



238806

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2024	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete lines 504 - 2056

and insert:

Section 6. Subsection (11) of section 39.013, Florida Statutes, is amended to read:

39.013 Procedures and jurisdiction; right to counsel; guardian ad litem and attorney ad litem.—

(11) The court shall appoint a guardian ad litem at the earliest possible time to represent a child throughout the



238806

11 proceedings, including any appeals. The guardian ad litem may
12 represent the child in proceedings outside of the dependency
13 case to secure the services and benefits that provide for the
14 care, safety, and protection of the child ~~encourage the~~
15 ~~Statewide Guardian Ad Litem Office to provide greater~~
16 ~~representation to those children who are within 1 year of~~
17 ~~transferring out of foster care.~~

18 Section 7. Paragraph (b) of subsection (1) of section
19 39.01305, Florida Statutes, is amended to read:

20 39.01305 Appointment of an attorney for a dependent child
21 with certain special needs.-

22 (1)

23 (b) The Legislature recognizes the existence of
24 organizations that provide attorney representation to children
25 in certain jurisdictions throughout the state. Further, the
26 statewide Guardian ad Litem office ~~Program~~ provides best
27 interest representation for dependent children in every
28 jurisdiction in accordance with state and federal law. The
29 Legislature, therefore, does not intend that funding provided
30 for representation under this section supplant proven and
31 existing organizations representing children. Instead, the
32 Legislature intends that funding provided for representation
33 under this section be an additional resource for the
34 representation of more children in these jurisdictions, to the
35 extent necessary to meet the requirements of this chapter, with
36 the cooperation of existing local organizations or through the
37 expansion of those organizations. The Legislature encourages the
38 expansion of pro bono representation for children. This section
39 is not intended to limit the ability of a pro bono attorney to



238806

40 appear on behalf of a child.

41 Section 8. Subsection (3) of section 39.0132, Florida
42 Statutes, is amended to read:

43 39.0132 Oaths, records, and confidential information.-

44 (3) The clerk shall keep all court records required by this
45 chapter separate from other records of the circuit court. All
46 court records required by this chapter may ~~shall~~ not be open to
47 inspection by the public. All records may ~~shall~~ be inspected
48 only upon order of the court by persons deemed by the court to
49 have a proper interest therein, except that, subject to ~~the~~
50 ~~provisions of~~ s. 63.162, a child, and the parents of the child
51 and their attorneys, the guardian ad litem, criminal conflict
52 and civil regional counsels, law enforcement agencies, ~~and~~ the
53 department and its designees, and the attorney ad litem, if one
54 is appointed, ~~shall~~ always have the right to inspect and copy
55 any official record pertaining to the child. The Justice
56 Administrative Commission may inspect court dockets required by
57 this chapter as necessary to audit compensation of court-
58 appointed attorneys ad litem. If the docket is insufficient for
59 purposes of the audit, the commission may petition the court for
60 additional documentation as necessary and appropriate. The court
61 may permit authorized representatives of recognized
62 organizations compiling statistics for proper purposes to
63 inspect and make abstracts from official records, under whatever
64 conditions upon their use and disposition the court may deem
65 proper, and may punish by contempt proceedings any violation of
66 those conditions.

67 Section 9. Paragraph (a) of subsection (3) of section
68 39.0136, Florida Statutes, is amended to read:



238806

69 39.0136 Time limitations; continuances.—

70 (3) The time limitations in this chapter do not include:

71 (a) Periods of delay resulting from a continuance granted
72 at the request of the child's counsel, ~~or the child's~~ guardian
73 ad litem, or attorney ad litem, if one is appointed, ~~if the~~
74 ~~child is of sufficient capacity to express reasonable consent,~~
75 ~~at the request or with the consent of the child.~~ The court must
76 consider the best interests of the child when determining
77 periods of delay under this section.

78 Section 10. Subsection (7) of section 39.01375, Florida
79 Statutes, is amended to read:

80 39.01375 Best interest determination for placement.—The
81 department, community-based care lead agency, or court shall
82 consider all of the following factors when determining whether a
83 proposed placement under this chapter is in the child's best
84 interest:

85 (7) The recommendation of the child's guardian ad litem, ~~if~~
86 ~~one has been appointed.~~

87 Section 11. Paragraphs (a) and (b) of subsection (4) of
88 section 39.0139, Florida Statutes, are amended to read:

89 39.0139 Visitation or other contact; restrictions.—

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

94 (a) Before ~~Prior to~~ the hearing, the court shall appoint ~~an~~
95 ~~attorney ad litem or~~ a guardian ad litem for the child if one
96 has not already been appointed. The guardian ad litem and ~~Any~~
97 ~~attorney ad litem, if one is or guardian ad litem~~ appointed,



238806

98 ~~must shall~~ have special training in the dynamics of child sexual
99 abuse.

100 (b) At the hearing, the court may receive and rely upon any
101 relevant and material evidence submitted to the extent of its
102 probative value, including written and oral reports or
103 recommendations from the Child Protection Team, the child's
104 therapist, the child's guardian ad litem, or the child's
105 attorney ad litem, if one is appointed, even if these reports,
106 recommendations, and evidence may not be admissible under the
107 rules of evidence.

108 Section 12. Paragraphs (d) and (t) of subsection (2) of
109 section 39.202, Florida Statutes, are amended to read:

110 39.202 Confidentiality of reports and records in cases of
111 child abuse or neglect; exception.—

112 (2) Except as provided in subsection (4), access to such
113 records, excluding the name of, or other identifying information
114 with respect to, the reporter which may only shall be released
115 ~~only~~ as provided in subsection (5), may only shall be granted
116 ~~only~~ to the following persons, officials, and agencies:

117 (d) The parent or legal custodian of any child who is
118 alleged to have been abused, abandoned, or neglected; the child;
119 the child's guardian ad litem; the child's attorney ad litem, if
120 one is appointed; or, ~~and the child, and their attorneys,~~
121 ~~including~~ any attorney representing a child in civil or criminal
122 proceedings. This access must shall be made available no later
123 than 60 days after the department receives the initial report of
124 abuse, neglect, or abandonment. However, any information
125 otherwise made confidential or exempt by law may shall not be
126 released pursuant to this paragraph.



238806

127 (t) Persons with whom the department is seeking to place
128 the child or to whom placement has been granted, including
129 foster parents for whom an approved home study has been
130 conducted, the designee of a licensed child-caring agency as
131 defined in s. 39.01 ~~s. 39.01(41)~~, an approved relative or
132 nonrelative with whom a child is placed pursuant to s. 39.402,
133 preadoptive parents for whom a favorable preliminary adoptive
134 home study has been conducted, adoptive parents, or an adoption
135 entity acting on behalf of preadoptive or adoptive parents.

136 Section 13. Paragraph (c) of subsection (8), paragraphs (b)
137 and (c) of subsection (11), and paragraph (a) of subsection (14)
138 of section 39.402, Florida Statutes, are amended to read:

139 39.402 Placement in a shelter.—

140 (8)

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

142 1. Appoint a guardian ad litem to represent the best
143 interest of the child, ~~unless the court finds that such~~
144 ~~representation is unnecessary;~~

145 2. Inform the parents or legal custodians of their right to
146 counsel to represent them at the shelter hearing and at each
147 subsequent hearing or proceeding, and the right of the parents
148 to appointed counsel, pursuant to the procedures set forth in s.
149 39.013;

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

152 4. Inquire of those present at the shelter hearing as to
153 the identity and location of the legal father. In determining
154 who the legal father of the child may be, the court shall
155 inquire under oath of those present at the shelter hearing



238806

156 whether they have any of the following information:

157 a. Whether the mother of the child was married at the
158 probable time of conception of the child or at the time of birth
159 of the child.

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

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

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

168 e. Whether any man has acknowledged or claimed paternity of
169 the child in a jurisdiction in which the mother resided at the
170 time of or since conception of the child or in which the child
171 has resided or resides.

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

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

176 h. Whether a man has been determined to be the father of
177 the child by the Department of Revenue as provided in s.
178 409.256.

179 (11)

180 (b) The court shall request that the parents consent to
181 provide access to the child's medical records and provide
182 information to the court, the department or its contract
183 agencies, and the any guardian ad litem or attorney ad litem, if
184 one is appointed, for the child. If a parent is unavailable or



238806

185 unable to consent or withholds consent and the court determines
186 access to the records and information is necessary to provide
187 services to the child, the court shall issue an order granting
188 access. The court may also order the parents to provide all
189 known medical information to the department and to any others
190 granted access under this subsection.

191 (c) The court shall request that the parents consent to
192 provide access to the child's child care records, early
193 education program records, or other educational records and
194 provide information to the court, the department or its contract
195 agencies, and the any guardian ad litem or attorney ad litem, if
196 one is appointed, for the child. If a parent is unavailable or
197 unable to consent or withholds consent and the court determines
198 access to the records and information is necessary to provide
199 services to the child, the court shall issue an order granting
200 access.

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

202 (a) Periods of delay resulting from a continuance granted
203 at the request or with the consent of the child's ~~counsel or the~~
204 ~~child's~~ guardian ad litem or attorney ad litem, if one is has
205 ~~been~~ appointed by the court, ~~or, if the child is of sufficient~~
206 ~~capacity to express reasonable consent, at the request or with~~
207 ~~the consent of the child's attorney or the child's guardian ad~~
208 ~~litem, if one has been appointed by the court, and the child.~~

209 Section 14. Paragraphs (a) and (b) of subsection (4) of
210 section 39.4022, Florida Statutes, are amended to read:

211 39.4022 Multidisciplinary teams; staffings; assessments;
212 report.-

213 (4) PARTICIPANTS.-



238806

214 (a) Collaboration among diverse individuals who are part of
215 the child's network is necessary to make the most informed
216 decisions possible for the child. A diverse team is preferable
217 to ensure that the necessary combination of technical skills,
218 cultural knowledge, community resources, and personal
219 relationships is developed and maintained for the child and
220 family. The participants necessary to achieve an appropriately
221 diverse team for a child may vary by child and may include
222 extended family, friends, neighbors, coaches, clergy, coworkers,
223 or others the family identifies as potential sources of support.

224 1. Each multidisciplinary team staffing must invite the
225 following members:

226 a. The child, unless he or she is not of an age or capacity
227 to participate in the team, and the child's guardian ad litem;

228 b. The child's family members and other individuals
229 identified by the family as being important to the child,
230 provided that a parent who has a no contact order or injunction,
231 is alleged to have sexually abused the child, or is subject to a
232 termination of parental rights may not participate;

233 c. The current caregiver, provided the caregiver is not a
234 parent who meets the criteria of one of the exceptions under
235 sub-subparagraph b.;

236 d. A representative from the department other than the
237 Children's Legal Services attorney, when the department is
238 directly involved in the goal identified by the staffing;

239 e. A representative from the community-based care lead
240 agency, when the lead agency is directly involved in the goal
241 identified by the staffing;

242 f. The case manager for the child, or his or her case



238806

243 manager supervisor; and

244 g. A representative from the Department of Juvenile
245 Justice, if the child is dually involved with both the
246 department and the Department of Juvenile Justice.

247 2. The multidisciplinary team must make reasonable efforts
248 to have all mandatory invitees attend. However, the
249 multidisciplinary team staffing may not be delayed if the
250 invitees in subparagraph 1. fail to attend after being provided
251 reasonable opportunities.

252 (b) Based on the particular goal the multidisciplinary team
253 staffing identifies as the purpose of convening the staffing as
254 provided under subsection (5), the department or lead agency may
255 also invite to the meeting other professionals, including, but
256 not limited to:

257 1. A representative from Children's Medical Services;

258 2. ~~A guardian ad litem, if one is appointed;~~

259 ~~3.~~ A school personnel representative who has direct contact
260 with the child;

261 ~~3.4.~~ A therapist or other behavioral health professional,
262 if applicable;

263 ~~4.5.~~ A mental health professional with expertise in sibling
264 bonding, if the department or lead agency deems such expert is
265 necessary; or

266 ~~5.6.~~ Other community providers of services to the child or
267 stakeholders, when applicable.

268 Section 15. Paragraph (d) of subsection (3) and paragraph
269 (c) of subsection (4) of section 39.4023, Florida Statutes, are
270 amended to read:

271 39.4023 Placement and education transitions; transition



238806

272 plans.-

273 (3) PLACEMENT TRANSITIONS.-

274 (d) *Transition planning*.-

275 1. If the supportive services provided pursuant to
276 paragraph (c) have not been successful to make the maintenance
277 of the placement suitable or if there are other circumstances
278 that require the child to be moved, the department or the
279 community-based care lead agency must convene a
280 multidisciplinary team staffing as required under s. 39.4022
281 before the child's placement is changed, or within 72 hours of
282 moving the child in an emergency situation, for the purpose of
283 developing an appropriate transition plan.

284 2. A placement change may occur immediately in an emergency
285 situation without convening a multidisciplinary team staffing.
286 However, a multidisciplinary team staffing must be held within
287 72 hours after the emergency situation arises.

288 3. The department or the community-based care lead agency
289 must provide written notice of the planned move at least 14 days
290 before the move or within 72 hours after an emergency situation,
291 to the greatest extent possible and consistent with the child's
292 needs and preferences. The notice must include the reason a
293 placement change is necessary. A copy of the notice must be
294 filed with the court and be provided to all of the following:

295 a. The child, unless he or she, due to age or capacity, is
296 unable to comprehend the written notice, which will necessitate
297 the department or lead agency to provide notice in an age-
298 appropriate and capacity-appropriate alternative manner.†

299 b. The child's parents, unless prohibited by court order.†

300 c. The child's out-of-home caregiver.†



238806

301 d. The guardian ad litem, ~~if one is appointed;~~
302 e. The attorney ad litem for the child, if one is
303 appointed. ~~;~~ and
304 f. The attorney for the department.
305 4. The transition plan must be developed through
306 cooperation among the persons included in subparagraph 3., and
307 such persons must share any relevant information necessary for
308 its development. Subject to the child's needs and preferences,
309 the transition plan must meet the requirements of s.
310 409.1415(2)(b)8. and exclude any placement changes that occur
311 between 7 p.m. and 8 a.m.
312 5. The department or the community-based care lead agency
313 shall file the transition plan with the court within 48 hours
314 after the creation of such plan and provide a copy of the plan
315 to the persons included in subparagraph 3.
316 (4) EDUCATION TRANSITIONS.—
317 (c) *Minimizing school changes.*—
318 1. Every effort must be made to keep a child in the school
319 of origin if it is in the child's best interest. Any placement
320 decision must include thoughtful consideration of which school a
321 child will attend if a school change is necessary.
322 2. Members of a multidisciplinary team staffing convened
323 for a purpose other than a school change must determine the
324 child's best interest regarding remaining in the school or
325 program of origin if the child's educational options are
326 affected by any other decision being made by the
327 multidisciplinary team.
328 3. The determination of whether it is in the child's best
329 interest to remain in the school of origin, and if not, of which



238806

330 school the child will attend in the future, must be made in
331 consultation with the following individuals, including, but not
332 limited to, the child; the parents; the caregiver; the child
333 welfare professional; the guardian ad litem, ~~if appointed~~; the
334 educational surrogate, if appointed; child care and educational
335 staff, including teachers and guidance counselors; and the
336 school district representative or foster care liaison. A
337 multidisciplinary team member may contact any of these
338 individuals in advance of a multidisciplinary team staffing to
339 obtain his or her recommendation. An individual may remotely
340 attend the multidisciplinary team staffing if one of the
341 identified goals is related to determining an educational
342 placement. The multidisciplinary team may rely on a report from
343 the child's current school or program district and, if
344 applicable, any other school district being considered for the
345 educational placement if the required school personnel are not
346 available to attend the multidisciplinary team staffing in
347 person or remotely.

348 4. The multidisciplinary team and the individuals listed in
349 subparagraph 3. must consider, at a minimum, all of the
350 following factors when determining whether remaining in the
351 school or program of origin is in the child's best interest or,
352 if not, when selecting a new school or program:

353 a. The child's desire to remain in the school or program of
354 origin.

355 b. The preference of the child's parents or legal
356 guardians.

357 c. Whether the child has siblings, close friends, or
358 mentors at the school or program of origin.



238806

- 359 d. The child's cultural and community connections in the
360 school or program of origin.
- 361 e. Whether the child is suspected of having a disability
362 under the Individuals with Disabilities Education Act (IDEA) or
363 s. 504 of the Rehabilitation Act of 1973, or has begun receiving
364 interventions under this state's multitiered system of supports.
- 365 f. Whether the child has an evaluation pending for special
366 education and related services under IDEA or s. 504 of the
367 Rehabilitation Act of 1973.
- 368 g. Whether the child is a student with a disability under
369 IDEA who is receiving special education and related services or
370 a student with a disability under s. 504 of the Rehabilitation
371 Act of 1973 who is receiving accommodations and services and, if
372 so, whether those required services are available in a school or
373 program other than the school or program of origin.
- 374 h. Whether the child is an English Language Learner student
375 and is receiving language services and, if so, whether those
376 required services are available in a school or program other
377 than the school or program of origin.
- 378 i. The impact a change to the school or program of origin
379 would have on academic credits and progress toward promotion.
- 380 j. The availability of extracurricular activities important
381 to the child.
- 382 k. The child's known individualized educational plan or
383 other medical and behavioral health needs and whether such plan
384 or needs are able to be met at a school or program other than
385 the school or program of origin.
- 386 l. The child's permanency goal and timeframe for achieving
387 permanency.



238806

388 m. The child's history of school transfers and how such
389 transfers have impacted the child academically, emotionally, and
390 behaviorally.

391 n. The length of the commute to the school or program from
392 the child's home or placement and how such commute would impact
393 the child.

394 o. The length of time the child has attended the school or
395 program of origin.

396 5. The cost of transportation cannot be a factor in making
397 a best interest determination.

398 Section 16. Paragraph (f) of subsection (3) of section
399 39.407, Florida Statutes, is amended to read:

400 39.407 Medical, psychiatric, and psychological examination
401 and treatment of child; physical, mental, or substance abuse
402 examination of person with or requesting child custody.—

403 (3)

404 (f)1. The department shall fully inform the court of the
405 child's medical and behavioral status as part of the social
406 services report prepared for each judicial review hearing held
407 for a child for whom psychotropic medication has been prescribed
408 or provided under this subsection. As a part of the information
409 provided to the court, the department shall furnish copies of
410 all pertinent medical records concerning the child which have
411 been generated since the previous hearing. On its own motion or
412 on good cause shown by any party, including the ~~any~~ guardian ad
413 litem, ~~attorney,~~ or attorney ad litem, if one is ~~who has been~~
414 ~~appointed to represent the child or the child's interests,~~ the
415 court may review the status more frequently than required in
416 this subsection.



238806

417 2. The court may, in the best interests of the child, order
418 the department to obtain a medical opinion addressing whether
419 the continued use of the medication under the circumstances is
420 safe and medically appropriate.

421 Section 17. Paragraphs (m), (t), and (u) of subsection (1)
422 of section 39.4085, Florida Statutes, are amended to read:

423 39.4085 Goals for dependent children; responsibilities;
424 education; Office of the Children's Ombudsman.—

425 (1) The Legislature finds that the design and delivery of
426 child welfare services should be directed by the principle that
427 the health and safety of children, including the freedom from
428 abuse, abandonment, or neglect, is of paramount concern and,
429 therefore, establishes the following goals for children in
430 shelter or foster care:

431 (m) To receive meaningful case management and planning that
432 will quickly return the child to his or her family or move the
433 child on to other forms of permanency. For a child who is
434 transitioning from foster care to independent living, permanency
435 includes establishing naturally occurring, lifelong, kin-like
436 connections between the child and a supportive adult.

437 (t) To have a guardian ad litem appointed ~~to represent,~~
438 ~~within reason, their best interests~~ and, if appropriate, an
439 attorney ad litem ~~appointed to represent their legal interests;~~
440 the guardian ad litem or and attorney ad litem, if one is
441 appointed, shall have immediate and unlimited access to the
442 children they represent.

443 (u) To have all their records available for review by their
444 guardian ad litem or and attorney ad litem, if one is appointed,
445 if they deem such review necessary.



238806

446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474

This subsection establishes goals and not rights. This subsection does not require the delivery of any particular service or level of service in excess of existing appropriations. A person does not have a cause of action against the state or any of its subdivisions, agencies, contractors, subcontractors, or agents, based upon the adoption of or failure to provide adequate funding for the achievement of these goals by the Legislature. This subsection does not require the expenditure of funds to meet the goals established in this subsection except those funds specifically appropriated for such purpose.

Section 18. Subsection (8) of section 39.502, Florida Statutes, is amended to read:

39.502 Notice, process, and service.—

(8) It is not necessary to the validity of a proceeding covered by this part that the parents be present if their identity or residence is unknown after a diligent search has been made; however, but in this event the petitioner must shall file an affidavit of diligent search prepared by the person who made the search and inquiry, and the court must may appoint a guardian ad litem for the child if a guardian ad litem has not previously been appointed.

Section 19. Paragraph (c) of subsection (3) of section 39.522, Florida Statutes, is amended to read:

39.522 Postdisposition change of custody.—

(3)

(c)1. The department or community-based care lead agency must notify a current caregiver who has been in the physical



238806

475 custody placement for at least 9 consecutive months and who
476 meets all the established criteria in paragraph (b) of an intent
477 to change the physical custody of the child, and a
478 multidisciplinary team staffing must be held in accordance with
479 ss. 39.4022 and 39.4023 at least 21 days before the intended
480 date for the child's change in physical custody, unless there is
481 an emergency situation as defined in s. 39.4022(2)(b). If there
482 is not a unanimous consensus decision reached by the
483 multidisciplinary team, the department's official position must
484 be provided to the parties within the designated time period as
485 provided for in s. 39.4022.

486 2. A caregiver who objects to the department's official
487 position on the change in physical custody must notify the court
488 and the department or community-based care lead agency of his or
489 her objection and the intent to request an evidentiary hearing
490 in writing in accordance with this section within 5 days after
491 receiving notice of the department's official position provided
492 under subparagraph 1. The transition of the child to the new
493 caregiver may not begin before the expiration of the 5-day
494 period within which the current caregiver may object.

495 3. Upon the department or community-based care lead agency
496 receiving written notice of the caregiver's objection, the
497 change to the child's physical custody must be placed in
498 abeyance and the child may not be transitioned to a new physical
499 placement without a court order, unless there is an emergency
500 situation as defined in s. 39.4022(2)(b).

501 4. Within 7 days after receiving written notice from the
502 caregiver, the court must conduct an initial case status
503 hearing, at which time the court must do all of the following:



238806

504 a. Grant party status to the current caregiver who is
505 seeking permanent custody and has maintained physical custody of
506 that child for at least 9 continuous months for the limited
507 purpose of filing a motion for a hearing on the objection and
508 presenting evidence pursuant to this subsection.†

509 ~~b. Appoint an attorney for the child who is the subject of~~
510 ~~the permanent custody proceeding, in addition to the guardian ad~~
511 ~~litem, if one is appointed;~~

512 ~~b.e.~~ Advise the caregiver of his or her right to retain
513 counsel for purposes of the evidentiary hearing.† ~~and~~

514 ~~c.d.~~ Appoint a court-selected neutral and independent
515 licensed professional with expertise in the science and research
516 of child-parent bonding.

517 Section 20. Paragraph (c) of subsection (1) and paragraph
518 (c) of subsection (3) of section 39.6012, Florida Statutes, are
519 amended to read:

520 39.6012 Case plan tasks; services.—

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

523 (c) If there is evidence of harm as defined in s.
524 39.01(37)(g) ~~s. 39.01(34)(g)~~, the case plan must include as a
525 required task for the parent whose actions caused the harm that
526 the parent submit to a substance abuse disorder assessment or
527 evaluation and participate and comply with treatment and
528 services identified in the assessment or evaluation as being
529 necessary.

530 (3) In addition to any other requirement, if the child is
531 in an out-of-home placement, the case plan must include:

532 (c) When appropriate, for a child who is 13 years of age or



238806

533 older, a written description of the programs and services that
534 will help the child prepare for the transition from foster care
535 to independent living. The written description must include age-
536 appropriate activities for the child's development of
537 relationships, coping skills, and emotional well-being.

538 Section 21. Section 39.6036, Florida Statutes, is created
539 to read:

540 39.6036 Supportive adults for children transitioning out of
541 foster care.—

542 (1) The Legislature finds that a committed, caring adult
543 provides a lifeline for a child transitioning out of foster care
544 to live independently. Accordingly, it is the intent of the
545 Legislature that the Statewide Guardian ad Litem Office help
546 children connect with supportive adults with the hope of
547 creating an ongoing relationship that lasts into adulthood.

548 (2) The Statewide Guardian ad Litem Office shall work with
549 a child who is transitioning out of foster care to identify at
550 least one supportive adult with whom the child can enter into a
551 formal agreement for an ongoing relationship and document such
552 agreement in the child's court file. If the child cannot
553 identify a supportive adult, the Statewide Guardian ad Litem
554 Office shall work in coordination with the Office of Continuing
555 Care to identify at least one supportive adult with whom the
556 child can enter into a formal agreement for an ongoing
557 relationship and document such agreement in the child's court
558 file.

559 Section 22. Paragraph (c) of subsection (10) of section
560 39.621, Florida Statutes, is amended to read:

561 39.621 Permanency determination by the court.—



238806

562 (10) The permanency placement is intended to continue until
563 the child reaches the age of majority and may not be disturbed
564 absent a finding by the court that the circumstances of the
565 permanency placement are no longer in the best interest of the
566 child.

567 (c) The court shall base its decision concerning any motion
568 by a parent for reunification or increased contact with a child
569 on the effect of the decision on the safety, well-being, and
570 physical and emotional health of the child. Factors that must be
571 considered and addressed in the findings of fact of the order on
572 the motion must include:

573 1. The compliance or noncompliance of the parent with the
574 case plan;

575 2. The circumstances which caused the child's dependency
576 and whether those circumstances have been resolved;

577 3. The stability and longevity of the child's placement;

578 4. The preferences of the child, if the child is of
579 sufficient age and understanding to express a preference;

580 5. The recommendation of the current custodian; and

581 6. Any ~~The~~ recommendation of the guardian ad litem, ~~if one~~
582 ~~has been appointed.~~

583 Section 23. Subsection (2) of section 39.6241, Florida
584 Statutes, is amended to read:

585 39.6241 Another planned permanent living arrangement.—

586 (2) The department and the guardian ad litem must provide
587 the court with a recommended list and description of services
588 needed by the child, such as independent living services and
589 medical, dental, educational, or psychological referrals, and a
590 recommended list and description of services needed by his or



238806

591 her caregiver. The guardian ad litem must also advise the court
592 whether the child has been connected with a supportive adult
593 and, if the child has been connected with a supportive adult,
594 whether the child has entered into a formal agreement with the
595 adult. If the child has entered into a formal agreement pursuant
596 to s. 39.6036, the guardian ad litem must ensure that the
597 agreement is documented in the child's court file.

598 Section 24. Paragraphs (b) and (f) of subsection (1),
599 paragraph (c) of subsection (2), subsection (3), and paragraph
600 (e) of subsection (4) of section 39.701, Florida Statutes, are
601 amended to read:

602 39.701 Judicial review.—

603 (1) GENERAL PROVISIONS.—

604 (b)1. The court shall retain jurisdiction over a child
605 returned to his or her parents for a minimum period of 6 months
606 after following the reunification, but, at that time, based on a
607 report of the social service agency and the guardian ad litem,
608 ~~if one has been appointed,~~ and any other relevant factors, the
609 court shall make a determination as to whether supervision by
610 the department and the court's jurisdiction shall continue or be
611 terminated.

612 2. Notwithstanding subparagraph 1., the court must retain
613 jurisdiction over a child if the child is placed in the home
614 with a parent or caregiver with an in-home safety plan and such
615 safety plan remains necessary for the child to reside safely in
616 the home.

617 (f) Notice of a judicial review hearing or a citizen review
618 panel hearing, and a copy of the motion for judicial review, if
619 any, must be served by the clerk of the court upon all of the



238806

620 following persons, if available to be served, regardless of
621 whether the person was present at the previous hearing at which
622 the date, time, and location of the hearing was announced:

623 1. The social service agency charged with the supervision
624 of care, custody, or guardianship of the child, if that agency
625 is not the movant.

626 2. The foster parent or legal custodian in whose home the
627 child resides.

628 3. The parents.

629 4. The guardian ad litem for the child, ~~or the~~
630 ~~representative of the guardian ad litem program if the program~~
631 ~~has been appointed.~~

632 5. The attorney ad litem for the child, if one is
633 appointed.

634 6. The child, if the child is 13 years of age or older.

635 7. Any preadoptive parent.

636 8. Such other persons as the court may direct.

637 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
638 AGE.—

639 (c) *Review determinations.*—The court and any citizen review
640 panel shall take into consideration the information contained in
641 the social services study and investigation and all medical,
642 psychological, and educational records that support the terms of
643 the case plan; testimony by the social services agency, the
644 parent, the foster parent or caregiver, the guardian ad litem,
645 the ~~or~~ surrogate parent for educational decisionmaking if one
646 has been appointed for the child, and any other person deemed
647 appropriate; and any relevant and material evidence submitted to
648 the court, including written and oral reports to the extent of



238806

649 their probative value. These reports and evidence may be
650 received by the court in its effort to determine the action to
651 be taken with regard to the child and may be relied upon to the
652 extent of their probative value, even though not competent in an
653 adjudicatory hearing. In its deliberations, the court and any
654 citizen review panel shall seek to determine:

655 1. If the parent was advised of the right to receive
656 assistance from any person or social service agency in the
657 preparation of the case plan.

658 2. If the parent has been advised of the right to have
659 counsel present at the judicial review or citizen review
660 hearings. If not so advised, the court or citizen review panel
661 shall advise the parent of such right.

662 3. If a guardian ad litem needs to be appointed for the
663 child in a case in which a guardian ad litem has not previously
664 been appointed ~~or if there is a need to continue a guardian ad~~
665 ~~litem in a case in which a guardian ad litem has been appointed.~~

666 4. Who holds the rights to make educational decisions for
667 the child. If appropriate, the court may refer the child to the
668 district school superintendent for appointment of a surrogate
669 parent or may itself appoint a surrogate parent under the
670 Individuals with Disabilities Education Act and s. 39.0016.

671 5. The compliance or lack of compliance of all parties with
672 applicable items of the case plan, including the parents'
673 compliance with child support orders.

674 6. The compliance or lack of compliance with a visitation
675 contract between the parent and the social service agency for
676 contact with the child, including the frequency, duration, and
677 results of the parent-child visitation and the reason for any



238806

678 noncompliance.

679 7. The frequency, kind, and duration of contacts among
680 siblings who have been separated during placement, as well as
681 any efforts undertaken to reunite separated siblings if doing so
682 is in the best interests of the child.

683 8. The compliance or lack of compliance of the parent in
684 meeting specified financial obligations pertaining to the care
685 of the child, including the reason for failure to comply, if
686 applicable.

687 9. Whether the child is receiving safe and proper care
688 according to s. 39.6012, including, but not limited to, the
689 appropriateness of the child's current placement, including
690 whether the child is in a setting that is as family-like and as
691 close to the parent's home as possible, consistent with the
692 child's best interests and special needs, and including
693 maintaining stability in the child's educational placement, as
694 documented by assurances from the community-based care lead
695 agency that:

696 a. The placement of the child takes into account the
697 appropriateness of the current educational setting and the
698 proximity to the school in which the child is enrolled at the
699 time of placement.

700 b. The community-based care lead agency has coordinated
701 with appropriate local educational agencies to ensure that the
702 child remains in the school in which the child is enrolled at
703 the time of placement.

704 10. A projected date likely for the child's return home or
705 other permanent placement.

706 11. When appropriate, the basis for the unwillingness or



238806

707 inability of the parent to become a party to a case plan. The
708 court and the citizen review panel shall determine if the
709 efforts of the social service agency to secure party
710 participation in a case plan were sufficient.

711 12. For a child who has reached 13 years of age but is not
712 yet 18 years of age, the adequacy of the child's preparation for
713 adulthood and independent living. For a child who is 15 years of
714 age or older, the court shall determine if appropriate steps are
715 being taken for the child to obtain a driver license or
716 learner's driver license.

717 13. If amendments to the case plan are required. Amendments
718 to the case plan must be made under s. 39.6013.

719 14. If the parents and caregivers have developed a
720 productive relationship that includes meaningful communication
721 and mutual support.

722 (3) REVIEW HEARINGS FOR CHILDREN 16 AND 17 YEARS OF AGE.—At
723 each review hearing held under this subsection, the court shall
724 give the child and the guardian ad litem the opportunity to
725 address the court and provide any information relevant to the
726 child's best interest, particularly in relation to independent
727 living transition services. The foster parent or legal
728 custodian, ~~or guardian ad litem~~ may also provide any information
729 relevant to the child's best interest to the court. In addition
730 to the review and report required under paragraphs (1) (a) and
731 (2) (a), respectively, and the review and report required under
732 s. 39.822(2) (a)2., the court shall:

733 (a) Inquire about the life skills the child has acquired
734 and whether those services are age appropriate, at the first
735 judicial review hearing held subsequent to the child's 16th



238806

736 birthday. At the judicial review hearing, the department shall
737 provide the court with a report that includes specific
738 information related to the life skills that the child has
739 acquired since the child's 13th birthday or since the date the
740 child came into foster care, whichever came later. For any child
741 who may meet the requirements for appointment of a guardian
742 advocate under s. 393.12 or a guardian under chapter 744, the
743 updated case plan must be developed in a face-to-face conference
744 with the child, if appropriate; the child's attorney ad litem,
745 if one is appointed; the child's; any court-appointed guardian
746 ad litem; the temporary custodian of the child; and the parent
747 of the child, if the parent's rights have not been terminated.

748 (b) The court shall hold a judicial review hearing within
749 90 days after a child's 17th birthday. The court shall issue an
750 order, separate from the order on judicial review, that the
751 disability of nonage of the child has been removed under ss.
752 743.044-743.047 for any disability that the court finds is in
753 the child's best interest to remove. The department shall
754 include in the social study report for the first judicial review
755 that occurs after the child's 17th birthday written verification
756 that the child has:

757 1. A current Medicaid card and all necessary information
758 concerning the Medicaid program sufficient to prepare the child
759 to apply for coverage upon reaching the age of 18, if such
760 application is appropriate.

761 2. A certified copy of the child's birth certificate and,
762 if the child does not have a valid driver license, a Florida
763 identification card issued under s. 322.051.

764 3. A social security card and information relating to



238806

765 social security insurance benefits if the child is eligible for
766 those benefits. If the child has received such benefits and they
767 are being held in trust for the child, a full accounting of
768 these funds must be provided and the child must be informed as
769 to how to access those funds.

770 4. All relevant information related to the Road-to-
771 Independence Program under s. 409.1451, including, but not
772 limited to, eligibility requirements, information on
773 participation, and assistance in gaining admission to the
774 program. If the child is eligible for the Road-to-Independence
775 Program, he or she must be advised that he or she may continue
776 to reside with the licensed family home or group care provider
777 with whom the child was residing at the time the child attained
778 his or her 18th birthday, in another licensed family home, or
779 with a group care provider arranged by the department.

780 5. An open bank account or the identification necessary to
781 open a bank account and to acquire essential banking and
782 budgeting skills.

783 6. Information on public assistance and how to apply for
784 public assistance.

785 7. A clear understanding of where he or she will be living
786 on his or her 18th birthday, how living expenses will be paid,
787 and the educational program or school in which he or she will be
788 enrolled.

789 8. Information related to the ability of the child to
790 remain in care until he or she reaches 21 years of age under s.
791 39.013.

792 9. A letter providing the dates that the child is under the
793 jurisdiction of the court.



238806

794 10. A letter stating that the child is in compliance with
795 financial aid documentation requirements.

796 11. The child's educational records.

797 12. The child's entire health and mental health records.

798 13. The process for accessing the child's case file.

799 14. A statement encouraging the child to attend all
800 judicial review hearings.

801 15. Information on how to obtain a driver license or
802 learner's driver license.

803 (c) At the first judicial review hearing held subsequent to
804 the child's 17th birthday, if the court determines pursuant to
805 chapter 744 that there is a good faith basis to believe that the
806 child qualifies for appointment of a guardian advocate, limited
807 guardian, or plenary guardian for the child and that no less
808 restrictive decisionmaking assistance will meet the child's
809 needs:

810 1. The department shall complete a multidisciplinary report
811 which must include, but is not limited to, a psychosocial
812 evaluation and educational report if such a report has not been
813 completed within the previous 2 years.

814 2. The department shall identify one or more individuals
815 who are willing to serve as the guardian advocate under s.
816 393.12 or as the plenary or limited guardian under chapter 744.
817 Any other interested parties or participants may make efforts to
818 identify such a guardian advocate, limited guardian, or plenary
819 guardian. The child's biological or adoptive family members,
820 including the child's parents if the parents' rights have not
821 been terminated, may not be considered for service as the
822 plenary or limited guardian unless the court enters a written



823 order finding that such an appointment is in the child's best
824 interests.

825 3. Proceedings may be initiated within 180 days after the
826 child's 17th birthday for the appointment of a guardian
827 advocate, plenary guardian, or limited guardian for the child in
828 a separate proceeding in the court division with jurisdiction
829 over guardianship matters and pursuant to chapter 744. The
830 Legislature encourages the use of pro bono representation to
831 initiate proceedings under this section.

832 4. In the event another interested party or participant
833 initiates proceedings for the appointment of a guardian
834 advocate, plenary guardian, or limited guardian for the child,
835 the department shall provide all necessary documentation and
836 information to the petitioner to complete a petition under s.
837 393.12 or chapter 744 within 45 days after the first judicial
838 review hearing after the child's 17th birthday.

839 5. Any proceedings seeking appointment of a guardian
840 advocate or a determination of incapacity and the appointment of
841 a guardian must be conducted in a separate proceeding in the
842 court division with jurisdiction over guardianship matters and
843 pursuant to chapter 744.

844 (d) If the court finds at the judicial review hearing after
845 the child's 17th birthday that the department has not met its
846 obligations to the child as stated in this part, in the written
847 case plan, or in the provision of independent living services,
848 the court may issue an order directing the department to show
849 cause as to why it has not done so. If the department cannot
850 justify its noncompliance, the court may give the department 30
851 days within which to comply. If the department fails to comply



238806

852 within 30 days, the court may hold the department in contempt.

853 (e) If necessary, the court may review the status of the
854 child more frequently during the year before the child's 18th
855 birthday. At the last review hearing before the child reaches 18
856 years of age, and in addition to the requirements of subsection
857 (2), the court shall:

858 1. Address whether the child plans to remain in foster
859 care, and, if so, ensure that the child's transition plan
860 includes a plan for meeting one or more of the criteria
861 specified in s. 39.6251 and determine if the child has entered
862 into a formal agreement for an ongoing relationship with a
863 supportive adult.

864 2. Ensure that the transition plan includes a supervised
865 living arrangement under s. 39.6251.

866 3. Ensure the child has been informed of:

867 a. The right to continued support and services from the
868 department and the community-based care lead agency.

869 b. The right to request termination of dependency
870 jurisdiction and be discharged from foster care.

871 c. The opportunity to reenter foster care under s. 39.6251.

872 4. Ensure that the child, if he or she requests termination
873 of dependency jurisdiction and discharge from foster care, has
874 been informed of:

875 a. Services or benefits for which the child may be eligible
876 based on his or her former placement in foster care, including,
877 but not limited to, the assistance of the Office of Continuing
878 Care under s. 414.56.

879 b. Services or benefits that may be lost through
880 termination of dependency jurisdiction.



238806

881 c. Other federal, state, local, or community-based services
882 or supports available to him or her.

883 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—During
884 each period of time that a young adult remains in foster care,
885 the court shall review the status of the young adult at least
886 every 6 months and must hold a permanency review hearing at
887 least annually.

888 (e)1. Notwithstanding the provisions of this subsection, if
889 a young adult has chosen to remain in extended foster care after
890 he or she has reached 18 years of age, the department may not
891 close a case and the court may not terminate jurisdiction until
892 the court finds, following a hearing, that the following
893 criteria have been met:

894 a.1. Attendance of the young adult at the hearing; or

895 b.2. Findings by the court that:

896 (I)a. The young adult has been informed by the department
897 of his or her right to attend the hearing and has provided
898 written consent to waive this right; and

899 (II)b. The young adult has been informed of the potential
900 negative effects of early termination of care, the option to
901 reenter care before reaching 21 years of age, the procedure for,
902 and limitations on, reentering care, and the availability of
903 alternative services, and has signed a document attesting that
904 he or she has been so informed and understands these provisions;
905 or

906 (III)e. The young adult has voluntarily left the program,
907 has not signed the document in sub-subparagraph b., and is
908 unwilling to participate in any further court proceeding.

909 2.3. In all permanency hearings or hearings regarding the



238806

910 transition of the young adult from care to independent living,
911 the court shall consult with the young adult regarding the
912 proposed permanency plan, case plan, and individual education
913 plan for the young adult and ensure that he or she has
914 understood the conversation. The court shall also inquire of the
915 young adult regarding his or her relationship with the
916 supportive adult with whom the young adult has entered into a
917 formal agreement for an ongoing relationship, if such agreement
918 exists.

919 Section 25. Paragraph (a) of subsection (3) of section
920 39.801, Florida Statutes, is amended to read:

921 39.801 Procedures and jurisdiction; notice; service of
922 process.—

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

926 (a) Notice of the date, time, and place of the advisory
927 hearing for the petition to terminate parental rights; if
928 applicable, instructions for appearance through audio-video
929 communication technology; and a copy of the petition must be
930 personally served upon the following persons, specifically
931 notifying them that a petition has been filed:

- 932 1. The parents of the child.
- 933 2. The legal custodians of the child.
- 934 3. If the parents who would be entitled to notice are dead
935 or unknown, a living relative of the child, unless upon diligent
936 search and inquiry no such relative can be found.
- 937 4. Any person who has physical custody of the child.
- 938 5. Any grandparent entitled to priority for adoption under



238806

939 s. 63.0425.

940 6. Any prospective parent who has been identified under s.
941 39.503 or s. 39.803, unless a court order has been entered
942 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
943 indicates no further notice is required. Except as otherwise
944 provided in this section, if there is not a legal father, notice
945 of the petition for termination of parental rights must be
946 provided to any known prospective father who is identified under
947 oath before the court or who is identified by a diligent search
948 of the Florida Putative Father Registry. Service of the notice
949 of the petition for termination of parental rights is not
950 required if the prospective father executes an affidavit of
951 nonpaternity or a consent to termination of his parental rights
952 which is accepted by the court after notice and opportunity to
953 be heard by all parties to address the best interests of the
954 child in accepting such affidavit.

955 7. The guardian ad litem for the child ~~or the~~
956 ~~representative of the guardian ad litem program, if the program~~
957 ~~has been appointed.~~

958
959 A party may consent to service or notice by e-mail by providing
960 a primary e-mail address to the clerk of the court. The document
961 containing the notice to respond or appear must contain, in type
962 at least as large as the type in the balance of the document,
963 the following or substantially similar language: "FAILURE TO
964 APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE
965 TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN). IF
966 YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE
967 ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN



238806

968 THE PETITION ATTACHED TO THIS NOTICE.”

969 Section 26. Subsection (2) of section 39.807, Florida
970 Statutes, is amended to read:

971 39.807 Right to counsel; guardian ad litem.—

972 (2) (a) The court shall appoint a guardian ad litem to
973 represent the ~~best interest of the~~ child in any termination of
974 parental rights proceedings and shall ascertain at each stage of
975 the proceedings whether a guardian ad litem has been appointed.

976 (b) The guardian ad litem has the ~~following~~
977 responsibilities and authority specified in s. 39.822.†

978 ~~1. To investigate the allegations of the petition and any~~
979 ~~subsequent matters arising in the case and,~~

980 (c) Unless excused by the court, the guardian ad litem must
981 ~~to~~ file a written report. This report must include a statement
982 of the wishes of the child and the recommendations of the
983 guardian ad litem and must be provided to all parties and the
984 court at least 72 hours before the disposition hearing.

985 ~~2. To be present at all court hearings unless excused by~~
986 ~~the court.~~

987 ~~3. To represent the best interests of the child until the~~
988 ~~jurisdiction of the court over the child terminates or until~~
989 ~~excused by the court.~~

990 ~~(c) A guardian ad litem is not required to post bond but~~
991 ~~shall file an acceptance of the office.~~

992 ~~(d) A guardian ad litem is entitled to receive service of~~
993 ~~pleadings and papers as provided by the Florida Rules of~~
994 ~~Juvenile Procedure.~~

995 (d)(e) This subsection does not apply to any voluntary
996 relinquishment of parental rights proceeding.



238806

997 Section 27. Subsection (2) of section 39.808, Florida
998 Statutes, is amended to read:

999 39.808 Advisory hearing; pretrial status conference.—

1000 (2) At the hearing the court shall inform the parties of
1001 their rights under s. 39.807, ~~shall~~ appoint counsel for the
1002 parties in accordance with legal requirements, and ~~shall~~ appoint
1003 a guardian ad litem to represent the ~~interests of the~~ child if
1004 one has not already been appointed.

1005 Section 28. Subsection (2) of section 39.815, Florida
1006 Statutes, is amended to read:

1007 39.815 Appeal.—

1008 (2) An attorney for the department shall represent the
1009 state upon appeal. When a notice of appeal is filed in the
1010 circuit court, the clerk shall notify the attorney for the
1011 department, ~~together with~~ the attorney for the parent, the
1012 guardian ad litem, and the any attorney ad litem for the child,
1013 if one is appointed.

1014 Section 29. Section 39.820, Florida Statutes, is repealed.

1015 Section 30. Subsections (1) and (3) of section 39.821,
1016 Florida Statutes, are amended to read:

1017 39.821 Qualifications of guardians ad litem.—

1018 (1) Because of the special trust or responsibility placed
1019 in a guardian ad litem, the Statewide Guardian ad Litem Office
1020 ~~Program~~ may use any private funds collected by the office
1021 ~~program~~, or any state funds so designated, to conduct a security
1022 background investigation before certifying a volunteer to serve.
1023 A security background investigation must include, but need not
1024 be limited to, employment history checks, checks of references,
1025 local criminal history records checks through local law



238806

1026 enforcement agencies, and statewide criminal history records
1027 checks through the Department of Law Enforcement. Upon request,
1028 an employer shall furnish a copy of the personnel record for the
1029 employee or former employee who is the subject of a security
1030 background investigation conducted under this section. The
1031 information contained in the personnel record may include, but
1032 need not be limited to, disciplinary matters and the reason why
1033 the employee was terminated from employment. An employer who
1034 releases a personnel record for purposes of a security
1035 background investigation is presumed to have acted in good faith
1036 and is not liable for information contained in the record
1037 without a showing that the employer maliciously falsified the
1038 record. A security background investigation conducted under this
1039 section must ensure that a person is not certified as a guardian
1040 ad litem if the person has an arrest awaiting final disposition
1041 for, been convicted of, regardless of adjudication, entered a
1042 plea of nolo contendere or guilty to, or been adjudicated
1043 delinquent and the record has not been sealed or expunged for,
1044 any offense prohibited under the provisions listed in s. 435.04.
1045 All applicants must undergo a level 2 background screening
1046 pursuant to chapter 435 before being certified to serve as a
1047 guardian ad litem. In analyzing and evaluating the information
1048 obtained in the security background investigation, the office
1049 ~~program~~ must give particular emphasis to past activities
1050 involving children, including, but not limited to, child-related
1051 criminal offenses or child abuse. The office ~~program~~ has sole
1052 discretion in determining whether to certify a person based on
1053 his or her security background investigation. The information
1054 collected pursuant to the security background investigation is



238806

1055 confidential and exempt from s. 119.07(1).

1056 (3) It is a misdemeanor of the first degree, punishable as
1057 provided in s. 775.082 or s. 775.083, for any person to
1058 willfully, knowingly, or intentionally fail, by false statement,
1059 misrepresentation, impersonation, or other fraudulent means, to
1060 disclose in any application for a volunteer position or for paid
1061 employment with the Statewide Guardian ad Litem Office Program,
1062 any material fact used in making a determination as to the
1063 applicant's qualifications for such position.

1064 Section 31. Section 39.822, Florida Statutes, is amended to
1065 read:

1066 39.822 Appointment of guardian ad litem for abused,
1067 abandoned, or neglected child.—

1068 (1) A guardian ad litem shall be appointed by the court at
1069 the earliest possible time to represent the child in any child
1070 abuse, abandonment, or neglect judicial proceeding, whether
1071 civil or criminal. A guardian ad litem is a fiduciary and must
1072 provide independent representation of the child using a best
1073 interest standard of decisionmaking and advocacy.

1074 (2) (a) A guardian ad litem must:

1075 1. Be present at all court hearings unless excused by the
1076 court.

1077 2. Investigate issues related to the best interest of the
1078 child who is the subject of the appointment, review all
1079 disposition recommendations and changes in placement, and,
1080 unless excused by the court, file written reports and
1081 recommendations in accordance with general law.

1082 3. Represent the child until the court's jurisdiction over
1083 the child terminates or until excused by the court.



238806

1084 4. Advocate for the child's participation in the
1085 proceedings and to report the child's preferences to the court,
1086 to the extent the child has the ability and desire to express
1087 his or her preferences.

1088 5. Perform other duties that are consistent with the scope
1089 of the appointment.

1090 (b) A guardian ad litem shall have immediate and unlimited
1091 access to the children he or she represents.

1092 (c) A guardian ad litem is not required to post bond but
1093 must file an acceptance of the appointment.

1094 (d) A guardian ad litem is entitled to receive service of
1095 pleadings and papers as provided by the Florida Rules of
1096 Juvenile Procedure.

1097 (3) Any person participating in a civil or criminal
1098 judicial proceeding resulting from such appointment shall be
1099 presumed prima facie to be acting in good faith and in so doing
1100 shall be immune from any liability, civil or criminal, that
1101 otherwise might be incurred or imposed.

1102 (4)-(2) In those cases in which the parents are financially
1103 able, the parent or parents of the child shall reimburse the
1104 court, in part or in whole, for the cost of provision of
1105 guardian ad litem representation services. Reimbursement to the
1106 individual providing guardian ad litem representation is not
1107 services shall not be contingent upon successful collection by
1108 the court from the parent or parents.

1109 (5)-(3) Upon presentation by a guardian ad litem of a court
1110 order appointing the guardian ad litem:

1111 (a) An agency, as defined in chapter 119, shall allow the
1112 guardian ad litem to inspect and copy records related to the



238806

1113 best interests of the child who is the subject of the
1114 appointment, including, but not limited to, records made
1115 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of
1116 the State Constitution. The guardian ad litem shall maintain the
1117 confidential or exempt status of any records shared by an agency
1118 under this paragraph.

1119 (b) A person or an organization, other than an agency under
1120 paragraph (a), shall allow the guardian ad litem to inspect and
1121 copy any records related to the best interests of the child who
1122 is the subject of the appointment, including, but not limited
1123 to, confidential records.

1124
1125 For the purposes of this subsection, the term "records related
1126 to the best interests of the child" includes, but is not limited
1127 to, medical, mental health, substance abuse, child care,
1128 education, law enforcement, court, social services, and
1129 financial records.

1130 ~~(4) The guardian ad litem or the program representative~~
1131 ~~shall review all disposition recommendations and changes in~~
1132 ~~placements, and must be present at all critical stages of the~~
1133 ~~dependency proceeding or submit a written report of~~
1134 ~~recommendations to the court. Written reports must be filed with~~
1135 ~~the court and served on all parties whose whereabouts are known~~
1136 ~~at least 72 hours prior to the hearing.~~

1137 Section 32. Subsection (4) of section 39.827, Florida
1138 Statutes, is amended to read:

1139 39.827 Hearing for appointment of a guardian advocate.—

1140 (4) The hearing under this section must ~~shall~~ remain
1141 confidential and closed to the public. The clerk shall keep all



238806

1142 court records required by this part separate from other records
1143 of the circuit court. All court records required by this part
1144 ~~are shall be~~ confidential and exempt from ~~the provisions of~~ s.
1145 119.07(1). ~~All~~ Records may only ~~shall~~ be inspected ~~only~~ upon
1146 order of the court by persons deemed by the court to have a
1147 proper interest therein, except that a child and the parents or
1148 custodians of the child and their attorneys, the guardian ad
1149 litem, and the department and its designees, and the attorney ad
1150 litem, if one is appointed, shall always have the right to
1151 inspect and copy any official record pertaining to the child.
1152 The court may permit authorized representatives of recognized
1153 organizations compiling statistics for proper purposes to
1154 inspect and make abstracts from official records, under whatever
1155 conditions upon their use and disposition the court may deem
1156 proper, and may punish by contempt proceedings any violation of
1157 those conditions. All information obtained pursuant to this part
1158 in the discharge of official duty by any judge, employee of the
1159 court, or authorized agent of the department is shall be
1160 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
1161 may shall not be disclosed to anyone other than the authorized
1162 personnel of the court or the department and its designees,
1163 except upon order of the court.

1164 Section 33. Paragraphs (a), (b), and (d) of subsection (1)
1165 and subsection (2) of section 39.8296, Florida Statutes, are
1166 amended to read:

1167 39.8296 Statewide Guardian ad Litem Office; legislative
1168 findings and intent; creation; appointment of executive
1169 director; duties of office.—

1170 (1) LEGISLATIVE FINDINGS AND INTENT.—



238806

1171 (a) The Legislature finds that for the past 20 years, the
1172 Statewide Guardian Ad Litem Office Program has been the only
1173 mechanism for best interest representation for children in
1174 Florida who are involved in dependency proceedings.

1175 (b) The Legislature also finds that while the Statewide
1176 Guardian Ad Litem Office Program has been supervised by court
1177 administration within the circuit courts since the office's
1178 ~~program's~~ inception, there is a perceived conflict of interest
1179 created by the supervision of program staff by the judges before
1180 whom they appear.

1181 (d) It is therefore the intent of the Legislature to place
1182 the Statewide Guardian Ad Litem Office Program in an appropriate
1183 place and provide a statewide infrastructure to increase
1184 functioning and standardization among the local offices ~~programs~~
1185 currently operating in the 20 judicial circuits.

1186 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
1187 Statewide Guardian ad Litem Office within the Justice
1188 Administrative Commission. The Justice Administrative Commission
1189 shall provide administrative support and service to the office
1190 to the extent requested by the executive director within the
1191 available resources of the commission. The Statewide Guardian ad
1192 Litem Office is not subject to control, supervision, or
1193 direction by the Justice Administrative Commission in the
1194 performance of its duties, but the employees of the office are
1195 governed by the classification plan and salary and benefits plan
1196 approved by the Justice Administrative Commission.

1197 (a) The head of the Statewide Guardian ad Litem Office is
1198 the executive director, who shall be appointed by the Governor
1199 from a list of a minimum of three eligible applicants submitted



238806

1200 by a Guardian ad Litem Qualifications Committee. The Guardian ad
1201 Litem Qualifications Committee shall be composed of five
1202 persons, two persons appointed by the Governor, two persons
1203 appointed by the Chief Justice of the Supreme Court, and one
1204 person appointed by the Statewide Guardian ad Litem Office
1205 ~~Association~~. The committee shall provide for statewide
1206 advertisement and the receiving of applications for the position
1207 of executive director. The Governor shall appoint an executive
1208 director from among the recommendations, or the Governor may
1209 reject the nominations and request the submission of new
1210 nominees. The executive director must have knowledge in
1211 dependency law and knowledge of social service delivery systems
1212 available to meet the needs of children who are abused,
1213 neglected, or abandoned. The executive director shall serve on a
1214 full-time basis and shall personally, or through representatives
1215 of the office, carry out the purposes and functions of the
1216 Statewide Guardian ad Litem Office in accordance with state and
1217 federal law and the state's long-established policy of
1218 prioritizing children's best interests. The executive director
1219 shall report to the Governor. The executive director shall serve
1220 a 3-year term, subject to removal for cause by the Governor. Any
1221 person appointed to serve as the executive director may be
1222 permitted to serve more than one term without the necessity of
1223 convening the Guardian ad Litem Qualifications Committee.

1224 (b) The Statewide Guardian ad Litem Office shall, within
1225 available resources, have oversight responsibilities for and
1226 provide technical assistance to all guardian ad litem and
1227 attorney ad litem offices ~~programs~~ located within the judicial
1228 circuits.



238806

1229 1. The office shall identify the resources required to
1230 implement methods of collecting, reporting, and tracking
1231 reliable and consistent case data.

1232 2. The office shall review the current guardian ad litem
1233 offices ~~programs~~ in Florida and other states.

1234 3. The office, in consultation with local guardian ad litem
1235 offices, shall develop statewide performance measures and
1236 standards.

1237 4. The office shall develop and maintain a guardian ad
1238 litem training program, which must be updated regularly, ~~which~~
1239 ~~shall include, but is not limited to, training on the~~
1240 ~~recognition of and responses to head trauma and brain injury in~~
1241 ~~a child under 6 years of age. The office shall establish a~~
1242 ~~curriculum committee to develop the training program specified~~
1243 ~~in this subparagraph. The curriculum committee shall include,~~
1244 ~~but not be limited to, dependency judges, directors of circuit~~
1245 ~~guardian ad litem programs, active certified guardians ad litem,~~
1246 ~~a mental health professional who specializes in the treatment of~~
1247 ~~children, a member of a child advocacy group, a representative~~
1248 ~~of a domestic violence advocacy group, an individual with a~~
1249 ~~degree in social work, and a social worker experienced in~~
1250 ~~working with victims and perpetrators of child abuse.~~

1251 5. The office shall review the various methods of funding
1252 guardian ad litem offices ~~programs~~, maximize the use of those
1253 funding sources to the extent possible, and review the kinds of
1254 services being provided by circuit guardian ad litem offices
1255 ~~programs~~.

1256 6. The office shall determine the feasibility or
1257 desirability of new concepts of organization, administration,



238806

1258 financing, or service delivery designed to preserve the civil
1259 and constitutional rights and fulfill other needs of dependent
1260 children.

1261 7. The office shall ensure that each child has an attorney
1262 assigned to his or her case and, within available resources, is
1263 represented using multidisciplinary teams that may include
1264 volunteers, pro bono attorneys, social workers, and mentors.

1265 8. The office shall provide oversight and technical
1266 assistance to attorneys ad litem, including, but not limited to,
1267 all of the following:

1268 a. Develop an attorney ad litem training program in
1269 collaboration with dependency court stakeholders, including, but
1270 not limited to, dependency judges, representatives from legal
1271 aid providing attorney ad litem representation, and an attorney
1272 ad litem appointed from a registry maintained by the chief
1273 judge. The training program must be updated regularly with or
1274 without convening the stakeholders group.

1275 b. Offer consultation and technical assistance to chief
1276 judges in maintaining attorney registries for the selection of
1277 attorneys ad litem.

1278 c. Assist with recruitment, training, and mentoring of
1279 attorneys ad litem as needed.

1280 9.7. In an effort to promote normalcy and establish trust
1281 between a ~~court-appointed volunteer~~ guardian ad litem and a
1282 child alleged to be abused, abandoned, or neglected under this
1283 chapter, a guardian ad litem may transport a child. However, a
1284 guardian ad litem ~~volunteer~~ may not be required by a guardian ad
1285 litem circuit office or ordered by ~~or directed by the program or~~
1286 a court to transport a child.



238806

1287 ~~10.8.~~ The office shall submit to the Governor, the
1288 President of the Senate, the Speaker of the House of
1289 Representatives, and the Chief Justice of the Supreme Court an
1290 interim report describing the progress of the office in meeting
1291 the goals as described in this section. The office shall submit
1292 to the Governor, the President of the Senate, the Speaker of the
1293 House of Representatives, and the Chief Justice of the Supreme
1294 Court a proposed plan including alternatives for meeting the
1295 state's guardian ad litem and attorney ad litem needs. This plan
1296 may include recommendations for less than the entire state, may
1297 include a phase-in system, and shall include estimates of the
1298 cost of each of the alternatives. Each year the office shall
1299 provide a status report and provide further recommendations to
1300 address the need for guardian ad litem representation services
1301 and related issues.

1302 Section 34. Section 39.8297, Florida Statutes, is amended
1303 to read:

1304 39.8297 County funding for guardian ad litem employees.—

1305 (1) A county and the executive director of the Statewide
1306 Guardian ad Litem Office may enter into an agreement by which
1307 the county agrees to provide funds to the local guardian ad
1308 litem office in order to employ persons who will assist in the
1309 operation of the guardian ad litem office program in the county.

1310 (2) The agreement, at a minimum, must provide that:

1311 (a) Funding for the persons who are employed will be
1312 provided on at least a fiscal-year basis.

1313 (b) The persons who are employed will be hired, supervised,
1314 managed, and terminated by the executive director of the
1315 Statewide Guardian ad Litem Office. The statewide office is



238806

1316 responsible for compliance with all requirements of federal and
1317 state employment laws, and shall fully indemnify the county from
1318 any liability under such laws, as authorized by s. 768.28(19),
1319 to the extent such liability is the result of the acts or
1320 omissions of the Statewide Guardian ad Litem Office or its
1321 agents or employees.

1322 (c) The county is the employer for purposes of s. 440.10
1323 and chapter 443.

1324 (d) Employees funded by the county under this section and
1325 other county employees may be aggregated for purposes of a
1326 flexible benefits plan pursuant to s. 125 of the Internal
1327 Revenue Code of 1986.

1328 (e) Persons employed under this section may be terminated
1329 after a substantial breach of the agreement or because funding
1330 to the guardian ad litem office ~~program~~ has expired.

1331 (3) Persons employed under this section may not be counted
1332 in a formula or similar process used by the Statewide Guardian
1333 ad Litem Office to measure personnel needs of a judicial
1334 circuit's guardian ad litem office ~~program~~.

1335 (4) Agreements created pursuant to this section do not
1336 obligate the state to allocate funds to a county to employ
1337 persons in the guardian ad litem office ~~program~~.

1338 Section 35. Section 1009.898, Florida Statutes, is created
1339 to read:

1340 1009.898 Pathway to Prosperity grants.-

1341 (1) The Pathway to Prosperity program shall administer the
1342 following grants to youth and young adults aging out of foster
1343 care:

1344 (a) Grants to provide financial literacy instruction using



238806

1345 a curriculum developed by the Department of Financial Services
1346 in consultation with the Department of Education.

1347 (b) Grants to provide CLT, SAT, or ACT preparation,
1348 including one-on-one support and fee waivers for the
1349 examinations.

1350 (c) Grants to youth and young adults planning to pursue
1351 trade careers or paid apprenticeships.

1352 (2) If a youth who is aging out of foster care is reunited
1353 with his or her parents, the grants remain available for the
1354 youth for up to 1 year after reunification.

1355 (3) The State Board of Education shall adopt rules to
1356 administer this section.

1357
1358 ===== T I T L E A M E N D M E N T =====

1359 And the title is amended as follows:

1360 Delete lines 15 - 121

1361 and insert:

1362 amending s. 39.013, F.S.; requiring the court to
1363 appoint a guardian ad litem for a child at the
1364 earliest possible time; authorizing a guardian ad
1365 litem to represent a child in other proceedings to
1366 secure certain services and benefits; amending s.
1367 39.01305, F.S.; conforming a provision to changes made
1368 by the act; amending s. 39.0132, F.S.; authorizing a
1369 child's attorney ad litem to inspect certain records;
1370 amending s. 39.0136, F.S.; revising the parties who
1371 may request a continuance in a proceeding; amending s.
1372 39.01375, F.S.; conforming provisions to changes made
1373 by the act; amending s. 39.0139, F.S.; conforming



238806

1374 provisions to changes made by the act; amending s.
1375 39.202, F.S.; requiring that certain confidential
1376 records be released to the guardian ad litem and
1377 attorney ad litem; conforming a cross-reference;
1378 amending s. 39.402, F.S.; requiring parents to consent
1379 to provide certain information to the guardian ad
1380 litem and attorney ad litem; conforming provisions to
1381 changes made by the act; amending s. 39.4022, F.S.;
1382 revising the participants who must be invited to a
1383 multidisciplinary team staffing; amending s. 39.4023,
1384 F.S.; requiring that notice of a multidisciplinary
1385 team staffing be provided to a child's guardian ad
1386 litem and attorney ad litem; conforming provisions to
1387 changes made by the act; amending s. 39.407, F.S.;
1388 conforming provisions to changes made by the act;
1389 amending s. 39.4085, F.S.; providing a goal of
1390 permanency; conforming provisions to changes made by
1391 the act; amending ss. 39.502 and 39.522, F.S.;
1392 conforming provisions to changes made by the act;
1393 amending s. 39.6012, F.S.; requiring a case plan to
1394 include written descriptions of certain activities;
1395 conforming a cross-reference; creating s. 39.6036,
1396 F.S.; providing legislative findings and intent;
1397 requiring the Statewide Guardian ad Litem Office to
1398 work with certain children to identify a supportive
1399 adult to enter into a specified agreement; requiring
1400 such agreement be documented in the child's court
1401 file; requiring the office to coordinate with the
1402 Office of Continuing Care for a specified purpose;



238806

1403 amending s. 39.621, F.S.; conforming provisions to
1404 changes made by the act; amending s. 39.6241, F.S.;
1405 requiring a guardian ad litem to advise the court
1406 regarding certain information and to ensure a certain
1407 agreement has been documented in the child's court
1408 file; amending s. 39.701, F.S.; requiring certain
1409 notice be given to an attorney ad litem; requiring a
1410 court to give a guardian ad litem an opportunity to
1411 address the court in certain proceedings; requiring
1412 the court to inquire and determine if a child has a
1413 certain agreement documented in his or her court file
1414 at a specified hearing; conforming provisions to
1415 changes made by the act; amending s. 39.801, F.S.;
1416 conforming provisions to changes made by the act;
1417 amending s. 39.807, F.S.; requiring a court to appoint
1418 a guardian ad litem to represent a child in certain
1419 proceedings; revising a guardian ad litem's
1420 responsibilities and authorities; deleting provisions
1421 relating to bonds and service of pleadings or papers;
1422 amending s. 39.808, F.S.; conforming provisions to
1423 changes made by the act; amending s. 39.815, F.S.;
1424 conforming provisions to changes made by the act;
1425 repealing s. 39.820, F.S., relating to definitions of
1426 the terms "guardian ad litem" and "guardian advocate";
1427 amending s. 39.821, F.S.; conforming provisions to
1428 changes made by the act; amending s. 39.822, F.S.;
1429 declaring that a guardian ad litem is a fiduciary and
1430 must provide independent representation of a child;
1431 revising responsibilities of a guardian ad litem;



238806

1432 requiring that guardians ad litem have certain access
1433 to the children they represent; providing actions that
1434 a guardian ad litem does and does not have to fulfill;
1435 making technical changes; amending s. 39.827, F.S.;
1436 authorizing a child's guardian ad litem and attorney
1437 ad litem to inspect certain records; amending s.
1438 39.8296, F.S.; revising the duties and appointment of
1439 the executive director of the Statewide Guardian ad
1440 Litem Office; requiring the training program for
1441 guardians ad litem to be maintained and updated
1442 regularly; deleting provisions regarding the training
1443 curriculum and the establishment of a curriculum
1444 committee; requiring the office to provide oversight
1445 and technical assistance to attorneys ad litem;
1446 specifying certain requirements of the office;
1447 amending s. 39.8297, F.S.; conforming provisions to
1448 changes made by the act; creating s. 1009.898, F.S.;