953 after June 30, 2003. County funding must include physical
1954 modifications and improvements to all facilities as are required
1955 for compliance with the Americans with Disabilities Act. Upon
1956 mutual agreement of a county and the affected entity in this
1957 paragraph, the office space provided by the county may vary from
1958 the standards for space allotment adopted by the Department of
1959 Management Services.

1960 1. As of July 1, 2005, equipment and furnishings shall be
1961 limited to that appropriate and customary for courtrooms,
1962 hearing rooms, jury facilities, and other public areas in
1963 courthouses and any other facility occupied by the courts, state
1964 attorneys, public defenders, guardians ad litem, and criminal
1965 conflict and civil regional counsel. Court reporting equipment
1966 in these areas or facilities is not a responsibility of the
1967 county.

1968 2. Equipment and furnishings under this paragraph in
1969 existence and owned by counties on July 1, 2005, except for that
1970 in the possession of the clerks, for areas other than
1971 courtrooms, hearing rooms, jury facilities, and other public
1972 areas in courthouses and any other facility occupied by the

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1973 courts, state attorneys, and public defenders, shall be
1974 transferred to the state at no charge. This provision does not
1975 apply to any communications services as defined in paragraph
1976 (f).

1977 (b) "Construction or lease" includes, but is not limited
1978 to, all reasonable and necessary costs of the acquisition or
1979 lease of facilities for all judicial officers, staff, jurors,
1980 volunteers of a tenant agency, and the public for the circuit
1981 and county courts, the public defenders' offices, state
1982 attorneys' offices, and for performing the court-related
1983 functions of the offices of the clerks of the circuit and county
1984 courts. This includes expenses related to financing such
1985 facilities and the existing and future cost and bonded
1986 indebtedness associated with placing the facilities in use.

1987 (c) "Maintenance" includes, but is not limited to, all
1988 reasonable and necessary costs of custodial and groundskeeping
1989 services and renovation and reconstruction as needed to
1990 accommodate functions for the circuit and county courts, the
1991 public defenders' offices, and state attorneys' offices and for
1992 performing the court-related functions of the offices of the
1993 clerks of the circuit and county court and for maintaining the
1994 facilities in a condition appropriate and safe for the use
1995 intended.

1996 (d) "Utilities" means all electricity services for light,
1997 heat, and power; natural or manufactured gas services for light,
1998 heat, and power; water and wastewater services and systems,
1999 stormwater or runoff services and systems, sewer services and
2000 systems, all costs or fees associated with these services and
2001 systems, and any costs or fees associated with the mitigation of

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2002 environmental impacts directly related to the facility.

2003 (e) "Security" includes but is not limited to, all
2004 reasonable and necessary costs of services of law enforcement
2005 officers or licensed security guards and all electronic,
2006 cellular, or digital monitoring and screening devices necessary
2007 to ensure the safety and security of all persons visiting or
2008 working in a facility; to provide for security of the facility,
2009 including protection of property owned by the county or the
2010 state; and for security of prisoners brought to any facility.
2011 This includes bailiffs while providing courtroom and other
2012 security for each judge and other quasi-judicial officers.

2013 (f) "Communications services" are defined as any reasonable
2014 and necessary transmission, emission, and reception of signs,
2015 signals, writings, images, and sounds of intelligence of any
2016 nature by wire, radio, optical, audio equipment, or other
2017 electromagnetic systems and includes all facilities and
2018 equipment owned, leased, or used by judges, clerks, public
2019 defenders, state attorneys, guardians ad litem, criminal
2020 conflict and civil regional counsel, and all staff of the state
2021 courts system, state attorneys' offices, public defenders'
2022 offices, and clerks of the circuit and county courts performing
2023 court-related functions. Such system or services shall include,
2024 but not be limited to:

2025 1. Telephone system infrastructure, including computer
2026 lines, telephone switching equipment, and maintenance, and
2027 facsimile equipment, wireless communications, cellular
2028 telephones, pagers, and video teleconferencing equipment and
2029 line charges. Each county shall continue to provide access to a
2030 local carrier for local and long distance service and shall pay

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2031 toll charges for local and long distance service.

2032 2. All computer networks, systems and equipment, including

2033 computer hardware and software, modems, printers, wiring,

2034 network connections, maintenance, support staff or services

2035 including any county-funded support staff located in the offices

2036 of the circuit court, county courts, state attorneys, public

2037 defenders, guardians ad litem, and criminal conflict and civil

2038 regional counsel; training, supplies, and line charges necessary

2039 for an integrated computer system to support the operations and

2040 management of the state courts system, the offices of the public

2041 defenders, the offices of the state attorneys, the guardian ad

2042 litem offices, the offices of criminal conflict and civil

2043 regional counsel, and the offices of the clerks of the circuit

2044 and county courts; and the capability to connect those entities

2045 and reporting data to the state as required for the transmission

2046 of revenue, performance accountability, case management, data

2047 collection, budgeting, and auditing purposes. The integrated

2048 computer system shall be operational by July 1, 2006, and, at a

2049 minimum, permit the exchange of financial, performance

2050 accountability, case management, case disposition, and other

2051 data across multiple state and county information systems

2052 involving multiple users at both the state level and within each

2053 judicial circuit and be able to electronically exchange judicial

2054 case background data, sentencing scoresheets, and video evidence

2055 information stored in integrated case management systems over

2056 secure networks. Once the integrated system becomes operational,

2057 counties may reject requests to purchase communications services

2058 included in this subparagraph not in compliance with standards,

2059 protocols, or processes adopted by the board established

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2060 pursuant to former s. 29.0086.

2061 3. Courier messenger and subpoena services.

2062 4. Auxiliary aids and services for qualified individuals
2063 with a disability which are necessary to ensure access to the
2064 courts. Such auxiliary aids and services include, but are not
2065 limited to, sign language interpretation services required under
2066 the federal Americans with Disabilities Act other than services
2067 required to satisfy due-process requirements and identified as a
2068 state funding responsibility pursuant to ss. 29.004-29.007,
2069 real-time transcription services for individuals who are hearing
2070 impaired, and assistive listening devices and the equipment
2071 necessary to implement such accommodations.

2072 (g) "Existing radio systems" includes, but is not limited
2073 to, law enforcement radio systems that are used by the circuit
2074 and county courts, the offices of the public defenders, the
2075 offices of the state attorneys, and for court-related functions
2076 of the offices of the clerks of the circuit and county courts.
2077 This includes radio systems that were operational or under
2078 contract at the time Revision No. 7, 1998, to Art. V of the
2079 State Constitution was adopted and any enhancements made
2080 thereafter, the maintenance of those systems, and the personnel
2081 and supplies necessary for operation.

2082 (h) "Existing multiagency criminal justice information
2083 systems" includes, but is not limited to, those components of
2084 the multiagency criminal justice information system as defined
2085 in s. 943.045, supporting the offices of the circuit or county
2086 courts, the public defenders' offices, the state attorneys'
2087 offices, or those portions of the offices of the clerks of the
2088 circuit and county courts performing court-related functions

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2089 that are used to carry out the court-related activities of those
2090 entities. This includes upgrades and maintenance of the current
2091 equipment, maintenance and upgrades of supporting technology
2092 infrastructure and associated staff, and services and expenses
2093 to assure continued information sharing and reporting of
2094 information to the state. The counties shall also provide
2095 additional information technology services, hardware, and
2096 software as needed for new judges and staff of the state courts
2097 system, state attorneys' offices, public defenders' offices,
2098 guardian ad litem offices, and the offices of the clerks of the
2099 circuit and county courts performing court-related functions.

2100 Section 38. Paragraph (a) of subsection (1) of section
2101 39.6011, Florida Statutes, is amended to read:

2102 39.6011 Case plan development.—

2103 (1) The department shall prepare a draft of the case plan
2104 for each child receiving services under this chapter. A parent
2105 of a child may not be threatened or coerced with the loss of
2106 custody or parental rights for failing to admit in the case plan
2107 of abusing, neglecting, or abandoning a child. Participating in
2108 the development of a case plan is not an admission to any
2109 allegation of abuse, abandonment, or neglect, and it is not a
2110 consent to a finding of dependency or termination of parental
2111 rights. The case plan shall be developed subject to the
2112 following requirements:

2113 (a) The case plan must be developed in a face-to-face
2114 conference with the parent of the child, the ~~any~~ court-appointed
2115 guardian ad litem, and, if appropriate, the child and the
2116 temporary custodian of the child.

2117 Section 39. Subsection (8) of section 40.24, Florida

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2118 Statutes, is amended to read:

2119 40.24 Compensation and reimbursement policy.—

2120 (8) In circuits that elect to allow jurors to donate their
2121 jury service fee upon conclusion of juror service, each juror
2122 may irrevocably donate all of the juror's compensation to the 26
2123 U.S.C. s. 501(c)(3) organization specified by the Statewide
2124 Guardian ad Litem Office ~~program~~ or to a domestic violence
2125 shelter as specified annually on a rotating basis by the clerk
2126 of court in the circuit for the juror's county of residence. The
2127 funds collected may not reduce or offset the amount of
2128 compensation that the Statewide Guardian ad Litem Office ~~program~~
2129 or domestic violence shelter would otherwise receive from the
2130 state. The clerk of court shall ensure that all jurors are given
2131 written notice at the conclusion of their service that they have
2132 the option to so donate their compensation, and that the
2133 applicable program specified by the Statewide Guardian ad Litem
2134 Office ~~program~~ or a domestic violence shelter receives all funds
2135 donated by the jurors. Any circuit guardian ad litem office
2136 ~~program~~ receiving donations of juror compensation must expend
2137 such moneys on services for children for whom guardians ad litem
2138 have been appointed.

2139 Section 40. Subsections (5), (6), and (7) of section 43.16,
2140 Florida Statutes, are amended to read:

2141 43.16 Justice Administrative Commission; membership, powers
2142 and duties.—

2143 (5) The duties of the commission shall include, but not be
2144 limited to, the following:

2145 (a) The maintenance of a central state office for
2146 administrative services and assistance when possible to and on

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2147 behalf of the state attorneys and public defenders of Florida,
2148 the capital collateral regional counsel of Florida, the criminal
2149 conflict and civil regional counsel, and the Statewide Guardian
2150 Ad Litem Office ~~Program~~.

2151 (b) Each state attorney, public defender, and criminal
2152 conflict and civil regional counsel and the Statewide Guardian
2153 Ad Litem Office ~~Program~~ shall continue to prepare necessary
2154 budgets, vouchers that represent valid claims for reimbursement
2155 by the state for authorized expenses, and other things
2156 incidental to the proper administrative operation of the office,
2157 such as revenue transmittals to the Chief Financial Officer and
2158 automated systems plans, but will forward such items to the
2159 commission for recording and submission to the proper state
2160 officer. However, when requested by a state attorney, a public
2161 defender, a criminal conflict and civil regional counsel, or the
2162 Statewide Guardian Ad Litem Office ~~Program~~, the commission will
2163 either assist in the preparation of budget requests, voucher
2164 schedules, and other forms and reports or accomplish the entire
2165 project involved.

2166 (6) The commission, each state attorney, each public
2167 defender, the criminal conflict and civil regional counsel, the
2168 capital collateral regional counsel, and the Statewide Guardian
2169 Ad Litem Office ~~Program~~ shall establish and maintain internal
2170 controls designed to:

2171 (a) Prevent and detect fraud, waste, and abuse as defined
2172 in s. 11.45(1).

2173 (b) Promote and encourage compliance with applicable laws,
2174 rules, contracts, grant agreements, and best practices.

2175 (c) Support economical and efficient operations.

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2176 (d) Ensure reliability of financial records and reports.

2177 (e) Safeguard assets.

2178 (7) ~~The provisions contained in~~ This section is ~~shall be~~
2179 supplemental to ~~those of~~ chapter 27, relating to state
2180 attorneys, public defenders, criminal conflict and civil
2181 regional counsel, and capital collateral regional counsel; to
2182 ~~those of~~ chapter 39, relating to the Statewide Guardian Ad Litem
2183 Office Program; or to other laws pertaining hereto.

2184 Section 41. Paragraph (a) of subsection (1) and subsection
2185 (4) of section 61.402, Florida Statutes, are amended to read:

2186 61.402 Qualifications of guardians ad litem.—

2187 (1) A person appointed as a guardian ad litem pursuant to
2188 s. 61.401 must be:

2189 (a) Certified by the Statewide Guardian Ad Litem Office
2190 Program pursuant to s. 39.821;

2191 (b) Certified by a not-for-profit legal aid organization as
2192 defined in s. 68.096; or

2193 (c) An attorney who is a member in good standing of The
2194 Florida Bar.

2195 (4) Nothing in this section requires the Statewide Guardian
2196 Ad Litem Office Program or a not-for-profit legal aid
2197 organization to train or certify guardians ad litem appointed
2198 under this chapter.

2199 Section 42. Paragraph (x) of subsection (2) of section
2200 110.205, Florida Statutes, is amended to read:

2201 110.205 Career service; exemptions.—

2202 (2) EXEMPT POSITIONS.—The exempt positions that are not
2203 covered by this part include the following:

2204 (x) All officers and employees of the Justice

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2205 Administrative Commission, Office of the State Attorney, Office
2206 of the Public Defender, regional offices of capital collateral
2207 counsel, offices of criminal conflict and civil regional
2208 counsel, and Statewide Guardian Ad Litem Office, including the
2209 circuit guardian ad litem offices ~~programs~~.

2210 Section 43. Paragraph (b) of subsection (96) of section
2211 320.08058, Florida Statutes, is amended to read:

2212 320.08058 Specialty license plates.—

2213 (96) GUARDIAN AD LITEM LICENSE PLATES.—

2214 (b) The annual use fees from the sale of the plate shall be
2215 distributed to the Florida Guardian Ad Litem Foundation, Inc., a
2216 direct-support organization and a nonprofit corporation under s.
2217 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the
2218 proceeds may be used for administrative costs and the marketing
2219 of the plate. The remainder of the proceeds must be used in this
2220 state to support the mission and efforts of the Statewide
2221 Guardian Ad Litem Office Program ~~Program~~ to represent abused, abandoned,
2222 and neglected children and advocate for their best interests;
2223 recruit and retain volunteer child advocates; and meet the
2224 unique needs of the dependent children the program serves.

2225 Section 44. Paragraph (e) of subsection (3) of section
2226 943.053, Florida Statutes, is amended to read:

2227 943.053 Dissemination of criminal justice information;
2228 fees.—

2229 (3)

2230 (e) The fee per record for criminal history information
2231 provided pursuant to this subsection and s. 943.0542 is \$24 per
2232 name submitted, except that the fee for the Statewide Guardian
2233 Ad Litem Office ~~program~~ and vendors of the Department of

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2234 Children and Families, the Department of Juvenile Justice, the
2235 Agency for Persons with Disabilities, and the Department of
2236 Elderly Affairs is \$8 for each name submitted; the fee for a
2237 state criminal history provided for application processing as
2238 required by law to be performed by the Department of Agriculture
2239 and Consumer Services is \$15 for each name submitted; and the
2240 fee for requests under s. 943.0542, which implements the
2241 National Child Protection Act, is \$18 for each volunteer name
2242 submitted. An office of the public defender or an office of
2243 criminal conflict and civil regional counsel may not be assessed
2244 a fee for Florida criminal history information or wanted person
2245 information.

2246 Section 45. Subsection (2) of section 985.43, Florida
2247 Statutes, is amended to read:

2248 985.43 Predisposition reports; other evaluations.—

2249 (2) The court shall consider the child's entire assessment
2250 and predisposition report and shall review the records of
2251 earlier judicial proceedings before making a final disposition
2252 of the case. If the child is under the jurisdiction of a
2253 dependency court, the court may receive and consider any
2254 information provided by the Statewide Guardian Ad Litem Office
2255 ~~Program~~ and the child's attorney ad litem, if one is appointed.
2256 The court may, by order, require additional evaluations and
2257 studies to be performed by the department; the county school
2258 system; or any social, psychological, or psychiatric agency of
2259 the state. The court shall order the educational needs
2260 assessment completed under s. 985.18(2) to be included in the
2261 assessment and predisposition report.

2262 Section 46. Subsection (4) of section 985.441, Florida

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2263 Statutes, is amended to read:

2264 985.441 Commitment.—

2265 (4) The department may transfer a child, when necessary to
2266 appropriately administer the child's commitment, from one
2267 facility or program to another facility or program operated,
2268 contracted, subcontracted, or designated by the department,
2269 including a postcommitment nonresidential conditional release
2270 program, except that the department may not transfer any child
2271 adjudicated solely for a misdemeanor to a residential program
2272 except as provided in subsection (2). The department shall
2273 notify the court that committed the child to the department and
2274 any attorney of record for the child, in writing, of its intent
2275 to transfer the child from a commitment facility or program to
2276 another facility or program of a higher or lower restrictiveness
2277 level. If the child is under the jurisdiction of a dependency
2278 court, the department shall also provide notice to the
2279 dependency court, ~~and~~ the Department of Children and Families,
2280 ~~and, if appointed,~~ the Statewide Guardian Ad Litem Office,
2281 ~~Program~~ and the child's attorney ad litem, if one is appointed.
2282 The court that committed the child may agree to the transfer or
2283 may set a hearing to review the transfer. If the court does not
2284 respond within 10 days after receipt of the notice, the transfer
2285 of the child shall be deemed granted.

2286 Section 47. Subsection (3) of section 985.455, Florida
2287 Statutes, is amended to read:

2288 985.455 Other dispositional issues.—

2289 (3) Any commitment of a delinquent child to the department
2290 must be for an indeterminate period of time, which may include
2291 periods of temporary release; however, the period of time may

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

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2321 the request. If the court does not respond within 10 days after
2322 receipt of the notice, the request of the department shall be
2323 deemed granted. This section does not limit the department's
2324 authority to revoke a child's temporary release status and
2325 return the child to a commitment facility for any violation of
2326 the terms and conditions of the temporary release.

2327 Section 48. Paragraph (b) of subsection (4) of section
2328 985.461, Florida Statutes, is amended to read:

2329 985.461 Transition to adulthood.—

2330 (4) As part of the child's treatment plan, the department
2331 may provide transition-to-adulthood services to children
2332 released from residential commitment. To support participation
2333 in transition-to-adulthood services and subject to
2334 appropriation, the department may:

2335 (b) Use community reentry teams to assist in the
2336 development of a list of age-appropriate activities and
2337 responsibilities to be incorporated in the child's written case
2338 plan for any youth who is under the custody or supervision of
2339 the department. Community reentry teams may include
2340 representatives from school districts, law enforcement,
2341 workforce development services, community-based service
2342 providers, the Statewide Guardian Ad Litem Office Program, and
2343 the youth's family. Such community reentry teams must be created
2344 within existing resources provided to the department. Activities
2345 may include, but are not limited to, life skills training,
2346 including training to develop banking and budgeting skills,
2347 interviewing and career planning skills, parenting skills,
2348 personal health management, and time management or
2349 organizational skills; educational support; employment training;

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2350 and counseling.

2351 Section 49. Subsection (11) of section 985.48, Florida
2352 Statutes, is amended to read:

2353 985.48 Juvenile sexual offender commitment programs; sexual
2354 abuse intervention networks.—

2355 (11) Membership of a sexual abuse intervention network
2356 shall include, but is not limited to, representatives from:

2357 (a) Local law enforcement agencies;

2358 (b) Local school boards;

2359 (c) Child protective investigators;

2360 (d) The office of the state attorney;

2361 (e) The office of the public defender;

2362 (f) The juvenile division of the circuit court;

2363 (g) Professionals licensed under chapter 458, chapter 459,
2364 s. 490.0145, or s. 491.0144 providing treatment for juvenile
2365 sexual offenders or their victims;

2366 (h) The Statewide Guardian Ad Litem Office ~~program~~;

2367 (i) The Department of Juvenile Justice; and

2368 (j) The Department of Children and Families.

2369 Section 50. Subsection (1) of section 39.302, Florida
2370 Statutes, is amended to read:

2371 39.302 Protective investigations of institutional child
2372 abuse, abandonment, or neglect.—

2373 (1) The department shall conduct a child protective
2374 investigation of each report of institutional child abuse,
2375 abandonment, or neglect. Upon receipt of a report that alleges
2376 that an employee or agent of the department, or any other entity
2377 or person covered by s. 39.01(39) or (57) ~~s. 39.01(36) or (54)~~,
2378 acting in an official capacity, has committed an act of child

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2379 abuse, abandonment, or neglect, the department shall initiate a
2380 child protective investigation within the timeframe established
2381 under s. 39.101(2) and notify the appropriate state attorney,
2382 law enforcement agency, and licensing agency, which shall
2383 immediately conduct a joint investigation, unless independent
2384 investigations are more feasible. When conducting investigations
2385 or having face-to-face interviews with the child, investigation
2386 visits shall be unannounced unless it is determined by the
2387 department or its agent that unannounced visits threaten the
2388 safety of the child. If a facility is exempt from licensing, the
2389 department shall inform the owner or operator of the facility of
2390 the report. Each agency conducting a joint investigation is
2391 entitled to full access to the information gathered by the
2392 department in the course of the investigation. A protective
2393 investigation must include an interview with the child's parent
2394 or legal guardian. The department shall make a full written
2395 report to the state attorney within 3 business days after making
2396 the oral report. A criminal investigation shall be coordinated,
2397 whenever possible, with the child protective investigation of
2398 the department. Any interested person who has information
2399 regarding the offenses described in this subsection may forward
2400 a statement to the state attorney as to whether prosecution is
2401 warranted and appropriate. Within 15 days after the completion
2402 of the investigation, the state attorney shall report the
2403 findings to the department and shall include in the report a
2404 determination of whether or not prosecution is justified and
2405 appropriate in view of the circumstances of the specific case.

2406 Section 51. Paragraph (c) of subsection (1) of section
2407 39.521, Florida Statutes, is amended to read:

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2408 39.521 Disposition hearings; powers of disposition.—

2409 (1) A disposition hearing shall be conducted by the court,
2410 if the court finds that the facts alleged in the petition for
2411 dependency were proven in the adjudicatory hearing, or if the
2412 parents or legal custodians have consented to the finding of
2413 dependency or admitted the allegations in the petition, have
2414 failed to appear for the arraignment hearing after proper
2415 notice, or have not been located despite a diligent search
2416 having been conducted.

2417 (c) When any child is adjudicated by a court to be
2418 dependent, the court having jurisdiction of the child has the
2419 power by order to:

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

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2437 Adjudication of a child as dependent based upon evidence of harm
2438 as defined in s. 39.01(37)(g) ~~s. 39.01(34)(g)~~ demonstrates good
2439 cause, and the court shall require the parent whose actions
2440 caused the harm to submit to a substance abuse disorder
2441 assessment or evaluation and to participate and comply with
2442 treatment and services identified in the assessment or
2443 evaluation as being necessary. In addition to supervision by the
2444 department, the court, including the mental health court program
2445 or the treatment-based drug court program, may oversee the
2446 progress and compliance with treatment by a person who has
2447 custody or is requesting custody of the child. The court may
2448 impose appropriate available sanctions for noncompliance upon a
2449 person who has custody or is requesting custody of the child or
2450 make a finding of noncompliance for consideration in determining
2451 whether an alternative placement of the child is in the child's
2452 best interests. Any order entered under this subparagraph may be
2453 made only upon good cause shown. This subparagraph does not
2454 authorize placement of a child with a person seeking custody of
2455 the child, other than the child's parent or legal custodian, who
2456 requires mental health or substance abuse disorder treatment.

2457 2. Require, if the court deems necessary, the parties to
2458 participate in dependency mediation.

2459 3. Require placement of the child either under the
2460 protective supervision of an authorized agent of the department
2461 in the home of one or both of the child's parents or in the home
2462 of a relative of the child or another adult approved by the
2463 court, or in the custody of the department. Protective
2464 supervision continues until the court terminates it or until the
2465 child reaches the age of 18, whichever date is first. Protective

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2466 supervision shall be terminated by the court whenever the court
2467 determines that permanency has been achieved for the child,
2468 whether with a parent, another relative, or a legal custodian,
2469 and that protective supervision is no longer needed. The
2470 termination of supervision may be with or without retaining
2471 jurisdiction, at the court's discretion, and shall in either
2472 case be considered a permanency option for the child. The order
2473 terminating supervision by the department must set forth the
2474 powers of the custodian of the child and include the powers
2475 ordinarily granted to a guardian of the person of a minor unless
2476 otherwise specified. Upon the court's termination of supervision
2477 by the department, further judicial reviews are not required if
2478 permanency has been established for the child.

2479 4. Determine whether the child has a strong attachment to
2480 the prospective permanent guardian and whether such guardian has
2481 a strong commitment to permanently caring for the child.

2482 Section 52. Paragraph (c) of subsection (2) of section
2483 61.13, Florida Statutes, is amended to read:

2484 61.13 Support of children; parenting and time-sharing;
2485 powers of court.—

2486 (2)

2487 (c) The court shall determine all matters relating to
2488 parenting and time-sharing of each minor child of the parties in
2489 accordance with the best interests of the child and in
2490 accordance with the Uniform Child Custody Jurisdiction and
2491 Enforcement Act, except that modification of a parenting plan
2492 and time-sharing schedule requires a showing of a substantial
2493 and material change of circumstances.

2494 1. It is the public policy of this state that each minor

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2495 child has frequent and continuing contact with both parents
2496 after the parents separate or the marriage of the parties is
2497 dissolved and to encourage parents to share the rights and
2498 responsibilities, and joys, of childrearing. Unless otherwise
2499 provided in this section or agreed to by the parties, there is a
2500 rebuttable presumption that equal time-sharing of a minor child
2501 is in the best interests of the minor child. To rebut this
2502 presumption, a party must prove by a preponderance of the
2503 evidence that equal time-sharing is not in the best interests of
2504 the minor child. Except when a time-sharing schedule is agreed
2505 to by the parties and approved by the court, the court must
2506 evaluate all of the factors set forth in subsection (3) and make
2507 specific written findings of fact when creating or modifying a
2508 time-sharing schedule.

2509 2. The court shall order that the parental responsibility
2510 for a minor child be shared by both parents unless the court
2511 finds that shared parental responsibility would be detrimental
2512 to the child. In determining detriment to the child, the court
2513 shall consider:

2514 a. Evidence of domestic violence, as defined in s. 741.28;

2515 b. Whether either parent has or has had reasonable cause to
2516 believe that he or she or his or her minor child or children are
2517 or have been in imminent danger of becoming victims of an act of
2518 domestic violence as defined in s. 741.28 or sexual violence as
2519 defined in s. 784.046(1)(c) by the other parent against the
2520 parent or against the child or children whom the parents share
2521 in common regardless of whether a cause of action has been
2522 brought or is currently pending in the court;

2523 c. Whether either parent has or has had reasonable cause to

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2524 believe that his or her minor child or children are or have been
2525 in imminent danger of becoming victims of an act of abuse ~~as~~
2526 ~~defined in s. 39.01(2)~~, abandonment ~~as defined in s. 39.01(1)~~,
2527 or neglect, as those terms are defined in s. 39.01, s. 39.01(50)
2528 by the other parent against the child or children whom the
2529 parents share in common regardless of whether a cause of action
2530 has been brought or is currently pending in the court; and

2531 d. Any other relevant factors.

2532 3. The following evidence creates a rebuttable presumption
2533 that shared parental responsibility is detrimental to the child:

2534 a. A parent has been convicted of a misdemeanor of the
2535 first degree or higher involving domestic violence, as defined
2536 in s. 741.28 and chapter 775;

2537 b. A parent meets the criteria of s. 39.806(1)(d); or

2538 c. A parent has been convicted of or had adjudication
2539 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
2540 at the time of the offense:

2541 (I) The parent was 18 years of age or older.

2542 (II) The victim was under 18 years of age or the parent
2543 believed the victim to be under 18 years of age.

2544

2545 If the presumption is not rebutted after the convicted parent is
2546 advised by the court that the presumption exists, shared
2547 parental responsibility, including time-sharing with the child,
2548 and decisions made regarding the child, may not be granted to
2549 the convicted parent. However, the convicted parent is not
2550 relieved of any obligation to provide financial support. If the
2551 court determines that shared parental responsibility would be
2552 detrimental to the child, it may order sole parental

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2553 responsibility and make such arrangements for time-sharing as
2554 specified in the parenting plan as will best protect the child
2555 or abused spouse from further harm. Whether or not there is a
2556 conviction of any offense of domestic violence or child abuse or
2557 the existence of an injunction for protection against domestic
2558 violence, the court shall consider evidence of domestic violence
2559 or child abuse as evidence of detriment to the child.

2560 4. In ordering shared parental responsibility, the court
2561 may consider the expressed desires of the parents and may grant
2562 to one party the ultimate responsibility over specific aspects
2563 of the child's welfare or may divide those responsibilities
2564 between the parties based on the best interests of the child.
2565 Areas of responsibility may include education, health care, and
2566 any other responsibilities that the court finds unique to a
2567 particular family.

2568 5. The court shall order sole parental responsibility for a
2569 minor child to one parent, with or without time-sharing with the
2570 other parent if it is in the best interests of the minor child.

2571 6. There is a rebuttable presumption against granting time-
2572 sharing with a minor child if a parent has been convicted of or
2573 had adjudication withheld for an offense enumerated in s.
2574 943.0435(1)(h)1.a., and at the time of the offense:

2575 a. The parent was 18 years of age or older.

2576 b. The victim was under 18 years of age or the parent
2577 believed the victim to be under 18 years of age.

2578
2579 A parent may rebut the presumption upon a specific finding in
2580 writing by the court that the parent poses no significant risk
2581 of harm to the child and that time-sharing is in the best

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2582 interests of the minor child. If the presumption is rebutted,
2583 the court must consider all time-sharing factors in subsection
2584 (3) when developing a time-sharing schedule.

2585 7. Access to records and information pertaining to a minor
2586 child, including, but not limited to, medical, dental, and
2587 school records, may not be denied to either parent. Full rights
2588 under this subparagraph apply to either parent unless a court
2589 order specifically revokes these rights, including any
2590 restrictions on these rights as provided in a domestic violence
2591 injunction. A parent having rights under this subparagraph has
2592 the same rights upon request as to form, substance, and manner
2593 of access as are available to the other parent of a child,
2594 including, without limitation, the right to in-person
2595 communication with medical, dental, and education providers.

2596 Section 53. Paragraph (d) of subsection (4) of section
2597 119.071, Florida Statutes, is amended to read:

2598 119.071 General exemptions from inspection or copying of
2599 public records.—

2600 (4) AGENCY PERSONNEL INFORMATION.—

2601 (d)1. For purposes of this paragraph, the term:

2602 a. "Home addresses" means the dwelling location at which an
2603 individual resides and includes the physical address, mailing
2604 address, street address, parcel identification number, plot
2605 identification number, legal property description, neighborhood
2606 name and lot number, GPS coordinates, and any other descriptive
2607 property information that may reveal the home address.

2608 b. "Judicial assistant" means a court employee assigned to
2609 the following class codes: 8140, 8150, 8310, and 8320.

2610 c. "Telephone numbers" includes home telephone numbers,

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2611 personal cellular telephone numbers, personal pager telephone
2612 numbers, and telephone numbers associated with personal
2613 communications devices.

2614 2.a. The home addresses, telephone numbers, dates of birth,
2615 and photographs of active or former sworn law enforcement
2616 personnel or of active or former civilian personnel employed by
2617 a law enforcement agency, including correctional and
2618 correctional probation officers, personnel of the Department of
2619 Children and Families whose duties include the investigation of
2620 abuse, neglect, exploitation, fraud, theft, or other criminal
2621 activities, personnel of the Department of Health whose duties
2622 are to support the investigation of child abuse or neglect, and
2623 personnel of the Department of Revenue or local governments
2624 whose responsibilities include revenue collection and
2625 enforcement or child support enforcement; the names, home
2626 addresses, telephone numbers, photographs, dates of birth, and
2627 places of employment of the spouses and children of such
2628 personnel; and the names and locations of schools and day care
2629 facilities attended by the children of such personnel are exempt
2630 from s. 119.07(1) and s. 24(a), Art. I of the State
2631 Constitution.

2632 b. The home addresses, telephone numbers, dates of birth,
2633 and photographs of current or former nonsworn investigative
2634 personnel of the Department of Financial Services whose duties
2635 include the investigation of fraud, theft, workers' compensation
2636 coverage requirements and compliance, other related criminal
2637 activities, or state regulatory requirement violations; the
2638 names, home addresses, telephone numbers, dates of birth, and
2639 places of employment of the spouses and children of such

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2640 personnel; and the names and locations of schools and day care
2641 facilities attended by the children of such personnel are exempt
2642 from s. 119.07(1) and s. 24(a), Art. I of the State
2643 Constitution.

2644 c. The home addresses, telephone numbers, dates of birth,
2645 and photographs of current or former nonsworn investigative
2646 personnel of the Office of Financial Regulation's Bureau of
2647 Financial Investigations whose duties include the investigation
2648 of fraud, theft, other related criminal activities, or state
2649 regulatory requirement violations; the names, home addresses,
2650 telephone numbers, dates of birth, and places of employment of
2651 the spouses and children of such personnel; and the names and
2652 locations of schools and day care facilities attended by the
2653 children of such personnel are exempt from s. 119.07(1) and s.
2654 24(a), Art. I of the State Constitution.

2655 d. The home addresses, telephone numbers, dates of birth,
2656 and photographs of current or former firefighters certified in
2657 compliance with s. 633.408; the names, home addresses, telephone
2658 numbers, photographs, dates of birth, and places of employment
2659 of the spouses and children of such firefighters; and the names
2660 and locations of schools and day care facilities attended by the
2661 children of such firefighters are exempt from s. 119.07(1) and
2662 s. 24(a), Art. I of the State Constitution.

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

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2669 former justices and judges and ~~of~~ current judicial assistants;
2670 and the names and locations of schools and day care facilities
2671 attended by the children of current or former justices and
2672 judges and of current judicial assistants are exempt from s.
2673 119.07(1) and s. 24(a), Art. I of the State Constitution. This
2674 sub-subparagraph is subject to the Open Government Sunset Review
2675 Act in accordance with s. 119.15 and shall stand repealed on
2676 October 2, 2028, unless reviewed and saved from repeal through
2677 reenactment by the Legislature.

2678 f. The home addresses, telephone numbers, dates of birth,
2679 and photographs of current or former state attorneys, assistant
2680 state attorneys, statewide prosecutors, or assistant statewide
2681 prosecutors; the names, home addresses, telephone numbers,
2682 photographs, dates of birth, and places of employment of the
2683 spouses and children of current or former state attorneys,
2684 assistant state attorneys, statewide prosecutors, or assistant
2685 statewide prosecutors; and the names and locations of schools
2686 and day care facilities attended by the children of current or
2687 former state attorneys, assistant state attorneys, statewide
2688 prosecutors, or assistant statewide prosecutors are exempt from
2689 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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2698 of Administrative Hearings, and child support enforcement
2699 hearing officers; and the names and locations of schools and day
2700 care facilities attended by the children of general magistrates,
2701 special magistrates, judges of compensation claims,
2702 administrative law judges of the Division of Administrative
2703 Hearings, and child support enforcement hearing officers are
2704 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2705 Constitution.

2706 h. The home addresses, telephone numbers, dates of birth,
2707 and photographs of current or former human resource, labor
2708 relations, or employee relations directors, assistant directors,
2709 managers, or assistant managers of any local government agency
2710 or water management district whose duties include hiring and
2711 firing employees, labor contract negotiation, administration, or
2712 other personnel-related duties; the names, home addresses,
2713 telephone numbers, dates of birth, and places of employment of
2714 the spouses and children of such personnel; and the names and
2715 locations of schools and day care facilities attended by the
2716 children of such personnel are exempt from s. 119.07(1) and s.
2717 24(a), Art. I of the State Constitution.

2718 i. The home addresses, telephone numbers, dates of birth,
2719 and photographs of current or former code enforcement officers;
2720 the names, home addresses, telephone numbers, dates of birth,
2721 and places of employment of the spouses and children of such
2722 personnel; and the names and locations of schools and day care
2723 facilities attended by the children of such personnel are exempt
2724 from s. 119.07(1) and s. 24(a), Art. I of the State
2725 Constitution.

2726 j. The home addresses, telephone numbers, places of

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2727 employment, dates of birth, and photographs of current or former
2728 guardians ad litem, as defined in s. 39.01 ~~s. 39.820~~; the names,
2729 home addresses, telephone numbers, dates of birth, and places of
2730 employment of the spouses and children of such persons; and the
2731 names and locations of schools and day care facilities attended
2732 by the children of such persons are exempt from s. 119.07(1) and
2733 s. 24(a), Art. I of the State Constitution.

2734 k. The home addresses, telephone numbers, dates of birth,
2735 and photographs of current or former juvenile probation
2736 officers, juvenile probation supervisors, detention
2737 superintendents, assistant detention superintendents, juvenile
2738 justice detention officers I and II, juvenile justice detention
2739 officer supervisors, juvenile justice residential officers,
2740 juvenile justice residential officer supervisors I and II,
2741 juvenile justice counselors, juvenile justice counselor
2742 supervisors, human services counselor administrators, senior
2743 human services counselor administrators, rehabilitation
2744 therapists, and social services counselors of the Department of
2745 Juvenile Justice; the names, home addresses, telephone numbers,
2746 dates of birth, and places of employment of spouses and children
2747 of such personnel; and the names and locations of schools and
2748 day care facilities attended by the children of such personnel
2749 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2750 Constitution.

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

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2756 places of employment of the spouses and children of current or
2757 former public defenders, assistant public defenders, criminal
2758 conflict and civil regional counsel, and assistant criminal
2759 conflict and civil regional counsel; and the names and locations
2760 of schools and day care facilities attended by the children of
2761 current or former public defenders, assistant public defenders,
2762 criminal conflict and civil regional counsel, and assistant
2763 criminal conflict and civil regional counsel are exempt from s.
2764 119.07(1) and s. 24(a), Art. I of the State Constitution.

2765 m. The home addresses, telephone numbers, dates of birth,
2766 and photographs of current or former investigators or inspectors
2767 of the Department of Business and Professional Regulation; the
2768 names, home addresses, telephone numbers, dates of birth, and
2769 places of employment of the spouses and children of such current
2770 or former investigators and inspectors; and the names and
2771 locations of schools and day care facilities attended by the
2772 children of such current or former investigators and inspectors
2773 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2774 Constitution.

2775 n. The home addresses, telephone numbers, and dates of
2776 birth of county tax collectors; the names, home addresses,
2777 telephone numbers, dates of birth, and places of employment of
2778 the spouses and children of such tax collectors; and the names
2779 and locations of schools and day care facilities attended by the
2780 children of such tax collectors are exempt from s. 119.07(1) and
2781 s. 24(a), Art. I of the State Constitution.

2782 o. The home addresses, telephone numbers, dates of birth,
2783 and photographs of current or former personnel of the Department
2784 of Health whose duties include, or result in, the determination

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2785 or adjudication of eligibility for social security disability
2786 benefits, the investigation or prosecution of complaints filed
2787 against health care practitioners, or the inspection of health
2788 care practitioners or health care facilities licensed by the
2789 Department of Health; the names, home addresses, telephone
2790 numbers, dates of birth, and places of employment of the spouses
2791 and children of such personnel; and the names and locations of
2792 schools and day care facilities attended by the children of such
2793 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
2794 the State Constitution.

2795 p. The home addresses, telephone numbers, dates of birth,
2796 and photographs of current or former impaired practitioner
2797 consultants who are retained by an agency or current or former
2798 employees of an impaired practitioner consultant whose duties
2799 result in a determination of a person's skill and safety to
2800 practice a licensed profession; the names, home addresses,
2801 telephone numbers, dates of birth, and places of employment of
2802 the spouses and children of such consultants or their employees;
2803 and the names and locations of schools and day care facilities
2804 attended by the children of such consultants or employees are
2805 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2806 Constitution.

2807 q. The home addresses, telephone numbers, dates of birth,
2808 and photographs of current or former emergency medical
2809 technicians or paramedics certified under chapter 401; the
2810 names, home addresses, telephone numbers, dates of birth, and
2811 places of employment of the spouses and children of such
2812 emergency medical technicians or paramedics; and the names and
2813 locations of schools and day care facilities attended by the

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2814 children of such emergency medical technicians or paramedics are
2815 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2816 Constitution.

2817 r. The home addresses, telephone numbers, dates of birth,
2818 and photographs of current or former personnel employed in an
2819 agency's office of inspector general or internal audit
2820 department whose duties include auditing or investigating waste,
2821 fraud, abuse, theft, exploitation, or other activities that
2822 could lead to criminal prosecution or administrative discipline;
2823 the names, home addresses, telephone numbers, dates of birth,
2824 and places of employment of spouses and children of such
2825 personnel; and the names and locations of schools and day care
2826 facilities attended by the children of such personnel are exempt
2827 from s. 119.07(1) and s. 24(a), Art. I of the State
2828 Constitution.

2829 s. The home addresses, telephone numbers, dates of birth,
2830 and photographs of current or former directors, managers,
2831 supervisors, nurses, and clinical employees of an addiction
2832 treatment facility; the home addresses, telephone numbers,
2833 photographs, dates of birth, and places of employment of the
2834 spouses and children of such personnel; and the names and
2835 locations of schools and day care facilities attended by the
2836 children of such personnel are exempt from s. 119.07(1) and s.
2837 24(a), Art. I of the State Constitution. For purposes of this
2838 sub-subparagraph, the term "addiction treatment facility" means
2839 a county government, or agency thereof, that is licensed
2840 pursuant to s. 397.401 and provides substance abuse prevention,
2841 intervention, or clinical treatment, including any licensed
2842 service component described in s. 397.311(26).

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2843 t. The home addresses, telephone numbers, dates of birth,
2844 and photographs of current or former directors, managers,
2845 supervisors, and clinical employees of a child advocacy center
2846 that meets the standards of s. 39.3035(2) and fulfills the
2847 screening requirement of s. 39.3035(3), and the members of a
2848 Child Protection Team as described in s. 39.303 whose duties
2849 include supporting the investigation of child abuse or sexual
2850 abuse, child abandonment, child neglect, and child exploitation
2851 or to provide services as part of a multidisciplinary case
2852 review team; the names, home addresses, telephone numbers,
2853 photographs, dates of birth, and places of employment of the
2854 spouses and children of such personnel and members; and the
2855 names and locations of schools and day care facilities attended
2856 by the children of such personnel and members are exempt from s.
2857 119.07(1) and s. 24(a), Art. I of the State Constitution.

2858 u. The home addresses, telephone numbers, places of
2859 employment, dates of birth, and photographs of current or former
2860 staff and domestic violence advocates, as defined in s.
2861 90.5036(1)(b), of domestic violence centers certified by the
2862 Department of Children and Families under chapter 39; the names,
2863 home addresses, telephone numbers, places of employment, dates
2864 of birth, and photographs of the spouses and children of such
2865 personnel; and the names and locations of schools and day care
2866 facilities attended by the children of such personnel are exempt
2867 from s. 119.07(1) and s. 24(a), Art. I of the State
2868 Constitution.

2869 v. The home addresses, telephone numbers, dates of birth,
2870 and photographs of current or former inspectors or investigators
2871 of the Department of Agriculture and Consumer Services; the

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2872 names, home addresses, telephone numbers, dates of birth, and
2873 places of employment of the spouses and children of current or
2874 former inspectors or investigators; and the names and locations
2875 of schools and day care facilities attended by the children of
2876 current or former inspectors or investigators are exempt from s.
2877 119.07(1) and s. 24(a), Art. I of the State Constitution. This
2878 sub-subparagraph is subject to the Open Government Sunset Review
2879 Act in accordance with s. 119.15 and shall stand repealed on
2880 October 2, 2028, unless reviewed and saved from repeal through
2881 reenactment by the Legislature.

2882 3. An agency that is the custodian of the information
2883 specified in subparagraph 2. and that is not the employer of the
2884 officer, employee, justice, judge, or other person specified in
2885 subparagraph 2. must maintain the exempt status of that
2886 information only if the officer, employee, justice, judge, other
2887 person, or employing agency of the designated employee submits a
2888 written and notarized request for maintenance of the exemption
2889 to the custodial agency. The request must state under oath the
2890 statutory basis for the individual's exemption request and
2891 confirm the individual's status as a party eligible for exempt
2892 status.

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

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2901 or tax collector. For written requests received on or before
2902 July 1, 2021, a county property appraiser or county tax
2903 collector must comply with this sub-subparagraph by October 1,
2904 2021. A county property appraiser or county tax collector may
2905 not remove the street address, legal description, or other
2906 information identifying real property within the agency's
2907 records so long as a name or personal information otherwise
2908 exempt from inspection and copying pursuant to this section is
2909 not associated with the property or otherwise displayed in the
2910 public records of the agency.

2911 b. Any information restricted from public display,
2912 inspection, or copying under sub-subparagraph a. must be
2913 provided to the individual whose information was removed.

2914 5. An officer, an employee, a justice, a judge, or other
2915 person specified in subparagraph 2. may submit a written request
2916 for the release of his or her exempt information to the
2917 custodial agency. The written request must be notarized and must
2918 specify the information to be released and the party authorized
2919 to receive the information. Upon receipt of the written request,
2920 the custodial agency must release the specified information to
2921 the party authorized to receive such information.

2922 6. The exemptions in this paragraph apply to information
2923 held by an agency before, on, or after the effective date of the
2924 exemption.

2925 7. Information made exempt under this paragraph may be
2926 disclosed pursuant to s. 28.2221 to a title insurer authorized
2927 pursuant to s. 624.401 and its affiliates as defined in s.
2928 624.10; a title insurance agent or title insurance agency as
2929 defined in s. 626.841(1) or (2), respectively; or an attorney

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2930 duly admitted to practice law in this state and in good standing
2931 with The Florida Bar.

2932 8. The exempt status of a home address contained in the
2933 Official Records is maintained only during the period when a
2934 protected party resides at the dwelling location. Upon
2935 conveyance of real property after October 1, 2021, and when such
2936 real property no longer constitutes a protected party's home
2937 address as defined in sub-subparagraph 1.a., the protected party
2938 must submit a written request to release the removed information
2939 to the county recorder. The written request to release the
2940 removed information must be notarized, must confirm that a
2941 protected party's request for release is pursuant to a
2942 conveyance of his or her dwelling location, and must specify the
2943 Official Records book and page, instrument number, or clerk's
2944 file number for each document containing the information to be
2945 released.

2946 9. Upon the death of a protected party as verified by a
2947 certified copy of a death certificate or court order, any party
2948 can request the county recorder to release a protected
2949 decedent's removed information unless there is a related request
2950 on file with the county recorder for continued removal of the
2951 decedent's information or unless such removal is otherwise
2952 prohibited by statute or by court order. The written request to
2953 release the removed information upon the death of a protected
2954 party must attach the certified copy of a death certificate or
2955 court order and must be notarized, must confirm the request for
2956 release is due to the death of a protected party, and must
2957 specify the Official Records book and page number, instrument
2958 number, or clerk's file number for each document containing the

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2959 information to be released. A fee may not be charged for the
2960 release of any document pursuant to such request.

2961 10. Except as otherwise expressly provided in this
2962 paragraph, this paragraph is subject to the Open Government
2963 Sunset Review Act in accordance with s. 119.15 and shall stand
2964 repealed on October 2, 2024, unless reviewed and saved from
2965 repeal through reenactment by the Legislature.

2966 Section 54. Subsection (4) of section 322.09, Florida
2967 Statutes, is amended to read:

2968 322.09 Application of minors; responsibility for negligence
2969 or misconduct of minor.—

2970 (4) Notwithstanding subsections (1) and (2), if a caregiver
2971 of a minor who is under the age of 18 years and is in out-of-
2972 home care as defined in s. 39.01 ~~s. 39.01(55)~~, an authorized
2973 representative of a residential group home at which such a minor
2974 resides, the caseworker at the agency at which the state has
2975 placed the minor, or a guardian ad litem specifically authorized
2976 by the minor's caregiver to sign for a learner's driver license
2977 signs the minor's application for a learner's driver license,
2978 that caregiver, group home representative, caseworker, or
2979 guardian ad litem does not assume any obligation or become
2980 liable for any damages caused by the negligence or willful
2981 misconduct of the minor by reason of having signed the
2982 application. Before signing the application, the caseworker,
2983 authorized group home representative, or guardian ad litem shall
2984 notify the caregiver or other responsible party of his or her
2985 intent to sign and verify the application.

2986 Section 55. Paragraph (p) of subsection (4) of section
2987 394.495, Florida Statutes, is amended to read:

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2988 394.495 Child and adolescent mental health system of care;
2989 programs and services.—

2990 (4) The array of services may include, but is not limited
2991 to:

2992 (p) Trauma-informed services for children who have suffered
2993 sexual exploitation as defined in s. 39.01(80)(g) ~~s.~~
2994 ~~39.01(77)(g)~~.

2995 Section 56. Section 627.746, Florida Statutes, is amended
2996 to read:

2997 627.746 Coverage for minors who have a learner's driver
2998 license; additional premium prohibited.—An insurer that issues
2999 an insurance policy on a private passenger motor vehicle to a
3000 named insured who is a caregiver of a minor who is under the age
3001 of 18 years and is in out-of-home care as defined in s. 39.01 ~~s.~~
3002 ~~39.01(55)~~ may not charge an additional premium for coverage of
3003 the minor while the minor is operating the insured vehicle, for
3004 the period of time that the minor has a learner's driver
3005 license, until such time as the minor obtains a driver license.

3006 Section 57. Paragraph (c) of subsection (1) of section
3007 934.255, Florida Statutes, is amended to read:

3008 934.255 Subpoenas in investigations of sexual offenses.—

3009 (1) As used in this section, the term:

3010 (c) "Sexual abuse of a child" means a criminal offense
3011 based on any conduct described in s. 39.01(80) ~~s. 39.01(77)~~.

3012 Section 58. Subsection (5) of section 960.065, Florida
3013 Statutes, is amended to read:

3014 960.065 Eligibility for awards.—

3015 (5) A person is not ineligible for an award pursuant to
3016 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that

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3017 person is a victim of sexual exploitation of a child as defined
3018 in s. 39.01(80)(g) ~~s. 39.01(77)(g)~~.

3019 Section 59. Section 741.29, Florida Statutes, is amended to
3020 read:

3021 741.29 Domestic violence; investigation of incidents;
3022 notice to victims of legal rights and remedies; reporting.—

3023 (1) Any law enforcement officer who investigates an alleged
3024 incident of domestic violence shall:

3025 (a) Assist the victim to obtain medical treatment if such
3026 is required as a result of the alleged incident to which the
3027 officer responds; ~~Any law enforcement officer who investigates~~
3028 ~~an alleged incident of domestic violence shall~~

3029 (b) Advise the victim of such violence that there is a
3030 domestic violence center from which the victim may receive
3031 services;—

3032 (c) Administer a lethality assessment consistent with the
3033 requirements established in subsection (2) if the allegation of
3034 domestic violence is against an intimate partner, regardless of
3035 whether an arrest is made; and

3036 (d) The law enforcement officer shall Give the victim
3037 immediate notice of the legal rights and remedies available on a
3038 standard form developed and distributed by the department. As
3039 necessary, the department shall revise the Legal Rights and
3040 Remedies Notice to Victims to include a general summary of s.
3041 741.30 using simple English as well as Spanish, and shall
3042 distribute the notice as a model form to be used by all law
3043 enforcement agencies throughout this ~~the~~ state. The notice must
3044 ~~shall~~ include:

3045 1. ~~(a)~~ The resource listing, including telephone number, for

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3046 the area domestic violence center designated by the Department
3047 of Children and Families; and

3048 2.~~(b)~~ A copy of the following statement:

3049
3050 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may
3051 ask the state attorney to file a criminal complaint.
3052 You also have the right to go to court and file a
3053 petition requesting an injunction for protection from
3054 domestic violence which may include, but need not be
3055 limited to, provisions which restrain the abuser from
3056 further acts of abuse; direct the abuser to leave your
3057 household; prevent the abuser from entering your
3058 residence, school, business, or place of employment;
3059 award you custody of your minor child or children; and
3060 direct the abuser to pay support to you and the minor
3061 children if the abuser has a legal obligation to do
3062 so."

3063
3064 (2) The department shall consult with the Department of
3065 Children and Families, the Florida Sheriffs Association, the
3066 Florida Police Chiefs Association, the Florida Partnership to
3067 End Domestic Violence, and at least two domestic violence
3068 advocacy organizations to develop the policies, procedures, and
3069 training necessary for implementation of a statewide evidence-
3070 based lethality assessment. Such policies, procedures, and
3071 training must establish how to determine whether a victim and
3072 aggressor are intimate partners and establish a statewide
3073 process for referring a victim to a certified domestic violence
3074 center. The group must review the questions in paragraph (e) and

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3075 make a recommendation as to whether all questions should be
3076 included in the statewide lethality assessment instrument and
3077 form. By January 1, 2025, the department must adopt a statewide
3078 lethality assessment instrument and form. If a question in
3079 paragraph (e) is eliminated from the assessment, the department
3080 must confirm that the remaining or altered questions constitute
3081 an evidence-based lethality assessment. By January 31, 2025, the
3082 department shall report to the President of the Senate and the
3083 Speaker of the House of Representatives the results and
3084 recommendations of the group, including any proposed statutory
3085 changes that are necessary for implementation of a statewide
3086 lethality assessment. Training on how to administer a lethality
3087 assessment and the approved lethality assessment form must be
3088 accessible to a law enforcement officer in an online format.

3089 (a) The department must monitor evidence-based standards
3090 relating to the lethality assessment and the lethality
3091 assessment instrument and form. If the department identifies
3092 changes in such evidence-based standards, the department must
3093 submit a report to the President of the Senate and the Speaker
3094 of the House of Representatives which must include any proposed
3095 changes to the statewide lethality assessment in order to
3096 maintain compliance with evidence-based standards. In the
3097 report, the department must include the availability of any
3098 additional evidence-based assessments that have been reviewed
3099 and approved by the Office on Violence Against Women of the
3100 United States Department of Justice Office.

3101 (b) The Criminal Justice Standards and Training Commission
3102 shall require by rule that all law enforcement officers receive
3103 instruction on the policies and procedures for administering a

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3104 lethality assessment as part of basic recruit training or as
3105 part of the required instruction for continued employment. A law
3106 enforcement officer may not administer a lethality assessment to
3107 a victim if the officer has not received training on
3108 administering a lethality assessment. All of the following
3109 requirements for training on administering a lethality
3110 assessment must be met by October 1, 2026:

3111 1. Commission-approved basic recruit training programs
3112 required by s. 943.13(9) and continuing training or education
3113 required by s. 943.135 must incorporate the training required by
3114 this subsection.

3115 2. Each law enforcement agency shall ensure that all of its
3116 sworn personnel have completed the training required by this
3117 subsection, including law enforcement officers who received an
3118 exemption from completing the commission-approved basic recruit
3119 training program under s. 943.131, as part of their basic
3120 recruit training or the continued training or education required
3121 under s. 943.135(1), as applicable.

3122 (c) By November 1, 2026, the head of each law enforcement
3123 agency shall provide written certification to the department
3124 verifying that the law enforcement agency has complied with the
3125 training requirements in this subsection.

3126 (d) By January 1, 2027, the department shall submit to the
3127 Governor, the President of the Senate, and the Speaker of the
3128 House of Representatives a report identifying each law
3129 enforcement agency that has not complied with the requirements
3130 of this subsection.

3131 (e) Subject to any revisions made by the department to the
3132 lethality assessment under this subsection, to administer a

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3133 lethality assessment, a law enforcement officer shall ask the
3134 victim, in the same or similar wording and in the same order,
3135 all of the following questions:

3136 1. Did the aggressor ever use a weapon against you or
3137 threaten you with a weapon?

3138 2. Did the aggressor ever threaten to kill you or your
3139 children?

3140 3. Do you believe the aggressor will try to kill you?

3141 4. Has the aggressor ever choked you or attempted to choke
3142 you?

3143 5. Does the aggressor have a gun or could the aggressor
3144 easily obtain a gun?

3145 6. Is the aggressor violently or constantly jealous, or
3146 does the aggressor control most of your daily activities?

3147 7. Did you leave or separate from the aggressor after you
3148 were living together or married?

3149 8. Is the aggressor unemployed?

3150 9. To the best of your knowledge, has the aggressor ever
3151 attempted suicide?

3152 10. Do you have a child whom the aggressor believes is not
3153 the aggressor's biological child?

3154 11. Has the aggressor ever followed, spied on, or left
3155 threatening messages for you?

3156 12. Is there anything else that worries you about your
3157 safety and, if so, what worries you?

3158 (f) A law enforcement officer shall advise a victim of the
3159 results of the assessment and refer the victim to the nearest
3160 locally certified domestic violence center if:

3161 1. The victim answers affirmatively to any of the questions

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3162 provided in subparagraphs (e)1.-4.;

3163 2. The victim answers negatively to the questions provided
3164 in subparagraphs (e)1.-4., but affirmatively to at least four of
3165 the questions provided in subparagraphs (e)5.-11.; or

3166 3. As a result of the victim's response to subparagraph
3167 (e)12., the law enforcement officer believes the victim is in a
3168 potentially lethal situation.

3169 (g) If a victim does not, or is unable to, provide
3170 information to a law enforcement officer sufficient to allow the
3171 law enforcement officer to administer a lethality assessment,
3172 the law enforcement officer must document the lack of a
3173 lethality assessment in the written police report required in
3174 subsection (3) and refer the victim to the nearest locally
3175 certified domestic violence center.

3176 (h) A law enforcement officer may not include in a probable
3177 cause statement, written police report, or incident report the
3178 domestic violence center to which a victim was referred.

3179 (3)~~(2)~~ When a law enforcement officer investigates an
3180 allegation that an incident of domestic violence has occurred,
3181 the officer shall handle the incident pursuant to the arrest
3182 policy provided in s. 901.15(7), and as developed in accordance
3183 with subsections (4), (5), and (6) ~~(3), (4), and (5)~~. Regardless
3184 of whether ~~or not~~ an arrest is made, the officer shall make a
3185 written police report that is complete and clearly indicates the
3186 alleged offense was an incident of domestic violence. Such
3187 report must ~~shall~~ be given to the officer's supervisor and filed
3188 with the law enforcement agency in a manner that will permit
3189 data on domestic violence cases to be compiled. Such report must
3190 include all of the following:

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- 3191 (a) A description of physical injuries observed, if any.
- 3192 (b) If a law enforcement officer decides not to make an
- 3193 arrest or decides to arrest two or more parties, ~~the officer~~
- 3194 ~~shall include in the report~~ the grounds for not arresting anyone
- 3195 or for arresting two or more parties.
- 3196 (c) A statement which indicates that a copy of the legal
- 3197 rights and remedies notice was given to the victim.
- 3198 (d) A notation of the score of a lethality assessment, if
- 3199 one was administered pursuant to paragraph (1) (c).

3200

3201 Whenever possible, the law enforcement officer shall obtain a

3202 written statement from the victim and witnesses concerning the

3203 alleged domestic violence. The officer shall submit the report

3204 to the supervisor or other person to whom the employer's rules

3205 or policies require reports of similar allegations of criminal

3206 activity to be made. The law enforcement agency shall, without

3207 charge, send a copy of the initial police report, as well as any

3208 subsequent, supplemental, or related report, which excludes

3209 victim/witness statements or other materials that are part of an

3210 active criminal investigation and are exempt from disclosure

3211 under chapter 119, to the nearest locally certified domestic

3212 violence center within 24 hours after the agency's receipt of

3213 the report. The report furnished to the domestic violence center

3214 must include a narrative description of the domestic violence

3215 incident.

3216 (4)~~(3)~~ Whenever a law enforcement officer determines upon

3217 probable cause that an act of domestic violence has been

3218 committed within the jurisdiction the officer may arrest the

3219 person or persons suspected of its commission and charge such

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3220 person or persons with the appropriate crime. The decision to
3221 arrest and charge shall not require consent of the victim or
3222 consideration of the relationship of the parties.

3223 (5) (a) ~~(4) (a)~~ When complaints are received from two or more
3224 parties, the officers shall evaluate each complaint separately
3225 to determine whether there is probable cause for arrest.

3226 (b) If a law enforcement officer has probable cause to
3227 believe that two or more persons have committed a misdemeanor or
3228 felony, or if two or more persons make complaints to the
3229 officer, the officer must ~~shall~~ try to determine who was the
3230 primary aggressor. Arrest is the preferred response only with
3231 respect to the primary aggressor and not the preferred response
3232 with respect to a person who acts in a reasonable manner to
3233 protect or defend oneself or another family or household member
3234 from domestic violence.

3235 (6) (5) ~~A~~ ~~No~~ law enforcement officer may not ~~shall~~ be held
3236 liable, in any civil action, for an arrest based on probable
3237 cause, enforcement in good faith of a court order, or service of
3238 process in good faith under this chapter arising from an alleged
3239 incident of domestic violence brought by any party to the
3240 incident.

3241 (7) (6) A person who willfully violates a condition of
3242 pretrial release provided in s. 903.047, when the original
3243 arrest was for an act of domestic violence as defined in s.
3244 741.28, commits a misdemeanor of the first degree, punishable as
3245 provided in s. 775.082 or s. 775.083, and shall be held in
3246 custody until his or her first appearance.

3247 Section 60. For the purpose of incorporating the amendment
3248 made by this act to section 741.29, Florida Statutes, in a

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3249 reference thereto, section 39.906, Florida Statutes, is
3250 reenacted to read:

3251 39.906 Referral to centers and notice of rights.—Any law
3252 enforcement officer who investigates an alleged incident of
3253 domestic violence shall advise the victim of such violence that
3254 there is a domestic violence center from which the victim may
3255 receive services. The law enforcement officer shall give the
3256 victim immediate notice of the legal rights and remedies
3257 available in accordance with the provisions of s. 741.29.

3258 Section 61. The Division of Law Revision is requested to
3259 prepare a reviser's bill for the 2025 Regular Session of the
3260 Legislature to substitute the term "Statewide Guardian ad Litem
3261 Office" for the term "Guardian ad Litem Program" or "Statewide
3262 Guardian ad Litem Program" throughout the Florida Statutes.

3263 Section 62. This act shall take effect July 1, 2024.