

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Fresen offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 59-111 and insert:

5 (2) As used in this section, the term "dependent child"  
6 means a child who is subject to any proceeding under this  
7 chapter. The term does not require that a child be adjudicated  
8 dependent for purposes of this section.

9 (3) An attorney shall be appointed for a dependent child  
10 who:

11 (a) Resides in a skilled nursing facility or is being  
12 considered for placement in a skilled nursing home;

13 (b) Is prescribed a psychotropic medication but declines  
14 assent to the psychotropic medication;

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15 (c) Has a diagnosis of a developmental disability as  
16 defined in s. 393.063;

17 (d) Is being placed in a residential treatment center or  
18 being considered for placement in a residential treatment  
19 center; or

20 (e) Is a victim of human trafficking as defined in s.  
21 787.06(2)(d).

22 (4)(a) Before a court may appoint an attorney, who may be  
23 compensated pursuant to this section, the court must request a  
24 recommendation from the Statewide Guardian Ad Litem Office for  
25 an attorney who is willing to represent a child without  
26 additional compensation. If such an attorney is available within  
27 15 days after the court's request, the court must appoint that  
28 attorney. However, the court may appoint a compensated attorney  
29 within the 15-day period if the Statewide Guardian Ad Litem  
30 Office informs the court that it will not be able to recommend  
31 an attorney within that time period.

32 (b) After an attorney is appointed, the appointment  
33 continues in effect until the attorney is allowed to withdraw or  
34 is discharged by the court or until the case is dismissed. An  
35 attorney who is appointed under this section to represent the  
36 child shall provide the complete range of legal services, from  
37 the removal from home or from the initial appointment through  
38 all available appellate proceedings. With the permission of the  
39 court, the attorney for the dependent child may arrange for  
40 supplemental or separate counsel to represent the child in

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41 appellate proceedings. A court order appointing an attorney  
42 under this section must be in writing.

43 (5) Except if the attorney has agreed to provide pro bono  
44 services, an appointed attorney or organization must be  
45 adequately compensated and provided with access to funding for  
46 expert witnesses, depositions, and other costs of litigation.  
47 Payment to an attorney is subject to appropriations and subject  
48 to review by the Justice Administrative Commission for  
49 reasonableness. The Justice Administrative Commission shall  
50 contract with attorneys appointed by the court. Attorney fees  
51 may not exceed \$3,000 per child per year.

52 (6) The department shall develop procedures to identify a  
53 dependent child who has a special need specified under  
54 subsection (3) and to request that a court appoint an attorney  
55 for the child.

56 (7) The department may adopt rules to administer this  
57 section.

58 (8) This section does not limit the authority of the court  
59 to appoint an attorney for a dependent child in a proceeding  
60 under this chapter.

61 (9) Implementation of this section is subject to

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64 **T I T L E A M E N D M E N T**

65 Remove lines 3-4 and insert:

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66 | with special needs; creating s. 39.01305, F.S.;

67 | providing legislative findings and intent; defining

68 | the term "dependent child"; requiring

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