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

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attorney ad litem; conforming a cross-reference;
amending s. 39.402, F.S.; requiring parents to consent
to provide certain information to the guardian ad
litem and attorney ad litem; conforming provisions to
changes made by the act; amending s. 39.4022, F.S.;
revising the participants who must be invited to a
multidisciplinary team staffing; amending s. 39.4023,
F.S.; requiring that notice of a multidisciplinary
team staffing be provided to a child's guardian ad
litem and attorney ad litem; conforming provisions to
changes made by the act; amending s. 39.407, F.S.;
conforming provisions to changes made by the act;
amending s. 39.4085, F.S.; providing a goal of
permanency; conforming provisions to changes made by
the act; amending ss. 39.502 and 39.522, F.S.;
conforming provisions to changes made by the act;
amending s. 39.6012, F.S.; requiring a case plan to
include written descriptions of certain activities;
conforming a cross-reference; creating s. 39.6036,
F.S.; providing legislative findings and intent;
requiring the Statewide Guardian ad Litem Office to
work with certain children to identify a supportive
adult to enter into a specified agreement; requiring
such agreement be documented in the child's court
file; requiring the office to coordinate with the
Office of Continuing Care for a specified purpose;
amending s. 39.621, F.S.; conforming provisions to
changes made by the act; amending s. 39.6241, F.S.;
requiring a guardian ad litem to advise the court

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

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

89 authorizing a child's guardian ad litem and attorney

90 ad litem to inspect certain records; amending s.

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

92 the executive director of the Statewide Guardian ad

93 Litem Office; requiring the training program for

94 guardians ad litem to be maintained and updated

95 regularly; deleting provisions regarding the training

96 curriculum and the establishment of a curriculum

97 committee; requiring the office to provide oversight

98 and technical assistance to attorneys ad litem;

99 specifying certain requirements of the office;

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

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

102 revising the duties of the Office of Continuing Care;

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

104 appropriation, the Fostering Prosperity program to

105 provide certain grants to youth and young adults who

106 are aging out of foster care; requiring that such

107 grants remain available for a certain period of time

108 after reunification of a young adult with his or her

109 parent; requiring the State Board of Education to

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

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

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

113 conforming provisions to changes made by the act;

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

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

116 conforming cross-references; amending s. 741.29, F.S.;

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

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administering a lethality assessment as part of basic recruit training or required instruction for continued employment; prohibiting a law enforcement officer from administering a lethality assessment if he or she has not received specified training; requiring that basic recruit training programs and continuing training or education requirements incorporate such training, and that all law enforcement officers successfully complete such training; requiring the head of each law enforcement agency to provide a specified certification to the department; requiring the department to submit to the Governor and Legislature a specified report; requiring law enforcement officers administering a lethality assessment to ask a victim specified questions; requiring law enforcement officers to advise the victim of the results of the lethality assessment and refer the victim to certain domestic violence centers if certain conditions are met; requiring law enforcement officers to document in the written police report a victim's refusal or inability to provide information necessary for the lethality assessment; prohibiting law enforcement officers from disclosing in certain statements and reports the domestic violence center to which the victim was referred; requiring that written police reports for domestic violence incidents include the results of the lethality assessment, if one was administered; making technical changes; reenacting s. 39.906, F.S., relating to referral to domestic

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

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

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

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

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

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

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

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

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(10) PLAN FOR COMPREHENSIVE APPROACH.—

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

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

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

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

238 39.00145 Records concerning children.—

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

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

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

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

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

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

39.00146 Case record face sheet.—

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

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

1. The child's name and date of birth.+

2. The current county of residence and the county of residence at the time of the referral.+

3. The reason for the referral and any family safety concerns.+

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

5. The date of removal from the home.+~~and~~

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

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

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

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

(2) AGENCY AGREEMENTS.—

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

1. A requirement that the department shall:

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

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

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

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

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

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

2. A requirement that the district school board shall:

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

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

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

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

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

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

372 a. Referral for screening.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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having a disability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)

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

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

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

39.0132 Oaths, records, and confidential information.—

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

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

612 39.0136 Time limitations; continuances.—

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

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

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

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

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

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

632 39.0139 Visitation or other contact; restrictions.—

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

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

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

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

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

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

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

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

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

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

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

39.402 Placement in a shelter.—

(8)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11)

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

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

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

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

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

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

754 39.4022 Multidisciplinary teams; staffings; assessments;

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report.—

(4) PARTICIPANTS.—

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

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

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

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

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

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

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

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identified by the staffing;

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

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

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

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

1. A representative from Children's Medical Services;

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

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

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

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

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

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

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amended to read:

39.4023 Placement and education transitions; transition plans.—

(3) PLACEMENT TRANSITIONS.—

(d) *Transition planning*.—

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

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

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

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

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b. The child's parents, unless prohibited by court order..~~†~~
c. The child's out-of-home caregiver..~~†~~
d. The guardian ad litem..~~if one is appointed;~~
e. The attorney ad litem for the child, if one is
appointed..~~†~~ and

f. The attorney for the department.

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

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

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

(4) EDUCATION TRANSITIONS.—

(c) *Minimizing school changes.*—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3)

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

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

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

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

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

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

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

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

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

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

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

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

39.502 Notice, process, and service.—

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

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

39.522 Postdisposition change of custody.—

(3)

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

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

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

4. Within 7 days after receiving written notice from the

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

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

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

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

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

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

39.6012 Case plan tasks; services.—

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

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

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

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

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

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

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

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

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

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

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39.621, Florida Statutes, is amended to read:

39.621 Permanency determination by the court.—

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

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

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

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

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

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

5. The recommendation of the current custodian; and

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

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

39.6241 Another planned permanent living arrangement.—

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

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

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

1145 39.701 Judicial review.—

1146 (1) GENERAL PROVISIONS.—

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

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

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

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

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

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

1171 3. The parents.

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

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

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

1178 7. Any preadoptive parent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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other permanent placement.

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

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

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

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

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

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

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

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

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

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

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1306 identification card issued under s. 322.051.

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

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

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

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

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

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

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

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

1339 11. The child's educational records.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Ensure the child has been informed of:

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

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

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

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

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

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

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

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

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

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

b.2. Findings by the court that:

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

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

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

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unwilling to participate in any further court proceeding.

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

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

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

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

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

1. The parents of the child.

2. The legal custodians of the child.

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

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

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

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

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

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

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

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

39.807 Right to counsel; guardian ad litem.—

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

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

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

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

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

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

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

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

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

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

1542 39.808 Advisory hearing; pretrial status conference.—

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

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

1550 39.815 Appeal.—

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

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

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

1560 39.821 Qualifications of guardians ad litem.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39.827 Hearing for appointment of a guardian advocate.—

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

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

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

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1712 director; duties of office.—

1713 (1) LEGISLATIVE FINDINGS AND INTENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39.8297 County funding for guardian ad litem employees.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1009.898 Fostering Prosperity grants.—

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

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

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

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

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

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

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administer this section.

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

29.008 County funding of court-related functions.—

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

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

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

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

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

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

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

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

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

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environmental impacts directly related to the facility.

(e) "Security" includes but is not limited to, all reasonable and necessary costs of services of law enforcement officers or licensed security guards and all electronic, cellular, or digital monitoring and screening devices necessary to ensure the safety and security of all persons visiting or working in a facility; to provide for security of the facility, including protection of property owned by the county or the state; and for security of prisoners brought to any facility.

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

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

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

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toll charges for local and long distance service.

2. All computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services including any county-funded support staff located in the offices of the circuit court, county courts, state attorneys, public defenders, guardians ad litem, and criminal conflict and civil regional counsel; training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, the guardian ad litem offices, the offices of criminal conflict and civil regional counsel, and the offices of the clerks of the circuit and county courts; and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes. The integrated computer system shall be operational by July 1, 2006, and, at a minimum, permit the exchange of financial, performance accountability, case management, case disposition, and other data across multiple state and county information systems involving multiple users at both the state level and within each judicial circuit and be able to electronically exchange judicial case background data, sentencing scoresheets, and video evidence information stored in integrated case management systems over secure networks. Once the integrated system becomes operational, counties may reject requests to purchase communications services included in this subparagraph not in compliance with standards, protocols, or processes adopted by the board established

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pursuant to former s. 29.0086.

3. Courier messenger and subpoena services.

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

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

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

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

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

39.6011 Case plan development.—

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

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

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

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Statutes, is amended to read:

40.24 Compensation and reimbursement policy.—

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

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

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

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

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

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

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

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

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

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

2175 (c) Support economical and efficient operations.

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(d) Ensure reliability of financial records and reports.

(e) Safeguard assets.

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

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

61.402 Qualifications of guardians ad litem.—

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

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

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

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

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

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

110.205 Career service; exemptions.—

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

(x) All officers and employees of the Justice

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

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

320.08058 Specialty license plates.—

(96) GUARDIAN AD LITEM LICENSE PLATES.—

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

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

943.053 Dissemination of criminal justice information; fees.—

(3)

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

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

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

985.43 Predisposition reports; other evaluations.—

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

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

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Statutes, is amended to read:

985.441 Commitment.—

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

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

985.455 Other dispositional issues.—

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

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

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

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

985.461 Transition to adulthood.—

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

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

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and counseling.

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

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

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

(a) Local law enforcement agencies;

(b) Local school boards;

(c) Child protective investigators;

(d) The office of the state attorney;

(e) The office of the public defender;

(f) The juvenile division of the circuit court;

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

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

(i) The Department of Juvenile Justice; and

(j) The Department of Children and Families.

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

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

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

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

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

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39.521 Disposition hearings; powers of disposition.—

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

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

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

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

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

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

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

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

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

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

(2)

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

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

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

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

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

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

d. Any other relevant factors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) AGENCY PERSONNEL INFORMATION.—

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

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

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

c. "Telephone numbers" includes home telephone numbers,

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

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

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

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

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

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

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

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

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

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

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

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

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

j. The home addresses, telephone numbers, places of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

934.255 Subpoenas in investigations of sexual offenses.—

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

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

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

960.065 Eligibility for awards.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Is the aggressor unemployed?

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

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

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

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

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

1. The victim answers affirmatively to any of the questions

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

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

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

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

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

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

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

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

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

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

Whenever possible, the law enforcement officer shall obtain a written statement from the victim and witnesses concerning the alleged domestic violence. The officer shall submit the report to the supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made. The law enforcement agency shall, without charge, send a copy of the initial police report, as well as any subsequent, supplemental, or related report, which excludes victim/witness statements or other materials that are part of an active criminal investigation and are exempt from disclosure under chapter 119, to the nearest locally certified domestic violence center within 24 hours after the agency's receipt of the report. The report furnished to the domestic violence center must include a narrative description of the domestic violence incident.

~~(4)(3)~~ Whenever a law enforcement officer determines upon probable cause that an act of domestic violence has been committed within the jurisdiction the officer may arrest the person or persons suspected of its commission and charge such

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

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

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

~~(6)-(5)~~ A ~~Ne~~ law enforcement officer may not ~~shall~~ be held liable, in any civil action, for an arrest based on probable cause, enforcement in good faith of a court order, or service of process in good faith under this chapter arising from an alleged incident of domestic violence brought by any party to the incident.

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

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

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

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

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

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