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CHAMBER ACTION

The Committee on Appropriations 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 and attorney 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 and  
84 attorney ad litem programs 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 shall continue the attorney ad litem  
110 demonstration projects through at least October 1, 2004, and may



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111 conduct or contract for other demonstration projects, within  
112 funds appropriated or through gifts, grants, or contributions  
113 for such purposes, to determine the feasibility or desirability  
114 of new concepts of organization, administration, financing, or  
115 service delivery designed to preserve the civil and  
116 constitutional rights and fulfill other needs of dependent  
117 children.

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

134 Section 2. Transfer of existing programs.--

135 (1) The pilot program for attorneys ad litem for dependent  
136 children established in s. 39.4086, Florida Statutes, shall be  
137 transferred from the State Courts System to the Statewide  
138 Guardian Ad Litem Office within the Justice Administrative



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139 | Commission. The Statewide Guardian Ad Litem Office shall submit  
140 | the final report required by s. 39.4086(2)(h), Florida Statutes,  
141 | by October 1, 2004.

142 |       (2) All funds and positions associated with the Guardian  
143 | Ad Litem Program within the State Courts System are transferred  
144 | by a type two transfer, pursuant to s. 20.06(2), Florida  
145 | Statutes, to the Statewide Guardian Ad Litem Office within the  
146 | Justice Administrative Commission on January 1, 2004, except  
147 | that up to \$35,000 and one full-time equivalent position shall  
148 | be transferred to the Justice Administrative Commission  
149 | effective October 1, 2004, to pay for the salary and expenses of  
150 | an executive director.

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