



26 interest of guardians ad litem; prohibiting the office  
27 from assigning such guardians; defining the term  
28 "conflict of interest"; requiring the office to  
29 identify any guardian ad litem who is experiencing  
30 health issues and who appears to present a danger to  
31 the child to whom the guardian ad litem is assigned;  
32 requiring the office to remove such guardians from  
33 assigned cases, terminate their direct child contact  
34 volunteer services, and disclose such actions to the  
35 circuit court; authorizing the office to permit such  
36 guardians ad litem to perform certain work if certain  
37 conditions are met; creating s. 39.83, F.S.; creating  
38 the Statewide Office of Child Representation within  
39 the Justice Administrative Commission; requiring the  
40 commission to provide administrative support and  
41 services to the statewide office; providing that the  
42 statewide office is not subject to control,  
43 supervision, or direction by the commission; providing  
44 that employees of the statewide office are governed by  
45 the classification plan and salary and benefits plan  
46 approved by the commission; providing that the head of  
47 the statewide office is the executive director;  
48 providing the process for appointment; requiring that  
49 the initial executive director be appointed by a  
50 specified date; providing responsibilities of the

51 office; providing a requirement for the Department of  
52 Children and Families or community-based care lead  
53 agency; authorizing the office to contract with local  
54 nonprofit agencies under certain conditions;  
55 specifying requirements for the local nonprofit  
56 agencies and for contracts between the office and such  
57 agencies; creating a regional office of child  
58 representation within the boundaries of each of the  
59 five district courts of appeal; requiring the regional  
60 offices to commence fulfilling their purpose and  
61 duties on a specified date; prescribing qualifications  
62 for child representation counsel; creating s. 39.831,  
63 F.S.; specifying when the court is required or  
64 authorized to appoint an attorney for the child;  
65 requiring the court to appoint the Statewide Office of  
66 Child Representation unless the child is otherwise  
67 represented by counsel; specifying requirements for  
68 the scope of representation of an attorney for the  
69 child; authorizing certain staff to attend certain  
70 hearings rather than the attorney; requiring that  
71 court orders appointing an attorney for the child be  
72 in writing; providing for the appointment of private  
73 counsel when the office has a conflict of interest;  
74 requiring an attorney for the child to be compensated  
75 and have access to funding for expenses with specified

76 conditions; providing conditions under which a parent  
 77 is required to reimburse the court for the cost of the  
 78 attorney; requiring agencies, persons, and  
 79 organizations to allow an attorney for the child to  
 80 inspect and copy certain records; defining the term  
 81 "records"; providing requirements for an attorney for  
 82 the child relating to hearings; requiring the  
 83 department to develop procedures to request that a  
 84 court appoint an attorney for the child; authorizing  
 85 the department to adopt rules; amending ss. 28.345,  
 86 29.007, 39.001, 39.00145, 39.0132, 39.0139, 39.202,  
 87 39.302, 39.402, 39.407, 39.4085, 39.502, 39.521,  
 88 39.6011, 39.6012, 39.6251, 39.701, 39.702, 39.801,  
 89 39.802, 39.808, 39.810, 39.811, 39.812, 43.16, 63.085,  
 90 322.09, 394.495, 627.746, 768.28, 934.255, and  
 91 960.065, F.S.; conforming cross-references and  
 92 provisions to changes made by the act; providing an  
 93 effective date.

94

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

96

97 Section 1. Present subsections (8) through (87) of section  
 98 39.01, Florida Statutes, are redesignated as subsections (9)  
 99 through (88), respectively, a new subsection (8) is added to  
 100 that section, and present subsections (9) and (36) of that

101 section are amended, to read:

102 39.01 Definitions.—When used in this chapter, unless the  
103 context otherwise requires:

104 (8) "Attorney for the child" means an attorney providing  
105 direct representation to the child, which may include the  
106 appointment of the Statewide Office of Child Representation, an  
107 attorney provided by an entity contracted through the Statewide  
108 Office of Child Representation to provide direct representation,  
109 any private court-appointed counsel compensated pursuant to s.  
110 27.5304, any privately retained counsel or pro bono counsel, or  
111 any other attorney appointed to represent the child under this  
112 chapter.

113 (10)~~(9)~~ "Caregiver" means the parent, legal custodian,  
114 permanent guardian, adult household member, or other person  
115 responsible for a child's welfare as defined in subsection (55)  
116 ~~(54)~~.

117 (37)~~(36)~~ "Institutional child abuse or neglect" means  
118 situations of known or suspected child abuse or neglect in which  
119 the person allegedly perpetrating the child abuse or neglect is  
120 an employee of a public or private school, public or private day  
121 care center, residential home, institution, facility, or agency  
122 or any other person at such institution responsible for the  
123 child's welfare as defined in subsection (55) ~~(54)~~.

124 Section 2. Subsection (13) is added to section 39.013,  
125 Florida Statutes, to read:

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126 39.013 Procedures and jurisdiction; right to counsel.—  
127 (13) The court shall appoint an attorney for the child  
128 pursuant to s. 39.831.

129 Section 3. Subsections (4) and (5) of section 39.01305,  
130 Florida Statutes, are amended to read:

131 39.01305 Appointment of an attorney for a dependent child  
132 with certain special needs.—

133 (4)(a) The appointment of an attorney for the child under  
134 this section shall be made in accordance with s. 39.831 ~~Before a~~  
135 ~~court may appoint an attorney, who may be compensated pursuant~~  
136 ~~to this section, the court must request a recommendation from~~  
137 ~~the Statewide Guardian Ad Litem Office for an attorney who is~~  
138 ~~willing to represent a child without additional compensation. If~~  
139 ~~such an attorney is available within 15 days after the court's~~  
140 ~~request, the court must appoint that attorney. However, the~~  
141 ~~court may appoint a compensated attorney within the 15-day~~  
142 ~~period if the Statewide Guardian Ad Litem Office informs the~~  
143 ~~court that it will not be able to recommend an attorney within~~  
144 ~~that time period.~~

145 ~~(b) After an attorney is appointed, the appointment~~  
146 ~~continues in effect until the attorney is allowed to withdraw or~~  
147 ~~is discharged by the court or until the case is dismissed. An~~  
148 ~~attorney who is appointed under this section to represent the~~  
149 ~~child shall provide the complete range of legal services, from~~  
150 ~~the removal from home or from the initial appointment through~~

151 ~~all available appellate proceedings. With the permission of the~~  
152 ~~court, the attorney for the dependent child may arrange for~~  
153 ~~supplemental or separate counsel to represent the child in~~  
154 ~~appellate proceedings. A court order appointing an attorney~~  
155 ~~under this section must be in writing.~~

156 ~~(5) Unless the attorney has agreed to provide pro bono~~  
157 ~~services, an appointed attorney or organization must be~~  
158 ~~adequately compensated. All appointed attorneys and~~  
159 ~~organizations, including pro bono attorneys, must be provided~~  
160 ~~with access to funding for expert witnesses, depositions, and~~  
161 ~~other due process costs of litigation. Payment of attorney fees~~  
162 ~~and case-related due process costs are subject to appropriations~~  
163 ~~and review by the Justice Administrative Commission for~~  
164 ~~reasonableness. The Justice Administrative Commission shall~~  
165 ~~contract with attorneys appointed by the court. Attorney fees~~  
166 ~~may not exceed \$1,000 per child per year.~~

167 Section 4. Part XI of chapter 39, Florida Statutes,  
168 entitled "GUARDIANS AD LITEM AND GUARDIAN ADVOCATES," is renamed  
169 "GUARDIANS AD LITEM, GUARDIAN ADVOCATES, AND ATTORNEY FOR THE  
170 CHILD."

171 Section 5. Section 39.822, Florida Statutes, is amended to  
172 read:

173 39.822 Appointment of guardian ad litem for abused,  
174 abandoned, or neglected child.—

175 (1) (a) Before July 1, 2023, a guardian ad litem must ~~shall~~

176 be appointed by the court at the earliest possible time to  
177 represent ~~a the~~ child in any child abuse, abandonment, or  
178 neglect judicial proceeding, whether civil or criminal.

179 (b) On or after July 1, 2023, a guardian ad litem:

180 1. Must be appointed by the court at the earliest possible  
181 time to represent a child under the following circumstances:

182 a. The child remains in his or her home or a nonlicensed  
183 placement under the protective supervision of the department;

184 b. The child is the subject of a dependency proceeding  
185 under this chapter and the subject of a criminal proceeding;

186 c. The child is the subject of a termination of parental  
187 rights proceeding under part X of this chapter; or

188 d. The child is a dependent child as described in s.  
189 39.01305(3).

190 2. May be appointed at the court's discretion upon a  
191 finding that circumstances exist that require the appointment.

192 (2) If a child appointed a guardian ad litem when placed  
193 under the protective supervision of the department as required  
194 under sub-subparagraph (1)(b)1.a. is subsequently appointed an  
195 attorney for the child pursuant to s. 39.831, the court may  
196 maintain the appointment of the guardian ad litem  
197 notwithstanding the appointment of an attorney for the child.

198 (3) Upon request by a child who is the subject of a  
199 dependency proceeding under this chapter and who has a guardian  
200 ad litem assigned, or upon any party presenting evidence that



201 there is reasonable cause to suspect the assigned guardian ad  
 202 litem has a conflict of interest as defined in s.  
 203 39.8296(2)(b)9., the court may:

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

205 (b) Unless otherwise provided by law, discharge the  
 206 child's current guardian ad litem and appoint an attorney for  
 207 the child if one is not appointed.

208 (4) Any person participating in a civil or criminal  
 209 judicial proceeding resulting from such appointment shall be  
 210 presumed prima facie to be acting in good faith and in so doing  
 211 shall be immune from any liability, civil or criminal, that  
 212 otherwise might be incurred or imposed.

213 (5)~~(2)~~ In those cases in which the parents are financially  
 214 able, the parent or parents of the child shall reimburse the  
 215 court, in part or in whole, for the cost of provision of  
 216 guardian ad litem services. Reimbursement to the individual  
 217 providing guardian ad litem services may ~~shall~~ not be contingent  
 218 upon successful collection by the court from the parent or  
 219 parents.

220 (6)~~(3)~~ Upon presentation by a guardian ad litem of a court  
 221 order appointing the guardian ad litem:

222 (a) An agency, as defined in chapter 119, shall allow the  
 223 guardian ad litem to inspect and copy records related to the  
 224 best interests of the child who is the subject of the  
 225 appointment, including, but not limited to, records made

226 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of  
 227 the State Constitution. The guardian ad litem shall maintain the  
 228 confidential or exempt status of any records shared by an agency  
 229 under this paragraph.

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

235  
 236 For the purposes of this subsection, the term "records related  
 237 to the best interests of the child" includes, but is not limited  
 238 to, medical, mental health, substance abuse, child care,  
 239 education, law enforcement, court, social services, and  
 240 financial records.

241 (7)~~(4)~~ The guardian ad litem or the program representative  
 242 shall review all disposition recommendations and changes in  
 243 placements, and must be present at all critical stages of the  
 244 dependency proceeding or submit a written report of  
 245 recommendations to the court. Written reports must be filed with  
 246 the court and served on all parties whose whereabouts are known  
 247 at least 72 hours before ~~prior to~~ the hearing.

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

250 39.8296 Statewide Guardian Ad Litem Office; legislative

251 findings and intent; creation; appointment of executive  
 252 director; duties of office.—

253 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a  
 254 Statewide Guardian Ad Litem Office within the Justice  
 255 Administrative Commission. The Justice Administrative Commission  
 256 shall provide administrative support and service to the office  
 257 to the extent requested by the executive director within the  
 258 available resources of the commission. The Statewide Guardian Ad  
 259 Litem Office is not subject to control, supervision, or  
 260 direction by the Justice Administrative Commission in the  
 261 performance of its duties, but the employees of the office are  
 262 governed by the classification plan and salary and benefits plan  
 263 approved by the Justice Administrative Commission.

264 (a) The head of the Statewide Guardian Ad Litem Office is  
 265 the executive director, who shall be appointed by the Governor  
 266 from a list of a minimum of three eligible applicants submitted  
 267 by the Child Well-Being ~~a Guardian Ad Litem~~ Qualifications  
 268 Committee. The Child Well-Being ~~Guardian Ad Litem~~ Qualifications  
 269 Committee shall be composed of five persons, two persons  
 270 appointed by the Governor, two persons appointed by the Chief  
 271 Justice of the Supreme Court, and one person appointed by the  
 272 Statewide Guardian Ad Litem Association. The committee shall  
 273 provide for statewide advertisement and the receiving of  
 274 applications for the position of executive director. The  
 275 Governor shall appoint an executive director from among the

276 recommendations, or the Governor may reject the nominations and  
277 request the submission of new nominees. The executive director  
278 must have knowledge in dependency law and knowledge of social  
279 service delivery systems available to meet the needs of children  
280 who are abused, neglected, or abandoned. The executive director  
281 shall serve on a full-time basis and shall personally, or  
282 through representatives of the office, carry out the purposes  
283 and functions of the Statewide Guardian Ad Litem Office in  
284 accordance with state and federal law. The executive director  
285 shall report to the Governor. The executive director shall serve  
286 a 3-year term, subject to removal for cause by the Governor. Any  
287 person appointed to serve as the executive director may be  
288 reappointed ~~permitted~~ to serve more than one term in accordance  
289 with the process provided for in this paragraph. Every second or  
290 subsequent appointment shall be for a term of 3 years.

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

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

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

300 3. The office, in consultation with local guardian ad

301 litem offices, shall develop statewide performance measures and  
302 standards.

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

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

320 6. The office shall determine the feasibility or  
321 desirability of new concepts of organization, administration,  
322 financing, or service delivery designed to preserve the civil  
323 and constitutional rights and fulfill other needs of dependent  
324 children.

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

326 between a court-appointed volunteer guardian ad litem and a  
327 child alleged to be abused, abandoned, or neglected under this  
328 chapter, a guardian ad litem may transport a child. However, a  
329 guardian ad litem volunteer may not be required or directed by  
330 the program or a court to transport a child.

331 8. The office shall submit to the Governor, the President  
332 of the Senate, the Speaker of the House of Representatives, and  
333 the Chief Justice of the Supreme Court an interim report  
334 describing the progress of the office in meeting the goals as  
335 described in this section. The office shall submit to the  
336 Governor, the President of the Senate, the Speaker of the House  
337 of Representatives, and the Chief Justice of the Supreme Court a  
338 proposed plan including alternatives for meeting the state's  
339 guardian ad litem and attorney ad litem needs. This plan may  
340 include recommendations for less than the entire state, may  
341 include a phase-in system, and shall include estimates of the  
342 cost of each of the alternatives. Each year the office shall  
343 provide a status report and provide further recommendations to  
344 address the need for guardian ad litem services and related  
345 issues.

346 9. The office shall develop guidelines to identify any  
347 possible conflicts of interest of a guardian ad litem when he or  
348 she is being considered for assignment to a child's case. The  
349 office may not assign to a child's case a guardian ad litem for  
350 whom a conflict of interest has been identified. For purposes of

351 this subparagraph, the term "conflict of interest" means the  
352 guardian ad litem:

353 a. Has a personal relationship that could influence a  
354 recommendation regarding a child whom he or she is serving as a  
355 guardian ad litem;

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

358 c. Has a particular factor or circumstance, including  
359 personal bias or prejudice against a protected class of the  
360 child or the child's family, which prevents or substantially  
361 impairs his or her ability to fairly and fully discharge the  
362 duties of the guardian ad litem.

363 (c) The Statewide Guardian Ad Litem Office shall identify  
364 any guardian ad litem who is experiencing an issue with his or  
365 her physical or mental health and who appears to present a  
366 danger to any child to whom the guardian ad litem is assigned.  
367 As soon as possible after identification, the office must remove  
368 such guardian ad litem from all assigned cases, terminate his or  
369 her direct child contact volunteer services with the Guardian Ad  
370 Litem Program, and disclose such action to the appropriate  
371 circuit court. The office may permit a guardian ad litem with  
372 physical or mental health issues identified in accordance with  
373 this paragraph to work in the office without direct child  
374 contact if such issues do not negatively affect his or her  
375 ability to perform any required work duties and do not pose a

376 risk of harm to any children represented by the program. A  
 377 guardian ad litem who has caused harm to any child during the  
 378 course of his or her appointment may not be employed or  
 379 permitted to volunteer for the program.

380 Section 7. Section 39.83, Florida Statutes, is created to  
 381 read:

382 39.83 Statewide Office of Child Representation;  
 383 qualifications, appointment, and duties of executive director  
 384 and attorney for the child.-

385 (1) STATEWIDE OFFICE OF CHILD REPRESENTATION.-

386 (a) There is created the Statewide Office of Child  
 387 Representation within the Justice Administrative Commission. The  
 388 Justice Administrative Commission shall provide administrative  
 389 support and services to the statewide office as directed by the  
 390 executive director within the available resources of the  
 391 commission. The statewide office is not subject to control,  
 392 supervision, or direction by the Justice Administrative  
 393 Commission in the performance of its duties, but the employees  
 394 of the statewide office are governed by the classification plan  
 395 and salary and benefits plan approved by the Justice  
 396 Administrative Commission.

397 (b) The head of the Statewide Office of Child  
 398 Representation is the executive director, who must be a member  
 399 of The Florida Bar in good standing for at least 5 years and  
 400 have knowledge of dependency law and the social service delivery



401 systems available to meet the needs of children who are abused,  
402 neglected, or abandoned. The executive director shall be  
403 appointed in accordance with the process, and serve in  
404 accordance with the terms and requirements, provided in s.  
405 39.8296(2) (a) for the head of the Statewide Guardian Ad Litem  
406 Office. The appointment for the initial executive director must  
407 be completed by January 1, 2023.

408 (c) The Statewide Office of Child Representation, within  
409 available resources of the Justice Administrative Commission, is  
410 responsible for oversight of, and for providing technical  
411 assistance to, all offices of child representation in this  
412 state. The statewide office shall do all of the following:

413 1. Identify the resources required to implement methods of  
414 collecting, reporting, and tracking reliable and consistent case  
415 data.

416 2. Review and collect information relating to offices of  
417 child representation and other models of attorney representation  
418 of children in other states.

419 3. In consultation with the regional offices of child  
420 representation established under subsection (2), develop  
421 statewide performance measures and standards.

422 4. Develop a training program for each attorney for the  
423 child. To that end, the statewide office shall establish a  
424 curriculum committee composed of members including, but not  
425 limited to, a dependency judge, a director of circuit guardian

426 ad litem programs, an active certified guardian ad litem, a  
427 mental health professional who specializes in the treatment of  
428 children, a member of a child advocacy group, a representative  
429 of a domestic violence advocacy group, an individual with at  
430 least a Master of Social Work degree, and a social worker  
431 experienced in working with victims and perpetrators of child  
432 abuse.

433 5. Develop protocols that must be implemented to assist  
434 children who are represented by the Statewide Office of Child  
435 Representation, regional offices, or its contracted local  
436 agencies in meeting eligibility requirements to receive all  
437 available federal funding. This subparagraph may not be  
438 construed to mean that the protocols may interfere with zealous  
439 and effective representation of the children.

440 6. Review the various methods of funding the regional  
441 offices, maximize the use of those funding sources to the extent  
442 possible, and review the kinds of services being provided by the  
443 regional offices.

444 7. Determine the feasibility or desirability of new  
445 concepts of organization, administration, financing, or service  
446 delivery designed to preserve the civil and constitutional  
447 rights of, and fulfill other needs of, dependent children.

448 8. Establish standards and protocols for representation of  
449 children with diminished capacity.

450 9. Retain responsibility for the quality of contracted

451 services and ensure that, at a minimum, services are delivered  
452 in accordance with applicable federal and state statutes and  
453 regulations.

454 10. Submit to the Governor, the President of the Senate,  
455 the Speaker of the House of Representatives, and the Chief  
456 Justice of the Supreme Court:

457 a. An interim report describing the progress of the  
458 statewide office in meeting the responsibilities described in  
459 this paragraph.

460 b. A proposed plan that includes alternatives for meeting  
461 the representation needs of children in this state. The plan may  
462 include recommendations for implementation in only a portion of  
463 this state or phased-in statewide implementation and must  
464 include an estimate of the cost of each such alternative.

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

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

471 (e) The statewide office may contract with a local  
472 nonprofit agency to provide direct attorney representation to a  
473 child, including, but not limited to, representation in the  
474 dependency proceeding in accordance with s. 39.831, if the  
475 office determines that the contract is the most efficient method

476 to satisfy its statutory duties and if federal funding has been  
477 approved for this purpose or the local agency is required in the  
478 contract to seek such approval. The office shall ensure that  
479 reimbursement of any Title IV-E funds is properly documented.

480 1. A local nonprofit agency under contract with the  
481 statewide office shall:

482 a. Provide competent representation to all children to  
483 whom the agency is appointed, including complying with the  
484 protocols and standards developed by the statewide office with  
485 respect to its representation;

486 b. Ensure that any documentation required for  
487 reimbursement of any Title IV-E funds is provided to the  
488 statewide office on a monthly basis;

489 c. Provide accurate and timely information necessary for  
490 the statewide office to provide oversight and comply with its  
491 requirements under this section;

492 d. Ensure that all staff comply with mandatory training as  
493 required by the statewide office; and

494 e. Comply with federal and state statutory requirements  
495 and provisions as required under the contract.

496 2. A contract established between the statewide office and  
497 any local nonprofit agency must be funded by a grant of general  
498 revenue, other applicable state funds, or applicable federal  
499 funding sources. Unless otherwise provided by law, this  
500 paragraph does not preclude such an agency from raising funds by

501 other means. The contract must provide for:

502 a. The distribution of funds and method of payment by the  
 503 statewide office to the local nonprofit agency; and

504 b. In addition to funding for the provision of services,  
 505 the payment of a reasonable administrative cost by the  
 506 department to the local nonprofit agency.

507 (2) REGIONAL OFFICES OF CHILD REPRESENTATION.—An office of  
 508 child representation is created within the area served by each  
 509 of the five district courts of appeal. These regional offices  
 510 shall commence fulfilling their statutory purpose and duties on  
 511 July 1, 2023.

512 (3) CHILD REPRESENTATION COUNSEL; DUTIES.—The child  
 513 representation counsel shall serve on a full-time basis and may  
 514 not engage in the private practice of law while holding office.  
 515 Each assistant child representation counsel shall give priority  
 516 and preference to his or her duties as assistant child  
 517 representation counsel and may not otherwise engage in the  
 518 practice of dependency law. However, a part-time child  
 519 representation counsel may practice dependency law for private  
 520 payment so long as the representation does not result in a legal  
 521 or ethical conflict of interest with a case in which the office  
 522 of child representation is providing representation.

523 Section 8. Section 39.831, Florida Statutes, is created to  
 524 read:

525 39.831 Attorney for the child.—

526        (1) APPOINTMENT.—  
 527        (a) An attorney for the child:  
 528        1. Shall be appointed by the court as provided in s.  
 529 39.01305(3);  
 530        2. Shall be appointed by the court for any child who is  
 531 placed in out-of-home licensed care on or after July 1, 2023,  
 532 and who is the subject of a dependency proceeding under this  
 533 chapter; or  
 534        3. May be appointed at the court's discretion to represent  
 535 a child who is the subject of a dependency proceeding, upon a  
 536 finding that circumstances exist which require the appointment.  
 537        (b) The court appointing an attorney for the child under  
 538 paragraph (a) shall appoint the Statewide Office of Child  
 539 Representation unless the child is otherwise represented by  
 540 counsel.  
 541        (c) An attorney for the child appointed pursuant to this  
 542 section shall represent the child only in the dependency  
 543 proceeding, which may include representation in fair hearings  
 544 and appellate proceedings directly related to matters needing  
 545 resolution for the child to achieve permanency. The Statewide  
 546 Office of Child Representation or local nonprofit agency  
 547 appointed to represent a child in the dependency proceeding  
 548 shall provide representation in fair hearings within the  
 549 resources allotted for representation in the dependency  
 550 proceeding. When appropriate, trained staff of the Statewide

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551 Office of Child Representation or local nonprofit agency may  
552 attend the fair hearings rather than the appointed attorney. For  
553 purposes of this paragraph, trained staff may include, but are  
554 not limited to, social workers, case managers, education  
555 advocates, or health care advocates.

556 (d) Notwithstanding the basis on which an attorney for the  
557 child is appointed under paragraph (a), the appointment of the  
558 attorney for the child continues in effect until the attorney  
559 for the child is allowed to withdraw or is discharged by the  
560 court or until the case is dismissed. An attorney for the child  
561 who is appointed under this section to represent a child shall  
562 provide all required legal services in the dependency proceeding  
563 or fair hearings provided for in this section from the time of  
564 the child's removal from home or of the attorney for the child's  
565 initial appointment through all appellate proceedings. With the  
566 permission of the court, the appointed attorney for the child  
567 may arrange for supplemental or separate counsel to represent  
568 the child in appellate proceedings. A court order appointing an  
569 attorney for the child under this section must be in writing.

570 (e) If, at any time during the representation of two or  
571 more children in a dependency proceeding, a child representation  
572 counsel determines that the interests of those clients are so  
573 adverse or hostile that they cannot all be counseled by child  
574 representation counsel or his or her staff because of a conflict  
575 of interest, the child representation counsel shall file a

576 motion to withdraw and move the court to appoint other counsel.  
577 Child representation counsel may not automatically determine  
578 that the appointment to represent siblings is a conflict of  
579 interest. If requested by the Justice Administrative Commission,  
580 the child representation counsel shall submit a copy of the  
581 motion to the Justice Administrative Commission at the time it  
582 is filed with the court. The court shall review and may inquire  
583 or conduct a hearing into the adequacy of the child  
584 representation counsel's submissions regarding a conflict of  
585 interest without requiring the disclosure of any confidential  
586 communications. The court shall deny the motion to withdraw if  
587 the court finds the grounds for withdrawal are insufficient or  
588 the asserted conflict is not prejudicial to the client. If the  
589 court grants the motion to withdraw, the court shall appoint one  
590 or more private attorneys to represent the person in accordance  
591 with the requirements and process provided for in s. 27.40. The  
592 clerk of the court shall inform the child representation counsel  
593 and the commission when the court appoints private counsel.

594 (f) Unless the attorney has agreed to provide pro bono  
595 services, an appointed attorney or organization must be  
596 adequately compensated as provided in s. 27.5304. All appointed  
597 attorneys and organizations, including pro bono attorneys, must  
598 be provided with access to funding for expert witnesses,  
599 depositions, and other due process costs of litigation. Payments  
600 of attorney fees and case-related due process costs are subject



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601 to appropriations and review by the Justice Administrative  
602 Commission for reasonableness. The Justice Administrative  
603 Commission shall contract with attorneys appointed by the court.  
604 Attorney fees may not exceed \$1,000 per child per year.

605 (g) In cases in which one or both parents are financially  
606 able, the parent or parents, as applicable, of the child shall  
607 reimburse the court, in whole or in part, for the cost of  
608 services provided under this section; however, reimbursement for  
609 services provided by the attorney for the child may not be  
610 contingent upon successful collection by the court of  
611 reimbursement from the parent or parents.

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

614 (a) An agency as defined in chapter 119 must allow the  
615 attorney for the child to inspect and copy records related to  
616 the child who is the subject of the appointment, including, but  
617 not limited to, records made confidential or exempt from s.  
618 119.07(1) or s. 24(a), Art. I of the State Constitution. The  
619 attorney for the child shall maintain the confidential or exempt  
620 status of any records shared by an agency under this paragraph.

621 (b) A person or an organization, other than an agency  
622 under paragraph (a), must allow the attorney for the child to  
623 inspect and copy any records related to the child who is the  
624 subject of the appointment, including, but not limited to,  
625 confidential records.

626  
 627 For the purposes of this subsection, the term "records"  
 628 includes, but is not limited to, medical, mental health,  
 629 substance abuse, child care, education, law enforcement, court,  
 630 social services, and financial records.

631 (3) COURT HEARINGS.—The attorney for the child shall  
 632 review all disposition recommendations and changes in placements  
 633 and file all appropriate motions on behalf of the child at least  
 634 72 hours before the hearing.

635 (4) PROCEDURES.—The department shall develop procedures to  
 636 request that a court appoint an attorney for the child.

637 (5) RULEMAKING.—The department may adopt rules to  
 638 implement this section.

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

641 28.345 State access to records; exemption from court-  
 642 related fees and charges.—

643 (1) Notwithstanding any other ~~provision of~~ law, the clerk  
 644 of the circuit court shall, upon request, provide access to  
 645 public records without charge to the state attorney, public  
 646 defender, guardian ad litem, public guardian, ~~attorney ad litem,~~  
 647 criminal conflict and civil regional counsel, and court-  
 648 appointed attorney for the child ~~and private court-appointed~~  
 649 ~~counsel paid by the state,~~ and to authorized staff acting on  
 650 their behalf. The clerk of court may provide the requested

651 public record in an electronic format in lieu of a paper format  
652 if the requesting entity is capable of accessing such public  
653 record electronically.

654 Section 10. Section 29.007, Florida Statutes, is amended  
655 to read:

656 29.007 Court-appointed counsel.—For purposes of  
657 implementing s. 14, Art. V of the State Constitution, the  
658 elements of court-appointed counsel to be provided from state  
659 revenues appropriated by general law are as follows:

660 (1) Private attorneys appointed by the court to handle  
661 cases where the defendant is indigent and cannot be represented  
662 by the public defender or the office of criminal conflict and  
663 civil regional counsel.

664 (2) When the office of criminal conflict and civil  
665 regional counsel has a conflict of interest, private attorneys  
666 appointed by the court to represent indigents or other classes  
667 of litigants in civil proceedings requiring court-appointed  
668 counsel in accordance with state and federal constitutional  
669 guarantees and federal and state statutes.

670 (3) When the Statewide Office of Child Representation or a  
671 local nonprofit agency with which the statewide office has  
672 contracted has a conflict of interest, private attorneys  
673 appointed by the court to represent indigents or other classes  
674 of litigants in civil proceedings requiring court-appointed  
675 counsel in accordance with federal and state statutes.

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676        (4) Reasonable court reporting and transcription services  
677 necessary to meet constitutional or statutory requirements,  
678 including the cost of transcribing and copying depositions of  
679 witnesses and the cost of foreign language and sign-language  
680 interpreters and translators.

681        (5)~~(4)~~ Witnesses, including expert witnesses, summoned to  
682 appear for an investigation, preliminary hearing, or trial in a  
683 case when the witnesses are summoned on behalf of an indigent,  
684 and any other expert witnesses approved by the court.

685        (6)~~(5)~~ Mental health professionals appointed pursuant to  
686 s. 394.473 and required in a court hearing involving an  
687 indigent, mental health professionals appointed pursuant to s.  
688 916.115(2) and required in a court hearing involving an  
689 indigent, and any other mental health professionals required by  
690 law for the full adjudication of any civil case involving an  
691 indigent person.

692        (7)~~(6)~~ Reasonable pretrial consultation fees and costs.

693        (8)~~(7)~~ Travel expenses reimbursable under s. 112.061  
694 reasonably necessary in the performance of constitutional and  
695 statutory responsibilities.

696

697 Subsections ~~(3)~~, (4), (5), (6), ~~and (7)~~, and (8) apply when  
698 court-appointed counsel is appointed; when the court determines  
699 that the litigant is indigent for costs; or when the litigant is  
700 acting pro se and the court determines that the litigant is

701 indigent for costs at the trial or appellate level. This section  
 702 applies in any situation in which the court appoints counsel to  
 703 protect a litigant's due process rights. The Justice  
 704 Administrative Commission shall approve uniform contract forms  
 705 for use in processing payments for due process services under  
 706 this section. In each case in which a private attorney  
 707 represents a person determined by the court to be indigent for  
 708 costs, the attorney shall execute the commission's contract for  
 709 private attorneys representing persons determined to be indigent  
 710 for costs.

711 Section 11. Paragraph (j) of subsection (3) and paragraph  
 712 (a) of subsection (10) of section 39.001, Florida Statutes, are  
 713 amended to read:

714 39.001 Purposes and intent; personnel standards and  
 715 screening.—

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

719 (j) The ability to contact their guardian ad litem or  
 720 attorney for the child ~~attorney ad litem~~, if appointed, by  
 721 having that individual's name entered on all orders of the  
 722 court.

723 (10) PLAN FOR COMPREHENSIVE APPROACH.—

724 (a) The office shall develop a state plan for the  
 725 promotion of adoption, support of adoptive families, and

726 prevention of abuse, abandonment, and neglect of children. The  
727 Department of Children and Families, the Department of  
728 Corrections, the Department of Education, the Department of  
729 Health, the Department of Juvenile Justice, the Department of  
730 Law Enforcement, and the Agency for Persons with Disabilities  
731 shall participate and fully cooperate in the development of the  
732 state plan at both the state and local levels. Furthermore,  
733 appropriate local agencies and organizations shall be provided  
734 an opportunity to participate in the development of the state  
735 plan at the local level. Appropriate local groups and  
736 organizations shall include, but not be limited to, community  
737 mental health centers; guardian ad litem programs for children  
738 under the circuit court; child representation counsel regional  
739 offices; the school boards of the local school districts; the  
740 Florida local advocacy councils; community-based care lead  
741 agencies; private or public organizations or programs with  
742 recognized expertise in working with child abuse prevention  
743 programs for children and families; private or public  
744 organizations or programs with recognized expertise in working  
745 with children who are sexually abused, physically abused,  
746 emotionally abused, abandoned, or neglected and with expertise  
747 in working with the families of such children; private or public  
748 programs or organizations with expertise in maternal and infant  
749 health care; multidisciplinary Child Protection Teams; child day  
750 care centers; law enforcement agencies; and the circuit courts,

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

755 Section 12. Subsections (2) and (4) of section 39.00145,  
 756 Florida Statutes, are amended to read:

757 39.00145 Records concerning children.—

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

763 (a) A complete and accurate copy of any record in a  
 764 child's case record must be provided, upon request and at no  
 765 cost, to the child who is the subject of the case record and to  
 766 the child's caregiver ~~or~~ guardian ad litem~~,~~ or the attorney for  
 767 the child.

768 (b) The department shall release the information in a  
 769 manner and setting that are appropriate to the age and maturity  
 770 of the child and the nature of the information being released,  
 771 which may include the release of information in a therapeutic  
 772 setting, if appropriate. This paragraph does not deny the child  
 773 access to his or her records.

774 (c) If a child or the child's caregiver, guardian ad  
 775 litem, or attorney for the child ~~attorney~~ requests access to the

776 | child's case record, any person or entity that fails to provide  
 777 | any record in the case record under assertion of a claim of  
 778 | exemption from the public records requirements of chapter 119,  
 779 | or fails to provide access within a reasonable time, is subject  
 780 | to sanctions and penalties under s. 119.10.

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

787 |         (4) Notwithstanding any other ~~provision of~~ law, all state  
 788 | and local agencies and programs that provide services to  
 789 | children or that are responsible for a child's safety, including  
 790 | the Department of Juvenile Justice, the Department of Health,  
 791 | the Agency for Health Care Administration, the Agency for  
 792 | Persons with Disabilities, the Department of Education, the  
 793 | Department of Revenue, the school districts, the Statewide  
 794 | Guardian Ad Litem Office, the Statewide Office of Child  
 795 | Representation, and any provider contracting with such agencies,  
 796 | may share with each other confidential records or information  
 797 | that are confidential or exempt from disclosure under chapter  
 798 | 119 if the records or information are reasonably necessary to  
 799 | ensure access to appropriate services for the child, including  
 800 | child support enforcement services, or for the safety of the



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801 child. However:

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

804 (b) This subsection does not apply to information  
805 concerning clients and records of certified domestic violence  
806 centers, which are confidential under s. 39.908 and privileged  
807 under s. 90.5036.

808 Section 13. Subsections (3) and (4) of section 39.0132,  
809 Florida Statutes, are amended to read:

810 39.0132 Oaths, records, and confidential information.—

811 (3) The clerk shall keep all court records required by  
812 this chapter separate from other records of the circuit court.  
813 All court records required by this chapter shall not be open to  
814 inspection by the public. All records shall be inspected only  
815 upon order of the court by persons deemed by the court to have a  
816 proper interest therein, except that, subject to ~~the provisions~~  
817 ~~of~~ s. 63.162, a child and the parents of the child and their  
818 attorneys, guardian ad litem, attorney for the child, law  
819 enforcement agencies, and the department and its designees shall  
820 always have the right to inspect and copy any official record  
821 pertaining to the child. The Justice Administrative Commission  
822 may inspect court dockets required by this chapter as necessary  
823 to audit compensation of court-appointed attorneys. If the  
824 docket is insufficient for purposes of the audit, the commission  
825 may petition the court for additional documentation as necessary

826 and appropriate. The court may permit authorized representatives  
 827 of recognized organizations compiling statistics for proper  
 828 purposes to inspect and make abstracts from official records,  
 829 under whatever conditions upon their use and disposition the  
 830 court may deem proper, and may punish by contempt proceedings  
 831 any violation of those conditions.

832 (4)(a)1. All information obtained pursuant to this part in  
 833 the discharge of official duty by any judge, employee of the  
 834 court, authorized agent of the department, correctional  
 835 probation officer, or law enforcement agent is confidential and  
 836 exempt from s. 119.07(1) and may not be disclosed to anyone  
 837 other than the authorized personnel of the court, the department  
 838 and its designees, correctional probation officers, law  
 839 enforcement agents, guardian ad litem, attorney for the child,  
 840 and others entitled under this chapter to receive that  
 841 information, except upon order of the court.

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

845 (I) Medical, mental health, substance abuse, child care,  
 846 education, law enforcement, court, social services, and  
 847 financial records.

848 (II) Any other information maintained by a guardian ad  
 849 litem which is identified as confidential information under this  
 850 chapter.

851           b. Such confidential and exempt information may not be  
852 disclosed to anyone other than the authorized personnel of the  
853 court, the department and its designees, correctional probation  
854 officers, law enforcement agents, guardians ad litem, and others  
855 entitled under this chapter to receive that information, except  
856 upon order of the court.

857           (b) The department shall disclose to the school  
858 superintendent the presence of any child in the care and custody  
859 or under the jurisdiction or supervision of the department who  
860 has a known history of criminal sexual behavior with other  
861 juveniles; is an alleged juvenile sex offender, as defined in s.  
862 39.01; or has pled guilty or nolo contendere to, or has been  
863 found to have committed, a violation of chapter 794, chapter  
864 796, chapter 800, s. 827.071, or s. 847.0133, regardless of  
865 adjudication. Any employee of a district school board who  
866 knowingly and willfully discloses such information to an  
867 unauthorized person commits a misdemeanor of the second degree,  
868 punishable as provided in s. 775.082 or s. 775.083.

869           Section 14. Paragraphs (a) and (b) of subsection (4) of  
870 section 39.0139, Florida Statutes, are amended to read:

871           39.0139 Visitation or other contact; restrictions.—

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

876 (a) Before ~~Prior to~~ the hearing, the court shall appoint  
 877 an attorney for the child ~~an attorney ad litem~~ or a guardian ad  
 878 litem, as appropriate, for the child if one has not already been  
 879 appointed. Any attorney for the child ~~attorney ad litem~~ or  
 880 guardian ad litem appointed shall have special training in the  
 881 dynamics of child sexual abuse.

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

889 Section 15. Paragraphs (k) and (t) of subsection (2) of  
 890 section 39.202, Florida Statutes, are amended to read:

891 39.202 Confidentiality of reports and records in cases of  
 892 child abuse or neglect; exception.—

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

898 (k) Any appropriate official of a Florida advocacy council  
 899 investigating a report of known or suspected child abuse,  
 900 abandonment, or neglect; the Auditor General or the Office of

901 Program Policy Analysis and Government Accountability for the  
 902 purpose of conducting audits or examinations pursuant to law; or  
 903 the child's guardian ad litem or attorney for the child.

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

913 Section 16. Subsection (1) of section 39.302, Florida  
 914 Statutes, is amended to read:

915 39.302 Protective investigations of institutional child  
 916 abuse, abandonment, or neglect.—

917 (1) The department shall conduct a child protective  
 918 investigation of each report of institutional child abuse,  
 919 abandonment, or neglect. Upon receipt of a report that alleges  
 920 that an employee or agent of the department, or any other entity  
 921 or person covered by s. 39.01(37) or (55) ~~s. 39.01(36) or (54)~~,  
 922 acting in an official capacity, has committed an act of child  
 923 abuse, abandonment, or neglect, the department shall initiate a  
 924 child protective investigation within the timeframe established  
 925 under s. 39.101(2) and notify the appropriate state attorney,

926 law enforcement agency, and licensing agency, which shall  
927 immediately conduct a joint investigation, unless independent  
928 investigations are more feasible. When conducting investigations  
929 or having face-to-face interviews with the child, investigation  
930 visits shall be unannounced unless it is determined by the  
931 department or its agent that unannounced visits threaten the  
932 safety of the child. If a facility is exempt from licensing, the  
933 department shall inform the owner or operator of the facility of  
934 the report. Each agency conducting a joint investigation is  
935 entitled to full access to the information gathered by the  
936 department in the course of the investigation. A protective  
937 investigation must include an interview with the child's parent  
938 or legal guardian. The department shall make a full written  
939 report to the state attorney within 3 business days after making  
940 the oral report. A criminal investigation shall be coordinated,  
941 whenever possible, with the child protective investigation of  
942 the department. Any interested person who has information  
943 regarding the offenses described in this subsection may forward  
944 a statement to the state attorney as to whether prosecution is  
945 warranted and appropriate. Within 15 days after the completion  
946 of the investigation, the state attorney shall report the  
947 findings to the department and shall include in the report a  
948 determination of whether or not prosecution is justified and  
949 appropriate in view of the circumstances of the specific case.

950 Section 17. Paragraph (c) of subsection (8) and paragraph

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951 (a) of subsection (14) of section 39.402, Florida Statutes, are  
952 amended to read:

953 39.402 Placement in a shelter.—

954 (8)

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

956 1. Appoint a guardian ad litem to represent the best  
957 interest of the child or an attorney for the child to provide  
958 direct representation as provided in part XI of this chapter,  
959 unless the court finds that such representation is unnecessary;

960 2. Inform the parents or legal custodians of their right  
961 to counsel to represent them at the shelter hearing and at each  
962 subsequent hearing or proceeding, and the right of the parents  
963 to appointed counsel, pursuant to the procedures set forth in s.  
964 39.013;

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

967 4. Inquire of those present at the shelter hearing as to  
968 the identity and location of the legal father. In determining  
969 who the legal father of the child may be, the court shall  
970 inquire under oath of those present at the shelter hearing  
971 whether they have any of the following information:

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

975 b. Whether the mother was cohabiting with a male at the

976 | probable time of conception of the child.

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

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

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

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

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

991 |       h. Whether a man has been determined to be the father of  
992 | the child by the Department of Revenue as provided in s.  
993 | 409.256.

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

995 |       (a) Periods of delay resulting from a continuance granted  
996 | at the request or with the consent of the attorney for the child  
997 | or the child's ~~counsel or the child's~~ guardian ad litem, if one  
998 | has been appointed by the court, or, if the child is of  
999 | sufficient capacity to express reasonable consent, at the  
1000 | request or with the consent of the attorney for the child



1001 ~~child's attorney~~ or the child's guardian ad litem, ~~if one has~~  
 1002 ~~been appointed by the court,~~ and the child.

1003 Section 18. Paragraphs (e) and (f) of subsection (3) and  
 1004 subsection (6) of section 39.407, Florida Statutes, are amended  
 1005 to read:

1006 39.407 Medical, psychiatric, and psychological examination  
 1007 and treatment of child; physical, mental, or substance abuse  
 1008 examination of person with or requesting child custody.-

1009 (3)

1010 (e)1. If the child's prescribing physician or psychiatric  
 1011 nurse, as defined in s. 394.455, certifies in the signed medical  
 1012 report required in paragraph (c) that delay in providing a  
 1013 prescribed psychotropic medication would more likely than not  
 1014 cause significant harm to the child, the medication may be  
 1015 provided in advance of the issuance of a court order. In such  
 1016 event, the medical report must provide the specific reasons why  
 1017 the child may experience significant harm and the nature and the  
 1018 extent of the potential harm. The department must submit a  
 1019 motion seeking continuation of the medication and the  
 1020 physician's or psychiatric nurse's medical report to the court,  
 1021 the child's guardian ad litem or attorney for the child, and all  
 1022 other parties within 3 working days after the department  
 1023 commences providing the medication to the child. The department  
 1024 shall seek the order at the next regularly scheduled court  
 1025 hearing required under this chapter, or within 30 days after the

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1026 date of the prescription, whichever occurs sooner. If any party  
1027 objects to the department's motion, the court shall hold a  
1028 hearing within 7 days.

1029 2. Psychotropic medications may be administered in advance  
1030 of a court order in hospitals, crisis stabilization units, and  
1031 in statewide inpatient psychiatric programs. Within 3 working  
1032 days after the medication is begun, the department must seek  
1033 court authorization as described in paragraph (c).

1034 (f)1. The department shall fully inform the court of the  
1035 child's medical and behavioral status as part of the social  
1036 services report prepared for each judicial review hearing held  
1037 for a child for whom psychotropic medication has been prescribed  
1038 or provided under this subsection. As a part of the information  
1039 provided to the court, the department shall furnish copies of  
1040 all pertinent medical records concerning the child which have  
1041 been generated since the previous hearing. On its own motion or  
1042 on good cause shown by any party, including any guardian ad  
1043 litem, or the child attorney, or attorney ad litem who has been  
1044 ~~appointed to represent the child or the child's interests,~~ the  
1045 court may review the status more frequently than required in  
1046 this subsection.

1047 2. The court may, in the best interests of the child,  
1048 order the department to obtain a medical opinion addressing  
1049 whether the continued use of the medication under the  
1050 circumstances is safe and medically appropriate.

1051 (6) Children who are in the legal custody of the  
 1052 department may be placed by the department, without prior  
 1053 approval of the court, in a residential treatment center  
 1054 licensed under s. 394.875 or a hospital licensed under chapter  
 1055 395 for residential mental health treatment only pursuant to  
 1056 this section or may be placed by the court in accordance with an  
 1057 order of involuntary examination or involuntary placement  
 1058 entered pursuant to s. 394.463 or s. 394.467. All children  
 1059 placed in a residential treatment program under this subsection  
 1060 must be appointed ~~have~~ a guardian ad litem and an attorney for  
 1061 the child ~~appointed~~.

1062 (a) As used in this subsection, the term:

1063 1. "Residential treatment" means placement for  
 1064 observation, diagnosis, or treatment of an emotional disturbance  
 1065 in a residential treatment center licensed under s. 394.875 or a  
 1066 hospital licensed under chapter 395.

1067 2. "Least restrictive alternative" means the treatment and  
 1068 conditions of treatment that, separately and in combination, are  
 1069 no more intrusive or restrictive of freedom than reasonably  
 1070 necessary to achieve a substantial therapeutic benefit or to  
 1071 protect the child or adolescent or others from physical injury.

1072 3. "Suitable for residential treatment" or "suitability"  
 1073 means a determination concerning a child or adolescent with an  
 1074 emotional disturbance as defined in s. 394.492(5) or a serious  
 1075 emotional disturbance as defined in s. 394.492(6) that each of

1076 the following criteria is met:

1077 a. The child requires residential treatment.

1078 b. The child is in need of a residential treatment program  
1079 and is expected to benefit from mental health treatment.

1080 c. An appropriate, less restrictive alternative to  
1081 residential treatment is unavailable.

1082 (b) Whenever the department believes that a child in its  
1083 legal custody is emotionally disturbed and may need residential  
1084 treatment, an examination and suitability assessment must be  
1085 conducted by a qualified evaluator who is appointed by the  
1086 Agency for Health Care Administration. This suitability  
1087 assessment must be completed before the placement of the child  
1088 in a residential treatment center for emotionally disturbed  
1089 children and adolescents or a hospital. The qualified evaluator  
1090 must be a psychiatrist or a psychologist licensed in Florida who  
1091 has at least 3 years of experience in the diagnosis and  
1092 treatment of serious emotional disturbances in children and  
1093 adolescents and who has no actual or perceived conflict of  
1094 interest with any inpatient facility or residential treatment  
1095 center or program.

1096 (c) Before a child is admitted under this subsection, the  
1097 child shall be assessed for suitability for residential  
1098 treatment by a qualified evaluator who has conducted a personal  
1099 examination and assessment of the child and has made written  
1100 findings that:

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1101           1. The child appears to have an emotional disturbance  
1102 serious enough to require residential treatment and is  
1103 reasonably likely to benefit from the treatment.

1104           2. The child has been provided with a clinically  
1105 appropriate explanation of the nature and purpose of the  
1106 treatment.

1107           3. All available modalities of treatment less restrictive  
1108 than residential treatment have been considered, and a less  
1109 restrictive alternative that would offer comparable benefits to  
1110 the child is unavailable.

1111  
1112 A copy of the written findings of the evaluation and suitability  
1113 assessment must be provided to the department, to the guardian  
1114 ad litem and attorney for the child, and, if the child is a  
1115 member of a Medicaid managed care plan, to the plan that is  
1116 financially responsible for the child's care in residential  
1117 treatment, all of whom must be provided with the opportunity to  
1118 discuss the findings with the evaluator.

1119           (d) Immediately upon placing a child in a residential  
1120 treatment program under this section, the department must notify  
1121 the guardian ad litem, the attorney for the child, and the court  
1122 having jurisdiction over the child and must provide the guardian  
1123 ad litem, the attorney for the child, and the court with a copy  
1124 of the assessment by the qualified evaluator.

1125           (e) Within 10 days after the admission of a child to a

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1126 residential treatment program, the director of the residential  
1127 treatment program or the director's designee must ensure that an  
1128 individualized plan of treatment has been prepared by the  
1129 program and has been explained to the child, to the department,  
1130 ~~and to the guardian ad litem, and to the attorney for the child,~~  
1131 and submitted to the department. The child must be involved in  
1132 the preparation of the plan to the maximum feasible extent  
1133 consistent with his or her ability to understand and  
1134 participate, and the guardian ad litem, the attorney for the  
1135 child, and the child's foster parents must be involved to the  
1136 maximum extent consistent with the child's treatment needs. The  
1137 plan must include a preliminary plan for residential treatment  
1138 and aftercare upon completion of residential treatment. The plan  
1139 must include specific behavioral and emotional goals against  
1140 which the success of the residential treatment may be measured.  
1141 A copy of the plan must be provided to the child, to the  
1142 guardian ad litem, to the attorney for the child, and to the  
1143 department.

1144 (f) Within 30 days after admission, the residential  
1145 treatment program must review the appropriateness and  
1146 suitability of the child's placement in the program. The  
1147 residential treatment program must determine whether the child  
1148 is receiving benefit toward the treatment goals and whether the  
1149 child could be treated in a less restrictive treatment program.  
1150 The residential treatment program shall prepare a written report

1151 of its findings and submit the report to the guardian ad litem,  
1152 to the attorney for the child, and to the department. The  
1153 department must submit the report to the court. The report must  
1154 include a discharge plan for the child. The residential  
1155 treatment program must continue to evaluate the child's  
1156 treatment progress every 30 days thereafter and must include its  
1157 findings in a written report submitted to the department. The  
1158 department may not reimburse a facility until the facility has  
1159 submitted every written report that is due.

1160 (g)1. The department must submit, at the beginning of each  
1161 month, to the court having jurisdiction over the child, a  
1162 written report regarding the child's progress toward achieving  
1163 the goals specified in the individualized plan of treatment.

1164 2. The court must conduct a hearing to review the status  
1165 of the child's residential treatment plan no later than 60 days  
1166 after the child's admission to the residential treatment  
1167 program. An independent review of the child's progress toward  
1168 achieving the goals and objectives of the treatment plan must be  
1169 completed by a qualified evaluator and submitted to the court  
1170 before its 60-day review.

1171 3. For any child in residential treatment at the time a  
1172 judicial review is held pursuant to s. 39.701, the child's  
1173 continued placement in residential treatment must be a subject  
1174 of the judicial review.

1175 4. If at any time the court determines that the child is

1176 not suitable for continued residential treatment, the court  
 1177 shall order the department to place the child in the least  
 1178 restrictive setting that is best suited to meet his or her  
 1179 needs.

1180 (h) After the initial 60-day review, the court must  
 1181 conduct a review of the child's residential treatment plan every  
 1182 90 days.

1183 (i) The department must adopt rules for implementing  
 1184 timeframes for the completion of suitability assessments by  
 1185 qualified evaluators and a procedure that includes timeframes  
 1186 for completing the 60-day independent review by the qualified  
 1187 evaluators of the child's progress toward achieving the goals  
 1188 and objectives of the treatment plan which review must be  
 1189 submitted to the court. The Agency for Health Care  
 1190 Administration must adopt rules for the registration of  
 1191 qualified evaluators, the procedure for selecting the evaluators  
 1192 to conduct the reviews required under this section, and a  
 1193 reasonable, cost-efficient fee schedule for qualified  
 1194 evaluators.

1195 Section 19. Paragraphs (t) and (u) of subsection (1) of  
 1196 section 39.4085, Florida Statutes, are amended to read:

1197 39.4085 Goals for dependent children; responsibilities;  
 1198 education.—

1199 (1) The Legislature finds that the design and delivery of  
 1200 child welfare services should be directed by the principle that



1201 the health and safety of children, including the freedom from  
 1202 abuse, abandonment, or neglect, is of paramount concern and,  
 1203 therefore, establishes the following goals for children in  
 1204 shelter or foster care:

1205 (t) To have a guardian ad litem appointed to represent,  
 1206 within reason, their best interests; and, as appropriate, have  
 1207 an attorney for the child ~~and, if appropriate, an attorney ad~~  
 1208 ~~litem~~ appointed to represent their legal interests. ~~†~~ The  
 1209 guardian ad litem and attorney for the child ~~ad litem~~ shall have  
 1210 immediate and unlimited access to the children they represent.

1211 (u) To have all their records available for review by  
 1212 their guardian ad litem or attorney for the child, as  
 1213 applicable, ~~and attorney ad litem~~ if they deem such review  
 1214 necessary.

1215  
 1216 This subsection establishes goals and not rights. This  
 1217 subsection does not require the delivery of any particular  
 1218 service or level of service in excess of existing  
 1219 appropriations. A person does not have a cause of action against  
 1220 the state or any of its subdivisions, agencies, contractors,  
 1221 subcontractors, or agents, based upon the adoption of or failure  
 1222 to provide adequate funding for the achievement of these goals  
 1223 by the Legislature. This subsection does not require the  
 1224 expenditure of funds to meet the goals established in this  
 1225 subsection except those funds specifically appropriated for such

1226 | purpose.

1227 | Section 20. Subsections (8), (12), (13), (14), and (17) of  
 1228 | section 39.502, Florida Statutes, are amended to read:

1229 | 39.502 Notice, process, and service.—

1230 | (8) It is not necessary to the validity of a proceeding  
 1231 | covered by this part that the parents be present if their  
 1232 | identity or residence is unknown after a diligent search has  
 1233 | been made, but in this event the petitioner shall file an  
 1234 | affidavit of diligent search prepared by the person who made the  
 1235 | search and inquiry, and the court may appoint a guardian ad  
 1236 | litem for the child or an attorney for the child, as  
 1237 | appropriate.

1238 | (12) All process and orders issued by the court shall be  
 1239 | served or executed as other process and orders of the circuit  
 1240 | court and, in addition, may be served or executed by authorized  
 1241 | agents of the department or the guardian ad litem or attorney  
 1242 | for the child, as applicable.

1243 | (13) Subpoenas may be served within this ~~the~~ state by any  
 1244 | person over 18 years of age who is not a party to the proceeding  
 1245 | and, in addition, may be served by authorized agents of the  
 1246 | department or the guardian ad litem or attorney for the child,  
 1247 | as applicable.

1248 | (14) No fee shall be paid for service of any process or  
 1249 | other papers by an agent of the department or the guardian ad  
 1250 | litem or attorney for the child, as applicable. If any process,

1251 orders, or any other papers are served or executed by any  
 1252 sheriff, the sheriff's fees shall be paid by the county.

1253 (17) The parent or legal custodian of the child, the  
 1254 attorney for the department, the guardian ad litem or attorney  
 1255 for the child, as applicable, the foster or preadoptive parents,  
 1256 and all other parties and participants shall be given reasonable  
 1257 notice of all proceedings and hearings provided for under this  
 1258 part. All foster or preadoptive parents must be provided with at  
 1259 least 72 hours' notice, verbally or in writing, of all  
 1260 proceedings or hearings relating to children in their care or  
 1261 children they are seeking to adopt to ensure the ability to  
 1262 provide input to the court.

1263 Section 21. Paragraphs (c) and (e) of subsection (1) of  
 1264 section 39.521, Florida Statutes, are amended to read:

1265 39.521 Disposition hearings; powers of disposition.—

1266 (1) A disposition hearing shall be conducted by the court,  
 1267 if the court finds that the facts alleged in the petition for  
 1268 dependency were proven in the adjudicatory hearing, or if the  
 1269 parents or legal custodians have consented to the finding of  
 1270 dependency or admitted the allegations in the petition, have  
 1271 failed to appear for the arraignment hearing after proper  
 1272 notice, or have not been located despite a diligent search  
 1273 having been conducted.

1274 (c) When any child is adjudicated by a court to be  
 1275 dependent, the court having jurisdiction of the child has the

1276 power by order to:

1277 1. Require the parent and, when appropriate, the legal  
1278 guardian or the child to participate in treatment and services  
1279 identified as necessary. The court may require the person who  
1280 has custody or who is requesting custody of the child to submit  
1281 to a mental health or substance abuse disorder assessment or  
1282 evaluation. The order may be made only upon good cause shown and  
1283 pursuant to notice and procedural requirements provided under  
1284 the Florida Rules of Juvenile Procedure. The mental health  
1285 assessment or evaluation must be administered by a qualified  
1286 professional as defined in s. 39.01, and the substance abuse  
1287 assessment or evaluation must be administered by a qualified  
1288 professional as defined in s. 397.311. The court may also  
1289 require such person to participate in and comply with treatment  
1290 and services identified as necessary, including, when  
1291 appropriate and available, participation in and compliance with  
1292 a mental health court program established under chapter 394 or a  
1293 treatment-based drug court program established under s. 397.334.  
1294 Adjudication of a child as dependent based upon evidence of harm  
1295 as defined in s. 39.01(35)(g) ~~s. 39.01(34)(g)~~ demonstrates good  
1296 cause, and the court shall require the parent whose actions  
1297 caused the harm to submit to a substance abuse disorder  
1298 assessment or evaluation and to participate and comply with  
1299 treatment and services identified in the assessment or  
1300 evaluation as being necessary. In addition to supervision by the

1301 department, the court, including the mental health court program  
 1302 or the treatment-based drug court program, may oversee the  
 1303 progress and compliance with treatment by a person who has  
 1304 custody or is requesting custody of the child. The court may  
 1305 impose appropriate available sanctions for noncompliance upon a  
 1306 person who has custody or is requesting custody of the child or  
 1307 make a finding of noncompliance for consideration in determining  
 1308 whether an alternative placement of the child is in the child's  
 1309 best interests. Any order entered under this subparagraph may be  
 1310 made only upon good cause shown. This subparagraph does not  
 1311 authorize placement of a child with a person seeking custody of  
 1312 the child, other than the child's parent or legal custodian, who  
 1313 requires mental health or substance abuse disorder treatment.

1314 2. Require, if the court deems necessary, the parties to  
 1315 participate in dependency mediation.

1316 3. Require placement of the child either under the  
 1317 protective supervision of an authorized agent of the department  
 1318 in the home of one or both of the child's parents or in the home  
 1319 of a relative of the child or another adult approved by the  
 1320 court, or in the custody of the department. Protective  
 1321 supervision continues until the court terminates it or until the  
 1322 child reaches the age of 18, whichever date is first. Protective  
 1323 supervision shall be terminated by the court whenever the court  
 1324 determines that permanency has been achieved for the child,  
 1325 whether with a parent, another relative, or a legal custodian,

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1326 and that protective supervision is no longer needed. The  
1327 termination of supervision may be with or without retaining  
1328 jurisdiction, at the court's discretion, and shall in either  
1329 case be considered a permanency option for the child. The order  
1330 terminating supervision by the department must set forth the  
1331 powers of the custodian of the child and include the powers  
1332 ordinarily granted to a guardian of the person of a minor unless  
1333 otherwise specified. Upon the court's termination of supervision  
1334 by the department, further judicial reviews are not required if  
1335 permanency has been established for the child.

1336 4. Determine whether the child has a strong attachment to  
1337 the prospective permanent guardian and whether such guardian has  
1338 a strong commitment to permanently caring for the child.

1339 (e) The court shall, in its written order of disposition,  
1340 include all of the following:

1341 1. The placement or custody of the child.

1342 2. Special conditions of placement and visitation.

1343 3. Evaluation, counseling, treatment activities, and other  
1344 actions to be taken by the parties, if ordered.

1345 4. The persons or entities responsible for supervising or  
1346 monitoring services to the child and parent.

1347 5. Continuation or discharge of the guardian ad litem or  
1348 attorney for the child if appointed, as appropriate.

1349 6. The date, time, and location of the next scheduled  
1350 review hearing, which must occur within the earlier of:

- 1351 a. Ninety days after the disposition hearing;
- 1352 b. Ninety days after the court accepts the case plan;
- 1353 c. Six months after the date of the last review hearing;

1354 or

- 1355 d. Six months after the date of the child's removal from
- 1356 his or her home, if no review hearing has been held since the
- 1357 child's removal from the home.

1358 7. If the child is in an out-of-home placement, child

1359 support to be paid by the parents, or the guardian of the

1360 child's estate if possessed of assets which under law may be

1361 disbursed for the care, support, and maintenance of the child.

1362 The court may exercise jurisdiction over all child support

1363 matters, shall adjudicate the financial obligation, including

1364 health insurance, of the child's parents or guardian, and shall

1365 enforce the financial obligation as provided in chapter 61. The

1366 state's child support enforcement agency shall enforce child

1367 support orders under this section in the same manner as child

1368 support orders under chapter 61. Placement of the child shall

1369 not be contingent upon issuance of a support order.

1370 8.a. If the court does not commit the child to the

1371 temporary legal custody of an adult relative, legal custodian,

1372 or other adult approved by the court, the disposition order must

1373 include the reasons for such a decision and shall include a

1374 determination as to whether diligent efforts were made by the

1375 department to locate an adult relative, legal custodian, or

1376 other adult willing to care for the child in order to present  
 1377 that placement option to the court instead of placement with the  
 1378 department.

1379       b. If no suitable relative is found and the child is  
 1380 placed with the department or a legal custodian or other adult  
 1381 approved by the court, both the department and the court shall  
 1382 consider transferring temporary legal custody to an adult  
 1383 relative approved by the court at a later date, but neither the  
 1384 department nor the court is obligated to so place the child if  
 1385 it is in the child's best interest to remain in the current  
 1386 placement.

1387  
 1388 For the purposes of this section, "diligent efforts to locate an  
 1389 adult relative" means a search similar to the diligent search  
 1390 for a parent, but without the continuing obligation to search  
 1391 after an initial adequate search is completed.

1392       9. Other requirements necessary to protect the health,  
 1393 safety, and well-being of the child, to preserve the stability  
 1394 of the child's child care, early education program, or any other  
 1395 educational placement, and to promote family preservation or  
 1396 reunification whenever possible.

1397       Section 22. Paragraph (a) of subsection (1) of section  
 1398 39.6011, Florida Statutes, is amended to read:

1399       39.6011 Case plan development.—

1400       (1) The department shall prepare a draft of the case plan



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1401 for each child receiving services under this chapter. A parent  
1402 of a child may not be threatened or coerced with the loss of  
1403 custody or parental rights for failing to admit in the case plan  
1404 of abusing, neglecting, or abandoning a child. Participating in  
1405 the development of a case plan is not an admission to any  
1406 allegation of abuse, abandonment, or neglect, and it is not a  
1407 consent to a finding of dependency or termination of parental  
1408 rights. The case plan shall be developed subject to the  
1409 following requirements:

1410 (a) The case plan must be developed in a face-to-face  
1411 conference with the parent of the child, any court-appointed  
1412 guardian ad litem or attorney for the child, and, if  
1413 appropriate, the child and the temporary custodian of the child.

1414 Section 23. Paragraph (c) of subsection (1) of section  
1415 39.6012, Florida Statutes, is amended to read:

1416 39.6012 Case plan tasks; services.—

1417 (1) The services to be provided to the parent and the  
1418 tasks that must be completed are subject to the following:

1419 (c) If there is evidence of harm as defined in s.  
1420 39.01(35)(g) ~~s. 39.01(34)(g)~~, the case plan must include as a  
1421 required task for the parent whose actions caused the harm that  
1422 the parent submit to a substance abuse disorder assessment or  
1423 evaluation and participate and comply with treatment and  
1424 services identified in the assessment or evaluation as being  
1425 necessary.

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1426 Section 24. Subsection (8) of section 39.6251, Florida  
1427 Statutes, is amended to read:

1428 39.6251 Continuing care for young adults.—

1429 (8) During the time that a young adult is in care, the  
1430 court shall maintain jurisdiction to ensure that the department  
1431 and the lead agencies are providing services and coordinate  
1432 with, and maintain oversight of, other agencies involved in  
1433 implementing the young adult's case plan, individual education  
1434 plan, and transition plan. The court shall review the status of  
1435 the young adult at least every 6 months and hold a permanency  
1436 review hearing at least annually. If the young adult is  
1437 appointed a guardian under chapter 744 or a guardian advocate  
1438 under s. 393.12, at the permanency review hearing the court  
1439 shall review the necessity of continuing the guardianship and  
1440 whether restoration of guardianship proceedings are needed when  
1441 the young adult reaches 22 years of age. The court may appoint  
1442 an attorney for the child ~~a guardian ad litem~~ or continue the  
1443 appointment of a guardian ad litem or an attorney for the child,  
1444 as applicable, with the young adult's consent. The young adult  
1445 or any other party to the dependency case may request an  
1446 additional hearing or review.

1447 Section 25. Paragraph (b) of subsection (1) and paragraph  
1448 (b) of subsection (2) of section 39.701, Florida Statutes, are  
1449 amended to read:

1450 39.701 Judicial review.—

1451 (1) GENERAL PROVISIONS.—

1452 (b)1. The court shall retain jurisdiction over a child  
1453 returned to his or her parents for a minimum period of 6 months  
1454 following the reunification, but, at that time, based on a  
1455 report of the social service agency and the guardian ad litem or  
1456 attorney for the child, if one has been appointed, and any other  
1457 relevant factors, the court shall make a determination as to  
1458 whether supervision by the department and the court's  
1459 jurisdiction shall continue or be terminated.

1460 2. Notwithstanding subparagraph 1., the court must retain  
1461 jurisdiction over a child if the child is placed in the home  
1462 with a parent or caregiver with an in-home safety plan and such  
1463 safety plan remains necessary for the child to reside safely in  
1464 the home.

1465 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
1466 AGE.—

1467 (b) *Submission and distribution of reports.*—

1468 1. A copy of the social service agency's written report  
1469 and the written report of the guardian ad litem, and a report of  
1470 the attorney for the child, if he or she has prepared one, must  
1471 be served on all parties whose whereabouts are known; to the  
1472 foster parents or legal custodians; and to the citizen review  
1473 panel, at least 72 hours before the judicial review hearing or  
1474 citizen review panel hearing. The requirement for providing  
1475 parents with a copy of the written report does not apply to

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1476 those parents who have voluntarily surrendered their child for  
1477 adoption or who have had their parental rights to the child  
1478 terminated.

1479         2. In a case in which the child has been permanently  
1480 placed with the social service agency, the agency shall furnish  
1481 to the court a written report concerning the progress being made  
1482 to place the child for adoption. If the child cannot be placed  
1483 for adoption, a report on the progress made by the child towards  
1484 alternative permanency goals or placements, including, but not  
1485 limited to, guardianship, long-term custody, long-term licensed  
1486 custody, or independent living, must be submitted to the court.  
1487 The report must be submitted to the court at least 72 hours  
1488 before each scheduled judicial review.

1489         3. In addition to or in lieu of any written statement  
1490 provided to the court, the foster parent or legal custodian, or  
1491 any preadoptive parent, shall be given the opportunity to  
1492 address the court with any information relevant to the best  
1493 interests of the child at any judicial review hearing.

1494         Section 26. Paragraph (g) of subsection (5) of section  
1495 39.702, Florida Statutes, is amended to read:

1496         39.702 Citizen review panels.—

1497         (5) The independent not-for-profit agency authorized to  
1498 administer each citizen review panel shall:

1499         (g) Establish policies to ensure adequate communication  
1500 with the parent, the foster parent or legal custodian, the

1501 guardian ad litem or attorney for the child, and any other  
 1502 person deemed appropriate.

1503 Section 27. Paragraph (a) of subsection (3) and  
 1504 subsections (5), (6), and (7) of section 39.801, Florida  
 1505 Statutes, are amended to read:

1506 39.801 Procedures and jurisdiction; notice; service of  
 1507 process.—

1508 (3) Before the court may terminate parental rights, in  
 1509 addition to the other requirements set forth in this part, the  
 1510 following requirements must be met:

1511 (a) Notice of the date, time, and place of the advisory  
 1512 hearing for the petition to terminate parental rights and a copy  
 1513 of the petition must be personally served upon the following  
 1514 persons, specifically notifying them that a petition has been  
 1515 filed:

- 1516 1. The parents of the child.
- 1517 2. The legal custodians of the child.
- 1518 3. If the parents who would be entitled to notice are dead  
 1519 or unknown, a living relative of the child, unless upon diligent  
 1520 search and inquiry no such relative can be found.
- 1521 4. Any person who has physical custody of the child.
- 1522 5. Any grandparent entitled to priority for adoption under  
 1523 s. 63.0425.
- 1524 6. Any prospective parent who has been identified under s.  
 1525 39.503 or s. 39.803, unless a court order has been entered

1526 | pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which  
 1527 | indicates no further notice is required. Except as otherwise  
 1528 | provided in this section, if there is not a legal father, notice  
 1529 | of the petition for termination of parental rights must be  
 1530 | provided to any known prospective father who is identified under  
 1531 | oath before the court or who is identified by a diligent search  
 1532 | of the Florida Putative Father Registry. Service of the notice  
 1533 | of the petition for termination of parental rights is not  
 1534 | required if the prospective father executes an affidavit of  
 1535 | nonpaternity or a consent to termination of his parental rights  
 1536 | which is accepted by the court after notice and opportunity to  
 1537 | be heard by all parties to address the best interests of the  
 1538 | child in accepting such affidavit.

1539 |         7. The guardian ad litem for the child or the  
 1540 | representative of the guardian ad litem program, if the program  
 1541 | has been appointed.

1542 |         8. The attorney for the child, if appointed.

1543 |  
 1544 | The document containing the notice to respond or appear must  
 1545 | contain, in type at least as large as the type in the balance of  
 1546 | the document, the following or substantially similar language:  
 1547 | "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING  
 1548 | CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF  
 1549 | THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND  
 1550 | TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE

1551 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS  
 1552 NOTICE."

1553 (5) All process and orders issued by the court must be  
 1554 served or executed as other process and orders of the circuit  
 1555 court and, in addition, may be served or executed by authorized  
 1556 agents of the department, ~~or~~ the guardian ad litem, or the  
 1557 attorney for the child.

1558 (6) Subpoenas may be served within this ~~the~~ state by any  
 1559 person over 18 years of age who is not a party to the proceeding  
 1560 and, in addition, may be served or executed by authorized agents  
 1561 of the department, ~~or~~ of the guardian ad litem, or of the  
 1562 attorney for the child.

1563 (7) A fee may not be paid for service of any process or  
 1564 other papers by an agent of the department, ~~or~~ the guardian ad  
 1565 litem, or the attorney for the child. If any process, orders, or  
 1566 other papers are served or executed by any sheriff, the  
 1567 sheriff's fees must be paid by the county.

1568 Section 28. Subsection (1) of section 39.802, Florida  
 1569 Statutes, is amended to read:

1570 39.802 Petition for termination of parental rights;  
 1571 filing; elements.-

1572 (1) All proceedings seeking an adjudication to terminate  
 1573 parental rights pursuant to this chapter must be initiated by  
 1574 the filing of an original petition by the department, the  
 1575 guardian ad litem, the attorney for the child, or any other

1576 person who has knowledge of the facts alleged or is informed of  
 1577 them and believes that they are true.

1578 Section 29. Subsection (2) of section 39.808, Florida  
 1579 Statutes, is amended to read:

1580 39.808 Advisory hearing; pretrial status conference.—

1581 (2) At the hearing the court shall inform the parties of  
 1582 their rights under s. 39.807, shall appoint counsel for the  
 1583 parties in accordance with legal requirements, and shall appoint  
 1584 a guardian ad litem or an attorney for the child as provided for  
 1585 in s. 39.831 to represent the interests of the child if one has  
 1586 not already been appointed.

1587 Section 30. Subsection (11) of section 39.810, Florida  
 1588 Statutes, is amended to read:

1589 39.810 Manifest best interests of the child.—In a hearing  
 1590 on a petition for termination of parental rights, the court  
 1591 shall consider the manifest best interests of the child. This  
 1592 consideration shall not include a comparison between the  
 1593 attributes of the parents and those of any persons providing a  
 1594 present or potential placement for the child. For the purpose of  
 1595 determining the manifest best interests of the child, the court  
 1596 shall consider and evaluate all relevant factors, including, but  
 1597 not limited to:

1598 (11) The recommendations for the child provided by the  
 1599 child's guardian ad litem ~~or legal representative~~.

1600 Section 31. Subsection (9) of section 39.811, Florida



1601 Statutes, is amended to read:

1602 39.811 Powers of disposition; order of disposition.—

1603 (9) After termination of parental rights, the court shall  
 1604 retain jurisdiction over any child for whom custody is given to  
 1605 a social service agency until the child is adopted. The court  
 1606 shall review the status of the child's placement and the  
 1607 progress being made toward permanent adoptive placement. As part  
 1608 of this continuing jurisdiction, for good cause shown by the  
 1609 attorney for the child or guardian ad litem for the child, the  
 1610 court may review the appropriateness of the adoptive placement  
 1611 of the child.

1612 Section 32. Subsection (4) of section 39.812, Florida  
 1613 Statutes, is amended to read:

1614 39.812 Postdisposition relief; petition for adoption.—

1615 (4) The court shall retain jurisdiction over any child  
 1616 placed in the custody of the department until the child is  
 1617 adopted. After custody of a child for subsequent adoption has  
 1618 been given to the department, the court has jurisdiction for the  
 1619 purpose of reviewing the status of the child and the progress  
 1620 being made toward permanent adoptive placement. As part of this  
 1621 continuing jurisdiction, for good cause shown by the attorney  
 1622 for the child or guardian ad litem for the child, the court may  
 1623 review the appropriateness of the adoptive placement of the  
 1624 child. When a licensed foster parent or court-ordered custodian  
 1625 has applied to adopt a child who has resided with the foster

1626 parent or custodian for at least 6 months and who has previously  
 1627 been permanently committed to the legal custody of the  
 1628 department and the department does not grant the application to  
 1629 adopt, the department may not, in the absence of a prior court  
 1630 order authorizing it to do so, remove the child from the foster  
 1631 home or custodian, except when:

1632 (a) There is probable cause to believe that the child is  
 1633 at imminent risk of abuse or neglect;

1634 (b) Thirty days have expired following written notice to  
 1635 the foster parent or custodian of the denial of the application  
 1636 to adopt, within which period no formal challenge of the  
 1637 department's decision has been filed; or

1638 (c) The foster parent or custodian agrees to the child's  
 1639 removal.

1640 Section 33. Subsections (5), (6), and (7) of section  
 1641 43.16, Florida Statutes, are amended to read:

1642 43.16 Justice Administrative Commission; membership,  
 1643 powers and duties.—

1644 (5) The duties of the commission shall include, but not be  
 1645 limited to, the following:

1646 (a) The maintenance of a central state office for  
 1647 administrative services and assistance when possible to and on  
 1648 behalf of the state attorneys and public defenders of Florida,  
 1649 the capital collateral regional counsel of Florida, the criminal  
 1650 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem

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1651 Program, and the Statewide Office of Child Representation.

1652 (b) Each state attorney, public defender, ~~and~~ criminal  
1653 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem  
1654 Program, and the Statewide Office of Child Representation shall  
1655 continue to prepare necessary budgets, vouchers that represent  
1656 valid claims for reimbursement by the state for authorized  
1657 expenses, and other things incidental to the proper  
1658 administrative operation of the office, such as revenue  
1659 transmittals to the Chief Financial Officer and automated  
1660 systems plans, but will forward such items to the commission for  
1661 recording and submission to the proper state officer. However,  
1662 when requested by a state attorney, a public defender, a  
1663 criminal conflict and civil regional counsel, ~~or~~ the Guardian Ad  
1664 Litem Program, or the Statewide Office of Child Representation,  
1665 the commission will either assist in the preparation of budget  
1666 requests, voucher schedules, and other forms and reports or  
1667 accomplish the entire project involved.

1668 (6) The commission, each state attorney, each public  
1669 defender, the criminal conflict and civil regional counsel, the  
1670 capital collateral regional counsel, ~~and~~ the Guardian Ad Litem  
1671 Program, and the Statewide Office of Child Representation shall  
1672 establish and maintain internal controls designed to:

1673 (a) Prevent and detect fraud, waste, and abuse as defined  
1674 in s. 11.45(1).

1675 (b) Promote and encourage compliance with applicable laws,

1676 rules, contracts, grant agreements, and best practices.  
 1677 (c) Support economical and efficient operations.  
 1678 (d) Ensure reliability of financial records and reports.  
 1679 (e) Safeguard assets.

1680 (7) The provisions contained in this section shall be  
 1681 supplemental to those of chapter 27, relating to state  
 1682 attorneys, public defenders, criminal conflict and civil  
 1683 regional counsel, and capital collateral regional counsel; to  
 1684 those of chapter 39, relating to the Guardian Ad Litem Program  
 1685 and the Statewide Office of Child Representation; or to other  
 1686 laws pertaining hereto.

1687 Section 34. Paragraph (a) of subsection (2) of section  
 1688 63.085, Florida Statutes, is amended to read:

1689 63.085 Disclosure by adoption entity.—

1690 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1691 (a) At the time that an adoption entity is responsible for  
 1692 selecting prospective adoptive parents for a born or unborn  
 1693 child whose parents are seeking to place the child for adoption  
 1694 or whose rights were terminated pursuant to chapter 39, the  
 1695 adoption entity must provide the prospective adoptive parents  
 1696 with information concerning the background of the child to the  
 1697 extent such information is disclosed to the adoption entity by  
 1698 the parents, legal custodian, or the department. This subsection  
 1699 applies only if the adoption entity identifies the prospective  
 1700 adoptive parents and supervises the placement of the child in

1701 the prospective adoptive parents' home. If any information  
1702 cannot be disclosed because the records custodian failed or  
1703 refused to produce the background information, the adoption  
1704 entity has a duty to provide the information if it becomes  
1705 available. An individual or entity contacted by an adoption  
1706 entity to obtain the background information must release the  
1707 requested information to the adoption entity without the  
1708 necessity of a subpoena or a court order. In all cases, the  
1709 prospective adoptive parents must receive all available  
1710 information by the date of the final hearing on the petition for  
1711 adoption. The information to be disclosed includes:

- 1712 1. A family social and medical history form completed  
1713 pursuant to s. 63.162(6).
- 1714 2. The biological mother's medical records documenting her  
1715 prenatal care and the birth and delivery of the child.
- 1716 3. A complete set of the child's medical records  
1717 documenting all medical treatment and care since the child's  
1718 birth and before placement.
- 1719 4. All mental health, psychological, and psychiatric  
1720 records, reports, and evaluations concerning the child before  
1721 placement.
- 1722 5. The child's educational records, including all records  
1723 concerning any special education needs of the child before  
1724 placement.
- 1725 6. Records documenting all incidents that required the

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1726 department to provide services to the child, including all  
1727 orders of adjudication of dependency or termination of parental  
1728 rights issued pursuant to chapter 39, any case plans drafted to  
1729 address the child's needs, all protective services  
1730 investigations identifying the child as a victim, and all  
1731 guardian ad litem reports or attorney for the child reports  
1732 filed with the court concerning the child.

1733 7. Written information concerning the availability of  
1734 adoption subsidies for the child, if applicable.

1735 Section 35. Subsection (4) of section 322.09, Florida  
1736 Statutes, is amended to read:

1737 322.09 Application of minors; responsibility for  
1738 negligence or misconduct of minor.—

1739 (4) Notwithstanding subsections (1) and (2), if a  
1740 caregiver of a minor who is under the age of 18 years and is in  
1741 out-of-home care as defined in s. 39.01(56) ~~s. 39.01(55)~~, an  
1742 authorized representative of a residential group home at which  
1743 such a minor resides, the caseworker at the agency at which the  
1744 state has placed the minor, or a guardian ad litem specifically  
1745 authorized by the minor's caregiver to sign for a learner's  
1746 driver license signs the minor's application for a learner's  
1747 driver license, that caregiver, group home representative,  
1748 caseworker, or guardian ad litem does not assume any obligation  
1749 or become liable for any damages caused by the negligence or  
1750 willful misconduct of the minor by reason of having signed the

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1751 application. Before signing the application, the caseworker,  
1752 authorized group home representative, or guardian ad litem shall  
1753 notify the caregiver or other responsible party of his or her  
1754 intent to sign and verify the application.

1755 Section 36. Paragraph (p) of subsection (4) of section  
1756 394.495, Florida Statutes, is amended to read:

1757 394.495 Child and adolescent mental health system of care;  
1758 programs and services.—

1759 (4) The array of services may include, but is not limited  
1760 to:

1761 (p) Trauma-informed services for children who have  
1762 suffered sexual exploitation as defined in s. 39.01(78)(g) ~~s.~~  
1763 ~~39.01(77)(g)~~.

1764 Section 37. Section 627.746, Florida Statutes, is amended  
1765 to read:

1766 627.746 Coverage for minors who have a learner's driver  
1767 license; additional premium prohibited.—An insurer that issues  
1768 an insurance policy on a private passenger motor vehicle to a  
1769 named insured who is a caregiver of a minor who is under the age  
1770 of 18 years and is in out-of-home care as defined in s.  
1771 39.01(56) ~~s. 39.01(55)~~ may not charge an additional premium for  
1772 coverage of the minor while the minor is operating the insured  
1773 vehicle, for the period of time that the minor has a learner's  
1774 driver license, until such time as the minor obtains a driver  
1775 license.

1776 Section 38. Paragraph (b) of subsection (9) of section  
 1777 768.28, Florida Statutes, is amended to read:

1778 768.28 Waiver of sovereign immunity in tort actions;  
 1779 recovery limits; civil liability for damages caused during a  
 1780 riot; limitation on attorney fees; statute of limitations;  
 1781 exclusions; indemnification; risk management programs.—

1782 (9)

1783 (b) As used in this subsection, the term:

1784 1. "Employee" includes any volunteer firefighter.

1785 2. "Officer, employee, or agent" includes, but is not  
 1786 limited to, any health care provider when providing services  
 1787 pursuant to s. 766.1115; any nonprofit independent college or  
 1788 university located and chartered in this state which owns or  
 1789 operates an accredited medical school, and its employees or  
 1790 agents, when providing patient services pursuant to paragraph  
 1791 (10) (f); any public defender or her or his employee or agent,  
 1792 including an assistant public defender or an investigator; and  
 1793 any member of a Child Protection Team, as defined in s. 39.01 ~~s.~~  
 1794 ~~39.01(13)~~, when carrying out her or his duties as a team member  
 1795 under the control, direction, and supervision of the state or  
 1796 any of its agencies or subdivisions.

1797 Section 39. Paragraph (c) of subsection (1) of section  
 1798 934.255, Florida Statutes, is amended to read:

1799 934.255 Subpoenas in investigations of sexual offenses.—

1800 (1) As used in this section, the term:



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1801 (c) "Sexual abuse of a child" means a criminal offense  
1802 based on any conduct described in s. 39.01(78) ~~s. 39.01(77)~~.

1803 Section 40. Subsection (5) of section 960.065, Florida  
1804 Statutes, is amended to read:

1805 960.065 Eligibility for awards.—

1806 (5) A person is not ineligible for an award pursuant to  
1807 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that  
1808 person is a victim of sexual exploitation of a child as defined  
1809 in s. 39.01(78)(g) ~~s. 39.01(77)(g)~~.

1810 Section 41. This act shall take effect July 1, 2022.