

By the Committee on Children, Families, and Elder Affairs; and
Senator Book

586-03266-21

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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 ss. 39.013 and 39.01305, F.S.; conforming
5 provisions to changes made by the act; renaming part
6 XI of ch. 39, F.S., as "Guardians ad litem, guardian
7 advocates, and attorney for the child"; amending s.
8 39.820, F.S.; defining the term "related adoption
9 proceeding"; amending s. 39.822, F.S.; conforming
10 provisions to changes made by the act; specifying
11 circumstances under which a court is required, on or
12 after a specified date, to appoint a guardian ad
13 litem; requiring the court to appoint an attorney for
14 the 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; prohibiting the office from
29 assigning such guardians; defining the term "conflicts

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

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59 direction by the commission; providing that employees
60 of the offices are governed by the classification plan
61 and salary and benefits plan for the commission;
62 prescribing qualifications for an attorney for the
63 child; providing certain prohibitions; creating s.
64 39.831, F.S.; specifying when the court is authorized
65 or required to appoint an attorney for the child;
66 requiring the court to appoint the Statewide Office of
67 Child Representation; providing for the appointment of
68 private counsel when the office has a conflict of
69 interest; requiring an attorney for the child to be
70 compensated and have access to funding for expenses
71 with specified conditions; providing conditions under
72 which a parent is required to reimburse the court for
73 the cost of the attorney; providing for the scope of
74 representation for court-appointed counsel; requiring
75 agencies, persons, and organizations to allow an
76 attorney for the child to inspect and copy certain
77 records; defining the term "records"; providing
78 requirements for an attorney for the child relating to
79 hearings; requiring the Department of Children and
80 Families to develop procedures to request that a court
81 appoint an attorney for the child; authorizing the
82 department to adopt rules; amending ss. 28.345,
83 39.001, 39.00145, 39.0132, 39.0139, 39.202, 39.302,
84 39.402, 39.407, 39.4085, 39.502, 39.521, 39.523,
85 39.6011, 39.6012, 39.6251, 39.701, 39.702, 39.801,
86 39.802, 39.808, 39.810, 39.811, 39.812, 43.16, 63.085,
87 322.09, 394.495, 627.746, 934.255, and 960.065, F.S.;

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88 conforming cross-references and provisions to changes
89 made by the act; providing an effective date.

90

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

92

93 Section 1. Present subsections (9) through (87) of section
94 39.01, Florida Statutes, are redesignated as subsections (10)
95 through (88), respectively, a new subsection (9) is added to
96 that section, and present subsections (10) and (37) are amended,
97 to read:

98 39.01 Definitions.—When used in this chapter, unless the
99 context otherwise requires:

100 (9) "Attorney for the child" means an attorney providing
101 direct representation to the child, which may include the
102 appointment of the Office of Child Representation, an attorney
103 provided by an entity contracted through the Office of Child
104 Representation to provide direct representation, any privately
105 retained counsel or pro bono counsel, or any other attorney who
106 represents the child under this chapter.

107 (11)~~(10)~~ "Caregiver" means the parent, legal custodian,
108 permanent guardian, adult household member, or other person
109 responsible for a child's welfare as defined in subsection (55)
110 ~~(54)~~.

111 (38)~~(37)~~ "Institutional child abuse or neglect" means
112 situations of known or suspected child abuse or neglect in which
113 the person allegedly perpetrating the child abuse or neglect is
114 an employee of a public or private school, public or private day
115 care center, residential home, institution, facility, or agency
116 or any other person at such institution responsible for the

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117 child's welfare as defined in subsection (55) ~~(54)~~.

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

120 39.013 Procedures and jurisdiction; right to counsel.-

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

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

125 39.01305 Appointment of an attorney for a dependent child
126 with certain special needs.-

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

139 ~~(b) After an attorney is appointed, the appointment~~
140 ~~continues in effect until the attorney is allowed to withdraw or~~
141 ~~is discharged by the court or until the case is dismissed. An~~
142 ~~attorney who is appointed under this section to represent the~~
143 ~~child shall provide the complete range of legal services, from~~
144 ~~the removal from home or from the initial appointment through~~
145 ~~all available appellate proceedings. With the permission of the~~

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146 ~~court, the attorney for the dependent child may arrange for~~
147 ~~supplemental or separate counsel to represent the child in~~
148 ~~appellate proceedings. A court order appointing an attorney~~
149 ~~under this section must be in writing.~~

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

161 Section 4. Part XI of chapter 39, Florida Statutes,
162 entitled "GUARDIANS AD LITEM AND GUARDIAN ADVOCATES," is renamed
163 "GUARDIANS AD LITEM, GUARDIAN ADVOCATES, AND ATTORNEY FOR THE
164 CHILD."

165 Section 5. Subsection (3) is added to section 39.820,
166 Florida Statutes, to read:

167 39.820 Definitions.—As used in this chapter, the term:

168 (3) "Related adoption proceeding" means an adoption
169 proceeding under chapter 63 which arises from dependency
170 proceedings under this chapter.

171 Section 6. Section 39.822, Florida Statutes, is amended to
172 read:

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

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

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

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

182 a. The child is younger than 10 years of age and is the
183 subject of a dependency proceeding under this chapter or a
184 related adoption proceeding;

185 b. The child is the subject of a dependency proceeding
186 under this chapter or a related adoption proceeding and the
187 subject of a criminal proceeding;

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

190 d. The child is a dependent child as described in s.
191 39.01305(3).

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

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

197 (a) The child meets a criterion specified in sub-
198 subparagraph (1)(b)1.b., c., or d., or subparagraph (1)(b)2. and
199 the court orders the guardian ad litem to remain on the case; or

200 (b) The child expresses that he or she wishes to remain
201 with the guardian ad litem and the court determines that the
202 expression is voluntary and knowing.

203 (3) Upon request by a child who is subject to a dependency

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204 proceeding under this chapter or a related adoption proceeding,
205 who is 10 years of age or older, and who has a guardian ad litem
206 assigned, or upon any party presenting evidence that there is
207 reasonable cause to suspect the assigned guardian ad litem has a
208 conflict of interest as defined in s. 39.8296(2)(b)9., the court
209 may:

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

211 (b) Unless otherwise provided by law, discharge the child's
212 current guardian ad litem and appoint an attorney for the child
213 if one is not appointed.

214 (4) Any person participating in a civil or criminal
215 judicial proceeding resulting from such appointment shall be
216 presumed prima facie to be acting in good faith and in so doing
217 shall be immune from any liability, civil or criminal, that
218 otherwise might be incurred or imposed.

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

226 (6)~~(3)~~ Upon presentation by a guardian ad litem of a court
227 order appointing the guardian ad litem:

228 (a) An agency, as defined in chapter 119, shall allow the
229 guardian ad litem to inspect and copy records related to the
230 best interests of the child who is the subject of the
231 appointment, including, but not limited to, records made
232 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of

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233 the State Constitution. The guardian ad litem shall maintain the
234 confidential or exempt status of any records shared by an agency
235 under this paragraph.

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

241
242 For the purposes of this subsection, the term "records related
243 to the best interests of the child" includes, but is not limited
244 to, medical, mental health, substance abuse, child care,
245 education, law enforcement, court, social services, and
246 financial records.

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

254 Section 7. Subsection (2) of section 39.8296, Florida
255 Statutes, is amended to read:

256 39.8296 Statewide Guardian Ad Litem Office; legislative
257 findings and intent; creation; appointment of executive
258 director; duties of office.—

259 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
260 Statewide Guardian Ad Litem Office within the Justice
261 Administrative Commission. The Justice Administrative Commission

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262 shall provide administrative support and service to the office
263 to the extent requested by the executive director within the
264 available resources of the commission. The Statewide Guardian Ad
265 Litem Office is not subject to control, supervision, or
266 direction by the Justice Administrative Commission in the
267 performance of its duties, but the employees of the office are
268 governed by the classification plan and salary and benefits plan
269 approved by the Justice Administrative Commission.

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

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291 shall report to the Governor. The executive director shall serve
292 a 3-year term, subject to removal for cause by the Governor. Any
293 person appointed to serve as the executive director may be
294 reappointed ~~permitted~~ to serve more than one term in accordance
295 with the process provided for in this paragraph. Every second or
296 subsequent appointment shall be for a term of 3 years.

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

301 1. The office shall identify the resources required to
302 implement methods of collecting, reporting, and tracking
303 reliable and consistent case data.

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

306 3. The office, in consultation with local guardian ad litem
307 offices, shall develop statewide performance measures and
308 standards.

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

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320 degree in social work, and a social worker experienced in
321 working with victims and perpetrators of child abuse.

322 5. The office shall review the various methods of funding
323 guardian ad litem programs, maximize the use of those funding
324 sources to the extent possible, and review the kinds of services
325 being provided by circuit guardian ad litem programs.

326 6. The office shall determine the feasibility or
327 desirability of new concepts of organization, administration,
328 financing, or service delivery designed to preserve the civil
329 and constitutional rights and fulfill other needs of dependent
330 children.

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

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

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349 provide a status report and provide further recommendations to
350 address the need for guardian ad litem services and related
351 issues.

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

359 a. Has a personal relationship that could influence a
360 recommendation regarding a child whom he or she is serving as a
361 guardian ad litem;

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

364 c. Has a particular factor or circumstance, including
365 personal bias or prejudice against a protected class of the
366 child or the child's family, that prevents or substantially
367 impairs his or her ability to fairly and fully discharge the
368 duties of the guardian ad litem.

369 (c) The Statewide Guardian Ad Litem Office shall identify
370 any guardian ad litem who is experiencing an issue with his or
371 her physical or mental health or who appears to present a danger
372 to any child to whom the guardian ad litem is assigned. As soon
373 as possible after identification, the office must remove such
374 guardian ad litem from all assigned cases, terminate his or her
375 volunteer services with the Guardian Ad Litem Program, and
376 disclose such action to the appropriate circuit court.

377 Section 8. Section 39.83, Florida Statutes, is created to

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378 read:

379 39.83 Statewide Office of Child Representation;
380 qualifications, appointment, and duties of executive director
381 and attorney for the child.-

382 (1) STATEWIDE OFFICE OF CHILD REPRESENTATION.-

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

394 (b) The head of the Statewide Office of Child
395 Representation is the executive director who must be a member of
396 The Florida Bar in good standing for at least 5 years and have
397 knowledge of dependency law and the social service delivery
398 systems available to meet the needs of children who are abused,
399 neglected, or abandoned. The executive director shall be
400 appointed in accordance with the process, and serve in
401 accordance with the terms and requirements, provided in s.
402 39.8296(2) (a) for the head of the Statewide Guardian Ad Litem
403 Office. The appointment for the initial executive director must
404 be completed by January 1, 2022.

405 (c) The Statewide Office of Child Representation, within
406 available resources of the Justice Administrative Commission, is

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407 responsible for oversight of, and for providing technical
408 assistance to, all offices of child representation in this
409 state. The statewide office:

410 1. Shall identify the resources required to implement
411 methods of collecting, reporting, and tracking reliable and
412 consistent case data;

413 2. Shall review and collect information relating to offices
414 of child representation and other models of attorney
415 representation of children in other states;

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

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

430 5. Shall develop protocols that must be implemented to
431 assist children who are represented by the Statewide Office of
432 Child Representation, regional offices, or its contracted local
433 agencies in meeting eligibility requirements to receive all
434 available federal funding. This subparagraph may not be
435 construed to mean that the protocols may interfere with zealous

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436 and effective representation of the children;

437 6. Shall review the various methods of funding the regional
438 offices, maximize the use of those funding sources to the extent
439 possible, and review the kinds of services being provided by the
440 regional offices;

441 7. Shall determine the feasibility or desirability of new
442 concepts of organization, administration, financing, or service
443 delivery designed to preserve the civil and constitutional
444 rights of, and fulfill other needs of, dependent children 10
445 years of age and older;

446 8. Shall establish standards and protocols for
447 representation of children with diminished capacity;

448 9. Shall submit to the Governor, the President of the
449 Senate, the Speaker of the House of Representatives, and the
450 Chief Justice of the Supreme Court:

451 a. An interim report describing the progress of the
452 statewide office in meeting the responsibilities described in
453 this paragraph.

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

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

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

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

471 (2) REGIONAL OFFICES OF CHILD REPRESENTATION.—

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

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

485 (3) CHILD REPRESENTATION COUNSEL; DUTIES.—The child
486 representation counsel shall serve on a full-time basis and may
487 not engage in the private practice of law while holding office.
488 Each assistant child representation counsel shall give priority
489 and preference to his or her duties as assistant child
490 representation counsel and may not otherwise engage in the
491 practice of dependency law. However, a part-time child
492 representation counsel may practice dependency law for private
493 payment so long as the representation does not result in a legal

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494 or ethical conflict of interest with a case in which the office
495 of child representation is providing representation.

496 Section 9. Section 39.831, Florida Statutes, is created to
497 read:

498 39.831 Attorney for the child.—

499 (1) APPOINTMENT.—

500 (a) An attorney for the child:

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

502 39.01305(3);

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

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

509 (b) The court shall appoint the Statewide Office of Child
510 Representation unless the child is otherwise represented by
511 counsel.

512 (c) If, at any time during the representation of two or
513 more children in a dependency or related adoption proceeding, a
514 child representation counsel determines that the interests of
515 those clients are so adverse or hostile that they cannot all be
516 counseled by child representation counsel or his or her staff
517 because of a conflict of interest, the child representation
518 counsel shall file a motion to withdraw and move the court to
519 appoint other counsel. Child representation counsel shall not
520 automatically determine the appointment to represent siblings is
521 a conflict of interest. If requested by the Justice
522 Administrative Commission, the child representation counsel

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523 shall submit a copy of the motion to the Justice Administrative
524 Commission at the time it is filed with the court. The court
525 shall review and may inquire or conduct a hearing into the
526 adequacy of the child representation counsel's submissions
527 regarding a conflict of interest without requiring the
528 disclosure of any confidential communications. The court shall
529 deny the motion to withdraw if the court finds the grounds for
530 withdrawal are insufficient or the asserted conflict is not
531 prejudicial to the client. If the court grants the motion to
532 withdraw, the court shall appoint one or more private attorneys
533 to represent the person in accordance with the requirements and
534 process provided for in s. 27.40. The clerk of court shall
535 inform the child representation counsel and the commission when
536 the court appoints private counsel.

537 (d) Unless the attorney has agreed to provide pro bono
538 services, an appointed attorney or organization must be
539 adequately compensated as provided in s. 27.5305. All appointed
540 attorneys and organizations, including pro bono attorneys, must
541 be provided with access to funding for expert witnesses,
542 depositions, and other due process costs of litigation. Payment
543 of attorney fees and case-related due process costs are subject
544 to appropriations and review by the Justice Administrative
545 Commission for reasonableness. The Justice Administrative
546 Commission shall contract with attorneys appointed by the court.
547 Attorney fees may not exceed \$1,000 per child per year.

548 (e) In cases in which one or both parents are financially
549 able, the parent or parents, as applicable, of the child shall
550 reimburse the court, in whole or in part, for the cost of
551 services provided under this section; however, reimbursement for

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552 services provided by the attorney for the child may not be
553 contingent upon successful collection by the court of
554 reimbursement from the parent or parents.

555 (f) An attorney for the child appointed pursuant to this
556 section shall represent the child only in the dependency
557 proceeding or related adoption proceeding. Once an attorney for
558 the child is appointed, the appointment continues in effect
559 until the attorney for the child is allowed to withdraw or is
560 discharged by the court or until the case is dismissed. An
561 attorney for the child who is appointed under this section to
562 represent a child shall provide all required legal services in
563 the dependency proceeding or related adoption proceeding from
564 the time of the child's removal from home or of the attorney for
565 the child's initial appointment through all appellate
566 proceedings. With the permission of the court, the appointed
567 attorney for the child may arrange for supplemental or separate
568 counsel to represent the child in appellate proceedings. A court
569 order appointing an attorney for the child under this section
570 must be in writing.

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

573 (a) An agency as defined in chapter 119 must allow the
574 attorney for the child to inspect and copy records related to
575 the child who is the subject of the appointment, including, but
576 not limited to, records made confidential or exempt from s.
577 119.07(1) or s. 24(a), Art. I of the State Constitution. The
578 attorney for the child shall maintain the confidential or exempt
579 status of any records shared by an agency under this paragraph.

580 (b) A person or an organization, other than an agency under

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581 paragraph (a), must allow the attorney for the child to inspect
582 and copy any records related to the child who is the subject of
583 the appointment, including, but not limited to, confidential
584 records.

585
586 For the purposes of this subsection, the term "records"
587 includes, but is not limited to, medical, mental health,
588 substance abuse, child care, education, law enforcement, court,
589 social services, and financial records.

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

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

596 (5) RULEMAKING.—The department may adopt rules to implement
597 this section.

598 Section 10. Subsection (1) of section 28.345, Florida
599 Statutes, is amended to read:

600 28.345 State access to records; exemption from court-
601 related fees and charges.—

602 (1) Notwithstanding any other provision of law, the clerk
603 of the circuit court shall, upon request, provide access to
604 public records without charge to the state attorney, public
605 defender, guardian ad litem, public guardian, ~~attorney ad litem,~~
606 criminal conflict and civil regional counsel, court-appointed
607 attorney for the child, and private court-appointed counsel paid
608 ~~by the state,~~ and to authorized staff acting on their behalf.

609 The clerk of court may provide the requested public record in an

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610 electronic format in lieu of a paper format if the requesting
611 entity is capable of accessing such public record
612 electronically.

613 Section 11. Paragraph (j) of subsection (3) and paragraph
614 (a) of subsection (10) of section 39.001, Florida Statutes, are
615 amended to read:

616 39.001 Purposes and intent; personnel standards and
617 screening.—

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

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

625 (10) PLAN FOR COMPREHENSIVE APPROACH.—

626 (a) The office shall develop a state plan for the promotion
627 of adoption, support of adoptive families, and prevention of
628 abuse, abandonment, and neglect of children. The Department of
629 Children and Families, the Department of Corrections, the
630 Department of Education, the Department of Health, the
631 Department of Juvenile Justice, the Department of Law
632 Enforcement, and the Agency for Persons with Disabilities shall
633 participate and fully cooperate in the development of the state
634 plan at both the state and local levels. Furthermore,
635 appropriate local agencies and organizations shall be provided
636 an opportunity to participate in the development of the state
637 plan at the local level. Appropriate local groups and
638 organizations shall include, but not be limited to, community

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639 mental health centers; guardian ad litem programs for children
640 under the circuit court; child representation counsel regional
641 offices; the school boards of the local school districts; the
642 Florida local advocacy councils; community-based care lead
643 agencies; private or public organizations or programs with
644 recognized expertise in working with child abuse prevention
645 programs for children and families; private or public
646 organizations or programs with recognized expertise in working
647 with children who are sexually abused, physically abused,
648 emotionally abused, abandoned, or neglected and with expertise
649 in working with the families of such children; private or public
650 programs or organizations with expertise in maternal and infant
651 health care; multidisciplinary Child Protection Teams; child day
652 care centers; law enforcement agencies; and the circuit courts,
653 when guardian ad litem programs and attorney for the child are
654 not available in the local area. The state plan to be provided
655 to the Legislature and the Governor shall include, as a minimum,
656 the information required of the various groups in paragraph (b).

657 Section 12. Subsections (2) and (4) of 39.00145, Florida
658 Statutes, are amended to read:

659 39.00145 Records concerning children.—

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

665 (a) A complete and accurate copy of any record in a child's
666 case record must be provided, upon request and at no cost, to
667 the child who is the subject of the case record and to the

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668 child's caregiver, guardian ad litem, or attorney.

669 (b) The department shall release the information in a
670 manner and setting that are appropriate to the age and maturity
671 of the child and the nature of the information being released,
672 which may include the release of information in a therapeutic
673 setting, if appropriate. This paragraph does not deny the child
674 access to his or her records.

675 (c) If a child or the child's caregiver, guardian ad litem,
676 or attorney for the child ~~attorney~~ requests access to the
677 child's case record, any person or entity that fails to provide
678 any record in the case record under assertion of a claim of
679 exemption from the public records requirements of chapter 119,
680 or fails to provide access within a reasonable time, is subject
681 to sanctions and penalties under s. 119.10.

682 (d) For the purposes of this subsection, the term
683 "caregiver" is limited to parents, legal custodians, permanent
684 guardians, or foster parents; employees of a residential home,
685 institution, facility, or agency at which the child resides; and
686 other individuals legally responsible for a child's welfare in a
687 residential setting.

688 (4) Notwithstanding any other provision of law, all state
689 and local agencies and programs that provide services to
690 children or that are responsible for a child's safety, including
691 the Department of Juvenile Justice, the Department of Health,
692 the Agency for Health Care Administration, the Agency for
693 Persons with Disabilities, the Department of Education, the
694 Department of Revenue, the school districts, the Statewide
695 Guardian Ad Litem Office, the Statewide Office of Child
696 Representation, and any provider contracting with such agencies,

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697 may share with each other confidential records or information
698 that are confidential or exempt from disclosure under chapter
699 119 if the records or information are reasonably necessary to
700 ensure access to appropriate services for the child, including
701 child support enforcement services, or for the safety of the
702 child. However:

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

705 (b) This subsection does not apply to information
706 concerning clients and records of certified domestic violence
707 centers, which are confidential under s. 39.908 and privileged
708 under s. 90.5036.

709 Section 13. Subsections (3) and (4) of section 39.0132,
710 Florida Statutes, are amended to read:

711 39.0132 Oaths, records, and confidential information.—

712 (3) The clerk shall keep all court records required by this
713 chapter separate from other records of the circuit court. All
714 court records required by this chapter shall not be open to
715 inspection by the public. All records shall be inspected only
716 upon order of the court by persons deemed by the court to have a
717 proper interest therein, except that, subject to the provisions
718 of s. 63.162, a child, ~~and~~ the parents of the child and their
719 attorneys, guardian ad litem, attorney for the child, law
720 enforcement agencies, and the department and its designees shall
721 always have the right to inspect and copy any official record
722 pertaining to the child. The Justice Administrative Commission
723 may inspect court dockets required by this chapter as necessary
724 to audit compensation of court-appointed attorneys. If the
725 docket is insufficient for purposes of the audit, the commission

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726 may petition the court for additional documentation as necessary
727 and appropriate. The court may permit authorized representatives
728 of recognized organizations compiling statistics for proper
729 purposes to inspect and make abstracts from official records,
730 under whatever conditions upon their use and disposition the
731 court may deem proper, and may punish by contempt proceedings
732 any violation of those conditions.

733 (4) (a) 1. All information obtained pursuant to this part in
734 the discharge of official duty by any judge, employee of the
735 court, authorized agent of the department, correctional
736 probation officer, or law enforcement agent is confidential and
737 exempt from s. 119.07(1) and may not be disclosed to anyone
738 other than the authorized personnel of the court, the department
739 and its designees, correctional probation officers, law
740 enforcement agents, guardian ad litem, attorney for the child,
741 and others entitled under this chapter to receive that
742 information, except upon order of the court.

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

746 (I) Medical, mental health, substance abuse, child care,
747 education, law enforcement, court, social services, and
748 financial records.

749 (II) Any other information maintained by a guardian ad
750 litem which is identified as confidential information under this
751 chapter.

752 b. Such confidential and exempt information may not be
753 disclosed to anyone other than the authorized personnel of the
754 court, the department and its designees, correctional probation

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755 officers, law enforcement agents, guardians ad litem, and others
756 entitled under this chapter to receive that information, except
757 upon order of the court.

758 (b) The department shall disclose to the school
759 superintendent the presence of any child in the care and custody
760 or under the jurisdiction or supervision of the department who
761 has a known history of criminal sexual behavior with other
762 juveniles; is an alleged juvenile sex offender, as defined in s.
763 39.01; or has pled guilty or nolo contendere to, or has been
764 found to have committed, a violation of chapter 794, chapter
765 796, chapter 800, s. 827.071, or s. 847.0133, regardless of
766 adjudication. Any employee of a district school board who
767 knowingly and willfully discloses such information to an
768 unauthorized person commits a misdemeanor of the second degree,
769 punishable as provided in s. 775.082 or s. 775.083.

770 Section 14. Paragraphs (a) and (b) of subsection (4) of
771 section 39.0139, Florida Statutes, are amended to read:

772 39.0139 Visitation or other contact; restrictions.—

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

777 (a) Before ~~Prior to~~ the hearing, the court shall appoint an
778 attorney for the child ~~an attorney ad litem~~ or a guardian ad
779 litem, as appropriate, for the child if one has not already been
780 appointed. Any attorney for the child ~~attorney ad litem~~ or
781 guardian ad litem appointed shall have special training in the
782 dynamics of child sexual abuse.

783 (b) At the hearing, the court may receive and rely upon any

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784 relevant and material evidence submitted to the extent of its
785 probative value, including written and oral reports or
786 recommendations from the Child Protection Team, the child's
787 therapist, or the child's guardian ad litem, ~~or the child's~~
788 ~~attorney ad litem~~, even if these reports, recommendations, and
789 evidence may not be admissible under the rules of evidence.

790 Section 15. Paragraphs (k) and (t) of subsection (2) of
791 section 39.202, Florida Statutes, are amended to read:

792 39.202 Confidentiality of reports and records in cases of
793 child abuse or neglect.—

794 (2) Except as provided in subsection (4), access to such
795 records, excluding the name of, or other identifying information
796 with respect to, the reporter which shall be released only as
797 provided in subsection (5), shall be granted only to the
798 following persons, officials, and agencies:

799 (k) Any appropriate official of a Florida advocacy council
800 investigating a report of known or suspected child abuse,
801 abandonment, or neglect; the Auditor General or the Office of
802 Program Policy Analysis and Government Accountability for the
803 purpose of conducting audits or examinations pursuant to law; or
804 the child's guardian ad litem or attorney for the child.

805 (t) Persons with whom the department is seeking to place
806 the child or to whom placement has been granted, including
807 foster parents for whom an approved home study has been
808 conducted, the designee of a licensed child-caring agency as
809 defined in s. 39.01(42) ~~s. 39.01(41)~~, an approved relative or
810 nonrelative with whom a child is placed pursuant to s. 39.402,
811 preadoptive parents for whom a favorable preliminary adoptive
812 home study has been conducted, adoptive parents, or an adoption

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813 entity acting on behalf of preadoptive or adoptive parents.

814 Section 16. Subsection (1) of section 39.302, Florida
815 Statutes, is amended to read:

816 39.302 Protective investigations of institutional child
817 abuse, abandonment, or neglect.—

818 (1) The department shall conduct a child protective
819 investigation of each report of institutional child abuse,
820 abandonment, or neglect. Upon receipt of a report that alleges
821 that an employee or agent of the department, or any other entity
822 or person covered by s. 39.01(38) or (55) ~~s. 39.01(37) or (54)~~,
823 acting in an official capacity, has committed an act of child
824 abuse, abandonment, or neglect, the department shall initiate a
825 child protective investigation within the timeframe established
826 under s. 39.201(5) and notify the appropriate state attorney,
827 law enforcement agency, and licensing agency, which shall
828 immediately conduct a joint investigation, unless independent
829 investigations are more feasible. When conducting investigations
830 or having face-to-face interviews with the child, investigation
831 visits shall be unannounced unless it is determined by the
832 department or its agent that unannounced visits threaten the
833 safety of the child. If a facility is exempt from licensing, the
834 department shall inform the owner or operator of the facility of
835 the report. Each agency conducting a joint investigation is
836 entitled to full access to the information gathered by the
837 department in the course of the investigation. A protective
838 investigation must include an interview with the child's parent
839 or legal guardian. The department shall make a full written
840 report to the state attorney within 3 working days after making
841 the oral report. A criminal investigation shall be coordinated,

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842 whenever possible, with the child protective investigation of
843 the department. Any interested person who has information
844 regarding the offenses described in this subsection may forward
845 a statement to the state attorney as to whether prosecution is
846 warranted and appropriate. Within 15 days after the completion
847 of the investigation, the state attorney shall report the
848 findings to the department and shall include in the report a
849 determination of whether or not prosecution is justified and
850 appropriate in view of the circumstances of the specific case.

851 Section 17. Paragraph (c) of subsection (8) and paragraph
852 (a) of subsection (14) of section 39.402, Florida Statutes, are
853 amended to read:

854 39.402 Placement in a shelter.—

855 (8)

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

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

861 2. Inform the parents or legal custodians of their right to
862 counsel to represent them at the shelter hearing and at each
863 subsequent hearing or proceeding, and the right of the parents
864 to appointed counsel, pursuant to the procedures set forth in s.
865 39.013;

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

868 4. Inquire of those present at the shelter hearing as to
869 the identity and location of the legal father. In determining
870 who the legal father of the child may be, the court shall

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871 inquire under oath of those present at the shelter hearing
872 whether they have any of the following information:

873 a. Whether the mother of the child was married at the
874 probable time of conception of the child or at the time of birth
875 of the child.

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

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

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

884 e. Whether any man has acknowledged or claimed paternity of
885 the child in a jurisdiction in which the mother resided at the
886 time of or since conception of the child or in which the child
887 has resided or resides.

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

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

892 h. Whether a man has been determined to be the father of
893 the child by the Department of Revenue as provided in s.
894 409.256.

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

896 (a) Periods of delay resulting from a continuance granted
897 at the request or with the consent of the attorney for the child
898 or the child's ~~counsel or the child's~~ guardian ad litem, if one
899 has been appointed by the court, or, if the child is of

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900 sufficient capacity to express reasonable consent, at the
901 request or with the consent of the attorney for the child
902 ~~child's attorney~~ or the child's guardian ad litem, ~~if one has~~
903 ~~been appointed by the court,~~ and the child.

904 Section 18. Paragraphs (e) and (f) of subsection (3) and
905 subsection (6) of section 39.407, Florida Statutes, are amended
906 to read:

907 39.407 Medical, psychiatric, and psychological examination
908 and treatment of child; physical, mental, or substance abuse
909 examination of person with or requesting child custody.—

910 (3)

911 (e)1. If the child's prescribing physician or psychiatric
912 nurse, as defined in s. 394.455, certifies in the signed medical
913 report required in paragraph (c) that delay in providing a
914 prescribed psychotropic medication would more likely than not
915 cause significant harm to the child, the medication may be
916 provided in advance of the issuance of a court order. In such
917 event, the medical report must provide the specific reasons why
918 the child may experience significant harm and the nature and the
919 extent of the potential harm. The department must submit a
920 motion seeking continuation of the medication and the
921 physician's or psychiatric nurse's medical report to the court,
922 the child's guardian ad litem or the attorney for the child, and
923 all other parties within 3 working days after the department
924 commences providing the medication to the child. The department
925 shall seek the order at the next regularly scheduled court
926 hearing required under this chapter, or within 30 days after the
927 date of the prescription, whichever occurs sooner. If any party
928 objects to the department's motion, the court shall hold a

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929 hearing within 7 days.

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

935 (f)1. The department shall fully inform the court of the
936 child's medical and behavioral status as part of the social
937 services report prepared for each judicial review hearing held
938 for a child for whom psychotropic medication has been prescribed
939 or provided under this subsection. As a part of the information
940 provided to the court, the department shall furnish copies of
941 all pertinent medical records concerning the child which have
942 been generated since the previous hearing. On its own motion or
943 on good cause shown by any party, including any guardian ad
944 litem, or the child attorney, ~~or attorney ad litem who has been~~
945 ~~appointed to represent the child or the child's interests~~, the
946 court may review the status more frequently than required in
947 this subsection.

948 2. The court may, in the best interests of the child, order
949 the department to obtain a medical opinion addressing whether
950 the continued use of the medication under the circumstances is
951 safe and medically appropriate.

952 (6) Children who are in the legal custody of the department
953 may be placed by the department, without prior approval of the
954 court, in a residential treatment center licensed under s.
955 394.875 or a hospital licensed under chapter 395 for residential
956 mental health treatment only pursuant to this section or may be
957 placed by the court in accordance with an order of involuntary

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958 examination or involuntary placement entered pursuant to s.
959 394.463 or s. 394.467. All children placed in a residential
960 treatment program under this subsection must be appointed ~~have~~ a
961 guardian ad litem and an attorney for the child ~~appointed~~.

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

963 1. "Residential treatment" means placement for observation,
964 diagnosis, or treatment of an emotional disturbance in a
965 residential treatment center licensed under s. 394.875 or a
966 hospital licensed under chapter 395.

967 2. "Least restrictive alternative" means the treatment and
968 conditions of treatment that, separately and in combination, are
969 no more intrusive or restrictive of freedom than reasonably
970 necessary to achieve a substantial therapeutic benefit or to
971 protect the child or adolescent or others from physical injury.

972 3. "Suitable for residential treatment" or "suitability"
973 means a determination concerning a child or adolescent with an
974 emotional disturbance as defined in s. 394.492(5) or a serious
975 emotional disturbance as defined in s. 394.492(6) that each of
976 the following criteria is met:

977 a. The child requires residential treatment.

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

980 c. An appropriate, less restrictive alternative to
981 residential treatment is unavailable.

982 (b) Whenever the department believes that a child in its
983 legal custody is emotionally disturbed and may need residential
984 treatment, an examination and suitability assessment must be
985 conducted by a qualified evaluator who is appointed by the
986 Agency for Health Care Administration. This suitability

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987 assessment must be completed before the placement of the child
988 in a residential treatment center for emotionally disturbed
989 children and adolescents or a hospital. The qualified evaluator
990 must be a psychiatrist or a psychologist licensed in Florida who
991 has at least 3 years of experience in the diagnosis and
992 treatment of serious emotional disturbances in children and
993 adolescents and who has no actual or perceived conflict of
994 interest with any inpatient facility or residential treatment
995 center or program.

996 (c) Before a child is admitted under this subsection, the
997 child shall be assessed for suitability for residential
998 treatment by a qualified evaluator who has conducted a personal
999 examination and assessment of the child and has made written
1000 findings that:

1001 1. The child appears to have an emotional disturbance
1002 serious enough to require residential treatment and is
1003 reasonably likely to benefit from the treatment.

1004 2. The child has been provided with a clinically
1005 appropriate explanation of the nature and purpose of the
1006 treatment.

1007 3. All available modalities of treatment less restrictive
1008 than residential treatment have been considered, and a less
1009 restrictive alternative that would offer comparable benefits to
1010 the child is unavailable.

1011
1012 A copy of the written findings of the evaluation and suitability
1013 assessment must be provided to the department, to the guardian
1014 ad litem and attorney for the child, and, if the child is a
1015 member of a Medicaid managed care plan, to the plan that is

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1016 financially responsible for the child's care in residential
1017 treatment, all of whom must be provided with the opportunity to
1018 discuss the findings with the evaluator.

1019 (d) Immediately upon placing a child in a residential
1020 treatment program under this section, the department must notify
1021 the guardian ad litem, the attorney for the child, and the court
1022 having jurisdiction over the child and must provide the guardian
1023 ad litem, the attorney for the child, and the court with a copy
1024 of the assessment by the qualified evaluator.

1025 (e) Within 10 days after the admission of a child to a
1026 residential treatment program, the director of the residential
1027 treatment program or the director's designee must ensure that an
1028 individualized plan of treatment has been prepared by the
1029 program and has been explained to the child, to the department,
1030 ~~and~~ to the guardian ad litem, and to the attorney for the child,
1031 and submitted to the department. The child must be involved in
1032 the preparation of the plan to the maximum feasible extent
1033 consistent with his or her ability to understand and
1034 participate, and the guardian ad litem, the attorney for the
1035 child, and the child's foster parents must be involved to the
1036 maximum extent consistent with the child's treatment needs. The
1037 plan must include a preliminary plan for residential treatment
1038 and aftercare upon completion of residential treatment. The plan
1039 must include specific behavioral and emotional goals against
1040 which the success of the residential treatment may be measured.
1041 A copy of the plan must be provided to the child, to the
1042 guardian ad litem, to the attorney for the child, and to the
1043 department.

1044 (f) Within 30 days after admission, the residential

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1045 treatment program must review the appropriateness and
1046 suitability of the child's placement in the program. The
1047 residential treatment program must determine whether the child
1048 is receiving benefit toward the treatment goals and whether the
1049 child could be treated in a less restrictive treatment program.
1050 The residential treatment program shall prepare a written report
1051 of its findings and submit the report to the guardian ad litem,
1052 to the attorney for the child, and to the department. The
1053 department must submit the report to the court. The report must
1054 include a discharge plan for the child. The residential
1055 treatment program must continue to evaluate the child's
1056 treatment progress every 30 days thereafter and must include its
1057 findings in a written report submitted to the department. The
1058 department may not reimburse a facility until the facility has
1059 submitted every written report that is due.

1060 (g)1. The department must submit, at the beginning of each
1061 month, to the court having jurisdiction over the child, a
1062 written report regarding the child's progress toward achieving
1063 the goals specified in the individualized plan of treatment.

1064 2. The court must conduct a hearing to review the status of
1065 the child's residential treatment plan no later than 60 days
1066 after the child's admission to the residential treatment
1067 program. An independent review of the child's progress toward
1068 achieving the goals and objectives of the treatment plan must be
1069 completed by a qualified evaluator and submitted to the court
1070 before its 60-day review.

1071 3. For any child in residential treatment at the time a
1072 judicial review is held pursuant to s. 39.701, the child's
1073 continued placement in residential treatment must be a subject

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1074 of the judicial review.

1075 4. If at any time the court determines that the child is
1076 not suitable for continued residential treatment, the court
1077 shall order the department to place the child in the least
1078 restrictive setting that is best suited to meet his or her
1079 needs.

1080 (h) After the initial 60-day review, the court must conduct
1081 a review of the child's residential treatment plan every 90
1082 days.

1083 (i) The department must adopt rules for implementing
1084 timeframes for the completion of suitability assessments by
1085 qualified evaluators and a procedure that includes timeframes
1086 for completing the 60-day independent review by the qualified
1087 evaluators of the child's progress toward achieving the goals
1088 and objectives of the treatment plan which review must be
1089 submitted to the court. The Agency for Health Care
1090 Administration must adopt rules for the registration of
1091 qualified evaluators, the procedure for selecting the evaluators
1092 to conduct the reviews required under this section, and a
1093 reasonable, cost-efficient fee schedule for qualified
1094 evaluators.

1095 Section 19. Subsections (20) and (21) of section 39.4085,
1096 Florida Statutes, are amended to read:

1097 39.4085 Legislative findings and declaration of intent for
1098 goals for dependent children.—The Legislature finds and declares
1099 that the design and delivery of child welfare services should be
1100 directed by the principle that the health and safety of children
1101 should be of paramount concern and, therefore, establishes the
1102 following goals for children in shelter or foster care:

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1103 (20) To have a guardian ad litem appointed to represent,
1104 within reason, their best interests; and, as appropriate, have
1105 an attorney for the child ~~and, where appropriate, an attorney ad~~
1106 ~~litem~~ appointed to represent their legal interests. † The
1107 guardian ad litem and attorney for the child ~~attorney ad litem~~
1108 shall have immediate and unlimited access to the children they
1109 represent.

1110 (21) To have all their records available for review by
1111 their guardian ad litem or attorney for the child, as
1112 applicable, and attorney ad litem if they deem such review
1113 necessary.

1114
1115 The provisions of this section establish goals and not rights.
1116 Nothing in this section shall be interpreted as requiring the
1117 delivery of any particular service or level of service in excess
1118 of existing appropriations. No person shall have a cause of
1119 action against the state or any of its subdivisions, agencies,
1120 contractors, subcontractors, or agents, based upon the adoption
1121 of or failure to provide adequate funding for the achievement of
1122 these goals by the Legislature. Nothing herein shall require the
1123 expenditure of funds to meet the goals established herein except
1124 funds specifically appropriated for such purpose.

1125 Section 20. Subsections (8), (12), (13), (14), and (17) of
1126 section 39.502, Florida Statutes, are amended to read:

1127 39.502 Notice, process, and service.—

1128 (8) It is not necessary to the validity of a proceeding
1129 covered by this part that the parents be present if their
1130 identity or residence is unknown after a diligent search has
1131 been made, but in this event the petitioner shall file an

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1132 affidavit of diligent search prepared by the person who made the
1133 search and inquiry, and the court may appoint a guardian ad
1134 litem for the child or an attorney for the child, as
1135 appropriate.

1136 (12) All process and orders issued by the court shall be
1137 served or executed as other process and orders of the circuit
1138 court and, in addition, may be served or executed by authorized
1139 agents of the department or the guardian ad litem or attorney
1140 for the child, as applicable.

1141 (13) Subpoenas may be served within the state by any person
1142 over 18 years of age who is not a party to the proceeding and,
1143 in addition, may be served by authorized agents of the
1144 department or the guardian ad litem or attorney for the child,
1145 as applicable.

1146 (14) No fee shall be paid for service of any process or
1147 other papers by an agent of the department or the guardian ad
1148 litem or attorney for the child, as applicable. If any process,
1149 orders, or any other papers are served or executed by any
1150 sheriff, the sheriff's fees shall be paid by the county.

1151 (17) The parent or legal custodian of the child, the
1152 attorney for the department, the guardian ad litem or attorney
1153 for the child, as applicable, the foster or preadoptive parents,
1154 and all other parties and participants shall be given reasonable
1155 notice of all proceedings and hearings provided for under this
1156 part. All foster or preadoptive parents must be provided with at
1157 least 72 hours' notice, verbally or in writing, of all
1158 proceedings or hearings relating to children in their care or
1159 children they are seeking to adopt to ensure the ability to
1160 provide input to the court.

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1161 Section 21. Paragraphs (c) and (e) of subsection (1) of
1162 section 39.521, Florida Statutes, are amended to read:

1163 39.521 Disposition hearings; powers of disposition.—

1164 (1) A disposition hearing shall be conducted by the court,
1165 if the court finds that the facts alleged in the petition for
1166 dependency were proven in the adjudicatory hearing, or if the
1167 parents or legal custodians have consented to the finding of
1168 dependency or admitted the allegations in the petition, have
1169 failed to appear for the arraignment hearing after proper
1170 notice, or have not been located despite a diligent search
1171 having been conducted.

1172 (c) When any child is adjudicated by a court to be
1173 dependent, the court having jurisdiction of the child has the
1174 power by order to:

1175 1. Require the parent and, when appropriate, the legal
1176 guardian or the child to participate in treatment and services
1177 identified as necessary. The court may require the person who
1178 has custody or who is requesting custody of the child to submit
1179 to a mental health or substance abuse disorder assessment or
1180 evaluation. The order may be made only upon good cause shown and
1181 pursuant to notice and procedural requirements provided under
1182 the Florida Rules of Juvenile Procedure. The mental health
1183 assessment or evaluation must be administered by a qualified
1184 professional as defined in s. 39.01, and the substance abuse
1185 assessment or evaluation must be administered by a qualified
1186 professional as defined in s. 397.311. The court may also
1187 require such person to participate in and comply with treatment
1188 and services identified as necessary, including, when
1189 appropriate and available, participation in and compliance with

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1190 a mental health court program established under chapter 394 or a
1191 treatment-based drug court program established under s. 397.334.
1192 Adjudication of a child as dependent based upon evidence of harm
1193 as defined in s. 39.01(36)(g) ~~s. 39.01(35)(g)~~ demonstrates good
1194 cause, and the court shall require the parent whose actions
1195 caused the harm to submit to a substance abuse disorder
1196 assessment or evaluation and to participate and comply with
1197 treatment and services identified in the assessment or
1198 evaluation as being necessary. In addition to supervision by the
1199 department, the court, including the mental health court program
1200 or the treatment-based drug court program, may oversee the
1201 progress and compliance with treatment by a person who has
1202 custody or is requesting custody of the child. The court may
1203 impose appropriate available sanctions for noncompliance upon a
1204 person who has custody or is requesting custody of the child or
1205 make a finding of noncompliance for consideration in determining
1206 whether an alternative placement of the child is in the child's
1207 best interests. Any order entered under this subparagraph may be
1208 made only upon good cause shown. This subparagraph does not
1209 authorize placement of a child with a person seeking custody of
1210 the child, other than the child's parent or legal custodian, who
1211 requires mental health or substance abuse disorder treatment.

1212 2. Require, if the court deems necessary, the parties to
1213 participate in dependency mediation.

1214 3. Require placement of the child either under the
1215 protective supervision of an authorized agent of the department
1216 in the home of one or both of the child's parents or in the home
1217 of a relative of the child or another adult approved by the
1218 court, or in the custody of the department. Protective

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1219 supervision continues until the court terminates it or until the
1220 child reaches the age of 18, whichever date is first. Protective
1221 supervision shall be terminated by the court whenever the court
1222 determines that permanency has been achieved for the child,
1223 whether with a parent, another relative, or a legal custodian,
1224 and that protective supervision is no longer needed. The
1225 termination of supervision may be with or without retaining
1226 jurisdiction, at the court's discretion, and shall in either
1227 case be considered a permanency option for the child. The order
1228 terminating supervision by the department must set forth the
1229 powers of the custodian of the child and include the powers
1230 ordinarily granted to a guardian of the person of a minor unless
1231 otherwise specified. Upon the court's termination of supervision
1232 by the department, further judicial reviews are not required if
1233 permanency has been established for the child.

1234 4. Determine whether the child has a strong attachment to
1235 the prospective permanent guardian and whether such guardian has
1236 a strong commitment to permanently caring for the child.

1237 (e) The court shall, in its written order of disposition,
1238 include all of the following:

1239 1. The placement or custody of the child.

1240 2. Special conditions of placement and visitation.

1241 3. Evaluation, counseling, treatment activities, and other
1242 actions to be taken by the parties, if ordered.

1243 4. The persons or entities responsible for supervising or
1244 monitoring services to the child and parent.

1245 5. Continuation or discharge of the guardian ad litem or
1246 attorney for the child if appointed, as appropriate.

1247 6. The date, time, and location of the next scheduled

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1248 review hearing, which must occur within the earlier of:

1249 a. Ninety days after the disposition hearing;

1250 b. Ninety days after the court accepts the case plan;

1251 c. Six months after the date of the last review hearing; or

1252 d. Six months after the date of the child's removal from
1253 his or her home, if no review hearing has been held since the
1254 child's removal from the home.

1255 7. If the child is in an out-of-home placement, child
1256 support to be paid by the parents, or the guardian of the
1257 child's estate if possessed of assets which under law may be
1258 disbursed for the care, support, and maintenance of the child.
1259 The court may exercise jurisdiction over all child support
1260 matters, shall adjudicate the financial obligation, including
1261 health insurance, of the child's parents or guardian, and shall
1262 enforce the financial obligation as provided in chapter 61. The
1263 state's child support enforcement agency shall enforce child
1264 support orders under this section in the same manner as child
1265 support orders under chapter 61. Placement of the child shall
1266 not be contingent upon issuance of a support order.

1267 8.a. If the court does not commit the child to the
1268 temporary legal custody of an adult relative, legal custodian,
1269 or other adult approved by the court, the disposition order must
1270 include the reasons for such a decision and shall include a
1271 determination as to whether diligent efforts were made by the
1272 department to locate an adult relative, legal custodian, or
1273 other adult willing to care for the child in order to present
1274 that placement option to the court instead of placement with the
1275 department.

1276 b. If no suitable relative is found and the child is placed

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1277 with the department or a legal custodian or other adult approved
1278 by the court, both the department and the court shall consider
1279 transferring temporary legal custody to an adult relative
1280 approved by the court at a later date, but neither the
1281 department nor the court is obligated to so place the child if
1282 it is in the child's best interest to remain in the current
1283 placement.

1284

1285 For the purposes of this section, "diligent efforts to locate an
1286 adult relative" means a search similar to the diligent search
1287 for a parent, but without the continuing obligation to search
1288 after an initial adequate search is completed.

1289 9. Other requirements necessary to protect the health,
1290 safety, and well-being of the child, to preserve the stability
1291 of the child's child care, early education program, or any other
1292 educational placement, and to promote family preservation or
1293 reunification whenever possible.

1294 Section 22. Paragraph (a) of subsection (2) of section
1295 39.523, Florida Statutes, is amended to read:

1296 39.523 Placement in out-of-home care.-

1297 (2) ASSESSMENT AND PLACEMENT.-When any child is removed
1298 from a home and placed into out-of-home care, a comprehensive
1299 placement assessment process shall be completed to determine the
1300 level of care needed by the child and match the child with the
1301 most appropriate placement.

1302 (a) The community-based care lead agency or subcontracted
1303 agency with the responsibility for assessment and placement must
1304 coordinate a multidisciplinary team staffing with any available
1305 individual currently involved with the child, including, but not

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1306 limited to, a representative from the department and the case
1307 manager for the child; a therapist, ~~attorney ad litem~~, a
1308 guardian ad litem, an attorney for the child, teachers, coaches,
1309 and Children's Medical Services; and other community providers
1310 of services to the child or stakeholders as applicable. The team
1311 may also include clergy, relatives, and fictive kin if
1312 appropriate. Team participants must gather data and information
1313 on the child which is known at the time including, but not
1314 limited to:

- 1315 1. Mental, medical, behavioral health, and medication
1316 history;
- 1317 2. Community ties and school placement;
- 1318 3. Current placement decisions relating to any siblings;
- 1319 4. Alleged type of abuse or neglect including sexual abuse
1320 and trafficking history; and
- 1321 5. The child's age, maturity, strengths, hobbies or
1322 activities, and the child's preference for placement.

1323 Section 23. Paragraph (a) of subsection (1) of section
1324 39.6011, Florida Statutes, is amended to read:

1325 39.6011 Case plan development.—

1326 (1) The department shall prepare a draft of the case plan
1327 for each child receiving services under this chapter. A parent
1328 of a child may not be threatened or coerced with the loss of
1329 custody or parental rights for failing to admit in the case plan
1330 of abusing, neglecting, or abandoning a child. Participating in
1331 the development of a case plan is not an admission to any
1332 allegation of abuse, abandonment, or neglect, and it is not a
1333 consent to a finding of dependency or termination of parental
1334 rights. The case plan shall be developed subject to the

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1335 following requirements:

1336 (a) The case plan must be developed in a face-to-face
1337 conference with the parent of the child, any court-appointed
1338 guardian ad litem or attorney for the child, and, if
1339 appropriate, the child and the temporary custodian of the child.

1340 Section 24. Paragraph (c) of subsection (1) of section
1341 39.6012, Florida Statutes, is amended to read:

1342 39.6012 Case plan tasks; services.—

1343 (1) The services to be provided to the parent and the tasks
1344 that must be completed are subject to the following:

1345 (c) If there is evidence of harm as defined in s.
1346 39.01(36)(g) ~~s. 39.01(35)(g)~~, the case plan must include as a
1347 required task for the parent whose actions caused the harm that
1348 the parent submit to a substance abuse disorder assessment or
1349 evaluation and participate and comply with treatment and
1350 services identified in the assessment or evaluation as being
1351 necessary.

1352 Section 25. Subsection (8) of section 39.6251, Florida
1353 Statutes, is amended to read:

1354 39.6251 Continuing care for young adults.—

1355 (8) During the time that a young adult is in care, the
1356 court shall maintain jurisdiction to ensure that the department
1357 and the lead agencies are providing services and coordinate
1358 with, and maintain oversight of, other agencies involved in
1359 implementing the young adult's case plan, individual education
1360 plan, and transition plan. The court shall review the status of
1361 the young adult at least every 6 months and hold a permanency
1362 review hearing at least annually. If the young adult is
1363 appointed a guardian under chapter 744 or a guardian advocate

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1364 under s. 393.12, at the permanency review hearing the court
1365 shall review the necessity of continuing the guardianship and
1366 whether restoration of guardianship proceedings are needed when
1367 the young adult reaches 22 years of age. The court may appoint
1368 an attorney for the child ~~a guardian ad litem~~ or continue the
1369 appointment of a guardian ad litem or an attorney for the child,
1370 as applicable, with the young adult's consent. The young adult
1371 or any other party to the dependency case may request an
1372 additional hearing or review.

1373 Section 26. Paragraph (b) of subsection (1) and paragraph
1374 (b) of subsection (2) of section 39.701, Florida Statutes, are
1375 amended to read:

1376 39.701 Judicial review.—

1377 (1) GENERAL PROVISIONS.—

1378 (b)1. The court shall retain jurisdiction over a child
1379 returned to his or her parents for a minimum period of 6 months
1380 following the reunification, but, at that time, based on a
1381 report of the social service agency and the guardian ad litem or
1382 attorney for the child, if one has been appointed, and any other
1383 relevant factors, the court shall make a determination as to
1384 whether supervision by the department and the court's
1385 jurisdiction shall continue or be terminated.

1386 2. Notwithstanding subparagraph 1., the court must retain
1387 jurisdiction over a child if the child is placed in the home
1388 with a parent or caregiver with an in-home safety plan and such
1389 safety plan remains necessary for the child to reside safely in
1390 the home.

1391 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
1392 AGE.—

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1393 (b) *Submission and distribution of reports.*—

1394 1. A copy of the social service agency's written report and
1395 the written report of the guardian ad litem, and a report of the
1396 attorney for the child, if he or she has prepared one, must be
1397 served on all parties whose whereabouts are known; to the foster
1398 parents or legal custodians; and to the citizen review panel, at
1399 least 72 hours before the judicial review hearing or citizen
1400 review panel hearing. The requirement for providing parents with
1401 a copy of the written report does not apply to those parents who
1402 have voluntarily surrendered their child for adoption or who
1403 have had their parental rights to the child terminated.

1404 2. In a case in which the child has been permanently placed
1405 with the social service agency, the agency shall furnish to the
1406 court a written report concerning the progress being made to
1407 place the child for adoption. If the child cannot be placed for
1408 adoption, a report on the progress made by the child towards
1409 alternative permanency goals or placements, including, but not
1410 limited to, guardianship, long-term custody, long-term licensed
1411 custody, or independent living, must be submitted to the court.
1412 The report must be submitted to the court at least 72 hours
1413 before each scheduled judicial review.

1414 3. In addition to or in lieu of any written statement
1415 provided to the court, the foster parent or legal custodian, or
1416 any preadoptive parent, shall be given the opportunity to
1417 address the court with any information relevant to the best
1418 interests of the child at any judicial review hearing.

1419 Section 27. Paragraph (g) of subsection (5) of section
1420 39.702, Florida Statutes, is amended to read:

1421 39.702 Citizen review panels.—

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1422 (5) The independent not-for-profit agency authorized to
1423 administer each citizen review panel shall:

1424 (g) Establish policies to ensure adequate communication
1425 with the parent, the foster parent or legal custodian, the
1426 guardian ad litem or attorney for the child, and any other
1427 person deemed appropriate.

1428 Section 28. Paragraph (a) of subsection (3) and subsections
1429 (5), (6), and (7) of section 39.801, Florida Statutes, are
1430 amended to read:

1431 39.801 Procedures and jurisdiction; notice; service of
1432 process.—

1433 (3) Before the court may terminate parental rights, in
1434 addition to the other requirements set forth in this part, the
1435 following requirements must be met:

1436 (a) Notice of the date, time, and place of the advisory
1437 hearing for the petition to terminate parental rights and a copy
1438 of the petition must be personally served upon the following
1439 persons, specifically notifying them that a petition has been
1440 filed:

1441 1. The parents of the child.

1442 2. The legal custodians of the child.

1443 3. If the parents who would be entitled to notice are dead
1444 or unknown, a living relative of the child, unless upon diligent
1445 search and inquiry no such relative can be found.

1446 4. Any person who has physical custody of the child.

1447 5. Any grandparent entitled to priority for adoption under
1448 s. 63.0425.

1449 6. Any prospective parent who has been identified under s.
1450 39.503 or s. 39.803, unless a court order has been entered

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1451 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1452 indicates no further notice is required. Except as otherwise
1453 provided in this section, if there is not a legal father, notice
1454 of the petition for termination of parental rights must be
1455 provided to any known prospective father who is identified under
1456 oath before the court or who is identified by a diligent search
1457 of the Florida Putative Father Registry. Service of the notice
1458 of the petition for termination of parental rights is not
1459 required if the prospective father executes an affidavit of
1460 nonpaternity or a consent to termination of his parental rights
1461 which is accepted by the court after notice and opportunity to
1462 be heard by all parties to address the best interests of the
1463 child in accepting such affidavit.

1464 7. The guardian ad litem for the child or the
1465 representative of the guardian ad litem program, if the program
1466 has been appointed.

1467 8. The attorney for the child, if appointed.

1468
1469 The document containing the notice to respond or appear must
1470 contain, in type at least as large as the type in the balance of
1471 the document, the following or substantially similar language:
1472 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
1473 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
1474 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
1475 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
1476 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
1477 NOTICE."

1478 (5) All process and orders issued by the court must be
1479 served or executed as other process and orders of the circuit

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1480 court and, in addition, may be served or executed by authorized
1481 agents of the department, ~~or~~ the guardian ad litem, or the
1482 attorney for the child.

1483 (6) Subpoenas may be served within the state by any person
1484 over 18 years of age who is not a party to the proceeding and,
1485 in addition, may be served or executed by authorized agents of
1486 the department, ~~or~~ of the guardian ad litem, or of the attorney
1487 for the child.

1488 (7) A fee may not be paid for service of any process or
1489 other papers by an agent of the department, ~~or~~ the guardian ad
1490 litem, or the attorney for the child. If any process, orders, or
1491 other papers are served or executed by any sheriff, the
1492 sheriff's fees must be paid by the county.

1493 Section 29. Subsection (1) of section 39.802, Florida
1494 Statutes, is amended to read:

1495 39.802 Petition for termination of parental rights; filing;
1496 elements.-

1497 (1) All proceedings seeking an adjudication to terminate
1498 parental rights pursuant to this chapter must be initiated by
1499 the filing of an original petition by the department, the
1500 guardian ad litem, the attorney for the child, or any other
1501 person who has knowledge of the facts alleged or is informed of
1502 them and believes that they are true.

1503 Section 30. Subsection (2) of section 39.808, Florida
1504 Statutes, is amended to read:

1505 39.808 Advisory hearing; pretrial status conference.-

1506 (2) At the hearing the court shall inform the parties of
1507 their rights under s. 39.807, shall appoint counsel for the
1508 parties in accordance with legal requirements, and shall appoint

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1509 a guardian ad litem or an attorney for the child as provided for
1510 in s. 39.831 to represent the interests of the child if one has
1511 not already been appointed.

1512 Section 31. Subsection (11) of section 39.810, Florida
1513 Statutes, is amended to read:

1514 39.810 Manifest best interests of the child.—In a hearing
1515 on a petition for termination of parental rights, the court
1516 shall consider the manifest best interests of the child. This
1517 consideration shall not include a comparison between the
1518 attributes of the parents and those of any persons providing a
1519 present or potential placement for the child. For the purpose of
1520 determining the manifest best interests of the child, the court
1521 shall consider and evaluate all relevant factors, including, but
1522 not limited to:

1523 (11) The recommendations for the child provided by the
1524 child's guardian ad litem ~~or legal representative~~.

1525 Section 32. Subsection (9) of section 39.811, Florida
1526 Statutes, is amended to read:

1527 39.811 Powers of disposition; order of disposition.—

1528 (9) After termination of parental rights, the court shall
1529 retain jurisdiction over any child for whom custody is given to
1530 a social service agency until the child is adopted. The court
1531 shall review the status of the child's placement and the
1532 progress being made toward permanent adoptive placement. As part
1533 of this continuing jurisdiction, for good cause shown by the
1534 attorney for the child or guardian ad litem for the child, the
1535 court may review the appropriateness of the adoptive placement
1536 of the child.

1537 Section 33. Subsection (4) of section 39.812, Florida

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1538 Statutes, is amended to read:

1539 39.812 Postdisposition relief; petition for adoption.—

1540 (4) The court shall retain jurisdiction over any child
1541 placed in the custody of the department until the child is
1542 adopted. After custody of a child for subsequent adoption has
1543 been given to the department, the court has jurisdiction for the
1544 purpose of reviewing the status of the child and the progress
1545 being made toward permanent adoptive placement. As part of this
1546 continuing jurisdiction, for good cause shown by the attorney
1547 for the child or guardian ad litem for the child, the court may
1548 review the appropriateness of the adoptive placement of the
1549 child. When a licensed foster parent or court-ordered custodian
1550 has applied to adopt a child who has resided with the foster
1551 parent or custodian for at least 6 months and who has previously
1552 been permanently committed to the legal custody of the
1553 department and the department does not grant the application to
1554 adopt, the department may not, in the absence of a prior court
1555 order authorizing it to do so, remove the child from the foster
1556 home or custodian, except when:

1557 (a) There is probable cause to believe that the child is at
1558 imminent risk of abuse or neglect;

1559 (b) Thirty days have expired following written notice to
1560 the foster parent or custodian of the denial of the application
1561 to adopt, within which period no formal challenge of the
1562 department's decision has been filed; or

1563 (c) The foster parent or custodian agrees to the child's
1564 removal.

1565 Section 34. Subsections (5), (6), and (7) of section 43.16,
1566 Florida Statutes, are amended to read:

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1567 43.16 Justice Administrative Commission; membership, powers
1568 and duties.—

1569 (5) The duties of the commission shall include, but not be
1570 limited to, the following:

1571 (a) The maintenance of a central state office for
1572 administrative services and assistance when possible to and on
1573 behalf of the state attorneys and public defenders of Florida,
1574 the capital collateral regional counsel of Florida, the criminal
1575 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
1576 Program, and the Statewide Office of Child Representation.

1577 (b) Each state attorney, public defender, ~~and~~ criminal
1578 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
1579 Program, and the Statewide Office of Child Representation shall
1580 continue to prepare necessary budgets, vouchers that represent
1581 valid claims for reimbursement by the state for authorized
1582 expenses, and other things incidental to the proper
1583 administrative operation of the office, such as revenue
1584 transmittals to the Chief Financial Officer and automated
1585 systems plans, but will forward such items to the commission for
1586 recording and submission to the proper state officer. However,
1587 when requested by a state attorney, a public defender, a
1588 criminal conflict and civil regional counsel, ~~or~~ the Guardian Ad
1589 Litem Program, or the Statewide Office of Child Representation,
1590 the commission will either assist in the preparation of budget
1591 requests, voucher schedules, and other forms and reports or
1592 accomplish the entire project involved.

1593 (6) The commission, each state attorney, each public
1594 defender, the criminal conflict and civil regional counsel, the
1595 capital collateral regional counsel, ~~and~~ the Guardian Ad Litem

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1596 Program, and the Statewide Office of Child Representation shall
1597 establish and maintain internal controls designed to:

1598 (a) Prevent and detect fraud, waste, and abuse as defined
1599 in s. 11.45(1).

1600 (b) Promote and encourage compliance with applicable laws,
1601 rules, contracts, grant agreements, and best practices.

1602 (c) Support economical and efficient operations.

1603 (d) Ensure reliability of financial records and reports.

1604 (e) Safeguard assets.

1605 (7) The provisions contained in this section shall be
1606 supplemental to those of chapter 27, relating to state
1607 attorneys, public defenders, criminal conflict and civil
1608 regional counsel, and capital collateral regional counsel; to
1609 those of chapter 39, relating to the Guardian Ad Litem Program
1610 and the Statewide Office of Child Representation; or to other
1611 laws pertaining hereto.

1612 Section 35. Paragraph (a) of subsection (2) of section
1613 63.085, Florida Statutes, is amended to read:

1614 63.085 Disclosure by adoption entity.—

1615 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1616 (a) At the time that an adoption entity is responsible for
1617 selecting prospective adoptive parents for a born or unborn
1618 child whose parents are seeking to place the child for adoption
1619 or whose rights were terminated pursuant to chapter 39, the
1620 adoption entity must provide the prospective adoptive parents
1621 with information concerning the background of the child to the
1622 extent such information is disclosed to the adoption entity by
1623 the parents, legal custodian, or the department. This subsection
1624 applies only if the adoption entity identifies the prospective

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1625 adoptive parents and supervises the placement of the child in
1626 the prospective adoptive parents' home. If any information
1627 cannot be disclosed because the records custodian failed or
1628 refused to produce the background information, the adoption
1629 entity has a duty to provide the information if it becomes
1630 available. An individual or entity contacted by an adoption
1631 entity to obtain the background information must release the
1632 requested information to the adoption entity without the
1633 necessity of a subpoena or a court order. In all cases, the
1634 prospective adoptive parents must receive all available
1635 information by the date of the final hearing on the petition for
1636 adoption. The information to be disclosed includes:

- 1637 1. A family social and medical history form completed
1638 pursuant to s. 63.162(6).
- 1639 2. The biological mother's medical records documenting her
1640 prenatal care and the birth and delivery of the child.
- 1641 3. A complete set of the child's medical records
1642 documenting all medical treatment and care since the child's
1643 birth and before placement.
- 1644 4. All mental health, psychological, and psychiatric
1645 records, reports, and evaluations concerning the child before
1646 placement.
- 1647 5. The child's educational records, including all records
1648 concerning any special education needs of the child before
1649 placement.
- 1650 6. Records documenting all incidents that required the
1651 department to provide services to the child, including all
1652 orders of adjudication of dependency or termination of parental
1653 rights issued pursuant to chapter 39, any case plans drafted to

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1654 address the child's needs, all protective services
1655 investigations identifying the child as a victim, and all
1656 guardian ad litem reports or attorney for the child reports
1657 filed with the court concerning the child.

1658 7. Written information concerning the availability of
1659 adoption subsidies for the child, if applicable.

1660 Section 36. Subsection (4) of section 322.09, Florida
1661 Statutes, is amended to read:

1662 322.09 Application of minors; responsibility for negligence
1663 or misconduct of minor.—

1664 (4) Notwithstanding subsections (1) and (2), if a caregiver
1665 of a minor who is under the age of 18 years and is in out-of-
1666 home care as defined in s. 39.01(56) ~~s. 39.01(55)~~, an authorized
1667 representative of a residential group home at which such a minor
1668 resides, the caseworker at the agency at which the state has
1669 placed the minor, or a guardian ad litem specifically authorized
1670 by the minor's caregiver to sign for a learner's driver license
1671 signs the minor's application for a learner's driver license,
1672 that caregiver, group home representative, caseworker, or
1673 guardian ad litem does not assume any obligation or become
1674 liable for any damages caused by the negligence or willful
1675 misconduct of the minor by reason of having signed the
1676 application. Before signing the application, the caseworker,
1677 authorized group home representative, or guardian ad litem shall
1678 notify the caregiver or other responsible party of his or her
1679 intent to sign and verify the application.

1680 Section 37. Paragraph (p) of subsection (4) of section
1681 394.495, Florida Statutes, is amended to read:

1682 394.495 Child and adolescent mental health system of care;

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1683 programs and services.—

1684 (4) The array of services may include, but is not limited
1685 to:

1686 (p) Trauma-informed services for children who have suffered
1687 sexual exploitation as defined in s. 39.01(78)(g) ~~s.~~
1688 ~~39.01(77)(g)~~.

1689 Section 38. Section 627.746, Florida Statutes, is amended
1690 to read:

1691 627.746 Coverage for minors who have a learner's driver
1692 license; additional premium prohibited.—An insurer that issues
1693 an insurance policy on a private passenger motor vehicle to a
1694 named insured who is a caregiver of a minor who is under the age
1695 of 18 years and is in out-of-home care as defined in s.
1696 39.01(56) ~~s. 39.01(55)~~ may not charge an additional premium for
1697 coverage of the minor while the minor is operating the insured
1698 vehicle, for the period of time that the minor has a learner's
1699 driver license, until such time as the minor obtains a driver
1700 license.

1701 Section 39. Paragraph (c) of subsection (1) of section
1702 934.255, Florida Statutes, is amended to read:

1703 934.255 Subpoenas in investigations of sexual offenses.—

1704 (1) As used in this section, the term:

1705 (c) "Sexual abuse of a child" means a criminal offense
1706 based on any conduct described in s. 39.01(78) ~~s. 39.01(77)~~.

1707 Section 40. Subsection (5) of section 960.065, Florida
1708 Statutes, is amended to read:

1709 960.065 Eligibility for awards.—

1710 (5) A person is not ineligible for an award pursuant to
1711 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that

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1712 person is a victim of sexual exploitation of a child as defined
1713 in s. 39.01(78)(g) ~~s. 39.01(77)(g)~~.

1714 Section 41. This act shall take effect July 1, 2021.