

1                                   A bill to be entitled  
 2           An act relating to attorneys for dependent children  
 3           with disabilities; creating s. 39.01305, F.S.;  
 4           defining the term "dependent child with a suspected or  
 5           known disability"; providing legislative findings and  
 6           intent; requiring an attorney to be appointed for a  
 7           child in a proceeding under chapter 39, F.S., if the  
 8           child has a suspected or known disability; requiring  
 9           the appointment to be in writing; requiring that the  
 10          appointment continues in effect until the attorney is  
 11          allowed to withdraw or is discharged by the court or  
 12          until the case is terminated; requiring that the  
 13          attorney be adequately compensated for his or her  
 14          services; providing for applicability; providing an  
 15          effective date.

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

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 19           Section 1.   Section 39.01305, Florida Statutes, is created  
 20 to read:

21           39.01305 Appointment of an attorney for a dependent child  
 22 with disabilities.-

23           (1) As used in this section, the term a "dependent child  
 24 with a suspected or known disability" means:

25           (a) A medically dependent or technologically dependent  
 26 child who because of a medical condition requires continuous

27 therapeutic interventions or skilled nursing supervision and  
 28 resides in a skilled nursing facility or is being considered for  
 29 placement in a skilled nursing facility;

30 (b) A dependent child who has been prescribed a  
 31 psychotropic medication;

32 (c) A dependent child with a suspected diagnosis of  
 33 developmental disability as defined in s. 393.063;

34 (d) A dependent child being placed in a residential  
 35 treatment center or being considered for placement in a  
 36 residential treatment center; or

37 (e) A dependent child who has been a victim or perpetrator  
 38 of sexual abuse or human trafficking and who is suspected to be  
 39 in need of mental health treatment.

40 (2) (a) The Legislature finds that:

41 1. All children in proceedings under this chapter have  
 42 important interests at stake, such as health, safety, and well-  
 43 being and the need to obtain permanency.

44 2. A dependent child with a suspected or known disability  
 45 has a particular need for an attorney to represent the dependent  
 46 child in such proceedings, as well as in fair hearings and  
 47 appellate proceedings, so that the attorney may address the  
 48 medical and related needs and the services and supports  
 49 necessary for the child to live successfully in the community.

50 (b) It is the intent of the Legislature that the court  
 51 appoint an attorney to represent each dependent child who has a  
 52 suspected or known disability.

53        (3) An order appointing an attorney for a dependent child  
54 who has a suspected or known disability must be in writing.

55        (4) The appointment of an attorney for a dependent child  
56 with a suspected or known disability continues in effect until  
57 the attorney is allowed to withdraw or is discharged by the  
58 court, or until the case is dismissed. An attorney who is  
59 appointed to represent the child shall provide the complete  
60 range of legal services from removal from the home or initial  
61 appointment through all available appellate proceedings. With  
62 the permission of the court, the attorney for the dependent  
63 child may arrange for supplemental or separate counsel to handle  
64 proceedings at an appellate hearing.

65        (5) The attorney must be adequately compensated and  
66 provided with access to funding for expert witnesses,  
67 depositions, and other costs of litigation.

68        (6) This section does not limit the authority of the court  
69 to appoint an attorney for a dependent child in a proceeding  
70 under this chapter.

71        (7) Implementation of this section is subject to  
72 appropriations expressly made for that purpose.

73        Section 2. This act shall take effect July 1, 2014.