

26 | appointment of an attorney for certain children;
27 | authorizing the court to appoint an attorney ad litem
28 | after making certain determinations; providing
29 | requirements for the appointment and discharge of an
30 | attorney ad litem; authorizing an attorney ad litem to
31 | represent a child in other proceedings to secure
32 | certain services and benefits; conforming provisions
33 | to changes made by the act; providing applicability;
34 | amending s. 39.0132, F.S.; authorizing a child's
35 | attorney ad litem to inspect certain records; amending
36 | s. 39.0136, F.S.; revising the parties who may request
37 | a continuance in a proceeding; amending s. 39.01375,
38 | F.S.; conforming provisions to changes made by the
39 | act; amending s. 39.0139, F.S.; conforming provisions
40 | to changes made by the act; amending s. 39.202, F.S.;
41 | requiring that certain confidential records be
42 | released to the guardian ad litem and attorney ad
43 | litem; conforming a cross-reference; amending s.
44 | 39.402, F.S.; requiring parents to consent to provide
45 | certain information to the guardian ad litem and
46 | attorney ad litem; conforming provisions to changes
47 | made by the act; amending s. 39.4022, F.S.; revising
48 | the participants who must be invited to a
49 | multidisciplinary team staffing; amending s. 39.4023,
50 | F.S.; requiring notice of a multidisciplinary team

51 staffing be provided to a child's guardian ad litem
52 and attorney ad litem; conforming provisions to
53 changes made by the act; amending s. 39.407, F.S.;
54 conforming provisions to changes made by the act;
55 amending s. 39.4085, F.S.; providing a goal of
56 permanency; conforming provisions to changes made by
57 the act; amending ss. 39.502 and 39.522, F.S.;
58 conforming provisions to changes made by the act;
59 amending s. 39.6012, F.S.; requiring a case plan to
60 include written descriptions of certain activities;
61 conforming a cross-reference; creating s. 39.6036,
62 F.S.; providing legislative findings and intent;
63 requiring the Statewide Guardian ad Litem Office to
64 work with certain children to identify a supportive
65 adult to enter into a specified agreement; requiring
66 such agreement be documented in the child's court
67 file; requiring the office to coordinate with the
68 Office of Continuing Care for a specified purpose;
69 amending s. 39.621, F.S.; conforming provisions to
70 changes made by the act; amending s. 39.6241, F.S.;
71 requiring a guardian ad litem to advise the court
72 regarding certain information and to ensure a certain
73 agreement has been documented in the child's court
74 file; amending s. 39.701, F.S.; requiring certain
75 notice be given to an attorney ad litem; requiring a

76 | court to give a guardian ad litem an opportunity to
77 | address the court in certain proceedings; requiring
78 | the court to inquire and determine if a child has a
79 | certain agreement documented in his or her court file
80 | at a specified hearing; conforming provisions to
81 | changes made by the act; amending s. 39.801, F.S.;
82 | conforming provisions to changes made by the act;
83 | amending s. 39.807, F.S.; requiring a court to appoint
84 | a guardian ad litem to represent a child; revising a
85 | guardian ad litem's responsibilities and authorities;
86 | deleting provisions relating to bonds and service of
87 | pleadings or papers; amending s. 39.808, F.S.;
88 | conforming provisions to changes made by the act;
89 | amending s. 39.815, F.S.; conforming provisions to
90 | changes made by the act; repealing s. 39.820, F.S.,
91 | relating to definitions of the terms "guardian ad
92 | litem" and "guardian advocate"; amending s. 39.821,
93 | F.S.; conforming provisions to changes made by the
94 | act; amending s. 39.822, F.S.; providing that a
95 | guardian ad litem is a fiduciary and must provide
96 | independent representation to a child; revising
97 | responsibilities of a guardian ad litem; requiring
98 | that guardians ad litem have certain access to the
99 | children the guardians ad litem represent; providing
100 | actions that a guardian ad litem does or does not have

101 to fulfill; amending s. 39.827, F.S.; authorizing a
102 child's guardian ad litem and attorney ad litem to
103 inspect certain records; amending s. 39.8296, F.S.;
104 revising the duties and appointment of the executive
105 director of the Statewide Guardian ad Litem Office;
106 requiring the training program for guardians ad litem
107 to be updated regularly; requiring the office to
108 provide oversight and technical assistance to
109 attorneys ad litem; specifying certain requirements of
110 the office; amending s. 39.8297, F.S.; conforming
111 provisions to changes made by the act; amending s.
112 39.8298, F.S.; authorizing the executive director of
113 the Statewide Guardian ad Litem Office to create or
114 designate local direct-support organizations;
115 providing responsibilities for the executive director
116 of the office; requiring that certain moneys be held
117 in a separate depository account; conforming
118 provisions to changes made by the act; creating s.
119 1009.898, F.S.; authorizing the Pathway to Prosperity
120 program to provide certain grants to youth and young
121 adults who are aging out of foster care; requiring
122 grants to extend for a certain period of time after a
123 recipient is reunited with his or her parents;
124 amending ss. 29.008, 39.6011, 40.24, 43.16, 61.402,
125 110.205, 320.08058, 943.053, 985.43, 985.441, 985.455,

126 985.461, and 985.48, F.S.; conforming provisions to
 127 changes made by the act; amending ss. 39.302, 39.521,
 128 61.13, 119.071, 322.09, 394.495, 627.746, 934.255, and
 129 960.065, F.S.; conforming cross-references; providing
 130 a directive to the Division of Law Revision; providing
 131 an effective date;

132

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

134

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

138 39.001 Purposes and intent; personnel standards and
 139 screening.—

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

141 (j) To ensure that, when reunification or adoption is not
 142 possible, the child will be prepared for alternative permanency
 143 goals or placements, to include, but not be limited to, long-
 144 term foster care, independent living, custody to a relative on a
 145 permanent basis with or without legal guardianship, or custody
 146 to a foster parent or legal custodian on a permanent basis with
 147 or without legal guardianship. Permanency for a child who is
 148 transitioning from foster care to independent living includes
 149 naturally occurring, lifelong, kin-like connections between the
 150 child and a supportive adult.

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

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

157 (10) PLAN FOR COMPREHENSIVE APPROACH.—

158 (a) The office shall develop a state plan for the
 159 promotion of adoption, support of adoptive families, and
 160 prevention of abuse, abandonment, and neglect of children. The
 161 Department of Children and Families, the Department of
 162 Corrections, the Department of Education, the Department of
 163 Health, the Department of Juvenile Justice, the Department of
 164 Law Enforcement, the Statewide Guardian ad Litem Office, and the
 165 Agency for Persons with Disabilities shall participate and fully
 166 cooperate in the development of the state plan at both the state
 167 and local levels. Furthermore, appropriate local agencies and
 168 organizations shall be provided an opportunity to participate in
 169 the development of the state plan at the local level.

170 Appropriate local groups and organizations shall include, but
 171 not be limited to, community mental health centers; circuit
 172 guardian ad litem offices ~~programs for children under the~~
 173 ~~circuit court~~; the school boards of the local school districts;
 174 the Florida local advocacy councils; community-based care lead
 175 agencies; private or public organizations or programs with

176 recognized expertise in working with child abuse prevention
177 programs for children and families; private or public
178 organizations or programs with recognized expertise in working
179 with children who are sexually abused, physically abused,
180 emotionally abused, abandoned, or neglected and with expertise
181 in working with the families of such children; private or public
182 programs or organizations with expertise in maternal and infant
183 health care; multidisciplinary Child Protection Teams; child day
184 care centers; law enforcement agencies; and the circuit courts,
185 ~~when guardian ad litem programs are not available in the local~~
186 ~~area.~~ The state plan to be provided to the Legislature and the
187 Governor shall include, as a minimum, the information required
188 of the various groups in paragraph (b).

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

191 39.00145 Records concerning children.—

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

197 (a) A complete and accurate copy of any record in a
198 child's case record must be provided, upon request and at no
199 cost, to the child who is the subject of the case record and to
200 the child's caregiver, guardian ad litem, or attorney ad litem,

201 if one is appointed.

202 (b) The department shall release the information in a
203 manner and setting that are appropriate to the age and maturity
204 of the child and the nature of the information being released,
205 which may include the release of information in a therapeutic
206 setting, if appropriate. This paragraph does not deny the child
207 access to his or her records.

208 (c) If a child or the child's caregiver, guardian ad
209 litem, or attorney ad litem, if one is appointed, requests
210 access to the child's case record, any person or entity that
211 fails to provide any record in the case record under assertion
212 of a claim of exemption from the public records requirements of
213 chapter 119, or fails to provide access within a reasonable
214 time, is subject to sanctions and penalties under s. 119.10.

215 (d) For the purposes of this subsection, the term
216 "caregiver" is limited to parents, legal custodians, permanent
217 guardians, or foster parents; employees of a residential home,
218 institution, facility, or agency at which the child resides; and
219 other individuals legally responsible for a child's welfare in a
220 residential setting.

221 Section 3. Paragraph (a) of subsection (2) of section
222 39.00146, Florida Statutes, is amended to read:

223 39.00146 Case record face sheet.—

224 (2) The case record of every child under the supervision
225 or in the custody of the department or the department's

226 authorized agents, including community-based care lead agencies
 227 and their subcontracted providers, must include a face sheet
 228 containing relevant information about the child and his or her
 229 case, including at least all of the following:

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

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

233 2. The current county of residence and the county of
 234 residence at the time of the referral .†

235 3. The reason for the referral and any family safety
 236 concerns .†

237 4. The personal identifying information of the parents or
 238 legal custodians who had custody of the child at the time of the
 239 referral, including name, date of birth, and county of
 240 residence .†

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

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

246 Section 4. Paragraph (b) of subsection (2) and paragraph
 247 (b) of subsection (3) of section 39.0016, Florida Statutes, are
 248 amended to read:

249 39.0016 Education of abused, neglected, and abandoned
 250 children; agency agreements; children having or suspected of

251 having a disability.—

252 (2) AGENCY AGREEMENTS.—

253 (b) The department shall enter into agreements with
254 district school boards or other local educational entities
255 regarding education and related services for children known to
256 the department who are of school age and children known to the
257 department who are younger than school age but who would
258 otherwise qualify for services from the district school board.

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

260 1. A requirement that the department shall:

261 a. Ensure that children known to the department are
262 enrolled in school or in the best educational setting that meets
263 the needs of the child. The agreement must ~~shall~~ provide for
264 continuing the enrollment of a child known to the department at
265 the school of origin when possible if it is in the best interest
266 of the child, with the goal of minimal disruption of education.

267 b. Notify the school and school district in which a child
268 known to the department is enrolled of the name and phone number
269 of the child known to the department caregiver and caseworker
270 for child safety purposes.

271 c. Establish a protocol for the department to share
272 information about a child known to the department with the
273 school district, consistent with the Family Educational Rights
274 and Privacy Act, since the sharing of information will assist
275 each agency in obtaining education and related services for the

276 benefit of the child. The protocol must require the district
277 school boards or other local educational entities to access the
278 department's Florida Safe Families Network to obtain information
279 about children known to the department, consistent with the
280 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
281 1232g.

282 d. Notify the school district of the department's case
283 planning for a child known to the department, both at the time
284 of plan development and plan review. Within the plan development
285 or review process, the school district may provide information
286 regarding the child known to the department if the school
287 district deems it desirable and appropriate.

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

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

292 a. Provide the department with a general listing of the
293 services and information available from the district school
294 board to facilitate educational access for a child known to the
295 department.

296 b. Identify all educational and other services provided by
297 the school and school district which the school district
298 believes are reasonably necessary to meet the educational needs
299 of a child known to the department.

300 c. Determine whether transportation is available for a

301 child known to the department when such transportation will
302 avoid a change in school assignment due to a change in
303 residential placement. Recognizing that continued enrollment in
304 the same school throughout the time the child known to the
305 department is in out-of-home care is preferable unless
306 enrollment in the same school would be unsafe or otherwise
307 impractical, the department, the district school board, and the
308 Department of Education shall assess the availability of
309 federal, charitable, or grant funding for such transportation.

310 d. Provide individualized student intervention or an
311 individual educational plan when a determination has been made
312 through legally appropriate criteria that intervention services
313 are required. The intervention or individual educational plan
314 must include strategies to enable the child known to the
315 department to maximize the attainment of educational goals.

316 3. A requirement that the department and the district
317 school board shall cooperate in accessing the services and
318 supports needed for a child known to the department who has or
319 is suspected of having a disability to receive an appropriate
320 education consistent with the Individuals with Disabilities
321 Education Act and state implementing laws, rules, and
322 assurances. Coordination of services for a child known to the
323 department who has or is suspected of having a disability may
324 include:

325 a. Referral for screening.

326 b. Sharing of evaluations between the school district and
327 the department where appropriate.

328 c. Provision of education and related services appropriate
329 for the needs and abilities of the child known to the
330 department.

331 d. Coordination of services and plans between the school
332 and the residential setting to avoid duplication or conflicting
333 service plans.

334 e. Appointment of a surrogate parent, consistent with the
335 Individuals with Disabilities Education Act and pursuant to
336 subsection (3), for educational purposes for a child known to
337 the department who qualifies.

338 f. For each child known to the department 14 years of age
339 and older, transition planning by the department and all
340 providers, including the department's independent living program
341 staff and the guardian ad litem of the child, to meet the
342 requirements of the local school district for educational
343 purposes.

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

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

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

350 b. A court of competent jurisdiction over a child under

351 | this chapter has determined that no person has the authority
352 | under the Individuals with Disabilities Education Act, including
353 | the parent or parents subject to the dependency action, or that
354 | no person has the authority, willingness, or ability to serve as
355 | the educational decisionmaker for the child without judicial
356 | action.

357 | 2. A surrogate parent appointed by the district school
358 | superintendent or the court must be at least 18 years old and
359 | have no personal or professional interest that conflicts with
360 | the interests of the student to be represented. Neither the
361 | district school superintendent nor the court may appoint an
362 | employee of the Department of Education, the local school
363 | district, a community-based care provider, the Department of
364 | Children and Families, or any other public or private agency
365 | involved in the education or care of the child as appointment of
366 | those persons is prohibited by federal law. This prohibition
367 | includes group home staff and therapeutic foster parents.
368 | However, a person who acts in a parental role to a child, such
369 | as a foster parent or relative caregiver, is not prohibited from
370 | serving as a surrogate parent if he or she is employed by such
371 | agency, willing to serve, and knowledgeable about the child and
372 | the exceptional student education process. The surrogate parent
373 | may be a court-appointed guardian ad litem or a relative or
374 | nonrelative adult who is involved in the child's life regardless
375 | of whether that person has physical custody of the child. Each

376 person appointed as a surrogate parent must have the knowledge
377 and skills acquired by successfully completing training using
378 materials developed and approved by the Department of Education
379 to ensure adequate representation of the child.

380 3. ~~If a guardian ad litem has been appointed for a child,~~
381 The district school superintendent must first consider the
382 child's guardian ad litem when appointing a surrogate parent.
383 The district school superintendent must accept the appointment
384 of the court if he or she has not previously appointed a
385 surrogate parent. Similarly, the court must accept a surrogate
386 parent duly appointed by a district school superintendent.

387 4. A surrogate parent appointed by the district school
388 superintendent or the court must be accepted by any subsequent
389 school or school district without regard to where the child is
390 receiving residential care so that a single surrogate parent can
391 follow the education of the child during his or her entire time
392 in state custody. Nothing in this paragraph or in rule shall
393 limit or prohibit the continuance of a surrogate parent
394 appointment when the responsibility for the student's
395 educational placement moves among and between public and private
396 agencies.

397 5. For a child known to the department, the responsibility
398 to appoint a surrogate parent resides with both the district
399 school superintendent and the court with jurisdiction over the
400 child. If the court elects to appoint a surrogate parent, notice

401 shall be provided as soon as practicable to the child's school.
402 At any time the court determines that it is in the best
403 interests of a child to remove a surrogate parent, the court may
404 appoint a new surrogate parent for educational decisionmaking
405 purposes for that child.

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

408 a. The child is determined to no longer be eligible or in
409 need of special programs, except when termination of special
410 programs is being contested.

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

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

416 d. The appointed surrogate no longer wishes to represent
417 the child or is unable to represent the child.

418 e. The superintendent of the school district in which the
419 child is attending school, the Department of Education contract
420 designee, or the court that appointed the surrogate determines
421 that the appointed surrogate parent no longer adequately
422 represents the child.

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

425 7. The appointment and termination of appointment of a

426 surrogate under this paragraph shall be entered as an order of
427 the court with a copy of the order provided to the child's
428 school as soon as practicable.

429 8. The person appointed as a surrogate parent under this
430 paragraph must:

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

433 b. Represent the child in all matters relating to
434 identification, evaluation, and educational placement and the
435 provision of a free and appropriate education to the child.

436 c. Represent the interests and safeguard the rights of the
437 child in educational decisions that affect the child.

438 9. The responsibilities of the person appointed as a
439 surrogate parent shall not extend to the care, maintenance,
440 custody, residential placement, or any other area not
441 specifically related to the education of the child, unless the
442 same person is appointed by the court for such other purposes.

443 10. A person appointed as a surrogate parent shall enjoy
444 all of the procedural safeguards afforded a parent with respect
445 to the identification, evaluation, and educational placement of
446 a student with a disability or a student who is suspected of
447 having a disability.

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

451 Section 5. Subsections (8) through (30) and (31) through
452 (87) of section 39.01, Florida Statutes, are renumbered as
453 subsections (9) through (31) and (34) through (90),
454 respectively, present subsections (9), (36), and (58) are
455 amended, and new subsections (8), (32), and (33) are added to
456 that section, to read:

457 39.01 Definitions.—When used in this chapter, unless the
458 context otherwise requires:

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

463 (10) ~~(9)~~ "Caregiver" means the parent, legal custodian,
464 permanent guardian, adult household member, or other person
465 responsible for a child's welfare as defined in subsection
466 (57) ~~(54)~~.

467 (32) "Guardian ad litem" means a person or an entity that
468 is a fiduciary appointed by the court to represent a child in
469 any civil, criminal, or administrative proceeding to which the
470 child is a party, including, but not limited to, under this
471 chapter, which uses a best interest standard for decisionmaking
472 and advocacy. For purposes of this chapter, the term includes,
473 but is not limited to, the Statewide Guardian ad Litem Office,
474 which includes all circuit guardian ad litem offices and the
475 duly certified volunteers, staff, and attorneys assigned by the

476 Statewide Guardian ad Litem Office to represent children; a
477 court-appointed attorney; or a responsible adult who is
478 appointed by the court. A guardian ad litem is a party to the
479 judicial proceeding as a representative of the child and serves
480 until the jurisdiction of the court over the child terminates or
481 until excused by the court.

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

485 (39)~~(36)~~ "Institutional child abuse or neglect" means
486 situations of known or suspected child abuse or neglect in which
487 the person allegedly perpetrating the child abuse or neglect is
488 an employee of a public or private school, public or private day
489 care center, residential home, institution, facility, or agency
490 or any other person at such institution responsible for the
491 child's welfare as defined in subsection (57)~~(54)~~.

492 (61)~~(58)~~ "Party" means the parent or parents of the child,
493 the petitioner, the department, the guardian ad litem ~~or the~~
494 ~~representative of the guardian ad litem program when the program~~
495 ~~has been appointed~~, and the child. The presence of the child may
496 be excused by order of the court when presence would not be in
497 the child's best interest. Notice to the child may be excused by
498 order of the court when the age, capacity, or other condition of
499 the child is such that the notice would be meaningless or
500 detrimental to the child.

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501 Section 6. Subsection (11) of section 39.013, Florida
 502 Statutes, is amended and subsection (14) is added to that
 503 section, to read:

504 39.013 Procedures and jurisdiction; right to counsel;
 505 guardian ad litem and attorney ad litem.—

506 (11) The court shall appoint a guardian ad litem at the
 507 earliest possible time to represent a child throughout the
 508 proceedings, including any appeals. The guardian ad litem may
 509 represent the child in proceedings outside of the dependency
 510 case to secure the services and benefits that provide for the
 511 care, safety, and protection of the child ~~encourage the~~
 512 ~~Statewide Guardian Ad Litem Office to provide greater~~
 513 ~~representation to those children who are within 1 year of~~
 514 ~~transferring out of foster care.~~

515 (14) The court may appoint an attorney ad litem for a
 516 child if the court believes the child is in need of such
 517 representation and determines that the child has a rational and
 518 factual understanding of the proceedings and sufficient present
 519 ability to consult with an attorney with a reasonable degree of
 520 rational understanding. The attorney ad litem may represent the
 521 child in proceedings outside of the dependency case to secure
 522 services and benefits that provide for the care, safety, and
 523 protection of the child.

524 Section 7. Section 39.01305, Florida Statutes, is amended
 525 to read:

526 39.01305 Appointment of an attorney ad litem for a
527 dependent child ~~with certain special needs.~~

528 (1)~~(a)~~ The Legislature finds that:

529 ~~1.~~ all children in proceedings under this chapter have
530 important interests at stake, such as health, safety, and well-
531 being and the need to obtain permanency. While such children are
532 represented by the Statewide Guardian ad Litem Office using a
533 best interest standard of decisionmaking and advocacy, some
534 children may also need representation by an attorney ad litem in
535 proceedings under this chapter.

536 (2) The court may appoint an attorney ad litem for a child
537 if the court believes the child is in need of such
538 representation and determines that the child has a rational and
539 factual understanding of the proceedings and sufficient present
540 ability to consult with an attorney with a reasonable degree of
541 rational understanding.

542 ~~2. A dependent child who has certain special needs has a~~
543 ~~particular need for an attorney to represent the dependent child~~
544 ~~in proceedings under this chapter, as well as in fair hearings~~
545 ~~and appellate proceedings, so that the attorney may address the~~
546 ~~child's medical and related needs and the services and supports~~
547 ~~necessary for the child to live successfully in the community.~~

548 ~~(b) The Legislature recognizes the existence of~~
549 ~~organizations that provide attorney representation to children~~
550 ~~in certain jurisdictions throughout the state. Further, the~~

551 ~~statewide Guardian Ad Litem Program provides best interest~~
552 ~~representation for dependent children in every jurisdiction in~~
553 ~~accordance with state and federal law. The Legislature,~~
554 ~~therefore, does not intend that funding provided for~~
555 ~~representation under this section supplant proven and existing~~
556 ~~organizations representing children. Instead, the Legislature~~
557 ~~intends that funding provided for representation under this~~
558 ~~section be an additional resource for the representation of more~~
559 ~~children in these jurisdictions, to the extent necessary to meet~~
560 ~~the requirements of this chapter, with the cooperation of~~
561 ~~existing local organizations or through the expansion of those~~
562 ~~organizations. The Legislature encourages the expansion of pro~~
563 ~~bono representation for children. This section is not intended~~
564 ~~to limit the ability of a pro bono attorney to appear on behalf~~
565 ~~of a child.~~

566 ~~(2) As used in this section, the term "dependent child"~~
567 ~~means a child who is subject to any proceeding under this~~
568 ~~chapter. The term does not require that a child be adjudicated~~
569 ~~dependent for purposes of this section.~~

570 ~~(3) An attorney shall be appointed for a dependent child~~
571 ~~who:~~

572 ~~(a) Resides in a skilled nursing facility or is being~~
573 ~~considered for placement in a skilled nursing home;~~

574 ~~(b) Is prescribed a psychotropic medication but declines~~
575 ~~assent to the psychotropic medication;~~

576 ~~(c) Has a diagnosis of a developmental disability as~~
577 ~~defined in s. 393.063;~~

578 ~~(d) Is being placed in a residential treatment center or~~
579 ~~being considered for placement in a residential treatment~~
580 ~~center; or~~

581 ~~(e) Is a victim of human trafficking as defined in s.~~
582 ~~787.06(2)(d).~~

583 (3)(a)~~(4)(a)~~ Before a court may appoint an attorney ad
584 litem~~r~~ who may be compensated pursuant to this section, the
585 court must request a recommendation from the Statewide Guardian
586 ad Litem Office for an attorney who is willing to represent a
587 child without additional compensation. If such an attorney is
588 available within 15 days after the court's request, the court
589 must appoint that attorney. However, the court may appoint a
590 compensated attorney within the 15-day period if the Statewide
591 Guardian ad Litem Office informs the court that the office is
592 unable ~~it will not be able~~ to recommend an attorney within that
593 time period.

594 (b) A court order appointing ~~After~~ an attorney ad litem
595 must be in writing. ~~is appointed, the appointment continues in~~
596 ~~effect until the attorney is allowed to withdraw or is~~
597 ~~discharged by~~ The court must discharge ~~or until the case is~~
598 ~~dismissed.~~ an attorney ad litem who is appointed under this
599 section if the need for such representation is resolved. The
600 attorney ad litem may represent the child in proceedings outside

601 of the dependency case to secure services and benefits that
602 provide for the care, safety, and protection of the child ~~to~~
603 ~~represent the child shall provide the complete range of legal~~
604 ~~services, from the removal from home or from the initial~~
605 ~~appointment through all available appellate proceedings.~~ With
606 the permission of the court, the attorney ad litem ~~for the~~
607 ~~dependent child~~ may arrange for supplemental or separate counsel
608 to represent the child in appellate proceedings. ~~A court order~~
609 ~~appointing an attorney under this section must be in writing.~~

610 ~~(4)-(5)~~ Unless the attorney ad litem has agreed to provide
611 pro bono services, an appointed attorney ad litem or
612 organization must be adequately compensated. All appointed
613 attorneys ad litem and organizations, including pro bono
614 attorneys, must be provided with access to funding for expert
615 witnesses, depositions, and other due process costs of
616 litigation. Payment of attorney fees and case-related due
617 process costs are subject to appropriations and review by the
618 Justice Administrative Commission for reasonableness. The
619 Justice Administrative Commission shall contract with attorneys
620 ad litem appointed by the court. Attorney fees may not exceed
621 \$1,000 per child per year.

622 ~~(6)~~ ~~The department shall develop procedures to identify a~~
623 ~~dependent child who has a special need specified under~~
624 ~~subsection (3) and to request that a court appoint an attorney~~
625 ~~for the child.~~

626 ~~(7) The department may adopt rules to administer this~~
 627 ~~section.~~

628 ~~(8) This section does not limit the authority of the court~~
 629 ~~to appoint an attorney for a dependent child in a proceeding~~
 630 ~~under this chapter.~~

631 (5)~~(9)~~ Implementation of this section is subject to
 632 appropriations expressly made for that purpose.

633 Section 8. The amendments made by this act to s. 39.01305,
 634 Florida Statutes, apply only to attorney ad litem appointments
 635 made on or after July 1, 2024.

636 Section 9. Subsection (3) of section 39.0132, Florida
 637 Statutes, is amended to read:

638 39.0132 Oaths, records, and confidential information.—

639 (3) The clerk shall keep all court records required by
 640 this chapter separate from other records of the circuit court.
 641 All court records required by this chapter may ~~shall~~ not be open
 642 to inspection by the public. All records may ~~shall~~ be inspected
 643 only upon order of the court by persons deemed by the court to
 644 have a proper interest therein, except that, subject to ~~the~~
 645 ~~provisions of s. 63.162, a child,~~ and the parents of the child
 646 and their attorneys, the guardian ad litem, criminal conflict
 647 and civil regional counsels, law enforcement agencies, ~~and~~ the
 648 department and its designees, and the attorney ad litem, if one
 649 is appointed, ~~shall~~ always have the right to inspect and copy
 650 any official record pertaining to the child. The Justice

651 Administrative Commission may inspect court dockets required by
652 this chapter as necessary to audit compensation of court-
653 appointed attorneys ad litem. If the docket is insufficient for
654 purposes of the audit, the commission may petition the court for
655 additional documentation as necessary and appropriate. The court
656 may permit authorized representatives of recognized
657 organizations compiling statistics for proper purposes to
658 inspect and make abstracts from official records, under whatever
659 conditions upon their use and disposition the court may deem
660 proper, and may punish by contempt proceedings any violation of
661 those conditions.

662 Section 10. Paragraph (a) of subsection (3) of section
663 39.0136, Florida Statutes, is amended to read:

664 39.0136 Time limitations; continuances.—

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

666 (a) Periods of delay resulting from a continuance granted
667 at the request of the child's counsel, or the child's guardian
668 ad litem, or attorney ad litem, if one is appointed, ~~if the~~
669 ~~child is of sufficient capacity to express reasonable consent,~~
670 ~~at the request or with the consent of the child.~~ The court must
671 consider the best interests of the child when determining
672 periods of delay under this section.

673 Section 11. Subsection (7) of section 39.01375, Florida
674 Statutes, is amended to read:

675 39.01375 Best interest determination for placement.—The

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

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

682 Section 12. Paragraphs (a) and (b) of subsection (4) of
683 section 39.0139, Florida Statutes, are amended to read:

684 39.0139 Visitation or other contact; restrictions.—

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

689 (a) Before ~~Prior to~~ the hearing, the court shall appoint
690 ~~an attorney ad litem or~~ a guardian ad litem for the child if one
691 has not already been appointed. The guardian ad litem and Any
692 attorney ad litem, if one is ~~or guardian ad litem~~ appointed,
693 must shall have special training in the dynamics of child sexual
694 abuse.

695 (b) At the hearing, the court may receive and rely upon
696 any relevant and material evidence submitted to the extent of
697 its probative value, including written and oral reports or
698 recommendations from the Child Protection Team, the child's
699 therapist, the child's guardian ad litem, or the child's
700 attorney ad litem, if one is appointed, even if these reports,

701 recommendations, and evidence may not be admissible under the
 702 rules of evidence.

703 Section 13. Paragraphs (d) and (t) of subsection (2) of
 704 section 39.202, Florida Statutes, are amended to read:

705 39.202 Confidentiality of reports and records in cases of
 706 child abuse or neglect; exception.—

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

712 (d) The parent or legal custodian of any child who is
 713 alleged to have been abused, abandoned, or neglected; the child;
 714 the child's guardian ad litem; the child's attorney ad litem, if
 715 one is appointed; or, ~~and the child, and their attorneys,~~
 716 ~~including~~ any attorney representing a child in civil or criminal
 717 proceedings. This access must ~~shall~~ be made available no later
 718 than 60 days after the department receives the initial report of
 719 abuse, neglect, or abandonment. However, any information
 720 otherwise made confidential or exempt by law may ~~shall~~ not be
 721 released pursuant to this paragraph.

722 (t) Persons with whom the department is seeking to place
 723 the child or to whom placement has been granted, including
 724 foster parents for whom an approved home study has been
 725 conducted, the designee of a licensed child-caring agency as

726 defined in s. 39.01 ~~s. 39.01(41)~~, an approved relative or
727 nonrelative with whom a child is placed pursuant to s. 39.402,
728 preadoptive parents for whom a favorable preliminary adoptive
729 home study has been conducted, adoptive parents, or an adoption
730 entity acting on behalf of preadoptive or adoptive parents.

731 Section 14. Paragraph (c) of subsection (8), paragraphs
732 (b) and (c) of subsection (11), and paragraph (a) of subsection
733 (14) of section 39.402, Florida Statutes, are amended to read:

734 39.402 Placement in a shelter.—

735 (8)

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

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

740 2. Inform the parents or legal custodians of their right
741 to counsel to represent them at the shelter hearing and at each
742 subsequent hearing or proceeding, and the right of the parents
743 to appointed counsel, pursuant to the procedures set forth in s.
744 39.013;

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

747 4. Inquire of those present at the shelter hearing as to
748 the identity and location of the legal father. In determining
749 who the legal father of the child may be, the court shall
750 inquire under oath of those present at the shelter hearing

751 whether they have any of the following information:

752 a. Whether the mother of the child was married at the
753 probable time of conception of the child or at the time of birth
754 of the child.

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

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

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

763 e. Whether any man has acknowledged or claimed paternity
764 of the child in a jurisdiction in which the mother resided at
765 the time of or since conception of the child or in which the
766 child has resided or resides.

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

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

771 h. Whether a man has been determined to be the father of
772 the child by the Department of Revenue as provided in s.
773 409.256.

774 (11)

775 (b) The court shall request that the parents consent to

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776 provide access to the child's medical records and provide
777 information to the court, the department or its contract
778 agencies, and the any guardian ad litem and ~~or~~ attorney ad
779 litem, if one is appointed, for the child. If a parent is
780 unavailable or unable to consent or withholds consent and the
781 court determines access to the records and information is
782 necessary to provide services to the child, the court shall
783 issue an order granting access. The court may also order the
784 parents to provide all known medical information to the
785 department and to any others granted access under this
786 subsection.

787 (c) The court shall request that the parents consent to
788 provide access to the child's child care records, early
789 education program records, or other educational records and
790 provide information to the court, the department or its contract
791 agencies, and the any guardian ad litem and ~~or~~ attorney ad
792 litem, if one is appointed, for the child. If a parent is
793 unavailable or unable to consent or withholds consent and the
794 court determines access to the records and information is
795 necessary to provide services to the child, the court shall
796 issue an order granting access.

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

798 (a) Periods of delay resulting from a continuance granted
799 at the request or with the consent of the child's ~~counsel or the~~
800 ~~child's~~ guardian ad litem or attorney ad litem, if one is ~~has~~

801 ~~been appointed by the court, or, if the child is of sufficient~~
802 ~~capacity to express reasonable consent, at the request or with~~
803 ~~the consent of the child's attorney or the child's guardian ad~~
804 ~~litem, if one has been appointed by the court, and the child.~~

805 Section 15. Paragraphs (a) and (b) of subsection (4) of
806 section 39.4022, Florida Statutes, are amended to read:

807 39.4022 Multidisciplinary teams; staffings; assessments;
808 report.—

809 (4) PARTICIPANTS.—

810 (a) Collaboration among diverse individuals who are part
811 of the child's network is necessary to make the most informed
812 decisions possible for the child. A diverse team is preferable
813 to ensure that the necessary combination of technical skills,
814 cultural knowledge, community resources, and personal
815 relationships is developed and maintained for the child and
816 family. The participants necessary to achieve an appropriately
817 diverse team for a child may vary by child and may include
818 extended family, friends, neighbors, coaches, clergy, coworkers,
819 or others the family identifies as potential sources of support.

820 1. Each multidisciplinary team staffing must invite the
821 following members:

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

825 b. The child's family members and other individuals

826 identified by the family as being important to the child,
827 provided that a parent who has a no contact order or injunction,
828 is alleged to have sexually abused the child, or is subject to a
829 termination of parental rights may not participate;

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

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

836 e. A representative from the community-based care lead
837 agency, when the lead agency is directly involved in the goal
838 identified by the staffing;

839 f. The case manager for the child, or his or her case
840 manager supervisor; and

841 g. A representative from the Department of Juvenile
842 Justice, if the child is dually involved with both the
843 department and the Department of Juvenile Justice.

844 2. The multidisciplinary team must make reasonable efforts
845 to have all mandatory invitees attend. However, the
846 multidisciplinary team staffing may not be delayed if the
847 invitees in subparagraph 1. fail to attend after being provided
848 reasonable opportunities.

849 (b) Based on the particular goal the multidisciplinary
850 team staffing identifies as the purpose of convening the

851 staffing as provided under subsection (5), the department or
 852 lead agency may also invite to the meeting other professionals,
 853 including, but not limited to:

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

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

856 2.3. A school personnel representative who has direct
 857 contact with the child;

858 3.4. A therapist or other behavioral health professional,
 859 if applicable;

860 4.5. A mental health professional with expertise in
 861 sibling bonding, if the department or lead agency deems such
 862 expert is necessary; or

863 5.6. Other community providers of services to the child or
 864 stakeholders, when applicable.

865 Section 16. Paragraph (d) of subsection (3) and paragraph
 866 (c) of subsection (4) of section 39.4023, Florida Statutes, are
 867 amended to read:

868 39.4023 Placement and education transitions; transition
 869 plans.—

870 (3) PLACEMENT TRANSITIONS.—

871 (d) Transition planning.—

872 1. If the supportive services provided pursuant to
 873 paragraph (c) have not been successful to make the maintenance
 874 of the placement suitable or if there are other circumstances
 875 that require the child to be moved, the department or the

876 community-based care lead agency must convene a
 877 multidisciplinary team staffing as required under s. 39.4022
 878 before the child's placement is changed, or within 72 hours of
 879 moving the child in an emergency situation, for the purpose of
 880 developing an appropriate transition plan.

881 2. A placement change may occur immediately in an
 882 emergency situation without convening a multidisciplinary team
 883 staffing. However, a multidisciplinary team staffing must be
 884 held within 72 hours after the emergency situation arises.

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

892 a. The child, unless he or she, due to age or capacity, is
 893 unable to comprehend the written notice, which will necessitate
 894 the department or lead agency to provide notice in an age-
 895 appropriate and capacity-appropriate alternative manner.~~;~~

896 b. The child's parents, unless prohibited by court order.~~;~~

897 c. The child's out-of-home caregiver.~~;~~

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

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

901 f. The attorney for the department.
 902 4. The transition plan must be developed through
 903 cooperation among the persons included in subparagraph 3., and
 904 such persons must share any relevant information necessary for
 905 its development. Subject to the child's needs and preferences,
 906 the transition plan must meet the requirements of s.
 907 409.1415(2)(b)8. and exclude any placement changes that occur
 908 between 7 p.m. and 8 a.m.

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

913 (4) EDUCATION TRANSITIONS.—

914 (c) Minimizing school changes.—

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

919 2. Members of a multidisciplinary team staffing convened
 920 for a purpose other than a school change must determine the
 921 child's best interest regarding remaining in the school or
 922 program of origin if the child's educational options are
 923 affected by any other decision being made by the
 924 multidisciplinary team.

925 3. The determination of whether it is in the child's best

926 interest to remain in the school of origin, and if not, of which
927 school the child will attend in the future, must be made in
928 consultation with the following individuals, including, but not
929 limited to, the child; the parents; the caregiver; the child
930 welfare professional; the guardian ad litem, ~~if appointed~~; the
931 educational surrogate, if appointed; child care and educational
932 staff, including teachers and guidance counselors; and the
933 school district representative or foster care liaison. A
934 multidisciplinary team member may contact any of these
935 individuals in advance of a multidisciplinary team staffing to
936 obtain his or her recommendation. An individual may remotely
937 attend the multidisciplinary team staffing if one of the
938 identified goals is related to determining an educational
939 placement. The multidisciplinary team may rely on a report from
940 the child's current school or program district and, if
941 applicable, any other school district being considered for the
942 educational placement if the required school personnel are not
943 available to attend the multidisciplinary team staffing in
944 person or remotely.

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

950 a. The child's desire to remain in the school or program

951 of origin.

952 b. The preference of the child's parents or legal
953 guardians.

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

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

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

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

965 g. Whether the child is a student with a disability under
966 IDEA who is receiving special education and related services or
967 a student with a disability under s. 504 of the Rehabilitation
968 Act of 1973 who is receiving accommodations and services and, if
969 so, whether those required services are available in a school or
970 program other than the school or program of origin.

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

975 i. The impact a change to the school or program of origin

976 would have on academic credits and progress toward promotion.

977 j. The availability of extracurricular activities
978 important to the child.

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

983 l. The child's permanency goal and timeframe for achieving
984 permanency.

985 m. The child's history of school transfers and how such
986 transfers have impacted the child academically, emotionally, and
987 behaviorally.

988 n. The length of the commute to the school or program from
989 the child's home or placement and how such commute would impact
990 the child.

991 o. The length of time the child has attended the school or
992 program of origin.

993 5. The cost of transportation cannot be a factor in making
994 a best interest determination.

995 Section 17. Paragraph (f) of subsection (3) of section
996 39.407, Florida Statutes, is amended to read:

997 39.407 Medical, psychiatric, and psychological examination
998 and treatment of child; physical, mental, or substance abuse
999 examination of person with or requesting child custody.—

1000 (3)

1001 (f)1. The department shall fully inform the court of the
 1002 child's medical and behavioral status as part of the social
 1003 services report prepared for each judicial review hearing held
 1004 for a child for whom psychotropic medication has been prescribed
 1005 or provided under this subsection. As a part of the information
 1006 provided to the court, the department shall furnish copies of
 1007 all pertinent medical records concerning the child which have
 1008 been generated since the previous hearing. On its own motion or
 1009 on good cause shown by any party, including the ~~any~~ guardian ad
 1010 litem, ~~attorney,~~ or attorney ad litem, if one is ~~who has been~~
 1011 appointed ~~to represent the child or the child's interests,~~ the
 1012 court may review the status more frequently than required in
 1013 this subsection.

1014 2. The court may, in the best interests of the child,
 1015 order the department to obtain a medical opinion addressing
 1016 whether the continued use of the medication under the
 1017 circumstances is safe and medically appropriate.

1018 Section 18. Paragraphs (m), (t), and (u) of subsection (1)
 1019 of section 39.4085, Florida Statutes, are amended to read:

1020 39.4085 Goals for dependent children; responsibilities;
 1021 education; Office of the Children's Ombudsman.—

1022 (1) The Legislature finds that the design and delivery of
 1023 child welfare services should be directed by the principle that
 1024 the health and safety of children, including the freedom from
 1025 abuse, abandonment, or neglect, is of paramount concern and,

1026 therefore, establishes the following goals for children in
 1027 shelter or foster care:

1028 (m) To receive meaningful case management and planning
 1029 that will quickly return the child to his or her family or move
 1030 the child on to other forms of permanency. For a child who is
 1031 transitioning from foster care to independent living, permanency
 1032 includes establishing naturally occurring, lifelong, kin-like
 1033 connections between the child and a supportive adult.

1034 (t) To have a guardian ad litem appointed ~~to represent,~~
 1035 ~~within reason, their best interests~~ and, if appropriate, an
 1036 attorney ad litem ~~appointed to represent their legal interests;~~
 1037 the guardian ad litem and attorney ad litem, if one is
 1038 appointed, shall have immediate and unlimited access to the
 1039 children they represent.

1040 (u) To have all their records available for review by
 1041 their guardian ad litem and attorney ad litem, if one is
 1042 appointed, if they deem such review necessary.

1043
 1044 This subsection establishes goals and not rights. This
 1045 subsection does not require the delivery of any particular
 1046 service or level of service in excess of existing
 1047 appropriations. A person does not have a cause of action against
 1048 the state or any of its subdivisions, agencies, contractors,
 1049 subcontractors, or agents, based upon the adoption of or failure
 1050 to provide adequate funding for the achievement of these goals

1051 by the Legislature. This subsection does not require the
 1052 expenditure of funds to meet the goals established in this
 1053 subsection except those funds specifically appropriated for such
 1054 purpose.

1055 Section 19. Subsection (8) of section 39.502, Florida
 1056 Statutes, is amended to read:

1057 39.502 Notice, process, and service.—

1058 (8) It is not necessary to the validity of a proceeding
 1059 covered by this part that the parents be present if their
 1060 identity or residence is unknown after a diligent search has
 1061 been made; however, ~~but in this event~~ the petitioner must ~~shall~~
 1062 file an affidavit of diligent search prepared by the person who
 1063 made the search and inquiry, and the court must ~~may~~ appoint a
 1064 guardian ad litem for the child if a guardian ad litem has not
 1065 previously been appointed.

1066 Section 20. Paragraph (c) of subsection (3) of section
 1067 39.522, Florida Statutes, is amended to read:

1068 39.522 Postdisposition change of custody.—

1069 (3)

1070 (c)1. The department or community-based care lead agency
 1071 must notify a current caregiver who has been in the physical
 1072 custody placement for at least 9 consecutive months and who
 1073 meets all the established criteria in paragraph (b) of an intent
 1074 to change the physical custody of the child, and a
 1075 multidisciplinary team staffing must be held in accordance with

1076 ss. 39.4022 and 39.4023 at least 21 days before the intended
1077 date for the child's change in physical custody, unless there is
1078 an emergency situation as defined in s. 39.4022(2)(b). If there
1079 is not a unanimous consensus decision reached by the
1080 multidisciplinary team, the department's official position must
1081 be provided to the parties within the designated time period as
1082 provided for in s. 39.4022.

1083 2. A caregiver who objects to the department's official
1084 position on the change in physical custody must notify the court
1085 and the department or community-based care lead agency of his or
1086 her objection and the intent to request an evidentiary hearing
1087 in writing in accordance with this section within 5 days after
1088 receiving notice of the department's official position provided
1089 under subparagraph 1. The transition of the child to the new
1090 caregiver may not begin before the expiration of the 5-day
1091 period within which the current caregiver may object.

1092 3. Upon the department or community-based care lead agency
1093 receiving written notice of the caregiver's objection, the
1094 change to the child's physical custody must be placed in
1095 abeyance and the child may not be transitioned to a new physical
1096 placement without a court order, unless there is an emergency
1097 situation as defined in s. 39.4022(2)(b).

1098 4. Within 7 days after receiving written notice from the
1099 caregiver, the court must conduct an initial case status
1100 hearing, at which time the court must do all of the following:

1101 a. Grant party status to the current caregiver who is
 1102 seeking permanent custody and has maintained physical custody of
 1103 that child for at least 9 continuous months for the limited
 1104 purpose of filing a motion for a hearing on the objection and
 1105 presenting evidence pursuant to this subsection. †

1106 ~~b. Appoint an attorney for the child who is the subject of~~
 1107 ~~the permanent custody proceeding, in addition to the guardian ad~~
 1108 ~~litem, if one is appointed;†~~

1109 ~~b.e.~~ Advise the caregiver of his or her right to retain
 1110 counsel for purposes of the evidentiary hearing. † ~~and~~

1111 ~~c.d.~~ Appoint a court-selected neutral and independent
 1112 licensed professional with expertise in the science and research
 1113 of child-parent bonding.

1114 Section 21. Paragraph (c) of subsection (1) and paragraph
 1115 (c) of subsection (3) of section 39.6012, Florida Statutes, are
 1116 amended to read:

1117 39.6012 Case plan tasks; services.—

1118 (1) The services to be provided to the parent and the
 1119 tasks that must be completed are subject to the following:

1120 (c) If there is evidence of harm as defined in s.
 1121 39.01(37)(g) ~~s. 39.01(34)(g)~~, the case plan must include as a
 1122 required task for the parent whose actions caused the harm that
 1123 the parent submit to a substance abuse disorder assessment or
 1124 evaluation and participate and comply with treatment and
 1125 services identified in the assessment or evaluation as being

1126 necessary.

1127 (3) In addition to any other requirement, if the child is
 1128 in an out-of-home placement, the case plan must include:

1129 (c) When appropriate, for a child who is 13 years of age
 1130 or older, a written description of the programs and services
 1131 that will help the child prepare for the transition from foster
 1132 care to independent living. The written description must include
 1133 age-appropriate activities for the child's development of
 1134 relationships, coping skills, and emotional well-being.

1135 Section 22. Section 39.6036, Florida Statutes, is created
 1136 to read:

1137 39.6036 Supportive adults for children transitioning out
 1138 of foster care.—

1139 (1) The Legislature finds that a committed, caring adult
 1140 provides a lifeline for a child transitioning out of foster care
 1141 to live independently. Accordingly, it is the intent of the
 1142 Legislature that the Statewide Guardian ad Litem Office help
 1143 children connect with supportive adults with the hope of
 1144 creating an ongoing relationship that lasts into adulthood.

1145 (2) The Statewide Guardian ad Litem Office shall work with
 1146 a child who is transitioning out of foster care to identify at
 1147 least one supportive adult with whom the child can enter into a
 1148 formal agreement for an ongoing relationship and document such
 1149 agreement in the child's court file. If the child cannot
 1150 identify a supportive adult, the Statewide Guardian ad Litem

1151 Office shall work in coordination with the Office of Continuing
1152 Care to identify at least one supportive adult with whom the
1153 child can enter into a formal agreement for an ongoing
1154 relationship and document such agreement in the child's court
1155 file.

1156 Section 23. Paragraph (c) of subsection (10) of section
1157 39.621, Florida Statutes, is amended to read:

1158 39.621 Permanency determination by the court.—

1159 (10) The permanency placement is intended to continue
1160 until the child reaches the age of majority and may not be
1161 disturbed absent a finding by the court that the circumstances
1162 of the permanency placement are no longer in the best interest
1163 of the child.

1164 (c) The court shall base its decision concerning any
1165 motion by a parent for reunification or increased contact with a
1166 child on the effect of the decision on the safety, well-being,
1167 and physical and emotional health of the child. Factors that
1168 must be considered and addressed in the findings of fact of the
1169 order on the motion must include:

1170 1. The compliance or noncompliance of the parent with the
1171 case plan;

1172 2. The circumstances which caused the child's dependency
1173 and whether those circumstances have been resolved;

1174 3. The stability and longevity of the child's placement;

1175 4. The preferences of the child, if the child is of

1176 sufficient age and understanding to express a preference;
 1177 5. The recommendation of the current custodian; and
 1178 6. Any ~~The~~ recommendation of the guardian ad litem, ~~if one~~
 1179 ~~has been appointed.~~

1180 Section 24. Subsection (2) of section 39.6241, Florida
 1181 Statutes, is amended to read:

1182 39.6241 Another planned permanent living arrangement.—

1183 (2) The department and the guardian ad litem must provide
 1184 the court with a recommended list and description of services
 1185 needed by the child, such as independent living services and
 1186 medical, dental, educational, or psychological referrals, and a
 1187 recommended list and description of services needed by his or
 1188 her caregiver. The guardian ad litem must also advise the court
 1189 whether the child has been connected with a supportive adult
 1190 and, if the child has been connected with a supportive adult,
 1191 whether the child has entered into a formal agreement with the
 1192 adult. If the child has entered into a formal agreement pursuant
 1193 to s. 39.6036, the guardian ad litem must ensure that the
 1194 agreement is documented in the child's court file.

1195 Section 25. Paragraphs (b) and (f) of subsection (1),
 1196 paragraph (c) of subsection (2), subsection (3), and paragraph
 1197 (e) of subsection (4) of section 39.701, Florida Statutes, are
 1198 amended to read:

1199 39.701 Judicial review.—

1200 (1) GENERAL PROVISIONS.—

1201 (b)1. The court shall retain jurisdiction over a child
1202 returned to his or her parents for a minimum period of 6 months
1203 after ~~following~~ the reunification, but, at that time, based on a
1204 report of the social service agency and the guardian ad litem, ~~if one has been appointed,~~
1205 and any other relevant factors, the
1206 court shall make a determination as to whether supervision by
1207 the department and the court's jurisdiction shall continue or be
1208 terminated.

1209 2. Notwithstanding subparagraph 1., the court must retain
1210 jurisdiction over a child if the child is placed in the home
1211 with a parent or caregiver with an in-home safety plan and such
1212 safety plan remains necessary for the child to reside safely in
1213 the home.

1214 (f) Notice of a judicial review hearing or a citizen
1215 review panel hearing, and a copy of the motion for judicial
1216 review, if any, must be served by the clerk of the court upon
1217 all of the following persons, if available to be served,
1218 regardless of whether the person was present at the previous
1219 hearing at which the date, time, and location of the hearing was
1220 announced:

1221 1. The social service agency charged with the supervision
1222 of care, custody, or guardianship of the child, if that agency
1223 is not the movant.

1224 2. The foster parent or legal custodian in whose home the
1225 child resides.

1226 3. The parents.
 1227 4. The guardian ad litem for the child, ~~or the~~
 1228 ~~representative of the guardian ad litem program if the program~~
 1229 ~~has been appointed.~~

1230 5. The attorney ad litem for the child, if one is
 1231 appointed.

1232 6. The child, if the child is 13 years of age or older.

1233 7. Any preadoptive parent.

1234 8. Such other persons as the court may direct.

1235 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
 1236 AGE.—

1237 (c) Review determinations.—The court and any citizen
 1238 review panel shall take into consideration the information
 1239 contained in the social services study and investigation and all
 1240 medical, psychological, and educational records that support the
 1241 terms of the case plan; testimony by the social services agency,
 1242 the parent, the foster parent or caregiver, the guardian ad
 1243 litem, the ~~or~~ surrogate parent for educational decisionmaking if
 1244 one has been appointed for the child, and any other person
 1245 deemed appropriate; and any relevant and material evidence
 1246 submitted to the court, including written and oral reports to
 1247 the extent of their probative value. These reports and evidence
 1248 may be received by the court in its effort to determine the
 1249 action to be taken with regard to the child and may be relied
 1250 upon to the extent of their probative value, even though not

1251 competent in an adjudicatory hearing. In its deliberations, the
 1252 court and any citizen review panel shall seek to determine:

1253 1. If the parent was advised of the right to receive
 1254 assistance from any person or social service agency in the
 1255 preparation of the case plan.

1256 2. If the parent has been advised of the right to have
 1257 counsel present at the judicial review or citizen review
 1258 hearings. If not so advised, the court or citizen review panel
 1259 shall advise the parent of such right.

1260 3. If a guardian ad litem needs to be appointed for the
 1261 child in a case in which a guardian ad litem has not previously
 1262 been appointed ~~or if there is a need to continue a guardian ad~~
 1263 ~~litem in a case in which a guardian ad litem has been appointed.~~

1264 4. Who holds the rights to make educational decisions for
 1265 the child. If appropriate, the court may refer the child to the
 1266 district school superintendent for appointment of a surrogate
 1267 parent or may itself appoint a surrogate parent under the
 1268 Individuals with Disabilities Education Act and s. 39.0016.

1269 5. The compliance or lack of compliance of all parties
 1270 with applicable items of the case plan, including the parents'
 1271 compliance with child support orders.

1272 6. The compliance or lack of compliance with a visitation
 1273 contract between the parent and the social service agency for
 1274 contact with the child, including the frequency, duration, and
 1275 results of the parent-child visitation and the reason for any

1276 noncompliance.

1277 7. The frequency, kind, and duration of contacts among
 1278 siblings who have been separated during placement, as well as
 1279 any efforts undertaken to reunite separated siblings if doing so
 1280 is in the best interests of the child.

1281 8. The compliance or lack of compliance of the parent in
 1282 meeting specified financial obligations pertaining to the care
 1283 of the child, including the reason for failure to comply, if
 1284 applicable.

1285 9. Whether the child is receiving safe and proper care
 1286 according to s. 39.6012, including, but not limited to, the
 1287 appropriateness of the child's current placement, including
 1288 whether the child is in a setting that is as family-like and as
 1289 close to the parent's home as possible, consistent with the
 1290 child's best interests and special needs, and including
 1291 maintaining stability in the child's educational placement, as
 1292 documented by assurances from the community-based care lead
 1293 agency that:

1294 a. The placement of the child takes into account the
 1295 appropriateness of the current educational setting and the
 1296 proximity to the school in which the child is enrolled at the
 1297 time of placement.

1298 b. The community-based care lead agency has coordinated
 1299 with appropriate local educational agencies to ensure that the
 1300 child remains in the school in which the child is enrolled at

1301 the time of placement.

1302 10. A projected date likely for the child's return home or
1303 other permanent placement.

1304 11. When appropriate, the basis for the unwillingness or
1305 inability of the parent to become a party to a case plan. The
1306 court and the citizen review panel shall determine if the
1307 efforts of the social service agency to secure party
1308 participation in a case plan were sufficient.

1309 12. For a child who has reached 13 years of age but is not
1310 yet 18 years of age, the adequacy of the child's preparation for
1311 adulthood and independent living. For a child who is 15 years of
1312 age or older, the court shall determine if appropriate steps are
1313 being taken for the child to obtain a driver license or
1314 learner's driver license.

1315 13. If amendments to the case plan are required.
1316 Amendments to the case plan must be made under s. 39.6013.

1317 14. If the parents and caregivers have developed a
1318 productive relationship that includes meaningful communication
1319 and mutual support.

1320 (3) REVIEW HEARINGS FOR CHILDREN 16 AND 17 YEARS OF AGE.—
1321 At each review hearing held under this subsection, the court
1322 shall give the child and the guardian ad litem the opportunity
1323 to address the court and provide any information relevant to the
1324 child's best interest, particularly in relation to independent
1325 living transition services. The foster parent or legal

1326 | custodian, ~~or guardian ad litem~~ may also provide any information
1327 | relevant to the child's best interest to the court. In addition
1328 | to the review and report required under paragraphs (1)(a) and
1329 | (2)(a), respectively, and the review and report required under
1330 | s. 39.822(2)(a)2., the court shall:

1331 | (a) Inquire about the life skills the child has acquired
1332 | and whether those services are age appropriate, at the first
1333 | judicial review hearing held subsequent to the child's 16th
1334 | birthday. At the judicial review hearing, the department shall
1335 | provide the court with a report that includes specific
1336 | information related to the life skills that the child has
1337 | acquired since the child's 13th birthday or since the date the
1338 | child came into foster care, whichever came later. For any child
1339 | who may meet the requirements for appointment of a guardian
1340 | advocate under s. 393.12 or a guardian under chapter 744, the
1341 | updated case plan must be developed in a face-to-face conference
1342 | with the child, if appropriate; the child's attorney ad litem,
1343 | if one is appointed; the child's; ~~any court-appointed~~ guardian
1344 | ad litem; the temporary custodian of the child; and the parent
1345 | of the child, if the parent's rights have not been terminated.

1346 | (b) The court shall hold a judicial review hearing within
1347 | 90 days after a child's 17th birthday. The court shall issue an
1348 | order, separate from the order on judicial review, that the
1349 | disability of nonage of the child has been removed under ss.
1350 | 743.044-743.047 for any disability that the court finds is in

1351 the child's best interest to remove. The department shall
1352 include in the social study report for the first judicial review
1353 that occurs after the child's 17th birthday written verification
1354 that the child has:

1355 1. A current Medicaid card and all necessary information
1356 concerning the Medicaid program sufficient to prepare the child
1357 to apply for coverage upon reaching the age of 18, if such
1358 application is appropriate.

1359 2. A certified copy of the child's birth certificate and,
1360 if the child does not have a valid driver license, a Florida
1361 identification card issued under s. 322.051.

1362 3. A social security card and information relating to
1363 social security insurance benefits if the child is eligible for
1364 those benefits. If the child has received such benefits and they
1365 are being held in trust for the child, a full accounting of
1366 these funds must be provided and the child must be informed as
1367 to how to access those funds.

1368 4. All relevant information related to the Road-to-
1369 Independence Program under s. 409.1451, including, but not
1370 limited to, eligibility requirements, information on
1371 participation, and assistance in gaining admission to the
1372 program. If the child is eligible for the Road-to-Independence
1373 Program, he or she must be advised that he or she may continue
1374 to reside with the licensed family home or group care provider
1375 with whom the child was residing at the time the child attained

1376 his or her 18th birthday, in another licensed family home, or
 1377 with a group care provider arranged by the department.

1378 5. An open bank account or the identification necessary to
 1379 open a bank account and to acquire essential banking and
 1380 budgeting skills.

1381 6. Information on public assistance and how to apply for
 1382 public assistance.

1383 7. A clear understanding of where he or she will be living
 1384 on his or her 18th birthday, how living expenses will be paid,
 1385 and the educational program or school in which he or she will be
 1386 enrolled.

1387 8. Information related to the ability of the child to
 1388 remain in care until he or she reaches 21 years of age under s.
 1389 39.013.

1390 9. A letter providing the dates that the child is under
 1391 the jurisdiction of the court.

1392 10. A letter stating that the child is in compliance with
 1393 financial aid documentation requirements.

1394 11. The child's educational records.

1395 12. The child's entire health and mental health records.

1396 13. The process for accessing the child's case file.

1397 14. A statement encouraging the child to attend all
 1398 judicial review hearings.

1399 15. Information on how to obtain a driver license or
 1400 learner's driver license.

1401 (c) At the first judicial review hearing held subsequent
 1402 to the child's 17th birthday, if the court determines pursuant
 1403 to chapter 744 that there is a good faith basis to believe that
 1404 the child qualifies for appointment of a guardian advocate,
 1405 limited guardian, or plenary guardian for the child and that no
 1406 less restrictive decisionmaking assistance will meet the child's
 1407 needs:

1408 1. The department shall complete a multidisciplinary
 1409 report which must include, but is not limited to, a psychosocial
 1410 evaluation and educational report if such a report has not been
 1411 completed within the previous 2 years.

1412 2. The department shall identify one or more individuals
 1413 who are willing to serve as the guardian advocate under s.
 1414 393.12 or as the plenary or limited guardian under chapter 744.
 1415 Any other interested parties or participants may make efforts to
 1416 identify such a guardian advocate, limited guardian, or plenary
 1417 guardian. The child's biological or adoptive family members,
 1418 including the child's parents if the parents' rights have not
 1419 been terminated, may not be considered for service as the
 1420 plenary or limited guardian unless the court enters a written
 1421 order finding that such an appointment is in the child's best
 1422 interests.

1423 3. Proceedings may be initiated within 180 days after the
 1424 child's 17th birthday for the appointment of a guardian
 1425 advocate, plenary guardian, or limited guardian for the child in

1426 a separate proceeding in the court division with jurisdiction
1427 over guardianship matters and pursuant to chapter 744. The
1428 Legislature encourages the use of pro bono representation to
1429 initiate proceedings under this section.

1430 4. In the event another interested party or participant
1431 initiates proceedings for the appointment of a guardian
1432 advocate, plenary guardian, or limited guardian for the child,
1433 the department shall provide all necessary documentation and
1434 information to the petitioner to complete a petition under s.
1435 393.12 or chapter 744 within 45 days after the first judicial
1436 review hearing after the child's 17th birthday.

1437 5. Any proceedings seeking appointment of a guardian
1438 advocate or a determination of incapacity and the appointment of
1439 a guardian must be conducted in a separate proceeding in the
1440 court division with jurisdiction over guardianship matters and
1441 pursuant to chapter 744.

1442 (d) If the court finds at the judicial review hearing
1443 after the child's 17th birthday that the department has not met
1444 its obligations to the child as stated in this part, in the
1445 written case plan, or in the provision of independent living
1446 services, the court may issue an order directing the department
1447 to show cause as to why it has not done so. If the department
1448 cannot justify its noncompliance, the court may give the
1449 department 30 days within which to comply. If the department
1450 fails to comply within 30 days, the court may hold the

1451 department in contempt.

1452 (e) If necessary, the court may review the status of the
1453 child more frequently during the year before the child's 18th
1454 birthday. At the last review hearing before the child reaches 18
1455 years of age, and in addition to the requirements of subsection
1456 (2), the court shall:

1457 1. Address whether the child plans to remain in foster
1458 care, and, if so, ensure that the child's transition plan
1459 includes a plan for meeting one or more of the criteria
1460 specified in s. 39.6251 and determine if the child has entered
1461 into a formal agreement for an ongoing relationship with a
1462 supportive adult.

1463 2. Ensure that the transition plan includes a supervised
1464 living arrangement under s. 39.6251.

1465 3. Ensure the child has been informed of:

1466 a. The right to continued support and services from the
1467 department and the community-based care lead agency.

1468 b. The right to request termination of dependency
1469 jurisdiction and be discharged from foster care.

1470 c. The opportunity to reenter foster care under s.
1471 39.6251.

1472 4. Ensure that the child, if he or she requests
1473 termination of dependency jurisdiction and discharge from foster
1474 care, has been informed of:

1475 a. Services or benefits for which the child may be

1476 eligible based on his or her former placement in foster care,
1477 including, but not limited to, the assistance of the Office of
1478 Continuing Care under s. 414.56.

1479 b. Services or benefits that may be lost through
1480 termination of dependency jurisdiction.

1481 c. Other federal, state, local, or community-based
1482 services or supports available to him or her.

1483 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—
1484 During each period of time that a young adult remains in foster
1485 care, the court shall review the status of the young adult at
1486 least every 6 months and must hold a permanency review hearing
1487 at least annually.

1488 (e)1. Notwithstanding the provisions of this subsection,
1489 if a young adult has chosen to remain in extended foster care
1490 after he or she has reached 18 years of age, the department may
1491 not close a case and the court may not terminate jurisdiction
1492 until the court finds, following a hearing, that the following
1493 criteria have been met:

1494 a.1. Attendance of the young adult at the hearing; or

1495 b.2. Findings by the court that:

1496 (I)a. The young adult has been informed by the department
1497 of his or her right to attend the hearing and has provided
1498 written consent to waive this right; and

1499 (II)b. The young adult has been informed of the potential
1500 negative effects of early termination of care, the option to

1501 reenter care before reaching 21 years of age, the procedure for,
1502 and limitations on, reentering care, and the availability of
1503 alternative services, and has signed a document attesting that
1504 he or she has been so informed and understands these provisions;
1505 or

1506 (III)~~e.~~ The young adult has voluntarily left the program,
1507 has not signed the document in sub-subparagraph b., and is
1508 unwilling to participate in any further court proceeding.

1509 ~~2.3.~~ In all permanency hearings or hearings regarding the
1510 transition of the young adult from care to independent living,
1511 the court shall consult with the young adult regarding the
1512 proposed permanency plan, case plan, and individual education
1513 plan for the young adult and ensure that he or she has
1514 understood the conversation. The court shall also inquire of the
1515 young adult regarding his or her relationship with the
1516 supportive adult with whom the young adult has entered into a
1517 formal agreement for an ongoing relationship, if such agreement
1518 exists.

1519 Section 26. Paragraph (a) of subsection (3) of section
1520 39.801, Florida Statutes, is amended to read:

1521 39.801 Procedures and jurisdiction; notice; service of
1522 process.—

1523 (3) Before the court may terminate parental rights, in
1524 addition to the other requirements set forth in this part, the
1525 following requirements must be met:

1526 (a) Notice of the date, time, and place of the advisory
 1527 hearing for the petition to terminate parental rights; if
 1528 applicable, instructions for appearance through audio-video
 1529 communication technology; and a copy of the petition must be
 1530 personally served upon the following persons, specifically
 1531 notifying them that a petition has been filed:

- 1532 1. The parents of the child.
- 1533 2. The legal custodians of the child.
- 1534 3. If the parents who would be entitled to notice are dead
 1535 or unknown, a living relative of the child, unless upon diligent
 1536 search and inquiry no such relative can be found.
- 1537 4. Any person who has physical custody of the child.
- 1538 5. Any grandparent entitled to priority for adoption under
 1539 s. 63.0425.
- 1540 6. Any prospective parent who has been identified under s.
 1541 39.503 or s. 39.803, unless a court order has been entered
 1542 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
 1543 indicates no further notice is required. Except as otherwise
 1544 provided in this section, if there is not a legal father, notice
 1545 of the petition for termination of parental rights must be
 1546 provided to any known prospective father who is identified under
 1547 oath before the court or who is identified by a diligent search
 1548 of the Florida Putative Father Registry. Service of the notice
 1549 of the petition for termination of parental rights is not
 1550 required if the prospective father executes an affidavit of

1551 nonpaternity or a consent to termination of his parental rights
 1552 which is accepted by the court after notice and opportunity to
 1553 be heard by all parties to address the best interests of the
 1554 child in accepting such affidavit.

1555 7. The guardian ad litem for the child ~~or the~~
 1556 ~~representative of the guardian ad litem program, if the program~~
 1557 ~~has been appointed.~~

1558
 1559 A party may consent to service or notice by e-mail by providing
 1560 a primary e-mail address to the clerk of the court. The document
 1561 containing the notice to respond or appear must contain, in type
 1562 at least as large as the type in the balance of the document,
 1563 the following or substantially similar language: "FAILURE TO
 1564 APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE
 1565 TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN). IF
 1566 YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE
 1567 ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN
 1568 THE PETITION ATTACHED TO THIS NOTICE."

1569 Section 27. Subsection (2) of section 39.807, Florida
 1570 Statutes, is amended to read:

1571 39.807 Right to counsel; guardian ad litem.—

1572 (2)(a) The court shall appoint a guardian ad litem to
 1573 represent the ~~best interest of the~~ child in any termination of
 1574 parental rights proceedings and shall ascertain at each stage of
 1575 the proceedings whether a guardian ad litem has been appointed.

1576 (b) The guardian ad litem has the ~~following~~
 1577 responsibilities and authorities listed in s. 39.822.÷

1578 ~~1. To investigate the allegations of the petition and any~~
 1579 ~~subsequent matters arising in the case and,~~

1580 (c) Unless excused by the court, the guardian ad litem
 1581 must ~~to~~ file a written report. This report must include a
 1582 statement of the wishes of the child and the recommendations of
 1583 the guardian ad litem and must be provided to all parties and
 1584 the court at least 72 hours before the disposition hearing.

1585 ~~2. To be present at all court hearings unless excused by~~
 1586 ~~the court.~~

1587 ~~3. To represent the best interests of the child until the~~
 1588 ~~jurisdiction of the court over the child terminates or until~~
 1589 ~~excused by the court.~~

1590 ~~(c) A guardian ad litem is not required to post bond but~~
 1591 ~~shall file an acceptance of the office.~~

1592 ~~(d) A guardian ad litem is entitled to receive service of~~
 1593 ~~pleadings and papers as provided by the Florida Rules of~~
 1594 ~~Juvenile Procedure.~~

1595 (d)-(e) This subsection does not apply to any voluntary
 1596 relinquishment of parental rights proceeding.

1597 Section 28. Subsection (2) of section 39.808, Florida
 1598 Statutes, is amended to read:

1599 39.808 Advisory hearing; pretrial status conference.—

1600 (2) At the hearing the court shall inform the parties of

1601 their rights under s. 39.807, ~~shall~~ appoint counsel for the
 1602 parties in accordance with legal requirements, and ~~shall~~ appoint
 1603 a guardian ad litem to represent the ~~interests of the~~ child if
 1604 one has not already been appointed.

1605 Section 29. Subsection (2) of section 39.815, Florida
 1606 Statutes, is amended to read:

1607 39.815 Appeal.—

1608 (2) An attorney for the department shall represent the
 1609 state upon appeal. When a notice of appeal is filed in the
 1610 circuit court, the clerk shall notify the attorney for the
 1611 department, ~~together with~~ the attorney for the parent, the
 1612 guardian ad litem, and the any attorney ad litem for the child,
 1613 if one is appointed.

1614 Section 30. Section 39.820, Florida Statutes, is repealed.

1615 Section 31. Subsections (1) and (3) of section 39.821,
 1616 Florida Statutes, are amended to read:

1617 39.821 Qualifications of guardians ad litem.—

1618 (1) Because of the special trust or responsibility placed
 1619 in a guardian ad litem, the Statewide Guardian ad Litem Office
 1620 ~~Program~~ may use any private funds collected by the office
 1621 ~~program~~, or any state funds so designated, to conduct a security
 1622 background investigation before certifying a volunteer to serve.
 1623 A security background investigation must include, but need not
 1624 be limited to, employment history checks, checks of references,
 1625 local criminal history records checks through local law

1626 enforcement agencies, and statewide criminal history records
1627 checks through the Department of Law Enforcement. Upon request,
1628 an employer shall furnish a copy of the personnel record for the
1629 employee or former employee who is the subject of a security
1630 background investigation conducted under this section. The
1631 information contained in the personnel record may include, but
1632 need not be limited to, disciplinary matters and the reason why
1633 the employee was terminated from employment. An employer who
1634 releases a personnel record for purposes of a security
1635 background investigation is presumed to have acted in good faith
1636 and is not liable for information contained in the record
1637 without a showing that the employer maliciously falsified the
1638 record. A security background investigation conducted under this
1639 section must ensure that a person is not certified as a guardian
1640 ad litem if the person has an arrest awaiting final disposition
1641 for, been convicted of, regardless of adjudication, entered a
1642 plea of nolo contendere or guilty to, or been adjudicated
1643 delinquent and the record has not been sealed or expunged for,
1644 any offense prohibited under the provisions listed in s. 435.04.
1645 All applicants must undergo a level 2 background screening
1646 pursuant to chapter 435 before being certified to serve as a
1647 guardian ad litem. In analyzing and evaluating the information
1648 obtained in the security background investigation, the office
1649 ~~program~~ must give particular emphasis to past activities
1650 involving children, including, but not limited to, child-related

1651 criminal offenses or child abuse. The office ~~program~~ has sole
1652 discretion in determining whether to certify a person based on
1653 his or her security background investigation. The information
1654 collected pursuant to the security background investigation is
1655 confidential and exempt from s. 119.07(1).

1656 (3) It is a misdemeanor of the first degree, punishable as
1657 provided in s. 775.082 or s. 775.083, for any person to
1658 willfully, knowingly, or intentionally fail, by false statement,
1659 misrepresentation, impersonation, or other fraudulent means, to
1660 disclose in any application for a volunteer position or for paid
1661 employment with the Statewide Guardian ad Litem Office ~~Program~~,
1662 any material fact used in making a determination as to the
1663 applicant's qualifications for such position.

1664 Section 32. Section 39.822, Florida Statutes, is amended
1665 to read:

1666 39.822 Appointment of guardian ad litem for abused,
1667 abandoned, or neglected child.—

1668 (1) A guardian ad litem shall be appointed by the court at
1669 the earliest possible time to represent the child in any child
1670 abuse, abandonment, or neglect judicial proceeding, whether
1671 civil or criminal. A guardian ad litem is a fiduciary and must
1672 provide independent representation of the child using a best
1673 interest standard of decisionmaking and advocacy.

1674 (2)(a) A guardian ad litem must:

1675 1. Be present at all court hearings unless excused by the

1676 court.

1677 2. Investigate issues related to the best interest of the
1678 child who is the subject of the appointment, review all
1679 disposition recommendations and changes in placement, and,
1680 unless excused by the court, file written reports and
1681 recommendations in accordance with general law.

1682 3. Represent the child until the court's jurisdiction over
1683 the child terminates or until excused by the court.

1684 4. Advocate for the child's participation in the
1685 proceedings and to report the child's preferences to the court,
1686 to the extent the child has the ability and desire to express
1687 his or her preferences.

1688 5. Perform other duties that are consistent with the scope
1689 of the appointment.

1690 (b) A guardian ad litem shall have immediate and unlimited
1691 access to the children he or she represents.

1692 (c) A guardian ad litem is not required to post bond but
1693 must file an acceptance of the appointment.

1694 (d) A guardian ad litem is entitled to receive service of
1695 pleadings and papers as provided by the Florida Rules of
1696 Juvenile Procedure.

1697 (3) Any person participating in a civil or criminal
1698 judicial proceeding resulting from such appointment shall be
1699 presumed prima facie to be acting in good faith and in so doing
1700 shall be immune from any liability, civil or criminal, that

1701 otherwise might be incurred or imposed.

1702 (4)~~(2)~~ In those cases in which the parents are financially
1703 able, the parent or parents of the child shall reimburse the
1704 court, in part or in whole, for the cost of provision of
1705 guardian ad litem representation ~~services~~. Reimbursement to the
1706 individual providing guardian ad litem representation is not
1707 ~~services shall not be~~ contingent upon successful collection by
1708 the court from the parent or parents.

1709 (5)~~(3)~~ Upon presentation by a guardian ad litem of a court
1710 order appointing the guardian ad litem:

1711 (a) An agency, as defined in chapter 119, shall allow the
1712 guardian ad litem to inspect and copy records related to the
1713 best interests of the child who is the subject of the
1714 appointment, including, but not limited to, records made
1715 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of
1716 the State Constitution. The guardian ad litem shall maintain the
1717 confidential or exempt status of any records shared by an agency
1718 under this paragraph.

1719 (b) A person or an organization, other than an agency
1720 under paragraph (a), shall allow the guardian ad litem to
1721 inspect and copy any records related to the best interests of
1722 the child who is the subject of the appointment, including, but
1723 not limited to, confidential records.

1724
1725 For the purposes of this subsection, the term "records related

1726 to the best interests of the child" includes, but is not limited
1727 to, medical, mental health, substance abuse, child care,
1728 education, law enforcement, court, social services, and
1729 financial records.

1730 ~~(4) The guardian ad litem or the program representative~~
1731 ~~shall review all disposition recommendations and changes in~~
1732 ~~placements, and must be present at all critical stages of the~~
1733 ~~dependency proceeding or submit a written report of~~
1734 ~~recommendations to the court. Written reports must be filed with~~
1735 ~~the court and served on all parties whose whereabouts are known~~
1736 ~~at least 72 hours prior to the hearing.~~

1737 Section 33. Subsection (4) of section 39.827, Florida
1738 Statutes, is amended to read:

1739 39.827 Hearing for appointment of a guardian advocate.—

1740 (4) The hearing under this section must ~~shall~~ remain
1741 confidential and closed to the public. The clerk shall keep all
1742 court records required by this part separate from other records
1743 of the circuit court. All court records required by this part
1744 are ~~shall be~~ confidential and exempt from ~~the provisions of s.~~
1745 119.07(1). ~~All~~ Records may only ~~shall~~ be inspected ~~only~~ upon
1746 order of the court by persons deemed by the court to have a
1747 proper interest therein, except that a child and the parents or
1748 custodians of the child and their attorneys, the guardian ad
1749 litem, and the department and its designees, and the attorney ad
1750 litem, if one is appointed, ~~shall~~ always have the right to

1751 inspect and copy any official record pertaining to the child.
 1752 The court may permit authorized representatives of recognized
 1753 organizations compiling statistics for proper purposes to
 1754 inspect and make abstracts from official records, under whatever
 1755 conditions upon their use and disposition the court may deem
 1756 proper, and may punish by contempt proceedings any violation of
 1757 those conditions. All information obtained pursuant to this part
 1758 in the discharge of official duty by any judge, employee of the
 1759 court, or authorized agent of the department is ~~shall be~~
 1760 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
 1761 may ~~shall~~ not be disclosed to anyone other than the authorized
 1762 personnel of the court or the department and its designees,
 1763 except upon order of the court.

1764 Section 34. Paragraphs (a), (b), and (d) of subsection (1)
 1765 and subsection (2) of section 39.8296, Florida Statutes, are
 1766 amended to read:

1767 39.8296 Statewide Guardian ad Litem Office; legislative
 1768 findings and intent; creation; appointment of executive
 1769 director; duties of office.—

1770 (1) LEGISLATIVE FINDINGS AND INTENT.—

1771 (a) The Legislature finds that for the past 20 years, the
 1772 Statewide Guardian Ad Litem Office ~~Program~~ has been the only
 1773 mechanism for best interest representation for children in
 1774 Florida who are involved in dependency proceedings.

1775 (b) The Legislature also finds that while the Statewide

1776 Guardian Ad Litem Office ~~Program~~ has been supervised by court
1777 administration within the circuit courts since the office's
1778 ~~program's~~ inception, there is a perceived conflict of interest
1779 created by the supervision of program staff by the judges before
1780 whom they appear.

1781 (d) It is therefore the intent of the Legislature to place
1782 the Statewide Guardian Ad Litem Office ~~Program~~ in an appropriate
1783 place and provide a statewide infrastructure to increase
1784 functioning and standardization among the local offices ~~programs~~
1785 currently operating in the 20 judicial circuits.

1786 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
1787 Statewide Guardian ad Litem Office within the Justice
1788 Administrative Commission. The Justice Administrative Commission
1789 shall provide administrative support and service to the office
1790 to the extent requested by the executive director within the
1791 available resources of the commission. The Statewide Guardian ad
1792 Litem Office is not subject to control, supervision, or
1793 direction by the Justice Administrative Commission in the
1794 performance of its duties, but the employees of the office are
1795 governed by the classification plan and salary and benefits plan
1796 approved by the Justice Administrative Commission.

1797 (a) The head of the Statewide Guardian ad Litem Office is
1798 the executive director, who shall be appointed by the Governor
1799 from a list of a minimum of three eligible applicants submitted
1800 by a Guardian ad Litem Qualifications Committee. The Guardian ad

1801 Litem Qualifications Committee shall be composed of five
1802 persons, two persons appointed by the Governor, two persons
1803 appointed by the Chief Justice of the Supreme Court, and one
1804 person appointed by the Statewide Guardian ad Litem Office
1805 ~~Association~~. The committee shall provide for statewide
1806 advertisement and the receiving of applications for the position
1807 of executive director. The Governor shall appoint an executive
1808 director from among the recommendations, or the Governor may
1809 reject the nominations and request the submission of new
1810 nominees. The executive director must have knowledge in
1811 dependency law and knowledge of social service delivery systems
1812 available to meet the needs of children who are abused,
1813 neglected, or abandoned. The executive director shall serve on a
1814 full-time basis and shall personally, or through representatives
1815 of the office, carry out the purposes and functions of the
1816 Statewide Guardian ad Litem Office in accordance with state and
1817 federal law and the state's long-established policy of
1818 prioritizing children's best interests. The executive director
1819 shall report to the Governor. The executive director shall serve
1820 a 3-year term, subject to removal for cause by the Governor. Any
1821 person appointed to serve as the executive director may be
1822 permitted to serve more than one term without the necessity of
1823 convening the Guardian ad Litem Qualifications Committee.

1824 (b) The Statewide Guardian ad Litem Office shall, within
1825 available resources, have oversight responsibilities for and

1826 provide technical assistance to all guardian ad litem and
1827 attorney ad litem offices ~~programs~~ located within the judicial
1828 circuits.

1829 1. The office shall identify the resources required to
1830 implement methods of collecting, reporting, and tracking
1831 reliable and consistent case data.

1832 2. The office shall review the current guardian ad litem
1833 offices ~~programs~~ in Florida and other states.

1834 3. The office, in consultation with local guardian ad
1835 litem offices, shall develop statewide performance measures and
1836 standards.

1837 4. The office shall develop and maintain a guardian ad
1838 litem training program, which must be updated regularly, ~~which~~
1839 ~~shall include, but is not limited to, training on the~~
1840 ~~recognition of and responses to head trauma and brain injury in~~
1841 ~~a child under 6 years of age. The office shall establish a~~
1842 ~~curriculum committee to develop the training program specified~~
1843 ~~in this subparagraph. The curriculum committee shall include,~~
1844 ~~but not be limited to, dependency judges, directors of circuit~~
1845 ~~guardian ad litem programs, active certified guardians ad litem,~~
1846 ~~a mental health professional who specializes in the treatment of~~
1847 ~~children, a member of a child advocacy group, a representative~~
1848 ~~of a domestic violence advocacy group, an individual with a~~
1849 ~~degree in social work, and a social worker experienced in~~
1850 ~~working with victims and perpetrators of child abuse.~~

1851 5. The office shall review the various methods of funding
1852 guardian ad litem offices ~~programs~~, maximize the use of those
1853 funding sources to the extent possible, and review the kinds of
1854 services being provided by circuit guardian ad litem offices
1855 ~~programs~~.

1856 6. The office shall determine the feasibility or
1857 desirability of new concepts of organization, administration,
1858 financing, or service delivery designed to preserve the civil
1859 and constitutional rights and fulfill other needs of dependent
1860 children.

1861 7. The office shall ensure that each child has an attorney
1862 assigned to his or her case and, within available resources, is
1863 represented using multidisciplinary teams that may include
1864 volunteers, pro bono attorneys, social workers, and mentors.

1865 8. The office shall provide oversight and technical
1866 assistance to attorneys ad litem, including, but not limited to,
1867 all of the following:

1868 a. Develop an attorney ad litem training program in
1869 collaboration with dependency court stakeholders, including, but
1870 not limited to, dependency judges, representatives from legal
1871 aid providing attorney ad litem representation, and an attorney
1872 ad litem appointed from a registry maintained by the chief
1873 judge. The training program must be updated regularly with or
1874 without convening the stakeholders group.

1875 b. Offer consultation and technical assistance to chief

1876 judges in maintaining attorney registries for the selection of
 1877 attorneys ad litem.

1878 c. Assist with recruitment, training, and mentoring of
 1879 attorneys ad litem as needed.

1880 9.7. In an effort to promote normalcy and establish trust
 1881 between a ~~court-appointed volunteer~~ guardian ad litem and a
 1882 child alleged to be abused, abandoned, or neglected under this
 1883 chapter, a guardian ad litem may transport a child. However, a
 1884 guardian ad litem ~~volunteer~~ may not be required by a guardian ad
 1885 litem circuit office or ordered by ~~or directed by the program or~~
 1886 a court to transport a child.

1887 10.8. The office shall submit to the Governor, the
 1888 President of the Senate, the Speaker of the House of
 1889 Representatives, and the Chief Justice of the Supreme Court an
 1890 interim report describing the progress of the office in meeting
 1891 the goals as described in this section. The office shall submit
 1892 to the Governor, the President of the Senate, the Speaker of the
 1893 House of Representatives, and the Chief Justice of the Supreme
 1894 Court a proposed plan including alternatives for meeting the
 1895 state's guardian ad litem and attorney ad litem needs. This plan
 1896 may include recommendations for less than the entire state, may
 1897 include a phase-in system, and shall include estimates of the
 1898 cost of each of the alternatives. Each year the office shall
 1899 provide a status report and provide further recommendations to
 1900 address the need for guardian ad litem representation ~~services~~

1901 and related issues.

1902 Section 35. Section 39.8297, Florida Statutes, is amended
 1903 to read:

1904 39.8297 County funding for guardian ad litem employees.—

1905 (1) A county and the executive director of the Statewide
 1906 Guardian ad Litem Office may enter into an agreement by which
 1907 the county agrees to provide funds to the local guardian ad
 1908 litem office in order to employ persons who will assist in the
 1909 operation of the guardian ad litem office ~~program~~ in the county.

1910 (2) The agreement, at a minimum, must provide that:

1911 (a) Funding for the persons who are employed will be
 1912 provided on at least a fiscal-year basis.

1913 (b) The persons who are employed will be hired,
 1914 supervised, managed, and terminated by the executive director of
 1915 the Statewide Guardian ad Litem Office. The statewide office is
 1916 responsible for compliance with all requirements of federal and
 1917 state employment laws, and shall fully indemnify the county from
 1918 any liability under such laws, as authorized by s. 768.28(19),
 1919 to the extent such liability is the result of the acts or
 1920 omissions of the Statewide Guardian ad Litem Office or its
 1921 agents or employees.

1922 (c) The county is the employer for purposes of s. 440.10
 1923 and chapter 443.

1924 (d) Employees funded by the county under this section and
 1925 other county employees may be aggregated for purposes of a

1926 flexible benefits plan pursuant to s. 125 of the Internal
 1927 Revenue Code of 1986.

1928 (e) Persons employed under this section may be terminated
 1929 after a substantial breach of the agreement or because funding
 1930 to the guardian ad litem office ~~program~~ has expired.

1931 (3) Persons employed under this section may not be counted
 1932 in a formula or similar process used by the Statewide Guardian
 1933 ad Litem Office to measure personnel needs of a judicial
 1934 circuit's guardian ad litem office ~~program~~.

1935 (4) Agreements created pursuant to this section do not
 1936 obligate the state to allocate funds to a county to employ
 1937 persons in the guardian ad litem office ~~program~~.

1938 Section 36. Section 39.8298, Florida Statutes, is amended
 1939 to read:

1940 39.8298 Guardian ad Litem direct-support organizations
 1941 ~~organization~~.—

1942 (1) AUTHORITY.—The Statewide Guardian ad Litem Office
 1943 created under s. 39.8296 is authorized to create a state direct-
 1944 support organization and to create or designate local direct-
 1945 support organizations. The executive director of the Statewide
 1946 Guardian ad Litem Office is responsible for designating local
 1947 direct-support organizations under this subsection.

1948 (a) The state direct-support organization and the local
 1949 direct-support organizations must be a Florida corporations
 1950 ~~corporation~~ not for profit, incorporated under ~~the provisions of~~

1951 chapter 617. The state direct-support organization and the local
 1952 direct-support organizations ~~are shall be~~ exempt from paying
 1953 fees under s. 617.0122.

1954 (b) The state direct-support organization and each local
 1955 direct-support organization ~~must shall~~ be organized and operated
 1956 to conduct programs and activities; raise funds; request and
 1957 receive grants, gifts, and bequests of moneys; acquire, receive,
 1958 hold, invest, and administer, in its own name, securities,
 1959 funds, objects of value, or other property, real or personal;
 1960 and make expenditures to or for the direct or indirect benefit
 1961 of the Statewide Guardian ad Litem Office, including the local
 1962 guardian ad litem offices.

1963 (c) If the executive director of the Statewide Guardian ad
 1964 Litem Office determines that the state direct-support
 1965 organization or a local direct-support organization is operating
 1966 in a manner that is inconsistent with the goals and purposes of
 1967 the Statewide Guardian ad Litem Office or not acting in the best
 1968 interest of the state, the executive director may terminate the
 1969 organization's contract and thereafter the organization may not
 1970 use the name of the Statewide Guardian ad Litem Office.

1971 (2) CONTRACTS ~~CONTRACT~~.—The state direct-support
 1972 organization and the local direct-support organizations shall
 1973 operate under a written contract with the Statewide Guardian Ad
 1974 Litem Office. The written contract must, at a minimum, provide
 1975 for:

1976 (a) Approval of the articles of incorporation and bylaws
 1977 of the direct-support organization by the executive director of
 1978 the Statewide Guardian ad Litem Office.

1979 (b) Submission of an annual budget for the approval by the
 1980 executive director of the Statewide Guardian ad Litem Office.

1981 (c) The reversion without penalty to the Statewide
 1982 Guardian ad Litem Office, or to the state if the Statewide
 1983 Guardian ad Litem Office ceases to exist, of all moneys and
 1984 property held in trust by the state direct-support organization
 1985 for the Statewide Guardian Ad Litem Office if the direct-support
 1986 organization ceases to exist or if the contract is terminated.

1987 (d) The fiscal year of the state direct-support
 1988 organization and the local direct-support organizations, which
 1989 must begin July 1 of each year and end June 30 of the following
 1990 year.

1991 (e) The disclosure of material provisions of the contract
 1992 and the distinction between the Statewide Guardian ad Litem
 1993 Office and the state direct-support organization or the local
 1994 direct-support organization to donors of gifts, contributions,
 1995 or bequests, as well as on all promotional and fundraising
 1996 publications.

1997 (3) BOARD OF DIRECTORS.—The executive director of the
 1998 Statewide Guardian ad Litem Office shall appoint a board of
 1999 directors for the state direct-support organization. The
 2000 executive director may designate employees of the Statewide

2001 Guardian ad Litem Office to serve on the board of directors of
 2002 the state direct-support organization or a local direct-support
 2003 organization. Members of the board of the state direct-support
 2004 organization or a local direct-support organization shall serve
 2005 at the pleasure of the executive director.

2006 (4) USE OF PROPERTY AND SERVICES.—The executive director
 2007 of the Statewide Guardian ad Litem Office:

2008 (a) May authorize the use of facilities and property other
 2009 than money that are owned by the Statewide Guardian ad Litem
 2010 Office to be used by the state direct-support organization or a
 2011 local direct-support organization.

2012 (b) May authorize the use of personal services provided by
 2013 employees of the Statewide Guardian ad Litem Office to be used
 2014 by the state direct-support organization or a local direct-
 2015 support organization. For the purposes of this section, the term
 2016 "personal services" includes full-time personnel and part-time
 2017 personnel as well as payroll processing.

2018 (c) May prescribe the conditions by which the state
 2019 direct-support organization or a local direct-support
 2020 organization may use property, facilities, or personal services
 2021 of the office or the state direct-support organization.

2022 (d) May ~~shall~~ not authorize the use of property,
 2023 facilities, or personal services by the state ~~of the~~ direct-
 2024 support organization or a local direct-support organization if
 2025 the organization does not provide equal employment opportunities

2026 to all persons, regardless of race, color, religion, sex, age,
 2027 or national origin.

2028 (5) MONEYS.—Moneys of the state direct-support
 2029 organization or a local direct-support organization must ~~may~~ be
 2030 held in a separate depository account in the name of the direct-
 2031 support organization and subject to the provisions of the
 2032 contract with the Statewide Guardian ad Litem Office.

2033 (6) ANNUAL AUDIT.—The state direct-support organization
 2034 and a local direct-support organization must ~~shall~~ provide for
 2035 an annual financial audit in accordance with s. 215.981.

2036 (7) LIMITS ON DIRECT-SUPPORT ORGANIZATIONS ~~ORGANIZATION.~~—
 2037 The state direct-support organization and a local direct-support
 2038 organization may ~~shall~~ not exercise any power under s.
 2039 617.0302(12) or (16). A ~~No~~ state employee may not ~~shall~~ receive
 2040 compensation from the state direct-support organization or a
 2041 local direct-support organization for service on the board of
 2042 directors or for services rendered to the direct-support
 2043 organization.

2044 Section 37. Section 1009.898, Florida Statutes, is created
 2045 to read:

2046 1009.898 Pathway to Prosperity grants.—

2047 (1) The Pathway to Prosperity program shall administer the
 2048 following grants to youth and young adults aging out of foster
 2049 care:

2050 (a) Grants to provide financial literacy instruction using

2051 a curriculum developed by the Department of Financial Services.

2052 (b) Grants to provide SAT and ACT preparation, including
 2053 one-on-one support and fee waivers for the examinations.

2054 (c) Grants to youth and young adults planning to pursue
 2055 trade careers or paid apprenticeships.

2056 (2) If a youth who is aging out of foster care is reunited
 2057 with his or her parents, the grants remain available for the
 2058 youth for up to 6 months after reunification.

2059 Section 38. Subsection (1) of section 29.008, Florida
 2060 Statutes, is amended to read:

2061 29.008 County funding of court-related functions.—

2062 (1) Counties are required by s. 14, Art. V of the State
 2063 Constitution to fund the cost of communications services,
 2064 existing radio systems, existing multiagency criminal justice
 2065 information systems, and the cost of construction or lease,
 2066 maintenance, utilities, and security of facilities for the
 2067 circuit and county courts, public defenders' offices, state
 2068 attorneys' offices, guardian ad litem offices, and the offices
 2069 of the clerks of the circuit and county courts performing court-
 2070 related functions. For purposes of this section, the term
 2071 "circuit and county courts" includes the offices and staffing of
 2072 the guardian ad litem offices ~~programs~~, and the term "public
 2073 defenders' offices" includes the offices of criminal conflict
 2074 and civil regional counsel. The county designated under s.
 2075 35.05(1) as the headquarters for each appellate district shall

2076 fund these costs for the appellate division of the public
 2077 defender's office in that county. For purposes of implementing
 2078 these requirements, the term:

2079 (a) "Facility" means reasonable and necessary buildings
 2080 and office space and appurtenant equipment and furnishings,
 2081 structures, real estate, easements, and related interests in
 2082 real estate, including, but not limited to, those for the
 2083 purpose of housing legal materials for use by the general public
 2084 and personnel, equipment, or functions of the circuit or county
 2085 courts, public defenders' offices, state attorneys' offices, and
 2086 court-related functions of the office of the clerks of the
 2087 circuit and county courts and all storage. The term "facility"
 2088 includes all wiring necessary for court reporting services. The
 2089 term also includes access to parking for such facilities in
 2090 connection with such court-related functions that may be
 2091 available free or from a private provider or a local government
 2092 for a fee. The office space provided by a county may not be less
 2093 than the standards for space allotment adopted by the Department
 2094 of Management Services, except this requirement applies only to
 2095 facilities that are leased, or on which construction commences,
 2096 after June 30, 2003. County funding must include physical
 2097 modifications and improvements to all facilities as are required
 2098 for compliance with the Americans with Disabilities Act. Upon
 2099 mutual agreement of a county and the affected entity in this
 2100 paragraph, the office space provided by the county may vary from

2101 the standards for space allotment adopted by the Department of
2102 Management Services.

2103 1. As of July 1, 2005, equipment and furnishings shall be
2104 limited to that appropriate and customary for courtrooms,
2105 hearing rooms, jury facilities, and other public areas in
2106 courthouses and any other facility occupied by the courts, state
2107 attorneys, public defenders, guardians ad litem, and criminal
2108 conflict and civil regional counsel. Court reporting equipment
2109 in these areas or facilities is not a responsibility of the
2110 county.

2111 2. Equipment and furnishings under this paragraph in
2112 existence and owned by counties on July 1, 2005, except for that
2113 in the possession of the clerks, for areas other than
2114 courtrooms, hearing rooms, jury facilities, and other public
2115 areas in courthouses and any other facility occupied by the
2116 courts, state attorneys, and public defenders, shall be
2117 transferred to the state at no charge. This provision does not
2118 apply to any communications services as defined in paragraph
2119 (f).

2120 (b) "Construction or lease" includes, but is not limited
2121 to, all reasonable and necessary costs of the acquisition or
2122 lease of facilities for all judicial officers, staff, jurors,
2123 volunteers of a tenant agency, and the public for the circuit
2124 and county courts, the public defenders' offices, state
2125 attorneys' offices, and for performing the court-related

2126 | functions of the offices of the clerks of the circuit and county
 2127 | courts. This includes expenses related to financing such
 2128 | facilities and the existing and future cost and bonded
 2129 | indebtedness associated with placing the facilities in use.

2130 | (c) "Maintenance" includes, but is not limited to, all
 2131 | reasonable and necessary costs of custodial and groundskeeping
 2132 | services and renovation and reconstruction as needed to
 2133 | accommodate functions for the circuit and county courts, the
 2134 | public defenders' offices, and state attorneys' offices and for
 2135 | performing the court-related functions of the offices of the
 2136 | clerks of the circuit and county court and for maintaining the
 2137 | facilities in a condition appropriate and safe for the use
 2138 | intended.

2139 | (d) "Utilities" means all electricity services for light,
 2140 | heat, and power; natural or manufactured gas services for light,
 2141 | heat, and power; water and wastewater services and systems,
 2142 | stormwater or runoff services and systems, sewer services and
 2143 | systems, all costs or fees associated with these services and
 2144 | systems, and any costs or fees associated with the mitigation of
 2145 | environmental impacts directly related to the facility.

2146 | (e) "Security" includes but is not limited to, all
 2147 | reasonable and necessary costs of services of law enforcement
 2148 | officers or licensed security guards and all electronic,
 2149 | cellular, or digital monitoring and screening devices necessary
 2150 | to ensure the safety and security of all persons visiting or

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2151 working in a facility; to provide for security of the facility,
2152 including protection of property owned by the county or the
2153 state; and for security of prisoners brought to any facility.

2154 This includes bailiffs while providing courtroom and other
2155 security for each judge and other quasi-judicial officers.

2156 (f) "Communications services" are defined as any
2157 reasonable and necessary transmission, emission, and reception
2158 of signs, signals, writings, images, and sounds of intelligence
2159 of any nature by wire, radio, optical, audio equipment, or other
2160 electromagnetic systems and includes all facilities and
2161 equipment owned, leased, or used by judges, clerks, public
2162 defenders, state attorneys, guardians ad litem, criminal
2163 conflict and civil regional counsel, and all staff of the state
2164 courts system, state attorneys' offices, public defenders'
2165 offices, and clerks of the circuit and county courts performing
2166 court-related functions. Such system or services shall include,
2167 but not be limited to:

2168 1. Telephone system infrastructure, including computer
2169 lines, telephone switching equipment, and maintenance, and
2170 facsimile equipment, wireless communications, cellular
2171 telephones, pagers, and video teleconferencing equipment and
2172 line charges. Each county shall continue to provide access to a
2173 local carrier for local and long distance service and shall pay
2174 toll charges for local and long distance service.

2175 2. All computer networks, systems and equipment, including

2176 computer hardware and software, modems, printers, wiring,
2177 network connections, maintenance, support staff or services
2178 including any county-funded support staff located in the offices
2179 of the circuit court, county courts, state attorneys, public
2180 defenders, guardians ad litem, and criminal conflict and civil
2181 regional counsel; training, supplies, and line charges necessary
2182 for an integrated computer system to support the operations and
2183 management of the state courts system, the offices of the public
2184 defenders, the offices of the state attorneys, the guardian ad
2185 litem offices, the offices of criminal conflict and civil
2186 regional counsel, and the offices of the clerks of the circuit
2187 and county courts; and the capability to connect those entities
2188 and reporting data to the state as required for the transmission
2189 of revenue, performance accountability, case management, data
2190 collection, budgeting, and auditing purposes. The integrated
2191 computer system shall be operational by July 1, 2006, and, at a
2192 minimum, permit the exchange of financial, performance
2193 accountability, case management, case disposition, and other
2194 data across multiple state and county information systems
2195 involving multiple users at both the state level and within each
2196 judicial circuit and be able to electronically exchange judicial
2197 case background data, sentencing scoresheets, and video evidence
2198 information stored in integrated case management systems over
2199 secure networks. Once the integrated system becomes operational,
2200 counties may reject requests to purchase communications services

2201 included in this subparagraph not in compliance with standards,
 2202 protocols, or processes adopted by the board established
 2203 pursuant to former s. 29.0086.

2204 3. Courier messenger and subpoena services.

2205 4. Auxiliary aids and services for qualified individuals
 2206 with a disability which are necessary to ensure access to the
 2207 courts. Such auxiliary aids and services include, but are not
 2208 limited to, sign language interpretation services required under
 2209 the federal Americans with Disabilities Act other than services
 2210 required to satisfy due-process requirements and identified as a
 2211 state funding responsibility pursuant to ss. 29.004-29.007,
 2212 real-time transcription services for individuals who are hearing
 2213 impaired, and assistive listening devices and the equipment
 2214 necessary to implement such accommodations.

2215 (g) "Existing radio systems" includes, but is not limited
 2216 to, law enforcement radio systems that are used by the circuit
 2217 and county courts, the offices of the public defenders, the
 2218 offices of the state attorneys, and for court-related functions
 2219 of the offices of the clerks of the circuit and county courts.
 2220 This includes radio systems that were operational or under
 2221 contract at the time Revision No. 7, 1998, to Art. V of the
 2222 State Constitution was adopted and any enhancements made
 2223 thereafter, the maintenance of those systems, and the personnel
 2224 and supplies necessary for operation.

2225 (h) "Existing multiagency criminal justice information

2226 systems" includes, but is not limited to, those components of
 2227 the multiagency criminal justice information system as defined
 2228 in s. 943.045, supporting the offices of the circuit or county
 2229 courts, the public defenders' offices, the state attorneys'
 2230 offices, or those portions of the offices of the clerks of the
 2231 circuit and county courts performing court-related functions
 2232 that are used to carry out the court-related activities of those
 2233 entities. This includes upgrades and maintenance of the current
 2234 equipment, maintenance and upgrades of supporting technology
 2235 infrastructure and associated staff, and services and expenses
 2236 to assure continued information sharing and reporting of
 2237 information to the state. The counties shall also provide
 2238 additional information technology services, hardware, and
 2239 software as needed for new judges and staff of the state courts
 2240 system, state attorneys' offices, public defenders' offices,
 2241 guardian ad litem offices, and the offices of the clerks of the
 2242 circuit and county courts performing court-related functions.

2243 Section 39. Paragraph (a) of subsection (1) of section
 2244 39.6011, Florida Statutes, is amended to read:

2245 39.6011 Case plan development.—

2246 (1) The department shall prepare a draft of the case plan
 2247 for each child receiving services under this chapter. A parent
 2248 of a child may not be threatened or coerced with the loss of
 2249 custody or parental rights for failing to admit in the case plan
 2250 of abusing, neglecting, or abandoning a child. Participating in

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2251 the development of a case plan is not an admission to any
2252 allegation of abuse, abandonment, or neglect, and it is not a
2253 consent to a finding of dependency or termination of parental
2254 rights. The case plan shall be developed subject to the
2255 following requirements:

2256 (a) The case plan must be developed in a face-to-face
2257 conference with the parent of the child, the ~~any~~ court-appointed
2258 guardian ad litem, and, if appropriate, the child and the
2259 temporary custodian of the child.

2260 Section 40. Subsection (8) of section 40.24, Florida
2261 Statutes, is amended to read:

2262 40.24 Compensation and reimbursement policy.—

2263 (8) In circuits that elect to allow jurors to donate their
2264 jury service fee upon conclusion of juror service, each juror
2265 may irrevocably donate all of the juror's compensation to the 26
2266 U.S.C. s. 501(c)(3) organization specified by the Statewide
2267 Guardian ad Litem Office ~~program~~ or to a domestic violence
2268 shelter as specified annually on a rotating basis by the clerk
2269 of court in the circuit for the juror's county of residence. The
2270 funds collected may not reduce or offset the amount of
2271 compensation that the Statewide Guardian ad Litem Office ~~program~~
2272 or domestic violence shelter would otherwise receive from the
2273 state. The clerk of court shall ensure that all jurors are given
2274 written notice at the conclusion of their service that they have
2275 the option to so donate their compensation, and that the

2276 applicable program specified by the Statewide Guardian ad Litem
 2277 Office ~~program~~ or a domestic violence shelter receives all funds
 2278 donated by the jurors. Any circuit guardian ad litem office
 2279 ~~program~~ receiving donations of juror compensation must expend
 2280 such moneys on services for children for whom guardians ad litem
 2281 have been appointed.

2282 Section 41. Subsections (5), (6), and (7) of section
 2283 43.16, Florida Statutes, are amended to read:

2284 43.16 Justice Administrative Commission; membership,
 2285 powers and duties.—

2286 (5) The duties of the commission shall include, but not be
 2287 limited to, the following:

2288 (a) The maintenance of a central state office for
 2289 administrative services and assistance when possible to and on
 2290 behalf of the state attorneys and public defenders of Florida,
 2291 the capital collateral regional counsel of Florida, the criminal
 2292 conflict and civil regional counsel, and the Statewide Guardian
 2293 Ad Litem Office ~~Program~~.

2294 (b) Each state attorney, public defender, and criminal
 2295 conflict and civil regional counsel and the Statewide Guardian
 2296 Ad Litem Office ~~Program~~ shall continue to prepare necessary
 2297 budgets, vouchers that represent valid claims for reimbursement
 2298 by the state for authorized expenses, and other things
 2299 incidental to the proper administrative operation of the office,
 2300 such as revenue transmittals to the Chief Financial Officer and

2301 automated systems plans, but will forward such items to the
 2302 commission for recording and submission to the proper state
 2303 officer. However, when requested by a state attorney, a public
 2304 defender, a criminal conflict and civil regional counsel, or the
 2305 Statewide Guardian Ad Litem Office Program, the commission will
 2306 either assist in the preparation of budget requests, voucher
 2307 schedules, and other forms and reports or accomplish the entire
 2308 project involved.

2309 (6) The commission, each state attorney, each public
 2310 defender, the criminal conflict and civil regional counsel, the
 2311 capital collateral regional counsel, and the Statewide Guardian
 2312 Ad Litem Office Program shall establish and maintain internal
 2313 controls designed to:

2314 (a) Prevent and detect fraud, waste, and abuse as defined
 2315 in s. 11.45(1).

2316 (b) Promote and encourage compliance with applicable laws,
 2317 rules, contracts, grant agreements, and best practices.

2318 (c) Support economical and efficient operations.

2319 (d) Ensure reliability of financial records and reports.

2320 (e) Safeguard assets.

2321 (7) ~~The provisions contained in~~ This section ~~is~~ shall be
 2322 supplemental to ~~those of~~ chapter 27, relating to state
 2323 attorneys, public defenders, criminal conflict and civil
 2324 regional counsel, and capital collateral regional counsel; to
 2325 ~~those of~~ chapter 39, relating to the Statewide Guardian Ad Litem

2326 ~~Office Program~~; or to other laws pertaining hereto.

2327 Section 42. Paragraph (a) of subsection (1) and subsection

2328 (4) of section 61.402, Florida Statutes, are amended to read:

2329 61.402 Qualifications of guardians ad litem.—

2330 (1) A person appointed as a guardian ad litem pursuant to

2331 s. 61.401 must be:

2332 (a) Certified by the Statewide Guardian Ad Litem Office

2333 ~~Program~~ pursuant to s. 39.821;

2334 (4) Nothing in this section requires the Statewide

2335 Guardian Ad Litem Office ~~Program~~ or a not-for-profit legal aid

2336 organization to train or certify guardians ad litem appointed

2337 under this chapter.

2338 Section 43. Paragraph (x) of subsection (2) of section

2339 110.205, Florida Statutes, is amended to read:

2340 110.205 Career service; exemptions.—

2341 (2) EXEMPT POSITIONS.—The exempt positions that are not

2342 covered by this part include the following:

2343 (x) All officers and employees of the Justice

2344 Administrative Commission, Office of the State Attorney, Office

2345 of the Public Defender, regional offices of capital collateral

2346 counsel, offices of criminal conflict and civil regional

2347 counsel, and Statewide Guardian Ad Litem Office, including the

2348 circuit guardian ad litem offices ~~programs~~.

2349 Section 44. Paragraph (b) of subsection (96) of section

2350 320.08058, Florida Statutes, is amended to read:

2351 320.08058 Specialty license plates.—
 2352 (96) GUARDIAN AD LITEM LICENSE PLATES.—
 2353 (b) The annual use fees from the sale of the plate shall
 2354 be distributed to the Florida Guardian Ad Litem Foundation,
 2355 Inc., a direct-support organization and a nonprofit corporation
 2356 under s. 501(c)(3) of the Internal Revenue Code. Up to 10
 2357 percent of the proceeds may be used for administrative costs and
 2358 the marketing of the plate. The remainder of the proceeds must
 2359 be used in this state to support the mission and efforts of the
 2360 Statewide Guardian Ad Litem Office Program ~~Program~~ to represent abused,
 2361 abandoned, and neglected children and advocate for their best
 2362 interests; recruit and retain volunteer child advocates; and
 2363 meet the unique needs of the dependent children the program
 2364 serves.
 2365 Section 45. Paragraph (e) of subsection (3) of section
 2366 943.053, Florida Statutes, is amended to read:
 2367 943.053 Dissemination of criminal justice information;
 2368 fees.—
 2369 (3)
 2370 (e) The fee per record for criminal history information
 2371 provided pursuant to this subsection and s. 943.0542 is \$24 per
 2372 name submitted, except that the fee for the Statewide Guardian
 2373 Ad Litem Office ~~program~~ and vendors of the Department of
 2374 Children and Families, the Department of Juvenile Justice, the
 2375 Agency for Persons with Disabilities, and the Department of

2376 Elderly Affairs is \$8 for each name submitted; the fee for a
 2377 state criminal history provided for application processing as
 2378 required by law to be performed by the Department of Agriculture
 2379 and Consumer Services is \$15 for each name submitted; and the
 2380 fee for requests under s. 943.0542, which implements the
 2381 National Child Protection Act, is \$18 for each volunteer name
 2382 submitted. An office of the public defender or an office of
 2383 criminal conflict and civil regional counsel may not be assessed
 2384 a fee for Florida criminal history information or wanted person
 2385 information.

2386 Section 46. Subsection (2) of section 985.43, Florida
 2387 Statutes, is amended to read:

2388 985.43 Predisposition reports; other evaluations.—

2389 (2) The court shall consider the child's entire assessment
 2390 and predisposition report and shall review the records of
 2391 earlier judicial proceedings before making a final disposition
 2392 of the case. If the child is under the jurisdiction of a
 2393 dependency court, the court may receive and consider any
 2394 information provided by the Statewide Guardian Ad Litem Office
 2395 ~~Program~~ and the child's attorney ad litem, if one is appointed.
 2396 The court may, by order, require additional evaluations and
 2397 studies to be performed by the department; the county school
 2398 system; or any social, psychological, or psychiatric agency of
 2399 the state. The court shall order the educational needs
 2400 assessment completed under s. 985.18(2) to be included in the

2401 assessment and predisposition report.

2402 Section 47. Subsection (4) of section 985.441, Florida
 2403 Statutes, is amended to read:

2404 985.441 Commitment.—

2405 (4) The department may transfer a child, when necessary to
 2406 appropriately administer the child's commitment, from one
 2407 facility or program to another facility or program operated,
 2408 contracted, subcontracted, or designated by the department,
 2409 including a postcommitment nonresidential conditional release
 2410 program, except that the department may not transfer any child
 2411 adjudicated solely for a misdemeanor to a residential program
 2412 except as provided in subsection (2). The department shall
 2413 notify the court that committed the child to the department and
 2414 any attorney of record for the child, in writing, of its intent
 2415 to transfer the child from a commitment facility or program to
 2416 another facility or program of a higher or lower restrictiveness
 2417 level. If the child is under the jurisdiction of a dependency
 2418 court, the department shall also provide notice to the
 2419 dependency court, ~~and~~ the Department of Children and Families,
 2420 ~~and, if appointed,~~ the Statewide Guardian Ad Litem Office,
 2421 ~~Program~~ and the child's attorney ad litem, if one is appointed.
 2422 The court that committed the child may agree to the transfer or
 2423 may set a hearing to review the transfer. If the court does not
 2424 respond within 10 days after receipt of the notice, the transfer
 2425 of the child shall be deemed granted.

2426 Section 48. Subsection (3) of section 985.455, Florida
 2427 Statutes, is amended to read:
 2428 985.455 Other dispositional issues.-
 2429 (3) Any commitment of a delinquent child to the department
 2430 must be for an indeterminate period of time, which may include
 2431 periods of temporary release; however, the period of time may
 2432 not exceed the maximum term of imprisonment that an adult may
 2433 serve for the same offense, except that the duration of a
 2434 minimum-risk nonresidential commitment for an offense that is a
 2435 misdemeanor of the second degree, or is equivalent to a
 2436 misdemeanor of the second degree, may be for a period not to
 2437 exceed 6 months. The duration of the child's placement in a
 2438 commitment program of any restrictiveness level shall be based
 2439 on objective performance-based treatment planning. The child's
 2440 treatment plan progress and adjustment-related issues shall be
 2441 reported to the court quarterly, unless the court requests
 2442 monthly reports. If the child is under the jurisdiction of a
 2443 dependency court, the court may receive and consider any
 2444 information provided by the Statewide Guardian Ad Litem Office
 2445 ~~Program~~ or the child's attorney ad litem, if one is appointed.
 2446 The child's length of stay in a commitment program may be
 2447 extended if the child fails to comply with or participate in
 2448 treatment activities. The child's length of stay in the program
 2449 shall not be extended for purposes of sanction or punishment.
 2450 Any temporary release from such program must be approved by the

2451 court. Any child so committed may be discharged from
2452 institutional confinement or a program upon the direction of the
2453 department with the concurrence of the court. The child's
2454 treatment plan progress and adjustment-related issues must be
2455 communicated to the court at the time the department requests
2456 the court to consider releasing the child from the commitment
2457 program. The department shall give the court that committed the
2458 child to the department reasonable notice, in writing, of its
2459 desire to discharge the child from a commitment facility. The
2460 court that committed the child may thereafter accept or reject
2461 the request. If the court does not respond within 10 days after
2462 receipt of the notice, the request of the department shall be
2463 deemed granted. This section does not limit the department's
2464 authority to revoke a child's temporary release status and
2465 return the child to a commitment facility for any violation of
2466 the terms and conditions of the temporary release.

2467 Section 49. Paragraph (b) of subsection (4) of section
2468 985.461, Florida Statutes, is amended to read:

2469 985.461 Transition to adulthood.—

2470 (4) As part of the child's treatment plan, the department
2471 may provide transition-to-adulthood services to children
2472 released from residential commitment. To support participation
2473 in transition-to-adulthood services and subject to
2474 appropriation, the department may:

2475 (b) Use community reentry teams to assist in the

2476 development of a list of age-appropriate activities and
2477 responsibilities to be incorporated in the child's written case
2478 plan for any youth who is under the custody or supervision of
2479 the department. Community reentry teams may include
2480 representatives from school districts, law enforcement,
2481 workforce development services, community-based service
2482 providers, the Statewide Guardian Ad Litem Office ~~Program~~, and
2483 the youth's family. Such community reentry teams must be created
2484 within existing resources provided to the department. Activities
2485 may include, but are not limited to, life skills training,
2486 including training to develop banking and budgeting skills,
2487 interviewing and career planning skills, parenting skills,
2488 personal health management, and time management or
2489 organizational skills; educational support; employment training;
2490 and counseling.

2491 Section 50. Paragraph (h) of subsection (11) of section
2492 985.48, Florida Statutes, is amended to read:

2493 985.48 Juvenile sexual offender commitment programs;
2494 sexual abuse intervention networks.—

2495 (11) Membership of a sexual abuse intervention network
2496 shall include, but is not limited to, representatives from:

2497 (h) The Statewide Guardian Ad Litem Office ~~program~~;

2498 Section 51. Subsection (1) of section 39.302, Florida
2499 Statutes, is amended to read:

2500 39.302 Protective investigations of institutional child

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2501 abuse, abandonment, or neglect.-

2502 (1) The department shall conduct a child protective

2503 investigation of each report of institutional child abuse,

2504 abandonment, or neglect. Upon receipt of a report that alleges

2505 that an employee or agent of the department, or any other entity

2506 or person covered by s. 39.01(39) or (57) ~~s. 39.01(36) or (54)~~,

2507 acting in an official capacity, has committed an act of child

2508 abuse, abandonment, or neglect, the department shall initiate a

2509 child protective investigation within the timeframe established

2510 under s. 39.101(2) and notify the appropriate state attorney,

2511 law enforcement agency, and licensing agency, which shall

2512 immediately conduct a joint investigation, unless independent

2513 investigations are more feasible. When conducting investigations

2514 or having face-to-face interviews with the child, investigation

2515 visits shall be unannounced unless it is determined by the

2516 department or its agent that unannounced visits threaten the

2517 safety of the child. If a facility is exempt from licensing, the

2518 department shall inform the owner or operator of the facility of

2519 the report. Each agency conducting a joint investigation is

2520 entitled to full access to the information gathered by the

2521 department in the course of the investigation. A protective

2522 investigation must include an interview with the child's parent

2523 or legal guardian. The department shall make a full written

2524 report to the state attorney within 3 business days after making

2525 the oral report. A criminal investigation shall be coordinated,

2526 whenever possible, with the child protective investigation of
 2527 the department. Any interested person who has information
 2528 regarding the offenses described in this subsection may forward
 2529 a statement to the state attorney as to whether prosecution is
 2530 warranted and appropriate. Within 15 days after the completion
 2531 of the investigation, the state attorney shall report the
 2532 findings to the department and shall include in the report a
 2533 determination of whether or not prosecution is justified and
 2534 appropriate in view of the circumstances of the specific case.

2535 Section 52. Paragraph (c) of subsection (1) of section
 2536 39.521, Florida Statutes, is amended to read:

2537 39.521 Disposition hearings; powers of disposition.—

2538 (1) A disposition hearing shall be conducted by the court,
 2539 if the court finds that the facts alleged in the petition for
 2540 dependency were proven in the adjudicatory hearing, or if the
 2541 parents or legal custodians have consented to the finding of
 2542 dependency or admitted the allegations in the petition, have
 2543 failed to appear for the arraignment hearing after proper
 2544 notice, or have not been located despite a diligent search
 2545 having been conducted.

2546 (c) When any child is adjudicated by a court to be
 2547 dependent, the court having jurisdiction of the child has the
 2548 power by order to:

2549 1. Require the parent and, when appropriate, the legal
 2550 guardian or the child to participate in treatment and services

2551 identified as necessary. The court may require the person who
2552 has custody or who is requesting custody of the child to submit
2553 to a mental health or substance abuse disorder assessment or
2554 evaluation. The order may be made only upon good cause shown and
2555 pursuant to notice and procedural requirements provided under
2556 the Florida Rules of Juvenile Procedure. The mental health
2557 assessment or evaluation must be administered by a qualified
2558 professional as defined in s. 39.01, and the substance abuse
2559 assessment or evaluation must be administered by a qualified
2560 professional as defined in s. 397.311. The court may also
2561 require such person to participate in and comply with treatment
2562 and services identified as necessary, including, when
2563 appropriate and available, participation in and compliance with
2564 a mental health court program established under chapter 394 or a
2565 treatment-based drug court program established under s. 397.334.
2566 Adjudication of a child as dependent based upon evidence of harm
2567 as defined in s. 39.01(37)(g) ~~s. 39.01(34)(g)~~ demonstrates good
2568 cause, and the court shall require the parent whose actions
2569 caused the harm to submit to a substance abuse disorder
2570 assessment or evaluation and to participate and comply with
2571 treatment and services identified in the assessment or
2572 evaluation as being necessary. In addition to supervision by the
2573 department, the court, including the mental health court program
2574 or the treatment-based drug court program, may oversee the
2575 progress and compliance with treatment by a person who has

2576 custody or is requesting custody of the child. The court may
2577 impose appropriate available sanctions for noncompliance upon a
2578 person who has custody or is requesting custody of the child or
2579 make a finding of noncompliance for consideration in determining
2580 whether an alternative placement of the child is in the child's
2581 best interests. Any order entered under this subparagraph may be
2582 made only upon good cause shown. This subparagraph does not
2583 authorize placement of a child with a person seeking custody of
2584 the child, other than the child's parent or legal custodian, who
2585 requires mental health or substance abuse disorder treatment.

2586 2. Require, if the court deems necessary, the parties to
2587 participate in dependency mediation.

2588 3. Require placement of the child either under the
2589 protective supervision of an authorized agent of the department
2590 in the home of one or both of the child's parents or in the home
2591 of a relative of the child or another adult approved by the
2592 court, or in the custody of the department. Protective
2593 supervision continues until the court terminates it or until the
2594 child reaches the age of 18, whichever date is first. Protective
2595 supervision shall be terminated by the court whenever the court
2596 determines that permanency has been achieved for the child,
2597 whether with a parent, another relative, or a legal custodian,
2598 and that protective supervision is no longer needed. The
2599 termination of supervision may be with or without retaining
2600 jurisdiction, at the court's discretion, and shall in either

2601 case be considered a permanency option for the child. The order
2602 terminating supervision by the department must set forth the
2603 powers of the custodian of the child and include the powers
2604 ordinarily granted to a guardian of the person of a minor unless
2605 otherwise specified. Upon the court's termination of supervision
2606 by the department, further judicial reviews are not required if
2607 permanency has been established for the child.

2608 4. Determine whether the child has a strong attachment to
2609 the prospective permanent guardian and whether such guardian has
2610 a strong commitment to permanently caring for the child.

2611 Section 53. Paragraph (c) of subsection (2) of section
2612 61.13, Florida Statutes, is amended to read:

2613 61.13 Support of children; parenting and time-sharing;
2614 powers of court.—

2615 (2)

2616 (c) The court shall determine all matters relating to
2617 parenting and time-sharing of each minor child of the parties in
2618 accordance with the best interests of the child and in
2619 accordance with the Uniform Child Custody Jurisdiction and
2620 Enforcement Act, except that modification of a parenting plan
2621 and time-sharing schedule requires a showing of a substantial
2622 and material change of circumstances.

2623 1. It is the public policy of this state that each minor
2624 child has frequent and continuing contact with both parents
2625 after the parents separate or the marriage of the parties is

2626 dissolved and to encourage parents to share the rights and
2627 responsibilities, and joys, of childrearing. Unless otherwise
2628 provided in this section or agreed to by the parties, there is a
2629 rebuttable presumption that equal time-sharing of a minor child
2630 is in the best interests of the minor child. To rebut this
2631 presumption, a party must prove by a preponderance of the
2632 evidence that equal time-sharing is not in the best interests of
2633 the minor child. Except when a time-sharing schedule is agreed
2634 to by the parties and approved by the court, the court must
2635 evaluate all of the factors set forth in subsection (3) and make
2636 specific written findings of fact when creating or modifying a
2637 time-sharing schedule.

2638 2. The court shall order that the parental responsibility
2639 for a minor child be shared by both parents unless the court
2640 finds that shared parental responsibility would be detrimental
2641 to the child. In determining detriment to the child, the court
2642 shall consider:

2643 a. Evidence of domestic violence, as defined in s. 741.28;

2644 b. Whether either parent has or has had reasonable cause
2645 to believe that he or she or his or her minor child or children
2646 are or have been in imminent danger of becoming victims of an
2647 act of domestic violence as defined in s. 741.28 or sexual
2648 violence as defined in s. 784.046(1)(c) by the other parent
2649 against the parent or against the child or children whom the
2650 parents share in common regardless of whether a cause of action

2651 has been brought or is currently pending in the court;

2652 c. Whether either parent has or has had reasonable cause

2653 to believe that his or her minor child or children are or have

2654 been in imminent danger of becoming victims of an act of abuse

2655 ~~as defined in s. 39.01(2), abandonment as defined in s.~~

2656 ~~39.01(1), or neglect,~~ as those terms are defined in s. 39.01, s.

2657 ~~39.01(50)~~ by the other parent against the child or children whom

2658 the parents share in common regardless of whether a cause of

2659 action has been brought or is currently pending in the court;

2660 and

2661 d. Any other relevant factors.

2662 3. The following evidence creates a rebuttable presumption

2663 that shared parental responsibility is detrimental to the child:

2664 a. A parent has been convicted of a misdemeanor of the

2665 first degree or higher involving domestic violence, as defined

2666 in s. 741.28 and chapter 775;

2667 b. A parent meets the criteria of s. 39.806(1)(d); or

2668 c. A parent has been convicted of or had adjudication

2669 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and

2670 at the time of the offense:

2671 (I) The parent was 18 years of age or older.

2672 (II) The victim was under 18 years of age or the parent

2673 believed the victim to be under 18 years of age.

2674

2675 If the presumption is not rebutted after the convicted parent is

2676 advised by the court that the presumption exists, shared
2677 parental responsibility, including time-sharing with the child,
2678 and decisions made regarding the child, may not be granted to
2679 the convicted parent. However, the convicted parent is not
2680 relieved of any obligation to provide financial support. If the
2681 court determines that shared parental responsibility would be
2682 detrimental to the child, it may order sole parental
2683 responsibility and make such arrangements for time-sharing as
2684 specified in the parenting plan as will best protect the child
2685 or abused spouse from further harm. Whether or not there is a
2686 conviction of any offense of domestic violence or child abuse or
2687 the existence of an injunction for protection against domestic
2688 violence, the court shall consider evidence of domestic violence
2689 or child abuse as evidence of detriment to the child.

2690 4. In ordering shared parental responsibility, the court
2691 may consider the expressed desires of the parents and may grant
2692 to one party the ultimate responsibility over specific aspects
2693 of the child's welfare or may divide those responsibilities
2694 between the parties based on the best interests of the child.
2695 Areas of responsibility may include education, health care, and
2696 any other responsibilities that the court finds unique to a
2697 particular family.

2698 5. The court shall order sole parental responsibility for
2699 a minor child to one parent, with or without time-sharing with
2700 the other parent if it is in the best interests of the minor

2701 child.

2702 6. There is a rebuttable presumption against granting
 2703 time-sharing with a minor child if a parent has been convicted
 2704 of or had adjudication withheld for an offense enumerated in s.
 2705 943.0435(1)(h)1.a., and at the time of the offense:

2706 a. The parent was 18 years of age or older.

2707 b. The victim was under 18 years of age or the parent
 2708 believed the victim to be under 18 years of age.

2709

2710 A parent may rebut the presumption upon a specific finding in
 2711 writing by the court that the parent poses no significant risk
 2712 of harm to the child and that time-sharing is in the best
 2713 interests of the minor child. If the presumption is rebutted,
 2714 the court must consider all time-sharing factors in subsection
 2715 (3) when developing a time-sharing schedule.

2716 7. Access to records and information pertaining to a minor
 2717 child, including, but not limited to, medical, dental, and
 2718 school records, may not be denied to either parent. Full rights
 2719 under this subparagraph apply to either parent unless a court
 2720 order specifically revokes these rights, including any
 2721 restrictions on these rights as provided in a domestic violence
 2722 injunction. A parent having rights under this subparagraph has
 2723 the same rights upon request as to form, substance, and manner
 2724 of access as are available to the other parent of a child,
 2725 including, without limitation, the right to in-person

2726 communication with medical, dental, and education providers.

2727 Section 54. Paragraph (d) of subsection (4) of section
2728 119.071, Florida Statutes, is amended to read:

2729 119.071 General exemptions from inspection or copying of
2730 public records.—

2731 (4) AGENCY PERSONNEL INFORMATION.—

2732 (d)1. For purposes of this paragraph, the term:

2733 a. "Home addresses" means the dwelling location at which
2734 an individual resides and includes the physical address, mailing
2735 address, street address, parcel identification number, plot
2736 identification number, legal property description, neighborhood
2737 name and lot number, GPS coordinates, and any other descriptive
2738 property information that may reveal the home address.

2739 b. "Judicial assistant" means a court employee assigned to
2740 the following class codes: 8140, 8150, 8310, and 8320.

2741 c. "Telephone numbers" includes home telephone numbers,
2742 personal cellular telephone numbers, personal pager telephone
2743 numbers, and telephone numbers associated with personal
2744 communications devices.

2745 2.a. The home addresses, telephone numbers, dates of
2746 birth, and photographs of active or former sworn law enforcement
2747 personnel or of active or former civilian personnel employed by
2748 a law enforcement agency, including correctional and
2749 correctional probation officers, personnel of the Department of
2750 Children and Families whose duties include the investigation of

2751 abuse, neglect, exploitation, fraud, theft, or other criminal
 2752 activities, personnel of the Department of Health whose duties
 2753 are to support the investigation of child abuse or neglect, and
 2754 personnel of the Department of Revenue or local governments
 2755 whose responsibilities include revenue collection and
 2756 enforcement or child support enforcement; the names, home
 2757 addresses, telephone numbers, photographs, dates of birth, and
 2758 places of employment of the spouses and children of such
 2759 personnel; and the names and locations of schools and day care
 2760 facilities attended by the children of such personnel are exempt
 2761 from s. 119.07(1) and s. 24(a), Art. I of the State
 2762 Constitution.

2763 b. The home addresses, telephone numbers, dates of birth,
 2764 and photographs of current or former nonsworn investigative
 2765 personnel of the Department of Financial Services whose duties
 2766 include the investigation of fraud, theft, workers' compensation
 2767 coverage requirements and compliance, other related criminal
 2768 activities, or state regulatory requirement violations; the
 2769 names, home addresses, telephone numbers, dates of birth, and
 2770 places of employment of the spouses and children of such
 2771 personnel; and the names and locations of schools and day care
 2772 facilities attended by the children of such personnel are exempt
 2773 from s. 119.07(1) and s. 24(a), Art. I of the State
 2774 Constitution.

2775 c. The home addresses, telephone numbers, dates of birth,

2776 and photographs of current or former nonsworn investigative
2777 personnel of the Office of Financial Regulation's Bureau of
2778 Financial Investigations whose duties include the investigation
2779 of fraud, theft, other related criminal activities, or state
2780 regulatory requirement violations; the names, home addresses,
2781 telephone numbers, dates of birth, and places of employment of
2782 the spouses and children of such personnel; and the names and
2783 locations of schools and day care facilities attended by the
2784 children of such personnel are exempt from s. 119.07(1) and s.
2785 24(a), Art. I of the State Constitution.

2786 d. The home addresses, telephone numbers, dates of birth,
2787 and photographs of current or former firefighters certified in
2788 compliance with s. 633.408; the names, home addresses, telephone
2789 numbers, photographs, dates of birth, and places of employment
2790 of the spouses and children of such firefighters; and the names
2791 and locations of schools and day care facilities attended by the
2792 children of such firefighters are exempt from s. 119.07(1) and
2793 s. 24(a), Art. I of the State Constitution.

2794 e. The home addresses, dates of birth, and telephone
2795 numbers of current or former justices of the Supreme Court,
2796 district court of appeal judges, circuit court judges, and
2797 county court judges, ~~and~~ ~~of~~ current judicial assistants; the
2798 names, home addresses, telephone numbers, dates of birth, and
2799 places of employment of the spouses and children of current or
2800 former justices and judges and ~~of~~ current judicial assistants;

2801 and the names and locations of schools and day care facilities
2802 attended by the children of current or former justices and
2803 judges and of current judicial assistants are exempt from s.
2804 119.07(1) and s. 24(a), Art. I of the State Constitution. This
2805 sub-subparagraph is subject to the Open Government Sunset Review
2806 Act in accordance with s. 119.15 and shall stand repealed on
2807 October 2, 2028, unless reviewed and saved from repeal through
2808 reenactment by the Legislature.

2809 f. The home addresses, telephone numbers, dates of birth,
2810 and photographs of current or former state attorneys, assistant
2811 state attorneys, statewide prosecutors, or assistant statewide
2812 prosecutors; the names, home addresses, telephone numbers,
2813 photographs, dates of birth, and places of employment of the
2814 spouses and children of current or former state attorneys,
2815 assistant state attorneys, statewide prosecutors, or assistant
2816 statewide prosecutors; and the names and locations of schools
2817 and day care facilities attended by the children of current or
2818 former state attorneys, assistant state attorneys, statewide
2819 prosecutors, or assistant statewide prosecutors are exempt from
2820 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2821 g. The home addresses, dates of birth, and telephone
2822 numbers of general magistrates, special magistrates, judges of
2823 compensation claims, administrative law judges of the Division
2824 of Administrative Hearings, and child support enforcement
2825 hearing officers; the names, home addresses, telephone numbers,

2826 | dates of birth, and places of employment of the spouses and
2827 | children of general magistrates, special magistrates, judges of
2828 | compensation claims, administrative law judges of the Division
2829 | of Administrative Hearings, and child support enforcement
2830 | hearing officers; and the names and locations of schools and day
2831 | care facilities attended by the children of general magistrates,
2832 | special magistrates, judges of compensation claims,
2833 | administrative law judges of the Division of Administrative
2834 | Hearings, and child support enforcement hearing officers are
2835 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2836 | Constitution.

2837 | h. The home addresses, telephone numbers, dates of birth,
2838 | and photographs of current or former human resource, labor
2839 | relations, or employee relations directors, assistant directors,
2840 | managers, or assistant managers of any local government agency
2841 | or water management district whose duties include hiring and
2842 | firing employees, labor contract negotiation, administration, or
2843 | other personnel-related duties; the names, home addresses,
2844 | telephone numbers, dates of birth, and places of employment of
2845 | the spouses and children of such personnel; and the names and
2846 | locations of schools and day care facilities attended by the
2847 | children of such personnel are exempt from s. 119.07(1) and s.
2848 | 24(a), Art. I of the State Constitution.

2849 | i. The home addresses, telephone numbers, dates of birth,
2850 | and photographs of current or former code enforcement officers;

2851 the names, home addresses, telephone numbers, dates of birth,
 2852 and places of employment of the spouses and children of such
 2853 personnel; and the names and locations of schools and day care
 2854 facilities attended by the children of such personnel are exempt
 2855 from s. 119.07(1) and s. 24(a), Art. I of the State
 2856 Constitution.

2857 j. The home addresses, telephone numbers, places of
 2858 employment, dates of birth, and photographs of current or former
 2859 guardians ad litem, as defined in s. 39.01 ~~s. 39.820~~; the names,
 2860 home addresses, telephone numbers, dates of birth, and places of
 2861 employment of the spouses and children of such persons; and the
 2862 names and locations of schools and day care facilities attended
 2863 by the children of such persons are exempt from s. 119.07(1) and
 2864 s. 24(a), Art. I of the State Constitution.

2865 k. The home addresses, telephone numbers, dates of birth,
 2866 and photographs of current or former juvenile probation
 2867 officers, juvenile probation supervisors, detention
 2868 superintendents, assistant detention superintendents, juvenile
 2869 justice detention officers I and II, juvenile justice detention
 2870 officer supervisors, juvenile justice residential officers,
 2871 juvenile justice residential officer supervisors I and II,
 2872 juvenile justice counselors, juvenile justice counselor
 2873 supervisors, human services counselor administrators, senior
 2874 human services counselor administrators, rehabilitation
 2875 therapists, and social services counselors of the Department of

2876 Juvenile Justice; the names, home addresses, telephone numbers,
2877 dates of birth, and places of employment of spouses and children
2878 of such personnel; and the names and locations of schools and
2879 day care facilities attended by the children of such personnel
2880 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2881 Constitution.

2882 1. The home addresses, telephone numbers, dates of birth,
2883 and photographs of current or former public defenders, assistant
2884 public defenders, criminal conflict and civil regional counsel,
2885 and assistant criminal conflict and civil regional counsel; the
2886 names, home addresses, telephone numbers, dates of birth, and
2887 places of employment of the spouses and children of current or
2888 former public defenders, assistant public defenders, criminal
2889 conflict and civil regional counsel, and assistant criminal
2890 conflict and civil regional counsel; and the names and locations
2891 of schools and day care facilities attended by the children of
2892 current or former public defenders, assistant public defenders,
2893 criminal conflict and civil regional counsel, and assistant
2894 criminal conflict and civil regional counsel are exempt from s.
2895 119.07(1) and s. 24(a), Art. I of the State Constitution.

2896 m. The home addresses, telephone numbers, dates of birth,
2897 and photographs of current or former investigators or inspectors
2898 of the Department of Business and Professional Regulation; the
2899 names, home addresses, telephone numbers, dates of birth, and
2900 places of employment of the spouses and children of such current

2901 or former investigators and inspectors; and the names and
 2902 locations of schools and day care facilities attended by the
 2903 children of such current or former investigators and inspectors
 2904 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 2905 Constitution.

2906 n. The home addresses, telephone numbers, and dates of
 2907 birth of county tax collectors; the names, home addresses,
 2908 telephone numbers, dates of birth, and places of employment of
 2909 the spouses and children of such tax collectors; and the names
 2910 and locations of schools and day care facilities attended by the
 2911 children of such tax collectors are exempt from s. 119.07(1) and
 2912 s. 24(a), Art. I of the State Constitution.

2913 o. The home addresses, telephone numbers, dates of birth,
 2914 and photographs of current or former personnel of the Department
 2915 of Health whose duties include, or result in, the determination
 2916 or adjudication of eligibility for social security disability
 2917 benefits, the investigation or prosecution of complaints filed
 2918 against health care practitioners, or the inspection of health
 2919 care practitioners or health care facilities licensed by the
 2920 Department of Health; the names, home addresses, telephone
 2921 numbers, dates of birth, and places of employment of the spouses
 2922 and children of such personnel; and the names and locations of
 2923 schools and day care facilities attended by the children of such
 2924 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 2925 the State Constitution.

2926 p. The home addresses, telephone numbers, dates of birth,
2927 and photographs of current or former impaired practitioner
2928 consultants who are retained by an agency or current or former
2929 employees of an impaired practitioner consultant whose duties
2930 result in a determination of a person's skill and safety to
2931 practice a licensed profession; the names, home addresses,
2932 telephone numbers, dates of birth, and places of employment of
2933 the spouses and children of such consultants or their employees;
2934 and the names and locations of schools and day care facilities
2935 attended by the children of such consultants or employees are
2936 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2937 Constitution.

2938 q. The home addresses, telephone numbers, dates of birth,
2939 and photographs of current or former emergency medical
2940 technicians or paramedics certified under chapter 401; the
2941 names, home addresses, telephone numbers, dates of birth, and
2942 places of employment of the spouses and children of such
2943 emergency medical technicians or paramedics; and the names and
2944 locations of schools and day care facilities attended by the
2945 children of such emergency medical technicians or paramedics are
2946 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2947 Constitution.

2948 r. The home addresses, telephone numbers, dates of birth,
2949 and photographs of current or former personnel employed in an
2950 agency's office of inspector general or internal audit

2951 department whose duties include auditing or investigating waste,
 2952 fraud, abuse, theft, exploitation, or other activities that
 2953 could lead to criminal prosecution or administrative discipline;
 2954 the names, home addresses, telephone numbers, dates of birth,
 2955 and places of employment of spouses and children of such
 2956 personnel; and the names and locations of schools and day care
 2957 facilities attended by the children of such personnel are exempt
 2958 from s. 119.07(1) and s. 24(a), Art. I of the State
 2959 Constitution.

2960 s. The home addresses, telephone numbers, dates of birth,
 2961 and photographs of current or former directors, managers,
 2962 supervisors, nurses, and clinical employees of an addiction
 2963 treatment facility; the home addresses, telephone numbers,
 2964 photographs, dates of birth, and places of employment of the
 2965 spouses and children of such personnel; and the names and
 2966 locations of schools and day care facilities attended by the
 2967 children of such personnel are exempt from s. 119.07(1) and s.
 2968 24(a), Art. I of the State Constitution. For purposes of this
 2969 sub-subparagraph, the term "addiction treatment facility" means
 2970 a county government, or agency thereof, that is licensed
 2971 pursuant to s. 397.401 and provides substance abuse prevention,
 2972 intervention, or clinical treatment, including any licensed
 2973 service component described in s. 397.311(26).

2974 t. The home addresses, telephone numbers, dates of birth,
 2975 and photographs of current or former directors, managers,

2976 supervisors, and clinical employees of a child advocacy center
2977 that meets the standards of s. 39.3035(2) and fulfills the
2978 screening requirement of s. 39.3035(3), and the members of a
2979 Child Protection Team as described in s. 39.303 whose duties
2980 include supporting the investigation of child abuse or sexual
2981 abuse, child abandonment, child neglect, and child exploitation
2982 or to provide services as part of a multidisciplinary case
2983 review team; the names, home addresses, telephone numbers,
2984 photographs, dates of birth, and places of employment of the
2985 spouses and children of such personnel and members; and the
2986 names and locations of schools and day care facilities attended
2987 by the children of such personnel and members are exempt from s.
2988 119.07(1) and s. 24(a), Art. I of the State Constitution.

2989 u. The home addresses, telephone numbers, places of
2990 employment, dates of birth, and photographs of current or former
2991 staff and domestic violence advocates, as defined in s.
2992 90.5036(1)(b), of domestic violence centers certified by the
2993 Department of Children and Families under chapter 39; the names,
2994 home addresses, telephone numbers, places of employment, dates
2995 of birth, and photographs of the spouses and children of such
2996 personnel; and the names and locations of schools and day care
2997 facilities attended by the children of such personnel are exempt
2998 from s. 119.07(1) and s. 24(a), Art. I of the State
2999 Constitution.

3000 v. The home addresses, telephone numbers, dates of birth,

3001 and photographs of current or former inspectors or investigators
3002 of the Department of Agriculture and Consumer Services; the
3003 names, home addresses, telephone numbers, dates of birth, and
3004 places of employment of the spouses and children of current or
3005 former inspectors or investigators; and the names and locations
3006 of schools and day care facilities attended by the children of
3007 current or former inspectors or investigators are exempt from s.
3008 119.07(1) and s. 24(a), Art. I of the State Constitution. This
3009 sub-subparagraph is subject to the Open Government Sunset Review
3010 Act in accordance with s. 119.15 and shall stand repealed on
3011 October 2, 2028, unless reviewed and saved from repeal through
3012 reenactment by the Legislature.

3013 3. An agency that is the custodian of the information
3014 specified in subparagraph 2. and that is not the employer of the
3015 officer, employee, justice, judge, or other person specified in
3016 subparagraph 2. must maintain the exempt status of that
3017 information only if the officer, employee, justice, judge, other
3018 person, or employing agency of the designated employee submits a
3019 written and notarized request for maintenance of the exemption
3020 to the custodial agency. The request must state under oath the
3021 statutory basis for the individual's exemption request and
3022 confirm the individual's status as a party eligible for exempt
3023 status.

3024 4.a. A county property appraiser, as defined in s.
3025 192.001(3), or a county tax collector, as defined in s.

3026 192.001(4), who receives a written and notarized request for
3027 maintenance of the exemption pursuant to subparagraph 3. must
3028 comply by removing the name of the individual with exempt status
3029 and the instrument number or Official Records book and page
3030 number identifying the property with the exempt status from all
3031 publicly available records maintained by the property appraiser
3032 or tax collector. For written requests received on or before
3033 July 1, 2021, a county property appraiser or county tax
3034 collector must comply with this sub-subparagraph by October 1,
3035 2021. A county property appraiser or county tax collector may
3036 not remove the street address, legal description, or other
3037 information identifying real property within the agency's
3038 records so long as a name or personal information otherwise
3039 exempt from inspection and copying pursuant to this section is
3040 not associated with the property or otherwise displayed in the
3041 public records of the agency.

3042 b. Any information restricted from public display,
3043 inspection, or copying under sub-subparagraph a. must be
3044 provided to the individual whose information was removed.

3045 5. An officer, an employee, a justice, a judge, or other
3046 person specified in subparagraph 2. may submit a written request
3047 for the release of his or her exempt information to the
3048 custodial agency. The written request must be notarized and must
3049 specify the information to be released and the party authorized
3050 to receive the information. Upon receipt of the written request,

3051 the custodial agency must release the specified information to
3052 the party authorized to receive such information.

3053 6. The exemptions in this paragraph apply to information
3054 held by an agency before, on, or after the effective date of the
3055 exemption.

3056 7. Information made exempt under this paragraph may be
3057 disclosed pursuant to s. 28.2221 to a title insurer authorized
3058 pursuant to s. 624.401 and its affiliates as defined in s.
3059 624.10; a title insurance agent or title insurance agency as
3060 defined in s. 626.841(1) or (2), respectively; or an attorney
3061 duly admitted to practice law in this state and in good standing
3062 with The Florida Bar.

3063 8. The exempt status of a home address contained in the
3064 Official Records is maintained only during the period when a
3065 protected party resides at the dwelling location. Upon
3066 conveyance of real property after October 1, 2021, and when such
3067 real property no longer constitutes a protected party's home
3068 address as defined in sub-subparagraph 1.a., the protected party
3069 must submit a written request to release the removed information
3070 to the county recorder. The written request to release the
3071 removed information must be notarized, must confirm that a
3072 protected party's request for release is pursuant to a
3073 conveyance of his or her dwelling location, and must specify the
3074 Official Records book and page, instrument number, or clerk's
3075 file number for each document containing the information to be

3076 released.

3077 9. Upon the death of a protected party as verified by a
3078 certified copy of a death certificate or court order, any party
3079 can request the county recorder to release a protected
3080 decedent's removed information unless there is a related request
3081 on file with the county recorder for continued removal of the
3082 decedent's information or unless such removal is otherwise
3083 prohibited by statute or by court order. The written request to
3084 release the removed information upon the death of a protected
3085 party must attach the certified copy of a death certificate or
3086 court order and must be notarized, must confirm the request for
3087 release is due to the death of a protected party, and must
3088 specify the Official Records book and page number, instrument
3089 number, or clerk's file number for each document containing the
3090 information to be released. A fee may not be charged for the
3091 release of any document pursuant to such request.

3092 10. Except as otherwise expressly provided in this
3093 paragraph, this paragraph is subject to the Open Government
3094 Sunset Review Act in accordance with s. 119.15 and shall stand
3095 repealed on October 2, 2024, unless reviewed and saved from
3096 repeal through reenactment by the Legislature.

3097 Section 55. Subsection (4) of section 322.09, Florida
3098 Statutes, is amended to read:

3099 322.09 Application of minors; responsibility for
3100 negligence or misconduct of minor.—

3101 (4) Notwithstanding subsections (1) and (2), if a
 3102 caregiver of a minor who is under the age of 18 years and is in
 3103 out-of-home care as defined in s. 39.01 ~~s. 39.01(55)~~, an
 3104 authorized representative of a residential group home at which
 3105 such a minor resides, the caseworker at the agency at which the
 3106 state has placed the minor, or a guardian ad litem specifically
 3107 authorized by the minor's caregiver to sign for a learner's
 3108 driver license signs the minor's application for a learner's
 3109 driver license, that caregiver, group home representative,
 3110 caseworker, or guardian ad litem does not assume any obligation
 3111 or become liable for any damages caused by the negligence or
 3112 willful misconduct of the minor by reason of having signed the
 3113 application. Before signing the application, the caseworker,
 3114 authorized group home representative, or guardian ad litem shall
 3115 notify the caregiver or other responsible party of his or her
 3116 intent to sign and verify the application.

3117 Section 56. Paragraph (p) of subsection (4) of section
 3118 394.495, Florida Statutes, is amended to read:

3119 394.495 Child and adolescent mental health system of care;
 3120 programs and services.—

3121 (4) The array of services may include, but is not limited
 3122 to:

3123 (p) Trauma-informed services for children who have
 3124 suffered sexual exploitation as defined in s. 39.01(80)(g) ~~s.~~
 3125 ~~39.01(77)(g)~~.

3126 Section 57. Section 627.746, Florida Statutes, is amended
 3127 to read:

3128 627.746 Coverage for minors who have a learner's driver
 3129 license; additional premium prohibited.—An insurer that issues
 3130 an insurance policy on a private passenger motor vehicle to a
 3131 named insured who is a caregiver of a minor who is under the age
 3132 of 18 years and is in out-of-home care as defined in s. 39.01 ~~s.~~
 3133 ~~39.01(55)~~ may not charge an additional premium for coverage of
 3134 the minor while the minor is operating the insured vehicle, for
 3135 the period of time that the minor has a learner's driver
 3136 license, until such time as the minor obtains a driver license.

3137 Section 58. Paragraph (c) of subsection (1) of section
 3138 934.255, Florida Statutes, is amended to read:

3139 934.255 Subpoenas in investigations of sexual offenses.—

3140 (1) As used in this section, the term:

3141 (c) "Sexual abuse of a child" means a criminal offense
 3142 based on any conduct described in s. 39.01(80) ~~s. 39.01(77)~~.

3143 Section 59. Subsection (5) of section 960.065, Florida
 3144 Statutes, is amended to read:

3145 960.065 Eligibility for awards.—

3146 (5) A person is not ineligible for an award pursuant to
 3147 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
 3148 person is a victim of sexual exploitation of a child as defined
 3149 in s. 39.01(80)(g) ~~s. 39.01(77)(g)~~.

3150 Section 60. The Division of Law Revision is requested to

HB 185

2024

3151 prepare a reviser's bill for the 2025 Regular Session of the
3152 Legislature to substitute the term "Statewide Guardian ad Litem
3153 Office" for the term "Guardian Ad Litem Program" or "Statewide
3154 Guardian Ad Litem Program" throughout the Florida Statutes.

3155 Section 61. This act shall take effect July 1, 2024.