

1                                   A bill to be entitled  
2           An act relating to legal proceedings involving  
3           minor children; providing for the transfer of  
4           the guardian ad litem program to the Statewide  
5           Public Guardianship and Children's  
6           Representation Office; renaming each guardian  
7           ad litem office as a Circuit Office of  
8           Children's Representation; providing for a  
9           study to determine the organizational placement  
10          of the Statewide Public Guardianship and  
11          Children's Representation Office and Circuit  
12          Children's Representation Offices with  
13          recommendations to the Legislature by a  
14          specified date; providing for county funding of  
15          program elements; amending s. 25.388, F.S.;  
16          including the Statewide Public Guardianship and  
17          Children's Representation Office as recipients  
18          of moneys from the Family Courts Trust Funds;  
19          amending s. 744.701, F.S.; redesignating the  
20          Public Guardianship Act as the "Public  
21          Guardianship and Children's Representation  
22          Act"; amending s. 744.702, F.S.; providing  
23          legislative intent with respect to children  
24          involved in dependency proceedings and  
25          incapacitated persons; amending s. 744.7021,  
26          F.S.; establishing the Statewide Public  
27          Guardianship and Children's Representation  
28          Office within the Department of Elderly  
29          Affairs; providing a term of office and  
30          qualifications for the executive director;  
31          providing for appointment of deputy directors;

1 providing qualifications for deputy directors;  
2 requiring the Statewide Public Guardianship and  
3 Children's Representation Office to establish  
4 standards for the representation of children;  
5 requiring an annual report to the Legislature;  
6 requiring the office to establish a Circuit  
7 Office of Children's Representation in each  
8 judicial circuit; authorizing the circuit  
9 offices to provide and coordinate the provision  
10 of legal services for children when private  
11 representation is unavailable; requiring the  
12 circuit offices to provide representation for  
13 children in dependency proceedings; providing  
14 for appointing a lay representative and an  
15 attorney to represent the best interest of the  
16 child; authorizing the Statewide Public  
17 Guardianship and Children's Representation  
18 Office or the Circuit Offices of Children's  
19 Representation to establish a nonprofit  
20 organization to assist in funding the services  
21 provided to children; amending ss. 744.703,  
22 744.706, 744.707, 744.708, 744.7081, 400.148,  
23 F.S., relating to the office of public  
24 guardian, budget, procedures and rules, reports  
25 and standards, access to records, and Medicaid  
26 contracts; conforming provisions to changes  
27 made by the act; amending s. 27.51, F.S.;  
28 authorizing a public defender to enter into an  
29 agreement for representation of a child in a  
30 dependency proceeding; amending s. 39.001,  
31 F.S.; requiring the Statewide Public

1 Guardianship and Children's Representation  
2 Office to participate in revising the statewide  
3 plan to prevent abuse, abandonment, and neglect  
4 of children; requiring that the Circuit Offices  
5 of Children's Representation participate in  
6 revising local plans; amending s. 39.01, F.S.;  
7 redefining the term "party" to include, under  
8 certain circumstances, a guardian ad litem;  
9 limiting a child's right to file documents;  
10 providing for notice to a party; providing for  
11 excusing a child from appearing in court;  
12 amending s. 39.013, F.S.; providing for  
13 representation of children in proceedings under  
14 ch. 39, F.S.; amending s. 39.202, F.S.;  
15 authorizing access to records by the guardian  
16 ad litem and the child; amending s. 39.302,  
17 F.S.; requiring notification of the guardian ad  
18 litem or legal counsel of reports of  
19 institutional child abuse, neglect, or  
20 abandonment; amending s. 39.305, F.S.;  
21 providing for the Statewide Public Guardianship  
22 and Children's Representation Office to  
23 participate in developing the model plan for  
24 intervention and treatment in certain  
25 sexual-abuse cases; amending s. 39.402, F.S.;  
26 providing for notice of and representation for  
27 a child at a shelter hearing; providing for  
28 continuance of the hearing in order for the  
29 child to obtain representation; amending s.  
30 39.407, F.S.; authorizing legal counsel to  
31 represent a child placed in residential

1 treatment; requiring that notice and  
2 information regarding the child's treatment be  
3 provided to the child's guardian ad litem and  
4 legal counsel; amending s. 39.4085, F.S.;  
5 requiring that the child, the guardian ad  
6 litem, or legal counsel participate in  
7 developing a case plan; providing for the right  
8 of a child to be heard at all review hearings;  
9 providing for appointment of a guardian ad  
10 litem or legal counsel; repealing s. 39.4086,  
11 F.S., relating to a pilot program for  
12 appointing attorneys ad litem for dependent  
13 children; amending s. 39.502, F.S.; providing  
14 for notice and service of process on legal  
15 counsel or guardian ad litem; amending s.  
16 39.504, F.S.; authorizing the child's guardian  
17 ad litem or attorney to file for an injunction  
18 to prevent child abuse or an unlawful sexual  
19 offense; amending s. 39.505, F.S.; specifying  
20 that the guardian ad litem need not file an  
21 answer to a petition or pleading; amending s.  
22 39.510, F.S.; authorizing the representative of  
23 a party to appeal a court order; amending s.  
24 39.521, F.S.; requiring that a case plan and  
25 certain reports be provided to specified  
26 parties; limiting discharge of a guardian ad  
27 litem or legal counsel unless other  
28 representation is provided to a child;  
29 authorizing approval of withdrawal request;  
30 amending s. 39.701, F.S.; authorizing the court  
31 to dismiss a child from a judicial review

1 hearing; requiring that notice be provided to  
2 the child and legal counsel; requiring service  
3 of reports on specified parties; requiring the  
4 court to determine whether a child needs a  
5 guardian ad litem or attorney; amending s.  
6 39.801, F.S.; requiring that notice of a  
7 petition be served on a child; exempting a  
8 child's legal counsel from payment of fees for  
9 service of process or other papers; amending s.  
10 39.802, F.S.; providing for a child through  
11 legal counsel to file a petition for  
12 termination of parental rights; amending s.  
13 39.805, F.S.; providing that a guardian ad  
14 litem need not file an answer; amending s.  
15 39.806, F.S.; providing requirements for a  
16 child in filing a petition for termination of  
17 parental rights; amending s. 39.807, F.S.;  
18 providing requirements for the representation  
19 provided to a child by the guardian ad litem or  
20 legal counsel; eliminating provisions related  
21 to posting of a bond and service on a guardian  
22 ad litem; amending s. 39.808, F.S.; providing  
23 for appointment of legal counsel following a  
24 petition to terminate parental rights; amending  
25 s. 39.810, F.S.; providing for the court to  
26 consider the expressed interest of the child in  
27 a hearing on a petition to terminate parental  
28 rights; providing that the court must consider  
29 information related to best-interest  
30 requirements provided by a guardian ad litem;  
31 amending s. 39.811, F.S.; requiring that the

1 court consider information provided by the  
2 child or the guardian ad litem in determining  
3 whether to retain jurisdiction over a dependent  
4 child; amending s. 39.820, F.S.; amending the  
5 definition of the term "guardian ad litem" to  
6 eliminate references to the guardian ad litem  
7 program; amending s. 39.821, F.S.; providing  
8 qualifications for guardians ad litem and staff  
9 members of the Circuit Office of Children's  
10 Representation providing representation to  
11 children; amending s. 39.822, F.S.; designating  
12 who may be a guardian ad litem; providing for  
13 appointment of the Circuit Office of Children's  
14 Representation when the child and parents are  
15 indigent; requiring background checks of  
16 specified guardians ad litem; creating s.  
17 39.8225, F.S.; providing powers and duties of a  
18 guardian ad litem; requiring that a guardian ad  
19 litem represent the child's best interest;  
20 requiring that a guardian ad litem investigate  
21 allegations in a pleading filed; providing  
22 requirements for conducting an investigation;  
23 requiring that the guardian ad litem and  
24 attorney consult with the child; requiring a  
25 report; providing for attorney review of the  
26 report and presentation to the court; requiring  
27 that the court be informed of the expressed  
28 interest of the child; authorizing the court to  
29 issue a blanket order for the guardian ad litem  
30 to obtain information; authorizing the guardian  
31 ad litem to petition the court to issue orders;

1 providing for notice of written reports to all  
2 parties; requiring that the guardian ad litem  
3 file certain pleadings through counsel;  
4 creating s. 39.84, F.S.; providing for  
5 confidentiality; creating s. 39.86, F.S.;  
6 providing immunity for a guardian ad litem,  
7 staff or volunteer in a Circuit Office of  
8 Children's Representation, and a  
9 court-appointed psychologist; creating s.  
10 39.8226, F.S.; providing for appointment of  
11 legal counsel for a child; requiring that the  
12 court determine capacity of a child before  
13 appointing legal counsel; providing for  
14 appointment of legal counsel when the Circuit  
15 Office of Children's Representation is  
16 providing representation; authorizing the  
17 Circuit Office of Children's Representation to  
18 petition for appointment of counsel; amending  
19 s. 40.24, F.S.; providing for payment for  
20 jurors to be used to fund the representation of  
21 children in a proceeding under ch. 39, F.S.,  
22 and related proceedings; amending s. 215.5601,  
23 F.S.; providing for the Director of the  
24 Statewide Public Guardianship and Children's  
25 Representation Office rather than the director  
26 of the guardian ad litem program to be a member  
27 of the Lawton Chiles Endowment Fund Advisory  
28 Council; amending s. 985.308, F.S.;  
29 substituting the Statewide Public Guardianship  
30 and Children's Representation Office for the  
31 guardian ad litem program on the membership of

1 a sexual abuse intervention network; reenacting  
2 ss. 39.3035, 39.202, F.S., relating to child  
3 advocacy centers and adjudicatory hearings, to  
4 incorporate the amendment to s. 39.202, F.S.,  
5 in references thereto; reenacting s. 63.052,  
6 F.S., relating to the designation of guardians,  
7 to incorporate the amendment to 39.701, F.S.,  
8 in references thereto; reenacting s. 984.03,  
9 F.S., relating to probation and community  
10 control, to incorporate the amendment to s.  
11 39.402, F.S., in references thereto; providing  
12 an effective date.  
13

14 Be It Enacted by the Legislature of the State of Florida:  
15

16 Section 1. The guardian ad litem program is  
17 transferred to the Statewide Public Guardianship and  
18 Children's Representation Office, and each circuit guardian ad  
19 litem office is renamed as the Circuit Office of Children's  
20 Representation.

21 Section 2. The Statewide Public Guardianship and  
22 Children's Representation Office, in consultation with  
23 appropriate parties, including the judicial branch, Office of  
24 the Governor, Attorney General, and a representative of the  
25 Justice Administrative Commission, shall study the  
26 organizational placement of the Statewide Public Guardianship  
27 and Children's Representation Office, including the Deputy  
28 Director and related staff and the Circuit Offices of  
29 Children's Representation, and shall make recommendations  
30 regarding the placement to the Legislature by February 1,  
31 2003.

1           Section 3. Effective October 1, 2002, the guardian ad  
2 litem program in the Office of the State Court Administrator  
3 and in each judicial circuit and all of its statutory powers,  
4 duties, and functions, and its records, personnel, property,  
5 and unexpended balances of appropriations, allocations, or  
6 other funds, are transferred by a type two transfer, as  
7 defined in section 20.06(2), Florida Statutes, to the  
8 Statewide Public Guardianship and Children's Representation  
9 Office. The counties shall continue to fund those existing  
10 elements of the guardian ad litem offices when the offices  
11 become Circuit Offices of Children's Representation. Such  
12 funding shall be consistent with current practice including  
13 providing for additions to office staffing until the  
14 Legislature expressly assumes the responsibility for funding  
15 such elements.

16           Section 4. Subsection (1) of section 25.388, Florida  
17 Statutes, is amended to read:

18           25.388 Family Courts Trust Fund.--

19           (1)(a) The trust fund moneys in the Family Courts  
20 Trust Fund, administered by the Supreme Court, shall be used  
21 to implement family court plans in all judicial circuits of  
22 this state.

23           (b) The Supreme Court, through the Office of the State  
24 Courts Administrator, shall adopt a comprehensive plan for the  
25 operation of the trust fund and the expenditure of any moneys  
26 deposited into the trust fund. The plan shall provide for a  
27 comprehensive integrated response to families in litigation,  
28 including domestic violence matters, the Statewide Public  
29 Guardianship and Children's Representation Office's  
30 representation of children in dependency proceedings ~~guardian~~  
31 ~~ad litem programs~~, mediation programs, legal support,

1 training, automation, and other related costs incurred to  
2 benefit the citizens of the state and the courts in relation  
3 to family law cases. The trust fund shall be used to fund the  
4 publication of the handbook created pursuant to s. 741.0306.

5 Section 5. Section 744.701, Florida Statutes, is  
6 amended to read:

7 744.701 Short title.--This act ~~shall be known and~~ may  
8 be cited as the "Public Guardianship and Children's  
9 Representation Act."

10 Section 6. Section 744.702, Florida Statutes, is  
11 amended to read:

12 744.702 Legislative intent.--The Legislature finds  
13 that children involved in dependency proceedings and  
14 incapacitated persons are the state's most vulnerable  
15 residents.

16 (1) If a minor child is a party to a dependency  
17 proceeding, every effort should be made to ensure that the  
18 child has representation through a guardian ad litem or legal  
19 counsel. If the child and the child's parents are indigent,  
20 the state should ensure that the child is protected in  
21 dependency proceedings. One of the purposes of this part is to  
22 ensure that the rights and interests of a child who is a party  
23 to a dependency proceeding are protected when those rights and  
24 interests are not otherwise represented.

25 (2) The Legislature finds that private guardianship  
26 for an incapacitated person is inadequate where there is no  
27 willing and responsible family member or friend, other person,  
28 bank, or corporation available to serve as guardian for an  
29 incapacitated person, and such person does not have adequate  
30 income or wealth for the compensation of a private guardian.  
31 The Legislature intends through this act to establish the

1 Statewide Public Guardianship and Children's Representation  
2 Office, and permit the establishment of offices of public  
3 guardian for the purpose of providing guardianship services  
4 for incapacitated persons when no private guardian is  
5 available. The Legislature further finds that alternatives to  
6 guardianship and less intrusive means of assistance should  
7 always be explored, including, but not limited to, guardian  
8 advocates, before an individual's rights are removed through  
9 an adjudication of incapacity. The purpose of this  
10 legislation is to provide a public guardian only to those  
11 persons whose needs cannot be met through less drastic means  
12 of intervention.

13 Section 7. Section 744.7021, Florida Statutes, is  
14 amended to read:

15 744.7021 Statewide Public Guardianship and Children's  
16 Representation Office.--There is ~~hereby~~ created the Statewide  
17 Public Guardianship and Children's Representation Office  
18 within the Department of Elderly Affairs. The Department of  
19 Elderly Affairs shall provide administrative support and  
20 service to the office to the extent requested by the executive  
21 director within the available resources of the department. The  
22 Statewide Public Guardianship and Children's Representation  
23 Office may request the assistance of the Inspector General of  
24 the Department of Elderly Affairs in providing auditing  
25 services, and the Office of General Counsel of the department  
26 may provide assistance in rulemaking and other matters as  
27 needed to assist the Statewide Public Guardianship and  
28 Children's Representation Office. The Statewide Public  
29 Guardianship and Children's Representation Office shall not be  
30 subject to control, supervision, or direction by the  
31

1 Department of Elderly Affairs in the performance of its  
2 duties.

3 (1) The head of the Statewide Public Guardianship and  
4 Children's Representation Office is the executive director,  
5 who shall be appointed by the Governor for a term of 3 years  
6 and who shall report to the Governor. The executive director  
7 must be a licensed attorney who has experience in managing  
8 legal services or similar management experience. The executive  
9 director shall appoint a deputy director of the Children's  
10 Representation Program and a deputy director of the Statewide  
11 Public Guardianship Program. The deputy director of the  
12 Children's Representation Program must be a licensed attorney  
13 who is knowledgeable in dependency law and has experience in  
14 managing the provision of legal services. The deputy director  
15 of the Statewide Public Guardianship Program must be a  
16 licensed attorney with a background in guardianship law and  
17 knowledge of social services available to meet the needs of  
18 incapacitated persons.~~, shall serve on a full-time basis, and~~  
19 ~~shall personally, or through representatives of the office,~~  
20 ~~carry out the purposes and functions of the Statewide Public~~  
21 ~~Guardianship Office in accordance with state and federal law.~~  
22 ~~The executive director shall serve at the pleasure of and~~  
23 ~~report to the Governor.~~

24 (2) The Statewide Public Guardianship and Children's  
25 Representation Office shall, within available resources, have  
26 oversight responsibilities for all public guardians.

27 (a) The office shall review the current public  
28 guardian programs in Florida and other states.

29 (b) The office, in consultation with local  
30 guardianship offices, shall develop statewide performance  
31 measures and standards.

1           (c) The office shall review the various methods of  
2 funding guardianship programs, the kinds of services being  
3 provided by such programs, and the demographics of the wards.  
4 In addition, the office shall review and make recommendations  
5 regarding the feasibility of recovering a portion or all of  
6 the costs of providing public guardianship services from the  
7 assets or income of the wards.

8           (d) No later than October 1, 2000, 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 an interim report describing the progress  
12 of the office in meeting the goals as described in this  
13 section. No later than October 1, 2001, the office shall  
14 submit to the Governor, the President of the Senate, the  
15 Speaker of the House of Representatives, and the Chief Justice  
16 of the Supreme Court a proposed public guardianship plan  
17 including alternatives for meeting the state's guardianship  
18 needs. This plan may include recommendations for less than the  
19 entire state, may include a phase-in system, and shall include  
20 estimates of the cost of each of the alternatives. Each year  
21 thereafter, the office shall provide a status report and  
22 provide further recommendations to address the need for public  
23 guardianship services and related issues.

24           (e) The office may provide assistance to local  
25 governments or entities in pursuing grant opportunities. The  
26 office shall review and make recommendations in the annual  
27 report on the availability and efficacy of seeking Medicaid  
28 matching funds. The office shall diligently seek ways to use  
29 existing programs and services to meet the needs of public  
30 wards.

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1 (f) The office shall develop a guardianship training  
2 program. The training program may be offered to all guardians  
3 whether public or private. The office shall establish a  
4 curriculum committee to develop the training program specified  
5 in this part. The curriculum committee shall include, but not  
6 be limited to, probate judges. A fee may be charged to private  
7 guardians in order to defray the cost of providing the  
8 training. In addition, a fee may be charged to any training  
9 provider for up to the actual cost of the review and approval  
10 of their curriculum. Any fees collected pursuant to this  
11 paragraph shall be deposited in the Department of Elderly  
12 Affairs Administrative Trust Fund to be used for the  
13 guardianship training program.

14 (3)(a) The office shall establish standards for  
15 representation of children by the Circuit Offices of  
16 Children's Representation, including recommended case loads  
17 for attorneys and for volunteers and staff lay representatives  
18 of a child.

19 (b) The office shall document the need for child  
20 representation throughout the state and report annually on  
21 October 1 to the Legislature concerning the need and the cost  
22 to adequately provide representation for children in  
23 dependency proceedings. The report must include information  
24 concerning the type and level of advocacy provided in prior  
25 years by both public entities and private entities providing  
26 contract or pro bono services.

27 (c) The office shall develop performance measures and  
28 standards for its services throughout the state and shall  
29 annually report on the performance of the Circuit Offices of  
30 Children's Representation.

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1           (d) The office shall establish a Circuit Office of  
2 Children's Representation in each judicial circuit in the  
3 state. Each circuit office shall consist of an administrator,  
4 staff or pro bono attorneys, social workers, volunteer  
5 coordinators, volunteer or staff lay representatives for  
6 children, and support staff. The administrator in each office  
7 must be knowledgeable and proficient in the legal process and  
8 the legal representation of children in court proceedings, as  
9 well as discovery and mediation processes, and in the  
10 supervision and training of volunteers.

11           (e) Each Circuit Office of Children's Representation  
12 may provide and coordinate the provision of legal  
13 representation of children in each aspect of dependency  
14 proceedings when the child and the child's parents are  
15 indigent pursuant to s. 27.52 or the child's rights are not  
16 otherwise protected. The office must provide representation  
17 for each child not otherwise represented who is a party to a  
18 dependency proceeding.

19           (f) If a Circuit Office of Children's Representation  
20 is appointed to represent a child, a staff or volunteer  
21 representative and a staff or pro bono attorney shall be  
22 assigned to provide the office's representation of the best  
23 interests of the child.

24           (g) To the extent possible, the Statewide Public  
25 Guardianship and Children's Representation Office or the  
26 Circuit Offices of Children's Representation may augment staff  
27 through agreements or contracts with the public defenders,  
28 private entities, or public or private colleges or  
29 universities for contract or pro bono legal representation to  
30 children as court-appointed counsel for the child, to provide  
31

1 pro bono representation to the office, or to provide non-legal  
2 volunteer representation.

3 (h) The Statewide Public Guardianship and Children's  
4 Representation Office and each Circuit Office of Children's  
5 Representatives may establish a not-for-profit support  
6 organization under section 501(c)(3) of the Internal Revenue  
7 Code to assist in funding the needs of children receiving  
8 services through the Circuit Offices of Children's  
9 Representation.

10 ~~(4)(3)~~ The office may conduct or contract for  
11 demonstration projects, within funds appropriated or through  
12 gifts, grants, or contributions for such purposes, to  
13 determine the feasibility or desirability of new concepts of  
14 organization, administration, financing, or service delivery  
15 designed to preserve the civil and constitutional rights of  
16 persons of marginal or diminished capacity. Any gifts, grants,  
17 or contributions for such purposes shall be deposited in the  
18 Department of Elderly Affairs Administrative Trust Fund.

19 ~~(5)(4)~~ The office has authority to adopt rules  
20 pursuant to ss. 120.536(1) and 120.54 to carry out the  
21 provisions of this section.

22 Section 8. Subsections (1) and (6) of section 744.703,  
23 Florida Statutes, are amended to read:

24 744.703 Office of public guardian; appointment,  
25 notification.--

26 (1) The executive director of the Statewide Public  
27 Guardianship and Children's Representation Office, after  
28 consultation with the chief judge and other circuit judges  
29 within the judicial circuit and with appropriate advocacy  
30 groups and individuals and organizations who are knowledgeable  
31 about the needs of incapacitated persons, may establish,

1 within a county in the judicial circuit or within the judicial  
2 circuit, an office of public guardian and if so established,  
3 shall create a list of persons best qualified to serve as the  
4 public guardian, and such qualifications shall include review  
5 pursuant to s. 744.3135. The public guardian must have  
6 knowledge of the legal process and knowledge of social  
7 services available to meet the needs of incapacitated persons.  
8 A nonprofit corporation under s. 744.309(5) may be appointed  
9 public guardian only if:

10 (a) It has been granted tax-exempt status from the  
11 United States Internal Revenue Service; and

12 (b) It maintains a staff of professionally qualified  
13 individuals to carry out the guardianship functions, including  
14 a staff attorney who has experience in probate areas and  
15 another person who has a master's degree in social work, or a  
16 gerontologist, psychologist, registered nurse, or nurse  
17 practitioner.

18 (6) Public guardians who have been previously  
19 appointed by a chief judge prior to the effective date of this  
20 act pursuant to this section may continue in their positions  
21 until the expiration of their term pursuant to their  
22 agreement. However, oversight of all public guardians shall  
23 transfer to the Statewide Public Guardianship and Children's  
24 Representation Office upon the effective date of this act. The  
25 executive director of the Statewide Public Guardianship and  
26 Children's Representation Office shall be responsible for all  
27 future appointments of public guardians pursuant to this act.

28 Section 9. Section 744.706, Florida Statutes, is  
29 amended to read:

30 744.706 Preparation of budget.--Each public guardian,  
31 whether funded in whole or in part by money raised through

1 local efforts, grants, or any other source or whether funded  
2 in whole or in part by the state, shall prepare a budget for  
3 the operation of the office of public guardian to be submitted  
4 to the Statewide Public Guardianship and Children's  
5 Representation Office. As appropriate, the Statewide Public  
6 Guardianship and Children's Representation Office will include  
7 such budgetary information in the Department of Elderly  
8 Affairs' legislative budget request. The office of public  
9 guardian shall be operated within the limitations of the  
10 General Appropriations Act and any other funds appropriated by  
11 the Legislature to that particular judicial circuit, subject  
12 to the provisions of chapter 216. The Department of Elderly  
13 Affairs shall make a separate and distinct request for an  
14 appropriation for the Statewide Public Guardianship and  
15 Children's Representation Office. However, this section does  
16 ~~shall not be construed to~~ preclude the financing of any  
17 operations of the office of the public guardian by moneys  
18 raised through local effort or through the efforts of the  
19 Statewide Public Guardianship and Children's Representation  
20 Office.

21 Section 10. Section 744.707, Florida Statutes, is  
22 amended to read:

23 744.707 Procedures and rules.--The public guardian,  
24 subject to the oversight of the Statewide Public Guardianship  
25 and Children's Representation Office, is authorized to:

26 (1) Formulate and adopt necessary procedures to assure  
27 the efficient conduct of the affairs of the ward and general  
28 administration of the office and staff.

29 (2) Contract for services necessary to discharge the  
30 duties of the office.

31

1           (3) Accept the services of volunteer persons or  
2 organizations and provide reimbursement for proper and  
3 necessary expenses.

4           Section 11. Subsections (3), (4), (5), (7), and (8) of  
5 section 744.708, Florida Statutes, are amended to read:

6           744.708 Reports and standards.--

7           (3) A public guardian shall file an annual report on  
8 the operations of the office of public guardian, in writing,  
9 by September 1 for the preceding fiscal year with the  
10 Statewide Public Guardianship and Children's Representation  
11 Office, which shall have responsibility for supervision of the  
12 operations of the office of public guardian.

13           (4) Within 6 months after ~~of~~ his or her appointment as  
14 guardian of a ward, the public guardian shall submit to the  
15 clerk of the court for placement in the ward's guardianship  
16 file and to the executive director of the Statewide Public  
17 Guardianship and Children's Representation Office a report on  
18 his or her efforts to locate a family member or friend, other  
19 person, bank, or corporation to act as guardian of the ward  
20 and a report on the ward's potential to be restored to  
21 capacity.

22           (5) An independent audit by a qualified certified  
23 public accountant shall be performed at least every 2 years.  
24 The audit should include an investigation into the practices  
25 of the office for managing the person and property of the  
26 wards. A copy of the report shall be submitted to the  
27 Statewide Public Guardianship and Children's Representation  
28 Office. In addition, the office of public guardian shall be  
29 subject to audits or examinations by the Auditor General and  
30 the Office of Program Policy Analysis and Government  
31 Accountability pursuant to law.

1           (7) The ratio for professional staff to wards shall be  
2 1 professional to 40 wards. The Statewide Public Guardianship  
3 and Children's Representation Office may increase or decrease  
4 the ratio after consultation with the local public guardian  
5 and the chief judge of the circuit court. The basis of the  
6 decision to increase or decrease the prescribed ratio shall be  
7 reported in the annual report to the Governor, the President  
8 of the Senate, the Speaker of the House of Representatives,  
9 and the Chief Justice of the Supreme Court.

10           (8) The term "professional," for purposes of this  
11 part, shall not include the public guardian nor the executive  
12 director of the Statewide Public Guardianship and Children's  
13 Representation Office. The term "professional" shall be  
14 limited to those persons who exercise direct supervision of  
15 individual wards under the direction of the public guardian.

16           Section 12. Section 744.7081, Florida Statutes, is  
17 amended to read:

18           744.7081 Access to records by Statewide Public  
19 Guardianship and Children's Representation Office;  
20 confidentiality.--Notwithstanding any other provision of law  
21 to the contrary, any medical, financial, or mental health  
22 records held by an agency, or the court and its agencies,  
23 which are necessary to evaluate the public guardianship  
24 system, to assess the need for additional public guardianship,  
25 or to develop required reports, shall be provided to the  
26 Statewide Public Guardianship and Children's Representation  
27 Office upon that office's request. Any confidential or exempt  
28 information provided to the Statewide Public Guardianship and  
29 Children's Representation Office shall continue to be held  
30 confidential or exempt as otherwise provided by law. All  
31 records held by the Statewide Public Guardianship and

1 Children's Representation Office relating to the medical,  
2 financial, or mental health of vulnerable adults as defined in  
3 chapter 415, persons with a developmental disability as  
4 defined in chapter 393, or persons with a mental illness as  
5 defined in chapter 394, shall be confidential and exempt from  
6 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.  
7 This section is subject to the Open Government Sunset Review  
8 Act of 1995 in accordance with s. 119.15, and shall stand  
9 repealed on October 2, 2004, unless reviewed and saved from  
10 repeal through reenactment by the Legislature.

11 Section 13. Subsection (6) of section 400.148, Florida  
12 Statutes, is amended to read:

13 400.148 Medicaid "Up-or-Out" Quality of Care Contract  
14 Management Program.--

15 (6) The agency shall, jointly with the Statewide  
16 Public Guardianship and Children's Representation Office,  
17 develop a system in the pilot project areas to identify  
18 Medicaid recipients who are residents of a participating  
19 nursing home or assisted living facility who have diminished  
20 ability to make their own decisions and who do not have  
21 relatives or family available to act as guardians in nursing  
22 homes listed on the Nursing Home Guide Watch List. The agency  
23 and the Statewide Public Guardianship and Children's  
24 Representation Office shall give such residents priority for  
25 publicly funded guardianship services.

26 Section 14. Present subsection (7) of section 27.51,  
27 Florida Statutes, is redesignated as subsection (8) and a new  
28 subsection (7) is added to that section to read:

29 27.51 Duties of public defender.--

30 (7) A public defender may enter into an agreement with  
31 the Circuit Office of Children's Representation to provide

1 representation to a child in a dependency proceeding when the  
2 court has determined that the child qualifies for independent  
3 counsel under s. 39.8226(2)(b) or (3).

4 Section 15. Paragraph (a) of subsection (7) of section  
5 39.001, Florida Statutes, is amended to read:

6 39.001 Purposes and intent; personnel standards and  
7 screening.--

8 (7) PLAN FOR COMPREHENSIVE APPROACH.--

9 (a) The department shall develop a state plan for the  
10 prevention of abuse, abandonment, and neglect of children and  
11 shall submit the plan to the Speaker of the House of  
12 Representatives, the President of the Senate, and the Governor  
13 no later than January 1, 1983. The Department of Education,  
14 ~~and~~ the Division of Children's Medical Services Prevention and  
15 Intervention of the Department of Health, and the Statewide  
16 Public Guardianship and Children's Representation Office shall  
17 participate and fully cooperate in the development of the  
18 state plan at both the state and local levels. Furthermore,  
19 appropriate local agencies and organizations shall be provided  
20 an opportunity to participate in the development of the state  
21 plan at the local level. Appropriate local groups and  
22 organizations shall include, but not be limited to, community  
23 mental health centers; Circuit Offices of Children's  
24 Representation ~~guardian ad litem programs for children under~~  
25 ~~the circuit court~~; the school boards of the local school  
26 districts; the Florida local advocacy councils; private or  
27 public organizations or programs with recognized expertise in  
28 working with children who are sexually abused, physically  
29 abused, emotionally abused, abandoned, or neglected and with  
30 expertise in working with the families of such children;  
31 private or public programs or organizations with expertise in

1 maternal and infant health care; multidisciplinary child  
2 protection teams; child day care centers; and law enforcement  
3 agencies, ~~and the circuit courts, when guardian ad litem~~  
4 ~~programs are not available in the local area.~~ The state plan  
5 to be provided to the Legislature and the Governor shall  
6 include, as a minimum, the information required of the various  
7 groups in paragraph (b).

8 Section 16. Subsection (51) of section 39.01, Florida  
9 Statutes, is amended to read:

10 39.01 Definitions.--When used in this chapter, unless  
11 the context otherwise requires:

12 (51) "Party" means the parent or parents of the child,  
13 the petitioner, the department, the guardian ad litem as  
14 defined in s. 39.820 ~~or the representative of the guardian ad~~  
15 ~~litem program when the program has been appointed,~~ and the  
16 child. While the child is a party, he or she may file  
17 documents in a proceeding under this chapter only through a  
18 court-appointed attorney or guardian ad litem. If information  
19 or notice must be provided to a party, service shall be made  
20 as provided in s. 39.502. The child has the right to attend  
21 court proceedings, but it is not mandatory for the child to do  
22 so unless the court finds that the appearance in court would  
23 be in the best interest of the child.~~The presence of the~~  
24 ~~child may be excused by order of the court when presence would~~  
25 ~~not be in the child's best interest.~~Notice to the child and  
26 the presence of the child may be excused by order of the court  
27 when the age, capacity, or other condition of the child is  
28 such that the notice or the presence of the child would be  
29 meaningless, physically dangerous, or emotionally detrimental  
30 to the child.

31

1           Section 17. Present subsections (9), (10), and (11) of  
2 section 39.013, Florida Statutes, are redesignated as  
3 subsections (10), (11) and (12), respectively, and a new  
4 subsection (9) is added to that section to read:

5           39.013 Procedures and jurisdiction; right to  
6 counsel.--

7           (9) A child is entitled to representation at each  
8 stage of the proceedings under this chapter, and, for each  
9 child, the court shall appoint either a guardian ad litem  
10 under s. 39.822 to provide representation in accordance with  
11 s. 39.8225 or appoint any attorney under s. 39.8226.

12           Section 18. Paragraph (d) of subsection (2) and  
13 subsection (5) of section 39.202, Florida Statutes, are  
14 amended to read:

15           39.202 Confidentiality of reports and records in cases  
16 of child abuse or neglect.--

17           (2) Access to such records, excluding the name of the  
18 reporter which shall be released only as provided in  
19 subsection (4), shall be granted only to the following  
20 persons, officials, and agencies:

21           (d) The parent or legal custodian of any child who is  
22 alleged to have been abused, abandoned, or neglected, and the  
23 child, the guardian ad litem, and their attorneys. This access  
24 shall be made available no later than 30 days after the  
25 department receives the initial report of abuse, neglect, or  
26 abandonment. However, any information otherwise made  
27 confidential or exempt by law shall not be released pursuant  
28 to this paragraph.

29           (5) All records and reports of the child protection  
30 team of the Department of Health are confidential and exempt  
31 from the provisions of ss. 119.07(1) and 456.057, and shall

1 not be disclosed, except, upon request, to the state  
2 attorney;~~;~~law enforcement agencies;~~;~~the department;~~;~~and  
3 necessary professionals, in furtherance of the treatment or  
4 additional evaluative needs of the child; for proceedings  
5 under this chapter, the guardian ad litem or the attorney for  
6 the child; by order of the court;~~;~~or to health plan payors,  
7 limited to that information used for insurance reimbursement  
8 purposes.

9 Section 19. Present subsections (4), (5), and (6) of  
10 section 39.302, Florida Statutes, are redesignated as  
11 subsections (5), (6), and (7), respectively, and a new  
12 subsection (4) is added to that section to read:

13 39.302 Protective investigations of institutional  
14 child abuse, abandonment, or neglect.--

15 (4) Upon receipt of a report of institutional child  
16 abuse, abandonment, or neglect as provided in subsection (1)  
17 the department shall, within 24 hours, notify the guardian ad  
18 litem or legal counsel for any child alleged to be abused,  
19 abandoned, or neglected. Copies of the child-protective  
20 investigation shall be provided to the guardian ad litem or  
21 attorney immediately upon completion.

22 Section 20. Section 39.305, Florida Statutes, is  
23 amended to read:

24 39.305 Intervention and treatment in sexual abuse  
25 cases; model plan.--The department shall develop a model plan  
26 for community intervention and treatment of intrafamily sexual  
27 abuse in conjunction with the Department of Law Enforcement,  
28 the Department of Health, the Department of Education, the  
29 Attorney General, the Statewide Public Guardianship and  
30 Children's Representation Office ~~the state Guardian Ad Litem~~  
31 ~~Program~~, the Department of Corrections, representatives of the

1 judiciary, and professionals and advocates from the mental  
2 health and child welfare community.

3 Section 21. Subsection (5) and paragraphs (b), (c),  
4 and (e) of subsection (8) of section 39.402, Florida Statutes,  
5 are amended to read:

6 39.402 Placement in a shelter.--

7 (5)(a) The parents or legal custodians of the child,  
8 the child, and either the child's guardian ad litem, if known,  
9 or the Circuit Office of Children's Representation shall be  
10 given such notice as best ensures their actual knowledge of  
11 the date, time, and location of the shelter hearing. If the  
12 parents or legal custodians are outside the jurisdiction of  
13 the court, are not known, or cannot be located or refuse or  
14 evade service, they shall be given such notice as best ensures  
15 their actual knowledge of the date, time, and location of the  
16 shelter hearing. The person providing or attempting to  
17 provide notice under this paragraph ~~to the parents or legal~~  
18 ~~custodians~~ shall, if the persons or entities to be provided  
19 notice ~~parents or legal custodians~~ are not present at the  
20 hearing, advise the court either in person or by sworn  
21 affidavit, of the attempts made to provide notice and the  
22 results of those attempts.

23 (b) The parents or legal custodians, the child, and  
24 either the child's guardian ad litem, if known, or the Circuit  
25 Office of Children's Representation shall be given written  
26 notice that:

27 1. They will be given an opportunity to be heard and  
28 to present evidence at the shelter hearing; and

29 2. The parents ~~They~~ have the right to be represented  
30 by counsel and the child has the right to counsel as provided  
31 in s. 39.013., and,

1           a. If indigent, the parents have the right to be  
2 represented by appointed counsel, at the shelter hearing and  
3 at each subsequent hearing or proceeding, pursuant to the  
4 procedures set forth in s. 39.013.

5           b. If the parents or legal custodians appear for the  
6 shelter hearing without legal counsel, then, at their request,  
7 the shelter hearing may be continued up to 72 hours to enable  
8 the parents or legal custodians to consult legal counsel.

9           c. If the child appears for the shelter hearing  
10 without a guardian ad litem, legal counsel, or representation  
11 by the Circuit Office of Children's Representation, the  
12 shelter hearing may be continued up to 72 hours to enable  
13 representation to be retained on behalf of the child.

14           d. If a continuance is requested by the parents or  
15 legal custodians, or on behalf of the child, the child shall  
16 be continued in shelter care for the length of the  
17 continuance, if granted by the court.

18           (8)

19           (b) The parents or legal custodians of the child, the  
20 child, and either the child's guardian ad litem, if known, or  
21 the Circuit Office of Children's Representation shall be given  
22 such notice as best ensures their actual knowledge of the time  
23 and place of the shelter hearing. The failure to provide  
24 notice to a party or participant does not invalidate an order  
25 placing a child in a shelter if the court finds that the  
26 petitioner has made a good faith effort to provide such  
27 notice. The court shall require the parents or legal  
28 custodians present at the hearing to provide to the court on  
29 the record the names, addresses, and relationships of all  
30 parents, prospective parents, and next of kin of the child, so  
31 far as are known.

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

2 1. Appoint representation for the child in accordance  
3 with s. 39.013 ~~a guardian ad litem to represent the best~~  
4 ~~interest of the child~~, unless the court finds that such  
5 representation of the child is otherwise provided ~~is~~  
6 ~~unnecessary~~;

7 2. Inform the parents or legal custodians of their  
8 right to counsel to represent them at the shelter hearing and  
9 at each subsequent hearing or proceeding, and the right of the  
10 parents to appointed counsel, pursuant to the procedures set  
11 forth in s. 39.013; and

12 3. Give the parents or legal custodians an opportunity  
13 to be heard and to present evidence.

14 (e) At the shelter hearing, the department shall  
15 provide the court and the child and either the child's  
16 guardian ad litem, if known, or the Circuit Office of  
17 Children's Representation copies of any available law  
18 enforcement, medical, or other professional reports, and shall  
19 also provide copies of abuse hotline reports pursuant to state  
20 and federal confidentiality requirements.

21 Section 22. Subsection (5) of section 39.407, Florida  
22 Statutes, is amended to read:

23 39.407 Medical, psychiatric, and psychological  
24 examination and treatment of child; physical or mental  
25 examination of parent or person requesting custody of child.--

26 (5) Children who are in the legal custody of the  
27 department may be placed by the department in a residential  
28 treatment center licensed under s. 394.875 or a hospital  
29 licensed under chapter 395 for residential mental health  
30 treatment only pursuant to this section or may be placed by  
31 the court in accordance with an order of involuntary

1 examination or involuntary placement entered pursuant to s.  
2 394.463 or s. 394.467. All children placed in a residential  
3 treatment program under this subsection must have a guardian  
4 ad litem or legal counsel appointed.

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

6 1. "Residential treatment" means placement for  
7 observation, diagnosis, or treatment of an emotional  
8 disturbance in a residential treatment center licensed under  
9 s. 394.875 or a hospital licensed under chapter 395.

10 2. "Least restrictive alternative" means the treatment  
11 and conditions of treatment that, separately and in  
12 combination, are no more intrusive or restrictive of freedom  
13 than reasonably necessary to achieve a substantial therapeutic  
14 benefit or to protect the child or adolescent or others from  
15 physical injury.

16 3. "Suitable for residential treatment" or  
17 "suitability" means a determination concerning a child or  
18 adolescent with an emotional disturbance as defined in s.  
19 394.492(5) or a serious emotional disturbance as defined in s.  
20 394.492(6) that each of the following criteria is met:

21 a. The child requires residential treatment.

22 b. The child is in need of a residential treatment  
23 program and is expected to benefit from mental health  
24 treatment.

25 c. An appropriate, less restrictive alternative to  
26 residential treatment is unavailable.

27 (b) Whenever the department believes that a child in  
28 its legal custody is emotionally disturbed and may need  
29 residential treatment, an examination and suitability  
30 assessment must be conducted by a qualified evaluator who is  
31 appointed by the Agency for Health Care Administration. This

1 suitability assessment must be completed before the placement  
2 of the child in a residential treatment center for emotionally  
3 disturbed children and adolescents or a hospital. The  
4 qualified evaluator must be a psychiatrist or a psychologist  
5 licensed in Florida who has at least 3 years of experience in  
6 the diagnosis and treatment of serious emotional disturbances  
7 in children and adolescents and who has no actual or perceived  
8 conflict of interest with any inpatient facility or  
9 residential treatment center or program.

10 (c) Before a child is admitted under this subsection,  
11 the child shall be assessed for suitability for residential  
12 treatment by a qualified evaluator who has conducted a  
13 personal examination and assessment of the child and has made  
14 written findings that:

15 1. The child appears to have an emotional disturbance  
16 serious enough to require residential treatment and is  
17 reasonably likely to benefit from the treatment.

18 2. The child has been provided with a clinically  
19 appropriate explanation of the nature and purpose of the  
20 treatment.

21 3. All available modalities of treatment less  
22 restrictive than residential treatment have been considered,  
23 and a less restrictive alternative that would offer comparable  
24 benefits to the child is unavailable.

25  
26 A copy of the written findings of the evaluation and  
27 suitability assessment must be provided to the department and  
28 to the guardian ad litem or legal counsel, who shall have the  
29 opportunity to discuss the findings with the evaluator.

30 (d) Immediately upon placing a child in a residential  
31 treatment program under this section, the department must

1 notify the guardian ad litem or legal counsel and the court  
2 having jurisdiction over the child and must provide the  
3 guardian ad litem or legal counsel and the court with a copy  
4 of the assessment by the qualified evaluator.

5 (e) Within 10 days after the admission of a child to a  
6 residential treatment program, the director of the residential  
7 treatment program or the director's designee must ensure that  
8 an individualized plan of treatment has been prepared by the  
9 program and has been explained to the child, to the  
10 department, and to the guardian ad litem or legal counsel, and  
11 submitted to the department. The child must be involved in the  
12 preparation of the plan to the maximum feasible extent  
13 consistent with his or her ability to understand and  
14 participate, and the guardian ad litem or legal counsel and  
15 the child's foster parents must be involved to the maximum  
16 extent consistent with the child's treatment needs. The plan  
17 must include a preliminary plan for residential treatment and  
18 aftercare upon completion of residential treatment. The plan  
19 must include specific behavioral and emotional goals against  
20 which the success of the residential treatment may be  
21 measured. A copy of the plan must be provided to the child, to  
22 the guardian ad litem or legal counsel, and to the department.

23 (f) Within 30 days after admission, the residential  
24 treatment program must review the appropriateness and  
25 suitability of the child's placement in the program. The  
26 residential treatment program must determine whether the child  
27 is receiving benefit towards the treatment goals and whether  
28 the child could be treated in a less restrictive treatment  
29 program. The residential treatment program shall prepare a  
30 written report of its findings and submit the report to the  
31 guardian ad litem or legal counsel and to the department. The

1 department must submit the report to the court. The report  
2 must include a discharge plan for the child. The residential  
3 treatment program must continue to evaluate the child's  
4 treatment progress every 30 days thereafter and must include  
5 its findings in a written report submitted to the guardian ad  
6 litem or legal counsel and the department. The department may  
7 not reimburse a facility until the facility has submitted  
8 every written report that is due.

9 (g)1. The department must submit, at the beginning of  
10 each month, to the court having jurisdiction over the child  
11 and to the guardian ad litem or legal counsel, a written  
12 report regarding the child's progress towards achieving the  
13 goals specified in the individualized plan of treatment.

14 2. The court must conduct a hearing to review the  
15 status of the child's residential treatment plan no later than  
16 3 months after the child's admission to the residential  
17 treatment program. An independent review of the child's  
18 progress towards achieving the goals and objectives of the  
19 treatment plan must be completed by a qualified evaluator and  
20 submitted to the court and to the guardian ad litem or legal  
21 counsel before the court's ~~its~~ 3-month review.

22 3. For any child in residential treatment at the time  
23 a judicial review is held pursuant to s. 39.701, the child's  
24 continued placement in residential treatment must be a subject  
25 of the judicial review.

26 4. If at any time the court determines that the child  
27 is not suitable for continued residential treatment, the court  
28 shall order the department to place the child in the least  
29 restrictive setting that is best suited to meet his or her  
30 needs.

31

1 (h) After the initial 3-month review, the court must  
2 conduct a review of the child's residential treatment plan  
3 every 90 days.

4 (i) The department must adopt rules for implementing  
5 timeframes for the completion of suitability assessments by  
6 qualified evaluators and a procedure that includes timeframes  
7 for completing the 3-month independent review by the qualified  
8 evaluators of the child's progress towards achieving the goals  
9 and objectives of the treatment plan which review must be  
10 submitted to the court. The Agency for Health Care  
11 Administration must adopt rules for the registration of  
12 qualified evaluators, the procedure for selecting the  
13 evaluators to conduct the reviews required under this section,  
14 and a reasonable, cost-efficient fee schedule for qualified  
15 evaluators.

16 Section 23. Subsections (11), (12), (19), (20), and  
17 (21) of section 39.4085, Florida Statutes, are amended to  
18 read:

19 39.4085 Legislative findings and declaration of intent  
20 for goals for dependent children.--The Legislature finds and  
21 declares that the design and delivery of child welfare  
22 services should be directed by the principle that the health  
23 and safety of children should be of paramount concern and,  
24 therefore, establishes the following goals for children in  
25 shelter or foster care:

26 (11) To be the subject of a plan developed by the  
27 counselor and the shelter or foster caregiver with the child,  
28 when the child is of an age or capacity to participate, and  
29 the child's guardian ad litem and with their legal counsel to  
30 deal with identified behaviors that may present a risk to the  
31 child or others.

1           (12) To be involved and incorporated, where  
2 appropriate, and to have the child's guardian ad litem and the  
3 legal counsel of the child and of the guardian ad litem  
4 involved in the development of the case plan, to have a case  
5 plan which will address their specific needs, and to object to  
6 any of the provisions of the case plan.

7           (19) To be heard by the court, ~~if appropriate,~~ at all  
8 review hearings, unless the child chooses not to be heard or  
9 because of age, capacity, or other condition of the child, the  
10 court determines it would be meaningless, physically  
11 dangerous, or emotionally detrimental to the child.

12           (20) To have a guardian ad litem appointed to  
13 represent, ~~within reason,~~ their best interests and, as  
14 provided in s. 39.8226 where appropriate, legal counsel an  
15 attorney ad litem appointed to represent their expressed legal  
16 interests; the guardian ad litem and legal counsel attorney ad  
17 litem shall have immediate and unlimited access to the  
18 children they represent.

19           (21) To have all their records available for review by  
20 their guardian ad litem and legal counsel attorney ad litem ~~if~~  
21 ~~they deem such review necessary.~~

22           Section 24. Section 39.4086, Florida Statutes, is  
23 repealed.

24           Section 25. Section 39.502, Florida Statutes, is  
25 amended to read:

26           39.502 Notice, process, and service.--

27           (1) Unless parental rights have been terminated, all  
28 parents must be notified of all proceedings or hearings  
29 involving the child. Notice in cases involving shelter  
30 hearings and hearings resulting from medical emergencies must  
31 be that most likely to result in actual notice to the parents.

1 In all other dependency proceedings, notice must be provided  
2 in accordance with subsections (5)-(10)~~(4)-(9)~~.

3 (2) Notice of all proceedings or hearings involving  
4 the child and all documents and reports related to those  
5 proceedings or required to be given to the child shall be  
6 served on or delivered to the child through the court  
7 appointed representative for the child, either the guardian ad  
8 litem or the child's or the guardian ad litem's legal counsel.  
9 If the court has not appointed a representative for the child,  
10 service or delivery shall be made to the child unless the  
11 court determines that, because of age, capacity, or other  
12 condition of the child, it would be meaningless or emotionally  
13 detrimental to the child.

14 ~~(3)(2)~~ Personal appearance of any person in a hearing  
15 before the court obviates the necessity of serving process on  
16 that person.

17 ~~(4)(3)~~ Upon the filing of a petition containing  
18 allegations of facts which, if true, would establish that the  
19 child is a dependent child, and upon the request of the  
20 petitioner, the clerk or deputy clerk shall issue a summons.

21 ~~(5)(4)~~ The summons shall require the person on whom it  
22 is served to appear for a hearing at a time and place  
23 specified, not less than 72 hours after service of the  
24 summons. A copy of the petition shall be attached to the  
25 summons.

26 ~~(6)(5)~~ The summons shall be directed to, and shall be  
27 served upon, all parties other than the petitioner.

28 ~~(7)(6)~~ It is the duty of the petitioner or moving  
29 party to notify all participants and parties known to the  
30 petitioner or moving party of all hearings subsequent to the  
31 initial hearing unless notice is contained in prior court

1 orders and these orders were provided to the participant or  
2 party. Proof of notice or provision of orders may be provided  
3 by certified mail with a signed return receipt.

4 (8)~~(7)~~ Service of the summons and service of  
5 pleadings, papers, and notices subsequent to the summons on  
6 persons outside this state must be made pursuant to s.  
7 61.1312.

8 (9)~~(8)~~ It is not necessary to the validity of a  
9 proceeding covered by this part that the parents be present if  
10 their identity or residence is unknown after a diligent search  
11 has been made, but in this event the petitioner shall file an  
12 affidavit of diligent search prepared by the person who made  
13 the search and inquiry, and the court shall ~~may~~ appoint a  
14 guardian ad litem or legal counsel for the child.

15 (10)~~(9)~~ When an affidavit of diligent search has been  
16 filed under subsection (8), the petitioner shall continue to  
17 search for and attempt to serve the person sought until  
18 excused from further search by the court. The petitioner shall  
19 report on the results of the search at each court hearing  
20 until the person is identified or located or further search is  
21 excused by the court.

22 (11)~~(10)~~ Service by publication shall not be required  
23 for dependency hearings and the failure to serve a party or  
24 give notice to a participant shall not affect the validity of  
25 an order of adjudication or disposition if the court finds  
26 that the petitioner has completed a diligent search for that  
27 party.

28 (12)~~(11)~~ Upon the application of a party or the  
29 petitioner, the clerk or deputy clerk shall issue, and the  
30 court on its own motion may issue, subpoenas requiring  
31

1 attendance and testimony of witnesses and production of  
2 records, documents, and other tangible objects at any hearing.

3 (13)~~(12)~~ All process and orders issued by the court  
4 shall be served or executed as other process and orders of the  
5 circuit court and, in addition, may be served or executed by  
6 authorized agents of the department, or the guardian ad litem,  
7 or legal counsel for the child.

8 (14)~~(13)~~ Subpoenas may be served within the state by  
9 any person over 18 years of age who is not a party to the  
10 proceeding and, in addition, may be served by authorized  
11 agents of the department, or the guardian ad litem, or legal  
12 counsel for the child.

13 (15)~~(14)~~ No fee shall be paid for service of any  
14 process or other papers by an agent of the department, or the  
15 guardian ad litem, or legal counsel for the child. If any  
16 process, orders, or any other papers are served or executed by  
17 any sheriff, the sheriff's fees shall be paid by the county.

18 (16)~~(15)~~ A party who is identified as a person with  
19 mental illness or with a developmental disability must be  
20 informed by the court of the availability of advocacy services  
21 through the department, the Association for Retarded Citizens,  
22 or other appropriate mental health or developmental disability  
23 advocacy groups and encouraged to seek such services.

24 (17)~~(16)~~ If the party to whom an order is directed is  
25 present or represented at the final hearing, service of the  
26 order is not required.

27 (18)~~(17)~~ The parent or legal custodian of the child,  
28 the attorney for the department, the guardian ad litem, the  
29 child, and all other parties and participants shall be given  
30 reasonable notice of all hearings provided for under this  
31 part.

1           ~~(18)~~ (19) In all proceedings under this part, the court  
2 shall provide to the parent or legal custodian of the child,  
3 the child, and the child's guardian ad litem, at the  
4 conclusion of any hearing, a written notice containing the  
5 date of the next scheduled hearing. The court shall also  
6 include the date of the next hearing in any order issued by  
7 the court.

8           Section 26. Subsections (1) and (4) of section 39.504,  
9 Florida Statutes, are amended to read:

10           39.504 Injunction pending disposition of petition;  
11 penalty.--

12           (1)(a) When a petition for shelter placement or a  
13 petition for dependency has been filed or when a child has  
14 been taken into custody and reasonable cause, as defined in  
15 paragraph (b), exists, the court, upon the request of the  
16 department, a law enforcement officer, the state attorney, the  
17 child through the guardian ad litem or legal counsel, or other  
18 responsible person, or upon its own motion, may ~~shall have the~~  
19 ~~authority to~~ issue an injunction to prevent any act of child  
20 abuse or any unlawful sexual offense involving a child.

21           (b) Reasonable cause for the issuance of an injunction  
22 exists if there is evidence of child abuse or an unlawful  
23 sexual offense involving a child or if there is a reasonable  
24 likelihood of such abuse or offense occurring based upon a  
25 recent overt act or failure to act.

26           (4) A copy of any injunction issued pursuant to this  
27 section shall be delivered to the protected party, ~~or~~ a parent  
28 or caregiver or individual acting in the place of a parent who  
29 is not the respondent, the guardian ad litem, and to any law  
30 enforcement agency having jurisdiction to enforce such  
31 injunction. Upon delivery of the injunction to the appropriate

1 law enforcement agency, the agency shall have the duty and  
2 responsibility to enforce the injunction.

3 Section 27. Section 39.505, Florida Statutes, is  
4 amended to read:

5 39.505 No answer required.--No answer to the petition  
6 or any other pleading need be filed by any child, guardian ad  
7 litem, parent, or legal custodian, but any matters that ~~which~~  
8 might be set forth in an answer or other pleading may be  
9 pleaded orally before the court or filed in writing as any  
10 such person may choose. Notwithstanding the filing of an  
11 answer or any pleading, the respondent shall, prior to an  
12 adjudicatory hearing, be advised by the court of the right to  
13 counsel and shall be given an opportunity to deny the  
14 allegations in the petition for dependency or to enter a plea  
15 to allegations in the petition before the court.

16 Section 28. Subsection (1) of section 39.510, Florida  
17 Statutes, is amended to read:

18 39.510 Appeal.--

19 (1) Any party to the proceeding who is affected by an  
20 order of the court, who represents a party affected by an  
21 order of the court, or the department may appeal to the  
22 appropriate district court of appeal within the time and in  
23 the manner prescribed by the Florida Rules of Appellate  
24 Procedure. Appointed counsel shall be compensated as provided  
25 in this chapter.

26 Section 29. Paragraphs (a) and (d) of subsection (1),  
27 paragraph (b) of subsection (5), and subsection (8) of section  
28 39.521, Florida Statutes, are amended to read:

29 39.521 Disposition hearings; powers of disposition.--

30 (1) A disposition hearing shall be conducted by the  
31 court, if the court finds that the facts alleged in the

1 petition for dependency were proven in the adjudicatory  
2 hearing, or if the parents or legal custodians have consented  
3 to the finding of dependency or admitted the allegations in  
4 the petition, have failed to appear for the arraignment  
5 hearing after proper notice, or have not been located despite  
6 a diligent search having been conducted.

7 (a) A written case plan and a predisposition study  
8 prepared by an authorized agent of the department must be  
9 filed with the court and served upon the parents of the child,  
10 provided to the child, ~~representative of the guardian ad litem~~  
11 ~~program, if the program has been appointed~~, and provided to  
12 all other parties, not less than 72 hours before the  
13 disposition hearing. All such case plans must be approved by  
14 the court. If the court does not approve the case plan at the  
15 disposition hearing, the court must set a hearing within 30  
16 days after the disposition hearing to review and approve the  
17 case plan.

18 (d) The court shall, in its written order of  
19 disposition, include all of the following:

- 20 1. The placement or custody of the child.
- 21 2. Special conditions of placement and visitation.
- 22 3. Evaluation, counseling, treatment activities, and  
23 other actions to be taken by the parties, if ordered.
- 24 4. The persons or entities responsible for supervising  
25 or monitoring services to the child and parent.
- 26 5. Continuation or discharge of the guardian ad litem  
27 or legal counsel for the child, as appropriate. The guardian  
28 ad litem or legal counsel for the child may not be discharged  
29 pursuant to this section before termination of supervision by  
30 the department unless other legal representation is provided  
31 for the child. The court may approve a request to withdraw

1 from a Circuit Office of Children's Representation when the  
2 court finds that the child no longer needs active  
3 representation and the resources of the office are  
4 insufficient to provide appropriate representation in other  
5 pending cases.

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

8           a. Ninety days after the disposition hearing;  
9           b. Ninety days after the court accepts the case plan;  
10          c. Six months after the date of the last review  
11 hearing; or

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

15           7. If the child is in an out-of-home placement, child  
16 support to be paid by the parents, or the guardian of the  
17 child's estate if possessed of assets which under law may be  
18 disbursed for the care, support, and maintenance of the child.  
19 The court may exercise jurisdiction over all child support  
20 matters, shall adjudicate the financial obligation, including  
21 health insurance, of the child's parents or guardian, and  
22 shall enforce the financial obligation as provided in chapter  
23 61. The state's child support enforcement agency shall enforce  
24 child support orders under this section in the same manner as  
25 child support orders under chapter 61. Placement of the child  
26 shall not be contingent upon issuance of a support order.

27           8.a. If the court does not commit the child to the  
28 temporary legal custody of an adult relative, legal custodian,  
29 or other adult approved by the court, the disposition order  
30 shall include the reasons for such a decision and shall  
31 include a determination as to whether diligent efforts were

1 made by the department to locate an adult relative, legal  
2 custodian, or other adult willing to care for the child in  
3 order to present that placement option to the court instead of  
4 placement with the department.

5           b. If diligent efforts are made to locate an adult  
6 relative willing and able to care for the child but, because  
7 no suitable relative is found, the child is placed with the  
8 department or a legal custodian or other adult approved by the  
9 court, both the department and the court shall consider  
10 transferring temporary legal custody to an adult relative  
11 approved by the court at a later date, but neither the  
12 department nor the court is obligated to so place the child if  
13 it is in the child's best interest to remain in the current  
14 placement.

15

16 For the purposes of this subparagraph, "diligent efforts to  
17 locate an adult relative" means a search similar to the  
18 diligent search for a parent, but without the continuing  
19 obligation to search after an initial adequate search is  
20 completed.

21           9. Other requirements necessary to protect the health,  
22 safety, and well-being of the child, to preserve the stability  
23 of the child's educational placement, and to promote family  
24 preservation or reunification whenever possible.

25           (5)

26           (b) The results of the assessment described in  
27 paragraph (a) and the actions taken as a result of the  
28 assessment must be included in the next judicial review of the  
29 child. At each subsequent judicial review, the court must be  
30 advised in writing of the status of the child's placement,  
31 with special reference regarding the stability of the

1 placement and the permanency planning for the child. A copy of  
2 this report must be provided to the child and the child's  
3 guardian ad litem prior to the judicial review.

4 (8) The court may enter an order ending its  
5 jurisdiction over a child when a child has been returned to  
6 the parents, except that ~~provided~~ the court may ~~shall~~ not  
7 terminate its jurisdiction or the department's supervision  
8 over the child until 6 months after the child's return. The  
9 court shall determine whether its jurisdiction should be  
10 continued or terminated in such a case after consideration of  
11 ~~based on~~ a report of the department or agency, report of ~~or~~  
12 the child's guardian ad litem, or any testimony of the child,  
13 and any other relevant factors; if its jurisdiction is to be  
14 terminated, the court shall enter an order to that effect.

15 Section 30. Paragraph (a) of subsection (2), paragraph  
16 (d) of subsection (5), paragraphs (b) and (c) of subsection  
17 (6), subsection (7), and paragraphs (a) and (d) of subsection  
18 (8) of section 39.701, Florida Statutes, are amended to read:

19 39.701 Judicial review.--

20 (2)(a) The court shall review the status of the child  
21 and shall hold a hearing as provided in this part at least  
22 every 6 months until the child reaches permanency status. The  
23 court may dispense with the attendance of the child at the  
24 hearing upon the child's request or when, based on the child's  
25 age, capacity, or other condition, the court determines that  
26 the child's attendance would be meaningless, physically  
27 dangerous, or emotionally detrimental to the child. The court,  
28 ~~but~~ may not dispense with the hearing or the presence of other  
29 parties to the review unless before the review a hearing is  
30 held before a citizen review panel.

31

1 (5) Notice of a judicial review hearing or a citizen  
2 review panel hearing, and a copy of the motion for judicial  
3 review, if any, must be served by the clerk of the court upon:

4 (d) The child and guardian ad litem for the child, ~~or~~  
5 ~~the representative of the guardian ad litem program if the~~  
6 ~~program has been appointed.~~

7  
8 Service of notice is not required on any of the persons listed  
9 in paragraphs (a)-(f) if the person was present at the  
10 previous hearing during which the date, time, and location of  
11 the hearing was announced.

12 (6)

13 (b) A copy of the social service agency's written  
14 report and any ~~the~~ written report of the guardian ad litem  
15 must be served on all parties whose whereabouts are known; to  
16 the foster parents or legal custodians; to the child and the  
17 guardian ad litem, unless the guardian ad litem prepared the  
18 report; and to the citizen review panel, at least 72 hours  
19 before the judicial review hearing or citizen review panel  
20 hearing. The requirement for providing parents with a copy of  
21 the written report does not apply to those parents who have  
22 voluntarily surrendered their child for adoption or who have  
23 had their parental rights to the child terminated.

24 (c) In a case in which the child has been permanently  
25 placed with the social service agency, the agency shall  
26 furnish to the court a written report concerning the progress  
27 being made to place the child for adoption. If the child  
28 cannot be placed for adoption, a report on the progress made  
29 by the child towards alternative permanency goals or  
30 placements, including, but not limited to, guardianship,  
31 long-term custody, long-term licensed custody, or independent

1 living, must be submitted to the court. The report must be  
2 submitted to the court and all parties as provided in  
3 paragraph (b) at least 72 hours before each scheduled judicial  
4 review.

5 (7) The court and any citizen review panel shall take  
6 into consideration the information contained in the social  
7 services study and investigation and all medical,  
8 psychological, and educational records that support the terms  
9 of the case plan; testimony by the social services agency, the  
10 parent, the foster parent or legal custodian, the child, the  
11 guardian ad litem if one has been appointed for the child, and  
12 any other person deemed appropriate; and any relevant and  
13 material evidence submitted to the court, including written  
14 and oral reports to the extent of their probative value. These  
15 reports and evidence may be received by the court in its  
16 effort to determine the action to be taken with regard to the  
17 child and may be relied upon to the extent of their probative  
18 value, even though not competent in an adjudicatory hearing.  
19 In its deliberations, the court and any citizen review panel  
20 shall seek to determine:

21 (a) If the parent was advised of the right to receive  
22 assistance from any person or social service agency in the  
23 preparation of the case plan.

24 (b) If the parent has been advised of the right to  
25 have counsel present at the judicial review or citizen review  
26 hearings. If not so advised, the court or citizen review panel  
27 shall advise the parent of such right.

28 ~~(c) If a guardian ad litem needs to be appointed for~~  
29 ~~the child in a case in which a guardian ad litem has not~~  
30 ~~previously been appointed or if there is a need to continue a~~

31

1 ~~guardian ad litem in a case in which a guardian ad litem has~~  
2 ~~been appointed.~~

3       (c)~~(d)~~ The compliance or lack of compliance of all  
4 parties with applicable items of the case plan, including the  
5 parents' compliance with child support orders.

6       (d)~~(e)~~ The compliance or lack of compliance with a  
7 visitation contract between the parent and the social service  
8 agency for contact with the child, including the frequency,  
9 duration, and results of the parent-child visitation and the  
10 reason for any noncompliance.

11       (e)~~(f)~~ The compliance or lack of compliance of the  
12 parent in meeting specified financial obligations pertaining  
13 to the care of the child, including the reason for failure to  
14 comply if such is the case.

15       (f)~~(g)~~ The appropriateness of the child's current  
16 placement, including whether the child is in a setting which  
17 is as family-like and as close to the parent's home as  
18 possible, consistent with the child's best interests and  
19 special needs, and including maintaining stability in the  
20 child's educational placement.

21       (g)~~(h)~~ A projected date likely for the child's return  
22 home or other permanent placement.

23       (h)~~(i)~~ When appropriate, the basis for the  
24 unwillingness or inability of the parent to become a party to  
25 a case plan. The court and the citizen review panel shall  
26 determine if the efforts of the social service agency to  
27 secure party participation in a case plan were sufficient.

28       (8)(a) Based upon the criteria set forth in subsection  
29 (7) and the recommended order of the citizen review panel, if  
30 any, the court shall determine whether or not the social  
31 service agency shall initiate proceedings to have a child

1 declared a dependent child, return the child to the parent,  
2 continue the child in out-of-home care for a specified period  
3 of time, or initiate termination of parental rights  
4 proceedings for subsequent placement in an adoptive home. The  
5 court must determine whether a guardian ad litem or legal  
6 counsel needs to be appointed for the child in a case in which  
7 a guardian ad litem or legal counsel has not previously been  
8 appointed or when there is a need to continue a guardian ad  
9 litem or legal counsel in a case in which a guardian ad litem  
10 or legal counsel has been appointed. Modifications to the plan  
11 must be handled as prescribed in s. 39.601. If the court finds  
12 that the prevention or reunification efforts of the department  
13 will allow the child to remain safely at home or be safely  
14 returned to the home, the court shall allow the child to  
15 remain in or return to the home after making a specific  
16 finding of fact that the reasons for the creation of the case  
17 plan have been remedied to the extent that the child's safety,  
18 well-being, and physical, mental, and emotional health will  
19 not be endangered.

20 (d) The court may extend the time limitation of the  
21 case plan, or may modify the terms of the plan, based upon  
22 information provided by the social service agency, the child,  
23 and the guardian ad litem, if one has been appointed, the  
24 parent or parents, and the foster parents or legal custodian,  
25 and any other competent information on record demonstrating  
26 the need for the amendment. If the court extends the time  
27 limitation of the case plan, the court must make specific  
28 findings concerning the frequency of past parent-child  
29 visitation, if any, and the court may authorize the expansion  
30 or restriction of future visitation. Modifications to the plan  
31 must be handled as prescribed in s. 39.601. Any extension of a

1 case plan must comply with the time requirements and other  
2 requirements specified by this chapter.

3 Section 31. Paragraph (a) of subsection (3) and  
4 subsections (5) and (7) of section 39.801, Florida Statutes,  
5 are amended to read:

6 39.801 Procedures and jurisdiction; notice; service of  
7 process.--

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

11 (a) Notice of the date, time, and place of the  
12 advisory hearing for the petition to terminate parental rights  
13 and a copy of the petition must be personally served upon the  
14 following persons, specifically notifying them that a petition  
15 has been filed:

- 16 1. The parents of the child.
- 17 2. The legal custodians of the child.
- 18 3. If the parents who would be entitled to notice are  
19 dead or unknown, a living relative of the child, unless upon  
20 diligent search and inquiry no such relative can be found.
- 21 4. Any person who has physical custody of the child.
- 22 5. Any grandparent entitled to priority for adoption  
23 under s. 63.0425.
- 24 6. Any prospective parent who has been identified  
25 under s. 39.503 or s. 39.803.
- 26 7. The child and the guardian ad litem for the child  
27 ~~or the representative of the guardian ad litem program, if the~~  
28 ~~program has been appointed.~~

29  
30 The document containing the notice to respond or appear must  
31 contain, in type at least as large as the type in the balance

1 of the document, the following or substantially similar  
2 language: "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY  
3 HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL  
4 RIGHTS OF THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON  
5 THE DATE AND TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS  
6 A PARENT TO THE CHILD OR CHILDREN NAMED IN THE PETITION  
7 ATTACHED TO THIS NOTICE."

8 (5) All process and orders issued by the court must be  
9 served or executed as other process and orders of the circuit  
10 court and, in addition, may be served or executed by  
11 authorized agents of the department, or the guardian ad litem,  
12 or the child.

13 (7) A fee may not be paid for service of any process  
14 or other papers by an agent of the department, or the guardian  
15 ad litem, or the child's legal counsel. If any process,  
16 orders, or other papers are served or executed by any sheriff,  
17 the sheriff's fees must be paid by the county.

18 Section 32. Subsection (1) of section 39.802, Florida  
19 Statutes, is amended to read:

20 39.802 Petition for termination of parental rights;  
21 filing; elements.--

22 (1) All proceedings seeking an adjudication to  
23 terminate parental rights pursuant to this chapter must be  
24 initiated by the filing of an original petition by the  
25 department, the child through legal counsel appointed pursuant  
26 to s. 39.8226, the guardian ad litem, or any other person who  
27 has knowledge of the facts alleged or is informed of them and  
28 believes that they are true.

29 Section 33. Section 39.805, Florida Statutes, is  
30 amended to read:

31

1           39.805 No answer required.--No answer to the petition  
2 or any other pleading need be filed by any child, guardian ad  
3 litem, or parent, but any matters that ~~which~~ might be set  
4 forth in an answer or other pleading may be pleaded orally  
5 before the court or filed in writing as any such person may  
6 choose. Notwithstanding the filing of any answer or any  
7 pleading, the child or parent shall, prior to the adjudicatory  
8 hearing, be advised by the court of the right to counsel and  
9 shall be given an opportunity to deny the allegations in the  
10 petition for termination of parental rights or to enter a plea  
11 to allegations in the petition before the court.

12           Section 34. Subsection (1) of section 39.806, Florida  
13 Statutes, is amended to read:

14           39.806 Grounds for termination of parental rights.--

15           (1) The department, the child through legal counsel  
16 appointed pursuant to s. 39.8226, the guardian ad litem, or  
17 any person who has knowledge of the facts alleged or who is  
18 informed of those facts and believes that they are true may  
19 petition for the termination of parental rights under any of  
20 the following circumstances:

21           (a) When the parent or parents have voluntarily  
22 executed a written surrender of the child and consented to the  
23 entry of an order giving custody of the child to the  
24 department for subsequent adoption and the department is  
25 willing to accept custody of the child.

26           1. The surrender document must be executed before two  
27 witnesses and a notary public or other person authorized to  
28 take acknowledgments.

29           2. The surrender and consent may be withdrawn after  
30 acceptance by the department only after a finding by the court

31

1 that the surrender and consent were obtained by fraud or under  
2 duress.

3 (b) Abandonment as defined in s. 39.01(1) or when the  
4 identity or location of the parent or parents is unknown and  
5 cannot be ascertained by diligent search within 60 days.

6 (c) When the parent or parents engaged in conduct  
7 toward the child or toward other children that demonstrates  
8 that the continuing involvement of the parent or parents in  
9 the parent-child relationship threatens the life, safety,  
10 well-being, or physical, mental, or emotional health of the  
11 child irrespective of the provision of services. Provision of  
12 services may be evidenced by proof that services were provided  
13 through a previous plan or offered as a case plan from a child  
14 welfare agency.

15 (d) When the parent of a child is incarcerated in a  
16 state or federal correctional institution and either:

17 1. The period of time for which the parent is expected  
18 to be incarcerated will constitute a substantial portion of  
19 the period of time before the child will attain the age of 18  
20 years;

21 2. The incarcerated parent has been determined by the  
22 court to be a violent career criminal as defined in s.  
23 775.084, a habitual violent felony offender as defined in s.  
24 775.084, or a sexual predator as defined in s. 775.21; has  
25 been convicted of first degree or second degree murder in  
26 violation of s. 782.04 or a sexual battery that constitutes a  
27 capital, life, or first degree felony violation of s. 794.011;  
28 or has been convicted of an offense in another jurisdiction  
29 which is substantially similar to one of the offenses listed  
30 in this paragraph. As used in this section, the term  
31 "substantially similar offense" means any offense that is

1 substantially similar in elements and penalties to one of  
2 those listed in this subparagraph, and that is in violation of  
3 a law of any other jurisdiction, whether that of another  
4 state, the District of Columbia, the United States or any  
5 possession or territory thereof, or any foreign jurisdiction;  
6 or

7           3. The court determines by clear and convincing  
8 evidence that continuing the parental relationship with the  
9 incarcerated parent would be harmful to the child and, for  
10 this reason, that termination of the parental rights of the  
11 incarcerated parent is in the best interest of the child.

12           (e) A petition for termination of parental rights may  
13 also be filed when a child has been adjudicated dependent, a  
14 case plan has been filed with the court, and the child  
15 continues to be abused, neglected, or abandoned by the  
16 parents. In this case, the failure of the parents to  
17 substantially comply for a period of 12 months after an  
18 adjudication of the child as a dependent child or the child's  
19 placement into shelter care, whichever came first, constitutes  
20 evidence of continuing abuse, neglect, or abandonment unless  
21 the failure to substantially comply with the case plan was due  
22 either to the lack of financial resources of the parents or to  
23 the failure of the department to make reasonable efforts to  
24 reunify the parent and child. Such 12-month period may begin  
25 to run only after the child's placement into shelter care or  
26 the entry of a disposition order placing the custody of the  
27 child with the department or a person other than the parent  
28 and the approval by the court of a case plan with a goal of  
29 reunification with the parent, whichever came first.

30           (f) When the parent or parents engaged in egregious  
31 conduct or had the opportunity and capability to prevent and

1 knowingly failed to prevent egregious conduct that threatens  
2 the life, safety, or physical, mental, or emotional health of  
3 the child or the child's sibling.

4 1. As used in this subsection, the term "sibling"  
5 means another child who resides with or is cared for by the  
6 parent or parents regardless of whether the child is related  
7 legally or by consanguinity.

8 2. As used in this subsection, the term "egregious  
9 conduct" means abuse, abandonment, neglect, or any other  
10 conduct of the parent or parents that is deplorable, flagrant,  
11 or outrageous by a normal standard of conduct. Egregious  
12 conduct may include an act or omission that occurred only once  
13 but was of such intensity, magnitude, or severity as to  
14 endanger the life of the child.

15 (g) When the parent or parents have subjected the  
16 child to aggravated child abuse as defined in s. 827.03,  
17 sexual battery or sexual abuse as defined in s. 39.01, or  
18 chronic abuse.

19 (h) When the parent or parents have committed murder  
20 or voluntary manslaughter of another child, or a felony  
21 assault that results in serious bodily injury to the child or  
22 another child, or aided or abetted, attempted, conspired, or  
23 solicited to commit such a murder or voluntary manslaughter or  
24 felony assault.

25 (i) When the parental rights of the parent to a  
26 sibling have been terminated involuntarily.

27 Section 35. Subsection (2) of section 39.807, Florida  
28 Statutes, is amended to read:

29 39.807 Right to counsel; guardian ad litem.--

30 (2)(a) The court shall appoint a guardian ad litem or  
31 legal counsel, or both, to represent ~~the best interest of the~~

1 child in any proceedings for termination of parental rights as  
2 provided in s. 39.013 ~~proceedings~~ and shall ascertain at each  
3 stage of the proceedings whether a guardian ad litem or legal  
4 counsel has been appointed.

5 ~~(b) The guardian ad litem has the following~~  
6 ~~responsibilities:~~

7 ~~1. To investigate the allegations of the petition and~~  
8 ~~any subsequent matters arising in the case and, unless excused~~  
9 ~~by the court, to file a written report. This report must~~  
10 ~~include a statement of the wishes of the child and the~~  
11 ~~recommendations of the guardian ad litem and must be provided~~  
12 ~~to all parties and the court at least 72 hours before the~~  
13 ~~disposition hearing.~~

14 ~~2. To be present at all court hearings unless excused~~  
15 ~~by the court.~~

16 ~~3. To represent the best interests of the child until~~  
17 ~~the jurisdiction of the court over the child terminates or~~  
18 ~~until excused by the court.~~

19 ~~(c) A guardian ad litem is not required to post bond~~  
20 ~~but shall file an acceptance of the office.~~

21 ~~(d) A guardian ad litem is entitled to receive service~~  
22 ~~of pleadings and papers as provided by the Florida Rules of~~  
23 ~~Juvenile Procedure.~~

24 ~~(b)(e)~~ This subsection does not apply to any voluntary  
25 relinquishment of parental rights proceeding.

26 Section 36. Subsection (2) of section 39.808, Florida  
27 Statutes, is amended to read:

28 39.808 Advisory hearing; pretrial status conference.--

29 (2) At the hearing the court shall inform the parties  
30 of their rights under s. 39.807, shall appoint counsel for the  
31 parties in accordance with legal requirements, and shall

1 appoint a guardian ad litem or legal counsel to represent ~~the~~  
2 ~~interests of~~ the child if one has not already been appointed.

3 Section 37. Subsections (10) and (11) of section  
4 39.810, Florida Statutes, are amended to read:

5 39.810 Manifest best interests of the child.--In a  
6 hearing on a petition for termination of parental rights, the  
7 court shall consider the manifest best interests of the child.  
8 This consideration shall not include a comparison between the  
9 attributes of the parents and those of any persons providing a  
10 present or potential placement for the child. For the purpose  
11 of determining the manifest best interests of the child, the  
12 court shall consider and evaluate all relevant factors,  
13 including, but not limited to:

14 (10) The expressed interests ~~reasonable preferences~~  
15 ~~and wishes~~ of the child, if the court deems the child to be of  
16 sufficient intelligence, understanding, and experience to  
17 express a preference.

18 (11) Any information related to subsections (1)  
19 through (10) which is provided by the guardian ad litem and,  
20 when requested by the court, any ~~The~~ recommendations for the  
21 child provided by the child's guardian ad litem ~~or legal~~  
22 ~~representative~~.

23 Section 38. Subsections (1) and (9) of section 39.811,  
24 Florida Statutes, are amended to read:

25 39.811 Powers of disposition; order of disposition.--

26 (1) If the court finds that the grounds for  
27 termination of parental rights have not been established by  
28 clear and convincing evidence, the court shall:

29 (a) If grounds for dependency have been established,  
30 adjudicate or readjudicate the child dependent and:

31

1           1. Enter an order placing or continuing the child in  
2 out-of-home care under a case plan; or

3           2. Enter an order returning the child to the parent or  
4 parents. The court shall retain jurisdiction over a child  
5 returned to the parent or parents for a period of 6 months,  
6 but, at that time, based on a report of the social service  
7 agency, information provided by the child and the guardian ad  
8 litem, if appointed, and any other relevant factors, the court  
9 shall make a determination as to whether its jurisdiction  
10 shall continue or be terminated.

11           (b) If grounds for dependency have not been  
12 established, dismiss the petition.

13           (9) After termination of parental rights, the court  
14 shall retain jurisdiction over any child for whom custody is  
15 given to a social service agency until the child is adopted.  
16 The court shall review the status and, pursuant to s.  
17 39.701(8)(a), the appropriateness of the child's placement and  
18 the progress being made toward permanent adoptive placement.  
19 As part of this continuing jurisdiction, for good cause shown  
20 by the guardian ad litem for the child or by the child, the  
21 court may review the appropriateness of the adoptive placement  
22 of the child.

23           Section 39. Section 39.820, Florida Statutes, is  
24 amended to read:

25           39.820 Definitions.--As used in the Florida Statutes  
26 ~~this part~~, the term:

27           (1) "Guardian ad litem" as referred to in any civil or  
28 criminal proceeding includes the following: a Circuit Office  
29 of Children's Representation as represented by the staff or  
30 volunteers appointed by the Circuit Office of Children's  
31 Representation to provide the best-interest representation to

1 ~~the child, certified guardian ad litem program, a duly~~  
2 ~~certified volunteer, a staff attorney, contract attorney, or~~  
3 ~~certified pro bono attorney working on behalf of a guardian ad~~  
4 ~~litem or the program; staff members of a program office; a~~  
5 ~~court-appointed attorney; or a responsible adult who is~~  
6 appointed by the court to represent the best interests of a  
7 child in a proceeding as provided for by law, ~~including, but~~  
8 ~~not limited to, this chapter~~, who is a party to any judicial  
9 proceeding as a representative of the child, and who serves  
10 until discharged by the court.

11 (2) "Guardian advocate" means a person appointed by  
12 the court to act on behalf of a drug dependent newborn  
13 pursuant to the provisions of this part.

14 Section 40. Section 39.821, Florida Statutes, is  
15 amended to read:

16 39.821 Qualifications of guardians ad litem.--

17 (1) Because of the special trust or responsibility  
18 placed in a guardian ad litem and the staff of the Circuit  
19 Office of Children's Representation representing children in  
20 proceedings under chapter 39, the Circuit Office of Children's  
21 Representation Guardian Ad Litem Program may use any private  
22 funds collected ~~by the program~~, or any state funds so  
23 designated, to conduct a security background investigation  
24 before certifying a volunteer or staff member to serve. A  
25 security background investigation must include, but need not  
26 be limited to, employment history checks, checks of  
27 references, local criminal records checks through local law  
28 enforcement agencies, and statewide criminal records checks  
29 through the Department of Law Enforcement. Upon request, an  
30 employer shall furnish a copy of the personnel record for the  
31 employee or former employee who is the subject of a security

1 background investigation conducted under this section. The  
2 information contained in the personnel record may include, but  
3 need not be limited to, disciplinary matters and the reason  
4 why the employee was terminated from employment. An employer  
5 who releases a personnel record for purposes of a security  
6 background investigation is presumed to have acted in good  
7 faith and is not liable for information contained in the  
8 record without a showing that the employer maliciously  
9 falsified the record. A security background investigation  
10 conducted under this section must ensure that a person is not  
11 certified as a guardian ad litem or hired as a staff member of  
12 a Circuit Office of Children's Representation to represent  
13 children in proceedings under chapter 39 if the person has  
14 been convicted of, regardless of adjudication, or entered a  
15 plea of nolo contendere or guilty to, any offense prohibited  
16 under the provisions of the Florida Statutes specified in s.  
17 435.04(2) or under any similar law in another jurisdiction.  
18 Before certifying an applicant to serve as a guardian ad litem  
19 or as a staff member of a Circuit Office of Children's  
20 Representation to represent children in proceedings under  
21 chapter 39, the Circuit Office of Children's Representation  
22 ~~chief judge of the circuit court~~ may request a federal  
23 criminal records check of the applicant through the Federal  
24 Bureau of Investigation. In analyzing and evaluating the  
25 information obtained in the security background investigation,  
26 the office ~~program~~ must give particular emphasis to past  
27 activities involving children, including, but not limited to,  
28 child-related criminal offenses or child abuse. The office  
29 ~~program~~ has the sole discretion in determining whether to  
30 certify a person based on his or her security background  
31 investigation. The information collected pursuant to the

1 security background investigation is confidential and exempt  
2 from s. 119.07(1).

3 (2) This section does not apply to a certified  
4 guardian ad litem who was certified before October 1, 1995, an  
5 attorney who is a member in good standing of The Florida Bar,  
6 or a licensed professional who has undergone a comparable  
7 security background investigation as a condition of licensure  
8 within 5 years before ~~of~~ applying for certification as a  
9 guardian ad litem or as a staff member of a Circuit Office of  
10 Children's Representation representing children in proceedings  
11 under chapter 39.

12 (3) It is a misdemeanor of the first degree,  
13 punishable as provided in s. 775.082 or s. 775.083, for any  
14 person to willfully, knowingly, or intentionally fail, by  
15 false statement, misrepresentation, impersonation, or other  
16 fraudulent means, to disclose in any application for a  
17 volunteer position or for paid employment with a Circuit  
18 Office of Children's Representation to represent children in  
19 proceedings under chapter 39 ~~the Guardian Ad Litem Program,~~  
20 any material fact used in making a determination as to the  
21 applicant's qualifications for such position.

22 Section 41. Section 39.822, Florida Statutes, is  
23 amended to read:

24 39.822 Appointment of guardian ad litem for abused,  
25 abandoned, or neglected child.--

26 (1) A guardian ad litem for a child must be a  
27 representative of a Circuit Office of Children's  
28 Representation, must be an individual investigated by the  
29 Circuit Office of Children's Representation and appointed by  
30 the court for one specific case, or must be an attorney who is  
31 a member in good standing of The Florida Bar. Before

1 appointing an individual under this chapter, the court shall  
2 request the Circuit Office of Children's Representation to  
3 conduct a security background investigation as provided in s.  
4 39.821. A guardian ad litem who is not an attorney and who is  
5 investigated for the limited representation in a case must be  
6 represented by legal counsel in all proceedings related to the  
7 child. ~~shall be appointed by the court at the earliest~~  
8 ~~possible time to represent the child in any child abuse,~~  
9 ~~abandonment, or neglect judicial proceeding, whether civil or~~  
10 ~~criminal. Any person participating in a civil or criminal~~  
11 ~~judicial proceeding resulting from such appointment shall be~~  
12 ~~presumed prima facie to be acting in good faith and in so~~  
13 ~~doing shall be immune from any liability, civil or criminal,~~  
14 ~~that otherwise might be incurred or imposed.~~

15 (2) In those cases in which the parents are  
16 financially able, the parent or parents of the child shall pay  
17 ~~reimburse the court~~, in part or in whole, for the cost of  
18 provision of guardian ad litem services and legal services.  
19 Reimbursement for services contracted through a Circuit Office  
20 of Children's Representation to the individual providing  
21 ~~guardian ad litem services~~ shall not be contingent upon  
22 successful collection ~~by the court~~ from the parent or parents.

23 (3) When a child and the child's parents are indigent  
24 under s. 27.52, the Circuit Office of Children's  
25 Representation shall be appointed to represent the child.

26 (4)~~(3)~~ In proceedings under this chapter, the guardian  
27 ad litem or the program representative of the Circuit Office  
28 of Children's Representation shall review all disposition  
29 recommendations and changes in placements, and must be present  
30 at all critical stages of the dependency proceeding and shall  
31 ~~or~~ submit a written report of findings in proceedings to

1 determine dependency and to terminate parental rights and may  
2 submit a report of findings in other proceedings and when  
3 requested by the court, the guardian ad litem may submit  
4 recommendations to the court. Written reports must be filed  
5 with the court and served on all parties whose whereabouts are  
6 known at least 72 hours prior to the hearing.

7 Section 42. Section 39.8225, Florida Statutes, is  
8 created to read:

9 39.8225 Guardians ad litem; powers, duties, and  
10 authority.--

11 (1) A guardian ad litem shall act in the child's best  
12 interest, advocate for the child, and take appropriate action  
13 to protect the best interest of the child.

14 (2) In an action brought pursuant to the Florida Rules  
15 of Juvenile Procedure for dependency proceedings, the guardian  
16 ad litem shall represent the best interest of the child after  
17 investigating the allegations in the pleadings and the needs  
18 of the child, after discussing the allegations with the child  
19 and legal counsel, and after giving significant weight to the  
20 expressed interests of the child. The guardian ad litem, other  
21 than a representative of a Circuit Office of Children's  
22 Representation, must be represented by an attorney.

23 (3) The guardian ad litem shall investigate the  
24 allegations in the pleadings and the needs of the child for  
25 the case and the guardian ad litem, in his or her  
26 investigation, shall:

27 (a) Visit and when possible discuss the case with the  
28 child.

29 (b) When appropriate for the representation, observe  
30 the child's interactions with parents, siblings, or foster  
31 parents; observe the child's family placement or proposed

1 permanent placement when there is one; and, when appropriate,  
2 observe his or her socialization skills at school or other  
3 care facilities.

4 (c) Conduct interviews with persons involved with the  
5 child or related to the case, including, but not limited to,  
6 when appropriate for the representation, an interview with the  
7 child's parent, guardian, custodian, teacher, or foster  
8 family; medical professionals treating or evaluating the  
9 child; other caretakers or proposed adoptive parents; staff  
10 members of the Department of Children and Family Services or  
11 the Department of Juvenile Justice; law enforcement personnel  
12 who are involved in the case; and any other person whom the  
13 guardian ad litem and the attorney determines appropriate.

14 (d) Obtain the legal, social, medical, or  
15 psychological reports relevant to understanding the facts of  
16 the case and the status and conditions of the child and other  
17 participants in the proceeding. However, the attorney client  
18 privilege and the work-product privilege may be claimed by  
19 legal counsel on behalf of their clients.

20 (4) The guardian ad litem, and the attorney if the  
21 child is going to be present in court, shall consult with the  
22 child before any hearing, court appearance, or other  
23 proceeding unless the court has excused the child's presence  
24 in court pursuant to court order under 39.01(51). If the child  
25 is of an age and capacity to understand, the proceeding must  
26 be explained to the child in language appropriate to the  
27 child's age, education, and comprehension ability, and the  
28 child shall be offered the opportunity to attend the  
29 proceeding.

30 (5) Before each hearing, the guardian ad litem shall  
31 discuss with legal counsel information on all observations,

1 documentation obtained, and factual information the guardian  
2 ad litem believes that the court should have in order to make  
3 a best-interest determination for the child regarding the  
4 issues before the court. If a Circuit Office of Children's  
5 Representation is providing representation, the information  
6 may be discussed with representatives of the office, as  
7 required by office procedures. After reviewing the information  
8 and consulting with the child and, when appropriate, with  
9 staff members of the Circuit Office of Children's  
10 Representation, the attorney and the guardian ad litem shall  
11 determine the best manner in which to provide the court with  
12 all information necessary for the court to know the child,  
13 know the expressed interests of the child, and determine what  
14 is in the best interest of the child. In every case the court  
15 must be informed of the expressed interest of the child  
16 related to the proceeding. When the law requires a written  
17 report, the guardian ad litem and counsel shall provide the  
18 information to the court as required by law.

19 (6) If a written report is not required to include  
20 recommendations, the guardian ad litem must be prepared to  
21 present the court with a recommendation as to the best  
22 interest of the child based on what the child would want if he  
23 or she could, using adult judgment and knowledge, evaluate the  
24 available information and make a request to the court.

25 (7) When a guardian ad litem is appointed, the court  
26 may issue an order directing persons and entities contacted by  
27 the guardian ad litem to allow the guardian ad litem to  
28 inspect and copy any documents related to the child, the  
29 child's parents, or other custodial persons or any household  
30 member with whom the child resided, currently resides, or is  
31 proposed to reside or any person who is otherwise related to

1 the allegation in the pleadings. The guardian ad litem,  
2 through counsel, may also petition the court for an order  
3 directed to a specified person, agency, or organization,  
4 including, but not limited to, a hospital, medical doctor,  
5 dentist, psychologist, or psychiatrist, which order directs  
6 that the guardian ad litem be allowed to inspect and copy any  
7 records or documents that relate to the minor child, the  
8 child's parent or other custodial person, or any household  
9 member with whom the child resides. An order based on a  
10 petition shall be obtained only after notice to all parties  
11 and a hearing thereon.

12 (8) The guardian ad litem shall submit his or her  
13 report to the court, if a report is to be submitted, regarding  
14 any stipulation or agreement, whether incidental, temporary,  
15 or permanent, which affects the interest or welfare of the  
16 minor child, within 10 days after the date the stipulation or  
17 agreement is served upon the guardian ad litem or as directed  
18 by the court.

19 (9) The guardian ad litem, through counsel, may  
20 request the court to order an expert examination of the child,  
21 the child's parent, or any other interested party by a medical  
22 doctor, dentist, or other health care provider, including a  
23 psychiatrist, psychologist, or other licensed mental health  
24 professional.

25 (10) The guardian ad litem may, unless a report is  
26 otherwise required by law, file a written report that may  
27 include recommendations and shall include any expressed  
28 interests of the child. When a report is filed, it must be  
29 filed and served on all parties at least 3 days before the  
30 hearing at which it will be presented, unless the court waives  
31

1 the time limit or the law requiring the report specifies a  
2 different time.

3 (11) The guardian ad litem must be provided with  
4 copies of all pleadings, notices, and other documents filed in  
5 the action and is entitled to reasonable notice before any  
6 action affecting the child is taken by any of the parties,  
7 their counsel, or the court.

8 (12) A guardian ad litem, acting through counsel,  
9 shall actively file any pleadings, motions, or petitions for  
10 relief which the guardian ad litem considers appropriate or  
11 necessary in furtherance of the guardian's representation of  
12 the child. The guardian ad litem, through counsel, is entitled  
13 to be present and to participate in all depositions, hearings,  
14 and other proceedings in the action, and, through counsel, may  
15 compel the attendance of witnesses.

16 (13) The duties and rights of a nonattorney guardian  
17 ad litem does not include the right to practice law.

18 (14) A guardian ad litem is not required to post bond  
19 but shall file an acceptance of the office.

20 (15) A guardian ad litem is entitled to receive  
21 service of pleadings and papers as provided by the Florida  
22 Rules of Procedure applicable to the case.

23 Section 43. Section 39.8226, Florida Statutes, is  
24 created to read:

25 39.8226 Legal counsel for a child.--

26 (1) The court may appoint counsel to represent the  
27 expressed interest of a child, in lieu of or in addition to a  
28 guardian ad litem, in any dependency case related to the  
29 child, if the court determines that the child is of an age and  
30 capacity to participate in his or her representation and the  
31

1 child or the child's parents or guardian can pay for the  
2 representation.

3 (2)(a) If a Circuit Office of Children's  
4 Representation has been appointed to represent the child, the  
5 court may appoint counsel to represent the expressed interest  
6 of a child, in lieu of or in addition to a guardian ad litem,  
7 only if the court finds that the child is of an age and  
8 capacity to participate in his or her representation and  
9 either the expressed interests of the child and the  
10 best-interest representation by the guardian ad litem do not  
11 coincide or the complexity of the pending case or other legal  
12 actions suggest that representation for the child is  
13 appropriate.

14 (b) If the guardian ad litem's best-interest  
15 representation and the expressed interests of the child do not  
16 coincide, the Circuit Office of Children's Representation must  
17 petition the court for a review to determine whether the  
18 provisions of paragraph (a) have been met, whether the child  
19 wants independent counsel and whether the child wants or it is  
20 appropriate or required under the law for a guardian ad litem  
21 to continue to represent the best interest of the child in  
22 some or all issues.

23 (3) Upon petition of the Circuit Office of Children's  
24 Representation, the court may appoint independent counsel to  
25 represent the child in collateral issues if the office does  
26 not have the expertise to provide appropriate representation.  
27 The petition must address whether the guardian ad litem will  
28 continue to represent the best interest of the child in any or  
29 all proceedings.

30 Section 44. Section 39.84, Florida Statutes, is  
31 created to read:

1           39.84 Guardians ad litem; confidentiality.--The  
2 guardian ad litem shall maintain as confidential all  
3 information and documents received from any source and may not  
4 disclose such information or documents except, as provided by  
5 law or Florida rules of evidence and procedure, in testimony  
6 or a report to the court. When a report is filed with the  
7 court, it must be served upon the parties to the action and  
8 their counsel or as directed by the court.

9           Section 45. Section 39.86, Florida Statutes, is  
10 created to read:

11           39.86 Guardians ad litem and psychologists;  
12 immunity.--Any person participating in a judicial proceeding  
13 as a guardian ad litem, as staff or a volunteer representing  
14 the Circuit Office of Children's Representation in a  
15 proceeding under this chapter, or a court-appointed  
16 psychologist shall be presumed prima facie to be acting in  
17 good faith, and, in so doing, shall be immune from any  
18 liability, civil or criminal, that otherwise might be incurred  
19 or imposed.

20           Section 46. Subsection (8) of section 40.24, Florida  
21 Statutes, is amended to read:

22           40.24 Compensation and reimbursement policy.--

23           (8) In circuits that elect to allow jurors to donate  
24 their jury service fee upon conclusion of juror service, each  
25 juror may irrevocably donate all of the juror's compensation  
26 to the Statewide Public Guardianship and Children's  
27 Representation Office for expenditure to represent children in  
28 dependency proceeding the 26 U.S.C. s. 501(c)(3) organization  
29 ~~specified by the guardian ad litem program~~ or to a domestic  
30 violence shelter as specified annually on a rotating basis by  
31 the clerk of court in the circuit for the juror's county of

1 residence. The funds collected may not reduce or offset the  
2 amount of compensation that the guardian ad litem program or  
3 domestic violence shelter would otherwise receive from the  
4 state. The clerk of court shall ensure that all jurors are  
5 given written notice at the conclusion of their service that  
6 they have the option to so donate their compensation, and that  
7 the applicable program specified by the guardian ad litem  
8 program or a domestic violence shelter receives all funds  
9 donated by the jurors. Any guardian ad litem program  
10 receiving donations of juror compensation must expend such  
11 moneys on services for children for whom guardians ad litem  
12 have been appointed.

13 Section 47. Paragraph (a) of subsection (6) of section  
14 215.5601, Florida Statutes, is amended to read:

15 215.5601 Lawton Chiles Endowment Fund.--

16 (6) ADVISORY COUNCIL.--The Lawton Chiles Endowment  
17 Fund Advisory Council is established for the purpose of  
18 reviewing the funding priorities of the state agencies,  
19 evaluating their requests against the mission and goals of the  
20 agencies and legislative intent for the use of endowment  
21 funds, and allowing for public input and advocacy.

22 (a) The advisory council shall consist of 15 members,  
23 including:

- 24 1. The director of the United Way of Florida, Inc., or  
25 his or her designee;
- 26 2. The director of the Foster Parents Association, or  
27 his or her designee;
- 28 3. The chair of the Department of Elderly Affairs  
29 Advisory Council, or his or her designee;
- 30 4. The president of the Florida Association of Area  
31 Agencies on Aging, or his or her designee;

- 1           5. The State Long-Term Care Ombudsman, or his or her  
2 designee;
- 3           6. The state director of the Florida AARP, or his or  
4 her designee;
- 5           7. The director of the Florida Pediatric Society, or  
6 his or her designee;
- 7           8. The Director of the Statewide Public Guardianship  
8 and Children's Representation Office ~~A representative of the~~  
9 ~~Guardian Ad Litem Program~~, appointed by the Governor;
- 10          9. A representative of a child welfare lead agency for  
11 community-based care, appointed by the Governor;
- 12          10. A representative of an elder care lead agency for  
13 community-based care, appointed by the Governor;
- 14          11. A representative of a statewide child advocacy  
15 organization, appointed by the Governor;
- 16          12. One consumer caregiver for children, appointed by  
17 the Governor;
- 18          13. One person over the age of 60 years to represent  
19 the interests of elders, appointed by the Governor;
- 20          14. One person under the age of 18 years to represent  
21 the interests of children, appointed by the Governor; and
- 22          15. One consumer caregiver for a functionally impaired  
23 elderly person, appointed by the Governor.
- 24          Section 48. Subsection (12) of section 985.308,  
25 Florida Statutes, is amended to read:
- 26            985.308 Juvenile sexual offender commitment programs;  
27 sexual abuse intervention networks.--
- 28            (12) Membership of a sexual abuse intervention network  
29 shall include, but is not limited to, representatives from:
- 30            (a) Local law enforcement agencies;
- 31            (b) Local school boards;

- 1 (c) Child protective investigators;  
2 (d) The office of the state attorney;  
3 (e) The office of the public defender;  
4 (f) The juvenile division of the circuit court;  
5 (g) Professionals licensed under chapter 458, chapter  
6 459, s. 490.0145, or s. 491.0144 providing treatment for  
7 juvenile sexual offenders or their victims;  
8 (h) The Statewide Public Guardianship and Children's  
9 Representation Office ~~guardian ad litem program~~;  
10 (i) The Department of Juvenile Justice; and  
11 (j) The Department of Children and Family Services.

12 Section 49. For purposes of incorporating the  
13 amendment to section 39.202, Florida Statutes, in references  
14 thereto, paragraph (f) of subsection (1) of section 39.3035,  
15 Florida Statutes, is reenacted to read:

16 39.3035 Child advocacy centers; standards; state  
17 funding.--

18 (1) In order to become eligible for a full membership  
19 in the Florida Network of Children's Advocacy Centers, Inc., a  
20 child advocacy center in this state shall:

21 (f) Provide case tracking of child abuse cases seen  
22 through the center. A center shall also collect data on the  
23 number of child abuse cases seen at the center, by sex, race,  
24 age, and other relevant data; the number of cases referred for  
25 prosecution; and the number of cases referred for mental  
26 health therapy. Case records shall be subject to the  
27 confidentiality provisions of s. 39.202.

28 Section 50. For purposes of incorporating the  
29 amendment to section 39.202, Florida Statutes, in references  
30 thereto, subsection (2) of section 39.507, Florida Statutes,  
31 is reenacted to read:

1           39.507 Adjudicatory hearings; orders of  
2 adjudication.--

3           (2) All hearings, except as provided in this section,  
4 shall be open to the public, and a person may not be excluded  
5 except on special order of the judge, who may close any  
6 hearing to the public upon determining that the public  
7 interest or the welfare of the child is best served by so  
8 doing. The parents or legal custodians shall be allowed to  
9 obtain discovery pursuant to the Florida Rules of Juvenile  
10 Procedure, provided such discovery does not violate the  
11 provisions of s. 39.202. Hearings involving more than one  
12 child may be held simultaneously when the children involved  
13 are related to each other or were involved in the same case.  
14 The child and the parents, caregivers, or legal custodians of  
15 the child may be examined separately and apart from each  
16 other.

17           Section 51. For purposes of incorporating the  
18 amendment to section 39.701, Florida Statutes, in references  
19 thereto, subsection (4) of section 63.052, Florida Statutes,  
20 is reenacted to read:

21           63.052 Guardians designated; proof of commitment.--

22           (4) If a minor is voluntarily surrendered to an  
23 adoption entity for subsequent adoption and the adoption does  
24 not become final within 180 days, the adoption entity must  
25 report to the court on the status of the minor and the court  
26 may at that time proceed under s. 39.701 or take action  
27 reasonably necessary to protect the best interest of the  
28 minor.

29           Section 52. For purposes of incorporating the  
30 amendment to section 39.402, Florida Statutes, in references  
31

1 thereto, subsection (20) of section 984.03, Florida Statutes,  
2 is reenacted to read:

3           984.03 Definitions.--When used in this chapter, the  
4 term:

5           (20) "Detention hearing" means a hearing for the court  
6 to determine if a child should be placed in temporary custody,  
7 as provided for under s. 39.402, in dependency cases.

8           Section 53. This act shall take effect October 1,  
9 2002.

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