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1 A bill to be entitled
2 An act relating to regional counsel representation for
3 child welfare matters; amending s. 27.511, F.S.;
4 providing circumstances under which the regional
5 counsel may represent indigent parents; amending s.
6 39.301, F.S.; requiring the child protective
7 investigator to provide specified information relating
8 to the rights of a parent or legal custodian;
9 providing an effective date.

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

12
13 Section 1. Paragraph (d) of subsection (6) of section
14 27.511, Florida Statutes, is amended, and paragraph (e) is added
15 to that subsection, to read:

16 27.511 Offices of criminal conflict and civil regional
17 counsel; legislative intent; qualifications; appointment;
18 duties.—

19 (6)

20 (d) Except as provided in paragraph (e), the regional
21 counsel may not represent any plaintiff in a civil action
22 brought under the Florida Rules of Civil Procedure, the Federal
23 Rules of Civil Procedure, or federal statutes, and may not
24 represent a petitioner in a rule challenge under chapter 120,
25 unless specifically authorized by law.

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26 (e) In child welfare matters, the regional counsel may
27 provide preventative, prepetition legal representation to
28 indigent parents who are the subject of child protective
29 investigations conducted pursuant to s. 39.301. If such matters
30 are related to the circumstances of the investigation and to the
31 efforts by the parents to safely maintain the care and custody
32 of their children, the regional counsel may appear in or
33 initiate civil actions for such injunctions for protection
34 against domestic violence, residential tenancies and housing,
35 and determination of parentage. In prepetition matters, the
36 regional counsel will determine, within 5 days of initial
37 contact by a parent subject to investigation, whether the parent
38 is indigent using the best available evidence. In determining
39 indigency, the regional counsel will use the application form
40 and indigency criteria used by the clerk of court pursuant to s.
41 27.52 and the regional counsel will maintain documentation of
42 the indigency determination in its files. If at any time after
43 an initial determination of indigency is made, the regional
44 counsel later determines that a person is not indigent, the
45 regional counsel will cease to provide representation to the
46 nonindigent person and will withdraw from any legal action in
47 which the regional counsel has appeared.

48 Section 2. Paragraph (a) of subsection (5) and paragraph
49 (a) of subsection (10) of section 39.301, Florida Statutes, are
50 amended to read:

51 39.301 Initiation of protective investigations.—

52 (5)(a) Upon commencing an investigation under this part,
53 the child protective investigator shall inform any subject of
54 the investigation of the following:

55 1. The names of the investigators and identifying
56 credentials from the department.

57 2. The purpose of the investigation and how the
58 information provided by the subject may be used.

59 3. The right of the parent or legal custodian to obtain
60 his or her own attorney and if he or she cannot afford an
61 attorney, the investigator shall inform the parent or legal
62 custodian that he or she may choose to be represented by the
63 Office of Criminal Conflict and Civil Regional Counsel during
64 the investigation and the investigator shall provide the contact
65 information for the local regional counsel office which offers
66 representation before a petition is filed, if locally available
67 and ways that the information provided by the subject may be
68 used.

69 4. The possible outcomes and services of the department's
70 response.

71 5. The right of the parent or legal custodian to be
72 engaged to the fullest extent possible in determining the nature
73 of the allegation and the nature of any identified problem and
74 the remedy.

75 6. The duty of the parent or legal custodian to report any

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76 | change in the residence or location of the child to the
77 | investigator and that the duty to report continues until the
78 | investigation is closed.

79 | (10) (a) The department's training program for staff
80 | responsible for responding to reports accepted by the central
81 | abuse hotline must also ensure that child protective responders:

82 | 1. Know how to fully inform parents or legal custodians of
83 | their rights and options, including their right to legal counsel
84 | and the availability to indigent parents or legal custodians the
85 | opportunity to be represented by the Office of Criminal Conflict
86 | and Civil Regional Counsel, if locally available, and the
87 | opportunities for audio or video recording of child protective
88 | responder interviews with parents or legal custodians or
89 | children.

90 | 2. Know how and when to use the injunction process under
91 | s. 39.504 or s. 741.30 to remove a perpetrator of domestic
92 | violence from the home as an intervention to protect the child.

93 | 3. Know how to explain to the parent, legal custodian, or
94 | person who is alleged to have caused the abuse, neglect, or
95 | abandonment the results of the investigation and to provide
96 | information about his or her right to access confidential
97 | reports in accordance with s. 39.202, prior to closing the case.

98 | Section 3. This act shall take effect July 1, 2023.