

Florida Family Law

Florida Family Law

Text and Commentary

2018 Statutes

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Preface

This book, which contains selected Florida constitutional provisions and statutes, in addition to federal legislation, can be used as a supplement to all domestic relations casebooks. By using this publication, students will learn current Florida law while they sharpen their ability to read and interpret statutes.

The publication also provides practitioners with a handy desktop research tool.

Department refers to the Department of Children and Families unless otherwise specified.

Helpful websites:

- <http://www.leg.state.fl.us/statutes> (Florida statutes)
- <http://www.flcourts.org/resources-and-services/court-improvement/family-law-self-help-information/family-law-forms.shtml> (Florida family law forms).
- <http://www.flcourts.org/resources-and-services/family-courts/family-law-self-help-information/family-law-rules-opinions.shtml> (Florida family law rules and recent opinions).

A revised edition will be published each year to update the statutes. As a result, I would appreciate receiving your comments and suggestions. Please direct them to:

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Significant Legislative Changes

Although state legislators amended or created a variety of family law statutes in 2018, the downward trend in total number of bills sent to the Governor for signature continued. In fact, contrast the 196 laws passed this legislative session with approximately 500 enacted in the late 1990s.

This section highlights key revisions to the statutes in this book and, for easy reference, provides bill (listed chronologically) and statute numbers, as well as effective dates. Amendments that merely conform provisions to new terminology, delete obsolete definitions, or make minor corrections are not discussed although, of course, they have been made.

Before reviewing individual statutory changes, this summary briefly explains noteworthy modifications.

Children

School Safety

Due at least in part to the horrific shooting in Parkland, Florida, school safety dominated the legislative agenda. One reason was that, after Valentine's Day 2018, when former student Nikolas Cruz killed 17 (14 students and three staff members) and injured 17 more on school grounds, a number of Parkland students and parents reignited the national debate for gun control legislation. They were successful in Florida as several of the enacted bills address these issues.

For example, the "Marjory Stoneman Douglas High School Public Safety Act" and "The Risk Protection Order Act" both passed easily. Interestingly, lawmakers explained (but apparently did not codify):

Section 2. The Legislature finds there is a need to comprehensively address the crisis of gun violence, including but not limited to, gun violence on school campuses. The Legislature intends to address this crisis by providing law enforcement and the courts with the tools to enhance public safety by temporarily restricting firearm possession by a person who is undergoing a mental health crisis and when there is evidence of a threat of violence, and by promoting school safety and enhanced coordination between education and law enforcement entities at the state and local level.

In discussing the passage of The Risk Protection Order Act (another name for “Red Flag” laws in other states), again the Legislature explained (seemingly without codifying):

(1) Section 790.401, Florida Statutes, is intended to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms or ammunition by allowing law enforcement officers to obtain a court order when there is demonstrated evidence that a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior.

(2) The purpose and intent of s. 790.401, Florida Statutes, is to reduce deaths and injuries as a result of certain individuals' use of firearms while respecting constitutional rights by providing a judicial procedure for law enforcement officers to obtain a court order temporarily restricting a person's access to firearms and ammunition. The process established by s. 790.401, Florida Statutes, is intended to apply only to situations in which the person poses a significant danger of harming himself or herself or others by possessing a firearm or ammunition and to include standards and safeguards to protect the rights of respondents and due process of law.

FL-LEGIS 2018-3.

The highlights (see below for more detail) in this bill include an increase in minimum age to 21 to purchase a firearm in the state; revision mandatory waiting period; ban on bump-fire stocks as well as a prohibition on person adjudicated mentally defective or committed to mental institution purchasing, owning, or possessing firearm; authorization for law enforcement officer to seize and hold firearms and ammunition when taking custody of person who “poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition, [which] must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent.”

In determining whether grounds for a risk protection order exist, “the court may consider any relevant evidence, including but not limited to,” such things as “a recent act or threat of violence” with or without weapons or evidence of serious mental illness. The Act also explicitly says it is a felony of the second degree for “any person [to] make[], post[], or transmit[] a threat in a writing or other record, including an electronic record, to conduct a mass shooting or an act of terrorism, in any manner that would allow another person to view the threat.”

The department is also directed to obtain a mobile suspicious activity reporting tool that allows students and the public to anonymously share information about potential threats and, “as recommended by students of Marjory Stoneman Douglas High School, the program shall be named ‘FortifyFL.’”

One important concept is the focus on mental health which appears in several of the statutory provisions. For example, the department must establish a youth mental

health awareness and assistance training program for specified purposes including specific requirements and training for certain school personnel. While troubling on some levels, courts must also notify district school superintendents of the names and addresses of students referred to mental health services.

Details are also included in another section about emergency drills policies and procedures to include active shooter and hostage situations.

District school boards must establish or assign safe-school officers at each district school facility within the district and they must “undergo criminal background checks, drug testing, and a psychological evaluation and be certified law enforcement officers.”

Finally, the new statutes require district school superintendents establish certain policies and procedures relating to prevention of violence on school grounds, designate a school safety specialist their district as well as his duties including obligations for school security risk assessments, and mandate each district school board establish a threat assessment team at each school, establish obligations and duties including zero tolerance policies for crime and victimization, and generally provide confidentiality.

Privacy and Confidentiality -- Report Potential Threats and Safe School Officers

The Legislature created protection for the identities of certain people with information about “unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities.” Protections include:

- A public records exemption for those reporting “potentially harmful or threatening activities as part of the School Safety Awareness Program” through the mobile suspicious activity reporting tool.
- A public meeting exception for any portion of meeting of Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed.
- An exemption for “any information that would identify whether a particular individual has been appointed as a safe-school officer.”
- Also, in a different statutory section, public records exemption for address of victim of mass violence incident.

“Campus Free Expression Act”

Interestingly, legislators also authorized public institutions of higher education to create and enforce certain restrictions relating to expressive activities on campus. In doing so, they prohibited certain actions and created cause of action for violation.

By passing this legislation, Florida became the ninth state to prohibit “quarantining student expression into small, misleadingly labeled ‘free speech zones.’”

‘Students at public colleges and universities in Florida should not have their free speech quarantined by overly restrictive policies,’ said FIRE [Foundation for Individual Rights in Education]

Legislative and Policy Director Joe Cohn. ‘Now that Florida’s Campus Free Expression Act is law, these egregious policies of censorship must be rescinded immediately.’

Florida Becomes Ninth State to Ban Restrictive Campus Free Speech Zones, FIRE (Mar. 12, 2018), <http://www.thefire.org/florida-becomes-ninth-state-to-ban-restrictive-campus-free-speech-zones>.

Notably, while spending a substantial amount of time on school safety issues, lawmakers also confronted additional important issues involving kids and others.

Kids of Deployed Parents

The legislature repealed § 61.13002 [Temporary time-sharing modification and child support modification due to military service] and adopted the “Uniform Deployed Parents Custody and Visitation Act,” creating Part IV of Chapter 61.

Fictive Kin

Although a Westlaw search failed to identify even one Florida case that uses the “fictive kin” language, the Legislature introduced the term and recognized that, not surprisingly, recent research indicates children are better off with guardians with whom they have family or other ties rather than with strangers. Consequently, it is certainly good to see lawmakers acknowledge the reality that many people who are not related by birth, adoption, or marriage maintain emotionally significant relationships with kids and often would be the best placement for them. In fact, this seems to be a nationwide trend as, in 2017, a Health and Human Services Task Force finalized a model Kinship Care and Fictive Kin Reform Act. The Kinship Care and Fictive Kin Reform Act, ALEC, (Sept. 9, 2017), <http://www.alec.org/model-policy/the-kinship-care-and-fictive-kin-reform-act>.

“Kinship care has been defined as ‘the full-time nurturing and protection of children who must be separated from their parents, by relatives, members of their tribes or clans, godparents, stepparents, or other adults who have a kinship bond with a child.’” Gerald P. Mallon, Tools for Permanency: Tool #4: Kinship Care, NAT’L RESOURCE CTR. FOR FAMILY-CENTERED PRAC. & PERMANENCY PLAN. 1, 1, <http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/tools/kinship-tool.pdf> (last visited Aug. 19, 2018). The benefits of permanent placements with relatives are well established. Evidence demonstrates that children in kinship care:

- Experience less trauma as a result of being separated from parents and placed with strangers;
- Are more likely to be placed together with their siblings;
- Experience fewer behavioral problems than children in traditional foster care;
- Are able to stay connected to their extended family networks and maintain cultural and familial ties; and,
- Are less likely to be on psychotropic medication.

Moreover, recent research indicates that children placed with relative guardians are more likely to achieve permanency goals with those guardians than children placed in other forms of foster care.”

Summary Analysis, Child Welfare, CS/CS/HB 1435, House of Representatives Final Bill Analysis, page 5 (March 2018), <https://www.flsenate.gov/Session/Bill/2018/1435/Analyses/h1435z1.CFS.PDF>.

As a result of all the positives associated with these placements, other sections require the department to engage in family finding.

Relative and Non-Relative Care in Florida

Florida law already includes strong preferences for relative guardians throughout its child welfare system of care. In fact, § 39.5085 (emphasis added) includes guidelines for relative care and indicates that the department should endeavor to:

- “**Recognize family relationships** in which a grandparent or other relative is the head of household that includes a child otherwise at risk of foster care placement.”
- “**Enhance family preservation and stability** by recognizing that most children in such placements with grandparents and other relatives do not need intensive supervision of the placement by the courts or by the department.”

There are four options for placement with relatives or fictive kin in Florida, which vary in the amount of funding and fund source and the relationship of the caregiver to the child. These options are:

- Relative Caregiver program (relative component);
- Relative Caregiver program (non-relative component);
- TANF Child-only funding; or,
- Placement or permanent guardianship without funding.”

For the full report and further interesting analysis and legislative history, see FL Staff An., H.B. 1079, Mar./23/2018, (2018 Reg. Sesss.) <https://1.next.westlaw.com/Link/Document/FullText?findType=l&pubNum=1078563&cite=UUID%28I00a3c6402f-3711e8912bc-9a75e391586%29&originationContext=legislativeMaterials&contextData=%28sc.UserEnteredCitation%29&transitionType=ReportsRelatedItem>.

Incarcerated Parents

Notably, lawmakers specifically addressed inclusion of parents who are in prison in development or revision of a case plan except under circumstances where reunification is not an option.

Miscellaneous

Additional important issues at least tangentially related to children mentioned in the new laws include:

- Postpartum depression.
- Screening for placing children with people who are not parents but have been convicted of crimes.
- Monitoring parental engagement pursuant to case plans.
- Guardianship Assistance Program.
- No liability for caregivers who agree to allow foster children to obtain driver's license.
- Limitations on the amount of time caregivers of young children can work outside the home.
- Explicit restrictions on romantic relationships between "authority figures" and students.
- Revises rules on home education.

Marriage

Legislators completely revamped the underage marriage statute with a law being called "one of the strictest measures in the nation." But advocates, who sought a complete but unprecedented ban on marriages for minors vow to keep fighting. However, most states also require people be 18 to get a license and even more generous exceptions and loopholes are common. Most exemptions are for 16- and/or 17-year-olds. However, as difficult as it may be to believe, between 2000 and 2015, in the United States, six 12-year-olds were permitted to marry and, in Florida, one 13-year-old. Anjali Tsui et al., *Child Marriage In America by the Numbers*, PBS: FRONTLINE (July 6, 2017), <http://apps.frontline.org/child-marriage-by-the-numbers>.

That would not happen again as the new Florida statute does not allow anyone under 17 to marry and they can only get a license if (1) they have notarized consent from their parents or guardian and (2) "the older party to the marriage is not more than 2 years older than the younger party to the marriage."

This provision replaces a complicated scheme that required the state issue a marriage license to 16- or 17-year-olds who had parental consent. In addition, children (no age requirement) who were pregnant or the parents of a child could petition a judge and he or she could use discretion in deciding if they should be able to marry.

Advocates for the change have been engaged in this fight for several years. But how big is the problem really? In the decade between 2000 and 2010, a non-profit set up by one of the activist groups said, in the 38 states for which they had data, about 170,000 children under 18 married. (Notably, of those, many more girls (87%) than boys (13%) marry young.) Nevertheless, in the last 10 years, according to the United Nations' children's agency, the percentage of females who were minors when they married dropped from 25% to 20%.

Even though the numbers are going down, the statistics are troubling because of the issues associated with such marriages. "Children married young tend to leave school early and are at increased risk of abuse. They have more health issues in

pregnancy and childbirth, and are poorer than those who marry at a later age, experts say.” Ellen Wulforst, *Florida Approves Limit, But Not Ban, On Child Marriage*, REUTERS (Mar. 10, 2018), <http://www.reuters.com/article/us-usa-childmarriage-florida/florida-approves-limit-but-not-ban-on-child-marriage-idUSKCN1GM0ET>.

Interestingly, one of the driving forces behind the change is Sherry Johnson, a woman with a compelling story.

When she was raped for the first time at age 8 by the bishop of her Pentacostal church, Johnson's mother accused her of lying, she said. When her mother's husband and a church deacon also began to rape her, she stayed silent out of fear.

When she became pregnant at age 10 by the deacon, she was taken out of school, forced to marry him and had five more children with him before she was able to obtain a divorce.

For decades, Johnson, 58, remained voiceless about her past, cycling through two more abusive relationships. But in 2012, spurred by a desire to make sure what happened to her would not happen to any other child, she began to push lawmakers in Florida to close the loophole that allowed her marriage to be recognized by the law.

Elizabeth Koh, *Raped at 8. Forced to Wed at 11. This Woman Wants to Ban Child Marriage In Florida*, TAMPA BAY TIMES (Feb. 1, 2018), <http://www.tampabay.com/florida-politics/buzz/2018/02/01/raped-at-8-forced-to-wed-at-11-this-woman-wants-to-ban-child-marriage-in-florida>.

Equitable Distribution

For the first time in a decade, legislators redefined “marital assets and liabilities” for purposes of equitable distribution. The term now includes “paydown of principal of a note and mortgage secured by nonmarital real property and a portion of any passive appreciation in the property, if the note and mortgage secured by the property are paid down from marital funds during the marriage.” The statute also provides formulas and guidelines to determine amount of passive appreciation.

Turning to the individual bills, the following substantively alter or create new Florida family law statutes.

2018-1 (Effective March 9, 2018)

An act relating to public records and public meetings.

Amends § 943.082

- Creates exemptions from public records requirements for identity of party reporting any information through mobile suspicious activity reporting tool held

by Department of Law Enforcement, law enforcement agencies, or school officials.

Amends § 943.687

- Establishes exemption from public meetings requirements for portions of meetings of Marjory Stoneman Douglas High School Public Safety Commission where exempt or confidential and exempt information discussed.

Amends § 1006.12

- Creates exemption from public records requirements for information that would identify whether a particular individual has been appointed as a safe-school officer.
- Provides for future legislative review and repeal of the exemptions.
- Includes statements of public necessity (not codified).

Section 4. (1) The Legislature finds that it is a public necessity that the identity of a person reporting unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, received through the mobile suspicious activity reporting tool and held by the Department of Law Enforcement, a law enforcement agency, or school officials, be made confidential and exempt . . . if the reporting person provides his or her identity. The public records exemption for the identity of those individuals reporting potentially harmful or threatening activities as part of the School Safety Awareness Program encourages individuals to act and not be fearful that their identity will be revealed. Without the public records exemption, individuals reporting such activities might be less willing to report their knowledge of these possible activities to the appropriate authorities out of fear. Ensuring their identity is protected will encourage reporting, which could lead to law enforcement or other appropriate agencies intervening before an incident of mass violence occurs.

(2) The Legislature also finds that it is a public necessity that any other information received through the mobile suspicious activity reporting tool through the School Safety Awareness Program and held by the Department of Law Enforcement, law enforcement agencies, or school officials be made exempt. . . . The public records exemption for any other information received through the mobile suspicious activity reporting tool protects information of a sensitive personal nature that, if disclosed, could be embarrassing. Without the public records exemption, individuals reporting such activities might be less willing to report their knowledge of these possible activities to the appropriate authorities out of fear and concern for their safety. The public records exemption will encourage reporting, which could lead to law enforcement or other appropriate agencies intervening before an incident of mass violence occurs. The public records exemption is also needed to

protect the privacy of other individuals who are included in the report. After a report is made, law enforcement may find the report to be unfounded. For these reasons, the Legislature finds that it is a public necessity to protect any other information reported through the mobile suspicious activity reporting tool.

(3) The Legislature also finds that it is a public necessity that any portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed be made exempt. . . . The purpose of the commission is to investigate failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in Florida and develop recommendations for system improvements. In order to fulfill its directive, the commission must be able to discuss exempt or confidential and exempt information that it receives as part of its investigation. The public meetings exemption will allow the commission to review and discuss exempt or confidential and exempt information that will be useful in forming meaningful recommendations for system improvements for prevention and response to mass violence incidents. As such, it is a necessity that those portions of meetings wherein exempt or confidential and exempt information is discussed be made exempt from public meetings requirements. If such portions of meeting are not closed, then the public records exemptions would be negated. Thus, the Legislature finds that the public meeting exemption is a public necessity in order to ensure the effective and efficient administration of the Marjory Stoneman Douglas High School Public Safety Commission.

(4) The Legislature further finds that it is a public necessity that any information that would identify whether a particular individual has been appointed as a safe-school officer held by a law enforcement agency, school district, or charter school be made exempt. . . . School security and student safety are fundamental priorities in this state. In light of the tragic events at Marjory Stoneman Douglas High School, in which 14 students and 3 adults were shot and killed on February 14, 2018, school districts in this state must be allowed to provide a supplemental security presence. To maximize the effectiveness of safe-school officers as a deterrent and responsive factor to situations threatening the lives of students and school staff, safe-school officers may perform their school-related duties while carrying a concealed weapon. Disclosure of the identity of a safe-school officer can affect his or her ability to adequately respond to an active assailant situation. Accordingly, it is necessary to protect the identity of safe-school officers from public records requirements in order to effectively and efficiently implement the purpose and intent of the program.

2018-2 (Effective October 1, 2018)

An act relating to public records.

Amends § 119.071

- Creates exemption from public records requirements for address of victim of mass violence incident including repeal unless saved.

2018-3 (Except as otherwise provided, effective March 9, 2018)

An act relating to public safety with short titles (“Marjory Stoneman Douglas High School Public Safety Act” and “The Risk Protection Order Act”) and legislative findings.

Amends § 16.555

- Authorizes awarding grants through Crime Stoppers Trust Fund for student crime watch programs.

Amends § 20.15

- Establishes Office of Safe Schools within Department of Education.

Amends § 30.15

- Provides each sheriff may establish Coach Aaron Feis Guardian Program and appoint certain volunteer school employees as school guardians.
- Creates qualifications for sheriff and school guardian.
- Requires maintenance of certain documentation and records relating to school guardians.

Amends § 394.463

- Requires when practicable that law enforcement officer with certain training be sent to serve and execute certain ex parte orders.
- Authorizes law enforcement officer to seize and hold firearms and ammunition if taking custody of a person who poses a potential danger to himself or herself or others and who has made a credible threat against another person.
- Permits law enforcement officer to seek voluntary surrender of firearms and ammunition kept in the residence if the law enforcement officer takes custody of person at his residence and certain criteria met.
- Allows law enforcement officer to petition appropriate court for risk protection order under certain circumstances.
- Requires firearms and ammunition seized or voluntarily surrendered be returned within a certain time under specified circumstances.
- Provides exceptions.

Amends § 394.495

- Requires department contract for community action treatment teams throughout the state with the managing entities.
- Specifies requirements for community action treatment teams.
- Mandates additional teams ensure statewide availability of services, subject to legislative appropriation.

Creates § 790.064

- Prohibits person adjudicated mentally defective or committed to mental institution from owning or possessing a firearm until obtain certain relief.
- Specifies firearm possession and ownership disability runs concurrently with the firearm purchase disability.
- Authorizes person to petition for relief from the firearm possession and ownership disability.
- Requires certain procedures to get relief.
- Permits person to petition for simultaneous relief,

Amends § 790.065

- Prohibits person younger than 21 from purchasing a firearm.
- Bans sale or transfer, or facilitation of a sale or transfer, of a firearm to a person younger than 21 by licensed importer, licensed manufacturer, or licensed dealer.
- Provides criminal penalties.
- Creates exceptions for purchase of rifle or shotgun by a law enforcement officer, correctional officer, or servicemember.

Amends § 790.0655

- Revises mandatory waiting period to the later of either 3 days, excluding weekends and legal holidays, or upon the completion of certain records checks.
- Modifies and redefines terms “purchase” and “retailer.”
- Requires records of firearm sales be available for inspection by any law enforcement agency during normal business hours.
- Provides exceptions to waiting period.

Creates § 790.222

- Defines “bump-fire stock” as conversion kit, tool, accessory, or device used to alter rate of fire of firearm to mimic automatic weapon fire or which is used to increase the rate of fire to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by kit, tool, accessory, or device.
- Prohibits specified acts relating to sale and possession of bump-fire stocks.
- Establishes criminal penalties.

- Provides legislative intent.

Creates § 790.401

- Defines terms “petitioner,” “respondent,” and “risk protection order.”
- Inaugurates action and petition for risk protection order to prevent persons who are at high risk of harming themselves or others from accessing firearms or ammunition.
- Specifies requirements for petitions for such orders.
- Establishes duties for courts and clerks of court.
- Prohibits fees for filing of or service of process of such petitions.
- Provides, as examples, for such things as:
 - jurisdiction, service, and timing for such petitions.
 - risk protection orders, grounds, information to request hearing.
- Authorizes temporary ex parte orders.
- Creates requirements for petitions, service of orders; termination or extension of an order.
- Allows surrender and storage of firearms, ammunition, and licenses to carry a concealed weapon or firearm after issuance of a risk protection order while permitting return of firearms and ammunition under certain circumstances absent extension of an order.
- Permits respondent to elect to transfer all firearms and ammunition surrendered or seized by a law enforcement agency to another person under certain circumstances.
- Details process for risk protection orders including suspending license to carry concealed weapon or firearm held by person subject to such an order,
- Forbids person from making false statement under oath, violating such order, and provides criminal penalties for defying such an order.
- Notes risk protection order provisions do not create liability for certain acts or omissions.

Amends § 836.10

- Prohibits person from making, posting, or transmitting threat to conduct mass shooting or act of terrorism in writing or other record in any manner that would allow another person to view the threat.
- Provides criminal penalties.

Creates § 943.082

- Directs department to competitively procure mobile suspicious activity tool with certain features that notifies reporting party of certain information and forwards information to appropriate law enforcement agencies.

- Permits reporting party to choose to disclose his or her identity and share information with the appropriate law enforcement agency and school officials but mandates they be required to maintain the information as confidential.

Creates § 943.687

- Initiates Marjory Stoneman Douglas High School Public Safety Commission and provides membership, obligations, etc.

Amends § 1006.04

- Revises purpose and duties of educational multiagency network for students with emotional and behavioral disabilities.

Amends § 1006.07

- Modifies district school board duties relating to student discipline and school safety.
- Dictates students to include referrals to mental health services upon initial registration for school within a school district, allows district school boards to refer student to certain mental health services, and changes code of student conduct relating to the referral of certain students to mental health services and law enforcement.
- Provides requirements for student crime watch programs.
- Supplements and includes details about emergency drills policies and procedures to include active shooter and hostage situations.
- Mandates district school superintendents establish certain policies and procedures relating to prevention of violence on school grounds and designate school safety specialist as well as his duties including obligations for school security risk assessments.
- Requires each district school board establish a threat assessment team at each school within the district, establishes obligations and duties, and generally mandates confidentiality.
- Authorizes school personnel to address immediate mental health or substance abuse crisis while providing requirements for addressing such situations and threat assessment team reporting requirements.

Amends § 1006.08

- Requires court notify district school superintendent of name and address of student referred to mental health services.

Amends § 1006.12

- Mandates district school boards establish or assign safe-school officers at each district school facility within the district and that they “undergo criminal background checks, drug testing, and a psychological evaluation and be certified law enforcement officers.”

Amends § 1006.13

- Revises policy of zero tolerance for crime and victimization and includes district school board responsibilities.
- Authorizes threat assessment team to use specified alternatives to expulsion or referral to law enforcement to address disruptive behavior.
- Provides requirements for zero-tolerance policies.
- Requires threat assessment team to consult with law enforcement under certain circumstances.

Creates § 1012.584

- Requires department establish youth mental health awareness and assistance training program for specified purposes including specific requirements and training for certain school personnel.

2018-4 (Effective March 11, 2018)

An act relating to higher education.

Creates § 1004.097

- Providing short title, “Campus Free Expression Act.”
- Establishes definitions, specifies and authorizes protected expressive activities.
- Authorizes public institution of higher education to create and enforce certain restrictions relating to expressive activities on campus.
- Prohibits certain actions relating to expressive activities on campus
- Creates cause of action for violation.

2018-6 (Effective July 1, 2018)

An act relating to education.

- Creates Hope Scholarship Program to provide parent of public school student opportunity to transfer child to another public school or to request scholarship to enroll in and attend eligible private school if student victim of certain incidents.
- Establishes reading scholarship accounts to provide, on a first-come, first-served basis, educational opportunities for students in grades 3 through 5 whose subpar statewide, standardized English Language Arts assessment scores the previous year warrant the assistance.

2018-7 (July 1, 2018)

An act relating to military and veterans affairs.

Amends § 456.024

- Revises licensure eligibility requirements to omit the exclusion for spouses of military personnel who are dentists from another state.

Amends § 1002.37

- Extends mission of Florida Virtual Schools to include children of active duty military not stationed in this state but who legal residence is still Florida.

Amends § 1003.42

- Includes ways to increase patriotism and character development.

2018-8 (Effective July 1, 2018)

An act relating to postsecondary fee waivers.

- Adds additional types of fees to potential waivers Florida College System institutions may grant to active military members.

2018-10 (Effective July 1, 2018 except as otherwise expressly provided in Act)

An act implementing the 2018–2019 General Appropriations Act.

Amends § 39.6251

- Requires case manager for young adult in foster care to consult the young adult when updating case or the transition plans and arrangements.
- Deletes ability for monthly telephone contact between young adult and his community-based care lead agency and mandates monthly meetings with case manager must be face-to-face.

Amends § 409.166

- Defines terms “child” and “young adult.”
- Establishes conditions for department to grant adoption assistance payments to adoptive parents of certain children.
- Directs children and young adults receiving benefits through the adoption assistance program are ineligible for specified other benefits and services.
- Provides additional conditions for eligibility for adoption assistance.

2018-14 (Effective March 19, 2018)

An act relating to appointment of attorneys for dependent children with special needs and providing short title of “Pro Bono Matters Act of 2018.”

Amends § 39.01305

- Requires payment of due process costs of litigation of all pro bono attorneys appointed to represent dependent children with certain special needs, subject to appropriations and review for reasonableness.

2018-21 (Effective March 19, 2018)

An act relating to reporting of adverse incidents in planned out-of-hospital births.

Creates § 456.0495

- Defines “adverse incident” as event over which physician or certified or licensed nurse midwife could exercise control, associated with an attempted or completed planned out-of-hospital birth, that results in one or more of listed injuries or conditions.
- Requires licensed physicians, certified nurse midwives, and licensed midwives report adverse incident and medical summary of events to Department of Health within specified time.
- Mandates department review adverse incident reports and determine if conduct occurred that is subject to disciplinary action.
- Directs appropriate regulatory board or department to take disciplinary action under certain circumstances.

2018-22 (Effective July 1, 2018)

An act relating to homestead waivers.

Creates § 732.7025

- Provides language that may be used to waive spousal homestead rights concerning devise restrictions.

2018-29 (Effective July 1, 2018)

An act relating to pregnancy support and wellness services.

Creates § 381.96

- Defines terms.
- Requires Department of Health to contract with not-for-profit statewide alliance of organizations to provide pregnancy support and wellness services through subcontractors.
- Lists department’s duties.
- Establishes contract requirements.
- Mandates contractor spend specified percentage of funds on direct client services.
- Directs contractor to annually monitor subcontractors.
- Orders subcontractor background screenings under certain circumstances.
- Specifies entities eligible for a subcontract.
- Dictates services be provided in noncoercive manner and forbids inclusion of religious content.

2018-39 (October 1, 2018)

An act relating to a review under the Open Government Sunset Review Act.

Amends § 943.0583

- Provides exemption from public record requirements for certain criminal history records ordered expunged when retained by Department of Law Enforcement.
- Eliminates scheduled repeal.

2018-45 (Effective July 1, 2018)

An act relating to incarcerated parents.

Creates § 39.6021

- Requires Department of Children and Families obtain specified information from facility where parent incarcerated under certain circumstances.
- Provides exception does not apply if department determines case plan for reunification with incarcerated parent will not be offered.
- Mandates incarcerated parent be included in case planning and given copy of case plan.
- Establishes requirements for case plans.
- Specifies incarcerated parent responsible for complying with facility procedures and policies to access services or maintain contact with his or her children as stated in the case plan.
- Dictates parties to case plan move to amend case plan if parent incarcerated after case plan developed and parent's incarceration has impact on permanency for child.
- Orders case plan include certain information if incarcerated parent released before it expires.
- Directs department to include certain information in case plan if incarcerated parent does not participate in its preparation.
- Notes that section does not prohibit revising permanency goal after parent incarcerated, determining that case plan with goal of reunification may not be offered to a parent, or may not be interpreted as creating additional obligations for facility which do not exist in statutes or regulations governing facility.

2018-54 (Effective July 1, 2018)

An act relating to missing persons.

Amends § 937.041

- Expands project for missing persons with special needs to all centers for autism and related disabilities at state universities.
- Revises requirements for personal devices used in the project.

2018-56 (Effective July 1, 2018)

An act relating to equitable distribution of marital assets and liabilities.

Amends § 61.075

- Redefines term “marital assets and liabilities” for purposes of equitable distribution in dissolution of marriage actions to include “paydown of principal of a note and mortgage secured by nonmarital real property and a portion of any passive appreciation in the property, if the note and mortgage secured by the property are paid down from marital funds during the marriage.”
- Includes formulas and guidelines to determine amount of passive appreciation.
- Authorizes court to require security and interest when installment payments are ordered in the division of assets.
- Provides subsection does not preclude applying chapter 55 to subsequent defaults.

2018-59 (Effective July 1, 2018)

An act relating to mammography.

Creates § 381.933

- Requires facilities performing mammography to include certain information in a summary of the mammography report which must be provided to each patient.
- Notes section “does not create a duty, standard of care, or other legal obligation beyond the duty to provide notice.”
- Provides for future repeal June 30, 2023.

2018-69 (July 1, 2018)

An act relating to deployed parent custody and visitation and titled entitled “Uniform Deployed Parents Custody and Visitation Act.”

Creates Part IV of Chapter 61

- Defines terms.
- Establishes remedies for noncompliance.
- Authorizes court to issue certain custodial orders only if the court has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act.
- Institutes notice requirements.
- Creates requirements for proceeding for custodial responsibility of child of servicemember including agreement forms, termination, modification, power of attorney, and filing.
- Includes requirements for temporary orders granting custodial responsibility, temporary custody order, permission for court to enter temporary order for child

support and modify or terminate a temporary grant of custodial responsibility under certain circumstances.

- Provides procedures for terminating temporary custodial responsibility agreement including visitation before such termination.
- Permits telephonic, electronic, and web-based appearance, testimony, and evidence in a proceeding for temporary custody.
- Mandates certain witnesses be sworn in by specified officers.
- Identifies effect of any prior judicial order or agreement.
- Allows court to grant temporary caretaking authority or limited contact to certain nonparents under certain conditions.
- Applies to validity of temporary agreement or court order concerning custodial responsibility during deployment entered before July 1, 2018 and permanent change of station move by a servicemember,

Repeals § 61.13002

- Relates to temporary time-sharing modification and child support modification due to military service.

2018-81 (Effective July 1, 2018)

An act relating to marriage licenses.

Amends § 741.04

- Prohibits marriage license issued to person under 18 unless person is at least 17 with written consent of parents or legal guardian and older party not more than 2 years older than younger party.
- Requires parties to marriage to file written and signed affidavit with the county court judge or clerk of the circuit court before judge or clerk may issue a marriage license.
- Mandates such affidavit include social security number or any other available identification number for each and respective ages.
- Includes legislative intent that state has compelling interest in promoting not only marriage, but also responsible parenting, which may include the payment of child support and, thus, the need for social security or alien registration number.
- Notes statutory section does not prohibit county court judge or circuit court clerk from issuing marriage license to individuals who are not citizens of the United States if one or both of them are unable to provide a social security number, an alien registration number, or another identification number.
- Forbids judge or clerk from issuing marriage license unless he or she is presented with certain written statements specifying whether parties, individually or together, have completed a premarital preparation course and verifying both parties have obtained and read or otherwise accessed the information contained

in the handbook or other electronic media presentation of the rights and responsibilities of parties to a marriage specified in s. 741.0306.

- Provide effective date of a marriage license must be delayed by 3 days if the parties to the marriage have not submitted valid certificates of completion of a premarital preparation course.
- Includes exceptions to delayed effective date of marriage license.

Repeals § 741.0405

- Relates to complicated issuance of marriage licenses to persons under 18 years of age.

Amends § 741.05

- Clarifies county court judge or clerk of a circuit court commits a misdemeanor if he issues blank marriage license or issues marriage license without obtaining ages and identification numbers of the parties.

2018-93 (Effective October 1, 2018)

An act relating to subpoenas in investigations of sexual offenses.

Creates § 934.255

- Defines terms.
- Authorizes investigative or law enforcement officer conducting investigation into specified matters to subpoena certain persons or entities for production of records, documents, or other tangible things and testimony.
- Specifies requirements for issuance of subpoena.
- Permits subpoenaed person to petition court for order modifying or setting aside subpoena or prohibition on disclosure.
- Allows investigative or law enforcement officer to retain subpoenaed records, documents, or other tangible objects under certain circumstances.
- Prohibits disclosure of subpoena for specified period if disclosure might result in adverse result but includes exceptions.
- Explains acts that constitute adverse result.
- Requires investigative or law enforcement officer to maintain a true copy of a written certification.
- Empowers court to grant extension of certain periods under specific circumstances.
- Mandates investigative or law enforcement officer to serve or deliver a copy of process along with particular information upon the expiration of a nondisclosure period or delay of notification.

- Sanctions investigative or law enforcement officer to apply to court for order prohibiting certain entities from notifying any person of the existence of subpoena under certain circumstances.
- Approving investigative or law enforcement officer to petition a court to compel compliance.
- Endorses court punishing person who does not comply with a subpoena as indirect criminal contempt.
- Establishes criminal penalties.
- Precludes cause of action against certain entities or persons for providing information, facilities, or assistance in accordance with terms of a subpoena.
- Orders preservation of evidence pending issuance of process.
- Directs that certain entities or persons shall be held harmless from any claim and civil liability resulting from disclosure of information pursuant to this section.
- Provides for reasonable compensation for reasonable expenses incurred in giving assistance.
- Imposes obligation subpoenaed witness be paid certain fees and mileage.

2018-98 (Effective July 1, 2018)

An act relating to perinatal mental health entitled “Florida Families First Act.”

Creates 383.014

- Requires Department of Health offer perinatal mental health care information through the Family Health Line toll-free hotline accessible to the general public.

Amends § 383.318

- Revises components in postpartum evaluation and followup care provided by birth centers include mental health screening and provision of certain information on postpartum depression.
- Appropriates recurring and non-recurring funds for 2018-19 although not codified.

2018-103 (Effective July 1, 2018)

An act relating to child welfare.

Amends § 39.01

- Revises and establishes definitions.

Amends § 39.0138

- Requires Department of Children and Families to establish rules for granting exemptions from criminal history and certain other records checks needed for persons being considered obtain placement of child.

- Mandates level 1 screening for persons granted exemptions.
- Prohibits placing child with persons other than parent convicted of certain categories of felonies.

Amends § 39.521

- Authorizes court deciding placement of a child with a guardian to make determination about whether child has “strong attachment to the prospective permanent guardian and whether such guardian has a strong commitment to permanently caring for the child.”

Amends § 39.5085

- Permits department to recover financial assistance received by nonrelative caregiver to which he is not entitled.

Amends § 39.6012

- Requires parents provide accurate contact information, “update as appropriate,” and make proactive contact with case managers or the contracted case management agency “at least every 14 calendar days to provide information on the status of case plan task completion, barriers to completion, and plans toward reunification.”

Amends § 39.6013

- Adds mandate court consider “consider the length of time the case has been open, the level of parental engagement to date, the number of case plan tasks completed, the child’s type of placement and attachment, and the potential for successful reunification” before amending case plan.

Amends § 39.621

- Requires court, during permanency hearings, determine if “frequency, duration, manner, and level of engagement of the parent or legal guardian’s visitation with the child meets the case plan requirements.”

Amends § 39.6221

- Add condition for court placement of a child in permanent guardianship that “child demonstrates a strong attachment to the prospective permanent guardian and such guardian has a strong commitment to permanently caring for the child.”

Creates § 39.6225

- Directs department to establish and operate a Guardianship Assistance Program to provide guardianship assistance payments to certain guardians beginning on a specified date.
- Establishes definitions.
- Includes eligibility requirements.
- Permits guardians to receive such payments for certain siblings.
- Instructs department to annually redetermine eligibility.

- Provides conditions for termination of benefits.
- Mandates department provide guardianship nonrecurring payments for certain expenses.
- Authorizes use of certain state and federal funds to operate program.
- Dictates children receiving assistance under program eligible for Medicaid coverage until they reach a certain age.
- Orders case plans include certain information.
- Requires department to adopt rules, Florida Institute for Child Welfare to evaluate implementation of Guardianship Assistance Program and submit a report by a certain date.
- Specifies process for and elements of the evaluation.
- Commands department to develop and implement comprehensive communications strategy in support of relatives and fictive kin who are prospective caregivers.
- Notes information that must be provided to such prospective caregivers.

Amends § 39.6251

- Requires case manager for young adult in foster care to consult young adult when updating case or the transition plans and arrangements.
- Deletes provision authorizing case management reviews to be conducted by telephone and adds that monthly meetings must be face-to-face.

Amends § 39.701

- Requires court, during judicial review hearings, to determine case plan compliance for children younger than 18.

Amends § 63.092

- Requires department to release specified records to entities conducting preliminary home studies.
- Provides certain specified training is required only for people who adopt from the department.

Amends § 322.09

- Provides that caregiver who signs for a minor's learner's driver license does not assume any obligation or liability for damages under certain circumstances.

Amends § 409.145

- Increases rates for room and board reimbursement of certain family foster homes.
- Revises provisions relating to supplemental payments by community-based care lead agencies.

Amends § 409.166

- Adds definitions for “child” and “young adult.”
- Provides conditions for department to provide adoption assistance payments to adoptive parents of certain children.
- Notes children and young adults receiving benefits through adoption assistance program are ineligible for specified other benefits and services.
- Adds conditions for adoption assistance eligibility.

2018-105 (Effective July 1, 2018 except as otherwise expressly provided)

An act relating to sexual offenders and predators.

Amends § 775.21

- Reduces total and consecutive number of days used to determine residency for purposes of sexual predator or sexual offender registration.
- Provides for mandatory minimum sentence of community control with electronic monitoring for certain offenses committed by sexual predators if court does not impose prison sentence.

2018-108 (Effective July 1, 2018)

An act relating to child welfare.

Creates § 39.4015

- Explains legislative findings and intent stressing the importance of permanency preferably with the child’s own family but if not with other caring and long-term caregivers from whom they have emotional support.
- Provides definitions including “family finding” and “fictive kin.”
- Requires Department of Children and Families, in collaboration with sheriffs’ offices conducting child protective investigations and community-based care lead agencies, to develop family-finding program.
- Develops strategies to engage relatives and fictive kin.
- Directs department and community-based care lead agencies to use diligent efforts in family finding.
- Establishes certain actions do not constitute family finding.
- Authorizes department to adopt rules

Amends § 39.402

- Requires court to request parents’ consent to providing access to additional records.

Creates § 39.5086

Provides definitions.

- Describes purpose and service components of kinship navigator program.
- Authorizes each community-based care lead agency to establish a kinship navigator program, subject to available resources.
- Permits department to adopt rules.

Amends § 39.6012

- Revises types of records that must be attached to a case plan and updated throughout judicial review process.

Amends § 39.604

- Modifies enrollment and attendance requirements for children under protective supervision or out-of-home care enrolled in an early education or child care program.
- Provides requirements and procedures for maintaining the educational stability of child during child's placement in out-of-home care or subsequent changes in out-of-home placement.
- Mandates child's transition from early education or child care program be pursuant to a plan that meets certain requirements including limitation on the amount of time caregiver can work outside the home.

2018-118 (Effective July 1, 2018)

An act relating to taxation.

Amends § 196.173

- Revises military operations that qualify certain servicemembers for an additional ad valorem tax exemption.

Amends § 196.24

- Deletes condition for unremarried spouses of deceased disabled ex-servicemembers to claim certain ad valorem tax exemption.

Amends § 741.01

- Provides for specified portion of fee paid to circuit court clerk for issuance of marriage license to be monthly deposited into State Courts Revenue Trust Fund rather than the General Revenue Fund.

2018-134 (Effective July 1, 2018)

An act relating to home education.

Amends § 1002.41

- Specifies home education program is not a school district program and is registered with the district school superintendent only for the purpose of complying with the state's attendance requirements.

- Revises content requirements of notice of enrollment of student in home education program.
- Requires district school superintendent to immediately register home education program upon receipt of notice.
- Prohibits school district from requiring additional information or verification of a home education student unless student chooses to participate in school district program or service.
- Authorizes school district to provide home education program students with access to certain courses and programs offered by the school district.
- Mandates home education program students be provided access to certain certifications and assessments offered by the school district.
- Bars school district from taking certain actions against a home education program student's parent unless such action is necessary for a school district program.

Amends 1003.27

- Requires school and school district comply with specified provisions before instituting criminal prosecution against certain parents relating to compulsory school attendance.

2018-150 (Effective dates vary by section)

An act relating to K–12 public education.

Creates § 800.101

- Defines terms including “authority figure.”
- Prohibits authority figures from soliciting or engaging in sexual conduct, a relationship of a romantic nature, or lewd conduct with students.
- Establishes prohibited conduct is felony of the second degree.
- Provides exceptions for conduct subject to reclassification under § 775.0862.

Amends § 810.097

- Includes school buses within definition of “school” for purposes of trespass upon grounds or facilities of school.

Amends § 1001.42

- Requires school districts adopt certain standards of ethical conduct.
- Mandates district school superintendent report certain misconduct to law enforcement agencies.

Amends § 1012.315

- Expands scope of provisions requiring the disqualification of persons convicted of certain offenses to apply to all persons who are required to have contact with students.
- Provides additional offense relating to romantic conduct with students that disqualifies such persons from employment.

