

THE FLORIDA SENATE  
2024 SUMMARY OF LEGISLATION PASSED  
**Committee on Children, Families, and Elder Affairs**

**CS/SB 474 — Public Records/Suicide Victims**

by Governmental Oversight and Accountability Committee and Senators Grall and Book

The bill makes confidential and exempt from public inspection and copying the photograph or video or audio recording that depicts or records the suicide of a person when it is held by an agency. The bill allows for disclosure to a surviving spouse of the deceased; the surviving parents, if there is no surviving spouse; or the surviving adult children or siblings, if there are no surviving spouse or parents. The bill defines the “suicide of a person” and specifies who may obtain such photographs and recordings and the process for obtaining these materials. The bill amends s. 119.071(2)(p), F.S., to conform to the expanded exemption for photographs or video or audio recordings that depict the suicide of a person.

The bill also makes confidential and exempt from public inspection and copying an autopsy report of a person whose manner of death was suicide as held by a medical examiner. The bill allows for disclosure to a surviving spouse of the deceased; the surviving parents, if there is no surviving spouse; or the surviving adult children or siblings, if there are no surviving spouse or parents. The bill amends s. 406.135, F.S., to conform to the expanded exemption for autopsy reports of a person whose manner of death was suicide.

The bill gives retroactive application to both of these exemptions so that photographs, recordings, and autopsy reports addressed by this bill, regardless of when they were initially held by an agency, are treated as confidential and exempt from public inspection and copying requirements upon this bill becoming a law.

The bill makes findings that the new exemptions from public records disclosure for photographs or video or audio recordings that depict the suicide of a person and for an autopsy report of a person whose manner of death was suicide meet public necessities as required by the State Constitution.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2029, unless reviewed and reenacted by the Legislature.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 113-0*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/SB 564 — Young Adult Aftercare Services**

by Fiscal Policy Committee; Children, Families, and Elder Affairs Committee; and Senators Garcia, Hooper, Book, and Rouson

The bill expands the eligibility for receiving aftercare services subject to available funding. If a young adult between 18 and 22 years of age was placed in out-of-home care for at least six months after turning 14 years of age and did not achieve reunification with his or her parent or guardian, they are eligible to receive aftercare services. This will allow more young adults to access needed services.

The bill permits the Department of Children and Families to distribute federal funds to all young adults deemed eligible by the federal funding source in the event of a state or national emergency even if the young adult does not meet eligibility requirements for aftercare services.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

*Vote: Senate 32-0; House 113-0*

## Committee on Children, Families, and Elder Affairs

### **CS/HB 591 — Hot Car Death Prevention**

by Children, Families & Seniors Subcommittee and Reps. Brannan, Smith, and others (CS/SB 554 by Rules Committee and Senators Bradley and Perry)

The bill designates April as “Hot Car Death Prevention Month” to raise awareness of the dangers of leaving children unattended in motor vehicles and educate the public on how to prevent hot car deaths. The bill encourages the Florida Department of Children and Families, the Florida Department of Health, the Florida Department of Highway Safety and Motor Vehicles, local governments, and other agencies to sponsor events on specific topics that promote public awareness and education related to the dangers of leaving children unattended in motor vehicles and how to prevent hot car deaths. These campaigns must address proper motor vehicle safety, steps a bystander can take to rescue a vulnerable child in imminent danger, and the criminal penalties associated with leaving a child in a motor vehicle unattended or unsupervised.

The bill may be cited as “Ariya’s Act” in memoriam of a 10-month-old infant that died of heatstroke after being left in a vehicle.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

*Vote: Senate 38-0; House 118-0*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/CS/HB 1065 — Substance Abuse Treatment**

by Health & Human Services Committee; Ways & Means Committee; Children, Families & Seniors Subcommittee; and Rep. Caruso and others (CS/CS/CS/SB 1180 by Appropriations Committee; Appropriations Committee on Health and Human Services; Children, Families, and Elder Affairs Committee; and Senator Harrell)

The bill amends the definition of “certified recovery residence” to include four levels and sets minimum standards for the level of care provided at those residences. The levels of care include:

- Level I: These homes house individuals in recovery who are post-treatment, with a minimum of nine months of sobriety and are run by the members who reside in them.
- Level II: These homes provide oversight from a house manager. Residents are expected to follow rules outlined in a resident handbook, pay dues, and work toward achieving milestones.
- Level III: These homes offer 24-hour supervision by formally trained staff and peer-support services for residents.
- Level IV: These homes are dwellings offered, referred to, or provided to patients by licensed service providers and are staffed 24 hours a day. The patients receive intensive outpatient care.

The bill defines “community housing” to align with a Level IV certified recovery residence to give effect to the substantive changes in the definition of certified recovery residence.

The bill makes the following changes as well to make the operation and regulation of a certified recovery residence more efficient:

- Authorizes the Department of Children and Families to issue one license for all eligible service components operated by a service provider.
- Allows certain certified recovery residences 90 days to retain another administrator, when an administrator has been removed.
- Prohibits a recovery residence from denying an individual access to the residence solely on the basis the individual has been prescribed federally approved medication for the treatment of substance use disorders.
- Prohibits a local ordinance or regulation from regulating the duration or frequency of a resident’s stay in a certified recovery residence located within a multifamily zoning district.
- Authorizes an increase in the number of residents actively managed in a recovery residence at any given time from 100 residents to 150 residents, if certain requirements are met.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

*Vote: Senate 35-0; House 116-0*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/CS/HB 1083 — Permanency for Children**

by Health & Human Services Committee; Appropriations Committee; Children, Families & Seniors Subcommittee; and Reps. Trabulsy, Abbott, and others (CS/CS/SB 1486 by Appropriations Committee on Health and Human Services; Children, Families, and Elder Affairs Committee; and Senator Collins)

When child welfare necessitates that the Florida Department of Children and Families (DCF) remove a child from the home, a series of dependency court proceedings must occur to adjudicate the child dependent, place that child in out-of-home care, and achieve a permanency outcome for the child in the form of reunification, a permanent guardian, adoption, or another permanent living arrangement.

The bill makes several changes to current law to modernize and streamline the dependency system, with particular focus on permanency for youth and young adults. Specifically, the bill:

- Updates background screening language to meet federal requirements to maintain access to Federal Bureau of Investigation databases.
- Creates a process for the commitment of a child whose parents are deceased to the DCF for subsequent adoption.
- Provides flexibility for service of process in termination of parental rights advisory hearings.
- Allows quicker closure of a case when a child was placed with a relative in permanent guardianship but another approved adult that the child knows is listed as an alternate placement in the guardianship assistance program agreement.
- Shifts judicial review of DCF's decision on an adoption application from a separate administrative process to the dependency court.
- Creates a process for emergency postdisposition change of placement from a court ordered placement, instead of using the shelter process, as is currently done.
- Requires that an individual have completed or be in the process of completing an adoptive home study before they may access photos and information of a child available for adoption and also requires youth 12 years of age or older be consulted when creating their adoption profile and photo.
- Requires a court to issue an order approving or disapproving adoption fees over the statutory limits with a written determination of reasonableness.
- Requires adoption entities to quarterly report specified information on private adoptions to the DCF, beginning January 1, 2025.
- Prohibits the placement of adoption related paid advertisements by non-licensed adoption entities in Florida.
- Expands eligibility for adoption incentive to health care practitioners and tax collector employees and increases the award amounts for all eligible individuals.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

*Vote: Senate 38-0; House 110-0*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/CS/SB 1224 — Protection of Children and Victims of Crime**

by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; Children, Families, and Elder Affairs Committee; and Senators Burton and Grall

The bill amends multiple statutes to expand the role and operations of the Statewide Guardian Ad Litem Office (office), and specifies the duties and responsibilities of that office and Guardians Ad Litem (GAL). Specifically, the bill:

- Requires appointment of a GAL at the earliest possible time to represent a child throughout dependency proceedings, including appeals.
- Allows for representation of the child by GAL in proceedings outside of dependency cases in order to secure services and benefits that provide for the care, safety, and protection of the child.
- Requires the GAL to receive invitation to a multidisciplinary team staffing in the event of a placement change.
- Requires that the written description of programs and services required in the case plan for a child who is 13 years of age or older must include age-appropriate activities for the child's development of relationships, coping skills, and emotional well-being.
- Requires the office to provide oversight and technical assistance to Attorneys Ad Litem (AAL) and develop a training program in collaboration with dependency court stakeholders, including, but not limited to, dependency judges, representatives from legal aid providing AAL representation, and an AAL appointed from a registry maintained by the chief judge.
- Requires the office to assist youth in meeting supportive adults with the hope of creating an ongoing relationship and requires collaboration with the Department of Children and Families (DCF) Office of Continuing Care to connect youth with supportive adults.
- Establishes the Fostering Prosperity grant program to help youth transition from foster care to independent adult living and requires increased GAL involvement in, and court attention to, ensuring a youth aging out of care has a permanent connection to a caring adult.

The bill also amends s. 741.29, F.S., to require law enforcement officers who investigate an alleged incident of domestic violence to administer a lethality assessment if the allegation is against an intimate partner, regardless of whether an arrest is made. Specifically, the bill:

- Requires the Department of Law Enforcement must consult with the Department of Children and Families, the Florida Sheriffs Association, the Florida Police Chiefs Association, and the Florida Partnership to End Domestic Violence, and at least two domestic violence advocacy organizations to develop policies, procedures, and training necessary for implementation of a statewide evidence-based lethality assessment. The approved training on how to administer the assessment must be accessible to a law enforcement officer in an online format.
- Requires an analysis of the questions of the lethality assessment placed in statute by the bill, and recommendations as to whether they should be included in a statewide lethality assessment instrument and form and requires a report by the DCF to the President of the

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Senate and Speaker of the House of Representatives detailing the results and recommendations, including proposed statutory changes, of the creation of the lethality assessment instrument and form.

- Requires the Criminal Justice Standards and Training Commission to require by rule that all law enforcement receive instruction on the policies and procedures for administering a lethality assessment and minimum training requirements.
- Requires the head of each law enforcement agency to provide written certification verifying the agency has complied with new training requirements, by November 1, 2026; and requires a report to the Governor, President of the Senate, and Speaker of the House of Representatives identifying each law enforcement agency not in compliance with the training requirements by January 1, 2027.
- Requires a law enforcement officer to advise the victim of the results of the assessment and refer the victim to the nearest locally certified domestic violence center if the victim's responses meet the criteria for referral. If a victim does not, or is unable to, provide information to a law enforcement officer sufficient to allow the officer to administer a lethality assessment, the officer must document the lack of an assessment in the written police report and refer the victim to the nearest locally certified domestic violence center.
- Requires a notation of the score of a lethality assessment, if administered, to be included in the written police report.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

*Vote: Senate 40-0; House 112-0*



## Committee on Children, Families, and Elder Affairs

### **CS/CS/HB 1267 — Economic Self-sufficiency**

by Appropriations Committee; Children, Families & Seniors Subcommittee; and Rep Anderson and others (CS/SB 7052 by Fiscal Policy Committee and Children, Families, and Elder Affairs Committee)

Public assistance programs help low-income families meet their basic needs, such as housing, food, and utilities. The most commonly utilized public assistance programs in Florida include Medicaid, the Supplemental Nutrition Assistance Program (SNAP) or food assistance, and the Temporary Assistance for Needy Families (TANF), and Temporary Cash Assistance (TCA) program. In Florida, the majority of the participants in these programs are children. While the goal of public assistance programs is, generally, to ensure that a family's basic needs are met and facilitate economic advancement, families often exit programs before they are truly capable of maintaining self-sufficiency. A benefit cliff occurs when a modest increase in wages results in a net loss of income due to the reduction in or loss of public benefits that follows.

The bill revises various components of the TANF, SNAP, and SR programs to better facilitate economic advancement and self-sufficiency. Specifically, the bill:

- Creates case management as a transitional benefit for families transitioning from TCA.
- Requires CareerSource Florida to use a tool to demonstrate future financial impacts of changes to benefits and income.
- Requires local workforce boards to administer, analyze, and use data from intake and exit surveys of TCA recipients.
- Requires the Department of Children and Families to expand mandatory SNAP Employment and Training participation to include adults ages 18-59, who do not have children under age 18 in the home, or otherwise qualify for an exemption.
- Creates the School Readiness Plus Program that provides a child care subsidy for families deemed ineligible on redetermination for the SR program, but have income between 85 and 100 percent of the state median income.

The bill appropriates \$23,076,259 in nonrecurring funds from the General Revenue Fund to the Department of Education to implement the School Readiness Subsidy Program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

*Vote: Senate 40-0; House 114-1*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/SB 1758 — Individuals with Disabilities**

by Fiscal Policy Committee; Children, Families, and Elder Affairs Committee; and Senators Brodeur, Passidomo, Albritton, Avila, Baxley, Boyd, Bradley, Broxson, Burgess, Burton, Calatayud, Collins, Davis, DiCeglie, Garcia, Grall, Gruters, Harrell, Hooper, Hutson, Ingoglia, Jones, Martin, Mayfield, Osgood, Perry, Pizzo, Polsky, Powell, Rodriguez, Rouson, Simon, Stewart, Thompson, Torres, Trumbull, Wright, Yarborough, and Book

The Agency for Persons with Disabilities (APD) provides services to eligible individuals with developmental disabilities under the Medicaid Home and Community-Based Services (HCBS) waiver. The HCBS waiver allows individuals to continue to live in their own homes or in another homelike setting to avoid institutionalization. Applications submitted to the APD using a paper application are reviewed under statutory deadlines.

The bill amends multiple sections of law related to the APD to modernize the application process and enhance an individual's eligibility determination and enrollment experience. Specifically, the bill:

- Requires the APD to offer care navigation services to clients and their caregivers, including, but not limited to, creating care plans that address immediate, intermediate, and long term needs and goals of the client.
- Modifies the application process for APD services, requiring the creation of an online application process and streamlines the timeframes the APD has to determine eligibility.
- Reduces the age requirement of a client's caregiver in pre-enrollment category 4 from 70 years of age to 60 years of age or older. This will allow a higher number of individuals to be included in category 4 of the pre-enrollment prioritization list.
- Requires iBudget waiver support coordinators to inform iBudget clients of the option to apply for the Consumer-Directed Care Plus (CDC+) program when creating family or individual support plans.

The bill also makes changes to programming offered by the APD:

- Transfers the Florida Unique Abilities Partner Program from the Department of Commerce to the Agency for Persons with Disabilities.
- Requires the Agency for Health Care Administration, the APD, and other stakeholders to develop a plan for a new home and community-based services Medicaid waiver program for clients transitioning to adulthood and requires a report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 1, 2024, on the progress of this plan.

The bill appropriates \$16,562,703 in recurring funds from the General Revenue fund and \$22,289,520 in recurring funds from the Operations and Maintenance Trust Fund to the APD to fund the expansion of services to additional clients.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

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*Vote: Senate 38-0; House 114-0*

## Committee on Children, Families, and Elder Affairs

### **HB 7001 — OGSR/Reporter of Child Abuse, Abandonment, or Neglect**

by Ethics, Elections & Open Government Subcommittee and Rep. Tramont (SB 7036 by Children, Families, and Elder Affairs Committee)

The Open Government Sunset Review Act requires the Legislature to review each public record exemption and each public meeting exemption five years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

The Department of Children and Families operates the Florida central abuse hotline (hotline), which accepts reports of child abuse, abandonment, or neglect 24 hours a day, seven days a week. Any person who knows or suspects that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare must report such information or suspicion to the hotline. Current law provides a public record exemption for the name of any person reporting child abuse, abandonment, or neglect, as well as other identifying information of such reporter.

The bill saves from repeal the public record exemption concerning all identifying information of a person other than a person's name, which is already protected by law reporting child abuse, abandonment, or neglect.

If approved by the Governor, or allowed to become law without the Governor's signature, the bill takes effect October 1, 2024.

*Vote: Senate 39-0; House 114-0*

THE FLORIDA SENATE  
2024 SUMMARY OF LEGISLATION PASSED  
**Committee on Children, Families, and Elder Affairs**

**HB 7009 — OGSR/Mental Health Treatment and Services**

by Ethics, Elections & Open Government Subcommittee and Rep. Griffitts (SB 7034 by Children, Families, and Elder Affairs Committee)

The Open Government Sunset Review Act requires the Legislature to review each public record exemption and each public meeting exemption five years after reenactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

The Florida Mental Health Act, otherwise known as the Baker Act, provides legal procedures for voluntary and involuntary mental health examination and treatment. A person may be admitted for mental health treatment on a voluntary or involuntary basis. Current law makes all petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records filed with or by a court pursuant to a Baker Act confidential and exempt from public record requirements. The information contained in these court files may only be released to certain entities and individuals.

The bill saves from repeal the public records exemption relating to all petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records that are filed with or by a court pursuant to a Baker Act.

If approved by the Governor, or allowed to become law without the Governor's signature, the bill takes effect October 1, 2024.

*Vote: Senate 39-0; House 114-0*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/HB 7021 — Mental Health and Substance Abuse**

by Health & Human Services Committee; Health Care Appropriations Subcommittee; Children, Families & Seniors Subcommittee; and Rep. Maney and others (CS/SB 1784 by Fiscal Policy Committee and Senator Grall)

In Florida, the Baker Act provides a legal procedure for voluntary and involuntary mental health examination and treatment. The Marchman Act addresses substance abuse through a comprehensive system of prevention, detoxification, and treatment services. The Department of Children and Families (DCF) is the single state authority for substance abuse and mental health treatment services in Florida.

The bill makes substantive changes to both Florida's Baker and Marchman Acts by combining processes for courts to order individuals to involuntary outpatient services and involuntary inpatient placement in the Baker Act, to streamline the process for obtaining involuntary services, and providing more flexibility for courts to meet individuals' treatment needs. The bill also repeals existing provisions for court-ordered involuntary assessments and stabilization in the Marchman Act, and creates a new consolidated involuntary treatment process.

The bill amends the Baker Act in that it:

- Combines and streamlines processes for courts to order individuals to involuntary outpatient services and involuntary inpatient placement.
- Provides cleaner and clearer processes for courts to meet an individuals' treatment needs and provides needed flexibility to order outpatient services over inpatient placement or both when necessary.
- Prohibits courts from ordering an individual with a developmental disability who lacks a co-occurring mental illness to a state mental health treatment facility for involuntary inpatient placement.
- Authorizes certain parties and witnesses to appear remotely.
- Allows an individual to be admitted as a civil patient in a state mental health treatment facility without a transfer evaluation and prohibits a court, in a hearing for placement in a treatment facility, from considering substantive information in the transfer evaluation unless the evaluator testifies at the hearing.
- Allows for consideration of the patient's treatment history at the facility and any information regarding the patient's condition and behavior provided by knowledgeable individuals to be considered in the criteria for involuntary examination.
- Allows the court to retain jurisdiction to enter further orders as needed.

The bill amends the Marchman Act in that it:

- Repeals existing provisions for court-ordered involuntary assessments and stabilization in the Marchman Act, and creates a new consolidated involuntary treatment process.
- Authorizes witnesses to appear remotely.
- Allows an individual to be admitted as a civil patient in a state mental health treatment facility without a transfer evaluation.

- Prohibits a court, in a hearing for placement in a treatment facility, from considering substantive information in the transfer evaluation unless the evaluator testifies at the hearing.

For both the Baker and Marchman Acts, the bill:

- Creates a more comprehensive and personalized discharge planning process.
- Requires specific information to be included in court orders requiring involuntary services.
- Requires the DCF to publish certain specified reports on its website.
- Removes limitations on advance practice registered nurses and physician assistants serving the physical health needs of individuals receiving psychiatric care.
- Allows a psychiatric nurse to release a patient from a receiving facility if certain criteria are met.
- Removes the 30-bed cap for crisis stabilization units.

The bill also creates the Office of Children’s Behavioral Health Ombudsman to be a central point to receive complaints on behalf of children and adolescents with behavioral health disorders receiving services to use such information to improve the child and adolescent mental health treatment and support system.

The bill appropriates \$50,000,000 to the Department of Children and Families to implement the substantive provisions of the bill and fund the likely increase in outpatient services orders.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

*Vote: Senate 39-0; House 111-0*