

Bill No. CS for SB 1974

Amendment No. \_\_\_\_ Barcode 115816

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Statewide Guardian Ad Litem Office;  
legislative findings and intent; creation; appointment of  
executive director; duties of office.--

(1) LEGISLATIVE FINDINGS AND INTENT.--

(a) The Legislature finds that for the past 20 years,  
the Guardian Ad Litem Program has been the only mechanism for  
best interest representation for children in Florida who are  
involved in dependency proceedings.

(b) The Legislature also finds that while the Guardian  
Ad Litem Program has been supervised by court administration  
within the circuit courts since the program's inception, there  
is a perceived conflict of interest created by the supervision  
of program staff by the judges before whom they appear.

(c) The Legislature further finds that the Governor's  
Blue Ribbon Task Force concluded that "if there is any program

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1 that costs the least and benefits the most, this one is it,"  
 2 and that the guardian ad litem volunteer is an "indispensable  
 3 intermediary between the child and the court, between the  
 4 child and DCF."

5 (d) It is therefore the intent of the Legislature to  
 6 place the Guardian Ad Litem Program in an appropriate place  
 7 and provide a statewide infrastructure to increase functioning  
 8 and standardization among the local programs currently  
 9 operating in the 20 judicial circuits.

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

19 (a) The head of the Statewide Guardian Ad Litem Office  
 20 is the executive director, who shall be appointed by the  
 21 Governor from a list of a minimum of three eligible applicants  
 22 submitted by a Guardian Ad Litem Qualifications Committee. The  
 23 Guardian Ad Litem Qualifications Committee shall be composed  
 24 of five persons, two persons appointed by the Governor, two  
 25 persons appointed by the Chief Justice of the Supreme Court,  
 26 and one person appointed by the Statewide Guardian Ad Litem  
 27 Association. The committee shall provide for statewide  
 28 advertisement and the receiving of applications for the  
 29 position of executive director. The Governor shall appoint an  
 30 executive director from among the recommendations, or the  
 31 Governor may reject the nominations and request the submission

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1 of new nominees. The executive director must have knowledge in  
2 dependency law and knowledge of social service delivery  
3 systems available to meet the needs of children who are  
4 abused, neglected, or abandoned. The executive director shall  
5 serve on a full-time basis and shall personally, or through  
6 representatives of the office, carry out the purposes and  
7 functions of the Statewide Guardian Ad Litem Office in  
8 accordance with state and federal law. The executive director  
9 shall report to the Governor. The executive director shall  
10 serve a 3-year term, subject to removal for cause by the  
11 Governor. Any person appointed to serve as the executive  
12 director may be permitted to serve more than one term.

13 (b) The Statewide Guardian Ad Litem Office shall,  
14 within available resources, have oversight responsibilities  
15 for and provide technical assistance to all guardian ad litem  
16 and attorney ad litem programs located within the judicial  
17 circuits.

18 1. The office shall identify the resources required to  
19 implement methods of collecting, reporting, and tracking  
20 reliable and consistent case data.

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

23 3. The office, in consultation with local guardian ad  
24 litem offices, shall develop statewide performance measures  
25 and standards.

26 4. The office shall develop a guardian ad litem  
27 training program. The office shall establish a curriculum  
28 committee to develop the training program specified in this  
29 subparagraph. The curriculum committee shall include, but not  
30 be limited to, dependency judges, directors of circuit  
31 guardian ad litem programs, active certified guardians ad

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1 litem, a mental health professional who specializes in the  
2 treatment of children, a member of a child advocacy group, a  
3 representative of the Florida Coalition Against Domestic  
4 Violence, and a social worker experienced in working with  
5 victims and perpetrators of child abuse.

6       5. The office shall review the various methods of  
7 funding guardian ad litem programs, shall maximize the use of  
8 those funding sources to the extent possible, and shall review  
9 the kinds of services being provided by circuit guardian ad  
10 litem programs.

11       6. The office shall continue the attorney ad litem  
12 demonstration projects through at least October 1, 2004, and  
13 may conduct or contract for other demonstration projects,  
14 within funds appropriated or through gifts, grants, or  
15 contributions for such purposes, to determine the feasibility  
16 or desirability of new concepts of organization,  
17 administration, financing, or service delivery designed to  
18 preserve the civil and constitutional rights and fulfill other  
19 needs of dependent children.

20       7. No later than October 1, 2004, the office shall  
21 submit to the Governor, the President of the Senate, the  
22 Speaker of the House of Representatives, and the Chief Justice  
23 of the Supreme Court an interim report describing the progress  
24 of the office in meeting the goals as described in this  
25 section. No later than October 1, 2004, the office shall  
26 submit to the Governor, the President of the Senate, the  
27 Speaker of the House of Representatives, and the Chief Justice  
28 of the Supreme Court a proposed plan including alternatives  
29 for meeting the state's guardian ad litem and attorney ad  
30 litem needs. This plan may include recommendations for less  
31 than the entire state, may include a phase-in system, and

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1 shall include estimates of the cost of each of the  
2 alternatives. Each year thereafter, the office shall provide a  
3 status report and provide further recommendations to address  
4 the need for guardian ad litem services and related issues.

5 Section 2. Transfer of existing programs.--

6 (1) The pilot program for attorneys ad litem for  
7 dependent children established in section 39.4086, Florida  
8 Statutes, shall be transferred from the State Courts System to  
9 the Statewide Guardian Ad Litem Office within the Justice  
10 Administrative Commission. The Statewide Guardian Ad Litem  
11 Office shall submit the final report required by section  
12 39.4086(2)(h), Florida Statutes, by October 1, 2004.

13 (2) All funds and positions associated with the  
14 Guardian Ad Litem Program within the State Courts System are  
15 transferred by a type two transfer, pursuant to section  
16 20.06(2), Florida Statutes, to the Statewide Guardian Ad Litem  
17 Office within the Justice Administrative Commission on January  
18 1, 2004, except that up to \$35,000 and one full-time  
19 equivalent position shall be transferred to the Justice  
20 Administrative Commission effective October 1, 2004, to pay  
21 for the salary and expenses of an executive director.

22 Section 3. This act shall take effect July 1, 2003.

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

26 And the title is amended as follows:

27 Delete everything before the enacting clause

28

29 and insert:

30 A bill to be entitled

31 An act relating to guardians ad litem;

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1 providing legislative intent; creating the  
2 Statewide Guardian Ad Litem Office within the  
3 Justice Administrative Commission; providing  
4 for the appointment of an executive director;  
5 providing for duties; providing oversight  
6 responsibility for local guardian ad litem and  
7 attorney ad litem programs; providing for the  
8 transfer of the attorney ad litem pilot program  
9 and the funds and positions associated with the  
10 Guardian Ad Litem Program to the Statewide  
11 Guardian Ad Litem Office; providing an  
12 effective date.

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