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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (9) through (87) of section 39.01, Florida Statutes, are redesignated as subsections (10) through (88), respectively, a new subsection (9) is added to that section, and present subsections (10) and (37) are amended, to read:

39.01 Definitions.—When used in this chapter, unless the



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11 context otherwise requires:

12 (9) "Attorney for the child" means an attorney providing
13 direct representation to the child, which may include the
14 appointment of the Office of Child Representation, an attorney
15 provided by an entity contracted through the Office of Child
16 Representation to provide direct representation, any privately
17 retained counsel or pro bono counsel, or any other attorney who
18 represents the child under this chapter.

19 (11)~~(10)~~ "Caregiver" means the parent, legal custodian,
20 permanent guardian, adult household member, or other person
21 responsible for a child's welfare as defined in subsection (55)
22 ~~(54)~~.

23 (38)~~(37)~~ "Institutional child abuse or neglect" means
24 situations of known or suspected child abuse or neglect in which
25 the person allegedly perpetrating the child abuse or neglect is
26 an employee of a public or private school, public or private day
27 care center, residential home, institution, facility, or agency
28 or any other person at such institution responsible for the
29 child's welfare as defined in subsection (55) ~~(54)~~.

30 Section 2. Subsection (13) is added to that section, to
31 read:

32 39.013 Procedures and jurisdiction; right to counsel.-

33 (13) The court shall appoint an attorney for the child
34 pursuant to s. 39.831.

35 Section 3. Present subsections (6) through (9) are
36 redesignated as subsections (5) through (8), respectively, and
37 subsections (4) and (5) of section 39.01305, Florida Statutes,
38 are amended to read:

39 39.01305 Appointment of an attorney for a dependent child



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40 with certain special needs.-

41 (4) An attorney for the child appointed under this section
42 shall be made in accordance with s. 39.831. ~~(a) Before a court~~
43 ~~may appoint an attorney, who may be compensated pursuant to this~~
44 ~~section, the court must request a recommendation from the~~
45 ~~Statewide Guardian Ad Litem Office for an attorney who is~~
46 ~~willing to represent a child without additional compensation. If~~
47 ~~such an attorney is available within 15 days after the court's~~
48 ~~request, the court must appoint that attorney. However, the~~
49 ~~court may appoint a compensated attorney within the 15-day~~
50 ~~period if the Statewide Guardian Ad Litem Office informs the~~
51 ~~court that it will not be able to recommend an attorney within~~
52 ~~that time period.~~

53 ~~(b) After an attorney is appointed, the appointment~~
54 ~~continues in effect until the attorney is allowed to withdraw or~~
55 ~~is discharged by the court or until the case is dismissed. An~~
56 ~~attorney who is appointed under this section to represent the~~
57 ~~child shall provide the complete range of legal services, from~~
58 ~~the removal from home or from the initial appointment through~~
59 ~~all available appellate proceedings. With the permission of the~~
60 ~~court, the attorney for the dependent child may arrange for~~
61 ~~supplemental or separate counsel to represent the child in~~
62 ~~appellate proceedings. A court order appointing an attorney~~
63 ~~under this section must be in writing.~~

64 ~~(5) Unless the attorney has agreed to provide pro bono~~
65 ~~services, an appointed attorney or organization must be~~
66 ~~adequately compensated. All appointed attorneys and~~
67 ~~organizations, including pro bono attorneys, must be provided~~
68 ~~with access to funding for expert witnesses, depositions, and~~



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69 ~~other due process costs of litigation. Payment of attorney fees~~
70 ~~and case-related due process costs are subject to appropriations~~
71 ~~and review by the Justice Administrative Commission for~~
72 ~~reasonableness. The Justice Administrative Commission shall~~
73 ~~contract with attorneys appointed by the court. Attorney fees~~
74 ~~may not exceed \$1,000 per child per year.~~

75 Section 3. Part XI of chapter 39, Florida Statutes,
76 entitled "GUARDIANS AD LITEM AND GUARDIAN ADVOCATES," is renamed
77 "GUARDIANS AD LITEM, GUARDIAN ADVOCATES, AND ATTORNEY FOR THE
78 CHILD."

79 Section 4. Subsection (3) is added to section 39.820,
80 Florida Statutes, to read:

81 39.820 Definitions.—As used in this chapter, the term:

82 (3) "Related adoption proceeding" means an adoption
83 proceeding under chapter 63 which arises from dependency
84 proceedings under this chapter.

85 Section 5. Section 39.822, Florida Statutes, is amended to
86 read:

87 39.822 Appointment of guardian ad litem for abused,
88 abandoned, or neglected child.—

89 (1)(a) Before July 1, 2022, a guardian ad litem must shall
90 be appointed by the court at the earliest possible time to
91 represent a the child in any child abuse, abandonment, or
92 neglect judicial proceeding, whether civil or criminal.

93 (b) On or after July 1, 2022, a guardian ad litem must be
94 appointed by the court at the earliest possible time to
95 represent a child under the following circumstances:

96 1. The child is younger than 10 years of age and is the
97 subject of a dependency proceeding under this chapter or a



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98 related adoption proceeding;

99 2. The child is the subject of a dependency proceeding
100 under this chapter or a related adoption proceeding and a
101 criminal proceeding;

102 3. The child is the subject of a termination of parental
103 rights proceeding under part X; or

104 4. The child is a dependent child as described in s.
105 39.01305(3).

106 (2) On or after July 1, 2022, the court shall discharge the
107 guardian ad litem program, if appointed, within 60 days after
108 such child reaches 10 years of age unless:

109 (a) The child meets a criterion specified in subparagraph
110 (1)(b)2., 3., or 4.; or

111 (b) The child expresses that he or she wishes to remain
112 with the guardian ad litem and the court determines that the
113 expression is voluntary and knowing and that the child is of an
114 appropriate age and maturity to make such expression.

115 (3) Upon request by a child who is subject to a dependency
116 proceeding under this chapter or a related adoption proceeding,
117 who is 10 years of age or older, and who has a guardian ad litem
118 assigned, or upon any party presenting evidence that there is
119 reasonable cause to suspect the assigned guardian ad litem has a
120 conflict of interest as defined in s. 39.8296(2)(b)9., the court
121 may:

122 (a) Order that a new guardian ad litem be assigned; or

123 (b) Discharge the child's current guardian ad litem and
124 appoint an attorney for the child if one is not appointed.

125 (4) Any person participating in a civil or criminal
126 judicial proceeding resulting from such appointment shall be



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127 presumed prima facie to be acting in good faith and in so doing
128 shall be immune from any liability, civil or criminal, that
129 otherwise might be incurred or imposed.

130 (5)~~(2)~~ In those cases in which the parents are financially
131 able, the parent or parents of the child shall reimburse the
132 court, in part or in whole, for the cost of provision of
133 guardian ad litem services. Reimbursement to the individual
134 providing guardian ad litem services may ~~shall~~ not be contingent
135 upon successful collection by the court from the parent or
136 parents.

137 (6)~~(3)~~ Upon presentation by a guardian ad litem of a court
138 order appointing the guardian ad litem:

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

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

152
153 For the purposes of this subsection, the term "records related
154 to the best interests of the child" includes, but is not limited
155 to, medical, mental health, substance abuse, child care,



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156 education, law enforcement, court, social services, and
157 financial records.

158 (7)~~(4)~~ The guardian ad litem or the program representative
159 shall review all disposition recommendations and changes in
160 placements, and must be present at all critical stages of the
161 dependency proceeding or submit a written report of
162 recommendations to the court. Written reports must be filed with
163 the court and served on all parties whose whereabouts are known
164 at least 72 hours before ~~prior to~~ the hearing.

165 Section 6. Subsection (2) of section 39.8296, Florida
166 Statutes, is amended to read:

167 39.8296 Statewide Guardian Ad Litem Office; legislative
168 findings and intent; creation; appointment of executive
169 director; duties of office.—

170 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
171 Statewide Guardian Ad Litem Office within the Justice
172 Administrative Commission. The Justice Administrative Commission
173 shall provide administrative support and service to the office
174 to the extent requested by the executive director within the
175 available resources of the commission. The Statewide Guardian Ad
176 Litem Office is not subject to control, supervision, or
177 direction by the Justice Administrative Commission in the
178 performance of its duties, but the employees of the office are
179 governed by the classification plan and salary and benefits plan
180 approved by the Justice Administrative Commission.

181 (a) The head of the Statewide Guardian Ad Litem Office is
182 the executive director, who shall be appointed by the Governor
183 from a list of a minimum of three eligible applicants submitted
184 by the Child Well-Being a-Guardian Ad Litem Qualifications



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185 Committee. The Child Well-Being Guardian Ad Litem Qualifications
186 Committee shall be composed of five persons, two persons
187 appointed by the Governor, two persons appointed by the Chief
188 Justice of the Supreme Court, and one person appointed by the
189 Statewide Guardian Ad Litem Association. The committee shall
190 provide for statewide advertisement and the receiving of
191 applications for the position of executive director. The
192 Governor shall appoint an executive director from among the
193 recommendations, or the Governor may reject the nominations and
194 request the submission of new nominees. The executive director
195 must have knowledge in dependency law and knowledge of social
196 service delivery systems available to meet the needs of children
197 who are abused, neglected, or abandoned. The executive director
198 shall serve on a full-time basis and shall personally, or
199 through representatives of the office, carry out the purposes
200 and functions of the Statewide Guardian Ad Litem Office in
201 accordance with state and federal law. The executive director
202 shall report to the Governor. The executive director shall serve
203 a 3-year term, subject to removal for cause by the Governor. Any
204 person appointed to serve as the executive director may be
205 reappointed ~~permitted~~ to serve more than one term in accordance
206 with the process provided for in this paragraph. Every second or
207 subsequent appointment shall be for a term of 3 years.

208 (b) The Statewide Guardian Ad Litem Office shall, within
209 available resources, have oversight responsibilities for and
210 provide technical assistance to all guardian ad litem and
211 attorney ad litem programs located within the judicial circuits.

212 1. The office shall identify the resources required to
213 implement methods of collecting, reporting, and tracking



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214 reliable and consistent case data.

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

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

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

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

237 6. The office shall determine the feasibility or
238 desirability of new concepts of organization, administration,
239 financing, or service delivery designed to preserve the civil
240 and constitutional rights and fulfill other needs of dependent
241 children.

242 7. In an effort to promote normalcy and establish trust



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243 between a court-appointed volunteer guardian ad litem and a
244 child alleged to be abused, abandoned, or neglected under this
245 chapter, a guardian ad litem may transport a child. However, a
246 guardian ad litem volunteer may not be required or directed by
247 the program or a court to transport a child.

248 8. The office shall submit to the Governor, the President
249 of the Senate, the Speaker of the House of Representatives, and
250 the Chief Justice of the Supreme Court an interim report
251 describing the progress of the office in meeting the goals as
252 described in this section. The office shall submit to the
253 Governor, the President of the Senate, the Speaker of the House
254 of Representatives, and the Chief Justice of the Supreme Court a
255 proposed plan including alternatives for meeting the state's
256 guardian ad litem and attorney ad litem needs. This plan may
257 include recommendations for less than the entire state, may
258 include a phase-in system, and shall include estimates of the
259 cost of each of the alternatives. Each year the office shall
260 provide a status report and provide further recommendations to
261 address the need for guardian ad litem services and related
262 issues.

263 9. The office shall develop guidelines to identify any
264 possible conflicts of interest of a guardian ad litem when he or
265 she is being considered for assignment to a child's case. The
266 office must not assign a guardian ad litem for whom a conflict
267 of interest has been identified to a child's case. For purposes
268 of this subparagraph, the term "conflicts of interest" means the
269 guardian ad litem:

270 a. Has a personal relationship that could influence a
271 recommendation regarding a child whom he or she is serving as a



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272 guardian ad litem;

273 b. Is in a position to derive a personal benefit from his
274 or her role as a guardian ad litem; or

275 c. Has a particular factor or circumstance, including
276 personal bias or prejudice against a protected class of the
277 child or the child's family, that prevents or substantially
278 impairs his or her ability to fairly and fully discharge the
279 duties of the guardian ad litem.

280 (c) The Statewide Guardian Ad Litem Office shall identify
281 any guardian ad litem who is experiencing an issue with his or
282 her physical or mental health or who appears to present a danger
283 to any child to whom the guardian ad litem is assigned. As soon
284 as possible after identification, the office must remove such
285 guardian ad litem from all assigned cases, terminate his or her
286 volunteer services with the Guardian Ad Litem Program, and
287 disclose such action to the appropriate circuit court.

288 Section 7. Section 39.83, Florida Statutes, is created to
289 read:

290 39.83 Statewide Office of Child Representation;
291 qualifications, appointment, and duties of executive director
292 and attorney for the child.—

293 (1) STATEWIDE OFFICE OF CHILD REPRESENTATION.—

294 (a) There is created a Statewide Office of Child
295 Representation within the Justice Administrative Commission. The
296 Justice Administrative Commission shall provide administrative
297 support and services to the statewide office as directed by the
298 executive director within the available resources of the
299 commission. The statewide office is not subject to control,
300 supervision, or direction by the Justice Administrative



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301 Commission in the performance of its duties, but the employees
302 of the office are governed by the classification plan and salary
303 and benefits plan approved by the Justice Administrative
304 Commission.

305 (b) The head of the Statewide Office of Child
306 Representation is the executive director who must be a member of
307 The Florida Bar in good standing for at least 5 years and have
308 knowledge of dependency law and the social service delivery
309 systems available to meet the needs of children who are abused,
310 neglected, or abandoned. The executive director shall be
311 appointed in accordance with the process, and serve in
312 accordance with the terms and requirements, provided in s.
313 39.8296(2) (a) for the head of the Statewide Guardian Ad Litem
314 Office. The appointment for the initial executive director must
315 be completed by January 1, 2022.

316 (c) The Statewide Office of Child Representation, within
317 available resources of the Justice Administrative Commission, is
318 responsible for oversight of, and for providing technical
319 assistance to, all offices of child representation in this
320 state. The statewide office:

321 1. Shall identify the resources required to implement
322 methods of collecting, reporting, and tracking reliable and
323 consistent case data;

324 2. Shall review and collect information relating to offices
325 of child representation and other models of attorney
326 representation of children in other states;

327 3. In consultation with the regional offices of child
328 representation established under subsection (2), shall develop
329 statewide performance measures and standards;



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330 4. Shall develop a training program for each attorney for
331 the child. To that end, the statewide office shall establish a
332 curriculum committee composed of members including, but not
333 limited to, a dependency judge, a director of circuit guardian
334 ad litem programs, an active certified guardian ad litem, a
335 mental health professional who specializes in the treatment of
336 children, a member of a child advocacy group, a representative
337 of a domestic violence advocacy group, an individual with at
338 least a Master of Social Work degree, and a social worker
339 experienced in working with victims and perpetrators of child
340 abuse;

341 5. Shall develop protocols that must be implemented to
342 assist children who are represented by the Statewide Office of
343 Child Representation, regional offices, or its contracted local
344 agencies in meeting eligibility requirements to receive all
345 available federal funding. This subparagraph may not be
346 construed to mean that the protocols may interfere with zealous
347 and effective representation of the children;

348 6. Shall review the various methods of funding the regional
349 offices, maximize the use of those funding sources to the extent
350 possible, and review the kinds of services being provided by the
351 regional offices;

352 7. Shall determine the feasibility or desirability of new
353 concepts of organization, administration, financing, or service
354 delivery designed to preserve the civil and constitutional
355 rights of, and fulfill other needs of, dependent children 10
356 years of age and older;

357 8. Shall submit to the Governor, the President of the
358 Senate, the Speaker of the House of Representatives, and the



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359 Chief Justice of the Supreme Court:

360 a. An interim report describing the progress of the
361 statewide office in meeting the responsibilities described in
362 this paragraph.

363 b. A proposed plan that includes alternatives for meeting
364 the representation needs of children in this state. The plan may
365 include recommendations for implementation in only a portion of
366 this state or phased-in statewide implementation and must
367 include an estimate of the cost of each such alternative.

368 c. An annual status report that includes any additional
369 recommendations for addressing the representation needs of
370 children in this state and related issues.

371 (d) The department or community-based care lead agency
372 shall take any steps necessary to obtain all available federal
373 funding and maintain compliance with eligibility requirements.

374 (e) The office may contract with a local nonprofit agency
375 to provide direct attorney representation to a child if the
376 office determines that the contract is the most efficient method
377 to satisfy its statutory duties and if federal funding has been
378 approved for this purpose. The office must ensure that
379 reimbursement of any Title IV-E funds is properly documented.

380 (2) REGIONAL OFFICES OF CHILD REPRESENTATION.—

381 (a) An office of child representation is created within the
382 area served by each of the five district courts of appeal. The
383 offices shall commence fulfilling their statutory purpose and
384 duties on July 1, 2022.

385 (b) Each office of child representation is assigned to the
386 Justice Administrative Commission for administrative purposes.
387 The commission shall provide administrative support and service



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388 to the offices within the available resources of the commission.
389 The offices are not subject to control, supervision, or
390 direction by the commission in the performance of their duties,
391 but the employees of the offices are governed by the
392 classification plan and the salary and benefits plan for the
393 commission.

394 (3) CHILD REPRESENTATION COUNSEL; DUTIES.—The child
395 representation counsel shall serve on a full-time basis and may
396 not engage in the private practice of law while holding office.
397 Each assistant child representation counsel shall give priority
398 and preference to his or her duties as assistant child
399 representation counsel and may not otherwise engage in the
400 practice of dependency law. However, a part-time child
401 representation counsel may practice dependency law for private
402 payment so long as the representation does not result in a legal
403 or ethical conflict of interest with a case in which the office
404 of child representation is providing representation.

405 Section 8. Section 39.831, Florida Statutes, is created to
406 read:

407 39.831 Attorney for the child.—

408 (1) APPOINTMENT.—

409 (a) Attorney for the child:

410 1. Shall be appointed by the court as provided in s.
411 39.01305(3);

412 2. Shall be appointed by the court for any child who
413 reaches 10 years of age or older on or after July 1, 2022, and
414 who is the subject of a dependency proceeding under this chapter
415 or a related adoption proceeding; or

416 3. May be appointed at the court's discretion upon a



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417 finding that circumstances exist which require the appointment.

418 (b) The court shall appoint the Statewide Office of Child
419 Representation unless the child is otherwise represented by
420 counsel.

421 (c) Unless the attorney has agreed to provide pro bono
422 services, an appointed attorney or organization must be
423 adequately compensated. All appointed attorneys and
424 organizations, including pro bono attorneys, must be provided
425 with access to funding for expert witnesses, depositions, and
426 other due process costs of litigation. Payment of attorney fees
427 and case-related due process costs are subject to appropriations
428 and review by the Justice Administrative Commission for
429 reasonableness. The Justice Administrative Commission shall
430 contract with attorneys appointed by the court. Attorney fees
431 may not exceed \$1,000 per child per year.

432 (d) In cases in which one or both parents are financially
433 able, the parent or parents, as applicable, of the child shall
434 reimburse the court, in whole or in part, for the cost of
435 services provided under this section; however, reimbursement for
436 services provided by the attorney for the child may not be
437 contingent upon successful collection by the court of
438 reimbursement from the parent or parents.

439 (e) Once an attorney for the child is appointed, the
440 appointment continues in effect until the attorney for the child
441 is allowed to withdraw or is discharged by the court or until
442 the case is dismissed. An attorney for the child who is
443 appointed under this section to represent a child shall provide
444 all required legal services from the time of the child's removal
445 from home or of the attorney for the child's initial appointment



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446 through all appellate proceedings. With the permission of the
447 court, the appointed attorney for the child may arrange for
448 supplemental or separate counsel to represent the child in
449 appellate proceedings. A court order appointing an attorney for
450 the child under this section must be in writing.

451 (2) ACCESS TO RECORDS.—Upon presentation of a court order
452 appointing an attorney for the child:

453 (a) An agency as defined in chapter 119 must allow the
454 attorney for the child to inspect and copy records related to
455 the child who is the subject of the appointment, including, but
456 not limited to, records made confidential or exempt from s.
457 119.07(1) or s. 24(a), Art. I of the State Constitution. The
458 attorney for the child shall maintain the confidential or exempt
459 status of any records shared by an agency under this paragraph.

460 (b) A person or an organization, other than an agency under
461 paragraph (a), must allow the attorney for the child to inspect
462 and copy any records related to the child who is the subject of
463 the appointment, including, but not limited to, confidential
464 records.

465
466 For the purposes of this subsection, the term “records”
467 includes, but is not limited to, medical, mental health,
468 substance abuse, child care, education, law enforcement, court,
469 social services, and financial records.

470 (3) COURT HEARINGS.—The attorney for the child shall review
471 all disposition recommendations and changes in placements and
472 file all appropriate motions on behalf of the child at least 72
473 hours before the hearing.

474 (4) PROCEDURES.—The department shall develop procedures to



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475 request that a court appoint an attorney for the child.

476 (5) RULEMAKING.—The department may adopt rules to implement
477 this section.

478 Section 9. Subsection (1) of section 28.345, Florida
479 Statutes, is amended to read:

480 28.345 State access to records; exemption from court-
481 related fees and charges.—

482 (1) Notwithstanding any other provision of law, the clerk
483 of the circuit court shall, upon request, provide access to
484 public records without charge to the state attorney, public
485 defender, guardian ad litem, public guardian, ~~attorney ad litem,~~
486 criminal conflict and civil regional counsel, court-appointed
487 attorney for the child, ~~and private court-appointed counsel paid~~
488 ~~by the state~~, and to authorized staff acting on their behalf.
489 The clerk of court may provide the requested public record in an
490 electronic format in lieu of a paper format if the requesting
491 entity is capable of accessing such public record
492 electronically.

493 Section 10. Paragraph (j) of subsection (3) and paragraph
494 (a) of subsection (10) of section 39.001, Florida Statutes, are
495 amended to read:

496 39.001 Purposes and intent; personnel standards and
497 screening.—

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

501 (j) The ability to contact their guardian ad litem or
502 attorney for the child ~~attorney ad litem~~, if appointed, by
503 having that individual's name entered on all orders of the



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504 court.

505 (10) PLAN FOR COMPREHENSIVE APPROACH.—

506 (a) The office shall develop a state plan for the promotion
507 of adoption, support of adoptive families, and prevention of
508 abuse, abandonment, and neglect of children. The Department of
509 Children and Families, the Department of Corrections, the
510 Department of Education, the Department of Health, the
511 Department of Juvenile Justice, the Department of Law
512 Enforcement, and the Agency for Persons with Disabilities shall
513 participate and fully cooperate in the development of the state
514 plan at both the state and local levels. Furthermore,
515 appropriate local agencies and organizations shall be provided
516 an opportunity to participate in the development of the state
517 plan at the local level. Appropriate local groups and
518 organizations shall include, but not be limited to, community
519 mental health centers; guardian ad litem programs for children
520 under the circuit court; child representation counsel regional
521 offices; the school boards of the local school districts; the
522 Florida local advocacy councils; community-based care lead
523 agencies; private or public organizations or programs with
524 recognized expertise in working with child abuse prevention
525 programs for children and families; private or public
526 organizations or programs with recognized expertise in working
527 with children who are sexually abused, physically abused,
528 emotionally abused, abandoned, or neglected and with expertise
529 in working with the families of such children; private or public
530 programs or organizations with expertise in maternal and infant
531 health care; multidisciplinary Child Protection Teams; child day
532 care centers; law enforcement agencies; and the circuit courts,



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533 when guardian ad litem programs and attorney for the child are
534 not available in the local area. The state plan to be provided
535 to the Legislature and the Governor shall include, as a minimum,
536 the information required of the various groups in paragraph (b).

537 Section 11. Subsections (2) and (4) of 39.00145, Florida
538 Statutes, are amended to read:

539 39.00145 Records concerning children.-

540 (2) Notwithstanding any other provision of this chapter,
541 all records in a child's case record must be made available for
542 inspection, upon request, to the child who is the subject of the
543 case record and to the child's caregiver, guardian ad litem, or
544 attorney for the child ~~attorney~~.

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

549 (b) The department shall release the information in a
550 manner and setting that are appropriate to the age and maturity
551 of the child and the nature of the information being released,
552 which may include the release of information in a therapeutic
553 setting, if appropriate. This paragraph does not deny the child
554 access to his or her records.

555 (c) If a child or the child's caregiver, guardian ad litem,
556 or attorney for the child ~~attorney~~ requests access to the
557 child's case record, any person or entity that fails to provide
558 any record in the case record under assertion of a claim of
559 exemption from the public records requirements of chapter 119,
560 or fails to provide access within a reasonable time, is subject
561 to sanctions and penalties under s. 119.10.



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

568 (4) Notwithstanding any other provision of law, all state
569 and local agencies and programs that provide services to
570 children or that are responsible for a child's safety, including
571 the Department of Juvenile Justice, the Department of Health,
572 the Agency for Health Care Administration, the Agency for
573 Persons with Disabilities, the Department of Education, the
574 Department of Revenue, the school districts, the Statewide
575 Guardian Ad Litem Office, the Statewide Office of Child
576 Representation, and any provider contracting with such agencies,
577 may share with each other confidential records or information
578 that are confidential or exempt from disclosure under chapter
579 119 if the records or information are reasonably necessary to
580 ensure access to appropriate services for the child, including
581 child support enforcement services, or for the safety of the
582 child. However:

583 (a) Records or information made confidential by federal law
584 may not be shared.

585 (b) This subsection does not apply to information
586 concerning clients and records of certified domestic violence
587 centers, which are confidential under s. 39.908 and privileged
588 under s. 90.5036.

589 Section 12. Subsections (3) and (4) of section 39.0132,
590 Florida Statutes, are amended to read:



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591 39.0132 Oaths, records, and confidential information.—

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

613 (4) (a) 1. All information obtained pursuant to this part in
614 the discharge of official duty by any judge, employee of the
615 court, authorized agent of the department, correctional
616 probation officer, or law enforcement agent is confidential and
617 exempt from s. 119.07(1) and may not be disclosed to anyone
618 other than the authorized personnel of the court, the department
619 and its designees, correctional probation officers, law



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620 enforcement agents, guardian ad litem, attorney for the child,
621 and others entitled under this chapter to receive that
622 information, except upon order of the court.

623 2.a. The following information held by a guardian ad litem
624 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
625 I of the State Constitution:

626 (I) Medical, mental health, substance abuse, child care,
627 education, law enforcement, court, social services, and
628 financial records.

629 (II) Any other information maintained by a guardian ad
630 litem which is identified as confidential information under this
631 chapter.

632 b. Such confidential and exempt information may not be
633 disclosed to anyone other than the authorized personnel of the
634 court, the department and its designees, correctional probation
635 officers, law enforcement agents, guardians ad litem, and others
636 entitled under this chapter to receive that information, except
637 upon order of the court.

638 (b) The department shall disclose to the school
639 superintendent the presence of any child in the care and custody
640 or under the jurisdiction or supervision of the department who
641 has a known history of criminal sexual behavior with other
642 juveniles; is an alleged juvenile sex offender, as defined in s.
643 39.01; or has pled guilty or nolo contendere to, or has been
644 found to have committed, a violation of chapter 794, chapter
645 796, chapter 800, s. 827.071, or s. 847.0133, regardless of
646 adjudication. Any employee of a district school board who
647 knowingly and willfully discloses such information to an
648 unauthorized person commits a misdemeanor of the second degree,



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649 punishable as provided in s. 775.082 or s. 775.083.

650 Section 13. Paragraphs (a) and (b) of subsection (4) of
651 section 39.0139, Florida Statutes, are amended to read:

652 39.0139 Visitation or other contact; restrictions.—

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

657 (a) Before ~~Prior to~~ the hearing, the court shall appoint an
658 attorney for the child ~~an attorney ad litem~~ or a guardian ad
659 litem, as appropriate, for the child if one has not already been
660 appointed. Any attorney for the child ~~attorney ad litem~~ or
661 guardian ad litem appointed shall have special training in the
662 dynamics of child sexual abuse.

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

670 Section 14. Paragraphs (k) and (t) of subsection (2) of
671 section 39.202, Florida Statutes, are amended to read:

672 39.202 Confidentiality of reports and records in cases of
673 child abuse or neglect.—

674 (2) Except as provided in subsection (4), access to such
675 records, excluding the name of, or other identifying information
676 with respect to, the reporter which shall be released only as
677 provided in subsection (5), shall be granted only to the



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678 following persons, officials, and agencies:

679 (k) Any appropriate official of a Florida advocacy council
680 investigating a report of known or suspected child abuse,
681 abandonment, or neglect; the Auditor General or the Office of
682 Program Policy Analysis and Government Accountability for the
683 purpose of conducting audits or examinations pursuant to law; or
684 the child's guardian ad litem or attorney for the child ~~for the~~
685 ~~child.~~

686 (t) Persons with whom the department is seeking to place
687 the child or to whom placement has been granted, including
688 foster parents for whom an approved home study has been
689 conducted, the designee of a licensed child-caring agency as
690 defined in s. 39.01(42) ~~s. 39.01(41)~~, an approved relative or
691 nonrelative with whom a child is placed pursuant to s. 39.402,
692 preadoptive parents for whom a favorable preliminary adoptive
693 home study has been conducted, adoptive parents, or an adoption
694 entity acting on behalf of preadoptive or adoptive parents.

695 Section 15. Subsection (1) of section 39.302, Florida
696 Statutes, is amended to read:

697 39.302 Protective investigations of institutional child
698 abuse, abandonment, or neglect.—

699 (1) The department shall conduct a child protective
700 investigation of each report of institutional child abuse,
701 abandonment, or neglect. Upon receipt of a report that alleges
702 that an employee or agent of the department, or any other entity
703 or person covered by s. 39.01(38) or (55) ~~s. 39.01(37) or (54)~~,
704 acting in an official capacity, has committed an act of child
705 abuse, abandonment, or neglect, the department shall initiate a
706 child protective investigation within the timeframe established



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707 under s. 39.201(5) and notify the appropriate state attorney,
708 law enforcement agency, and licensing agency, which shall
709 immediately conduct a joint investigation, unless independent
710 investigations are more feasible. When conducting investigations
711 or having face-to-face interviews with the child, investigation
712 visits shall be unannounced unless it is determined by the
713 department or its agent that unannounced visits threaten the
714 safety of the child. If a facility is exempt from licensing, the
715 department shall inform the owner or operator of the facility of
716 the report. Each agency conducting a joint investigation is
717 entitled to full access to the information gathered by the
718 department in the course of the investigation. A protective
719 investigation must include an interview with the child's parent
720 or legal guardian. The department shall make a full written
721 report to the state attorney within 3 working days after making
722 the oral report. A criminal investigation shall be coordinated,
723 whenever possible, with the child protective investigation of
724 the department. Any interested person who has information
725 regarding the offenses described in this subsection may forward
726 a statement to the state attorney as to whether prosecution is
727 warranted and appropriate. Within 15 days after the completion
728 of the investigation, the state attorney shall report the
729 findings to the department and shall include in the report a
730 determination of whether or not prosecution is justified and
731 appropriate in view of the circumstances of the specific case.

732 Section 16. Paragraph (c) of subsection (8) and paragraph
733 (a) of subsection (14) of section 39.402, Florida Statutes, are
734 amended to read:

735 39.402 Placement in a shelter.—



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736 (8)
737 (c) At the shelter hearing, the court shall:
738 1. Appoint a guardian ad litem to represent the best
739 interest of the child or an attorney for the child to provide
740 direct representation as provided in part XI, unless the court
741 finds that such representation is unnecessary;
742 2. Inform the parents or legal custodians of their right to
743 counsel to represent them at the shelter hearing and at each
744 subsequent hearing or proceeding, and the right of the parents
745 to appointed counsel, pursuant to the procedures set forth in s.
746 39.013;
747 3. Give the parents or legal custodians an opportunity to
748 be heard and to present evidence; and
749 4. Inquire of those present at the shelter hearing as to
750 the identity and location of the legal father. In determining
751 who the legal father of the child may be, the court shall
752 inquire under oath of those present at the shelter hearing
753 whether they have any of the following information:
754 a. Whether the mother of the child was married at the
755 probable time of conception of the child or at the time of birth
756 of the child.
757 b. Whether the mother was cohabiting with a male at the
758 probable time of conception of the child.
759 c. Whether the mother has received payments or promises of
760 support with respect to the child or because of her pregnancy
761 from a man who claims to be the father.
762 d. Whether the mother has named any man as the father on
763 the birth certificate of the child or in connection with
764 applying for or receiving public assistance.



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

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

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

773 h. Whether a man has been determined to be the father of
774 the child by the Department of Revenue as provided in s.
775 409.256.

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

777 (a) Periods of delay resulting from a continuance granted
778 at the request or with the consent of the attorney for the child
779 or the child's counsel or the child's guardian ad litem, if one
780 has been appointed by the court, or, if the child is of
781 sufficient capacity to express reasonable consent, at the
782 request or with the consent of the attorney for the child
783 ~~child's attorney~~ or the child's guardian ad litem, ~~if one has~~
784 ~~been appointed by the court,~~ and the child.

785 Section 17. Paragraphs (e) and (f) of subsection (3) and
786 subsection (6) of section 39.407, Florida Statutes, are amended
787 to read:

788 39.407 Medical, psychiatric, and psychological examination
789 and treatment of child; physical, mental, or substance abuse
790 examination of person with or requesting child custody.—

791 (3)

792 (e)1. If the child's prescribing physician or psychiatric
793 nurse, as defined in s. 394.455, certifies in the signed medical



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794 report required in paragraph (c) that delay in providing a
795 prescribed psychotropic medication would more likely than not
796 cause significant harm to the child, the medication may be
797 provided in advance of the issuance of a court order. In such
798 event, the medical report must provide the specific reasons why
799 the child may experience significant harm and the nature and the
800 extent of the potential harm. The department must submit a
801 motion seeking continuation of the medication and the
802 physician's or psychiatric nurse's medical report to the court,
803 the child's guardian ad litem or the attorney for the child, and
804 all other parties within 3 working days after the department
805 commences providing the medication to the child. The department
806 shall seek the order at the next regularly scheduled court
807 hearing required under this chapter, or within 30 days after the
808 date of the prescription, whichever occurs sooner. If any party
809 objects to the department's motion, the court shall hold a
810 hearing within 7 days.

811 2. Psychotropic medications may be administered in advance
812 of a court order in hospitals, crisis stabilization units, and
813 in statewide inpatient psychiatric programs. Within 3 working
814 days after the medication is begun, the department must seek
815 court authorization as described in paragraph (c).

816 (f)1. The department shall fully inform the court of the
817 child's medical and behavioral status as part of the social
818 services report prepared for each judicial review hearing held
819 for a child for whom psychotropic medication has been prescribed
820 or provided under this subsection. As a part of the information
821 provided to the court, the department shall furnish copies of
822 all pertinent medical records concerning the child which have



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823 been generated since the previous hearing. On its own motion or
824 on good cause shown by any party, including any guardian ad
825 litem, or the child attorney, or attorney ad litem who has been
826 ~~appointed to represent the child or the child's interests,~~ the
827 court may review the status more frequently than required in
828 this subsection.

829 2. The court may, in the best interests of the child, order
830 the department to obtain a medical opinion addressing whether
831 the continued use of the medication under the circumstances is
832 safe and medically appropriate.

833 (6) Children who are in the legal custody of the department
834 may be placed by the department, without prior approval of the
835 court, in a residential treatment center licensed under s.
836 394.875 or a hospital licensed under chapter 395 for residential
837 mental health treatment only pursuant to this section or may be
838 placed by the court in accordance with an order of involuntary
839 examination or involuntary placement entered pursuant to s.
840 394.463 or s. 394.467. All children placed in a residential
841 treatment program under this subsection must be appointed ~~have~~ a
842 guardian ad litem and an attorney for the child ~~appointed~~.

843 (a) As used in this subsection, the term:

844 1. "Residential treatment" means placement for observation,
845 diagnosis, or treatment of an emotional disturbance in a
846 residential treatment center licensed under s. 394.875 or a
847 hospital licensed under chapter 395.

848 2. "Least restrictive alternative" means the treatment and
849 conditions of treatment that, separately and in combination, are
850 no more intrusive or restrictive of freedom than reasonably
851 necessary to achieve a substantial therapeutic benefit or to



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852 protect the child or adolescent or others from physical injury.

853 3. "Suitable for residential treatment" or "suitability"
854 means a determination concerning a child or adolescent with an
855 emotional disturbance as defined in s. 394.492(5) or a serious
856 emotional disturbance as defined in s. 394.492(6) that each of
857 the following criteria is met:

858 a. The child requires residential treatment.

859 b. The child is in need of a residential treatment program
860 and is expected to benefit from mental health treatment.

861 c. An appropriate, less restrictive alternative to
862 residential treatment is unavailable.

863 (b) Whenever the department believes that a child in its
864 legal custody is emotionally disturbed and may need residential
865 treatment, an examination and suitability assessment must be
866 conducted by a qualified evaluator who is appointed by the
867 Agency for Health Care Administration. This suitability
868 assessment must be completed before the placement of the child
869 in a residential treatment center for emotionally disturbed
870 children and adolescents or a hospital. The qualified evaluator
871 must be a psychiatrist or a psychologist licensed in Florida who
872 has at least 3 years of experience in the diagnosis and
873 treatment of serious emotional disturbances in children and
874 adolescents and who has no actual or perceived conflict of
875 interest with any inpatient facility or residential treatment
876 center or program.

877 (c) Before a child is admitted under this subsection, the
878 child shall be assessed for suitability for residential
879 treatment by a qualified evaluator who has conducted a personal
880 examination and assessment of the child and has made written



881 findings that:

882 1. The child appears to have an emotional disturbance
883 serious enough to require residential treatment and is
884 reasonably likely to benefit from the treatment.

885 2. The child has been provided with a clinically
886 appropriate explanation of the nature and purpose of the
887 treatment.

888 3. All available modalities of treatment less restrictive
889 than residential treatment have been considered, and a less
890 restrictive alternative that would offer comparable benefits to
891 the child is unavailable.

892
893 A copy of the written findings of the evaluation and suitability
894 assessment must be provided to the department, to the guardian
895 ad litem and attorney for the child, and, if the child is a
896 member of a Medicaid managed care plan, to the plan that is
897 financially responsible for the child's care in residential
898 treatment, all of whom must be provided with the opportunity to
899 discuss the findings with the evaluator.

900 (d) Immediately upon placing a child in a residential
901 treatment program under this section, the department must notify
902 the guardian ad litem, the attorney for the child, and the court
903 having jurisdiction over the child and must provide the guardian
904 ad litem, the attorney for the child, and the court with a copy
905 of the assessment by the qualified evaluator.

906 (e) Within 10 days after the admission of a child to a
907 residential treatment program, the director of the residential
908 treatment program or the director's designee must ensure that an
909 individualized plan of treatment has been prepared by the



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910 program and has been explained to the child, to the department,
911 ~~and~~ to the guardian ad litem, and to the attorney for the child,
912 and submitted to the department. The child must be involved in
913 the preparation of the plan to the maximum feasible extent
914 consistent with his or her ability to understand and
915 participate, and the guardian ad litem, the attorney for the
916 child, and the child's foster parents must be involved to the
917 maximum extent consistent with the child's treatment needs. The
918 plan must include a preliminary plan for residential treatment
919 and aftercare upon completion of residential treatment. The plan
920 must include specific behavioral and emotional goals against
921 which the success of the residential treatment may be measured.
922 A copy of the plan must be provided to the child, to the
923 guardian ad litem, to the attorney for the child, and to the
924 department.

925 (f) Within 30 days after admission, the residential
926 treatment program must review the appropriateness and
927 suitability of the child's placement in the program. The
928 residential treatment program must determine whether the child
929 is receiving benefit toward the treatment goals and whether the
930 child could be treated in a less restrictive treatment program.
931 The residential treatment program shall prepare a written report
932 of its findings and submit the report to the guardian ad litem,
933 to the attorney for the child, and to the department. The
934 department must submit the report to the court. The report must
935 include a discharge plan for the child. The residential
936 treatment program must continue to evaluate the child's
937 treatment progress every 30 days thereafter and must include its
938 findings in a written report submitted to the department. The



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939 department may not reimburse a facility until the facility has
940 submitted every written report that is due.

941 (g)1. The department must submit, at the beginning of each
942 month, to the court having jurisdiction over the child, a
943 written report regarding the child's progress toward achieving
944 the goals specified in the individualized plan of treatment.

945 2. The court must conduct a hearing to review the status of
946 the child's residential treatment plan no later than 60 days
947 after the child's admission to the residential treatment
948 program. An independent review of the child's progress toward
949 achieving the goals and objectives of the treatment plan must be
950 completed by a qualified evaluator and submitted to the court
951 before its 60-day review.

952 3. For any child in residential treatment at the time a
953 judicial review is held pursuant to s. 39.701, the child's
954 continued placement in residential treatment must be a subject
955 of the judicial review.

956 4. If at any time the court determines that the child is
957 not suitable for continued residential treatment, the court
958 shall order the department to place the child in the least
959 restrictive setting that is best suited to meet his or her
960 needs.

961 (h) After the initial 60-day review, the court must conduct
962 a review of the child's residential treatment plan every 90
963 days.

964 (i) The department must adopt rules for implementing
965 timeframes for the completion of suitability assessments by
966 qualified evaluators and a procedure that includes timeframes
967 for completing the 60-day independent review by the qualified



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968 evaluators of the child's progress toward achieving the goals
969 and objectives of the treatment plan which review must be
970 submitted to the court. The Agency for Health Care
971 Administration must adopt rules for the registration of
972 qualified evaluators, the procedure for selecting the evaluators
973 to conduct the reviews required under this section, and a
974 reasonable, cost-efficient fee schedule for qualified
975 evaluators.

976 Section 18. Subsections (20) and (21) of section 39.4085,
977 Florida Statutes, are amended to read:

978 39.4085 Legislative findings and declaration of intent for
979 goals for dependent children.—The Legislature finds and declares
980 that the design and delivery of child welfare services should be
981 directed by the principle that the health and safety of children
982 should be of paramount concern and, therefore, establishes the
983 following goals for children in shelter or foster care:

984 (20) To have a guardian ad litem appointed to represent,
985 within reason, their best interests; and, as appropriate, have
986 an attorney for the child ~~and, where appropriate, an attorney ad~~
987 ~~litem~~ appointed to represent their legal interests. ~~;~~ The
988 guardian ad litem and attorney for the child ~~attorney ad litem~~
989 shall have immediate and unlimited access to the children they
990 represent.

991 (21) To have all their records available for review by
992 their guardian ad litem or attorney for the child, as
993 applicable, ~~and attorney ad litem~~ if they deem such review
994 necessary.

995
996 The provisions of this section establish goals and not rights.



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997 Nothing in this section shall be interpreted as requiring the
998 delivery of any particular service or level of service in excess
999 of existing appropriations. No person shall have a cause of
1000 action against the state or any of its subdivisions, agencies,
1001 contractors, subcontractors, or agents, based upon the adoption
1002 of or failure to provide adequate funding for the achievement of
1003 these goals by the Legislature. Nothing herein shall require the
1004 expenditure of funds to meet the goals established herein except
1005 funds specifically appropriated for such purpose.

1006 Section 19. Subsections (8), (12), (13), (14), and (17) of
1007 section 39.502, Florida Statutes, are amended to read:

1008 39.502 Notice, process, and service.—

1009 (8) It is not necessary to the validity of a proceeding
1010 covered by this part that the parents be present if their
1011 identity or residence is unknown after a diligent search has
1012 been made, but in this event the petitioner shall file an
1013 affidavit of diligent search prepared by the person who made the
1014 search and inquiry, and the court may appoint a guardian ad
1015 litem for the child or an attorney for the child, as
1016 appropriate.

1017 (12) All process and orders issued by the court shall be
1018 served or executed as other process and orders of the circuit
1019 court and, in addition, may be served or executed by authorized
1020 agents of the department or the guardian ad litem or attorney
1021 for the child, as applicable.

1022 (13) Subpoenas may be served within the state by any person
1023 over 18 years of age who is not a party to the proceeding and,
1024 in addition, may be served by authorized agents of the
1025 department or the guardian ad litem or attorney for the child,



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1026 as applicable.

1027 (14) No fee shall be paid for service of any process or
1028 other papers by an agent of the department or the guardian ad
1029 litem or attorney for the child, as applicable. If any process,
1030 orders, or any other papers are served or executed by any
1031 sheriff, the sheriff's fees shall be paid by the county.

1032 (17) The parent or legal custodian of the child, the
1033 attorney for the department, the guardian ad litem or attorney
1034 for the child, as applicable, the foster or preadoptive parents,
1035 and all other parties and participants shall be given reasonable
1036 notice of all proceedings and hearings provided for under this
1037 part. All foster or preadoptive parents must be provided with at
1038 least 72 hours' notice, verbally or in writing, of all
1039 proceedings or hearings relating to children in their care or
1040 children they are seeking to adopt to ensure the ability to
1041 provide input to the court.

1042 Section 20. Paragraphs (c) and (e) of subsection (1) of
1043 section 39.521, Florida Statutes, are amended to read:

1044 39.521 Disposition hearings; powers of disposition.—

1045 (1) A disposition hearing shall be conducted by the court,
1046 if the court finds that the facts alleged in the petition for
1047 dependency were proven in the adjudicatory hearing, or if the
1048 parents or legal custodians have consented to the finding of
1049 dependency or admitted the allegations in the petition, have
1050 failed to appear for the arraignment hearing after proper
1051 notice, or have not been located despite a diligent search
1052 having been conducted.

1053 (c) When any child is adjudicated by a court to be
1054 dependent, the court having jurisdiction of the child has the



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1055 power by order to:

1056 1. Require the parent and, when appropriate, the legal
1057 guardian or the child to participate in treatment and services
1058 identified as necessary. The court may require the person who
1059 has custody or who is requesting custody of the child to submit
1060 to a mental health or substance abuse disorder assessment or
1061 evaluation. The order may be made only upon good cause shown and
1062 pursuant to notice and procedural requirements provided under
1063 the Florida Rules of Juvenile Procedure. The mental health
1064 assessment or evaluation must be administered by a qualified
1065 professional as defined in s. 39.01, and the substance abuse
1066 assessment or evaluation must be administered by a qualified
1067 professional as defined in s. 397.311. The court may also
1068 require such person to participate in and comply with treatment
1069 and services identified as necessary, including, when
1070 appropriate and available, participation in and compliance with
1071 a mental health court program established under chapter 394 or a
1072 treatment-based drug court program established under s. 397.334.
1073 Adjudication of a child as dependent based upon evidence of harm
1074 as defined in s. 39.01(36)(g) ~~s. 39.01(35)(g)~~ demonstrates good
1075 cause, and the court shall require the parent whose actions
1076 caused the harm to submit to a substance abuse disorder
1077 assessment or evaluation and to participate and comply with
1078 treatment and services identified in the assessment or
1079 evaluation as being necessary. In addition to supervision by the
1080 department, the court, including the mental health court program
1081 or the treatment-based drug court program, may oversee the
1082 progress and compliance with treatment by a person who has
1083 custody or is requesting custody of the child. The court may



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1084 impose appropriate available sanctions for noncompliance upon a
1085 person who has custody or is requesting custody of the child or
1086 make a finding of noncompliance for consideration in determining
1087 whether an alternative placement of the child is in the child's
1088 best interests. Any order entered under this subparagraph may be
1089 made only upon good cause shown. This subparagraph does not
1090 authorize placement of a child with a person seeking custody of
1091 the child, other than the child's parent or legal custodian, who
1092 requires mental health or substance abuse disorder treatment.

1093 2. Require, if the court deems necessary, the parties to
1094 participate in dependency mediation.

1095 3. Require placement of the child either under the
1096 protective supervision of an authorized agent of the department
1097 in the home of one or both of the child's parents or in the home
1098 of a relative of the child or another adult approved by the
1099 court, or in the custody of the department. Protective
1100 supervision continues until the court terminates it or until the
1101 child reaches the age of 18, whichever date is first. Protective
1102 supervision shall be terminated by the court whenever the court
1103 determines that permanency has been achieved for the child,
1104 whether with a parent, another relative, or a legal custodian,
1105 and that protective supervision is no longer needed. The
1106 termination of supervision may be with or without retaining
1107 jurisdiction, at the court's discretion, and shall in either
1108 case be considered a permanency option for the child. The order
1109 terminating supervision by the department must set forth the
1110 powers of the custodian of the child and include the powers
1111 ordinarily granted to a guardian of the person of a minor unless
1112 otherwise specified. Upon the court's termination of supervision



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1113 by the department, further judicial reviews are not required if
1114 permanency has been established for the child.

1115 4. Determine whether the child has a strong attachment to
1116 the prospective permanent guardian and whether such guardian has
1117 a strong commitment to permanently caring for the child.

1118 (e) The court shall, in its written order of disposition,
1119 include all of the following:

1120 1. The placement or custody of the child.

1121 2. Special conditions of placement and visitation.

1122 3. Evaluation, counseling, treatment activities, and other
1123 actions to be taken by the parties, if ordered.

1124 4. The persons or entities responsible for supervising or
1125 monitoring services to the child and parent.

1126 5. Continuation or discharge of the guardian ad litem or
1127 attorney for the child if appointed, as appropriate.

1128 6. The date, time, and location of the next scheduled
1129 review hearing, which must occur within the earlier of:

1130 a. Ninety days after the disposition hearing;

1131 b. Ninety days after the court accepts the case plan;

1132 c. Six months after the date of the last review hearing; or

1133 d. Six months after the date of the child's removal from
1134 his or her home, if no review hearing has been held since the
1135 child's removal from the home.

1136 7. If the child is in an out-of-home placement, child
1137 support to be paid by the parents, or the guardian of the
1138 child's estate if possessed of assets which under law may be
1139 disbursed for the care, support, and maintenance of the child.

1140 The court may exercise jurisdiction over all child support
1141 matters, shall adjudicate the financial obligation, including



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1142 health insurance, of the child's parents or guardian, and shall
1143 enforce the financial obligation as provided in chapter 61. The
1144 state's child support enforcement agency shall enforce child
1145 support orders under this section in the same manner as child
1146 support orders under chapter 61. Placement of the child shall
1147 not be contingent upon issuance of a support order.

1148 8.a. If the court does not commit the child to the
1149 temporary legal custody of an adult relative, legal custodian,
1150 or other adult approved by the court, the disposition order must
1151 include the reasons for such a decision and shall include a
1152 determination as to whether diligent efforts were made by the
1153 department to locate an adult relative, legal custodian, or
1154 other adult willing to care for the child in order to present
1155 that placement option to the court instead of placement with the
1156 department.

1157 b. If no suitable relative is found and the child is placed
1158 with the department or a legal custodian or other adult approved
1159 by the court, both the department and the court shall consider
1160 transferring temporary legal custody to an adult relative
1161 approved by the court at a later date, but neither the
1162 department nor the court is obligated to so place the child if
1163 it is in the child's best interest to remain in the current
1164 placement.

1165
1166 For the purposes of this section, "diligent efforts to locate an
1167 adult relative" means a search similar to the diligent search
1168 for a parent, but without the continuing obligation to search
1169 after an initial adequate search is completed.

1170 9. Other requirements necessary to protect the health,



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1171 safety, and well-being of the child, to preserve the stability
1172 of the child's child care, early education program, or any other
1173 educational placement, and to promote family preservation or
1174 reunification whenever possible.

1175 Section 21. Paragraph (a) of subsection (2) of section
1176 39.523, Florida Statutes, is amended to read:

1177 39.523 Placement in out-of-home care.-

1178 (2) ASSESSMENT AND PLACEMENT.-When any child is removed
1179 from a home and placed into out-of-home care, a comprehensive
1180 placement assessment process shall be completed to determine the
1181 level of care needed by the child and match the child with the
1182 most appropriate placement.

1183 (a) The community-based care lead agency or subcontracted
1184 agency with the responsibility for assessment and placement must
1185 coordinate a multidisciplinary team staffing with any available
1186 individual currently involved with the child, including, but not
1187 limited to, a representative from the department and the case
1188 manager for the child; a therapist, ~~attorney ad litem~~, a
1189 guardian ad litem, an attorney for the child, teachers, coaches,
1190 and Children's Medical Services; and other community providers
1191 of services to the child or stakeholders as applicable. The team
1192 may also include clergy, relatives, and fictive kin if
1193 appropriate. Team participants must gather data and information
1194 on the child which is known at the time including, but not
1195 limited to:

- 1196 1. Mental, medical, behavioral health, and medication
1197 history;
- 1198 2. Community ties and school placement;
- 1199 3. Current placement decisions relating to any siblings;



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1200 4. Alleged type of abuse or neglect including sexual abuse
1201 and trafficking history; and

1202 5. The child's age, maturity, strengths, hobbies or
1203 activities, and the child's preference for placement.

1204 Section 22. Paragraph (a) of subsection (1) of section
1205 39.6011, Florida Statutes, is amended to read:

1206 39.6011 Case plan development.—

1207 (1) The department shall prepare a draft of the case plan
1208 for each child receiving services under this chapter. A parent
1209 of a child may not be threatened or coerced with the loss of
1210 custody or parental rights for failing to admit in the case plan
1211 of abusing, neglecting, or abandoning a child. Participating in
1212 the development of a case plan is not an admission to any
1213 allegation of abuse, abandonment, or neglect, and it is not a
1214 consent to a finding of dependency or termination of parental
1215 rights. The case plan shall be developed subject to the
1216 following requirements:

1217 (a) The case plan must be developed in a face-to-face
1218 conference with the parent of the child, any court-appointed
1219 guardian ad litem or attorney for the child, and, if
1220 appropriate, the child and the temporary custodian of the child.

1221 Section 23. Paragraph (c) of subsection (1) of section
1222 39.6012, Florida Statutes, is amended to read:

1223 39.6012 Case plan tasks; services.—

1224 (1) The services to be provided to the parent and the tasks
1225 that must be completed are subject to the following:

1226 (c) If there is evidence of harm as defined in s.
1227 39.01(36)(g) ~~s. 39.01(35)(g)~~, the case plan must include as a
1228 required task for the parent whose actions caused the harm that



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1229 the parent submit to a substance abuse disorder assessment or
1230 evaluation and participate and comply with treatment and
1231 services identified in the assessment or evaluation as being
1232 necessary.

1233 Section 24. Subsection (8) of section 39.6251, Florida
1234 Statutes, is amended to read:

1235 39.6251 Continuing care for young adults.—

1236 (8) During the time that a young adult is in care, the
1237 court shall maintain jurisdiction to ensure that the department
1238 and the lead agencies are providing services and coordinate
1239 with, and maintain oversight of, other agencies involved in
1240 implementing the young adult's case plan, individual education
1241 plan, and transition plan. The court shall review the status of
1242 the young adult at least every 6 months and hold a permanency
1243 review hearing at least annually. If the young adult is
1244 appointed a guardian under chapter 744 or a guardian advocate
1245 under s. 393.12, at the permanency review hearing the court
1246 shall review the necessity of continuing the guardianship and
1247 whether restoration of guardianship proceedings are needed when
1248 the young adult reaches 22 years of age. The court may appoint
1249 an attorney for the child ~~a guardian ad litem~~ or continue the
1250 appointment of a guardian ad litem or an attorney for the child,
1251 as applicable, with the young adult's consent. The young adult
1252 or any other party to the dependency case may request an
1253 additional hearing or review.

1254 Section 25. Paragraph (b) of subsection (1) and paragraph
1255 (b) of subsection (2) of section 39.701, Florida Statutes, are
1256 amended to read:

1257 39.701 Judicial review.—



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1258 (1) GENERAL PROVISIONS.—

1259 (b)1. The court shall retain jurisdiction over a child
1260 returned to his or her parents for a minimum period of 6 months
1261 following the reunification, but, at that time, based on a
1262 report of the social service agency and the guardian ad litem or
1263 attorney for the child, if one has been appointed, and any other
1264 relevant factors, the court shall make a determination as to
1265 whether supervision by the department and the court's
1266 jurisdiction shall continue or be terminated.

1267 2. Notwithstanding subparagraph 1., the court must retain
1268 jurisdiction over a child if the child is placed in the home
1269 with a parent or caregiver with an in-home safety plan and such
1270 safety plan remains necessary for the child to reside safely in
1271 the home.

1272 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
1273 AGE.—

1274 (b) *Submission and distribution of reports.*—

1275 1. A copy of the social service agency's written report and
1276 the written report of the guardian ad litem, and a report of the
1277 attorney for the child, if he or she has prepared one, must be
1278 served on all parties whose whereabouts are known; to the foster
1279 parents or legal custodians; and to the citizen review panel, at
1280 least 72 hours before the judicial review hearing or citizen
1281 review panel hearing. The requirement for providing parents with
1282 a copy of the written report does not apply to those parents who
1283 have voluntarily surrendered their child for adoption or who
1284 have had their parental rights to the child terminated.

1285 2. In a case in which the child has been permanently placed
1286 with the social service agency, the agency shall furnish to the



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1287 court a written report concerning the progress being made to
1288 place the child for adoption. If the child cannot be placed for
1289 adoption, a report on the progress made by the child towards
1290 alternative permanency goals or placements, including, but not
1291 limited to, guardianship, long-term custody, long-term licensed
1292 custody, or independent living, must be submitted to the court.
1293 The report must be submitted to the court at least 72 hours
1294 before each scheduled judicial review.

1295 3. In addition to or in lieu of any written statement
1296 provided to the court, the foster parent or legal custodian, or
1297 any preadoptive parent, shall be given the opportunity to
1298 address the court with any information relevant to the best
1299 interests of the child at any judicial review hearing.

1300 Section 26. Paragraph (g) of subsection (5) of section
1301 39.702, Florida Statutes, is amended to read:

1302 39.702 Citizen review panels.—

1303 (5) The independent not-for-profit agency authorized to
1304 administer each citizen review panel shall:

1305 (g) Establish policies to ensure adequate communication
1306 with the parent, the foster parent or legal custodian, the
1307 guardian ad litem or attorney for the child, and any other
1308 person deemed appropriate.

1309 Section 27. Paragraph (a) of subsection (3) and subsections
1310 (5), (6), and (7) of section 39.801, Florida Statutes, are
1311 amended to read:

1312 39.801 Procedures and jurisdiction; notice; service of
1313 process.—

1314 (3) Before the court may terminate parental rights, in
1315 addition to the other requirements set forth in this part, the



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1316 following requirements must be met:

1317 (a) Notice of the date, time, and place of the advisory
1318 hearing for the petition to terminate parental rights and a copy
1319 of the petition must be personally served upon the following
1320 persons, specifically notifying them that a petition has been
1321 filed:

1322 1. The parents of the child.

1323 2. The legal custodians of the child.

1324 3. If the parents who would be entitled to notice are dead
1325 or unknown, a living relative of the child, unless upon diligent
1326 search and inquiry no such relative can be found.

1327 4. Any person who has physical custody of the child.

1328 5. Any grandparent entitled to priority for adoption under
1329 s. 63.0425.

1330 6. Any prospective parent who has been identified under s.
1331 39.503 or s. 39.803, unless a court order has been entered
1332 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1333 indicates no further notice is required. Except as otherwise
1334 provided in this section, if there is not a legal father, notice
1335 of the petition for termination of parental rights must be
1336 provided to any known prospective father who is identified under
1337 oath before the court or who is identified by a diligent search
1338 of the Florida Putative Father Registry. Service of the notice
1339 of the petition for termination of parental rights is not
1340 required if the prospective father executes an affidavit of
1341 nonpaternity or a consent to termination of his parental rights
1342 which is accepted by the court after notice and opportunity to
1343 be heard by all parties to address the best interests of the
1344 child in accepting such affidavit.



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1345 7. The guardian ad litem for the child or the
1346 representative of the guardian ad litem program, if the program
1347 has been appointed.

1348 8. The attorney for the child, if appointed.

1349

1350 The document containing the notice to respond or appear must
1351 contain, in type at least as large as the type in the balance of
1352 the document, the following or substantially similar language:

1353 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
1354 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
1355 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
1356 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
1357 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
1358 NOTICE."

1359 (5) All process and orders issued by the court must be
1360 served or executed as other process and orders of the circuit
1361 court and, in addition, may be served or executed by authorized
1362 agents of the department, or the guardian ad litem, or the
1363 attorney for the child.

1364 (6) Subpoenas may be served within the state by any person
1365 over 18 years of age who is not a party to the proceeding and,
1366 in addition, may be served or executed by authorized agents of
1367 the department, or of the guardian ad litem, or of the attorney
1368 for the child.

1369 (7) A fee may not be paid for service of any process or
1370 other papers by an agent of the department, or the guardian ad
1371 litem, or the attorney for the child. If any process, orders, or
1372 other papers are served or executed by any sheriff, the
1373 sheriff's fees must be paid by the county.



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1374 Section 28. Subsection (1) of section 39.802, Florida
1375 Statutes, is amended to read:

1376 39.802 Petition for termination of parental rights; filing;
1377 elements.—

1378 (1) All proceedings seeking an adjudication to terminate
1379 parental rights pursuant to this chapter must be initiated by
1380 the filing of an original petition by the department, the
1381 guardian ad litem, the attorney for the child, or any other
1382 person who has knowledge of the facts alleged or is informed of
1383 them and believes that they are true.

1384 Section 29. Subsection (2) of section 39.808, Florida
1385 Statutes, is amended to read:

1386 39.808 Advisory hearing; pretrial status conference.—

1387 (2) At the hearing the court shall inform the parties of
1388 their rights under s. 39.807, shall appoint counsel for the
1389 parties in accordance with legal requirements, and shall appoint
1390 a guardian ad litem or an attorney for the child as provided for
1391 in s. 39.831 to represent the interests of the child if one has
1392 not already been appointed.

1393 Section 30. Subsection (11) of section 39.810, Florida
1394 Statutes, is amended to read:

1395 39.810 Manifest best interests of the child.—In a hearing
1396 on a petition for termination of parental rights, the court
1397 shall consider the manifest best interests of the child. This
1398 consideration shall not include a comparison between the
1399 attributes of the parents and those of any persons providing a
1400 present or potential placement for the child. For the purpose of
1401 determining the manifest best interests of the child, the court
1402 shall consider and evaluate all relevant factors, including, but



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1403 not limited to:

1404 (11) The recommendations for the child provided by the
1405 child's guardian ad litem ~~or legal representative.~~

1406 Section 31. Subsection (9) of section 39.811, Florida
1407 Statutes, is amended to read:

1408 39.811 Powers of disposition; order of disposition.—

1409 (9) After termination of parental rights, the court shall
1410 retain jurisdiction over any child for whom custody is given to
1411 a social service agency until the child is adopted. The court
1412 shall review the status of the child's placement and the
1413 progress being made toward permanent adoptive placement. As part
1414 of this continuing jurisdiction, for good cause shown by the
1415 attorney for the child or guardian ad litem for the child, the
1416 court may review the appropriateness of the adoptive placement
1417 of the child.

1418 Section 32. Subsection (4) of section 39.812, Florida
1419 Statutes, is amended to read:

1420 39.812 Postdisposition relief; petition for adoption.—

1421 (4) The court shall retain jurisdiction over any child
1422 placed in the custody of the department until the child is
1423 adopted. After custody of a child for subsequent adoption has
1424 been given to the department, the court has jurisdiction for the
1425 purpose of reviewing the status of the child and the progress
1426 being made toward permanent adoptive placement. As part of this
1427 continuing jurisdiction, for good cause shown by the attorney
1428 for the child or guardian ad litem for the child, the court may
1429 review the appropriateness of the adoptive placement of the
1430 child. When a licensed foster parent or court-ordered custodian
1431 has applied to adopt a child who has resided with the foster



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1432 parent or custodian for at least 6 months and who has previously
1433 been permanently committed to the legal custody of the
1434 department and the department does not grant the application to
1435 adopt, the department may not, in the absence of a prior court
1436 order authorizing it to do so, remove the child from the foster
1437 home or custodian, except when:

1438 (a) There is probable cause to believe that the child is at
1439 imminent risk of abuse or neglect;

1440 (b) Thirty days have expired following written notice to
1441 the foster parent or custodian of the denial of the application
1442 to adopt, within which period no formal challenge of the
1443 department's decision has been filed; or

1444 (c) The foster parent or custodian agrees to the child's
1445 removal.

1446 Section 33. Subsections (5), (6), and (7) of section 43.16,
1447 Florida Statutes, are amended to read:

1448 43.16 Justice Administrative Commission; membership, powers
1449 and duties.—

1450 (5) The duties of the commission shall include, but not be
1451 limited to, the following:

1452 (a) The maintenance of a central state office for
1453 administrative services and assistance when possible to and on
1454 behalf of the state attorneys and public defenders of Florida,
1455 the capital collateral regional counsel of Florida, the criminal
1456 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
1457 Program, and the Statewide Office of Child Representation.

1458 (b) Each state attorney, public defender, ~~and~~ criminal
1459 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
1460 Program, and the Statewide Office of Child Representation shall



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1461 continue to prepare necessary budgets, vouchers that represent
1462 valid claims for reimbursement by the state for authorized
1463 expenses, and other things incidental to the proper
1464 administrative operation of the office, such as revenue
1465 transmittals to the Chief Financial Officer and automated
1466 systems plans, but will forward such items to the commission for
1467 recording and submission to the proper state officer. However,
1468 when requested by a state attorney, a public defender, a
1469 criminal conflict and civil regional counsel, ~~or~~ the Guardian Ad
1470 Litem Program, or the Statewide Office of Child Representation,
1471 the commission will either assist in the preparation of budget
1472 requests, voucher schedules, and other forms and reports or
1473 accomplish the entire project involved.

1474 (6) The commission, each state attorney, each public
1475 defender, the criminal conflict and civil regional counsel, the
1476 capital collateral regional counsel, ~~and~~ the Guardian Ad Litem
1477 Program, and the Statewide Office of Child Representation shall
1478 establish and maintain internal controls designed to:

1479 (a) Prevent and detect fraud, waste, and abuse as defined
1480 in s. 11.45(1).

1481 (b) Promote and encourage compliance with applicable laws,
1482 rules, contracts, grant agreements, and best practices.

1483 (c) Support economical and efficient operations.

1484 (d) Ensure reliability of financial records and reports.

1485 (e) Safeguard assets.

1486 (7) The provisions contained in this section shall be
1487 supplemental to those of chapter 27, relating to state
1488 attorneys, public defenders, criminal conflict and civil
1489 regional counsel, and capital collateral regional counsel; to



1490 those of chapter 39, relating to the Guardian Ad Litem Program
1491 and the Statewide Office of Child Representation; or to other
1492 laws pertaining hereto.

1493 Section 34. Paragraph (a) of subsection (2) of section
1494 63.085, Florida Statutes, are amended to read:

1495 63.085 Disclosure by adoption entity.—

1496 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1497 (a) At the time that an adoption entity is responsible for
1498 selecting prospective adoptive parents for a born or unborn
1499 child whose parents are seeking to place the child for adoption
1500 or whose rights were terminated pursuant to chapter 39, the
1501 adoption entity must provide the prospective adoptive parents
1502 with information concerning the background of the child to the
1503 extent such information is disclosed to the adoption entity by
1504 the parents, legal custodian, or the department. This subsection
1505 applies only if the adoption entity identifies the prospective
1506 adoptive parents and supervises the placement of the child in
1507 the prospective adoptive parents' home. If any information
1508 cannot be disclosed because the records custodian failed or
1509 refused to produce the background information, the adoption
1510 entity has a duty to provide the information if it becomes
1511 available. An individual or entity contacted by an adoption
1512 entity to obtain the background information must release the
1513 requested information to the adoption entity without the
1514 necessity of a subpoena or a court order. In all cases, the
1515 prospective adoptive parents must receive all available
1516 information by the date of the final hearing on the petition for
1517 adoption. The information to be disclosed includes:

1518 1. A family social and medical history form completed



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1519 pursuant to s. 63.162(6).

1520 2. The biological mother's medical records documenting her
1521 prenatal care and the birth and delivery of the child.

1522 3. A complete set of the child's medical records
1523 documenting all medical treatment and care since the child's
1524 birth and before placement.

1525 4. All mental health, psychological, and psychiatric
1526 records, reports, and evaluations concerning the child before
1527 placement.

1528 5. The child's educational records, including all records
1529 concerning any special education needs of the child before
1530 placement.

1531 6. Records documenting all incidents that required the
1532 department to provide services to the child, including all
1533 orders of adjudication of dependency or termination of parental
1534 rights issued pursuant to chapter 39, any case plans drafted to
1535 address the child's needs, all protective services
1536 investigations identifying the child as a victim, and all
1537 guardian ad litem reports or attorney for the child reports
1538 filed with the court concerning the child.

1539 7. Written information concerning the availability of
1540 adoption subsidies for the child, if applicable.

1541 Section 35. Subsection (4) of section 322.09, Florida
1542 Statutes, is amended to read:

1543 322.09 Application of minors; responsibility for negligence
1544 or misconduct of minor.—

1545 (4) Notwithstanding subsections (1) and (2), if a caregiver
1546 of a minor who is under the age of 18 years and is in out-of-
1547 home care as defined in s. 39.01(56) ~~s. 39.01(55)~~, an authorized



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1548 representative of a residential group home at which such a minor
1549 resides, the caseworker at the agency at which the state has
1550 placed the minor, or a guardian ad litem specifically authorized
1551 by the minor's caregiver to sign for a learner's driver license
1552 signs the minor's application for a learner's driver license,
1553 that caregiver, group home representative, caseworker, or
1554 guardian ad litem does not assume any obligation or become
1555 liable for any damages caused by the negligence or willful
1556 misconduct of the minor by reason of having signed the
1557 application. Before signing the application, the caseworker,
1558 authorized group home representative, or guardian ad litem shall
1559 notify the caregiver or other responsible party of his or her
1560 intent to sign and verify the application.

1561 Section 36. Paragraph (p) of subsection (4) of section
1562 394.495, Florida Statutes, is amended to read:

1563 394.495 Child and adolescent mental health system of care;
1564 programs and services.—

1565 (4) The array of services may include, but is not limited
1566 to:

1567 (p) Trauma-informed services for children who have suffered
1568 sexual exploitation as defined in s. 39.01(78)(g) ~~s.~~
1569 ~~39.01(77)(g)~~.

1570 Section 37. Section 627.746, Florida Statutes, is amended
1571 to read:

1572 627.746 Coverage for minors who have a learner's driver
1573 license; additional premium prohibited.—An insurer that issues
1574 an insurance policy on a private passenger motor vehicle to a
1575 named insured who is a caregiver of a minor who is under the age
1576 of 18 years and is in out-of-home care as defined in s.



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1577 39.01(56) ~~s. 39.01(55)~~ may not charge an additional premium for
1578 coverage of the minor while the minor is operating the insured
1579 vehicle, for the period of time that the minor has a learner's
1580 driver license, until such time as the minor obtains a driver
1581 license.

1582 Section 38. Paragraph (c) of subsection (1) of section
1583 934.255, Florida Statutes, is amended to read:

1584 934.255 Subpoenas in investigations of sexual offenses.—

1585 (1) As used in this section, the term:

1586 (c) "Sexual abuse of a child" means a criminal offense
1587 based on any conduct described in s. 39.01(78) ~~s. 39.01(77)~~.

1588 Section 39. Subsection (5) of section 960.065, Florida
1589 Statutes, is amended to read:

1590 960.065 Eligibility for awards.—

1591 (5) A person is not ineligible for an award pursuant to
1592 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
1593 person is a victim of sexual exploitation of a child as defined
1594 in s. 39.01(78)(g) ~~s. 39.01(77)(g)~~.

1595 Section 40. This act shall take effect July 1, 2021.

1596 ===== T I T L E A M E N D M E N T =====

1597 And the title is amended as follows:

1598 Delete everything before the enacting clause
1599 and insert:

1600 A bill to be entitled
1601 An act relating to child welfare; amending s. 39.01,
1602 F.S.; defining the term "attorney for the child";
1603 amending s. 39.013, F.S.; conforming provisions to
1604 changes made by the act; amending s. 39.01305, F.S.;
1605 conforming provisions to changes made by the act;



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1606 renaming part XI of ch. 39, F.S., as "Guardians ad
1607 litem, guardian advocates, and attorney for the
1608 child"; amending s. 39.820, F.S.; defining the term
1609 "related adoption proceeding"; amending s. 39.822,
1610 F.S.; conforming provisions to changes made by the
1611 act; specifying circumstances under which a court is
1612 required, on or after a specified date, to appoint a
1613 guardian ad litem; requiring the court to appoint an
1614 attorney for the child to represent a child and to
1615 discharge the guardian ad litem under specified
1616 circumstances; authorizing the court to order that a
1617 new guardian ad litem be assigned for a child or
1618 discharge a guardian ad litem and appoint an attorney
1619 for the child under specified circumstances; amending
1620 s. 39.8296, F.S.; renaming the Guardian Ad Litem
1621 Qualifications Committee as the Child Well-Being
1622 Qualifications Committee; specifying that the
1623 executive director of the Statewide Guardian Ad Litem
1624 Office may be reappointed; clarifying that second and
1625 subsequent appointments made for the executive
1626 director of the office are for 3 years; requiring the
1627 office to develop guidelines to identify conflicts of
1628 interest of guardians ad litem and prohibit the office
1629 from assigning such guardian; defining the term
1630 "conflicts of interest"; requiring the office to
1631 identify guardians ad litem who are experiencing
1632 health issues or who present a danger to the child to
1633 whom the guardian ad litem is assigned; requiring the
1634 office to remove such guardians from assigned cases,



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1635 terminate their volunteer services, and disclose such
1636 actions to the circuit court; creating s. 39.83, F.S.;

1637 creating the Statewide Office of Child Representation
1638 within the Justice Administration Commission;

1639 requiring the commission to provide administrative
1640 support and services to the statewide office;

1641 providing that the statewide office is not subject to
1642 control, supervision, or direction by the commission;

1643 providing that employees of the statewide office are
1644 governed by the classification plan and salary and
1645 benefits plan approved by the commission; providing
1646 that the head of the statewide office is the executive
1647 director; providing the process for appointment;

1648 requiring that the initial executive director be
1649 appointed by a specified date; providing
1650 responsibilities of the office; authorizing the office
1651 to contract with local nonprofit agencies under
1652 certain conditions; creating a regional office of
1653 child representation within the boundaries of each of
1654 the five district courts of appeal; requiring such
1655 offices to commence fulfilling their purpose and
1656 duties on a specified date; requiring the commission
1657 to provide administrative support to the regional
1658 offices; providing that the offices are not subject to
1659 control, supervision, or direction by the commission;

1660 providing that employees of the offices are governed
1661 by the classification plan and salary and benefits
1662 plan for the commission; prescribing qualifications
1663 for an attorney for the child; providing certain



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1664 prohibitions; creating s. 39.831, F.S.; specifying
1665 when the court is authorized or required to appoint an
1666 attorney for the child; requiring an attorney for the
1667 child to be compensated and have access to funding for
1668 expenses with specified conditions; providing
1669 conditions under which a parent is required to
1670 reimburse the court for the cost of the attorney;
1671 providing for appellate representation; requiring
1672 agencies, persons, and organizations to allow an
1673 attorney for the child to inspect and copy certain
1674 records; defining the term "records"; providing
1675 requirements for an attorney for the child relating to
1676 hearings; requiring the Department of Children and
1677 Families to develop procedures to request that a court
1678 appoint an attorney for the child; authorizing the
1679 department to adopt rules; amending ss. 28.345,
1680 39.001, 39.00145, 39.0132, 39.0139, 39.202, 39.302,
1681 39.402, 39.407, 39.4085, 39.502, 39.521, 39.523,
1682 39.6011, 39.6012, 39.6251, 39.701, 39.702, 39.801,
1683 39.802, 39.808, 39.810, 39.811, 39.812, 43.16, 63.085,
1684 322.09, 394.495, 627.746, 934.255, and 960.065, F.S.;
1685 conforming cross-references and provisions to changes
1686 made by the act; providing an effective date.