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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to child welfare; amending s. 39.01, F.S.; defining the term "attorney for the child"; amending ss. 39.013 and 39.01305, F.S.; conforming provisions to changes made by the act; renaming part XI of ch. 39, F.S., as "Guardians ad litem, guardian advocates, and attorney for the child"; amending s. 39.822, F.S.; conforming provisions to changes made by the act; specifying circumstances under which a court is authorized or required, on or after a specified date, to appoint a guardian ad litem; authorizing the court to maintain the appointment of a guardian ad litem in specified circumstances; authorizing the court to order that a new guardian ad litem be assigned for a child or discharge a guardian ad litem and appoint an attorney for the child under specified circumstances; amending s. 39.8296, F.S.; renaming the Guardian Ad Litem Qualifications Committee as the Child Well-Being Qualifications Committee; specifying that the executive director of the Statewide Guardian Ad Litem Office may be reappointed; clarifying that second and subsequent appointments made for the executive director of the office are for 3 years; requiring the office to develop guidelines to identify conflicts of interest of guardians ad litem; prohibiting the office from assigning such guardians; defining the term "conflicts of interest"; requiring



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28 the office to identify guardians ad litem who are
29 experiencing health issues and who present a danger to
30 the child to whom the guardian ad litem is assigned;
31 requiring the office to remove such guardians from
32 assigned cases, terminate their volunteer services in
33 specified circumstances, and disclose such actions to
34 the circuit court; creating s. 39.83, F.S.; creating
35 the Statewide Office of Child Representation within
36 the Justice Administrative Commission; requiring the
37 commission to provide administrative support and
38 services to the statewide office; providing that the
39 statewide office is not subject to control,
40 supervision, or direction by the commission; providing
41 that employees of the statewide office are governed by
42 the classification plan and salary and benefits plan
43 approved by the commission; providing that the head of
44 the statewide office is the executive director;
45 providing the process for appointment; requiring that
46 the initial executive director be appointed by a
47 specified date; providing responsibilities of the
48 office; authorizing the office to contract with local
49 nonprofit agencies under certain conditions; creating
50 a regional office of child representation within the
51 boundaries of each of the five district courts of
52 appeal; requiring such offices to commence fulfilling
53 their purpose and duties on a specified date;
54 requiring the commission to provide administrative
55 support to the regional offices; providing that the
56 offices are not subject to control, supervision, or



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57 direction by the commission; providing that employees
58 of the offices are governed by the classification plan
59 and salary and benefits plan for the commission;
60 prescribing qualifications for child representation
61 counsel; providing certain prohibitions; creating s.
62 39.831, F.S.; specifying when the court is authorized
63 or required to appoint an attorney for the child;
64 requiring the court to appoint the Statewide Office of
65 Child Representation; providing for the scope of
66 representation for court-appointed counsel; limiting
67 resources to be allocated; providing that staff may
68 attend fair hearings; providing for the duration of
69 attorney representation; authorizing the attorney for
70 the child to arrange for supplemental or separate
71 counsel in specified circumstances; providing for the
72 appointment of private counsel when the office has a
73 conflict of interest; requiring an attorney for the
74 child to be compensated and have access to funding for
75 expenses with specified conditions; providing
76 conditions under which a parent is required to
77 reimburse the court for the cost of the attorney;
78 requiring agencies, persons, and organizations to
79 allow an attorney for the child to inspect and copy
80 certain records; defining the term "records";
81 providing requirements for an attorney for the child
82 relating to hearings; requiring the Department of
83 Children and Families to develop procedures to request
84 that a court appoint an attorney for the child;
85 authorizing the department to adopt rules; amending



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86 ss. 28.345, 39.001, 39.00145, 39.0132, 39.0139,
87 39.202, 39.302, 39.402, 39.407, 39.4085, 39.502,
88 39.521, 39.523, 39.6011, 39.6012, 39.6251, 39.701,
89 39.702, 39.801, 39.802, 39.808, 39.810, 39.811,
90 39.812, 43.16, 63.085, 322.09, 394.495, 627.746,
91 934.255, and 960.065, F.S.; conforming cross-
92 references and provisions to changes made by the act;
93 providing an effective date.

94

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

96

97 Section 1. Present subsections (9) through (87) of section
98 39.01, Florida Statutes, are redesignated as subsections (10)
99 through (88), respectively, a new subsection (9) is added to
100 that section, and present subsections (10) and (37) are amended,
101 to read:

102 39.01 Definitions.—When used in this chapter, unless the
103 context otherwise requires:

104 (9) "Attorney for the child" means an attorney providing
105 direct representation to the child, which may include the
106 appointment of the Office of Child Representation, an attorney
107 provided by an entity contracted through the Office of Child
108 Representation to provide direct representation, any private
109 court-appointed counsel who is compensated pursuant to s.
110 27.5304, any privately retained counsel or pro bono counsel, or
111 any other attorney who is appointed to represent the child under
112 this chapter.

113 (11)-(10) "Caregiver" means the parent, legal custodian,
114 permanent guardian, adult household member, or other person



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115 responsible for a child's welfare as defined in subsection (55)
116 ~~(54)~~.

117 (38)~~(37)~~ "Institutional child abuse or neglect" means
118 situations of known or suspected child abuse or neglect in which
119 the person allegedly perpetrating the child abuse or neglect is
120 an employee of a public or private school, public or private day
121 care center, residential home, institution, facility, or agency
122 or any other person at such institution responsible for the
123 child's welfare as defined in subsection (55) ~~(54)~~.

124 Section 2. Subsection (13) is added to section 39.013,
125 Florida Statutes, to read:

126 39.013 Procedures and jurisdiction; right to counsel.—

127 (13) The court shall appoint an attorney for the child
128 pursuant to s. 39.831.

129 Section 3. Subsections (4) and (5) of section 39.01305,
130 Florida Statutes, are amended to read:

131 39.01305 Appointment of an attorney for a dependent child
132 with certain special needs.—

133 (4) (a) An attorney for the child appointed under this
134 section shall be made in accordance with s. 39.831 ~~Before a~~
135 ~~court may appoint an attorney, who may be compensated pursuant~~
136 ~~to this section, the court must request a recommendation from~~
137 ~~the Statewide Guardian Ad Litem Office for an attorney who is~~
138 ~~willing to represent a child without additional compensation. If~~
139 ~~such an attorney is available within 15 days after the court's~~
140 ~~request, the court must appoint that attorney. However, the~~
141 ~~court may appoint a compensated attorney within the 15-day~~
142 ~~period if the Statewide Guardian Ad Litem Office informs the~~
143 ~~court that it will not be able to recommend an attorney within~~



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144 ~~that time period.~~

145 ~~(b) After an attorney is appointed, the appointment~~
146 ~~continues in effect until the attorney is allowed to withdraw or~~
147 ~~is discharged by the court or until the case is dismissed. An~~
148 ~~attorney who is appointed under this section to represent the~~
149 ~~child shall provide the complete range of legal services, from~~
150 ~~the removal from home or from the initial appointment through~~
151 ~~all available appellate proceedings. With the permission of the~~
152 ~~court, the attorney for the dependent child may arrange for~~
153 ~~supplemental or separate counsel to represent the child in~~
154 ~~appellate proceedings. A court order appointing an attorney~~
155 ~~under this section must be in writing.~~

156 ~~(5) Unless the attorney has agreed to provide pro bono~~
157 ~~services, an appointed attorney or organization must be~~
158 ~~adequately compensated. All appointed attorneys and~~
159 ~~organizations, including pro bono attorneys, must be provided~~
160 ~~with access to funding for expert witnesses, depositions, and~~
161 ~~other due process costs of litigation. Payment of attorney fees~~
162 ~~and case related due process costs are subject to appropriations~~
163 ~~and review by the Justice Administrative Commission for~~
164 ~~reasonableness. The Justice Administrative Commission shall~~
165 ~~contract with attorneys appointed by the court. Attorney fees~~
166 ~~may not exceed \$1,000 per child per year.~~

167 Section 4. Part XI of chapter 39, Florida Statutes,
168 entitled "GUARDIANS AD LITEM AND GUARDIAN ADVOCATES," is renamed
169 "GUARDIANS AD LITEM, GUARDIAN ADVOCATES, AND ATTORNEY FOR THE
170 CHILD."

171 Section 5. Section 39.822, Florida Statutes, is amended to
172 read:



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173 39.822 Appointment of guardian ad litem for abused,
174 abandoned, or neglected child.—

175 (1) (a) Before July 1, 2022, a guardian ad litem must ~~shall~~
176 be appointed by the court at the earliest possible time to
177 represent a ~~the~~ child in any child abuse, abandonment, or
178 neglect judicial proceeding, whether civil or criminal.

179 (b) On or after July 1, 2022, a guardian ad litem:

180 1. Must be appointed by the court at the earliest possible
181 time to represent a child under the following circumstances:

182 a. The child remains in his or her home or nonlicensed
183 placement under the protective supervision of the department;

184 b. The child is the subject of a dependency proceeding
185 under this chapter and the subject of a criminal proceeding;

186 c. The child is the subject of a termination of parental
187 rights proceeding under part X of this chapter; or

188 d. The child is a dependent child as described in s.
189 39.01305(3).

190 2. May be appointed at the court's discretion upon a
191 finding that circumstances exist which require the appointment.

192 (2) If a child who is appointed a guardian ad litem when
193 placed under the protective supervision of the department as
194 required under subparagraph (1)(b)1. is subsequently appointed
195 an attorney for the child pursuant to s. 39.831, the court has
196 the discretion to maintain the appointment of the guardian ad
197 litem notwithstanding the appointment of an attorney for the
198 child.

199 (3) Upon request by a child who is the subject of a
200 dependency proceeding under this chapter and who has a guardian
201 ad litem assigned, or upon any party presenting evidence that



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202 there is reasonable cause to suspect the assigned guardian ad
203 litem has a conflict of interest as defined in s.
204 39.8296(2)(b)9., the court may:

205 (a) Order that a new guardian ad litem be assigned; or
206 (b) Unless otherwise provided by law, discharge the child's
207 current guardian ad litem and appoint an attorney for the child
208 if one is not appointed.

209 (4) Any person participating in a civil or criminal
210 judicial proceeding resulting from such appointment shall be
211 presumed prima facie to be acting in good faith and in so doing
212 shall be immune from any liability, civil or criminal, that
213 otherwise might be incurred or imposed.

214 (5)~~(2)~~ In those cases in which the parents are financially
215 able, the parent or parents of the child shall reimburse the
216 court, in part or in whole, for the cost of provision of
217 guardian ad litem services. Reimbursement to the individual
218 providing guardian ad litem services may ~~shall~~ not be contingent
219 upon successful collection by the court from the parent or
220 parents.

221 (6)~~(3)~~ Upon presentation by a guardian ad litem of a court
222 order appointing the guardian ad litem:

223 (a) An agency, as defined in chapter 119, shall allow the
224 guardian ad litem to inspect and copy records related to the
225 best interests of the child who is the subject of the
226 appointment, including, but not limited to, records made
227 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of
228 the State Constitution. The guardian ad litem shall maintain the
229 confidential or exempt status of any records shared by an agency
230 under this paragraph.



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231 (b) A person or organization, other than an agency under
232 paragraph (a), shall allow the guardian ad litem to inspect and
233 copy any records related to the best interests of the child who
234 is the subject of the appointment, including, but not limited
235 to, confidential records.

236
237 For the purposes of this subsection, the term "records related
238 to the best interests of the child" includes, but is not limited
239 to, medical, mental health, substance abuse, child care,
240 education, law enforcement, court, social services, and
241 financial records.

242 ~~(7)(4)~~ The guardian ad litem or the program representative
243 shall review all disposition recommendations and changes in
244 placements, and must be present at all critical stages of the
245 dependency proceeding or submit a written report of
246 recommendations to the court. Written reports must be filed with
247 the court and served on all parties whose whereabouts are known
248 at least 72 hours before ~~prior to~~ the hearing.

249 Section 6. Subsection (2) of section 39.8296, Florida
250 Statutes, is amended to read:

251 39.8296 Statewide Guardian Ad Litem Office; legislative
252 findings and intent; creation; appointment of executive
253 director; duties of office.—

254 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
255 Statewide Guardian Ad Litem Office within the Justice
256 Administrative Commission. The Justice Administrative Commission
257 shall provide administrative support and service to the office
258 to the extent requested by the executive director within the
259 available resources of the commission. The Statewide Guardian Ad



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260 Litem Office is not subject to control, supervision, or
261 direction by the Justice Administrative Commission in the
262 performance of its duties, but the employees of the office are
263 governed by the classification plan and salary and benefits plan
264 approved by the Justice Administrative Commission.

265 (a) The head of the Statewide Guardian Ad Litem Office is
266 the executive director, who shall be appointed by the Governor
267 from a list of a minimum of three eligible applicants submitted
268 by the Child Well-Being a Guardian Ad Litem Qualifications
269 Committee. The Child Well-Being Guardian Ad Litem Qualifications
270 Committee shall be composed of five persons, two persons
271 appointed by the Governor, two persons appointed by the Chief
272 Justice of the Supreme Court, and one person appointed by the
273 Statewide Guardian Ad Litem Association. The committee shall
274 provide for statewide advertisement and the receiving of
275 applications for the position of executive director. The
276 Governor shall appoint an executive director from among the
277 recommendations, or the Governor may reject the nominations and
278 request the submission of new nominees. The executive director
279 must have knowledge in dependency law and knowledge of social
280 service delivery systems available to meet the needs of children
281 who are abused, neglected, or abandoned. The executive director
282 shall serve on a full-time basis and shall personally, or
283 through representatives of the office, carry out the purposes
284 and functions of the Statewide Guardian Ad Litem Office in
285 accordance with state and federal law. The executive director
286 shall report to the Governor. The executive director shall serve
287 a 3-year term, subject to removal for cause by the Governor. Any
288 person appointed to serve as the executive director may be



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289 reappointed ~~permitted~~ to serve more than one term in accordance
290 with the process provided for in this paragraph. Every second or
291 subsequent appointment shall be for a term of 3 years.

292 (b) The Statewide Guardian Ad Litem Office shall, within
293 available resources, have oversight responsibilities for and
294 provide technical assistance to all guardian ad litem and
295 attorney ad litem programs located within the judicial circuits.

296 1. The office shall identify the resources required to
297 implement methods of collecting, reporting, and tracking
298 reliable and consistent case data.

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

301 3. The office, in consultation with local guardian ad litem
302 offices, shall develop statewide performance measures and
303 standards.

304 4. The office shall develop a guardian ad litem training
305 program, which shall include, but is not limited to, training on
306 the recognition of and responses to head trauma and brain injury
307 in a child under 6 years of age. The office shall establish a
308 curriculum committee to develop the training program specified
309 in this subparagraph. The curriculum committee shall include,
310 but not be limited to, dependency judges, directors of circuit
311 guardian ad litem programs, active certified guardians ad litem,
312 a mental health professional who specializes in the treatment of
313 children, a member of a child advocacy group, a representative
314 of a domestic violence advocacy group, an individual with a
315 degree in social work, and a social worker experienced in
316 working with victims and perpetrators of child abuse.

317 5. The office shall review the various methods of funding



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318 guardian ad litem programs, maximize the use of those funding
319 sources to the extent possible, and review the kinds of services
320 being provided by circuit guardian ad litem programs.

321 6. The office shall determine the feasibility or
322 desirability of new concepts of organization, administration,
323 financing, or service delivery designed to preserve the civil
324 and constitutional rights and fulfill other needs of dependent
325 children.

326 7. In an effort to promote normalcy and establish trust
327 between a court-appointed volunteer guardian ad litem and a
328 child alleged to be abused, abandoned, or neglected under this
329 chapter, a guardian ad litem may transport a child. However, a
330 guardian ad litem volunteer may not be required or directed by
331 the program or a court to transport a child.

332 8. The office shall submit to the Governor, the President
333 of the Senate, the Speaker of the House of Representatives, and
334 the Chief Justice of the Supreme Court an interim report
335 describing the progress of the office in meeting the goals as
336 described in this section. The office shall submit to the
337 Governor, the President of the Senate, the Speaker of the House
338 of Representatives, and the Chief Justice of the Supreme Court a
339 proposed plan including alternatives for meeting the state's
340 guardian ad litem and attorney ad litem needs. This plan may
341 include recommendations for less than the entire state, may
342 include a phase-in system, and shall include estimates of the
343 cost of each of the alternatives. Each year the office shall
344 provide a status report and provide further recommendations to
345 address the need for guardian ad litem services and related
346 issues.



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347 9. The office shall develop guidelines to identify any
348 possible conflicts of interest of a guardian ad litem when he or
349 she is being considered for assignment to a child's case. The
350 office may not assign a guardian ad litem for whom a conflict of
351 interest has been identified to a child's case. For purposes of
352 this subparagraph, the term "conflicts of interest" means the
353 guardian ad litem:

354 a. Has a personal relationship that could influence a
355 recommendation regarding a child whom he or she is serving as a
356 guardian ad litem;

357 b. Is in a position to derive a personal benefit from his
358 or her role as a guardian ad litem; or

359 c. Has a particular factor or circumstance, including
360 personal bias or prejudice against a protected class of the
361 child or the child's family, that prevents or substantially
362 impairs his or her ability to fairly and fully discharge the
363 duties of the guardian ad litem.

364 (c) The Statewide Guardian Ad Litem Office shall identify
365 any guardian ad litem who is experiencing an issue with his or
366 her physical or mental health and who appears to present a
367 danger to any child to whom the guardian ad litem is assigned.
368 As soon as possible after identification, the office must remove
369 such guardian ad litem from all assigned cases, terminate his or
370 her direct child contact volunteer services with the Guardian Ad
371 Litem Program, and disclose such action to the appropriate
372 circuit court. The Statewide Guardian Ad Litem Office may allow
373 a guardian ad litem with physical or mental health issues
374 identified in accordance with this paragraph to work in the
375 office without direct child contact provided such issues do not



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376 negatively affect his or her ability to perform any required
377 work duties or pose a risk of harm to any children represented
378 by the program. A guardian ad litem who has caused harm to any
379 child during the course of his or her appointment may not be
380 employed by or permitted to volunteer for the program.

381 Section 7. Section 39.83, Florida Statutes, is created to
382 read:

383 39.83 Statewide Office of Child Representation;
384 qualifications, appointment, and duties of executive director
385 and attorney for the child.-

386 (1) STATEWIDE OFFICE OF CHILD REPRESENTATION.-

387 (a) There is created a Statewide Office of Child
388 Representation within the Justice Administrative Commission. The
389 Justice Administrative Commission shall provide administrative
390 support and services to the statewide office as directed by the
391 executive director within the available resources of the
392 commission. The statewide office is not subject to control,
393 supervision, or direction by the Justice Administrative
394 Commission in the performance of its duties, but the employees
395 of the office are governed by the classification plan and salary
396 and benefits plan approved by the Justice Administrative
397 Commission.

398 (b) The head of the Statewide Office of Child
399 Representation is the executive director who must be a member of
400 The Florida Bar in good standing for at least 5 years and have
401 knowledge of dependency law and the social service delivery
402 systems available to meet the needs of children who are abused,
403 neglected, or abandoned. The executive director shall be
404 appointed in accordance with the process, and serve in



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405 accordance with the terms and requirements, provided in s.
406 39.8296(2)(a) for the head of the Statewide Guardian Ad Litem
407 Office. The appointment for the initial executive director must
408 be completed by January 1, 2022.

409 (c) The Statewide Office of Child Representation, within
410 available resources of the Justice Administrative Commission, is
411 responsible for oversight of, and for providing technical
412 assistance to, all offices of child representation in this
413 state. The statewide office:

414 1. Shall identify the resources required to implement
415 methods of collecting, reporting, and tracking reliable and
416 consistent case data;

417 2. Shall review and collect information relating to offices
418 of child representation and other models of attorney
419 representation of children in other states;

420 3. In consultation with the regional offices of child
421 representation established under subsection (2), shall develop
422 statewide performance measures and standards;

423 4. Shall develop a training program for each attorney for
424 the child. To that end, the statewide office shall establish a
425 curriculum committee composed of members including, but not
426 limited to, a dependency judge, a director of circuit guardian
427 ad litem programs, an active certified guardian ad litem, a
428 mental health professional who specializes in the treatment of
429 children, a member of a child advocacy group, a representative
430 of a domestic violence advocacy group, an individual with at
431 least a Master of Social Work degree, and a social worker
432 experienced in working with victims and perpetrators of child
433 abuse;



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434 5. Shall develop protocols that must be implemented to
435 assist children who are represented by the Statewide Office of
436 Child Representation, regional offices, or its contracted local
437 agencies in meeting eligibility requirements to receive all
438 available federal funding. This subparagraph may not be
439 construed to mean that the protocols may interfere with zealous
440 and effective representation of the children;

441 6. Shall review the various methods of funding the regional
442 offices, maximize the use of those funding sources to the extent
443 possible, and review the kinds of services being provided by the
444 regional offices;

445 7. Shall determine the feasibility or desirability of new
446 concepts of organization, administration, financing, or service
447 delivery designed to preserve the civil and constitutional
448 rights of, and fulfill other needs of, dependent children;

449 8. Shall establish standards and protocols for
450 representation of children with diminished capacity; and

451 9. Shall submit to the Governor, the President of the
452 Senate, the Speaker of the House of Representatives, and the
453 Chief Justice of the Supreme Court:

454 a. An interim report describing the progress of the
455 statewide office in meeting the responsibilities described in
456 this paragraph.

457 b. A proposed plan that includes alternatives for meeting
458 the representation needs of children in this state. The plan may
459 include recommendations for implementation in only a portion of
460 this state or phased-in statewide implementation and must
461 include an estimate of the cost of each such alternative.

462 c. An annual status report that includes any additional



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463 recommendations for addressing the representation needs of
464 children in this state and related issues.

465 (d) The department or community-based care lead agency
466 shall take any steps necessary to obtain all available federal
467 funding and maintain compliance with eligibility requirements.

468 (e) The statewide office may contract with a local
469 nonprofit agency to provide direct attorney representation to a
470 child, including, but not limited to, representation in the
471 dependency proceeding as provided for in s. 39.831, if the
472 office determines that the contract is the most efficient method
473 to satisfy its statutory duties and if federal funding has been
474 approved for this purpose or the local agency is required in the
475 contract to seek such approval. The office must ensure that
476 reimbursement of any Title IV-E funds is properly documented.

477 (2) REGIONAL OFFICES OF CHILD REPRESENTATION.—

478 (a) An office of child representation is created within the
479 area served by each of the five district courts of appeal. The
480 offices shall commence fulfilling their statutory purpose and
481 duties on July 1, 2022.

482 (b) Each regional office of child representation is
483 assigned to the Justice Administrative Commission for
484 administrative purposes. The commission shall provide
485 administrative support and service to the offices within the
486 available resources of the commission. The offices are not
487 subject to control, supervision, or direction by the commission
488 in the performance of their duties, but the employees of the
489 offices are governed by the classification plan and the salary
490 and benefits plan approved by the commission.

491 (3) CHILD REPRESENTATION COUNSEL; DUTIES.—The child



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492 representation counsel shall serve on a full-time basis and may
493 not engage in the private practice of law while holding office.
494 Each assistant child representation counsel shall give priority
495 and preference to his or her duties as assistant child
496 representation counsel and may not otherwise engage in the
497 practice of dependency law. However, a part-time child
498 representation counsel may practice dependency law for private
499 payment so long as the representation does not result in a legal
500 or ethical conflict of interest with a case in which the office
501 of child representation is providing representation.

502 Section 8. Section 39.831, Florida Statutes, is created to
503 read:

504 39.831 Attorney for the child.—

505 (1) APPOINTMENT.—

506 (a) An attorney for the child:

507 1. Shall be appointed by the court as provided in s.

508 39.01305(3);

509 2. Shall be appointed by the court for any child who is
510 placed in out-of-home licensed care on or after July 1, 2022,
511 and who is the subject of a dependency proceeding under this
512 chapter; or

513 3. May be appointed at the court's discretion to represent
514 a child who is the subject of a dependency proceeding upon a
515 finding that circumstances exist which require the appointment.

516 (b) The court shall appoint the Statewide Office of Child
517 Representation unless the child is otherwise represented by
518 counsel.

519 (c) An attorney for the child appointed pursuant to this
520 section shall represent the child only in the dependency



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521 proceeding, which may include representation in fair hearings
522 and appellate proceedings that are directly related to matters
523 needing resolution for the child to achieve permanency. The
524 Statewide Office of Child Representation or local nonprofit
525 agency appointed to represent a child in the dependency
526 proceeding shall provide representation in fair hearings within
527 the resources allotted for representation in the dependency
528 proceeding. Trained staff of the office of child representation
529 or local nonprofit agency may attend the fair hearings rather
530 than the appointed attorney when appropriate. Trained staff for
531 purposes of this paragraph may include, but is not limited to,
532 social workers, case managers, education advocates, or health
533 care advocates.

534 (d) Notwithstanding the basis on which an attorney for the
535 child is appointed under paragraph (a), the appointment of the
536 attorney for the child continues in effect until the attorney
537 for the child is allowed to withdraw or is discharged by the
538 court or until the case is dismissed. An attorney for the child
539 who is appointed under this section to represent a child shall
540 provide all required legal services in the dependency proceeding
541 or fair hearings provided for in this section from the time of
542 the child's removal from home or of the attorney for the child's
543 initial appointment through all appellate proceedings. With the
544 permission of the court, the appointed attorney for the child
545 may arrange for supplemental or separate counsel to represent
546 the child in appellate proceedings. A court order appointing an
547 attorney for the child under this section must be in writing.

548 (e) If, at any time during the representation of two or
549 more children in a dependency proceeding, a child representation



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550 counsel determines that the interests of those clients are so
551 adverse or hostile that they cannot all be counseled by child
552 representation counsel or his or her staff because of a conflict
553 of interest, the child representation counsel shall file a
554 motion to withdraw and move the court to appoint other counsel.
555 Child representation counsel may not automatically determine the
556 appointment to represent siblings is a conflict of interest. If
557 requested by the Justice Administrative Commission, the child
558 representation counsel shall submit a copy of the motion to the
559 Justice Administrative Commission at the time it is filed with
560 the court. The court shall review and may inquire or conduct a
561 hearing into the adequacy of the child representation counsel's
562 submissions regarding a conflict of interest without requiring
563 the disclosure of any confidential communications. The court
564 shall deny the motion to withdraw if the court finds the grounds
565 for withdrawal are insufficient or the asserted conflict is not
566 prejudicial to the client. If the court grants the motion to
567 withdraw, the court shall appoint one or more private attorneys
568 to represent the person in accordance with the requirements and
569 process provided for in s. 27.40. The clerk of court shall
570 inform the child representation counsel and the commission when
571 the court appoints private counsel.

572 (f) Unless the attorney has agreed to provide pro bono
573 services, an appointed attorney or organization must be
574 adequately compensated as provided in s. 27.5304. All appointed
575 attorneys and organizations, including pro bono attorneys, must
576 be provided with access to funding for expert witnesses,
577 depositions, and other due process costs of litigation. Payments
578 of attorney fees and case-related due process costs are subject



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579 to appropriations and review by the Justice Administrative
580 Commission for reasonableness. The Justice Administrative
581 Commission shall contract with attorneys appointed by the court.
582 Attorney fees may not exceed \$1,000 per child per year.

583 (g) In cases in which one or both parents are financially
584 able, the parent or parents, as applicable, of the child shall
585 reimburse the court, in whole or in part, for the cost of
586 services provided under this section; however, reimbursement for
587 services provided by the attorney for the child may not be
588 contingent upon successful collection by the court of
589 reimbursement from the parent or parents.

590 (2) ACCESS TO RECORDS.—Upon presentation of a court order
591 appointing an attorney for the child:

592 (a) An agency as defined in chapter 119 must allow the
593 attorney for the child to inspect and copy records related to
594 the child who is the subject of the appointment, including, but
595 not limited to, records made confidential or exempt from s.
596 119.07(1) or s. 24(a), Art. I of the State Constitution. The
597 attorney for the child shall maintain the confidential or exempt
598 status of any records shared by an agency under this paragraph.

599 (b) A person or an organization, other than an agency under
600 paragraph (a), must allow the attorney for the child to inspect
601 and copy any records related to the child who is the subject of
602 the appointment, including, but not limited to, confidential
603 records.

604
605 For the purposes of this subsection, the term "records"
606 includes, but is not limited to, medical, mental health,
607 substance abuse, child care, education, law enforcement, court,



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608 social services, and financial records.

609 (3) COURT HEARINGS.—The attorney for the child shall review
610 all disposition recommendations and changes in placements and
611 file all appropriate motions on behalf of the child at least 72
612 hours before the hearing.

613 (4) PROCEDURES.—The department shall develop procedures to
614 request that a court appoint an attorney for the child.

615 (5) RULEMAKING.—The department may adopt rules to implement
616 this section.

617 Section 9. Subsection (1) of section 28.345, Florida
618 Statutes, is amended to read:

619 28.345 State access to records; exemption from court-
620 related fees and charges.—

621 (1) Notwithstanding any other provision of law, the clerk
622 of the circuit court shall, upon request, provide access to
623 public records without charge to the state attorney, public
624 defender, guardian ad litem, public guardian, ~~attorney ad litem,~~
625 criminal conflict and civil regional counsel, court-appointed
626 attorney for the child, and private court-appointed counsel paid
627 ~~by the state,~~ and to authorized staff acting on their behalf.
628 The clerk of court may provide the requested public record in an
629 electronic format in lieu of a paper format if the requesting
630 entity is capable of accessing such public record
631 electronically.

632 Section 10. Paragraph (j) of subsection (3) and paragraph
633 (a) of subsection (10) of section 39.001, Florida Statutes, are
634 amended to read:

635 39.001 Purposes and intent; personnel standards and
636 screening.—



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637 (3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of
638 the Legislature that the children of this state be provided with
639 the following protections:

640 (j) The ability to contact their guardian ad litem or
641 attorney for the child ~~attorney ad litem~~, if appointed, by
642 having that individual's name entered on all orders of the
643 court.

644 (10) PLAN FOR COMPREHENSIVE APPROACH.—

645 (a) The office shall develop a state plan for the promotion
646 of adoption, support of adoptive families, and prevention of
647 abuse, abandonment, and neglect of children. The Department of
648 Children and Families, the Department of Corrections, the
649 Department of Education, the Department of Health, the
650 Department of Juvenile Justice, the Department of Law
651 Enforcement, and the Agency for Persons with Disabilities shall
652 participate and fully cooperate in the development of the state
653 plan at both the state and local levels. Furthermore,
654 appropriate local agencies and organizations shall be provided
655 an opportunity to participate in the development of the state
656 plan at the local level. Appropriate local groups and
657 organizations shall include, but not be limited to, community
658 mental health centers; guardian ad litem programs for children
659 under the circuit court; child representation counsel regional
660 offices; the school boards of the local school districts; the
661 Florida local advocacy councils; community-based care lead
662 agencies; private or public organizations or programs with
663 recognized expertise in working with child abuse prevention
664 programs for children and families; private or public
665 organizations or programs with recognized expertise in working



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666 with children who are sexually abused, physically abused,
667 emotionally abused, abandoned, or neglected and with expertise
668 in working with the families of such children; private or public
669 programs or organizations with expertise in maternal and infant
670 health care; multidisciplinary Child Protection Teams; child day
671 care centers; law enforcement agencies; and the circuit courts,
672 when guardian ad litem programs and attorney for the child are
673 not available in the local area. The state plan to be provided
674 to the Legislature and the Governor shall include, as a minimum,
675 the information required of the various groups in paragraph (b).

676 Section 11. Subsections (2) and (4) of section 39.00145,
677 Florida Statutes, are amended to read:

678 39.00145 Records concerning children.-

679 (2) Notwithstanding any other provision of this chapter,
680 all records in a child's case record must be made available for
681 inspection, upon request, to the child who is the subject of the
682 case record and to the child's caregiver, guardian ad litem, or
683 attorney for the child ~~attorney~~.

684 (a) A complete and accurate copy of any record in a child's
685 case record must be provided, upon request and at no cost, to
686 the child who is the subject of the case record and to the
687 child's caregiver, guardian ad litem, or attorney.

688 (b) The department shall release the information in a
689 manner and setting that are appropriate to the age and maturity
690 of the child and the nature of the information being released,
691 which may include the release of information in a therapeutic
692 setting, if appropriate. This paragraph does not deny the child
693 access to his or her records.

694 (c) If a child or the child's caregiver, guardian ad litem,



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695 or attorney for the child ~~attorney~~ requests access to the
696 child's case record, any person or entity that fails to provide
697 any record in the case record under assertion of a claim of
698 exemption from the public records requirements of chapter 119,
699 or fails to provide access within a reasonable time, is subject
700 to sanctions and penalties under s. 119.10.

701 (d) For the purposes of this subsection, the term
702 "caregiver" is limited to parents, legal custodians, permanent
703 guardians, or foster parents; employees of a residential home,
704 institution, facility, or agency at which the child resides; and
705 other individuals legally responsible for a child's welfare in a
706 residential setting.

707 (4) Notwithstanding any other provision of law, all state
708 and local agencies and programs that provide services to
709 children or that are responsible for a child's safety, including
710 the Department of Juvenile Justice, the Department of Health,
711 the Agency for Health Care Administration, the Agency for
712 Persons with Disabilities, the Department of Education, the
713 Department of Revenue, the school districts, the Statewide
714 Guardian Ad Litem Office, the Statewide Office of Child
715 Representation, and any provider contracting with such agencies,
716 may share with each other confidential records or information
717 that are confidential or exempt from disclosure under chapter
718 119 if the records or information are reasonably necessary to
719 ensure access to appropriate services for the child, including
720 child support enforcement services, or for the safety of the
721 child. However:

722 (a) Records or information made confidential by federal law
723 may not be shared.



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724 (b) This subsection does not apply to information
725 concerning clients and records of certified domestic violence
726 centers, which are confidential under s. 39.908 and privileged
727 under s. 90.5036.

728 Section 12. Subsections (3) and (4) of section 39.0132,
729 Florida Statutes, are amended to read:

730 39.0132 Oaths, records, and confidential information.—

731 (3) The clerk shall keep all court records required by this
732 chapter separate from other records of the circuit court. All
733 court records required by this chapter shall not be open to
734 inspection by the public. All records shall be inspected only
735 upon order of the court by persons deemed by the court to have a
736 proper interest therein, except that, subject to the provisions
737 of s. 63.162, a child, ~~and~~ the parents of the child and their
738 attorneys, guardian ad litem, attorney for the child, law
739 enforcement agencies, and the department and its designees shall
740 always have the right to inspect and copy any official record
741 pertaining to the child. The Justice Administrative Commission
742 may inspect court dockets required by this chapter as necessary
743 to audit compensation of court-appointed attorneys. If the
744 docket is insufficient for purposes of the audit, the commission
745 may petition the court for additional documentation as necessary
746 and appropriate. The court may permit authorized representatives
747 of recognized organizations compiling statistics for proper
748 purposes to inspect and make abstracts from official records,
749 under whatever conditions upon their use and disposition the
750 court may deem proper, and may punish by contempt proceedings
751 any violation of those conditions.

752 (4) (a)1. All information obtained pursuant to this part in



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753 the discharge of official duty by any judge, employee of the
754 court, authorized agent of the department, correctional
755 probation officer, or law enforcement agent is confidential and
756 exempt from s. 119.07(1) and may not be disclosed to anyone
757 other than the authorized personnel of the court, the department
758 and its designees, correctional probation officers, law
759 enforcement agents, guardian ad litem, attorney for the child,
760 and others entitled under this chapter to receive that
761 information, except upon order of the court.

762 2.a. The following information held by a guardian ad litem
763 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
764 I of the State Constitution:

765 (I) Medical, mental health, substance abuse, child care,
766 education, law enforcement, court, social services, and
767 financial records.

768 (II) Any other information maintained by a guardian ad
769 litem which is identified as confidential information under this
770 chapter.

771 b. Such confidential and exempt information may not be
772 disclosed to anyone other than the authorized personnel of the
773 court, the department and its designees, correctional probation
774 officers, law enforcement agents, guardians ad litem, and others
775 entitled under this chapter to receive that information, except
776 upon order of the court.

777 (b) The department shall disclose to the school
778 superintendent the presence of any child in the care and custody
779 or under the jurisdiction or supervision of the department who
780 has a known history of criminal sexual behavior with other
781 juveniles; is an alleged juvenile sex offender, as defined in s.



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782 39.01; or has pled guilty or nolo contendere to, or has been
783 found to have committed, a violation of chapter 794, chapter
784 796, chapter 800, s. 827.071, or s. 847.0133, regardless of
785 adjudication. Any employee of a district school board who
786 knowingly and willfully discloses such information to an
787 unauthorized person commits a misdemeanor of the second degree,
788 punishable as provided in s. 775.082 or s. 775.083.

789 Section 13. Paragraphs (a) and (b) of subsection (4) of
790 section 39.0139, Florida Statutes, are amended to read:

791 39.0139 Visitation or other contact; restrictions.—

792 (4) HEARINGS.—A person who meets any of the criteria set
793 forth in paragraph (3) (a) who seeks to begin or resume contact
794 with the child victim shall have the right to an evidentiary
795 hearing to determine whether contact is appropriate.

796 (a) Before ~~Prior to~~ the hearing, the court shall appoint an
797 attorney for the child ~~an attorney ad litem~~ or a guardian ad
798 litem, as appropriate, for the child if one has not already been
799 appointed. Any attorney for the child ~~attorney ad litem~~ or
800 guardian ad litem appointed shall have special training in the
801 dynamics of child sexual abuse.

802 (b) At the hearing, the court may receive and rely upon any
803 relevant and material evidence submitted to the extent of its
804 probative value, including written and oral reports or
805 recommendations from the Child Protection Team, the child's
806 therapist, or the child's guardian ad litem, ~~or the child's~~
807 ~~attorney ad litem,~~ even if these reports, recommendations, and
808 evidence may not be admissible under the rules of evidence.

809 Section 14. Paragraphs (k) and (t) of subsection (2) of
810 section 39.202, Florida Statutes, are amended to read:



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811 39.202 Confidentiality of reports and records in cases of
812 child abuse or neglect.—

813 (2) Except as provided in subsection (4), access to such
814 records, excluding the name of, or other identifying information
815 with respect to, the reporter which shall be released only as
816 provided in subsection (5), shall be granted only to the
817 following persons, officials, and agencies:

818 (k) Any appropriate official of a Florida advocacy council
819 investigating a report of known or suspected child abuse,
820 abandonment, or neglect; the Auditor General or the Office of
821 Program Policy Analysis and Government Accountability for the
822 purpose of conducting audits or examinations pursuant to law; or
823 the child's guardian ad litem or attorney for the child.

824 (t) Persons with whom the department is seeking to place
825 the child or to whom placement has been granted, including
826 foster parents for whom an approved home study has been
827 conducted, the designee of a licensed child-caring agency as
828 defined in s. 39.01(42) ~~s. 39.01(41)~~, an approved relative or
829 nonrelative with whom a child is placed pursuant to s. 39.402,
830 preadoptive parents for whom a favorable preliminary adoptive
831 home study has been conducted, adoptive parents, or an adoption
832 entity acting on behalf of preadoptive or adoptive parents.

833 Section 15. Subsection (1) of section 39.302, Florida
834 Statutes, is amended to read:

835 39.302 Protective investigations of institutional child
836 abuse, abandonment, or neglect.—

837 (1) The department shall conduct a child protective
838 investigation of each report of institutional child abuse,
839 abandonment, or neglect. Upon receipt of a report that alleges



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840 that an employee or agent of the department, or any other entity
841 or person covered by s. 39.01(38) or (55) ~~s. 39.01(37) or (54)~~,
842 acting in an official capacity, has committed an act of child
843 abuse, abandonment, or neglect, the department shall initiate a
844 child protective investigation within the timeframe established
845 under s. 39.201(5) and notify the appropriate state attorney,
846 law enforcement agency, and licensing agency, which shall
847 immediately conduct a joint investigation, unless independent
848 investigations are more feasible. When conducting investigations
849 or having face-to-face interviews with the child, investigation
850 visits shall be unannounced unless it is determined by the
851 department or its agent that unannounced visits threaten the
852 safety of the child. If a facility is exempt from licensing, the
853 department shall inform the owner or operator of the facility of
854 the report. Each agency conducting a joint investigation is
855 entitled to full access to the information gathered by the
856 department in the course of the investigation. A protective
857 investigation must include an interview with the child's parent
858 or legal guardian. The department shall make a full written
859 report to the state attorney within 3 working days after making
860 the oral report. A criminal investigation shall be coordinated,
861 whenever possible, with the child protective investigation of
862 the department. Any interested person who has information
863 regarding the offenses described in this subsection may forward
864 a statement to the state attorney as to whether prosecution is
865 warranted and appropriate. Within 15 days after the completion
866 of the investigation, the state attorney shall report the
867 findings to the department and shall include in the report a
868 determination of whether or not prosecution is justified and



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869 appropriate in view of the circumstances of the specific case.

870 Section 16. Paragraph (c) of subsection (8) and paragraph
871 (a) of subsection (14) of section 39.402, Florida Statutes, are
872 amended to read:

873 39.402 Placement in a shelter.—

874 (8)

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

876 1. Appoint a guardian ad litem to represent the best
877 interest of the child or an attorney for the child to provide
878 direct representation as provided in part XI, unless the court
879 finds that such representation is unnecessary;

880 2. Inform the parents or legal custodians of their right to
881 counsel to represent them at the shelter hearing and at each
882 subsequent hearing or proceeding, and the right of the parents
883 to appointed counsel, pursuant to the procedures set forth in s.
884 39.013;

885 3. Give the parents or legal custodians an opportunity to
886 be heard and to present evidence; and

887 4. Inquire of those present at the shelter hearing as to
888 the identity and location of the legal father. In determining
889 who the legal father of the child may be, the court shall
890 inquire under oath of those present at the shelter hearing
891 whether they have any of the following information:

892 a. Whether the mother of the child was married at the
893 probable time of conception of the child or at the time of birth
894 of the child.

895 b. Whether the mother was cohabiting with a male at the
896 probable time of conception of the child.

897 c. Whether the mother has received payments or promises of



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898 support with respect to the child or because of her pregnancy
899 from a man who claims to be the father.

900 d. Whether the mother has named any man as the father on
901 the birth certificate of the child or in connection with
902 applying for or receiving public assistance.

903 e. Whether any man has acknowledged or claimed paternity of
904 the child in a jurisdiction in which the mother resided at the
905 time of or since conception of the child or in which the child
906 has resided or resides.

907 f. Whether a man is named on the birth certificate of the
908 child pursuant to s. 382.013(2).

909 g. Whether a man has been determined by a court order to be
910 the father of the child.

911 h. Whether a man has been determined to be the father of
912 the child by the Department of Revenue as provided in s.
913 409.256.

914 (14) The time limitations in this section do not include:

915 (a) Periods of delay resulting from a continuance granted
916 at the request or with the consent of the attorney for the child
917 or the child's ~~counsel or the child's~~ guardian ad litem, if one
918 has been appointed by the court, or, if the child is of
919 sufficient capacity to express reasonable consent, at the
920 request or with the consent of the attorney for the child
921 ~~child's attorney~~ or the child's guardian ad litem, ~~if one has~~
922 ~~been appointed by the court,~~ and the child.

923 Section 17. Paragraphs (e) and (f) of subsection (3) and
924 subsection (6) of section 39.407, Florida Statutes, are amended
925 to read:

926 39.407 Medical, psychiatric, and psychological examination



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927 and treatment of child; physical, mental, or substance abuse
928 examination of person with or requesting child custody.—

929 (3)

930 (e)1. If the child's prescribing physician or psychiatric
931 nurse, as defined in s. 394.455, certifies in the signed medical
932 report required in paragraph (c) that delay in providing a
933 prescribed psychotropic medication would more likely than not
934 cause significant harm to the child, the medication may be
935 provided in advance of the issuance of a court order. In such
936 event, the medical report must provide the specific reasons why
937 the child may experience significant harm and the nature and the
938 extent of the potential harm. The department must submit a
939 motion seeking continuation of the medication and the
940 physician's or psychiatric nurse's medical report to the court,
941 the child's guardian ad litem or the attorney for the child, and
942 all other parties within 3 working days after the department
943 commences providing the medication to the child. The department
944 shall seek the order at the next regularly scheduled court
945 hearing required under this chapter, or within 30 days after the
946 date of the prescription, whichever occurs sooner. If any party
947 objects to the department's motion, the court shall hold a
948 hearing within 7 days.

949 2. Psychotropic medications may be administered in advance
950 of a court order in hospitals, crisis stabilization units, and
951 in statewide inpatient psychiatric programs. Within 3 working
952 days after the medication is begun, the department must seek
953 court authorization as described in paragraph (c).

954 (f)1. The department shall fully inform the court of the
955 child's medical and behavioral status as part of the social



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956 services report prepared for each judicial review hearing held
957 for a child for whom psychotropic medication has been prescribed
958 or provided under this subsection. As a part of the information
959 provided to the court, the department shall furnish copies of
960 all pertinent medical records concerning the child which have
961 been generated since the previous hearing. On its own motion or
962 on good cause shown by any party, including any guardian ad
963 litem, or the child attorney, or attorney ad litem who has been
964 ~~appointed to represent the child or the child's interests,~~ the
965 court may review the status more frequently than required in
966 this subsection.

967 2. The court may, in the best interests of the child, order
968 the department to obtain a medical opinion addressing whether
969 the continued use of the medication under the circumstances is
970 safe and medically appropriate.

971 (6) Children who are in the legal custody of the department
972 may be placed by the department, without prior approval of the
973 court, in a residential treatment center licensed under s.
974 394.875 or a hospital licensed under chapter 395 for residential
975 mental health treatment only pursuant to this section or may be
976 placed by the court in accordance with an order of involuntary
977 examination or involuntary placement entered pursuant to s.
978 394.463 or s. 394.467. All children placed in a residential
979 treatment program under this subsection must be appointed ~~have~~ a
980 guardian ad litem and an attorney for the child ~~appointed~~.

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

982 1. "Residential treatment" means placement for observation,
983 diagnosis, or treatment of an emotional disturbance in a
984 residential treatment center licensed under s. 394.875 or a



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985 hospital licensed under chapter 395.

986 2. "Least restrictive alternative" means the treatment and
987 conditions of treatment that, separately and in combination, are
988 no more intrusive or restrictive of freedom than reasonably
989 necessary to achieve a substantial therapeutic benefit or to
990 protect the child or adolescent or others from physical injury.

991 3. "Suitable for residential treatment" or "suitability"
992 means a determination concerning a child or adolescent with an
993 emotional disturbance as defined in s. 394.492(5) or a serious
994 emotional disturbance as defined in s. 394.492(6) that each of
995 the following criteria is met:

996 a. The child requires residential treatment.

997 b. The child is in need of a residential treatment program
998 and is expected to benefit from mental health treatment.

999 c. An appropriate, less restrictive alternative to
1000 residential treatment is unavailable.

1001 (b) Whenever the department believes that a child in its
1002 legal custody is emotionally disturbed and may need residential
1003 treatment, an examination and suitability assessment must be
1004 conducted by a qualified evaluator who is appointed by the
1005 Agency for Health Care Administration. This suitability
1006 assessment must be completed before the placement of the child
1007 in a residential treatment center for emotionally disturbed
1008 children and adolescents or a hospital. The qualified evaluator
1009 must be a psychiatrist or a psychologist licensed in Florida who
1010 has at least 3 years of experience in the diagnosis and
1011 treatment of serious emotional disturbances in children and
1012 adolescents and who has no actual or perceived conflict of
1013 interest with any inpatient facility or residential treatment



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1014 center or program.

1015 (c) Before a child is admitted under this subsection, the
1016 child shall be assessed for suitability for residential
1017 treatment by a qualified evaluator who has conducted a personal
1018 examination and assessment of the child and has made written
1019 findings that:

1020 1. The child appears to have an emotional disturbance
1021 serious enough to require residential treatment and is
1022 reasonably likely to benefit from the treatment.

1023 2. The child has been provided with a clinically
1024 appropriate explanation of the nature and purpose of the
1025 treatment.

1026 3. All available modalities of treatment less restrictive
1027 than residential treatment have been considered, and a less
1028 restrictive alternative that would offer comparable benefits to
1029 the child is unavailable.

1030

1031 A copy of the written findings of the evaluation and suitability
1032 assessment must be provided to the department, to the guardian
1033 ad litem and attorney for the child, and, if the child is a
1034 member of a Medicaid managed care plan, to the plan that is
1035 financially responsible for the child's care in residential
1036 treatment, all of whom must be provided with the opportunity to
1037 discuss the findings with the evaluator.

1038 (d) Immediately upon placing a child in a residential
1039 treatment program under this section, the department must notify
1040 the guardian ad litem, the attorney for the child, and the court
1041 having jurisdiction over the child and must provide the guardian
1042 ad litem, the attorney for the child, and the court with a copy



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1043 of the assessment by the qualified evaluator.

1044 (e) Within 10 days after the admission of a child to a
1045 residential treatment program, the director of the residential
1046 treatment program or the director's designee must ensure that an
1047 individualized plan of treatment has been prepared by the
1048 program and has been explained to the child, to the department,
1049 ~~and~~ to the guardian ad litem, and to the attorney for the child,
1050 and submitted to the department. The child must be involved in
1051 the preparation of the plan to the maximum feasible extent
1052 consistent with his or her ability to understand and
1053 participate, and the guardian ad litem, the attorney for the
1054 child, and the child's foster parents must be involved to the
1055 maximum extent consistent with the child's treatment needs. The
1056 plan must include a preliminary plan for residential treatment
1057 and aftercare upon completion of residential treatment. The plan
1058 must include specific behavioral and emotional goals against
1059 which the success of the residential treatment may be measured.
1060 A copy of the plan must be provided to the child, to the
1061 guardian ad litem, to the attorney for the child, and to the
1062 department.

1063 (f) Within 30 days after admission, the residential
1064 treatment program must review the appropriateness and
1065 suitability of the child's placement in the program. The
1066 residential treatment program must determine whether the child
1067 is receiving benefit toward the treatment goals and whether the
1068 child could be treated in a less restrictive treatment program.
1069 The residential treatment program shall prepare a written report
1070 of its findings and submit the report to the guardian ad litem,
1071 to the attorney for the child, and to the department. The



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1072 department must submit the report to the court. The report must
1073 include a discharge plan for the child. The residential
1074 treatment program must continue to evaluate the child's
1075 treatment progress every 30 days thereafter and must include its
1076 findings in a written report submitted to the department. The
1077 department may not reimburse a facility until the facility has
1078 submitted every written report that is due.

1079 (g)1. The department must submit, at the beginning of each
1080 month, to the court having jurisdiction over the child, a
1081 written report regarding the child's progress toward achieving
1082 the goals specified in the individualized plan of treatment.

1083 2. The court must conduct a hearing to review the status of
1084 the child's residential treatment plan no later than 60 days
1085 after the child's admission to the residential treatment
1086 program. An independent review of the child's progress toward
1087 achieving the goals and objectives of the treatment plan must be
1088 completed by a qualified evaluator and submitted to the court
1089 before its 60-day review.

1090 3. For any child in residential treatment at the time a
1091 judicial review is held pursuant to s. 39.701, the child's
1092 continued placement in residential treatment must be a subject
1093 of the judicial review.

1094 4. If at any time the court determines that the child is
1095 not suitable for continued residential treatment, the court
1096 shall order the department to place the child in the least
1097 restrictive setting that is best suited to meet his or her
1098 needs.

1099 (h) After the initial 60-day review, the court must conduct
1100 a review of the child's residential treatment plan every 90



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1101 days.

1102 (i) The department must adopt rules for implementing
1103 timeframes for the completion of suitability assessments by
1104 qualified evaluators and a procedure that includes timeframes
1105 for completing the 60-day independent review by the qualified
1106 evaluators of the child's progress toward achieving the goals
1107 and objectives of the treatment plan which review must be
1108 submitted to the court. The Agency for Health Care
1109 Administration must adopt rules for the registration of
1110 qualified evaluators, the procedure for selecting the evaluators
1111 to conduct the reviews required under this section, and a
1112 reasonable, cost-efficient fee schedule for qualified
1113 evaluators.

1114 Section 18. Subsections (20) and (21) of section 39.4085,
1115 Florida Statutes, are amended to read:

1116 39.4085 Legislative findings and declaration of intent for
1117 goals for dependent children.—The Legislature finds and declares
1118 that the design and delivery of child welfare services should be
1119 directed by the principle that the health and safety of children
1120 should be of paramount concern and, therefore, establishes the
1121 following goals for children in shelter or foster care:

1122 (20) To have a guardian ad litem appointed to represent,
1123 within reason, their best interests; and, as appropriate, have
1124 an attorney for the child ~~and, where appropriate, an attorney ad~~
1125 ~~litem~~ appointed to represent their legal interests. ~~†~~ The
1126 guardian ad litem and attorney for the child ~~attorney ad litem~~
1127 shall have immediate and unlimited access to the children they
1128 represent.

1129 (21) To have all their records available for review by



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1130 their guardian ad litem or attorney for the child, as
1131 applicable, and attorney ad litem if they deem such review
1132 necessary.

1133
1134 The provisions of this section establish goals and not rights.
1135 Nothing in this section shall be interpreted as requiring the
1136 delivery of any particular service or level of service in excess
1137 of existing appropriations. No person shall have a cause of
1138 action against the state or any of its subdivisions, agencies,
1139 contractors, subcontractors, or agents, based upon the adoption
1140 of or failure to provide adequate funding for the achievement of
1141 these goals by the Legislature. Nothing herein shall require the
1142 expenditure of funds to meet the goals established herein except
1143 funds specifically appropriated for such purpose.

1144 Section 19. Subsections (8), (12), (13), (14), and (17) of
1145 section 39.502, Florida Statutes, are amended to read:

1146 39.502 Notice, process, and service.—

1147 (8) It is not necessary to the validity of a proceeding
1148 covered by this part that the parents be present if their
1149 identity or residence is unknown after a diligent search has
1150 been made, but in this event the petitioner shall file an
1151 affidavit of diligent search prepared by the person who made the
1152 search and inquiry, and the court may appoint a guardian ad
1153 litem for the child or an attorney for the child, as
1154 appropriate.

1155 (12) All process and orders issued by the court shall be
1156 served or executed as other process and orders of the circuit
1157 court and, in addition, may be served or executed by authorized
1158 agents of the department or the guardian ad litem or attorney



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1159 for the child, as applicable.

1160 (13) Subpoenas may be served within the state by any person
1161 over 18 years of age who is not a party to the proceeding and,
1162 in addition, may be served by authorized agents of the
1163 department or the guardian ad litem or attorney for the child,
1164 as applicable.

1165 (14) No fee shall be paid for service of any process or
1166 other papers by an agent of the department or the guardian ad
1167 litem or attorney for the child, as applicable. If any process,
1168 orders, or any other papers are served or executed by any
1169 sheriff, the sheriff's fees shall be paid by the county.

1170 (17) The parent or legal custodian of the child, the
1171 attorney for the department, the guardian ad litem or attorney
1172 for the child, as applicable, the foster or preadoptive parents,
1173 and all other parties and participants shall be given reasonable
1174 notice of all proceedings and hearings provided for under this
1175 part. All foster or preadoptive parents must be provided with at
1176 least 72 hours' notice, verbally or in writing, of all
1177 proceedings or hearings relating to children in their care or
1178 children they are seeking to adopt to ensure the ability to
1179 provide input to the court.

1180 Section 20. Paragraphs (c) and (e) of subsection (1) of
1181 section 39.521, Florida Statutes, are amended to read:

1182 39.521 Disposition hearings; powers of disposition.—

1183 (1) A disposition hearing shall be conducted by the court,
1184 if the court finds that the facts alleged in the petition for
1185 dependency were proven in the adjudicatory hearing, or if the
1186 parents or legal custodians have consented to the finding of
1187 dependency or admitted the allegations in the petition, have



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1188 failed to appear for the arraignment hearing after proper
1189 notice, or have not been located despite a diligent search
1190 having been conducted.

1191 (c) When any child is adjudicated by a court to be
1192 dependent, the court having jurisdiction of the child has the
1193 power by order to:

1194 1. Require the parent and, when appropriate, the legal
1195 guardian or the child to participate in treatment and services
1196 identified as necessary. The court may require the person who
1197 has custody or who is requesting custody of the child to submit
1198 to a mental health or substance abuse disorder assessment or
1199 evaluation. The order may be made only upon good cause shown and
1200 pursuant to notice and procedural requirements provided under
1201 the Florida Rules of Juvenile Procedure. The mental health
1202 assessment or evaluation must be administered by a qualified
1203 professional as defined in s. 39.01, and the substance abuse
1204 assessment or evaluation must be administered by a qualified
1205 professional as defined in s. 397.311. The court may also
1206 require such person to participate in and comply with treatment
1207 and services identified as necessary, including, when
1208 appropriate and available, participation in and compliance with
1209 a mental health court program established under chapter 394 or a
1210 treatment-based drug court program established under s. 397.334.
1211 Adjudication of a child as dependent based upon evidence of harm
1212 as defined in s. 39.01(36)(g) ~~s. 39.01(35)(g)~~ demonstrates good
1213 cause, and the court shall require the parent whose actions
1214 caused the harm to submit to a substance abuse disorder
1215 assessment or evaluation and to participate and comply with
1216 treatment and services identified in the assessment or



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1217 evaluation as being necessary. In addition to supervision by the
1218 department, the court, including the mental health court program
1219 or the treatment-based drug court program, may oversee the
1220 progress and compliance with treatment by a person who has
1221 custody or is requesting custody of the child. The court may
1222 impose appropriate available sanctions for noncompliance upon a
1223 person who has custody or is requesting custody of the child or
1224 make a finding of noncompliance for consideration in determining
1225 whether an alternative placement of the child is in the child's
1226 best interests. Any order entered under this subparagraph may be
1227 made only upon good cause shown. This subparagraph does not
1228 authorize placement of a child with a person seeking custody of
1229 the child, other than the child's parent or legal custodian, who
1230 requires mental health or substance abuse disorder treatment.

1231 2. Require, if the court deems necessary, the parties to
1232 participate in dependency mediation.

1233 3. Require placement of the child either under the
1234 protective supervision of an authorized agent of the department
1235 in the home of one or both of the child's parents or in the home
1236 of a relative of the child or another adult approved by the
1237 court, or in the custody of the department. Protective
1238 supervision continues until the court terminates it or until the
1239 child reaches the age of 18, whichever date is first. Protective
1240 supervision shall be terminated by the court whenever the court
1241 determines that permanency has been achieved for the child,
1242 whether with a parent, another relative, or a legal custodian,
1243 and that protective supervision is no longer needed. The
1244 termination of supervision may be with or without retaining
1245 jurisdiction, at the court's discretion, and shall in either



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1246 case be considered a permanency option for the child. The order
1247 terminating supervision by the department must set forth the
1248 powers of the custodian of the child and include the powers
1249 ordinarily granted to a guardian of the person of a minor unless
1250 otherwise specified. Upon the court's termination of supervision
1251 by the department, further judicial reviews are not required if
1252 permanency has been established for the child.

1253 4. Determine whether the child has a strong attachment to
1254 the prospective permanent guardian and whether such guardian has
1255 a strong commitment to permanently caring for the child.

1256 (e) The court shall, in its written order of disposition,
1257 include all of the following:

1258 1. The placement or custody of the child.

1259 2. Special conditions of placement and visitation.

1260 3. Evaluation, counseling, treatment activities, and other
1261 actions to be taken by the parties, if ordered.

1262 4. The persons or entities responsible for supervising or
1263 monitoring services to the child and parent.

1264 5. Continuation or discharge of the guardian ad litem or
1265 attorney for the child if appointed, as appropriate.

1266 6. The date, time, and location of the next scheduled
1267 review hearing, which must occur within the earlier of:

1268 a. Ninety days after the disposition hearing;

1269 b. Ninety days after the court accepts the case plan;

1270 c. Six months after the date of the last review hearing; or

1271 d. Six months after the date of the child's removal from
1272 his or her home, if no review hearing has been held since the
1273 child's removal from the home.

1274 7. If the child is in an out-of-home placement, child



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1275 support to be paid by the parents, or the guardian of the
1276 child's estate if possessed of assets which under law may be
1277 disbursed for the care, support, and maintenance of the child.
1278 The court may exercise jurisdiction over all child support
1279 matters, shall adjudicate the financial obligation, including
1280 health insurance, of the child's parents or guardian, and shall
1281 enforce the financial obligation as provided in chapter 61. The
1282 state's child support enforcement agency shall enforce child
1283 support orders under this section in the same manner as child
1284 support orders under chapter 61. Placement of the child shall
1285 not be contingent upon issuance of a support order.

1286 8.a. If the court does not commit the child to the
1287 temporary legal custody of an adult relative, legal custodian,
1288 or other adult approved by the court, the disposition order must
1289 include the reasons for such a decision and shall include a
1290 determination as to whether diligent efforts were made by the
1291 department to locate an adult relative, legal custodian, or
1292 other adult willing to care for the child in order to present
1293 that placement option to the court instead of placement with the
1294 department.

1295 b. If no suitable relative is found and the child is placed
1296 with the department or a legal custodian or other adult approved
1297 by the court, both the department and the court shall consider
1298 transferring temporary legal custody to an adult relative
1299 approved by the court at a later date, but neither the
1300 department nor the court is obligated to so place the child if
1301 it is in the child's best interest to remain in the current
1302 placement.

1303



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1304 For the purposes of this section, "diligent efforts to locate an
1305 adult relative" means a search similar to the diligent search
1306 for a parent, but without the continuing obligation to search
1307 after an initial adequate search is completed.

1308 9. Other requirements necessary to protect the health,
1309 safety, and well-being of the child, to preserve the stability
1310 of the child's child care, early education program, or any other
1311 educational placement, and to promote family preservation or
1312 reunification whenever possible.

1313 Section 21. Paragraph (a) of subsection (2) of section
1314 39.523, Florida Statutes, is amended to read:

1315 39.523 Placement in out-of-home care.-

1316 (2) ASSESSMENT AND PLACEMENT.-When any child is removed
1317 from a home and placed into out-of-home care, a comprehensive
1318 placement assessment process shall be completed to determine the
1319 level of care needed by the child and match the child with the
1320 most appropriate placement.

1321 (a) The community-based care lead agency or subcontracted
1322 agency with the responsibility for assessment and placement must
1323 coordinate a multidisciplinary team staffing with any available
1324 individual currently involved with the child, including, but not
1325 limited to, a representative from the department and the case
1326 manager for the child; a therapist, ~~attorney ad litem~~, a
1327 guardian ad litem, an attorney for the child, teachers, coaches,
1328 and Children's Medical Services; and other community providers
1329 of services to the child or stakeholders as applicable. The team
1330 may also include clergy, relatives, and fictive kin if
1331 appropriate. Team participants must gather data and information
1332 on the child which is known at the time including, but not



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limited to:

1. Mental, medical, behavioral health, and medication history;
2. Community ties and school placement;
3. Current placement decisions relating to any siblings;
4. Alleged type of abuse or neglect including sexual abuse and trafficking history; and
5. The child's age, maturity, strengths, hobbies or activities, and the child's preference for placement.

Section 22. Paragraph (a) of subsection (1) of section 39.6011, Florida Statutes, is amended to read:

39.6011 Case plan development.—

(1) The department shall prepare a draft of the case plan for each child receiving services under this chapter. A parent of a child may not be threatened or coerced with the loss of custody or parental rights for failing to admit in the case plan of abusing, neglecting, or abandoning a child. Participating in the development of a case plan is not an admission to any allegation of abuse, abandonment, or neglect, and it is not a consent to a finding of dependency or termination of parental rights. The case plan shall be developed subject to the following requirements:

(a) The case plan must be developed in a face-to-face conference with the parent of the child, any court-appointed guardian ad litem or attorney for the child, and, if appropriate, the child and the temporary custodian of the child.

Section 23. Paragraph (c) of subsection (1) of section 39.6012, Florida Statutes, is amended to read:

39.6012 Case plan tasks; services.—



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1362 (1) The services to be provided to the parent and the tasks
1363 that must be completed are subject to the following:

1364 (c) If there is evidence of harm as defined in s.
1365 39.01(36)(g) ~~s. 39.01(35)(g)~~, the case plan must include as a
1366 required task for the parent whose actions caused the harm that
1367 the parent submit to a substance abuse disorder assessment or
1368 evaluation and participate and comply with treatment and
1369 services identified in the assessment or evaluation as being
1370 necessary.

1371 Section 24. Subsection (8) of section 39.6251, Florida
1372 Statutes, is amended to read:

1373 39.6251 Continuing care for young adults.—

1374 (8) During the time that a young adult is in care, the
1375 court shall maintain jurisdiction to ensure that the department
1376 and the lead agencies are providing services and coordinate
1377 with, and maintain oversight of, other agencies involved in
1378 implementing the young adult's case plan, individual education
1379 plan, and transition plan. The court shall review the status of
1380 the young adult at least every 6 months and hold a permanency
1381 review hearing at least annually. If the young adult is
1382 appointed a guardian under chapter 744 or a guardian advocate
1383 under s. 393.12, at the permanency review hearing the court
1384 shall review the necessity of continuing the guardianship and
1385 whether restoration of guardianship proceedings are needed when
1386 the young adult reaches 22 years of age. The court may appoint
1387 an attorney for the child ~~a guardian ad litem~~ or continue the
1388 appointment of a guardian ad litem or an attorney for the child,
1389 as applicable, with the young adult's consent. The young adult
1390 or any other party to the dependency case may request an



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1391 additional hearing or review.

1392 Section 25. Paragraph (b) of subsection (1) and paragraph
1393 (b) of subsection (2) of section 39.701, Florida Statutes, are
1394 amended to read:

1395 39.701 Judicial review.—

1396 (1) GENERAL PROVISIONS.—

1397 (b)1. The court shall retain jurisdiction over a child
1398 returned to his or her parents for a minimum period of 6 months
1399 following the reunification, but, at that time, based on a
1400 report of the social service agency and the guardian ad litem or
1401 attorney for the child, if one has been appointed, and any other
1402 relevant factors, the court shall make a determination as to
1403 whether supervision by the department and the court's
1404 jurisdiction shall continue or be terminated.

1405 2. Notwithstanding subparagraph 1., the court must retain
1406 jurisdiction over a child if the child is placed in the home
1407 with a parent or caregiver with an in-home safety plan and such
1408 safety plan remains necessary for the child to reside safely in
1409 the home.

1410 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
1411 AGE.—

1412 (b) *Submission and distribution of reports.*—

1413 1. A copy of the social service agency's written report and
1414 the written report of the guardian ad litem, and a report of the
1415 attorney for the child, if he or she has prepared one, must be
1416 served on all parties whose whereabouts are known; to the foster
1417 parents or legal custodians; and to the citizen review panel, at
1418 least 72 hours before the judicial review hearing or citizen
1419 review panel hearing. The requirement for providing parents with



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1420 a copy of the written report does not apply to those parents who
1421 have voluntarily surrendered their child for adoption or who
1422 have had their parental rights to the child terminated.

1423 2. In a case in which the child has been permanently placed
1424 with the social service agency, the agency shall furnish to the
1425 court a written report concerning the progress being made to
1426 place the child for adoption. If the child cannot be placed for
1427 adoption, a report on the progress made by the child towards
1428 alternative permanency goals or placements, including, but not
1429 limited to, guardianship, long-term custody, long-term licensed
1430 custody, or independent living, must be submitted to the court.
1431 The report must be submitted to the court at least 72 hours
1432 before each scheduled judicial review.

1433 3. In addition to or in lieu of any written statement
1434 provided to the court, the foster parent or legal custodian, or
1435 any preadoptive parent, shall be given the opportunity to
1436 address the court with any information relevant to the best
1437 interests of the child at any judicial review hearing.

1438 Section 26. Paragraph (g) of subsection (5) of section
1439 39.702, Florida Statutes, is amended to read:

1440 39.702 Citizen review panels.—

1441 (5) The independent not-for-profit agency authorized to
1442 administer each citizen review panel shall:

1443 (g) Establish policies to ensure adequate communication
1444 with the parent, the foster parent or legal custodian, the
1445 guardian ad litem or attorney for the child, and any other
1446 person deemed appropriate.

1447 Section 27. Paragraph (a) of subsection (3) and subsections
1448 (5), (6), and (7) of section 39.801, Florida Statutes, are



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1449 amended to read:

1450 39.801 Procedures and jurisdiction; notice; service of
1451 process.—

1452 (3) Before the court may terminate parental rights, in
1453 addition to the other requirements set forth in this part, the
1454 following requirements must be met:

1455 (a) Notice of the date, time, and place of the advisory
1456 hearing for the petition to terminate parental rights and a copy
1457 of the petition must be personally served upon the following
1458 persons, specifically notifying them that a petition has been
1459 filed:

1460 1. The parents of the child.

1461 2. The legal custodians of the child.

1462 3. If the parents who would be entitled to notice are dead
1463 or unknown, a living relative of the child, unless upon diligent
1464 search and inquiry no such relative can be found.

1465 4. Any person who has physical custody of the child.

1466 5. Any grandparent entitled to priority for adoption under
1467 s. 63.0425.

1468 6. Any prospective parent who has been identified under s.
1469 39.503 or s. 39.803, unless a court order has been entered
1470 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1471 indicates no further notice is required. Except as otherwise
1472 provided in this section, if there is not a legal father, notice
1473 of the petition for termination of parental rights must be
1474 provided to any known prospective father who is identified under
1475 oath before the court or who is identified by a diligent search
1476 of the Florida Putative Father Registry. Service of the notice
1477 of the petition for termination of parental rights is not



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1478 required if the prospective father executes an affidavit of
1479 nonpaternity or a consent to termination of his parental rights
1480 which is accepted by the court after notice and opportunity to
1481 be heard by all parties to address the best interests of the
1482 child in accepting such affidavit.

1483 7. The guardian ad litem for the child or the
1484 representative of the guardian ad litem program, if the program
1485 has been appointed.

1486 8. The attorney for the child, if appointed.

1487
1488 The document containing the notice to respond or appear must
1489 contain, in type at least as large as the type in the balance of
1490 the document, the following or substantially similar language:
1491 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
1492 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
1493 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
1494 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
1495 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
1496 NOTICE."

1497 (5) All process and orders issued by the court must be
1498 served or executed as other process and orders of the circuit
1499 court and, in addition, may be served or executed by authorized
1500 agents of the department, or the guardian ad litem, or the
1501 attorney for the child.

1502 (6) Subpoenas may be served within the state by any person
1503 over 18 years of age who is not a party to the proceeding and,
1504 in addition, may be served or executed by authorized agents of
1505 the department, or of the guardian ad litem, or of the attorney
1506 for the child.



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1507 (7) A fee may not be paid for service of any process or
1508 other papers by an agent of the department, ~~or~~ the guardian ad
1509 litem, or the attorney for the child. If any process, orders, or
1510 other papers are served or executed by any sheriff, the
1511 sheriff's fees must be paid by the county.

1512 Section 28. Subsection (1) of section 39.802, Florida
1513 Statutes, is amended to read:

1514 39.802 Petition for termination of parental rights; filing;
1515 elements.—

1516 (1) All proceedings seeking an adjudication to terminate
1517 parental rights pursuant to this chapter must be initiated by
1518 the filing of an original petition by the department, the
1519 guardian ad litem, the attorney for the child, or any other
1520 person who has knowledge of the facts alleged or is informed of
1521 them and believes that they are true.

1522 Section 29. Subsection (2) of section 39.808, Florida
1523 Statutes, is amended to read:

1524 39.808 Advisory hearing; pretrial status conference.—

1525 (2) At the hearing the court shall inform the parties of
1526 their rights under s. 39.807, shall appoint counsel for the
1527 parties in accordance with legal requirements, and shall appoint
1528 a guardian ad litem or an attorney for the child as provided for
1529 in s. 39.831 to represent the interests of the child if one has
1530 not already been appointed.

1531 Section 30. Subsection (11) of section 39.810, Florida
1532 Statutes, is amended to read:

1533 39.810 Manifest best interests of the child.—In a hearing
1534 on a petition for termination of parental rights, the court
1535 shall consider the manifest best interests of the child. This



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1536 consideration shall not include a comparison between the
1537 attributes of the parents and those of any persons providing a
1538 present or potential placement for the child. For the purpose of
1539 determining the manifest best interests of the child, the court
1540 shall consider and evaluate all relevant factors, including, but
1541 not limited to:

1542 (11) The recommendations for the child provided by the
1543 child's guardian ad litem ~~or legal representative~~.

1544 Section 31. Subsection (9) of section 39.811, Florida
1545 Statutes, is amended to read:

1546 39.811 Powers of disposition; order of disposition.—

1547 (9) After termination of parental rights, the court shall
1548 retain jurisdiction over any child for whom custody is given to
1549 a social service agency until the child is adopted. The court
1550 shall review the status of the child's placement and the
1551 progress being made toward permanent adoptive placement. As part
1552 of this continuing jurisdiction, for good cause shown by the
1553 attorney for the child or guardian ad litem for the child, the
1554 court may review the appropriateness of the adoptive placement
1555 of the child.

1556 Section 32. Subsection (4) of section 39.812, Florida
1557 Statutes, is amended to read:

1558 39.812 Postdisposition relief; petition for adoption.—

1559 (4) The court shall retain jurisdiction over any child
1560 placed in the custody of the department until the child is
1561 adopted. After custody of a child for subsequent adoption has
1562 been given to the department, the court has jurisdiction for the
1563 purpose of reviewing the status of the child and the progress
1564 being made toward permanent adoptive placement. As part of this



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1565 continuing jurisdiction, for good cause shown by the attorney
1566 for the child or guardian ad litem for the child, the court may
1567 review the appropriateness of the adoptive placement of the
1568 child. When a licensed foster parent or court-ordered custodian
1569 has applied to adopt a child who has resided with the foster
1570 parent or custodian for at least 6 months and who has previously
1571 been permanently committed to the legal custody of the
1572 department and the department does not grant the application to
1573 adopt, the department may not, in the absence of a prior court
1574 order authorizing it to do so, remove the child from the foster
1575 home or custodian, except when:

1576 (a) There is probable cause to believe that the child is at
1577 imminent risk of abuse or neglect;

1578 (b) Thirty days have expired following written notice to
1579 the foster parent or custodian of the denial of the application
1580 to adopt, within which period no formal challenge of the
1581 department's decision has been filed; or

1582 (c) The foster parent or custodian agrees to the child's
1583 removal.

1584 Section 33. Subsections (5), (6), and (7) of section 43.16,
1585 Florida Statutes, are amended to read:

1586 43.16 Justice Administrative Commission; membership, powers
1587 and duties.—

1588 (5) The duties of the commission shall include, but not be
1589 limited to, the following:

1590 (a) The maintenance of a central state office for
1591 administrative services and assistance when possible to and on
1592 behalf of the state attorneys and public defenders of Florida,
1593 the capital collateral regional counsel of Florida, the criminal



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1594 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
1595 Program, and the Statewide Office of Child Representation.

1596 (b) Each state attorney, public defender, ~~and~~ criminal
1597 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
1598 Program, and the Statewide Office of Child Representation shall
1599 continue to prepare necessary budgets, vouchers that represent
1600 valid claims for reimbursement by the state for authorized
1601 expenses, and other things incidental to the proper
1602 administrative operation of the office, such as revenue
1603 transmittals to the Chief Financial Officer and automated
1604 systems plans, but will forward such items to the commission for
1605 recording and submission to the proper state officer. However,
1606 when requested by a state attorney, a public defender, a
1607 criminal conflict and civil regional counsel, ~~or~~ the Guardian Ad
1608 Litem Program, or the Statewide Office of Child Representation,
1609 the commission will either assist in the preparation of budget
1610 requests, voucher schedules, and other forms and reports or
1611 accomplish the entire project involved.

1612 (6) The commission, each state attorney, each public
1613 defender, the criminal conflict and civil regional counsel, the
1614 capital collateral regional counsel, ~~and~~ the Guardian Ad Litem
1615 Program, and the Statewide Office of Child Representation shall
1616 establish and maintain internal controls designed to:

1617 (a) Prevent and detect fraud, waste, and abuse as defined
1618 in s. 11.45(1).

1619 (b) Promote and encourage compliance with applicable laws,
1620 rules, contracts, grant agreements, and best practices.

1621 (c) Support economical and efficient operations.

1622 (d) Ensure reliability of financial records and reports.



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1623 (e) Safeguard assets.

1624 (7) The provisions contained in this section shall be
1625 supplemental to those of chapter 27, relating to state
1626 attorneys, public defenders, criminal conflict and civil
1627 regional counsel, and capital collateral regional counsel; to
1628 those of chapter 39, relating to the Guardian Ad Litem Program
1629 and the Statewide Office of Child Representation; or to other
1630 laws pertaining hereto.

1631 Section 34. Paragraph (a) of subsection (2) of section
1632 63.085, Florida Statutes, is amended to read:

1633 63.085 Disclosure by adoption entity.—

1634 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1635 (a) At the time that an adoption entity is responsible for
1636 selecting prospective adoptive parents for a born or unborn
1637 child whose parents are seeking to place the child for adoption
1638 or whose rights were terminated pursuant to chapter 39, the
1639 adoption entity must provide the prospective adoptive parents
1640 with information concerning the background of the child to the
1641 extent such information is disclosed to the adoption entity by
1642 the parents, legal custodian, or the department. This subsection
1643 applies only if the adoption entity identifies the prospective
1644 adoptive parents and supervises the placement of the child in
1645 the prospective adoptive parents' home. If any information
1646 cannot be disclosed because the records custodian failed or
1647 refused to produce the background information, the adoption
1648 entity has a duty to provide the information if it becomes
1649 available. An individual or entity contacted by an adoption
1650 entity to obtain the background information must release the
1651 requested information to the adoption entity without the



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1652 necessity of a subpoena or a court order. In all cases, the
1653 prospective adoptive parents must receive all available
1654 information by the date of the final hearing on the petition for
1655 adoption. The information to be disclosed includes:

1656 1. A family social and medical history form completed
1657 pursuant to s. 63.162(6).

1658 2. The biological mother's medical records documenting her
1659 prenatal care and the birth and delivery of the child.

1660 3. A complete set of the child's medical records
1661 documenting all medical treatment and care since the child's
1662 birth and before placement.

1663 4. All mental health, psychological, and psychiatric
1664 records, reports, and evaluations concerning the child before
1665 placement.

1666 5. The child's educational records, including all records
1667 concerning any special education needs of the child before
1668 placement.

1669 6. Records documenting all incidents that required the
1670 department to provide services to the child, including all
1671 orders of adjudication of dependency or termination of parental
1672 rights issued pursuant to chapter 39, any case plans drafted to
1673 address the child's needs, all protective services
1674 investigations identifying the child as a victim, and all
1675 guardian ad litem reports or attorney for the child reports
1676 filed with the court concerning the child.

1677 7. Written information concerning the availability of
1678 adoption subsidies for the child, if applicable.

1679 Section 35. Subsection (4) of section 322.09, Florida
1680 Statutes, is amended to read:



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1681 322.09 Application of minors; responsibility for negligence
1682 or misconduct of minor.—

1683 (4) Notwithstanding subsections (1) and (2), if a caregiver
1684 of a minor who is under the age of 18 years and is in out-of-
1685 home care as defined in s. 39.01(56) ~~s. 39.01(55)~~, an authorized
1686 representative of a residential group home at which such a minor
1687 resides, the caseworker at the agency at which the state has
1688 placed the minor, or a guardian ad litem specifically authorized
1689 by the minor's caregiver to sign for a learner's driver license
1690 signs the minor's application for a learner's driver license,
1691 that caregiver, group home representative, caseworker, or
1692 guardian ad litem does not assume any obligation or become
1693 liable for any damages caused by the negligence or willful
1694 misconduct of the minor by reason of having signed the
1695 application. Before signing the application, the caseworker,
1696 authorized group home representative, or guardian ad litem shall
1697 notify the caregiver or other responsible party of his or her
1698 intent to sign and verify the application.

1699 Section 36. Paragraph (p) of subsection (4) of section
1700 394.495, Florida Statutes, is amended to read:

1701 394.495 Child and adolescent mental health system of care;
1702 programs and services.—

1703 (4) The array of services may include, but is not limited
1704 to:

1705 (p) Trauma-informed services for children who have suffered
1706 sexual exploitation as defined in s. 39.01(78)(g) ~~s.~~
1707 ~~39.01(77)(g)~~.

1708 Section 37. Section 627.746, Florida Statutes, is amended
1709 to read:



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1710 627.746 Coverage for minors who have a learner's driver
1711 license; additional premium prohibited.—An insurer that issues
1712 an insurance policy on a private passenger motor vehicle to a
1713 named insured who is a caregiver of a minor who is under the age
1714 of 18 years and is in out-of-home care as defined in s.
1715 39.01(56) ~~s. 39.01(55)~~ may not charge an additional premium for
1716 coverage of the minor while the minor is operating the insured
1717 vehicle, for the period of time that the minor has a learner's
1718 driver license, until such time as the minor obtains a driver
1719 license.

1720 Section 38. Paragraph (c) of subsection (1) of section
1721 934.255, Florida Statutes, is amended to read:

1722 934.255 Subpoenas in investigations of sexual offenses.—

1723 (1) As used in this section, the term:

1724 (c) "Sexual abuse of a child" means a criminal offense
1725 based on any conduct described in s. 39.01(78) ~~s. 39.01(77)~~.

1726 Section 39. Subsection (5) of section 960.065, Florida
1727 Statutes, is amended to read:

1728 960.065 Eligibility for awards.—

1729 (5) A person is not ineligible for an award pursuant to
1730 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
1731 person is a victim of sexual exploitation of a child as defined
1732 in s. 39.01(78) (g) ~~s. 39.01(77) (g)~~.

1733 Section 40. This act shall take effect July 1, 2021.