

By Senator Book

32-01535B-21

20211920\_\_

1                                   A bill to be entitled  
2       An act relating to child welfare; amending s. 39.01,  
3       F.S.; defining the term "attorney for the child";  
4       amending s. 39.013, F.S.; conforming provisions to  
5       changes made by the act; renaming part XI of ch. 39,  
6       F.S., as "Guardians ad litem, guardian advocates, and  
7       attorney for the child"; amending s. 39.820, F.S.;  
8       defining the term "related adoption proceeding";  
9       amending s. 39.822, F.S.; conforming provisions to  
10      changes made by the act; specifying circumstances  
11      under which a court is required, on or after a  
12      specified date, to appoint a guardian ad litem;  
13      requiring the court to appoint an attorney for the  
14      child to represent a child and to discharge the  
15      guardian ad litem under specified circumstances;  
16      authorizing the court to order that a new guardian ad  
17      litem be assigned for a child or discharge a guardian  
18      ad litem and appoint an attorney for the child under  
19      specified circumstances; amending s. 39.8296, F.S.;  
20      renaming the Guardian Ad Litem Qualifications  
21      Committee as the Child Well-Being Qualifications  
22      Committee; specifying that the executive director of  
23      the Statewide Guardian Ad Litem Office may be  
24      reappointed; clarifying that second and subsequent  
25      appointments made for the executive director of the  
26      office are for 3 years; requiring the office to  
27      develop guidelines to identify conflicts of interest  
28      of guardians ad litem; defining the term "conflicts of  
29      interest"; requiring the office to identify guardians

32-01535B-21

20211920\_\_

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

32-01535B-21

20211920\_\_

59 of the offices are governed by the classification plan  
60 and salary and benefits plan for the commission;  
61 prescribing qualifications for an attorney for the  
62 child; providing certain prohibitions; creating s.  
63 39.831, F.S.; specifying when the court is authorized  
64 or required to appoint an attorney for the child;  
65 providing conditions under which a parent is required  
66 to reimburse the court for the cost of the attorney;  
67 providing for appellate representation; requiring  
68 agencies, persons, and organizations to allow an  
69 attorney for the child to inspect and copy certain  
70 records; defining the term "records"; providing  
71 requirements for an attorney for the child relating to  
72 hearings; requiring the Department of Children and  
73 Families to develop procedures to request that a court  
74 appoint an attorney for the child; authorizing the  
75 department to adopt rules; amending ss. 28.345,  
76 39.001, 39.00145, 39.0132, 39.0139, 39.202, 39.302,  
77 39.402, 39.407, 39.4085, 39.502, 39.521, 39.523,  
78 39.6011, 39.6012, 39.6251, 39.701, 39.702, 39.801,  
79 39.802, 39.808, 39.810, 39.811, 39.812, 39.815, 43.16,  
80 63.082, 63.085, 322.09, 394.495, 627.746, 934.255, and  
81 960.065, F.S.; conforming cross-references and  
82 provisions to changes made by the act; providing an  
83 effective date.

84

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

86

87 Section 1. Present subsections (9) through (87) of section

32-01535B-21

20211920\_\_

88 39.01, Florida Statutes, are redesignated as subsections (10)  
89 through (88), respectively, a new subsection (9) is added to  
90 that section, and present subsections (10) and (37) are amended,  
91 to read:

92 39.01 Definitions.—When used in this chapter, unless the  
93 context otherwise requires:

94 (9) "Attorney for the child" means an attorney providing  
95 direct representation to the child, which may include the  
96 appointment of the Office of Child Representation, an attorney  
97 provided by an entity contracted through the Office of Child  
98 Representation to provide direct representation, any privately  
99 retained counsel or pro bono counsel, or any other attorney who  
100 represents the child under this chapter.

101 (11)~~(10)~~ "Caregiver" means the parent, legal custodian,  
102 permanent guardian, adult household member, or other person  
103 responsible for a child's welfare as defined in subsection (55)  
104 ~~(54)~~.

105 (38)~~(37)~~ "Institutional child abuse or neglect" means  
106 situations of known or suspected child abuse or neglect in which  
107 the person allegedly perpetrating the child abuse or neglect is  
108 an employee of a public or private school, public or private day  
109 care center, residential home, institution, facility, or agency  
110 or any other person at such institution responsible for the  
111 child's welfare as defined in subsection (55) ~~(54)~~.

112 Section 2. Subsection (11) of section 39.013, Florida  
113 Statutes, is amended, and subsection (13) is added to that  
114 section, to read:

115 39.013 Procedures and jurisdiction; right to counsel.—

116 (11) The court shall encourage the Statewide Guardian Ad

32-01535B-21

20211920\_\_

117 Litem Office or the Statewide Office of Child Representation, as  
118 applicable, to provide greater representation to those children  
119 who are within 1 year of transferring out of foster care.

120 (13) An attorney for the child shall be appointed pursuant  
121 to s. 39.831.

122 Section 3. Part XI of chapter 39, Florida Statutes,  
123 entitled "GUARDIANS AD LITEM AND GUARDIAN ADVOCATES," is renamed  
124 "GUARDIANS AD LITEM, GUARDIAN ADVOCATES, AND ATTORNEY FOR THE  
125 CHILD."

126 Section 4. Subsection (3) is added to section 39.820,  
127 Florida Statutes, to read:

128 39.820 Definitions.—As used in this chapter, the term:

129 (3) "Related adoption proceeding" means an adoption  
130 proceeding under chapter 63 which arises from dependency  
131 proceedings under this chapter.

132 Section 5. Section 39.822, Florida Statutes, is amended to  
133 read:

134 39.822 Appointment of guardian ad litem for abused,  
135 abandoned, or neglected child.—

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

140 (b) On or after July 1, 2022, a guardian ad litem must be  
141 appointed by the court at the earliest possible time to  
142 represent a child under the following circumstances:

143 1. The child is younger than 10 years of age and is the  
144 subject of a dependency proceeding under this chapter or a  
145 related adoption proceeding;

32-01535B-21

20211920\_\_

146       2. The child is the subject of a dependency proceeding  
147 under this chapter or a related adoption proceeding and a  
148 criminal proceeding;

149       3. The child is the subject of a termination of parental  
150 rights proceeding under part X; or

151       4. The child is a dependent child as described in s.  
152 39.01305(3).

153       (2) On or after July 1, 2022, the court shall discharge the  
154 guardian ad litem program, if appointed, within 60 days after  
155 such child reaches 10 years of age unless:

156       (a) The child meets a criterion specified in subparagraph  
157 (1)(b)2., 3., or 4.; or

158       (b) The child expresses that he or she wishes to remain  
159 with the guardian ad litem and the court determines that the  
160 expression is voluntary and knowing and that the child is of an  
161 appropriate age and maturity to make such expression.

162       (3) Upon request by a child who is subject to a dependency  
163 proceeding under this chapter or a related adoption proceeding,  
164 who is 10 years of age or older, and who has a guardian ad litem  
165 assigned, or upon any party presenting evidence that there is  
166 reasonable cause to suspect the assigned guardian ad litem has a  
167 conflict of interest as defined in s. 39.8296(2)(b)9., the court  
168 may:

169       (a) Order that a new guardian ad litem be assigned; or

170       (b) Discharge the child's current guardian ad litem and  
171 appoint an attorney for the child.

172       (4) Any person participating in a civil or criminal  
173 judicial proceeding resulting from such appointment shall be  
174 presumed prima facie to be acting in good faith and in so doing

32-01535B-21

20211920\_\_

175 shall be immune from any liability, civil or criminal, that  
176 otherwise might be incurred or imposed.

177 (5)~~(2)~~ In those cases in which the parents are financially  
178 able, the parent or parents of the child shall reimburse the  
179 court, in part or in whole, for the cost of provision of  
180 guardian ad litem services. Reimbursement to the individual  
181 providing guardian ad litem services may ~~shall~~ not be contingent  
182 upon successful collection by the court from the parent or  
183 parents.

184 (6)~~(3)~~ Upon presentation by a guardian ad litem of a court  
185 order appointing the guardian ad litem:

186 (a) An agency, as defined in chapter 119, shall allow the  
187 guardian ad litem to inspect and copy records related to the  
188 best interests of the child who is the subject of the  
189 appointment, including, but not limited to, records made  
190 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of  
191 the State Constitution. The guardian ad litem shall maintain the  
192 confidential or exempt status of any records shared by an agency  
193 under this paragraph.

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

199  
200 For the purposes of this subsection, the term "records related  
201 to the best interests of the child" includes, but is not limited  
202 to, medical, mental health, substance abuse, child care,  
203 education, law enforcement, court, social services, and

32-01535B-21

20211920\_\_

204 financial records.

205 (7)~~(4)~~ The guardian ad litem or the program representative  
206 shall review all disposition recommendations and changes in  
207 placements, and must be present at all critical stages of the  
208 dependency proceeding or submit a written report of  
209 recommendations to the court. Written reports must be filed with  
210 the court and served on all parties whose whereabouts are known  
211 at least 72 hours before ~~prior to~~ the hearing.

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

214 39.8296 Statewide Guardian Ad Litem Office; legislative  
215 findings and intent; creation; appointment of executive  
216 director; duties of office.—

217 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a  
218 Statewide Guardian Ad Litem Office within the Justice  
219 Administrative Commission. The Justice Administrative Commission  
220 shall provide administrative support and service to the office  
221 to the extent requested by the executive director within the  
222 available resources of the commission. The Statewide Guardian Ad  
223 Litem Office is not subject to control, supervision, or  
224 direction by the Justice Administrative Commission in the  
225 performance of its duties, but the employees of the office are  
226 governed by the classification plan and salary and benefits plan  
227 approved by the Justice Administrative Commission.

228 (a) The head of the Statewide Guardian Ad Litem Office is  
229 the executive director, who shall be appointed by the Governor  
230 from a list of a minimum of three eligible applicants submitted  
231 by the Child Well-Being ~~a Guardian Ad Litem~~ Qualifications  
232 Committee. The Child Well-Being ~~Guardian Ad Litem~~ Qualifications



32-01535B-21

20211920\_\_

233 Committee shall be composed of five persons, two persons  
234 appointed by the Governor, two persons appointed by the Chief  
235 Justice of the Supreme Court, and one person appointed by the  
236 Statewide Guardian Ad Litem Association. The committee shall  
237 provide for statewide advertisement and the receiving of  
238 applications for the position of executive director. The  
239 Governor shall appoint an executive director from among the  
240 recommendations, or the Governor may reject the nominations and  
241 request the submission of new nominees. The executive director  
242 must have knowledge in dependency law and knowledge of social  
243 service delivery systems available to meet the needs of children  
244 who are abused, neglected, or abandoned. The executive director  
245 shall serve on a full-time basis and shall personally, or  
246 through representatives of the office, carry out the purposes  
247 and functions of the Statewide Guardian Ad Litem Office in  
248 accordance with state and federal law. The executive director  
249 shall report to the Governor. The executive director shall serve  
250 a 3-year term, subject to removal for cause by the Governor. Any  
251 person appointed to serve as the executive director may be  
252 reappointed ~~permitted~~ to serve more than one term in accordance  
253 with the process provided for in this paragraph. Every second or  
254 subsequent appointment shall be for a term of 3 years.

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

259 1. The office shall identify the resources required to  
260 implement methods of collecting, reporting, and tracking  
261 reliable and consistent case data.

32-01535B-21

20211920\_\_

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

264           3. The office, in consultation with local guardian ad litem  
265 offices, shall develop statewide performance measures and  
266 standards.

267           4. The office shall develop a guardian ad litem training  
268 program, which shall include, but is not limited to, training on  
269 the recognition of and responses to head trauma and brain injury  
270 in a child under 6 years of age. The office shall establish a  
271 curriculum committee to develop the training program specified  
272 in this subparagraph. The curriculum committee shall include,  
273 but not be limited to, dependency judges, directors of circuit  
274 guardian ad litem programs, active certified guardians ad litem,  
275 a mental health professional who specializes in the treatment of  
276 children, a member of a child advocacy group, a representative  
277 of a domestic violence advocacy group, an individual with a  
278 degree in social work, and a social worker experienced in  
279 working with victims and perpetrators of child abuse.

280           5. The office shall review the various methods of funding  
281 guardian ad litem programs, maximize the use of those funding  
282 sources to the extent possible, and review the kinds of services  
283 being provided by circuit guardian ad litem programs.

284           6. The office shall determine the feasibility or  
285 desirability of new concepts of organization, administration,  
286 financing, or service delivery designed to preserve the civil  
287 and constitutional rights and fulfill other needs of dependent  
288 children.

289           7. In an effort to promote normalcy and establish trust  
290 between a court-appointed volunteer guardian ad litem and a

32-01535B-21

20211920\_\_

291 child alleged to be abused, abandoned, or neglected under this  
292 chapter, a guardian ad litem may transport a child. However, a  
293 guardian ad litem volunteer may not be required or directed by  
294 the program or a court to transport a child.

295 8. The office shall submit to the Governor, the President  
296 of the Senate, the Speaker of the House of Representatives, and  
297 the Chief Justice of the Supreme Court an interim report  
298 describing the progress of the office in meeting the goals as  
299 described in this section. The office shall submit to the  
300 Governor, the President of the Senate, the Speaker of the House  
301 of Representatives, and the Chief Justice of the Supreme Court a  
302 proposed plan including alternatives for meeting the state's  
303 guardian ad litem and attorney ad litem needs. This plan may  
304 include recommendations for less than the entire state, may  
305 include a phase-in system, and shall include estimates of the  
306 cost of each of the alternatives. Each year the office shall  
307 provide a status report and provide further recommendations to  
308 address the need for guardian ad litem services and related  
309 issues.

310 9. The office shall develop guidelines to identify any  
311 possible conflicts of interest of a guardian ad litem when he or  
312 she is being considered for assignment to a child's case. For  
313 purposes of this subparagraph, the term "conflicts of interest"  
314 means the guardian ad litem:

315 a. Has a personal relationship that could influence a  
316 recommendation regarding a child whom he or she is serving as a  
317 guardian ad litem;

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

32-01535B-21

20211920\_\_

320 c. Has a particular factor or circumstance, including  
321 personal bias or prejudice against a protected class of the  
322 child or the child's family, that prevents or substantially  
323 impairs his or her ability to fairly and fully discharge the  
324 duties of the guardian ad litem.

325 (c) The Statewide Guardian Ad Litem Office shall identify  
326 any guardian ad litem who is experiencing an issue with his or  
327 her physical or mental health or who appears to present a danger  
328 to any child to whom the guardian ad litem is assigned. As soon  
329 as possible after identification, the office must remove such  
330 guardian ad litem from all assigned cases, terminate his or her  
331 volunteer services with the Guardian Ad Litem Program, and  
332 disclose such action to the appropriate circuit court.

333 Section 7. Section 39.83, Florida Statutes, is created to  
334 read:

335 39.83 Statewide Office of Child Representation;  
336 qualifications, appointment, and duties of executive director  
337 and attorney for the child.-

338 (1) STATEWIDE OFFICE OF CHILD REPRESENTATION.-

339 (a) There is created a Statewide Office of Child  
340 Representation within the Justice Administrative Commission. The  
341 Justice Administrative Commission shall provide administrative  
342 support and services to the statewide office as directed by the  
343 executive director within the available resources of the  
344 commission. The statewide office is not subject to control,  
345 supervision, or direction by the Justice Administrative  
346 Commission in the performance of its duties, but the employees  
347 of the office are governed by the classification plan and salary  
348 and benefits plan approved by the Justice Administrative

32-01535B-21

20211920\_\_

349 Commission.

350 (b) The head of the Statewide Office of Child  
351 Representation is the executive director who must be a member of  
352 The Florida Bar in good standing for at least 5 years and have  
353 knowledge of dependency law and the social service delivery  
354 systems available to meet the needs of children who are abused,  
355 neglected, or abandoned. The executive director shall be  
356 appointed in accordance with the process, and serve in  
357 accordance with the terms and requirements, provided in s.  
358 39.8296(2) (a) for the head of the Statewide Guardian Ad Litem  
359 Office. The appointment for the initial executive director must  
360 be completed by January 1, 2022.

361 (c) The Statewide Office of Child Representation, within  
362 available resources of the Justice Administrative Commission, is  
363 responsible for oversight of, and for providing technical  
364 assistance to, all offices of child representation in this  
365 state. The statewide office:

366 1. Shall identify the resources required to implement  
367 methods of collecting, reporting, and tracking reliable and  
368 consistent case data;

369 2. Shall review and collect information relating to current  
370 guardian ad litem programs for children 10 years of age and  
371 older in this state and other states and information relating to  
372 offices of child representation in other states;

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

376 4. Shall develop a training program for each attorney for  
377 the child. To that end, the statewide office shall establish a

32-01535B-21

20211920\_\_

378 curriculum committee composed of members including, but not  
379 limited to, a dependency judge, directors of circuit guardian ad  
380 litem programs, active certified guardians ad litem, a mental  
381 health professional who specializes in the treatment of  
382 children, a member of a child advocacy group, a representative  
383 of a domestic violence advocacy group, an individual with at  
384 least a Master of Social Work degree, and a social worker  
385 experienced in working with victims and perpetrators of child  
386 abuse;

387 5. Shall develop protocols that must be implemented to  
388 assist children who are represented by the Statewide Office of  
389 Child Representation, regional offices, or its contracted local  
390 agencies in meeting eligibility requirements to receive all  
391 available federal funding. This subparagraph may not be  
392 construed to mean that the protocols may interfere with zealous  
393 and effective representation of the children;

394 6. Shall review the various methods of funding the regional  
395 offices, maximize the use of those funding sources to the extent  
396 possible, and review the kinds of services being provided by the  
397 regional offices;

398 7. Shall determine the feasibility or desirability of new  
399 concepts of organization, administration, financing, or service  
400 delivery designed to preserve the civil and constitutional  
401 rights of, and fulfill other needs of, dependent children 10  
402 years of age and older;

403 8. Shall submit to the Governor, the President of the  
404 Senate, the Speaker of the House of Representatives, and the  
405 Chief Justice of the Supreme Court:

406 a. An interim report describing the progress of the

32-01535B-21

20211920\_\_

407 statewide office in meeting the responsibilities described in  
408 this paragraph.

409 b. A proposed plan that includes alternatives for meeting  
410 the representation needs of children in this state. The plan may  
411 include recommendations for implementation in only a portion of  
412 this state or phased-in statewide implementation and must  
413 include an estimate of the cost of each such alternative.

414 c. An annual status report that includes any additional  
415 recommendations for addressing the representation needs of  
416 children in this state and related issues.

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

420 (e) The office may contract with a local nonprofit agency  
421 to provide direct attorney representation to a child if the  
422 office determines that the contract is the most efficient method  
423 to satisfy its statutory duties and if federal funding has been  
424 approved for this purpose. The office must ensure that  
425 reimbursement of any Title IV-E funds is properly documented.

426 (2) REGIONAL OFFICES OF CHILD REPRESENTATION.—

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

431 (b) Each office of child representation is assigned to the  
432 Justice Administrative Commission for administrative purposes.  
433 The commission shall provide administrative support and service  
434 to the offices within the available resources of the commission.  
435 The offices are not subject to control, supervision, or

32-01535B-21

20211920\_\_

436 direction by the commission in the performance of their duties,  
437 but the employees of the offices are governed by the  
438 classification plan and the salary and benefits plan for the  
439 commission.

440 (3) CHILD REPRESENTATION COUNSEL; DUTIES.—The attorney for  
441 the child shall serve on a full-time basis and may not engage in  
442 the private practice of law while holding office. Each assistant  
443 attorney for the child shall give priority and preference to his  
444 or her duties as assistant child representation counsel and may  
445 not otherwise engage in the practice of dependency law. However,  
446 a part-time assistant attorney for the child may practice  
447 dependency law for private payment so long as the representation  
448 does not result in a legal or ethical conflict of interest with  
449 a case in which the office of child representation is providing  
450 representation.

451 Section 8. Section 39.831, Florida Statutes, is created to  
452 read:

453 39.831 Attorney for the child.—

454 (1) APPOINTMENT.—

455 (a) Attorney for the child:

456 1. Shall be appointed by the court as provided in s.  
457 39.01305(3);

458 2. Shall be appointed by the court for any child who  
459 reaches 10 years of age or older on or after July 1, 2022, and  
460 who is the subject of a dependency proceeding under this chapter  
461 or a related adoption proceeding; or

462 3. May be appointed at the court's discretion upon a  
463 finding that circumstances exist which require the appointment.

464 (b) The court shall appoint the Statewide Office of Child



32-01535B-21

20211920\_\_

465 Representation unless the child is otherwise represented by  
466 counsel.

467 (c) In cases in which one or both parents are financially  
468 able, the parent or parents, as applicable, of the child shall  
469 reimburse the court, in whole or in part, for the cost of  
470 services provided under this section; however, reimbursement for  
471 services provided by the attorney for the child may not be  
472 contingent upon successful collection by the court of  
473 reimbursement from the parent or parents.

474 (d) Once an attorney for the child is appointed, the  
475 appointment continues in effect until the attorney for the child  
476 is allowed to withdraw or is discharged by the court or until  
477 the case is dismissed. An attorney for the child who is  
478 appointed under this section to represent a child shall provide  
479 all required legal services from the time of the child's removal  
480 from home or of the attorney for the child's initial appointment  
481 through all appellate proceedings. With the permission of the  
482 court, the appointed attorney for the child may arrange for  
483 supplemental or separate counsel to represent the child in  
484 appellate proceedings. A court order appointing an attorney for  
485 the child under this section must be in writing.

486 (2) ACCESS TO RECORDS.—Upon presentation by an attorney for  
487 the child of a court order appointing the Statewide Office of  
488 Child Representation:

489 (a) An agency as defined in chapter 119 must allow the  
490 attorney for the child to inspect and copy records related to  
491 the child who is the subject of the appointment, including, but  
492 not limited to, records made confidential or exempt from s.  
493 119.07(1) or s. 24(a), Art. I of the State Constitution. The

32-01535B-21

20211920\_\_

494 attorney for the child shall maintain the confidential or exempt  
495 status of any records shared by an agency under this paragraph.

496 (b) A person or an organization, other than an agency under  
497 paragraph (a), must allow the attorney for the child to inspect  
498 and copy any records related to the child who is the subject of  
499 the appointment, including, but not limited to, confidential  
500 records.

501  
502 For the purposes of this subsection, the term "records"  
503 includes, but is not limited to, medical, mental health,  
504 substance abuse, child care, education, law enforcement, court,  
505 social services, and financial records.

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

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

512 (5) RULEMAKING.—The department may adopt rules to implement  
513 this section.

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

516 28.345 State access to records; exemption from court-  
517 related fees and charges.—

518 (1) Notwithstanding any other provision of law, the clerk  
519 of the circuit court shall, upon request, provide access to  
520 public records without charge to the state attorney, public  
521 defender, guardian ad litem, public guardian, attorney ad litem,  
522 criminal conflict and civil regional counsel, court-appointed

32-01535B-21

20211920\_\_

523 attorney for the child, and private court-appointed counsel paid  
524 by the state, and to authorized staff acting on their behalf.  
525 The clerk of court may provide the requested public record in an  
526 electronic format in lieu of a paper format if the requesting  
527 entity is capable of accessing such public record  
528 electronically.

529 Section 10. Paragraph (j) of subsection (3) and paragraph  
530 (a) of subsection (10) of section 39.001, Florida Statutes, are  
531 amended to read:

532 39.001 Purposes and intent; personnel standards and  
533 screening.—

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

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

541 (10) PLAN FOR COMPREHENSIVE APPROACH.—

542 (a) The office shall develop a state plan for the promotion  
543 of adoption, support of adoptive families, and prevention of  
544 abuse, abandonment, and neglect of children. The Department of  
545 Children and Families, the Department of Corrections, the  
546 Department of Education, the Department of Health, the  
547 Department of Juvenile Justice, the Department of Law  
548 Enforcement, and the Agency for Persons with Disabilities shall  
549 participate and fully cooperate in the development of the state  
550 plan at both the state and local levels. Furthermore,  
551 appropriate local agencies and organizations shall be provided

32-01535B-21

20211920\_\_

552 an opportunity to participate in the development of the state  
553 plan at the local level. Appropriate local groups and  
554 organizations shall include, but not be limited to, community  
555 mental health centers; guardian ad litem programs for children  
556 under the circuit court; child representation counsel regional  
557 offices; the school boards of the local school districts; the  
558 Florida local advocacy councils; community-based care lead  
559 agencies; private or public organizations or programs with  
560 recognized expertise in working with child abuse prevention  
561 programs for children and families; private or public  
562 organizations or programs with recognized expertise in working  
563 with children who are sexually abused, physically abused,  
564 emotionally abused, abandoned, or neglected and with expertise  
565 in working with the families of such children; private or public  
566 programs or organizations with expertise in maternal and infant  
567 health care; multidisciplinary Child Protection Teams; child day  
568 care centers; law enforcement agencies; and the circuit courts,  
569 when guardian ad litem programs and attorney for the child are  
570 not available in the local area. The state plan to be provided  
571 to the Legislature and the Governor shall include, as a minimum,  
572 the information required of the various groups in paragraph (b).

573 Section 11. Subsections (2) and (4) of 39.00145, Florida  
574 Statutes, are amended to read:

575 39.00145 Records concerning children.—

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

32-01535B-21

20211920\_\_

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

585 (b) The department shall release the information in a  
586 manner and setting that are appropriate to the age and maturity  
587 of the child and the nature of the information being released,  
588 which may include the release of information in a therapeutic  
589 setting, if appropriate. This paragraph does not deny the child  
590 access to his or her records.

591 (c) If a child or the child's caregiver, guardian ad litem,  
592 or attorney for the child ~~attorney~~ requests access to the  
593 child's case record, any person or entity that fails to provide  
594 any record in the case record under assertion of a claim of  
595 exemption from the public records requirements of chapter 119,  
596 or fails to provide access within a reasonable time, is subject  
597 to sanctions and penalties under s. 119.10.

598 (d) For the purposes of this subsection, the term  
599 "caregiver" is limited to parents, legal custodians, permanent  
600 guardians, or foster parents; employees of a residential home,  
601 institution, facility, or agency at which the child resides; and  
602 other individuals legally responsible for a child's welfare in a  
603 residential setting.

604 (4) Notwithstanding any other provision of law, all state  
605 and local agencies and programs that provide services to  
606 children or that are responsible for a child's safety, including  
607 the Department of Juvenile Justice, the Department of Health,  
608 the Agency for Health Care Administration, the Agency for  
609 Persons with Disabilities, the Department of Education, the

32-01535B-21

20211920\_\_

610 Department of Revenue, the school districts, the Statewide  
611 Guardian Ad Litem Office, the Statewide Office of Child  
612 Representation, and any provider contracting with such agencies,  
613 may share with each other confidential records or information  
614 that are confidential or exempt from disclosure under chapter  
615 119 if the records or information are reasonably necessary to  
616 ensure access to appropriate services for the child, including  
617 child support enforcement services, or for the safety of the  
618 child. However:

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

621 (b) This subsection does not apply to information  
622 concerning clients and records of certified domestic violence  
623 centers, which are confidential under s. 39.908 and privileged  
624 under s. 90.5036.

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

627 39.0132 Oaths, records, and confidential information.—

628 (3) The clerk shall keep all court records required by this  
629 chapter separate from other records of the circuit court. All  
630 court records required by this chapter shall not be open to  
631 inspection by the public. All records shall be inspected only  
632 upon order of the court by persons deemed by the court to have a  
633 proper interest therein, except that, subject to the provisions  
634 of s. 63.162, a child, ~~and~~ the parents of the child and their  
635 attorneys, guardian ad litem, attorney for the child, law  
636 enforcement agencies, and the department and its designees shall  
637 always have the right to inspect and copy any official record  
638 pertaining to the child. The Justice Administrative Commission

32-01535B-21

20211920\_\_

639 may inspect court dockets required by this chapter as necessary  
640 to audit compensation of court-appointed attorneys. If the  
641 docket is insufficient for purposes of the audit, the commission  
642 may petition the court for additional documentation as necessary  
643 and appropriate. The court may permit authorized representatives  
644 of recognized organizations compiling statistics for proper  
645 purposes to inspect and make abstracts from official records,  
646 under whatever conditions upon their use and disposition the  
647 court may deem proper, and may punish by contempt proceedings  
648 any violation of those conditions.

649 (4) (a) 1. All information obtained pursuant to this part in  
650 the discharge of official duty by any judge, employee of the  
651 court, authorized agent of the department, correctional  
652 probation officer, or law enforcement agent is confidential and  
653 exempt from s. 119.07(1) and may not be disclosed to anyone  
654 other than the authorized personnel of the court, the department  
655 and its designees, correctional probation officers, law  
656 enforcement agents, guardian ad litem, attorney for the child,  
657 and others entitled under this chapter to receive that  
658 information, except upon order of the court.

659 2.a. The following information held by a guardian ad litem  
660 or attorney for the child is confidential and exempt from s.  
661 119.07(1) and s. 24(a), Art. I of the State Constitution:

662 (I) Medical, mental health, substance abuse, child care,  
663 education, law enforcement, court, social services, and  
664 financial records.

665 (II) Any other information maintained by a guardian ad  
666 litem or attorney for the child which is identified as  
667 confidential information under this chapter.

32-01535B-21

20211920\_\_

668           b. Such confidential and exempt information may not be  
669 disclosed to anyone other than the authorized personnel of the  
670 court, the department and its designees, correctional probation  
671 officers, law enforcement agents, guardians ad litem, and others  
672 entitled under this chapter to receive that information, except  
673 upon order of the court.

674           (b) The department shall disclose to the school  
675 superintendent the presence of any child in the care and custody  
676 or under the jurisdiction or supervision of the department who  
677 has a known history of criminal sexual behavior with other  
678 juveniles; is an alleged juvenile sex offender, as defined in s.  
679 39.01; or has pled guilty or nolo contendere to, or has been  
680 found to have committed, a violation of chapter 794, chapter  
681 796, chapter 800, s. 827.071, or s. 847.0133, regardless of  
682 adjudication. Any employee of a district school board who  
683 knowingly and willfully discloses such information to an  
684 unauthorized person commits a misdemeanor of the second degree,  
685 punishable as provided in s. 775.082 or s. 775.083.

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

688           39.0139 Visitation or other contact; restrictions.—

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

693           (a) Before ~~Prior to~~ the hearing, the court shall appoint an  
694 attorney for the child ~~an attorney ad litem~~ or a guardian ad  
695 litem, as appropriate, for the child if one has not already been  
696 appointed. Any attorney for the child ~~attorney ad litem~~ or



32-01535B-21

20211920\_\_

697 guardian ad litem appointed shall have special training in the  
698 dynamics of child sexual abuse.

699 (b) At the hearing, the court may receive and rely upon any  
700 relevant and material evidence submitted to the extent of its  
701 probative value, including written and oral reports or  
702 recommendations from the Child Protection Team, the child's  
703 therapist, and the child's guardian ad litem, ~~or the child's~~  
704 ~~attorney ad litem,~~ even if these reports, recommendations, and  
705 evidence may not be admissible under the rules of evidence.

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

708 39.202 Confidentiality of reports and records in cases of  
709 child abuse or neglect.—

710 (2) Except as provided in subsection (4), access to such  
711 records, excluding the name of, or other identifying information  
712 with respect to, the reporter which shall be released only as  
713 provided in subsection (5), shall be granted only to the  
714 following persons, officials, and agencies:

715 (k) Any appropriate official of a Florida advocacy council  
716 investigating a report of known or suspected child abuse,  
717 abandonment, or neglect; the Auditor General or the Office of  
718 Program Policy Analysis and Government Accountability for the  
719 purpose of conducting audits or examinations pursuant to law; or  
720 the child's guardian ad litem or attorney for the child ~~for the~~  
721 ~~child.~~

722 (t) Persons with whom the department is seeking to place  
723 the child or to whom placement has been granted, including  
724 foster parents for whom an approved home study has been  
725 conducted, the designee of a licensed child-caring agency as

32-01535B-21

20211920\_\_

726 defined in s. 39.01(42) ~~s. 39.01(41)~~, an approved relative or  
727 nonrelative with whom a child is placed pursuant to s. 39.402,  
728 preadoptive parents for whom a favorable preliminary adoptive  
729 home study has been conducted, adoptive parents, or an adoption  
730 entity acting on behalf of preadoptive or adoptive parents.

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

733 39.302 Protective investigations of institutional child  
734 abuse, abandonment, or neglect.—

735 (1) The department shall conduct a child protective  
736 investigation of each report of institutional child abuse,  
737 abandonment, or neglect. Upon receipt of a report that alleges  
738 that an employee or agent of the department, or any other entity  
739 or person covered by s. 39.01(38) or (55) ~~s. 39.01(37) or (54)~~,  
740 acting in an official capacity, has committed an act of child  
741 abuse, abandonment, or neglect, the department shall initiate a  
742 child protective investigation within the timeframe established  
743 under s. 39.201(5) and notify the appropriate state attorney,  
744 law enforcement agency, and licensing agency, which shall  
745 immediately conduct a joint investigation, unless independent  
746 investigations are more feasible. When conducting investigations  
747 or having face-to-face interviews with the child, investigation  
748 visits shall be unannounced unless it is determined by the  
749 department or its agent that unannounced visits threaten the  
750 safety of the child. If a facility is exempt from licensing, the  
751 department shall inform the owner or operator of the facility of  
752 the report. Each agency conducting a joint investigation is  
753 entitled to full access to the information gathered by the  
754 department in the course of the investigation. A protective

32-01535B-21

20211920\_\_

755 investigation must include an interview with the child's parent  
756 or legal guardian. The department shall make a full written  
757 report to the state attorney within 3 working days after making  
758 the oral report. A criminal investigation shall be coordinated,  
759 whenever possible, with the child protective investigation of  
760 the department. Any interested person who has information  
761 regarding the offenses described in this subsection may forward  
762 a statement to the state attorney as to whether prosecution is  
763 warranted and appropriate. Within 15 days after the completion  
764 of the investigation, the state attorney shall report the  
765 findings to the department and shall include in the report a  
766 determination of whether or not prosecution is justified and  
767 appropriate in view of the circumstances of the specific case.

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

771 39.402 Placement in a shelter.—

772 (8)

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

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

778 2. Inform the parents or legal custodians of their right to  
779 counsel to represent them at the shelter hearing and at each  
780 subsequent hearing or proceeding, and the right of the parents  
781 to appointed counsel, pursuant to the procedures set forth in s.  
782 39.013;

783 3. Give the parents or legal custodians an opportunity to

32-01535B-21

20211920\_\_

784 be heard and to present evidence; and

785 4. Inquire of those present at the shelter hearing as to  
786 the identity and location of the legal father. In determining  
787 who the legal father of the child may be, the court shall  
788 inquire under oath of those present at the shelter hearing  
789 whether they have any of the following information:

790 a. Whether the mother of the child was married at the  
791 probable time of conception of the child or at the time of birth  
792 of the child.

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

795 c. Whether the mother has received payments or promises of  
796 support with respect to the child or because of her pregnancy  
797 from a man who claims to be the father.

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

801 e. Whether any man has acknowledged or claimed paternity of  
802 the child in a jurisdiction in which the mother resided at the  
803 time of or since conception of the child or in which the child  
804 has resided or resides.

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

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

809 h. Whether a man has been determined to be the father of  
810 the child by the Department of Revenue as provided in s.  
811 409.256.

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

32-01535B-21

20211920\_\_

813 (a) Periods of delay resulting from a continuance granted  
814 at the request or with the consent of the attorney for the child  
815 or the child's counsel ~~or the child's~~ guardian ad litem, if one  
816 has been appointed by the court, or, if the child is of  
817 sufficient capacity to express reasonable consent, at the  
818 request or with the consent of the attorney for the child  
819 ~~child's attorney~~ or the child's guardian ad litem, ~~if one has~~  
820 ~~been appointed by the court,~~ and the child.

821 Section 17. Paragraphs (e) and (f) of subsection (3) and  
822 subsection (6) of section 39.407, Florida Statutes, are amended  
823 to read:

824 39.407 Medical, psychiatric, and psychological examination  
825 and treatment of child; physical, mental, or substance abuse  
826 examination of person with or requesting child custody.—

827 (3)

828 (e)1. If the child's prescribing physician or psychiatric  
829 nurse, as defined in s. 394.455, certifies in the signed medical  
830 report required in paragraph (c) that delay in providing a  
831 prescribed psychotropic medication would more likely than not  
832 cause significant harm to the child, the medication may be  
833 provided in advance of the issuance of a court order. In such  
834 event, the medical report must provide the specific reasons why  
835 the child may experience significant harm and the nature and the  
836 extent of the potential harm. The department must submit a  
837 motion seeking continuation of the medication and the  
838 physician's or psychiatric nurse's medical report to the court,  
839 the child's guardian ad litem or attorney for the child, and all  
840 other parties within 3 working days after the department  
841 commences providing the medication to the child. The department

32-01535B-21

20211920\_\_

842 shall seek the order at the next regularly scheduled court  
843 hearing required under this chapter, or within 30 days after the  
844 date of the prescription, whichever occurs sooner. If any party  
845 objects to the department's motion, the court shall hold a  
846 hearing within 7 days.

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

852 (f)1. The department shall fully inform the court of the  
853 child's medical and behavioral status as part of the social  
854 services report prepared for each judicial review hearing held  
855 for a child for whom psychotropic medication has been prescribed  
856 or provided under this subsection. As a part of the information  
857 provided to the court, the department shall furnish copies of  
858 all pertinent medical records concerning the child which have  
859 been generated since the previous hearing. On its own motion or  
860 on good cause shown by any party, including any guardian ad  
861 litem, or attorney for the child ~~attorney, or attorney ad litem~~  
862 who has been appointed to represent the child or the child's  
863 interests, the court may review the status more frequently than  
864 required in this subsection.

865 2. The court may, in the best interests of the child, order  
866 the department to obtain a medical opinion addressing whether  
867 the continued use of the medication under the circumstances is  
868 safe and medically appropriate.

869 (6) Children who are in the legal custody of the department  
870 may be placed by the department, without prior approval of the

32-01535B-21

20211920\_\_

871 court, in a residential treatment center licensed under s.  
872 394.875 or a hospital licensed under chapter 395 for residential  
873 mental health treatment only pursuant to this section or may be  
874 placed by the court in accordance with an order of involuntary  
875 examination or involuntary placement entered pursuant to s.  
876 394.463 or s. 394.467. All children placed in a residential  
877 treatment program under this subsection must be appointed ~~have~~ a  
878 guardian ad litem and an attorney for the child ~~appointed~~.

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

880 1. "Residential treatment" means placement for observation,  
881 diagnosis, or treatment of an emotional disturbance in a  
882 residential treatment center licensed under s. 394.875 or a  
883 hospital licensed under chapter 395.

884 2. "Least restrictive alternative" means the treatment and  
885 conditions of treatment that, separately and in combination, are  
886 no more intrusive or restrictive of freedom than reasonably  
887 necessary to achieve a substantial therapeutic benefit or to  
888 protect the child or adolescent or others from physical injury.

889 3. "Suitable for residential treatment" or "suitability"  
890 means a determination concerning a child or adolescent with an  
891 emotional disturbance as defined in s. 394.492(5) or a serious  
892 emotional disturbance as defined in s. 394.492(6) that each of  
893 the following criteria is met:

894 a. The child requires residential treatment.

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

897 c. An appropriate, less restrictive alternative to  
898 residential treatment is unavailable.

899 (b) Whenever the department believes that a child in its

32-01535B-21

20211920\_\_

900 legal custody is emotionally disturbed and may need residential  
901 treatment, an examination and suitability assessment must be  
902 conducted by a qualified evaluator who is appointed by the  
903 Agency for Health Care Administration. This suitability  
904 assessment must be completed before the placement of the child  
905 in a residential treatment center for emotionally disturbed  
906 children and adolescents or a hospital. The qualified evaluator  
907 must be a psychiatrist or a psychologist licensed in Florida who  
908 has at least 3 years of experience in the diagnosis and  
909 treatment of serious emotional disturbances in children and  
910 adolescents and who has no actual or perceived conflict of  
911 interest with any inpatient facility or residential treatment  
912 center or program.

913 (c) Before a child is admitted under this subsection, the  
914 child shall be assessed for suitability for residential  
915 treatment by a qualified evaluator who has conducted a personal  
916 examination and assessment of the child and has made written  
917 findings that:

918 1. The child appears to have an emotional disturbance  
919 serious enough to require residential treatment and is  
920 reasonably likely to benefit from the treatment.

921 2. The child has been provided with a clinically  
922 appropriate explanation of the nature and purpose of the  
923 treatment.

924 3. All available modalities of treatment less restrictive  
925 than residential treatment have been considered, and a less  
926 restrictive alternative that would offer comparable benefits to  
927 the child is unavailable.

928



32-01535B-21

20211920\_\_

929 A copy of the written findings of the evaluation and suitability  
930 assessment must be provided to the department, to the guardian  
931 ad litem and attorney for the child, and, if the child is a  
932 member of a Medicaid managed care plan, to the plan that is  
933 financially responsible for the child's care in residential  
934 treatment, all of whom must be provided with the opportunity to  
935 discuss the findings with the evaluator.

936 (d) Immediately upon placing a child in a residential  
937 treatment program under this section, the department must notify  
938 the guardian ad litem, the attorney for the child, and the court  
939 having jurisdiction over the child and must provide the guardian  
940 ad litem, the attorney for the child, and the court with a copy  
941 of the assessment by the qualified evaluator.

942 (e) Within 10 days after the admission of a child to a  
943 residential treatment program, the director of the residential  
944 treatment program or the director's designee must ensure that an  
945 individualized plan of treatment has been prepared by the  
946 program and has been explained to the child, to the department,  
947 ~~and~~ to the guardian ad litem, and to the attorney for the child,  
948 and submitted to the department. The child must be involved in  
949 the preparation of the plan to the maximum feasible extent  
950 consistent with his or her ability to understand and  
951 participate, and the guardian ad litem, the attorney for the  
952 child, and the child's foster parents must be involved to the  
953 maximum extent consistent with the child's treatment needs. The  
954 plan must include a preliminary plan for residential treatment  
955 and aftercare upon completion of residential treatment. The plan  
956 must include specific behavioral and emotional goals against  
957 which the success of the residential treatment may be measured.

32-01535B-21

20211920\_\_

958 A copy of the plan must be provided to the child, to the  
959 guardian ad litem, to the attorney for the child, and to the  
960 department.

961 (f) Within 30 days after admission, the residential  
962 treatment program must review the appropriateness and  
963 suitability of the child's placement in the program. The  
964 residential treatment program must determine whether the child  
965 is receiving benefit toward the treatment goals and whether the  
966 child could be treated in a less restrictive treatment program.  
967 The residential treatment program shall prepare a written report  
968 of its findings and submit the report to the guardian ad litem,  
969 to the attorney for the child, and to the department. The  
970 department must submit the report to the court. The report must  
971 include a discharge plan for the child. The residential  
972 treatment program must continue to evaluate the child's  
973 treatment progress every 30 days thereafter and must include its  
974 findings in a written report submitted to the department. The  
975 department may not reimburse a facility until the facility has  
976 submitted every written report that is due.

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

981 2. The court must conduct a hearing to review the status of  
982 the child's residential treatment plan no later than 60 days  
983 after the child's admission to the residential treatment  
984 program. An independent review of the child's progress toward  
985 achieving the goals and objectives of the treatment plan must be  
986 completed by a qualified evaluator and submitted to the court

32-01535B-21

20211920\_\_

987 before its 60-day review.

988 3. For any child in residential treatment at the time a  
989 judicial review is held pursuant to s. 39.701, the child's  
990 continued placement in residential treatment must be a subject  
991 of the judicial review.

992 4. If at any time the court determines that the child is  
993 not suitable for continued residential treatment, the court  
994 shall order the department to place the child in the least  
995 restrictive setting that is best suited to meet his or her  
996 needs.

997 (h) After the initial 60-day review, the court must conduct  
998 a review of the child's residential treatment plan every 90  
999 days.

1000 (i) The department must adopt rules for implementing  
1001 timeframes for the completion of suitability assessments by  
1002 qualified evaluators and a procedure that includes timeframes  
1003 for completing the 60-day independent review by the qualified  
1004 evaluators of the child's progress toward achieving the goals  
1005 and objectives of the treatment plan which review must be  
1006 submitted to the court. The Agency for Health Care  
1007 Administration must adopt rules for the registration of  
1008 qualified evaluators, the procedure for selecting the evaluators  
1009 to conduct the reviews required under this section, and a  
1010 reasonable, cost-efficient fee schedule for qualified  
1011 evaluators.

1012 Section 18. Subsections (20) and (21) of section 39.4085,  
1013 Florida Statutes, are amended to read:

1014 39.4085 Legislative findings and declaration of intent for  
1015 goals for dependent children.—The Legislature finds and declares

32-01535B-21

20211920\_\_

1016 that the design and delivery of child welfare services should be  
1017 directed by the principle that the health and safety of children  
1018 should be of paramount concern and, therefore, establishes the  
1019 following goals for children in shelter or foster care:

1020 (20) To have a guardian ad litem appointed to represent,  
1021 within reason, their best interests; and, as appropriate, have  
1022 an attorney for the child ~~and, where appropriate, an attorney ad~~  
1023 ~~litem~~ appointed to represent their legal interests.† The  
1024 guardian ad litem and attorney for the child ~~attorney ad litem~~  
1025 shall have immediate and unlimited access to the children they  
1026 represent.

1027 (21) To have all their records available for review by  
1028 their guardian ad litem or attorney for the child, as  
1029 applicable, ~~and attorney ad litem~~ if they deem such review  
1030 necessary.

1031  
1032 The provisions of this section establish goals and not rights.  
1033 Nothing in this section shall be interpreted as requiring the  
1034 delivery of any particular service or level of service in excess  
1035 of existing appropriations. No person shall have a cause of  
1036 action against the state or any of its subdivisions, agencies,  
1037 contractors, subcontractors, or agents, based upon the adoption  
1038 of or failure to provide adequate funding for the achievement of  
1039 these goals by the Legislature. Nothing herein shall require the  
1040 expenditure of funds to meet the goals established herein except  
1041 funds specifically appropriated for such purpose.

1042 Section 19. Subsections (8), (12), (13), (14), and (17) of  
1043 section 39.502, Florida Statutes, are amended to read:

1044 39.502 Notice, process, and service.—

32-01535B-21

20211920\_\_

1045 (8) It is not necessary to the validity of a proceeding  
1046 covered by this part that the parents be present if their  
1047 identity or residence is unknown after a diligent search has  
1048 been made, but in this event the petitioner shall file an  
1049 affidavit of diligent search prepared by the person who made the  
1050 search and inquiry, and the court may appoint a guardian ad  
1051 litem for the child or an attorney for the child, as  
1052 appropriate.

1053 (12) All process and orders issued by the court shall be  
1054 served or executed as other process and orders of the circuit  
1055 court and, in addition, may be served or executed by authorized  
1056 agents of the department or the guardian ad litem or attorney  
1057 for the child, as applicable.

1058 (13) Subpoenas may be served within the state by any person  
1059 over 18 years of age who is not a party to the proceeding and,  
1060 in addition, may be served by authorized agents of the  
1061 department or the guardian ad litem or attorney for the child,  
1062 as applicable.

1063 (14) No fee shall be paid for service of any process or  
1064 other papers by an agent of the department or the guardian ad  
1065 litem or attorney for the child, as applicable. If any process,  
1066 orders, or any other papers are served or executed by any  
1067 sheriff, the sheriff's fees shall be paid by the county.

1068 (17) The parent or legal custodian of the child, the  
1069 attorney for the department, the guardian ad litem or attorney  
1070 for the child, as applicable, the foster or preadoptive parents,  
1071 and all other parties and participants shall be given reasonable  
1072 notice of all proceedings and hearings provided for under this  
1073 part. All foster or preadoptive parents must be provided with at

32-01535B-21

20211920\_\_

1074 least 72 hours' notice, verbally or in writing, of all  
1075 proceedings or hearings relating to children in their care or  
1076 children they are seeking to adopt to ensure the ability to  
1077 provide input to the court.

1078 Section 20. Paragraphs (c) and (e) of subsection (1) of  
1079 section 39.521, Florida Statutes, are amended to read:

1080 39.521 Disposition hearings; powers of disposition.—

1081 (1) A disposition hearing shall be conducted by the court,  
1082 if the court finds that the facts alleged in the petition for  
1083 dependency were proven in the adjudicatory hearing, or if the  
1084 parents or legal custodians have consented to the finding of  
1085 dependency or admitted the allegations in the petition, have  
1086 failed to appear for the arraignment hearing after proper  
1087 notice, or have not been located despite a diligent search  
1088 having been conducted.

1089 (c) When any child is adjudicated by a court to be  
1090 dependent, the court having jurisdiction of the child has the  
1091 power by order to:

1092 1. Require the parent and, when appropriate, the legal  
1093 guardian or the child to participate in treatment and services  
1094 identified as necessary. The court may require the person who  
1095 has custody or who is requesting custody of the child to submit  
1096 to a mental health or substance abuse disorder assessment or  
1097 evaluation. The order may be made only upon good cause shown and  
1098 pursuant to notice and procedural requirements provided under  
1099 the Florida Rules of Juvenile Procedure. The mental health  
1100 assessment or evaluation must be administered by a qualified  
1101 professional as defined in s. 39.01, and the substance abuse  
1102 assessment or evaluation must be administered by a qualified

32-01535B-21

20211920\_\_

1103 professional as defined in s. 397.311. The court may also  
1104 require such person to participate in and comply with treatment  
1105 and services identified as necessary, including, when  
1106 appropriate and available, participation in and compliance with  
1107 a mental health court program established under chapter 394 or a  
1108 treatment-based drug court program established under s. 397.334.  
1109 Adjudication of a child as dependent based upon evidence of harm  
1110 as defined in s. 39.01(36)(g) ~~s. 39.01(35)(g)~~ demonstrates good  
1111 cause, and the court shall require the parent whose actions  
1112 caused the harm to submit to a substance abuse disorder  
1113 assessment or evaluation and to participate and comply with  
1114 treatment and services identified in the assessment or  
1115 evaluation as being necessary. In addition to supervision by the  
1116 department, the court, including the mental health court program  
1117 or the treatment-based drug court program, may oversee the  
1118 progress and compliance with treatment by a person who has  
1119 custody or is requesting custody of the child. The court may  
1120 impose appropriate available sanctions for noncompliance upon a  
1121 person who has custody or is requesting custody of the child or  
1122 make a finding of noncompliance for consideration in determining  
1123 whether an alternative placement of the child is in the child's  
1124 best interests. Any order entered under this subparagraph may be  
1125 made only upon good cause shown. This subparagraph does not  
1126 authorize placement of a child with a person seeking custody of  
1127 the child, other than the child's parent or legal custodian, who  
1128 requires mental health or substance abuse disorder treatment.

1129       2. Require, if the court deems necessary, the parties to  
1130 participate in dependency mediation.

1131       3. Require placement of the child either under the

32-01535B-21

20211920\_\_

1132 protective supervision of an authorized agent of the department  
1133 in the home of one or both of the child's parents or in the home  
1134 of a relative of the child or another adult approved by the  
1135 court, or in the custody of the department. Protective  
1136 supervision continues until the court terminates it or until the  
1137 child reaches the age of 18, whichever date is first. Protective  
1138 supervision shall be terminated by the court whenever the court  
1139 determines that permanency has been achieved for the child,  
1140 whether with a parent, another relative, or a legal custodian,  
1141 and that protective supervision is no longer needed. The  
1142 termination of supervision may be with or without retaining  
1143 jurisdiction, at the court's discretion, and shall in either  
1144 case be considered a permanency option for the child. The order  
1145 terminating supervision by the department must set forth the  
1146 powers of the custodian of the child and include the powers  
1147 ordinarily granted to a guardian of the person of a minor unless  
1148 otherwise specified. Upon the court's termination of supervision  
1149 by the department, further judicial reviews are not required if  
1150 permanency has been established for the child.

1151 4. Determine whether the child has a strong attachment to  
1152 the prospective permanent guardian and whether such guardian has  
1153 a strong commitment to permanently caring for the child.

1154 (e) The court shall, in its written order of disposition,  
1155 include all of the following:

- 1156 1. The placement or custody of the child.
- 1157 2. Special conditions of placement and visitation.
- 1158 3. Evaluation, counseling, treatment activities, and other  
1159 actions to be taken by the parties, if ordered.
- 1160 4. The persons or entities responsible for supervising or



32-01535B-21

20211920\_\_

1161 monitoring services to the child and parent.

1162 5. Continuation or discharge of the guardian ad litem or  
1163 attorney for the child if appointed, as appropriate.

1164 6. The date, time, and location of the next scheduled  
1165 review hearing, which must occur within the earlier of:

- 1166 a. Ninety days after the disposition hearing;  
1167 b. Ninety days after the court accepts the case plan;  
1168 c. Six months after the date of the last review hearing; or  
1169 d. Six months after the date of the child's removal from  
1170 his or her home, if no review hearing has been held since the  
1171 child's removal from the home.

1172 7. If the child is in an out-of-home placement, child  
1173 support to be paid by the parents, or the guardian of the  
1174 child's estate if possessed of assets which under law may be  
1175 disbursed for the care, support, and maintenance of the child.  
1176 The court may exercise jurisdiction over all child support  
1177 matters, shall adjudicate the financial obligation, including  
1178 health insurance, of the child's parents or guardian, and shall  
1179 enforce the financial obligation as provided in chapter 61. The  
1180 state's child support enforcement agency shall enforce child  
1181 support orders under this section in the same manner as child  
1182 support orders under chapter 61. Placement of the child shall  
1183 not be contingent upon issuance of a support order.

1184 8.a. If the court does not commit the child to the  
1185 temporary legal custody of an adult relative, legal custodian,  
1186 or other adult approved by the court, the disposition order must  
1187 include the reasons for such a decision and shall include a  
1188 determination as to whether diligent efforts were made by the  
1189 department to locate an adult relative, legal custodian, or

32-01535B-21

20211920\_\_

1190 other adult willing to care for the child in order to present  
1191 that placement option to the court instead of placement with the  
1192 department.

1193 b. If no suitable relative is found and the child is placed  
1194 with the department or a legal custodian or other adult approved  
1195 by the court, both the department and the court shall consider  
1196 transferring temporary legal custody to an adult relative  
1197 approved by the court at a later date, but neither the  
1198 department nor the court is obligated to so place the child if  
1199 it is in the child's best interest to remain in the current  
1200 placement.

1201  
1202 For the purposes of this section, "diligent efforts to locate an  
1203 adult relative" means a search similar to the diligent search  
1204 for a parent, but without the continuing obligation to search  
1205 after an initial adequate search is completed.

1206 9. Other requirements necessary to protect the health,  
1207 safety, and well-being of the child, to preserve the stability  
1208 of the child's child care, early education program, or any other  
1209 educational placement, and to promote family preservation or  
1210 reunification whenever possible.

1211 Section 21. Paragraph (a) of subsection (2) of section  
1212 39.523, Florida Statutes, is amended to read:

1213 39.523 Placement in out-of-home care.—

1214 (2) ASSESSMENT AND PLACEMENT.—When any child is removed  
1215 from a home and placed into out-of-home care, a comprehensive  
1216 placement assessment process shall be completed to determine the  
1217 level of care needed by the child and match the child with the  
1218 most appropriate placement.

32-01535B-21

20211920\_\_

1219 (a) The community-based care lead agency or subcontracted  
1220 agency with the responsibility for assessment and placement must  
1221 coordinate a multidisciplinary team staffing with any available  
1222 individual currently involved with the child, including, but not  
1223 limited to, a representative from the department and the case  
1224 manager for the child; a therapist, ~~attorney ad litem~~, a  
1225 guardian ad litem, an attorney for the child, teachers, coaches,  
1226 and Children's Medical Services; and other community providers  
1227 of services to the child or stakeholders as applicable. The team  
1228 may also include clergy, relatives, and fictive kin if  
1229 appropriate. Team participants must gather data and information  
1230 on the child which is known at the time including, but not  
1231 limited to:

- 1232 1. Mental, medical, behavioral health, and medication  
1233 history;
- 1234 2. Community ties and school placement;
- 1235 3. Current placement decisions relating to any siblings;
- 1236 4. Alleged type of abuse or neglect including sexual abuse  
1237 and trafficking history; and
- 1238 5. The child's age, maturity, strengths, hobbies or  
1239 activities, and the child's preference for placement.

1240 Section 22. Paragraph (a) of subsection (1) of section  
1241 39.6011, Florida Statutes, is amended to read:

1242 39.6011 Case plan development.—

1243 (1) The department shall prepare a draft of the case plan  
1244 for each child receiving services under this chapter. A parent  
1245 of a child may not be threatened or coerced with the loss of  
1246 custody or parental rights for failing to admit in the case plan  
1247 of abusing, neglecting, or abandoning a child. Participating in

32-01535B-21

20211920\_\_

1248 the development of a case plan is not an admission to any  
1249 allegation of abuse, abandonment, or neglect, and it is not a  
1250 consent to a finding of dependency or termination of parental  
1251 rights. The case plan shall be developed subject to the  
1252 following requirements:

1253 (a) The case plan must be developed in a face-to-face  
1254 conference with the parent of the child, any court-appointed  
1255 guardian ad litem or attorney for the child, and, if  
1256 appropriate, the child and the temporary custodian of the child.

1257 Section 23. Paragraph (c) of subsection (1) of section  
1258 39.6012, Florida Statutes, is amended to read:

1259 39.6012 Case plan tasks; services.—

1260 (1) The services to be provided to the parent and the tasks  
1261 that must be completed are subject to the following:

1262 (c) If there is evidence of harm as defined in s.  
1263 39.01(36)(g) ~~s. 39.01(35)(g)~~, the case plan must include as a  
1264 required task for the parent whose actions caused the harm that  
1265 the parent submit to a substance abuse disorder assessment or  
1266 evaluation and participate and comply with treatment and  
1267 services identified in the assessment or evaluation as being  
1268 necessary.

1269 Section 24. Subsection (8) of section 39.6251, Florida  
1270 Statutes, is amended to read:

1271 39.6251 Continuing care for young adults.—

1272 (8) During the time that a young adult is in care, the  
1273 court shall maintain jurisdiction to ensure that the department  
1274 and the lead agencies are providing services and coordinate  
1275 with, and maintain oversight of, other agencies involved in  
1276 implementing the young adult's case plan, individual education

32-01535B-21

20211920\_\_

1277 plan, and transition plan. The court shall review the status of  
1278 the young adult at least every 6 months and hold a permanency  
1279 review hearing at least annually. If the young adult is  
1280 appointed a guardian under chapter 744 or a guardian advocate  
1281 under s. 393.12, at the permanency review hearing the court  
1282 shall review the necessity of continuing the guardianship and  
1283 whether restoration of guardianship proceedings are needed when  
1284 the young adult reaches 22 years of age. The court may appoint  
1285 an attorney for the child ~~a guardian ad litem~~ or continue the  
1286 appointment of a guardian ad litem or an attorney for the child,  
1287 as applicable, with the young adult's consent. The young adult  
1288 or any other party to the dependency case may request an  
1289 additional hearing or review.

1290 Section 25. Paragraph (b) of subsection (1) and paragraph  
1291 (b) of subsection (2) of section 39.701, Florida Statutes, are  
1292 amended to read:

1293 39.701 Judicial review.—

1294 (1) GENERAL PROVISIONS.—

1295 (b)1. The court shall retain jurisdiction over a child  
1296 returned to his or her parents for a minimum period of 6 months  
1297 following the reunification, but, at that time, based on a  
1298 report of the social service agency and the guardian ad litem or  
1299 attorney for the child, if one has been appointed, and any other  
1300 relevant factors, the court shall make a determination as to  
1301 whether supervision by the department and the court's  
1302 jurisdiction shall continue or be terminated.

1303 2. Notwithstanding subparagraph 1., the court must retain  
1304 jurisdiction over a child if the child is placed in the home  
1305 with a parent or caregiver with an in-home safety plan and such

32-01535B-21

20211920\_\_

1306 safety plan remains necessary for the child to reside safely in  
1307 the home.

1308 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
1309 AGE.—

1310 (b) *Submission and distribution of reports.*—

1311 1. A copy of the social service agency's written report and  
1312 the written report of the guardian ad litem or attorney for the  
1313 child must be served on all parties whose whereabouts are known;  
1314 to the foster parents or legal custodians; and to the citizen  
1315 review panel, at least 72 hours before the judicial review  
1316 hearing or citizen review panel hearing. The requirement for  
1317 providing parents with a copy of the written report does not  
1318 apply to those parents who have voluntarily surrendered their  
1319 child for adoption or who have had their parental rights to the  
1320 child terminated.

1321 2. In a case in which the child has been permanently placed  
1322 with the social service agency, the agency shall furnish to the  
1323 court a written report concerning the progress being made to  
1324 place the child for adoption. If the child cannot be placed for  
1325 adoption, a report on the progress made by the child towards  
1326 alternative permanency goals or placements, including, but not  
1327 limited to, guardianship, long-term custody, long-term licensed  
1328 custody, or independent living, must be submitted to the court.  
1329 The report must be submitted to the court at least 72 hours  
1330 before each scheduled judicial review.

1331 3. In addition to or in lieu of any written statement  
1332 provided to the court, the foster parent or legal custodian, or  
1333 any preadoptive parent, shall be given the opportunity to  
1334 address the court with any information relevant to the best

32-01535B-21

20211920\_\_

1335 interests of the child at any judicial review hearing.

1336 Section 26. Paragraph (g) of subsection (5) of section  
1337 39.702, Florida Statutes, is amended to read:

1338 39.702 Citizen review panels.—

1339 (5) The independent not-for-profit agency authorized to  
1340 administer each citizen review panel shall:

1341 (g) Establish policies to ensure adequate communication  
1342 with the parent, the foster parent or legal custodian, the  
1343 guardian ad litem or attorney for the child, and any other  
1344 person deemed appropriate.

1345 Section 27. Paragraph (a) of subsection (3) and subsections  
1346 (5), (6), and (7) of section 39.801, Florida Statutes, are  
1347 amended to read:

1348 39.801 Procedures and jurisdiction; notice; service of  
1349 process.—

1350 (3) Before the court may terminate parental rights, in  
1351 addition to the other requirements set forth in this part, the  
1352 following requirements must be met:

1353 (a) Notice of the date, time, and place of the advisory  
1354 hearing for the petition to terminate parental rights and a copy  
1355 of the petition must be personally served upon the following  
1356 persons, specifically notifying them that a petition has been  
1357 filed:

1358 1. The parents of the child.

1359 2. The legal custodians of the child.

1360 3. If the parents who would be entitled to notice are dead  
1361 or unknown, a living relative of the child, unless upon diligent  
1362 search and inquiry no such relative can be found.

1363 4. Any person who has physical custody of the child.

32-01535B-21

20211920\_\_

1364 5. Any grandparent entitled to priority for adoption under  
1365 s. 63.0425.

1366 6. Any prospective parent who has been identified under s.  
1367 39.503 or s. 39.803, unless a court order has been entered  
1368 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which  
1369 indicates no further notice is required. Except as otherwise  
1370 provided in this section, if there is not a legal father, notice  
1371 of the petition for termination of parental rights must be  
1372 provided to any known prospective father who is identified under  
1373 oath before the court or who is identified by a diligent search  
1374 of the Florida Putative Father Registry. Service of the notice  
1375 of the petition for termination of parental rights is not  
1376 required if the prospective father executes an affidavit of  
1377 nonpaternity or a consent to termination of his parental rights  
1378 which is accepted by the court after notice and opportunity to  
1379 be heard by all parties to address the best interests of the  
1380 child in accepting such affidavit.

1381 7. The guardian ad litem for the child or the  
1382 representative of the guardian ad litem program, if the program  
1383 has been appointed.

1384 8. The attorney for the child, if appointed.

1385  
1386 The document containing the notice to respond or appear must  
1387 contain, in type at least as large as the type in the balance of  
1388 the document, the following or substantially similar language:  
1389 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING  
1390 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF  
1391 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND  
1392 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE



32-01535B-21

20211920\_\_

1393 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS  
1394 NOTICE.”

1395 (5) All process and orders issued by the court must be  
1396 served or executed as other process and orders of the circuit  
1397 court and, in addition, may be served or executed by authorized  
1398 agents of the department, ~~or~~ the guardian ad litem, or the  
1399 attorney for the child.

1400 (6) Subpoenas may be served within the state by any person  
1401 over 18 years of age who is not a party to the proceeding and,  
1402 in addition, may be served or executed by authorized agents of  
1403 the department, ~~or~~ of the guardian ad litem, or of the attorney  
1404 for the child.

1405 (7) A fee may not be paid for service of any process or  
1406 other papers by an agent of the department, ~~or~~ the guardian ad  
1407 litem, or the attorney for the child. If any process, orders, or  
1408 other papers are served or executed by any sheriff, the  
1409 sheriff's fees must be paid by the county.

1410 Section 28. Subsection (1) of section 39.802, Florida  
1411 Statutes, is amended to read:

1412 39.802 Petition for termination of parental rights; filing;  
1413 elements.—

1414 (1) All proceedings seeking an adjudication to terminate  
1415 parental rights pursuant to this chapter must be initiated by  
1416 the filing of an original petition by the department, the  
1417 guardian ad litem, the attorney for the child, or any other  
1418 person who has knowledge of the facts alleged or is informed of  
1419 them and believes that they are true.

1420 Section 29. Subsection (2) of section 39.808, Florida  
1421 Statutes, is amended to read:

32-01535B-21

20211920\_\_

1422 39.808 Advisory hearing; pretrial status conference.—

1423 (2) At the hearing the court shall inform the parties of  
1424 their rights under s. 39.807, shall appoint counsel for the  
1425 parties in accordance with legal requirements, and shall appoint  
1426 a guardian ad litem or an attorney for the child as provided for  
1427 in s. 39.831 to represent the interests of the child if one has  
1428 not already been appointed.

1429 Section 30. Subsection (11) of section 39.810, Florida  
1430 Statutes, is amended to read:

1431 39.810 Manifest best interests of the child.—In a hearing  
1432 on a petition for termination of parental rights, the court  
1433 shall consider the manifest best interests of the child. This  
1434 consideration shall not include a comparison between the  
1435 attributes of the parents and those of any persons providing a  
1436 present or potential placement for the child. For the purpose of  
1437 determining the manifest best interests of the child, the court  
1438 shall consider and evaluate all relevant factors, including, but  
1439 not limited to:

1440 (11) The recommendations for the child provided by the  
1441 child's guardian ad litem ~~or legal representative~~.

1442 Section 31. Subsection (9) of section 39.811, Florida  
1443 Statutes, is amended to read:

1444 39.811 Powers of disposition; order of disposition.—

1445 (9) After termination of parental rights, the court shall  
1446 retain jurisdiction over any child for whom custody is given to  
1447 a social service agency until the child is adopted. The court  
1448 shall review the status of the child's placement and the  
1449 progress being made toward permanent adoptive placement. As part  
1450 of this continuing jurisdiction, for good cause shown by the

32-01535B-21

20211920\_\_

1451 attorney for the child or guardian ad litem for the child, the  
1452 court may review the appropriateness of the adoptive placement  
1453 of the child.

1454 Section 32. Subsection (4) of section 39.812, Florida  
1455 Statutes, is amended to read:

1456 39.812 Postdisposition relief; petition for adoption.—

1457 (4) The court shall retain jurisdiction over any child  
1458 placed in the custody of the department until the child is  
1459 adopted. After custody of a child for subsequent adoption has  
1460 been given to the department, the court has jurisdiction for the  
1461 purpose of reviewing the status of the child and the progress  
1462 being made toward permanent adoptive placement. As part of this  
1463 continuing jurisdiction, for good cause shown by the attorney  
1464 for the child or guardian ad litem for the child, the court may  
1465 review the appropriateness of the adoptive placement of the  
1466 child. When a licensed foster parent or court-ordered custodian  
1467 has applied to adopt a child who has resided with the foster  
1468 parent or custodian for at least 6 months and who has previously  
1469 been permanently committed to the legal custody of the  
1470 department and the department does not grant the application to  
1471 adopt, the department may not, in the absence of a prior court  
1472 order authorizing it to do so, remove the child from the foster  
1473 home or custodian, except when:

1474 (a) There is probable cause to believe that the child is at  
1475 imminent risk of abuse or neglect;

1476 (b) Thirty days have expired following written notice to  
1477 the foster parent or custodian of the denial of the application  
1478 to adopt, within which period no formal challenge of the  
1479 department's decision has been filed; or

32-01535B-21

20211920\_\_

1480 (c) The foster parent or custodian agrees to the child's  
1481 removal.

1482 Section 33. Subsection (1) of section 39.815, Florida  
1483 Statutes, is amended to read:

1484 39.815 Appeal.—

1485 (1) Any child, any parent, or guardian ad litem of any  
1486 child, attorney for the child, any other party to the proceeding  
1487 who is affected by an order of the court, or the department may  
1488 appeal to the appropriate district court of appeal within the  
1489 time and in the manner prescribed by the Florida Rules of  
1490 Appellate Procedure. The district court of appeal shall give an  
1491 appeal from an order terminating parental rights priority in  
1492 docketing and shall render a decision on the appeal as  
1493 expeditiously as possible. Appointed counsel shall be  
1494 compensated as provided in s. 27.5304(6).

1495 Section 34. Subsections (5), (6), and (7) of section 43.16,  
1496 Florida Statutes, are amended to read:

1497 43.16 Justice Administrative Commission; membership, powers  
1498 and duties.—

1499 (5) The duties of the commission shall include, but not be  
1500 limited to, the following:

1501 (a) The maintenance of a central state office for  
1502 administrative services and assistance when possible to and on  
1503 behalf of the state attorneys and public defenders of Florida,  
1504 the capital collateral regional counsel of Florida, the criminal  
1505 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem  
1506 Program, and the Statewide Office of Child Representation.

1507 (b) Each state attorney, public defender, ~~and~~ criminal  
1508 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem

32-01535B-21

20211920\_\_

1509 Program, and the Statewide Office of Child Representation shall  
1510 continue to prepare necessary budgets, vouchers that represent  
1511 valid claims for reimbursement by the state for authorized  
1512 expenses, and other things incidental to the proper  
1513 administrative operation of the office, such as revenue  
1514 transmittals to the Chief Financial Officer and automated  
1515 systems plans, but will forward such items to the commission for  
1516 recording and submission to the proper state officer. However,  
1517 when requested by a state attorney, a public defender, a  
1518 criminal conflict and civil regional counsel, ~~or~~ the Guardian Ad  
1519 Litem Program, or the Statewide Office of Child Representation,  
1520 the commission will either assist in the preparation of budget  
1521 requests, voucher schedules, and other forms and reports or  
1522 accomplish the entire project involved.

1523 (6) The commission, each state attorney, each public  
1524 defender, the criminal conflict and civil regional counsel, the  
1525 capital collateral regional counsel, ~~and~~ the Guardian Ad Litem  
1526 Program, and the Statewide Office of Child Representation shall  
1527 establish and maintain internal controls designed to:

1528 (a) Prevent and detect fraud, waste, and abuse as defined  
1529 in s. 11.45(1).

1530 (b) Promote and encourage compliance with applicable laws,  
1531 rules, contracts, grant agreements, and best practices.

1532 (c) Support economical and efficient operations.

1533 (d) Ensure reliability of financial records and reports.

1534 (e) Safeguard assets.

1535 (7) The provisions contained in this section shall be  
1536 supplemental to those of chapter 27, relating to state  
1537 attorneys, public defenders, criminal conflict and civil

32-01535B-21

20211920\_\_

1538 regional counsel, and capital collateral regional counsel; to  
1539 those of chapter 39, relating to the Guardian Ad Litem Program  
1540 and the Statewide Office of Child Representation; or to other  
1541 laws pertaining hereto.

1542 Section 35. Paragraph (c) of subsection (1) of section  
1543 63.082, Florida Statutes, is amended to read:

1544 63.082 Execution of consent to adoption or affidavit of  
1545 nonpaternity; family social and medical history; revocation of  
1546 consent.—

1547 (1)

1548 (c) A consent or an affidavit of nonpaternity executed by a  
1549 minor parent who is 14 years of age or younger must be witnessed  
1550 by a parent, legal guardian, or court-appointed guardian ad  
1551 litem or court-appointed attorney for the child.

1552 Section 36. Subsection (1) and paragraph (a) of subsection  
1553 (2) of section 63.085, Florida Statutes, are amended to read:

1554 63.085 Disclosure by adoption entity.—

1555 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE ADOPTIVE  
1556 PARENTS.—Within 14 days after a person seeking to adopt a minor  
1557 or a person seeking to place a minor for adoption contacts an  
1558 adoption entity in person or provides the adoption entity with a  
1559 mailing address, the entity must provide a written disclosure  
1560 statement to that person if the entity agrees or continues to  
1561 work with the person. The adoption entity shall also provide the  
1562 written disclosure to the parent who did not initiate contact  
1563 with the adoption entity within 14 days after that parent is  
1564 identified and located. For purposes of providing the written  
1565 disclosure, a person is considered to be seeking to place a  
1566 minor for adoption if that person has sought information or

32-01535B-21

20211920\_\_

1567 advice from the adoption entity regarding the option of adoptive  
1568 placement. The written disclosure statement must be in  
1569 substantially the following form:

1570

1571

ADOPTION DISCLOSURE

1572

1573

THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE  
1574 PROVIDED TO ALL PERSONS CONSIDERING ADOPTING A MINOR  
1575 OR SEEKING TO PLACE A MINOR FOR ADOPTION, TO ADVISE  
1576 THEM OF THE FOLLOWING FACTS REGARDING ADOPTION UNDER  
1577 FLORIDA LAW:

1578

1579

1. The name, address, and telephone number of the  
1580 adoption entity providing this disclosure is:

1581

Name:.....

1582

Address:.....

1583

Telephone Number:.....

1584

1585

2. The adoption entity does not provide legal  
1586 representation or advice to parents or anyone signing  
1587 a consent for adoption or affidavit of nonpaternity,  
1588 and parents have the right to consult with an attorney  
1589 of their own choosing to advise them.

1590

3. With the exception of an adoption by a  
1591 stepparent or relative, a child cannot be placed into  
1592 a prospective adoptive home unless the prospective  
1593 adoptive parents have received a favorable preliminary  
1594 home study, including criminal and child abuse  
1595 clearances.

32-01535B-21

20211920\_\_

1596           4. A valid consent for adoption may not be signed  
1597 by the birth mother until 48 hours after the birth of  
1598 the child, or the day the birth mother is notified, in  
1599 writing, that she is fit for discharge from the  
1600 licensed hospital or birth center. Any man may sign a  
1601 valid consent for adoption at any time after the birth  
1602 of the child.

1603           5. A consent for adoption signed before the child  
1604 attains the age of 6 months is binding and irrevocable  
1605 from the moment it is signed unless it can be proven  
1606 in court that the consent was obtained by fraud or  
1607 duress. A consent for adoption signed after the child  
1608 attains the age of 6 months is valid from the moment  
1609 it is signed; however, it may be revoked up to 3  
1610 business days after it was signed.

1611           6. A consent for adoption is not valid if the  
1612 signature of the person who signed the consent was  
1613 obtained by fraud or duress.

1614           7. An unmarried biological father must act  
1615 immediately in order to protect his parental rights.  
1616 Section 63.062, Florida Statutes, prescribes that any  
1617 father seeking to establish his right to consent to  
1618 the adoption of his child must file a claim of  
1619 paternity with the Florida Putative Father Registry  
1620 maintained by the Office of Vital Statistics of the  
1621 Department of Health by the date a petition to  
1622 terminate parental rights is filed with the court, or  
1623 within 30 days after receiving service of a Notice of  
1624 Intended Adoption Plan. If he receives a Notice of



32-01535B-21

20211920\_\_

1625 Intended Adoption Plan, he must file a claim of  
1626 paternity with the Florida Putative Father Registry,  
1627 file a parenting plan with the court, and provide  
1628 financial support to the mother or child within 30  
1629 days following service. An unmarried biological  
1630 father's failure to timely respond to a Notice of  
1631 Intended Adoption Plan constitutes an irrevocable  
1632 legal waiver of any and all rights that the father may  
1633 have to the child. A claim of paternity registration  
1634 form for the Florida Putative Father Registry may be  
1635 obtained from any local office of the Department of  
1636 Health, Office of Vital Statistics, the Department of  
1637 Children and Families, the Internet websites for these  
1638 agencies, and the offices of the clerks of the Florida  
1639 circuit courts. The claim of paternity form must be  
1640 submitted to the Office of Vital Statistics,  
1641 Attention: Adoption Unit, P.O. Box 210, Jacksonville,  
1642 FL 32231.

1643 8. There are alternatives to adoption, including  
1644 foster care, relative care, and parenting the child.  
1645 There may be services and sources of financial  
1646 assistance in the community available to parents if  
1647 they choose to parent the child.

1648 9. A parent has the right to have a witness of  
1649 his or her choice, who is unconnected with the  
1650 adoption entity or the adoptive parents, to be present  
1651 and witness the signing of the consent or affidavit of  
1652 nonpaternity.

1653 10. A parent 14 years of age or younger must have

32-01535B-21

20211920\_\_

1654 a parent, legal guardian, or court-appointed guardian  
1655 ad litem or court-appointed attorney for the child to  
1656 assist and advise the parent as to the adoption plan  
1657 and to witness consent.

1658 11. A parent has a right to receive supportive  
1659 counseling from a counselor, social worker, physician,  
1660 clergy, or attorney.

1661 12. The payment of living or medical expenses by  
1662 the prospective adoptive parents before the birth of  
1663 the child does not, in any way, obligate the parent to  
1664 sign the consent for adoption.

1665

1666 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1667 (a) At the time that an adoption entity is responsible for  
1668 selecting prospective adoptive parents for a born or unborn  
1669 child whose parents are seeking to place the child for adoption  
1670 or whose rights were terminated pursuant to chapter 39, the  
1671 adoption entity must provide the prospective adoptive parents  
1672 with information concerning the background of the child to the  
1673 extent such information is disclosed to the adoption entity by  
1674 the parents, legal custodian, or the department. This subsection  
1675 applies only if the adoption entity identifies the prospective  
1676 adoptive parents and supervises the placement of the child in  
1677 the prospective adoptive parents' home. If any information  
1678 cannot be disclosed because the records custodian failed or  
1679 refused to produce the background information, the adoption  
1680 entity has a duty to provide the information if it becomes  
1681 available. An individual or entity contacted by an adoption  
1682 entity to obtain the background information must release the

32-01535B-21

20211920\_\_

1683 requested information to the adoption entity without the  
1684 necessity of a subpoena or a court order. In all cases, the  
1685 prospective adoptive parents must receive all available  
1686 information by the date of the final hearing on the petition for  
1687 adoption. The information to be disclosed includes:

1688 1. A family social and medical history form completed  
1689 pursuant to s. 63.162(6).

1690 2. The biological mother's medical records documenting her  
1691 prenatal care and the birth and delivery of the child.

1692 3. A complete set of the child's medical records  
1693 documenting all medical treatment and care since the child's  
1694 birth and before placement.

1695 4. All mental health, psychological, and psychiatric  
1696 records, reports, and evaluations concerning the child before  
1697 placement.

1698 5. The child's educational records, including all records  
1699 concerning any special education needs of the child before  
1700 placement.

1701 6. Records documenting all incidents that required the  
1702 department to provide services to the child, including all  
1703 orders of adjudication of dependency or termination of parental  
1704 rights issued pursuant to chapter 39, any case plans drafted to  
1705 address the child's needs, all protective services  
1706 investigations identifying the child as a victim, and all  
1707 guardian ad litem reports or attorney for the child reports  
1708 filed with the court concerning the child.

1709 7. Written information concerning the availability of  
1710 adoption subsidies for the child, if applicable.

1711 Section 37. Subsection (4) of section 322.09, Florida

32-01535B-21

20211920\_\_

1712 Statutes, is amended to read:

1713 322.09 Application of minors; responsibility for negligence  
1714 or misconduct of minor.—

1715 (4) Notwithstanding subsections (1) and (2), if a caregiver  
1716 of a minor who is under the age of 18 years and is in out-of-  
1717 home care as defined in s. 39.01(56) ~~s. 39.01(55)~~, an authorized  
1718 representative of a residential group home at which such a minor  
1719 resides, the caseworker at the agency at which the state has  
1720 placed the minor, or a guardian ad litem specifically authorized  
1721 by the minor's caregiver to sign for a learner's driver license  
1722 signs the minor's application for a learner's driver license,  
1723 that caregiver, group home representative, caseworker, or  
1724 guardian ad litem does not assume any obligation or become  
1725 liable for any damages caused by the negligence or willful  
1726 misconduct of the minor by reason of having signed the  
1727 application. Before signing the application, the caseworker,  
1728 authorized group home representative, or guardian ad litem shall  
1729 notify the caregiver or other responsible party of his or her  
1730 intent to sign and verify the application.

1731 Section 38. Paragraph (p) of subsection (4) of section  
1732 394.495, Florida Statutes, is amended to read:

1733 394.495 Child and adolescent mental health system of care;  
1734 programs and services.—

1735 (4) The array of services may include, but is not limited  
1736 to:

1737 (p) Trauma-informed services for children who have suffered  
1738 sexual exploitation as defined in s. 39.01(78)(g) ~~s.~~  
1739 ~~39.01(77)(g)~~.

1740 Section 39. Section 627.746, Florida Statutes, is amended

32-01535B-21

20211920\_\_

1741 to read:

1742           627.746 Coverage for minors who have a learner's driver  
1743 license; additional premium prohibited.—An insurer that issues  
1744 an insurance policy on a private passenger motor vehicle to a  
1745 named insured who is a caregiver of a minor who is under the age  
1746 of 18 years and is in out-of-home care as defined in s.  
1747 39.01(56) ~~s. 39.01(55)~~ may not charge an additional premium for  
1748 coverage of the minor while the minor is operating the insured  
1749 vehicle, for the period of time that the minor has a learner's  
1750 driver license, until such time as the minor obtains a driver  
1751 license.

1752           Section 40. Paragraph (c) of subsection (1) of section  
1753 934.255, Florida Statutes, is amended to read:

1754           934.255 Subpoenas in investigations of sexual offenses.—

1755           (1) As used in this section, the term:

1756           (c) "Sexual abuse of a child" means a criminal offense  
1757 based on any conduct described in s. 39.01(78) ~~s. 39.01(77)~~.

1758           Section 41. Subsection (5) of section 960.065, Florida  
1759 Statutes, is amended to read:

1760           960.065 Eligibility for awards.—

1761           (5) A person is not ineligible for an award pursuant to  
1762 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that  
1763 person is a victim of sexual exploitation of a child as defined  
1764 in s. 39.01(78) (g) ~~s. 39.01(77) (g)~~.

1765           Section 42. This act shall take effect July 1, 2021.