

By Senator Book

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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 39.822, F.S.; conforming provisions to changes made by
9 the act; specifying circumstances under which a court
10 is required or authorized, on or after a specified
11 date, to appoint a guardian ad litem in certain
12 proceedings; authorizing the court, under certain
13 circumstances, to maintain a guardian ad litem's
14 appointment notwithstanding the appointment of an
15 attorney for the child; authorizing the court to order
16 that a new guardian ad litem be assigned for a child
17 or to discharge a guardian ad litem and appoint an
18 attorney for the child under specified circumstances;
19 amending s. 39.8296, F.S.; renaming the Guardian Ad
20 Litem Qualifications Committee as the Child Well-Being
21 Qualifications Committee; specifying a procedure and a
22 requirement for subsequent terms served by the
23 Statewide Guardian Ad Litem Office's executive
24 director; requiring the office to develop guidelines
25 to identify conflicts of interest of guardians ad
26 litem; prohibiting the office from assigning such
27 guardians; defining the term "conflict of interest";
28 requiring the office to identify any guardian ad litem
29 who is experiencing health issues and who appears to

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30 present a danger to the child to whom the guardian ad
31 litem is assigned; requiring the office to remove such
32 guardians from assigned cases, terminate their direct
33 child contact volunteer services, and disclose such
34 actions to the circuit court; authorizing the office
35 to permit such guardians ad litem to perform certain
36 work if certain conditions are met; creating s. 39.83,
37 F.S.; creating the Statewide Office of Child
38 Representation within the Justice Administrative
39 Commission; requiring the commission to provide
40 administrative support and services to the statewide
41 office; providing that the statewide office is not
42 subject to control, supervision, or direction by the
43 commission; providing that employees of the statewide
44 office are governed by the classification plan and
45 salary and benefits plan approved by the commission;
46 providing that the head of the statewide office is the
47 executive director; providing the process for
48 appointment; requiring that the initial executive
49 director be appointed by a specified date; providing
50 responsibilities of the office; providing a
51 requirement for the Department of Children and
52 Families or community-based care lead agency;
53 authorizing the office to contract with local
54 nonprofit agencies under certain conditions;
55 specifying requirements for the local nonprofit
56 agencies and for contracts between the office and such
57 agencies; creating a regional office of child
58 representation within the boundaries of each of the

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59 five district courts of appeal; requiring the regional
60 offices to commence fulfilling their purpose and
61 duties on a specified date; prescribing qualifications
62 for child representation counsel; creating s. 39.831,
63 F.S.; specifying when the court is required or
64 authorized to appoint an attorney for the child;
65 requiring the court to appoint the Statewide Office of
66 Child Representation unless the child is otherwise
67 represented by counsel; specifying requirements for
68 the scope of representation of an attorney for the
69 child; authorizing certain staff to attend certain
70 hearings rather than the attorney; requiring that
71 court orders appointing an attorney for the child be
72 in writing; providing for the appointment of private
73 counsel when the office has a conflict of interest;
74 requiring an attorney for the child to be compensated
75 and have access to funding for expenses with specified
76 conditions; providing conditions under which a parent
77 is required to reimburse the court for the cost of the
78 attorney; requiring agencies, persons, and
79 organizations to allow an attorney for the child to
80 inspect and copy certain records; defining the term
81 "records"; providing requirements for an attorney for
82 the child relating to hearings; requiring the
83 department to develop procedures to request that a
84 court appoint an attorney for the child; authorizing
85 the department to adopt rules; amending ss. 28.345,
86 29.007, 39.001, 39.00145, 39.0132, 39.0139, 39.202,
87 39.302, 39.402, 39.407, 39.4085, 39.502, 39.521,

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88 39.6011, 39.6012, 39.6251, 39.701, 39.702, 39.801,
89 39.802, 39.808, 39.810, 39.811, 39.812, 43.16, 63.085,
90 322.09, 394.495, 627.746, 768.28, 934.255, and
91 960.065, F.S.; conforming cross-references and
92 provisions to changes made by the act; providing an
93 effective date.

94

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

96

97 Section 1. Present subsections (8) through (87) of section
98 39.01, Florida Statutes, are redesignated as subsections (9)
99 through (88), respectively, a new subsection (8) is added to
100 that section, and present subsections (9) and (36) of that
101 section are amended, to read:

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

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

113 (10)~~(9)~~ "Caregiver" means the parent, legal custodian,
114 permanent guardian, adult household member, or other person
115 responsible for a child's welfare as defined in subsection (55)
116 ~~(54)~~.

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117 ~~(37)~~~~(36)~~ "Institutional child abuse or neglect" means
118 situations of known or suspected child abuse or neglect in which
119 the person allegedly perpetrating the child abuse or neglect is
120 an employee of a public or private school, public or private day
121 care center, residential home, institution, facility, or agency
122 or any other person at such institution responsible for the
123 child's welfare as defined in subsection (55) ~~(54)~~.

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

126 39.013 Procedures and jurisdiction; right to counsel.—

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

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

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

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

145 ~~(b) After an attorney is appointed, the appointment~~

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

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

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

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

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, 2023, 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, 2023, a guardian ad litem:

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

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

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

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

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

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

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

198 (3) Upon request by a child who is the subject of a
199 dependency proceeding under this chapter and who has a guardian
200 ad litem assigned, or upon any party presenting evidence that
201 there is reasonable cause to suspect the assigned guardian ad
202 litem has a conflict of interest as defined in s.
203 39.8296(2)(b)9., the court may:

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

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

213 (5)~~(2)~~ In those cases in which the parents are financially
214 able, the parent or parents of the child shall reimburse the
215 court, in part or in whole, for the cost of provision of
216 guardian ad litem services. Reimbursement to the individual
217 providing guardian ad litem services may ~~shall~~ not be contingent
218 upon successful collection by the court from the parent or
219 parents.

220 (6)~~(3)~~ Upon presentation by a guardian ad litem of a court
221 order appointing the guardian ad litem:

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

230 (b) A person or organization, other than an agency under
231 paragraph (a), shall allow the guardian ad litem to inspect and
232 copy any records related to the best interests of the child who

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233 is the subject of the appointment, including, but not limited
234 to, confidential records.

235

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

241 (7)~~(4)~~ The guardian ad litem or the program representative
242 shall review all disposition recommendations and changes in
243 placements, and must be present at all critical stages of the
244 dependency proceeding or submit a written report of
245 recommendations to the court. Written reports must be filed with
246 the court and served on all parties whose whereabouts are known
247 at least 72 hours before ~~prior to~~ the hearing.

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

250 39.8296 Statewide Guardian Ad Litem Office; legislative
251 findings and intent; creation; appointment of executive
252 director; duties of office.—

253 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
254 Statewide Guardian Ad Litem Office within the Justice
255 Administrative Commission. The Justice Administrative Commission
256 shall provide administrative support and service to the office
257 to the extent requested by the executive director within the
258 available resources of the commission. The Statewide Guardian Ad
259 Litem Office is not subject to control, supervision, or
260 direction by the Justice Administrative Commission in the
261 performance of its duties, but the employees of the office are

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262 governed by the classification plan and salary and benefits plan
263 approved by the Justice Administrative Commission.

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

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

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

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

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

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

316 5. The office shall review the various methods of funding
317 guardian ad litem programs, maximize the use of those funding
318 sources to the extent possible, and review the kinds of services
319 being provided by circuit guardian ad litem programs.

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

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

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

346 9. The office shall develop guidelines to identify any
347 possible conflicts of interest of a guardian ad litem when he or
348 she is being considered for assignment to a child's case. The

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349 office may not assign to a child's case a guardian ad litem for
350 whom a conflict of interest has been identified. For purposes of
351 this subparagraph, the term "conflict of interest" means the
352 guardian ad litem:

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

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

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

363 (c) The Statewide Guardian Ad Litem Office shall identify
364 any guardian ad litem who is experiencing an issue with his or
365 her physical or mental health and who appears to present a
366 danger to any child to whom the guardian ad litem is assigned.
367 As soon as possible after identification, the office must remove
368 such guardian ad litem from all assigned cases, terminate his or
369 her direct child contact volunteer services with the Guardian Ad
370 Litem Program, and disclose such action to the appropriate
371 circuit court. The office may permit a guardian ad litem with
372 physical or mental health issues identified in accordance with
373 this paragraph to work in the office without direct child
374 contact if such issues do not negatively affect his or her
375 ability to perform any required work duties and do not pose a
376 risk of harm to any children represented by the program. A
377 guardian ad litem who has caused harm to any child during the

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378 course of his or her appointment may not be employed or
379 permitted to volunteer for the program.

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

382 39.83 Statewide Office of Child Representation;
383 qualifications, appointment, and duties of executive director
384 and attorney for the child.-

385 (1) STATEWIDE OFFICE OF CHILD REPRESENTATION.-

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

397 (b) The head of the Statewide Office of Child
398 Representation is the executive director, who must be a member
399 of The Florida Bar in good standing for at least 5 years and
400 have knowledge of dependency law and the social service delivery
401 systems available to meet the needs of children who are abused,
402 neglected, or abandoned. The executive director shall be
403 appointed in accordance with the process, and serve in
404 accordance with the terms and requirements, provided in s.
405 39.8296(2) (a) for the head of the Statewide Guardian Ad Litem
406 Office. The appointment for the initial executive director must

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407 be completed by January 1, 2023.

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

413 1. Identify the resources required to implement methods of
414 collecting, reporting, and tracking reliable and consistent case
415 data.

416 2. Review and collect information relating to offices of
417 child representation and other models of attorney representation
418 of children in other states.

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

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

433 5. Develop protocols that must be implemented to assist
434 children who are represented by the Statewide Office of Child
435 Representation, regional offices, or its contracted local

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436 agencies in meeting eligibility requirements to receive all
437 available federal funding. This subparagraph may not be
438 construed to mean that the protocols may interfere with zealous
439 and effective representation of the children.

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

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

448 8. Establish standards and protocols for representation of
449 children with diminished capacity.

450 9. Retain responsibility for the quality of contracted
451 services and ensure that, at a minimum, services are delivered
452 in accordance with applicable federal and state statutes and
453 regulations.

454 10. Submit to the Governor, the President of the Senate,
455 the Speaker of the House of Representatives, and the Chief
456 Justice of the Supreme Court:

457 a. An interim report describing the progress of the
458 statewide office in meeting the responsibilities described in
459 this paragraph.

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

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

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

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

480 1. A local nonprofit agency under contract with the
481 statewide office shall:

482 a. Provide competent representation to all children to whom
483 the agency is appointed, including complying with the protocols
484 and standards developed by the statewide office with respect to
485 its representation;

486 b. Ensure that any documentation required for reimbursement
487 of any Title IV-E funds is provided to the statewide office on a
488 monthly basis;

489 c. Provide accurate and timely information necessary for
490 the statewide office to provide oversight and comply with its
491 requirements under this section;

492 d. Ensure that all staff comply with mandatory training as
493 required by the statewide office; and

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494 e. Comply with federal and state statutory requirements and
495 provisions as required under the contract.

496 2. A contract established between the statewide office and
497 any local nonprofit agency must be funded by a grant of general
498 revenue, other applicable state funds, or applicable federal
499 funding sources. Unless otherwise provided by law, this
500 paragraph does not preclude such an agency from raising funds by
501 other means. The contract must provide for:

502 a. The distribution of funds and method of payment by the
503 statewide office to the local nonprofit agency; and

504 b. In addition to funding for the provision of services,
505 the payment of a reasonable administrative cost by the
506 department to the local nonprofit agency.

507 (2) REGIONAL OFFICES OF CHILD REPRESENTATION.—An office of
508 child representation is created within the area served by each
509 of the five district courts of appeal. These regional offices
510 shall commence fulfilling their statutory purpose and duties on
511 July 1, 2023.

512 (3) CHILD REPRESENTATION COUNSEL; DUTIES.—The child
513 representation counsel shall serve on a full-time basis and may
514 not engage in the private practice of law while holding office.
515 Each assistant child representation counsel shall give priority
516 and preference to his or her duties as assistant child
517 representation counsel and may not otherwise engage in the
518 practice of dependency law. However, a part-time child
519 representation counsel may practice dependency law for private
520 payment so long as the representation does not result in a legal
521 or ethical conflict of interest with a case in which the office
522 of child representation is providing representation.

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523 Section 8. Section 39.831, Florida Statutes, is created to
524 read:

525 39.831 Attorney for the child.-

526 (1) APPOINTMENT.-

527 (a) An attorney for the child:

528 1. Shall be appointed by the court as provided in s.
529 39.01305(3);

530 2. Shall be appointed by the court for any child who is
531 placed in out-of-home licensed care on or after July 1, 2023,
532 and who is the subject of a dependency proceeding under this
533 chapter; or

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

537 (b) The court appointing an attorney for the child under
538 paragraph (a) shall appoint the Statewide Office of Child
539 Representation unless the child is otherwise represented by
540 counsel.

541 (c) An attorney for the child appointed pursuant to this
542 section shall represent the child only in the dependency
543 proceeding, which may include representation in fair hearings
544 and appellate proceedings directly related to matters needing
545 resolution for the child to achieve permanency. The Statewide
546 Office of Child Representation or local nonprofit agency
547 appointed to represent a child in the dependency proceeding
548 shall provide representation in fair hearings within the
549 resources allotted for representation in the dependency
550 proceeding. When appropriate, trained staff of the Statewide
551 Office of Child Representation or local nonprofit agency may

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552 attend the fair hearings rather than the appointed attorney. For
553 purposes of this paragraph, trained staff may include, but are
554 not limited to, social workers, case managers, education
555 advocates, or health care advocates.

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

570 (e) If, at any time during the representation of two or
571 more children in a dependency proceeding, a child representation
572 counsel determines that the interests of those clients are so
573 adverse or hostile that they cannot all be counseled by child
574 representation counsel or his or her staff because of a conflict
575 of interest, the child representation counsel shall file a
576 motion to withdraw and move the court to appoint other counsel.
577 Child representation counsel may not automatically determine
578 that the appointment to represent siblings is a conflict of
579 interest. If requested by the Justice Administrative Commission,
580 the child representation counsel shall submit a copy of the

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581 motion to the Justice Administrative Commission at the time it
582 is filed with the court. The court shall review and may inquire
583 or conduct a hearing into the adequacy of the child
584 representation counsel's submissions regarding a conflict of
585 interest without requiring the disclosure of any confidential
586 communications. The court shall deny the motion to withdraw if
587 the court finds the grounds for withdrawal are insufficient or
588 the asserted conflict is not prejudicial to the client. If the
589 court grants the motion to withdraw, the court shall appoint one
590 or more private attorneys to represent the person in accordance
591 with the requirements and process provided for in s. 27.40. The
592 clerk of the court shall inform the child representation counsel
593 and the commission when the court appoints private counsel.

594 (f) Unless the attorney has agreed to provide pro bono
595 services, an appointed attorney or organization must be
596 adequately compensated as provided in s. 27.5304. All appointed
597 attorneys and organizations, including pro bono attorneys, must
598 be provided with access to funding for expert witnesses,
599 depositions, and other due process costs of litigation. Payments
600 of attorney fees and case-related due process costs are subject
601 to appropriations and review by the Justice Administrative
602 Commission for reasonableness. The Justice Administrative
603 Commission shall contract with attorneys appointed by the court.
604 Attorney fees may not exceed \$1,000 per child per year.

605 (g) In cases in which one or both parents are financially
606 able, the parent or parents, as applicable, of the child shall
607 reimburse the court, in whole or in part, for the cost of
608 services provided under this section; however, reimbursement for
609 services provided by the attorney for the child may not be

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610 contingent upon successful collection by the court of
611 reimbursement from the parent or parents.

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

614 (a) An agency as defined in chapter 119 must allow the
615 attorney for the child to inspect and copy records related to
616 the child who is the subject of the appointment, including, but
617 not limited to, records made confidential or exempt from s.
618 119.07(1) or s. 24(a), Art. I of the State Constitution. The
619 attorney for the child shall maintain the confidential or exempt
620 status of any records shared by an agency under this paragraph.

621 (b) A person or an organization, other than an agency under
622 paragraph (a), must allow the attorney for the child to inspect
623 and copy any records related to the child who is the subject of
624 the appointment, including, but not limited to, confidential
625 records.

626
627 For the purposes of this subsection, the term “records”
628 includes, but is not limited to, medical, mental health,
629 substance abuse, child care, education, law enforcement, court,
630 social services, and financial records.

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

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

637 (5) RULEMAKING.—The department may adopt rules to implement
638 this section.

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

641 28.345 State access to records; exemption from court-
642 related fees and charges.—

643 (1) Notwithstanding any other ~~provision of law~~, the clerk
644 of the circuit court shall, upon request, provide access to
645 public records without charge to the state attorney, public
646 defender, guardian ad litem, public guardian, ~~attorney ad litem,~~
647 criminal conflict and civil regional counsel, and court-
648 appointed attorney for the child and private court-appointed
649 ~~counsel paid by the state~~, and to authorized staff acting on
650 their behalf. The clerk of court may provide the requested
651 public record in an electronic format in lieu of a paper format
652 if the requesting entity is capable of accessing such public
653 record electronically.

654 Section 10. Section 29.007, Florida Statutes, is amended to
655 read:

656 29.007 Court-appointed counsel.—For purposes of
657 implementing s. 14, Art. V of the State Constitution, the
658 elements of court-appointed counsel to be provided from state
659 revenues appropriated by general law are as follows:

660 (1) Private attorneys appointed by the court to handle
661 cases where the defendant is indigent and cannot be represented
662 by the public defender or the office of criminal conflict and
663 civil regional counsel.

664 (2) When the office of criminal conflict and civil regional
665 counsel has a conflict of interest, private attorneys appointed
666 by the court to represent indigents or other classes of
667 litigants in civil proceedings requiring court-appointed counsel

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668 in accordance with state and federal constitutional guarantees
669 and federal and state statutes.

670 (3) When the Statewide Office of Child Representation or a
671 local nonprofit agency with which the statewide office has
672 contracted has a conflict of interest, private attorneys
673 appointed by the court to represent indigents or other classes
674 of litigants in civil proceedings requiring court-appointed
675 counsel in accordance with federal and state statutes.

676 (4) Reasonable court reporting and transcription services
677 necessary to meet constitutional or statutory requirements,
678 including the cost of transcribing and copying depositions of
679 witnesses and the cost of foreign language and sign-language
680 interpreters and translators.

681 (5)~~(4)~~ Witnesses, including expert witnesses, summoned to
682 appear for an investigation, preliminary hearing, or trial in a
683 case when the witnesses are summoned on behalf of an indigent,
684 and any other expert witnesses approved by the court.

685 (6)~~(5)~~ Mental health professionals appointed pursuant to s.
686 394.473 and required in a court hearing involving an indigent,
687 mental health professionals appointed pursuant to s. 916.115(2)
688 and required in a court hearing involving an indigent, and any
689 other mental health professionals required by law for the full
690 adjudication of any civil case involving an indigent person.

691 (7)~~(6)~~ Reasonable pretrial consultation fees and costs.

692 (8)~~(7)~~ Travel expenses reimbursable under s. 112.061
693 reasonably necessary in the performance of constitutional and
694 statutory responsibilities.

695
696 Subsections ~~(3)~~, (4), (5), (6), ~~and~~ (7), and (8) apply when

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697 court-appointed counsel is appointed; when the court determines
698 that the litigant is indigent for costs; or when the litigant is
699 acting pro se and the court determines that the litigant is
700 indigent for costs at the trial or appellate level. This section
701 applies in any situation in which the court appoints counsel to
702 protect a litigant's due process rights. The Justice
703 Administrative Commission shall approve uniform contract forms
704 for use in processing payments for due process services under
705 this section. In each case in which a private attorney
706 represents a person determined by the court to be indigent for
707 costs, the attorney shall execute the commission's contract for
708 private attorneys representing persons determined to be indigent
709 for costs.

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

713 39.001 Purposes and intent; personnel standards and
714 screening.—

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

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

722 (10) PLAN FOR COMPREHENSIVE APPROACH.—

723 (a) The office shall develop a state plan for the promotion
724 of adoption, support of adoptive families, and prevention of
725 abuse, abandonment, and neglect of children. The Department of

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726 Children and Families, the Department of Corrections, the
727 Department of Education, the Department of Health, the
728 Department of Juvenile Justice, the Department of Law
729 Enforcement, and the Agency for Persons with Disabilities shall
730 participate and fully cooperate in the development of the state
731 plan at both the state and local levels. Furthermore,
732 appropriate local agencies and organizations shall be provided
733 an opportunity to participate in the development of the state
734 plan at the local level. Appropriate local groups and
735 organizations shall include, but not be limited to, community
736 mental health centers; guardian ad litem programs for children
737 under the circuit court; child representation counsel regional
738 offices; the school boards of the local school districts; the
739 Florida local advocacy councils; community-based care lead
740 agencies; private or public organizations or programs with
741 recognized expertise in working with child abuse prevention
742 programs for children and families; private or public
743 organizations or programs with recognized expertise in working
744 with children who are sexually abused, physically abused,
745 emotionally abused, abandoned, or neglected and with expertise
746 in working with the families of such children; private or public
747 programs or organizations with expertise in maternal and infant
748 health care; multidisciplinary Child Protection Teams; child day
749 care centers; law enforcement agencies; and the circuit courts,
750 when guardian ad litem programs and attorney for the child are
751 not available in the local area. The state plan to be provided
752 to the Legislature and the Governor shall include, as a minimum,
753 the information required of the various groups in paragraph (b).
754 Section 12. Subsections (2) and (4) of section 39.00145,

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755 Florida Statutes, are amended to read:

756 39.00145 Records concerning children.—

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

762 (a) A complete and accurate copy of any record in a child's
763 case record must be provided, upon request and at no cost, to
764 the child who is the subject of the case record and to the
765 child's caregiver or ~~or~~ guardian ad litem ~~or~~ the attorney for the
766 child.

767 (b) The department shall release the information in a
768 manner and setting that are appropriate to the age and maturity
769 of the child and the nature of the information being released,
770 which may include the release of information in a therapeutic
771 setting, if appropriate. This paragraph does not deny the child
772 access to his or her records.

773 (c) If a child or the child's caregiver, guardian ad litem,
774 or attorney for the child ~~attorney~~ requests access to the
775 child's case record, any person or entity that fails to provide
776 any record in the case record under assertion of a claim of
777 exemption from the public records requirements of chapter 119,
778 or fails to provide access within a reasonable time, is subject
779 to sanctions and penalties under s. 119.10.

780 (d) For the purposes of this subsection, the term
781 "caregiver" is limited to parents, legal custodians, permanent
782 guardians, or foster parents; employees of a residential home,
783 institution, facility, or agency at which the child resides; and

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784 other individuals legally responsible for a child's welfare in a
785 residential setting.

786 (4) Notwithstanding any other ~~provision of~~ law, all state
787 and local agencies and programs that provide services to
788 children or that are responsible for a child's safety, including
789 the Department of Juvenile Justice, the Department of Health,
790 the Agency for Health Care Administration, the Agency for
791 Persons with Disabilities, the Department of Education, the
792 Department of Revenue, the school districts, the Statewide
793 Guardian Ad Litem Office, the Statewide Office of Child
794 Representation, and any provider contracting with such agencies,
795 may share with each other confidential records or information
796 that are confidential or exempt from disclosure under chapter
797 119 if the records or information are reasonably necessary to
798 ensure access to appropriate services for the child, including
799 child support enforcement services, or for the safety of the
800 child. However:

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

803 (b) This subsection does not apply to information
804 concerning clients and records of certified domestic violence
805 centers, which are confidential under s. 39.908 and privileged
806 under s. 90.5036.

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

809 39.0132 Oaths, records, and confidential information.—

810 (3) The clerk shall keep all court records required by this
811 chapter separate from other records of the circuit court. All
812 court records required by this chapter shall not be open to

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813 inspection by the public. All records shall be inspected only
814 upon order of the court by persons deemed by the court to have a
815 proper interest therein, except that, subject to ~~the provisions~~
816 ~~of~~ s. 63.162, a child and the parents of the child and their
817 attorneys, guardian ad litem, attorney for the child, law
818 enforcement agencies, and the department and its designees shall
819 always have the right to inspect and copy any official record
820 pertaining to the child. The Justice Administrative Commission
821 may inspect court dockets required by this chapter as necessary
822 to audit compensation of court-appointed attorneys. If the
823 docket is insufficient for purposes of the audit, the commission
824 may petition the court for additional documentation as necessary
825 and appropriate. The court may permit authorized representatives
826 of recognized organizations compiling statistics for proper
827 purposes to inspect and make abstracts from official records,
828 under whatever conditions upon their use and disposition the
829 court may deem proper, and may punish by contempt proceedings
830 any violation of those conditions.

831 (4)(a)1. All information obtained pursuant to this part in
832 the discharge of official duty by any judge, employee of the
833 court, authorized agent of the department, correctional
834 probation officer, or law enforcement agent is confidential and
835 exempt from s. 119.07(1) and may not be disclosed to anyone
836 other than the authorized personnel of the court, the department
837 and its designees, correctional probation officers, law
838 enforcement agents, guardian ad litem, attorney for the child,
839 and others entitled under this chapter to receive that
840 information, except upon order of the court.

841 2.a. The following information held by a guardian ad litem

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842 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
843 I of the State Constitution:

844 (I) Medical, mental health, substance abuse, child care,
845 education, law enforcement, court, social services, and
846 financial records.

847 (II) Any other information maintained by a guardian ad
848 litem which is identified as confidential information under this
849 chapter.

850 b. Such confidential and exempt information may not be
851 disclosed to anyone other than the authorized personnel of the
852 court, the department and its designees, correctional probation
853 officers, law enforcement agents, guardians ad litem, and others
854 entitled under this chapter to receive that information, except
855 upon order of the court.

856 (b) The department shall disclose to the school
857 superintendent the presence of any child in the care and custody
858 or under the jurisdiction or supervision of the department who
859 has a known history of criminal sexual behavior with other
860 juveniles; is an alleged juvenile sex offender, as defined in s.
861 39.01; or has pled guilty or nolo contendere to, or has been
862 found to have committed, a violation of chapter 794, chapter
863 796, chapter 800, s. 827.071, or s. 847.0133, regardless of
864 adjudication. Any employee of a district school board who
865 knowingly and willfully discloses such information to an
866 unauthorized person commits a misdemeanor of the second degree,
867 punishable as provided in s. 775.082 or s. 775.083.

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

870 39.0139 Visitation or other contact; restrictions.—

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

875 (a) Before ~~Prior to~~ the hearing, the court shall appoint an
876 attorney for the child ~~an attorney ad litem~~ or a guardian ad
877 litem, as appropriate, for the child if one has not already been
878 appointed. Any attorney for the child ~~attorney ad litem~~ or
879 guardian ad litem appointed shall have special training in the
880 dynamics of child sexual abuse.

881 (b) At the hearing, the court may receive and rely upon any
882 relevant and material evidence submitted to the extent of its
883 probative value, including written and oral reports or
884 recommendations from the Child Protection Team, the child's
885 therapist, or the child's guardian ad litem, ~~or the child's~~
886 ~~attorney ad litem,~~ even if these reports, recommendations, and
887 evidence may not be admissible under the rules of evidence.

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

890 39.202 Confidentiality of reports and records in cases of
891 child abuse or neglect; exception.—

892 (2) Except as provided in subsection (4), access to such
893 records, excluding the name of, or other identifying information
894 with respect to, the reporter which shall be released only as
895 provided in subsection (5), shall be granted only to the
896 following persons, officials, and agencies:

897 (k) Any appropriate official of a Florida advocacy council
898 investigating a report of known or suspected child abuse,
899 abandonment, or neglect; the Auditor General or the Office of

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900 Program Policy Analysis and Government Accountability for the
901 purpose of conducting audits or examinations pursuant to law; or
902 the child's guardian ad litem or attorney for the child.

903 (t) Persons with whom the department is seeking to place
904 the child or to whom placement has been granted, including
905 foster parents for whom an approved home study has been
906 conducted, the designee of a licensed child-caring agency as
907 defined in s. 39.01 ~~s. 39.01(41)~~, an approved relative or
908 nonrelative with whom a child is placed pursuant to s. 39.402,
909 preadoptive parents for whom a favorable preliminary adoptive
910 home study has been conducted, adoptive parents, or an adoption
911 entity acting on behalf of preadoptive or adoptive parents.

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

914 39.302 Protective investigations of institutional child
915 abuse, abandonment, or neglect.—

916 (1) The department shall conduct a child protective
917 investigation of each report of institutional child abuse,
918 abandonment, or neglect. Upon receipt of a report that alleges
919 that an employee or agent of the department, or any other entity
920 or person covered by s. 39.01(37) or (55) ~~s. 39.01(36) or (54)~~,
921 acting in an official capacity, has committed an act of child
922 abuse, abandonment, or neglect, the department shall initiate a
923 child protective investigation within the timeframe established
924 under s. 39.101(2) and notify the appropriate state attorney,
925 law enforcement agency, and licensing agency, which shall
926 immediately conduct a joint investigation, unless independent
927 investigations are more feasible. When conducting investigations
928 or having face-to-face interviews with the child, investigation

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929 visits shall be unannounced unless it is determined by the
930 department or its agent that unannounced visits threaten the
931 safety of the child. If a facility is exempt from licensing, the
932 department shall inform the owner or operator of the facility of
933 the report. Each agency conducting a joint investigation is
934 entitled to full access to the information gathered by the
935 department in the course of the investigation. A protective
936 investigation must include an interview with the child's parent
937 or legal guardian. The department shall make a full written
938 report to the state attorney within 3 business days after making
939 the oral report. A criminal investigation shall be coordinated,
940 whenever possible, with the child protective investigation of
941 the department. Any interested person who has information
942 regarding the offenses described in this subsection may forward
943 a statement to the state attorney as to whether prosecution is
944 warranted and appropriate. Within 15 days after the completion
945 of the investigation, the state attorney shall report the
946 findings to the department and shall include in the report a
947 determination of whether or not prosecution is justified and
948 appropriate in view of the circumstances of the specific case.

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

952 39.402 Placement in a shelter.—

953 (8)

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

955 1. Appoint a guardian ad litem to represent the best
956 interest of the child or an attorney for the child to provide
957 direct representation as provided in part XI of this chapter,

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958 unless the court finds that such representation is unnecessary;

959 2. Inform the parents or legal custodians of their right to
960 counsel to represent them at the shelter hearing and at each
961 subsequent hearing or proceeding, and the right of the parents
962 to appointed counsel, pursuant to the procedures set forth in s.
963 39.013;

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

966 4. Inquire of those present at the shelter hearing as to
967 the identity and location of the legal father. In determining
968 who the legal father of the child may be, the court shall
969 inquire under oath of those present at the shelter hearing
970 whether they have any of the following information:

971 a. Whether the mother of the child was married at the
972 probable time of conception of the child or at the time of birth
973 of the child.

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

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

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

982 e. Whether any man has acknowledged or claimed paternity of
983 the child in a jurisdiction in which the mother resided at the
984 time of or since conception of the child or in which the child
985 has resided or resides.

986 f. Whether a man is named on the birth certificate of the

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987 child pursuant to s. 382.013(2).

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

990 h. Whether a man has been determined to be the father of
991 the child by the Department of Revenue as provided in s.
992 409.256.

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

994 (a) Periods of delay resulting from a continuance granted
995 at the request or with the consent of the attorney for the child
996 or the child's ~~counsel or the child's~~ guardian ad litem, if one
997 has been appointed by the court, or, if the child is of
998 sufficient capacity to express reasonable consent, at the
999 request or with the consent of the attorney for the child
1000 ~~child's attorney~~ or the child's guardian ad litem, ~~if one has~~
1001 ~~been appointed by the court,~~ and the child.

1002 Section 18. Paragraphs (e) and (f) of subsection (3) and
1003 subsection (6) of section 39.407, Florida Statutes, are amended
1004 to read:

1005 39.407 Medical, psychiatric, and psychological examination
1006 and treatment of child; physical, mental, or substance abuse
1007 examination of person with or requesting child custody.-

1008 (3)

1009 (e)1. If the child's prescribing physician or psychiatric
1010 nurse, as defined in s. 394.455, certifies in the signed medical
1011 report required in paragraph (c) that delay in providing a
1012 prescribed psychotropic medication would more likely than not
1013 cause significant harm to the child, the medication may be
1014 provided in advance of the issuance of a court order. In such
1015 event, the medical report must provide the specific reasons why

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1016 the child may experience significant harm and the nature and the
1017 extent of the potential harm. The department must submit a
1018 motion seeking continuation of the medication and the
1019 physician's or psychiatric nurse's medical report to the court,
1020 the child's guardian ad litem or attorney for the child, and all
1021 other parties within 3 working days after the department
1022 commences providing the medication to the child. The department
1023 shall seek the order at the next regularly scheduled court
1024 hearing required under this chapter, or within 30 days after the
1025 date of the prescription, whichever occurs sooner. If any party
1026 objects to the department's motion, the court shall hold a
1027 hearing within 7 days.

1028 2. Psychotropic medications may be administered in advance
1029 of a court order in hospitals, crisis stabilization units, and
1030 in statewide inpatient psychiatric programs. Within 3 working
1031 days after the medication is begun, the department must seek
1032 court authorization as described in paragraph (c).

1033 (f)1. The department shall fully inform the court of the
1034 child's medical and behavioral status as part of the social
1035 services report prepared for each judicial review hearing held
1036 for a child for whom psychotropic medication has been prescribed
1037 or provided under this subsection. As a part of the information
1038 provided to the court, the department shall furnish copies of
1039 all pertinent medical records concerning the child which have
1040 been generated since the previous hearing. On its own motion or
1041 on good cause shown by any party, including any guardian ad
1042 litem, or the child attorney, ~~or attorney ad litem who has been~~
1043 ~~appointed to represent the child or the child's interests~~, the
1044 court may review the status more frequently than required in

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1045 this subsection.

1046 2. The court may, in the best interests of the child, order
1047 the department to obtain a medical opinion addressing whether
1048 the continued use of the medication under the circumstances is
1049 safe and medically appropriate.

1050 (6) Children who are in the legal custody of the department
1051 may be placed by the department, without prior approval of the
1052 court, in a residential treatment center licensed under s.
1053 394.875 or a hospital licensed under chapter 395 for residential
1054 mental health treatment only pursuant to this section or may be
1055 placed by the court in accordance with an order of involuntary
1056 examination or involuntary placement entered pursuant to s.
1057 394.463 or s. 394.467. All children placed in a residential
1058 treatment program under this subsection must be appointed ~~have~~ a
1059 guardian ad litem and an attorney for the child ~~appointed~~.

1060 (a) As used in this subsection, the term:

1061 1. "Residential treatment" means placement for observation,
1062 diagnosis, or treatment of an emotional disturbance in a
1063 residential treatment center licensed under s. 394.875 or a
1064 hospital licensed under chapter 395.

1065 2. "Least restrictive alternative" means the treatment and
1066 conditions of treatment that, separately and in combination, are
1067 no more intrusive or restrictive of freedom than reasonably
1068 necessary to achieve a substantial therapeutic benefit or to
1069 protect the child or adolescent or others from physical injury.

1070 3. "Suitable for residential treatment" or "suitability"
1071 means a determination concerning a child or adolescent with an
1072 emotional disturbance as defined in s. 394.492(5) or a serious
1073 emotional disturbance as defined in s. 394.492(6) that each of

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1074 the following criteria is met:

1075 a. The child requires residential treatment.

1076 b. The child is in need of a residential treatment program
1077 and is expected to benefit from mental health treatment.

1078 c. An appropriate, less restrictive alternative to
1079 residential treatment is unavailable.

1080 (b) Whenever the department believes that a child in its
1081 legal custody is emotionally disturbed and may need residential
1082 treatment, an examination and suitability assessment must be
1083 conducted by a qualified evaluator who is appointed by the
1084 Agency for Health Care Administration. This suitability
1085 assessment must be completed before the placement of the child
1086 in a residential treatment center for emotionally disturbed
1087 children and adolescents or a hospital. The qualified evaluator
1088 must be a psychiatrist or a psychologist licensed in Florida who
1089 has at least 3 years of experience in the diagnosis and
1090 treatment of serious emotional disturbances in children and
1091 adolescents and who has no actual or perceived conflict of
1092 interest with any inpatient facility or residential treatment
1093 center or program.

1094 (c) Before a child is admitted under this subsection, the
1095 child shall be assessed for suitability for residential
1096 treatment by a qualified evaluator who has conducted a personal
1097 examination and assessment of the child and has made written
1098 findings that:

1099 1. The child appears to have an emotional disturbance
1100 serious enough to require residential treatment and is
1101 reasonably likely to benefit from the treatment.

1102 2. The child has been provided with a clinically

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1103 appropriate explanation of the nature and purpose of the
1104 treatment.

1105 3. All available modalities of treatment less restrictive
1106 than residential treatment have been considered, and a less
1107 restrictive alternative that would offer comparable benefits to
1108 the child is unavailable.

1109
1110 A copy of the written findings of the evaluation and suitability
1111 assessment must be provided to the department, to the guardian
1112 ad litem and attorney for the child, and, if the child is a
1113 member of a Medicaid managed care plan, to the plan that is
1114 financially responsible for the child's care in residential
1115 treatment, all of whom must be provided with the opportunity to
1116 discuss the findings with the evaluator.

1117 (d) Immediately upon placing a child in a residential
1118 treatment program under this section, the department must notify
1119 the guardian ad litem, the attorney for the child, and the court
1120 having jurisdiction over the child and must provide the guardian
1121 ad litem, the attorney for the child, and the court with a copy
1122 of the assessment by the qualified evaluator.

1123 (e) Within 10 days after the admission of a child to a
1124 residential treatment program, the director of the residential
1125 treatment program or the director's designee must ensure that an
1126 individualized plan of treatment has been prepared by the
1127 program and has been explained to the child, to the department,
1128 ~~and~~ to the guardian ad litem, and to the attorney for the child,
1129 and submitted to the department. The child must be involved in
1130 the preparation of the plan to the maximum feasible extent
1131 consistent with his or her ability to understand and

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1132 participate, and the guardian ad litem, the attorney for the
1133 child, and the child's foster parents must be involved to the
1134 maximum extent consistent with the child's treatment needs. The
1135 plan must include a preliminary plan for residential treatment
1136 and aftercare upon completion of residential treatment. The plan
1137 must include specific behavioral and emotional goals against
1138 which the success of the residential treatment may be measured.
1139 A copy of the plan must be provided to the child, to the
1140 guardian ad litem, to the attorney for the child, and to the
1141 department.

1142 (f) Within 30 days after admission, the residential
1143 treatment program must review the appropriateness and
1144 suitability of the child's placement in the program. The
1145 residential treatment program must determine whether the child
1146 is receiving benefit toward the treatment goals and whether the
1147 child could be treated in a less restrictive treatment program.
1148 The residential treatment program shall prepare a written report
1149 of its findings and submit the report to the guardian ad litem,
1150 to the attorney for the child, and to the department. The
1151 department must submit the report to the court. The report must
1152 include a discharge plan for the child. The residential
1153 treatment program must continue to evaluate the child's
1154 treatment progress every 30 days thereafter and must include its
1155 findings in a written report submitted to the department. The
1156 department may not reimburse a facility until the facility has
1157 submitted every written report that is due.

1158 (g)1. The department must submit, at the beginning of each
1159 month, to the court having jurisdiction over the child, a
1160 written report regarding the child's progress toward achieving

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1161 the goals specified in the individualized plan of treatment.

1162 2. The court must conduct a hearing to review the status of
1163 the child's residential treatment plan no later than 60 days
1164 after the child's admission to the residential treatment
1165 program. An independent review of the child's progress toward
1166 achieving the goals and objectives of the treatment plan must be
1167 completed by a qualified evaluator and submitted to the court
1168 before its 60-day review.

1169 3. For any child in residential treatment at the time a
1170 judicial review is held pursuant to s. 39.701, the child's
1171 continued placement in residential treatment must be a subject
1172 of the judicial review.

1173 4. If at any time the court determines that the child is
1174 not suitable for continued residential treatment, the court
1175 shall order the department to place the child in the least
1176 restrictive setting that is best suited to meet his or her
1177 needs.

1178 (h) After the initial 60-day review, the court must conduct
1179 a review of the child's residential treatment plan every 90
1180 days.

1181 (i) The department must adopt rules for implementing
1182 timeframes for the completion of suitability assessments by
1183 qualified evaluators and a procedure that includes timeframes
1184 for completing the 60-day independent review by the qualified
1185 evaluators of the child's progress toward achieving the goals
1186 and objectives of the treatment plan which review must be
1187 submitted to the court. The Agency for Health Care
1188 Administration must adopt rules for the registration of
1189 qualified evaluators, the procedure for selecting the evaluators

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1190 to conduct the reviews required under this section, and a
1191 reasonable, cost-efficient fee schedule for qualified
1192 evaluators.

1193 Section 19. Paragraphs (t) and (u) of subsection (1) of
1194 section 39.4085, Florida Statutes, are amended to read:

1195 39.4085 Goals for dependent children; responsibilities;
1196 education.—

1197 (1) The Legislature finds that the design and delivery of
1198 child welfare services should be directed by the principle that
1199 the health and safety of children, including the freedom from
1200 abuse, abandonment, or neglect, is of paramount concern and,
1201 therefore, establishes the following goals for children in
1202 shelter or foster care:

1203 (t) To have a guardian ad litem appointed to represent,
1204 within reason, their best interests; and, as appropriate, have
1205 an attorney for the child ~~and, if appropriate, an attorney ad~~
1206 ~~litem~~ appointed to represent their legal interests. † The
1207 guardian ad litem and attorney for the child ~~ad litem~~ shall have
1208 immediate and unlimited access to the children they represent.

1209 (u) To have all their records available for review by their
1210 guardian ad litem or attorney for the child, as applicable, ~~and~~
1211 ~~attorney ad litem~~ if they deem such review necessary.

1212
1213 This subsection establishes goals and not rights. This
1214 subsection does not require the delivery of any particular
1215 service or level of service in excess of existing
1216 appropriations. A person does not have a cause of action against
1217 the state or any of its subdivisions, agencies, contractors,
1218 subcontractors, or agents, based upon the adoption of or failure

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1219 to provide adequate funding for the achievement of these goals
1220 by the Legislature. This subsection does not require the
1221 expenditure of funds to meet the goals established in this
1222 subsection except those funds specifically appropriated for such
1223 purpose.

1224 Section 20. Subsections (8), (12), (13), (14), and (17) of
1225 section 39.502, Florida Statutes, are amended to read:

1226 39.502 Notice, process, and service.—

1227 (8) It is not necessary to the validity of a proceeding
1228 covered by this part that the parents be present if their
1229 identity or residence is unknown after a diligent search has
1230 been made, but in this event the petitioner shall file an
1231 affidavit of diligent search prepared by the person who made the
1232 search and inquiry, and the court may appoint a guardian ad
1233 litem for the child or an attorney for the child, as
1234 appropriate.

1235 (12) All process and orders issued by the court shall be
1236 served or executed as other process and orders of the circuit
1237 court and, in addition, may be served or executed by authorized
1238 agents of the department or the guardian ad litem or attorney
1239 for the child, as applicable.

1240 (13) Subpoenas may be served within this ~~the~~ state by any
1241 person over 18 years of age who is not a party to the proceeding
1242 and, in addition, may be served by authorized agents of the
1243 department or the guardian ad litem or attorney for the child,
1244 as applicable.

1245 (14) No fee shall be paid for service of any process or
1246 other papers by an agent of the department or the guardian ad
1247 litem or attorney for the child, as applicable. If any process,

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1248 orders, or any other papers are served or executed by any
1249 sheriff, the sheriff's fees shall be paid by the county.

1250 (17) The parent or legal custodian of the child, the
1251 attorney for the department, the guardian ad litem or attorney
1252 for the child, as applicable, the foster or preadoptive parents,
1253 and all other parties and participants shall be given reasonable
1254 notice of all proceedings and hearings provided for under this
1255 part. All foster or preadoptive parents must be provided with at
1256 least 72 hours' notice, verbally or in writing, of all
1257 proceedings or hearings relating to children in their care or
1258 children they are seeking to adopt to ensure the ability to
1259 provide input to the court.

1260 Section 21. Paragraphs (c) and (e) of subsection (1) of
1261 section 39.521, Florida Statutes, are amended to read:

1262 39.521 Disposition hearings; powers of disposition.—

1263 (1) A disposition hearing shall be conducted by the court,
1264 if the court finds that the facts alleged in the petition for
1265 dependency were proven in the adjudicatory hearing, or if the
1266 parents or legal custodians have consented to the finding of
1267 dependency or admitted the allegations in the petition, have
1268 failed to appear for the arraignment hearing after proper
1269 notice, or have not been located despite a diligent search
1270 having been conducted.

1271 (c) When any child is adjudicated by a court to be
1272 dependent, the court having jurisdiction of the child has the
1273 power by order to:

1274 1. Require the parent and, when appropriate, the legal
1275 guardian or the child to participate in treatment and services
1276 identified as necessary. The court may require the person who

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1277 has custody or who is requesting custody of the child to submit
1278 to a mental health or substance abuse disorder assessment or
1279 evaluation. The order may be made only upon good cause shown and
1280 pursuant to notice and procedural requirements provided under
1281 the Florida Rules of Juvenile Procedure. The mental health
1282 assessment or evaluation must be administered by a qualified
1283 professional as defined in s. 39.01, and the substance abuse
1284 assessment or evaluation must be administered by a qualified
1285 professional as defined in s. 397.311. The court may also
1286 require such person to participate in and comply with treatment
1287 and services identified as necessary, including, when
1288 appropriate and available, participation in and compliance with
1289 a mental health court program established under chapter 394 or a
1290 treatment-based drug court program established under s. 397.334.
1291 Adjudication of a child as dependent based upon evidence of harm
1292 as defined in s. 39.01(35)(g) ~~s. 39.01(34)(g)~~ demonstrates good
1293 cause, and the court shall require the parent whose actions
1294 caused the harm to submit to a substance abuse disorder
1295 assessment or evaluation and to participate and comply with
1296 treatment and services identified in the assessment or
1297 evaluation as being necessary. In addition to supervision by the
1298 department, the court, including the mental health court program
1299 or the treatment-based drug court program, may oversee the
1300 progress and compliance with treatment by a person who has
1301 custody or is requesting custody of the child. The court may
1302 impose appropriate available sanctions for noncompliance upon a
1303 person who has custody or is requesting custody of the child or
1304 make a finding of noncompliance for consideration in determining
1305 whether an alternative placement of the child is in the child's

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1306 best interests. Any order entered under this subparagraph may be
1307 made only upon good cause shown. This subparagraph does not
1308 authorize placement of a child with a person seeking custody of
1309 the child, other than the child's parent or legal custodian, who
1310 requires mental health or substance abuse disorder treatment.

1311 2. Require, if the court deems necessary, the parties to
1312 participate in dependency mediation.

1313 3. Require placement of the child either under the
1314 protective supervision of an authorized agent of the department
1315 in the home of one or both of the child's parents or in the home
1316 of a relative of the child or another adult approved by the
1317 court, or in the custody of the department. Protective
1318 supervision continues until the court terminates it or until the
1319 child reaches the age of 18, whichever date is first. Protective
1320 supervision shall be terminated by the court whenever the court
1321 determines that permanency has been achieved for the child,
1322 whether with a parent, another relative, or a legal custodian,
1323 and that protective supervision is no longer needed. The
1324 termination of supervision may be with or without retaining
1325 jurisdiction, at the court's discretion, and shall in either
1326 case be considered a permanency option for the child. The order
1327 terminating supervision by the department must set forth the
1328 powers of the custodian of the child and include the powers
1329 ordinarily granted to a guardian of the person of a minor unless
1330 otherwise specified. Upon the court's termination of supervision
1331 by the department, further judicial reviews are not required if
1332 permanency has been established for the child.

1333 4. Determine whether the child has a strong attachment to
1334 the prospective permanent guardian and whether such guardian has

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1335 a strong commitment to permanently caring for the child.

1336 (e) The court shall, in its written order of disposition,
1337 include all of the following:

1338 1. The placement or custody of the child.

1339 2. Special conditions of placement and visitation.

1340 3. Evaluation, counseling, treatment activities, and other
1341 actions to be taken by the parties, if ordered.

1342 4. The persons or entities responsible for supervising or
1343 monitoring services to the child and parent.

1344 5. Continuation or discharge of the guardian ad litem or
1345 attorney for the child if appointed, as appropriate.

1346 6. The date, time, and location of the next scheduled
1347 review hearing, which must occur within the earlier of:

1348 a. Ninety days after the disposition hearing;

1349 b. Ninety days after the court accepts the case plan;

1350 c. Six months after the date of the last review hearing; or

1351 d. Six months after the date of the child's removal from
1352 his or her home, if no review hearing has been held since the
1353 child's removal from the home.

1354 7. If the child is in an out-of-home placement, child
1355 support to be paid by the parents, or the guardian of the
1356 child's estate if possessed of assets which under law may be
1357 disbursed for the care, support, and maintenance of the child.
1358 The court may exercise jurisdiction over all child support
1359 matters, shall adjudicate the financial obligation, including
1360 health insurance, of the child's parents or guardian, and shall
1361 enforce the financial obligation as provided in chapter 61. The
1362 state's child support enforcement agency shall enforce child
1363 support orders under this section in the same manner as child

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1364 support orders under chapter 61. Placement of the child shall
1365 not be contingent upon issuance of a support order.

1366 8.a. If the court does not commit the child to the
1367 temporary legal custody of an adult relative, legal custodian,
1368 or other adult approved by the court, the disposition order must
1369 include the reasons for such a decision and shall include a
1370 determination as to whether diligent efforts were made by the
1371 department to locate an adult relative, legal custodian, or
1372 other adult willing to care for the child in order to present
1373 that placement option to the court instead of placement with the
1374 department.

1375 b. If no suitable relative is found and the child is placed
1376 with the department or a legal custodian or other adult approved
1377 by the court, both the department and the court shall consider
1378 transferring temporary legal custody to an adult relative
1379 approved by the court at a later date, but neither the
1380 department nor the court is obligated to so place the child if
1381 it is in the child's best interest to remain in the current
1382 placement.

1383
1384 For the purposes of this section, "diligent efforts to locate an
1385 adult relative" means a search similar to the diligent search
1386 for a parent, but without the continuing obligation to search
1387 after an initial adequate search is completed.

1388 9. Other requirements necessary to protect the health,
1389 safety, and well-being of the child, to preserve the stability
1390 of the child's child care, early education program, or any other
1391 educational placement, and to promote family preservation or
1392 reunification whenever possible.

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1393 Section 22. Paragraph (a) of subsection (1) of section
1394 39.6011, Florida Statutes, is amended to read:

1395 39.6011 Case plan development.—

1396 (1) The department shall prepare a draft of the case plan
1397 for each child receiving services under this chapter. A parent
1398 of a child may not be threatened or coerced with the loss of
1399 custody or parental rights for failing to admit in the case plan
1400 of abusing, neglecting, or abandoning a child. Participating in
1401 the development of a case plan is not an admission to any
1402 allegation of abuse, abandonment, or neglect, and it is not a
1403 consent to a finding of dependency or termination of parental
1404 rights. The case plan shall be developed subject to the
1405 following requirements:

1406 (a) The case plan must be developed in a face-to-face
1407 conference with the parent of the child, any court-appointed
1408 guardian ad litem or attorney for the child, and, if
1409 appropriate, the child and the temporary custodian of the child.

1410 Section 23. Paragraph (c) of subsection (1) of section
1411 39.6012, Florida Statutes, is amended to read:

1412 39.6012 Case plan tasks; services.—

1413 (1) The services to be provided to the parent and the tasks
1414 that must be completed are subject to the following:

1415 (c) If there is evidence of harm as defined in s.
1416 39.01(35)(g) ~~s. 39.01(34)(g)~~, the case plan must include as a
1417 required task for the parent whose actions caused the harm that
1418 the parent submit to a substance abuse disorder assessment or
1419 evaluation and participate and comply with treatment and
1420 services identified in the assessment or evaluation as being
1421 necessary.

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1422 Section 24. Subsection (8) of section 39.6251, Florida
1423 Statutes, is amended to read:

1424 39.6251 Continuing care for young adults.—

1425 (8) During the time that a young adult is in care, the
1426 court shall maintain jurisdiction to ensure that the department
1427 and the lead agencies are providing services and coordinate
1428 with, and maintain oversight of, other agencies involved in
1429 implementing the young adult's case plan, individual education
1430 plan, and transition plan. The court shall review the status of
1431 the young adult at least every 6 months and hold a permanency
1432 review hearing at least annually. If the young adult is
1433 appointed a guardian under chapter 744 or a guardian advocate
1434 under s. 393.12, at the permanency review hearing the court
1435 shall review the necessity of continuing the guardianship and
1436 whether restoration of guardianship proceedings are needed when
1437 the young adult reaches 22 years of age. The court may appoint
1438 an attorney for the child ~~a guardian ad litem~~ or continue the
1439 appointment of a guardian ad litem or an attorney for the child,
1440 as applicable, with the young adult's consent. The young adult
1441 or any other party to the dependency case may request an
1442 additional hearing or review.

1443 Section 25. Paragraph (b) of subsection (1) and paragraph
1444 (b) of subsection (2) of section 39.701, Florida Statutes, are
1445 amended to read:

1446 39.701 Judicial review.—

1447 (1) GENERAL PROVISIONS.—

1448 (b)1. The court shall retain jurisdiction over a child
1449 returned to his or her parents for a minimum period of 6 months
1450 following the reunification, but, at that time, based on a

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1451 report of the social service agency and the guardian ad litem or
1452 attorney for the child, if one has been appointed, and any other
1453 relevant factors, the court shall make a determination as to
1454 whether supervision by the department and the court's
1455 jurisdiction shall continue or be terminated.

1456 2. Notwithstanding subparagraph 1., the court must retain
1457 jurisdiction over a child if the child is placed in the home
1458 with a parent or caregiver with an in-home safety plan and such
1459 safety plan remains necessary for the child to reside safely in
1460 the home.

1461 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
1462 AGE.—

1463 (b) *Submission and distribution of reports.*—

1464 1. A copy of the social service agency's written report and
1465 the written report of the guardian ad litem, and a report of the
1466 attorney for the child, if he or she has prepared one, must be
1467 served on all parties whose whereabouts are known; to the foster
1468 parents or legal custodians; and to the citizen review panel, at
1469 least 72 hours before the judicial review hearing or citizen
1470 review panel hearing. The requirement for providing parents with
1471 a copy of the written report does not apply to those parents who
1472 have voluntarily surrendered their child for adoption or who
1473 have had their parental rights to the child terminated.

1474 2. In a case in which the child has been permanently placed
1475 with the social service agency, the agency shall furnish to the
1476 court a written report concerning the progress being made to
1477 place the child for adoption. If the child cannot be placed for
1478 adoption, a report on the progress made by the child towards
1479 alternative permanency goals or placements, including, but not

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1480 limited to, guardianship, long-term custody, long-term licensed
1481 custody, or independent living, must be submitted to the court.
1482 The report must be submitted to the court at least 72 hours
1483 before each scheduled judicial review.

1484 3. In addition to or in lieu of any written statement
1485 provided to the court, the foster parent or legal custodian, or
1486 any preadoptive parent, shall be given the opportunity to
1487 address the court with any information relevant to the best
1488 interests of the child at any judicial review hearing.

1489 Section 26. Paragraph (g) of subsection (5) of section
1490 39.702, Florida Statutes, is amended to read:

1491 39.702 Citizen review panels.—

1492 (5) The independent not-for-profit agency authorized to
1493 administer each citizen review panel shall:

1494 (g) Establish policies to ensure adequate communication
1495 with the parent, the foster parent or legal custodian, the
1496 guardian ad litem or attorney for the child, and any other
1497 person deemed appropriate.

1498 Section 27. Paragraph (a) of subsection (3) and subsections
1499 (5), (6), and (7) of section 39.801, Florida Statutes, are
1500 amended to read:

1501 39.801 Procedures and jurisdiction; notice; service of
1502 process.—

1503 (3) Before the court may terminate parental rights, in
1504 addition to the other requirements set forth in this part, the
1505 following requirements must be met:

1506 (a) Notice of the date, time, and place of the advisory
1507 hearing for the petition to terminate parental rights and a copy
1508 of the petition must be personally served upon the following

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1509 persons, specifically notifying them that a petition has been
1510 filed:

- 1511 1. The parents of the child.
- 1512 2. The legal custodians of the child.
- 1513 3. If the parents who would be entitled to notice are dead
1514 or unknown, a living relative of the child, unless upon diligent
1515 search and inquiry no such relative can be found.
- 1516 4. Any person who has physical custody of the child.
- 1517 5. Any grandparent entitled to priority for adoption under
1518 s. 63.0425.
- 1519 6. Any prospective parent who has been identified under s.
1520 39.503 or s. 39.803, unless a court order has been entered
1521 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1522 indicates no further notice is required. Except as otherwise
1523 provided in this section, if there is not a legal father, notice
1524 of the petition for termination of parental rights must be
1525 provided to any known prospective father who is identified under
1526 oath before the court or who is identified by a diligent search
1527 of the Florida Putative Father Registry. Service of the notice
1528 of the petition for termination of parental rights is not
1529 required if the prospective father executes an affidavit of
1530 nonpaternity or a consent to termination of his parental rights
1531 which is accepted by the court after notice and opportunity to
1532 be heard by all parties to address the best interests of the
1533 child in accepting such affidavit.
- 1534 7. The guardian ad litem for the child or the
1535 representative of the guardian ad litem program, if the program
1536 has been appointed.
- 1537 8. The attorney for the child, if appointed.

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1539 The document containing the notice to respond or appear must
1540 contain, in type at least as large as the type in the balance of
1541 the document, the following or substantially similar language:
1542 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
1543 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
1544 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
1545 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
1546 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
1547 NOTICE."

1548 (5) All process and orders issued by the court must be
1549 served or executed as other process and orders of the circuit
1550 court and, in addition, may be served or executed by authorized
1551 agents of the department, or the guardian ad litem, or the
1552 attorney for the child.

1553 (6) Subpoenas may be served within this ~~the~~ state by any
1554 person over 18 years of age who is not a party to the proceeding
1555 and, in addition, may be served or executed by authorized agents
1556 of the department, or of the guardian ad litem, or of the
1557 attorney for the child.

1558 (7) A fee may not be paid for service of any process or
1559 other papers by an agent of the department, or the guardian ad
1560 litem, or the attorney for the child. If any process, orders, or
1561 other papers are served or executed by any sheriff, the
1562 sheriff's fees must be paid by the county.

1563 Section 28. Subsection (1) of section 39.802, Florida
1564 Statutes, is amended to read:

1565 39.802 Petition for termination of parental rights; filing;
1566 elements.-

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1567 (1) All proceedings seeking an adjudication to terminate
1568 parental rights pursuant to this chapter must be initiated by
1569 the filing of an original petition by the department, the
1570 guardian ad litem, the attorney for the child, or any other
1571 person who has knowledge of the facts alleged or is informed of
1572 them and believes that they are true.

1573 Section 29. Subsection (2) of section 39.808, Florida
1574 Statutes, is amended to read:

1575 39.808 Advisory hearing; pretrial status conference.—

1576 (2) At the hearing the court shall inform the parties of
1577 their rights under s. 39.807, shall appoint counsel for the
1578 parties in accordance with legal requirements, and shall appoint
1579 a guardian ad litem or an attorney for the child as provided for
1580 in s. 39.831 to represent the interests of the child if one has
1581 not already been appointed.

1582 Section 30. Subsection (11) of section 39.810, Florida
1583 Statutes, is amended to read:

1584 39.810 Manifest best interests of the child.—In a hearing
1585 on a petition for termination of parental rights, the court
1586 shall consider the manifest best interests of the child. This
1587 consideration shall not include a comparison between the
1588 attributes of the parents and those of any persons providing a
1589 present or potential placement for the child. For the purpose of
1590 determining the manifest best interests of the child, the court
1591 shall consider and evaluate all relevant factors, including, but
1592 not limited to:

1593 (11) The recommendations for the child provided by the
1594 child's guardian ad litem ~~or legal representative~~.

1595 Section 31. Subsection (9) of section 39.811, Florida

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1596 Statutes, is amended to read:

1597 39.811 Powers of disposition; order of disposition.—

1598 (9) After termination of parental rights, the court shall
1599 retain jurisdiction over any child for whom custody is given to
1600 a social service agency until the child is adopted. The court
1601 shall review the status of the child's placement and the
1602 progress being made toward permanent adoptive placement. As part
1603 of this continuing jurisdiction, for good cause shown by the
1604 attorney for the child or guardian ad litem for the child, the
1605 court may review the appropriateness of the adoptive placement
1606 of the child.

1607 Section 32. Subsection (4) of section 39.812, Florida
1608 Statutes, is amended to read:

1609 39.812 Postdisposition relief; petition for adoption.—

1610 (4) The court shall retain jurisdiction over any child
1611 placed in the custody of the department until the child is
1612 adopted. After custody of a child for subsequent adoption has
1613 been given to the department, the court has jurisdiction for the
1614 purpose of reviewing the status of the child and the progress
1615 being made toward permanent adoptive placement. As part of this
1616 continuing jurisdiction, for good cause shown by the attorney
1617 for the child or guardian ad litem for the child, the court may
1618 review the appropriateness of the adoptive placement of the
1619 child. When a licensed foster parent or court-ordered custodian
1620 has applied to adopt a child who has resided with the foster
1621 parent or custodian for at least 6 months and who has previously
1622 been permanently committed to the legal custody of the
1623 department and the department does not grant the application to
1624 adopt, the department may not, in the absence of a prior court

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1625 order authorizing it to do so, remove the child from the foster
1626 home or custodian, except when:

1627 (a) There is probable cause to believe that the child is at
1628 imminent risk of abuse or neglect;

1629 (b) Thirty days have expired following written notice to
1630 the foster parent or custodian of the denial of the application
1631 to adopt, within which period no formal challenge of the
1632 department's decision has been filed; or

1633 (c) The foster parent or custodian agrees to the child's
1634 removal.

1635 Section 33. Subsections (5), (6), and (7) of section 43.16,
1636 Florida Statutes, are amended to read:

1637 43.16 Justice Administrative Commission; membership, powers
1638 and duties.—

1639 (5) The duties of the commission shall include, but not be
1640 limited to, the following:

1641 (a) The maintenance of a central state office for
1642 administrative services and assistance when possible to and on
1643 behalf of the state attorneys and public defenders of Florida,
1644 the capital collateral regional counsel of Florida, the criminal
1645 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
1646 Program, and the Statewide Office of Child Representation.

1647 (b) Each state attorney, public defender, ~~and~~ criminal
1648 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
1649 Program, and the Statewide Office of Child Representation shall
1650 continue to prepare necessary budgets, vouchers that represent
1651 valid claims for reimbursement by the state for authorized
1652 expenses, and other things incidental to the proper
1653 administrative operation of the office, such as revenue

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1654 transmittals to the Chief Financial Officer and automated
1655 systems plans, but will forward such items to the commission for
1656 recording and submission to the proper state officer. However,
1657 when requested by a state attorney, a public defender, a
1658 criminal conflict and civil regional counsel, ~~or~~ the Guardian Ad
1659 Litem Program, or the Statewide Office of Child Representation,
1660 the commission will either assist in the preparation of budget
1661 requests, voucher schedules, and other forms and reports or
1662 accomplish the entire project involved.

1663 (6) The commission, each state attorney, each public
1664 defender, the criminal conflict and civil regional counsel, the
1665 capital collateral regional counsel, ~~and~~ the Guardian Ad Litem
1666 Program, and the Statewide Office of Child Representation shall
1667 establish and maintain internal controls designed to:

1668 (a) Prevent and detect fraud, waste, and abuse as defined
1669 in s. 11.45(1).

1670 (b) Promote and encourage compliance with applicable laws,
1671 rules, contracts, grant agreements, and best practices.

1672 (c) Support economical and efficient operations.

1673 (d) Ensure reliability of financial records and reports.

1674 (e) Safeguard assets.

1675 (7) The provisions contained in this section shall be
1676 supplemental to those of chapter 27, relating to state
1677 attorneys, public defenders, criminal conflict and civil
1678 regional counsel, and capital collateral regional counsel; to
1679 those of chapter 39, relating to the Guardian Ad Litem Program
1680 and the Statewide Office of Child Representation; or to other
1681 laws pertaining hereto.

1682 Section 34. Paragraph (a) of subsection (2) of section

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1683 63.085, Florida Statutes, is amended to read:

1684 63.085 Disclosure by adoption entity.—

1685 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1686 (a) At the time that an adoption entity is responsible for
1687 selecting prospective adoptive parents for a born or unborn
1688 child whose parents are seeking to place the child for adoption
1689 or whose rights were terminated pursuant to chapter 39, the
1690 adoption entity must provide the prospective adoptive parents
1691 with information concerning the background of the child to the
1692 extent such information is disclosed to the adoption entity by
1693 the parents, legal custodian, or the department. This subsection
1694 applies only if the adoption entity identifies the prospective
1695 adoptive parents and supervises the placement of the child in
1696 the prospective adoptive parents' home. If any information
1697 cannot be disclosed because the records custodian failed or
1698 refused to produce the background information, the adoption
1699 entity has a duty to provide the information if it becomes
1700 available. An individual or entity contacted by an adoption
1701 entity to obtain the background information must release the
1702 requested information to the adoption entity without the
1703 necessity of a subpoena or a court order. In all cases, the
1704 prospective adoptive parents must receive all available
1705 information by the date of the final hearing on the petition for
1706 adoption. The information to be disclosed includes:

1707 1. A family social and medical history form completed
1708 pursuant to s. 63.162(6).

1709 2. The biological mother's medical records documenting her
1710 prenatal care and the birth and delivery of the child.

1711 3. A complete set of the child's medical records

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1712 documenting all medical treatment and care since the child's
1713 birth and before placement.

1714 4. All mental health, psychological, and psychiatric
1715 records, reports, and evaluations concerning the child before
1716 placement.

1717 5. The child's educational records, including all records
1718 concerning any special education needs of the child before
1719 placement.

1720 6. Records documenting all incidents that required the
1721 department to provide services to the child, including all
1722 orders of adjudication of dependency or termination of parental
1723 rights issued pursuant to chapter 39, any case plans drafted to
1724 address the child's needs, all protective services
1725 investigations identifying the child as a victim, and all
1726 guardian ad litem reports or attorney for the child reports
1727 filed with the court concerning the child.

1728 7. Written information concerning the availability of
1729 adoption subsidies for the child, if applicable.

1730 Section 35. Subsection (4) of section 322.09, Florida
1731 Statutes, is amended to read:

1732 322.09 Application of minors; responsibility for negligence
1733 or misconduct of minor.—

1734 (4) Notwithstanding subsections (1) and (2), if a caregiver
1735 of a minor who is under the age of 18 years and is in out-of-
1736 home care as defined in s. 39.01(56) ~~s. 39.01(55)~~, an authorized
1737 representative of a residential group home at which such a minor
1738 resides, the caseworker at the agency at which the state has
1739 placed the minor, or a guardian ad litem specifically authorized
1740 by the minor's caregiver to sign for a learner's driver license

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1741 signs the minor's application for a learner's driver license,
1742 that caregiver, group home representative, caseworker, or
1743 guardian ad litem does not assume any obligation or become
1744 liable for any damages caused by the negligence or willful
1745 misconduct of the minor by reason of having signed the
1746 application. Before signing the application, the caseworker,
1747 authorized group home representative, or guardian ad litem shall
1748 notify the caregiver or other responsible party of his or her
1749 intent to sign and verify the application.

1750 Section 36. Paragraph (p) of subsection (4) of section
1751 394.495, Florida Statutes, is amended to read:

1752 394.495 Child and adolescent mental health system of care;
1753 programs and services.—

1754 (4) The array of services may include, but is not limited
1755 to:

1756 (p) Trauma-informed services for children who have suffered
1757 sexual exploitation as defined in s. 39.01(78)(g) ~~s.~~
1758 ~~39.01(77)(g)~~.

1759 Section 37. Section 627.746, Florida Statutes, is amended
1760 to read:

1761 627.746 Coverage for minors who have a learner's driver
1762 license; additional premium prohibited.—An insurer that issues
1763 an insurance policy on a private passenger motor vehicle to a
1764 named insured who is a caregiver of a minor who is under the age
1765 of 18 years and is in out-of-home care as defined in s.
1766 39.01(56) ~~s. 39.01(55)~~ may not charge an additional premium for
1767 coverage of the minor while the minor is operating the insured
1768 vehicle, for the period of time that the minor has a learner's
1769 driver license, until such time as the minor obtains a driver

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1770 license.

1771 Section 38. Paragraph (b) of subsection (9) of section
1772 768.28, Florida Statutes, is amended to read:

1773 768.28 Waiver of sovereign immunity in tort actions;
1774 recovery limits; civil liability for damages caused during a
1775 riot; limitation on attorney fees; statute of limitations;
1776 exclusions; indemnification; risk management programs.—

1777 (9)

1778 (b) As used in this subsection, the term:

1779 1. "Employee" includes any volunteer firefighter.

1780 2. "Officer, employee, or agent" includes, but is not
1781 limited to, any health care provider when providing services
1782 pursuant to s. 766.1115; any nonprofit independent college or
1783 university located and chartered in this state which owns or
1784 operates an accredited medical school, and its employees or
1785 agents, when providing patient services pursuant to paragraph
1786 (10)(f); any public defender or her or his employee or agent,
1787 including an assistant public defender or an investigator; and
1788 any member of a Child Protection Team, as defined in s. 39.01 ~~s.~~
1789 ~~39.01(13)~~, when carrying out her or his duties as a team member
1790 under the control, direction, and supervision of the state or
1791 any of its agencies or subdivisions.

1792 Section 39. Paragraph (c) of subsection (1) of section
1793 934.255, Florida Statutes, is amended to read:

1794 934.255 Subpoenas in investigations of sexual offenses.—

1795 (1) As used in this section, the term:

1796 (c) "Sexual abuse of a child" means a criminal offense
1797 based on any conduct described in s. 39.01(78) ~~s. 39.01(77)~~.

1798 Section 40. Subsection (5) of section 960.065, Florida

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1799 Statutes, is amended to read:

1800 960.065 Eligibility for awards.—

1801 (5) A person is not ineligible for an award pursuant to
1802 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
1803 person is a victim of sexual exploitation of a child as defined
1804 in s. 39.01(78) (g) ~~s. 39.01(77) (g)~~.

1805 Section 41. This act shall take effect July 1, 2022.