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CHAMBER ACTION

The Committee on Judiciary recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to guardians ad litem; providing legislative intent; creating the Statewide Guardian Ad Litem Office within the Justice Administrative Commission; providing for the appointment of an executive director; providing for duties; providing oversight responsibility for local guardian ad litem programs; providing for the transfer of the attorney ad litem pilot program and the funds and positions associated with the Guardian Ad Litem Program to the Statewide Guardian Ad Litem Office; providing an effective date.

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

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

(1) LEGISLATIVE FINDINGS AND INTENT.--



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

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

37           (c) The Legislature further finds that the Governor's  
38 Blue Ribbon Task Force concluded that "if there is any program  
39 that costs the least and benefits the most, this one is it," and  
40 that the guardian ad litem volunteer is an "indispensable  
41 intermediary between the child and the court, between the child  
42 and DCF."

43           (d) It is therefore the intent of the Legislature to  
44 place the Guardian Ad Litem Program in an appropriate place and  
45 provide a statewide infrastructure to increase functioning and  
46 standardization among the local programs currently operating in  
47 the 20 judicial circuits.

48           (2) STATEWIDE GUARDIAN AD LITEM OFFICE.--There is created  
49 a Statewide Guardian Ad Litem Office within the Justice  
50 Administrative Commission. The Justice Administrative Commission  
51 shall provide administrative support and service to the office  
52 to the extent requested by the executive director within the  
53 available resources of the commission. The Statewide Guardian Ad  
54 Litem Office shall not be subject to control, supervision, or



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55 direction by the Justice Administrative Commission in the  
56 performance of its duties.

57 (a) The head of the Statewide Guardian Ad Litem Office is  
58 the executive director, who shall be appointed by the Governor  
59 from a list of a minimum of three eligible applicants submitted  
60 by a Guardian Ad Litem Qualifications Committee. The Guardian Ad  
61 Litem Qualifications Committee shall be composed of five  
62 persons, two persons appointed by the Governor, two persons  
63 appointed by the Chief Justice of the Supreme Court, and one  
64 person appointed by the Statewide Guardian Ad Litem Association.  
65 The committee shall provide for statewide advertisement and the  
66 receiving of applications for the position of executive  
67 director. The Governor shall appoint an executive director from  
68 among the recommendations, or the Governor may reject the  
69 nominations and request the submission of new nominees. The  
70 executive director must have knowledge in dependency law and  
71 knowledge of social service delivery systems available to meet  
72 the needs of children who are abused, neglected, or abandoned.  
73 The executive director shall serve on a full-time basis and  
74 shall personally, or through representatives of the office,  
75 carry out the purposes and functions of the Statewide Guardian  
76 Ad Litem Office in accordance with state and federal law. The  
77 executive director shall report to the Governor. The executive  
78 director shall serve a 3-year term, subject to removal for cause  
79 by the Governor. Any person appointed to serve as the executive  
80 director may be permitted to serve more than one term.

81 (b) The Statewide Guardian Ad Litem Office shall, within  
82 available resources, have oversight responsibilities for and



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83 provide technical assistance to all guardian ad litem programs  
84 located within the judicial circuits.

85 1. The office shall identify the resources required to  
86 implement methods of collecting, reporting, and tracking  
87 reliable and consistent case data.

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

90 3. The office, in consultation with local guardian ad  
91 litem offices, shall develop statewide performance measures and  
92 standards.

93 4. The office shall develop a guardian ad litem training  
94 program. The office shall establish a curriculum committee to  
95 develop the training program specified in this subparagraph. The  
96 curriculum committee shall include, but not be limited to,  
97 dependency judges, directors of circuit guardian ad litem  
98 programs, active certified guardians ad litem, a mental health  
99 professional who specializes in the treatment of children, a  
100 member of a child advocacy group, a representative of the  
101 Florida Coalition Against Domestic Violence, and a social worker  
102 experienced in working with victims and perpetrators of child  
103 abuse.

104 5. The office shall review the various methods of funding  
105 guardian ad litem programs, shall maximize the use of those  
106 funding sources to the extent possible, and shall review the  
107 kinds of services being provided by circuit guardian ad litem  
108 programs.

109 6. The office may conduct or contract for demonstration  
110 projects, within funds appropriated or through gifts, grants, or



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111 contributions for such purposes, to determine the feasibility or  
112 desirability of new concepts of organization, administration,  
113 financing, or service delivery designed to preserve the civil  
114 and constitutional rights and fulfill other needs of dependent  
115 children.

116 7. No later than October 1, 2004, the office shall  
117 submit to the Governor, the President of the Senate, the Speaker  
118 of the House of Representatives, and the Chief Justice of the  
119 Supreme Court an interim report describing the progress of the  
120 office in meeting the goals as described in this section. No  
121 later than October 1, 2004, the office shall submit to the  
122 Governor, the President of the Senate, the Speaker of the House  
123 of Representatives, and the Chief Justice of the Supreme Court a  
124 proposed plan including alternatives for meeting the state's  
125 guardian ad litem needs. This plan may include recommendations  
126 for less than the entire state, may include a phase-in system,  
127 and shall include estimates of the cost of each of the  
128 alternatives. Each year thereafter, the office shall provide a  
129 status report and provide further recommendations to address the  
130 need for guardian ad litem services and related issues.

131 Section 2. Transfer of existing programs.--

132 (1) The pilot program for attorneys ad litem for  
133 dependent children established in s. 39.4086, Florida Statutes,  
134 shall be transferred from the State Courts System to the  
135 Statewide Guardian Ad Litem Office within the Justice  
136 Administrative Commission. The Statewide Guardian Ad Litem  
137 Office shall submit the final report required by s.  
138 39.4086(2)(h), Florida Statutes, by October 1, 2004.



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139           (2) All funds and positions associated with the Guardian  
140 Ad Litem Program within the State Courts System are transferred  
141 by a type two transfer, pursuant to s. 20.06(2), Florida  
142 Statutes, to the Statewide Guardian Ad Litem Office within the  
143 Justice Administrative Commission.

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