

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Judicial Oversight offered the following:

**Amendment (with title amendment)**

On page 1, line 24 through page 9, line 23,  
remove: all of said lines

and insert:

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

Section 1. Creation of a statewide guardian ad litem office; legislative findings and intent; appointment of an executive director; duties of the office; transfer of existing programs.--

(1) LEGISLATIVE FINDINGS AND INTENT.--

(a) The legislature finds that for the past twenty years the Guardian ad Litem program has been the only mechanism for best interest representation for children in Florida who are involved in dependency proceedings.

(b) The Legislature also finds that while the Guardian ad Litem Program has been supervised by the Office of the

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1 State Courts Administrator since the program's inception,  
2 there is a perceived conflict of interest created by the  
3 supervision of program staff by the judges they appear before.

4 (c) The Legislature further finds that the Guardian ad  
5 Litem Program has not been identified as a core element of the  
6 judicial branch and is therefore scheduled to be moved out of  
7 the branch in 2004 as a result of Article V, Revision 7.

8 (d) It is therefore the intent of the Legislature to  
9 place the Guardian ad Litem Program in an appropriate place  
10 and provide a statewide infrastructure to increase functioning  
11 and standardization among the local programs currently  
12 operating in the twenty judicial circuits.

13 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.--There is  
14 hereby created a Statewide Guardian ad Litem Office within the  
15 Justice Administrative Commission. The Justice Administrative  
16 Commission shall provide administrative support and service to  
17 the office to the extent requested by the executive director  
18 within the available resources of the commission. The  
19 Statewide Guardian ad Litem Office shall not be subject to  
20 control, supervision, or direction by the Justice  
21 Administrative Commission in the performance of its duties.

22 (a) The head of the Statewide Guardian ad Litem Office  
23 is the executive director, who shall be appointed by the  
24 Governor. The executive director must be a licensed attorney  
25 with at least five years of experience in dependency law and  
26 knowledge of social service delivery systems available to meet  
27 the needs of children who have been adjudicated dependent,  
28 shall serve on a full-time basis, and shall personally, or  
29 through representatives of the office, carry out the purposes  
30 and functions of the Statewide Guardian ad Litem Office in  
31 accordance with state and federal law. The executive director

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1 shall serve at the pleasure of and report to the Governor.

2 (b) The Statewide Guardian ad Litem Office shall,  
3 within available resources, have oversight responsibilities  
4 for and provide technical assistance to all Guardian ad Litem  
5 programs located within the judicial circuits.

6 1. The office shall review the current guardian ad  
7 litem programs in Florida and other states.

8 2. The office, in consultation with local guardian ad  
9 litem offices, shall develop statewide performance measures  
10 and standards.

11 3. The office shall develop a guardian ad litem  
12 training program. The office shall establish a curriculum  
13 committee to develop the training program specified in this  
14 part. The curriculum committee shall include, but not be  
15 limited to, dependency judges, directors of circuit guardian  
16 ad litem programs, active certified guardians ad litem, a  
17 mental health professional who specializes in the treatment of  
18 children, a member of a child advocacy group, a representative  
19 of the Florida Coalition Against Domestic Violence, and a  
20 social worker experienced in working with victims and  
21 perpetrators of child abuse.

22 4. The office shall review the various methods of  
23 funding guardian ad litem programs, shall maximize the use of  
24 those funding sources as much as possible, and shall review  
25 the kinds of services being provided by circuit guardian ad  
26 litem programs.

27 5. The office may conduct or contract for  
28 demonstration projects, within funds appropriated or through  
29 gifts, grants, or contributions for such purposes to determine  
30 the feasibility or desirability of new concepts of  
31 organization, administration, financing, or service delivery

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1 designed to preserve the civil and constitutional rights and  
2 fulfill other needs of dependent children.

3 6. No later than October 1, 2003, the office shall  
4 submit to the Governor, the President of the Senate, the  
5 Speaker of the House of Representatives, and the Chief Justice  
6 of the Supreme Court an interim report describing the progress  
7 of the office in meeting the goals as described in this  
8 section. No later than October 1, 2003, the office shall  
9 submit to the Governor, the President of the Senate, the  
10 Speaker of the House of Representatives, and the Chief Justice  
11 of the Supreme Court a proposed plan including alternatives  
12 for meeting the state's guardian ad litem needs. This plan  
13 may include recommendations for less than the entire state,  
14 may include a phase-in system, and shall include estimates of  
15 the cost of each of the alternatives. Each year thereafter,  
16 the office shall provide a status report and provide further  
17 recommendations to address the need for guardian ad litem  
18 services and related issues.

19 (c) The budget entity for the existing Guardian ad  
20 Litem Programs in the individual circuits shall be transferred  
21 from the Office of the State Courts Administrator to the  
22 Justice Administrative Commission.

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24  
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 1, line 2,  
28 after the semi-colon remove: all of said lines

29  
30 and insert:

31 providing legislative findings and intent;

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creating the Statewide Guardian ad Litem Office  
within the Justice Administrative Commission;  
providing for the appointment of an executive  
director; providing for duties; providing for a  
report; providing for the transfer of the local  
guardian ad litem programs to the Statewide  
Guardian ad Litem Office;