

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative Silvers offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (13) is added to section 39.013,  
7 Florida Statutes, to read:

8 39.013 Procedures and jurisdiction; right to counsel.—

9 (13) Except as otherwise provided in this chapter, an  
10 individual's appearance or attendance at dependency proceedings  
11 may be through his or her physical appearance or attendance or,  
12 by agreement of the parties or at the discretion of the court,  
13 through audio or audio-video communication technology, unless  
14 the court determines that appearance through audio or audio-  
15 video communication technology is inconsistent with the United

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16 States Constitution, the State Constitution, a statute, rule of  
17 court, or a court order.

18 Section 2. Section 39.0131, Florida Statutes, is amended  
19 to read:

20 39.0131 Permanent mailing and primary e-mail address  
21 designation.—Upon the first appearance before the court, each  
22 party shall provide to the court a permanent mailing address and  
23 primary e-mail address. The court shall advise each party that  
24 these addresses ~~this address~~ will be used by the court and the  
25 petitioner for notice purposes unless and until the party  
26 notifies the court and the petitioner in writing of a new  
27 mailing or e-mail address. The court may excuse a party from the  
28 requirement to provide an e-mail address for good cause shown.  
29 The court must excuse a party who is incarcerated and is not  
30 represented by an attorney from the requirement to provide an e-  
31 mail address.

32 Section 3. Subsection (16) of section 39.402, Florida  
33 Statutes, is amended to read:

34 39.402 Placement in a shelter.—

35 (16) At the conclusion of a shelter hearing, the court  
36 shall notify all parties in writing of the next scheduled  
37 hearing to review the shelter placement. If the hearing will be  
38 held through audio or audio-video communication technology, the  
39 written notice must include all relevant information needed to  
40 attend the proceeding. The hearing must ~~shall~~ be held no later

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41 than 30 days after placement of the child in shelter status, in  
42 conjunction with the arraignment hearing, and at such times as  
43 are otherwise provided by law or determined by the court to be  
44 necessary.

45 Section 4. Subsections (1), (4), (5), (18), and (19) of  
46 section 39.502, Florida Statutes, are amended to read:

47 39.502 Notice, process, and service.—

48 (1) Unless parental rights have been terminated, all  
49 parents must be notified of all proceedings or hearings  
50 involving the child. Notice in cases involving shelter hearings  
51 and hearings resulting from medical emergencies must be provided  
52 in the manner that most likely to result in actual notice to the  
53 parents. A party may consent to service or notice by e-mail by  
54 providing a primary e-mail address to the clerk of the court. In  
55 all other dependency proceedings, notice must be provided in  
56 accordance with subsections (4)-(9), except when a relative  
57 requests notification pursuant to s. 39.301(14)(b), in which  
58 case notice shall be provided pursuant to subsection (19).

59 (4) The summons must ~~shall~~ require the person on whom it  
60 is served to appear for a hearing at a time and place specified,  
61 not less than 72 hours after service of the summons. If  
62 applicable, the summons must also include instructions for  
63 appearing at the hearing through audio or audio-video  
64 communication technology. A copy of the petition shall be  
65 attached to the summons.

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66 (5) The summons must ~~shall~~ be directed to, and must ~~shall~~  
67 be served upon, all parties other than the petitioner. A party  
68 may consent to service by e-mail by providing a primary e-mail  
69 address to the clerk of the court.

70 (18) In all proceedings under this part, the court shall  
71 provide to the parent or legal custodian of the child, at the  
72 conclusion of any hearing, a written notice containing the date  
73 of the next scheduled hearing. The court shall also include the  
74 date of the next hearing in any order issued by the court. If  
75 the hearing is to be conducted through audio or audio-video  
76 communication technology, the instructions for appearance must  
77 also be included.

78 (19) In all proceedings and hearings under this chapter,  
79 the attorney for the department shall notify, orally or in  
80 writing, a relative requesting notification pursuant to s.  
81 39.301(14) (b) of the date, time, and location of such  
82 proceedings and hearings and, if applicable, the instructions  
83 for appearance through audio or audio-video communication  
84 technology, and notify the relative that he or she has the right  
85 to attend all subsequent proceedings and hearings, to submit  
86 reports to the court, and to speak to the court regarding the  
87 child, if the relative so desires. The court has the discretion  
88 to release the attorney for the department from notifying a  
89 relative who requested notification pursuant to s. 39.301(14) (b)

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90 if the relative's involvement is determined to be impeding the  
91 dependency process or detrimental to the child's well-being.

92 Section 5. Subsections (3) and (4) of section 39.506,  
93 Florida Statutes, are amended to read:

94 39.506 Arraignment hearings.—

95 (3) Failure of a person served with notice to ~~personally~~  
96 appear at the arraignment hearing constitutes the person's  
97 consent to a dependency adjudication. The document containing  
98 the notice to respond or appear must contain, in type at least  
99 as large as the balance of the document, the following or  
100 substantially similar language: "FAILURE TO ~~PERSONALLY~~ APPEAR AT  
101 THE ARRAIGNMENT HEARING CONSTITUTES CONSENT TO THE ADJUDICATION  
102 OF THIS CHILD (OR CHILDREN) AS A DEPENDENT CHILD (OR CHILDREN)  
103 AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD (OR  
104 CHILDREN)." If a person appears for the arraignment hearing and  
105 the court orders that person to ~~personally~~ appear, either  
106 physically or through audio-video communication technology, at  
107 the adjudicatory hearing for dependency, stating the date, time,  
108 and place, and, if applicable, the instructions for appearance  
109 through audio-video communication technology, of the  
110 adjudicatory hearing, then that person's failure to appear for  
111 the scheduled adjudicatory hearing constitutes consent to a  
112 dependency adjudication.

113 (4) At the arraignment hearing, each party shall provide  
114 to the court a permanent mailing address and a primary e-mail

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115 address. The court shall advise each party that these addresses  
116 ~~this address~~ will be used by the court and the petitioner for  
117 notice purposes unless and until the party notifies the court  
118 and the petitioner in writing of a new mailing or e-mail  
119 address. The court may for good cause shown, excuse a party from  
120 the requirement to provide an e-mail address. The court must  
121 excuse a party who is incarcerated and is not represented by an  
122 attorney from the requirement to provide an e-mail address.

123 Section 6. Paragraph (e) of subsection (1) of section  
124 39.521, Florida Statutes, is amended to read:

125 39.521 Disposition hearings; powers of disposition.—

126 (1) A disposition hearing shall be conducted by the court,  
127 if the court finds that the facts alleged in the petition for  
128 dependency were proven in the adjudicatory hearing, or if the  
129 parents or legal custodians have consented to the finding of  
130 dependency or admitted the allegations in the petition, have  
131 failed to appear for the arraignment hearing after proper  
132 notice, or have not been located despite a diligent search  
133 having been conducted.

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

- 136 1. The placement or custody of the child.
- 137 2. Special conditions of placement and visitation.
- 138 3. Evaluation, counseling, treatment activities, and other  
139 actions to be taken by the parties, if ordered.

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

142 5. Continuation or discharge of the guardian ad litem, as  
143 appropriate.

144 6. The date, time, and location of the next scheduled  
145 review hearing and, if applicable, instructions for appearance  
146 through audio or audio-video communication technology, which  
147 must occur within the earlier of:

- 148 a. Ninety days after the disposition hearing;
- 149 b. Ninety days after the court accepts the case plan;
- 150 c. Six months after the date of the last review hearing;

151 or

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

155 7. If the child is in an out-of-home placement, child  
156 support to be paid by the parents, or the guardian of the  
157 child's estate if possessed of assets which under law may be  
158 disbursed for the care, support, and maintenance of the child.  
159 The court may exercise jurisdiction over all child support  
160 matters, shall adjudicate the financial obligation, including  
161 health insurance, of the child's parents or guardian, and shall  
162 enforce the financial obligation as provided in chapter 61. The  
163 state's child support enforcement agency shall enforce child  
164 support orders under this section in the same manner as child

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165 support orders under chapter 61. Placement of the child is shall  
166 not ~~be~~ contingent upon issuance of a support order.

167 8.a. If the court does not commit the child to the  
168 temporary legal custody of an adult relative, legal custodian,  
169 or other adult approved by the court, the disposition order must  
170 include the reasons for such a decision and shall include a  
171 determination as to whether diligent efforts were made by the  
172 department to locate an adult relative, legal custodian, or  
173 other adult willing to care for the child in order to present  
174 that placement option to the court instead of placement with the  
175 department.

176 b. If no suitable relative is found and the child is  
177 placed with the department or a legal custodian or other adult  
178 approved by the court, both the department and the court must  
179 ~~shall~~ consider transferring temporary legal custody to an adult  
180 relative approved by the court at a later date, but neither the  
181 department nor the court is obligated to so place the child if  
182 it is in the child's best interest to remain in the current  
183 placement.

184  
185 For the purposes of this section, "diligent efforts to locate an  
186 adult relative" means a search similar to the diligent search  
187 for a parent, but without the continuing obligation to search  
188 after an initial adequate search is completed.



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189 9. Other requirements necessary to protect the health,  
190 safety, and well-being of the child, to preserve the stability  
191 of the child's child care, early education program, or any other  
192 educational placement, and to promote family preservation or  
193 reunification whenever possible.

194 Section 7. Paragraphs (a) and (d) of subsection (3) of  
195 section 39.801, Florida Statutes, are amended to read:

196 39.801 Procedures and jurisdiction; notice; service of  
197 process.—

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

201 (a) Notice of the date, time, and place of the advisory  
202 hearing for the petition to terminate parental rights; if  
203 applicable, instructions for appearance through audio-video  
204 communication technology; and a copy of the petition must be  
205 personally served upon the following persons, specifically  
206 notifying them that a petition has been filed:

- 207 1. The parents of the child.
- 208 2. The legal custodians of the child.
- 209 3. If the parents who would be entitled to notice are dead  
210 or unknown, a living relative of the child, unless upon diligent  
211 search and inquiry no such relative can be found.
- 212 4. Any person who has physical custody of the child.

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213 5. Any grandparent entitled to priority for adoption under  
214 s. 63.0425.

215 6. Any prospective parent who has been identified under s.  
216 39.503 or s. 39.803, unless a court order has been entered  
217 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which  
218 indicates no further notice is required. Except as otherwise  
219 provided in this section, if there is not a legal father, notice  
220 of the petition for termination of parental rights must be  
221 provided to any known prospective father who is identified under  
222 oath before the court or who is identified by a diligent search  
223 of the Florida Putative Father Registry. Service of the notice  
224 of the petition for termination of parental rights is not  
225 required if the prospective father executes an affidavit of  
226 nonpaternity or a consent to termination of his parental rights  
227 which is accepted by the court after notice and opportunity to  
228 be heard by all parties to address the best interests of the  
229 child in accepting such affidavit.

230 7. The guardian ad litem for the child or the  
231 representative of the guardian ad litem program, if the program  
232 has been appointed.

233

234 A party may consent to service or notice by e-mail by providing  
235 a primary e-mail address to the clerk of the court. The document  
236 containing the notice to respond or appear must contain, in type  
237 at least as large as the type in the balance of the document,

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238 the following or substantially similar language: "FAILURE TO  
239 ~~PERSONALLY~~ APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT  
240 TO THE TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR  
241 CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED,  
242 YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR  
243 CHILDREN NAMED IN THE PETITION ATTACHED TO THIS NOTICE."

244 (d) If the person served with notice under this section  
245 fails to ~~personally~~ appear at the advisory hearing, either  
246 physically or, by agreement of the parties or at the discretion  
247 of the court, through audio-video communication technology, the  
248 failure to ~~personally~~ appear constitutes ~~shall constitute~~  
249 consent for termination of parental rights by the person given  
250 notice. If a parent appears for the advisory hearing and the  
251 court orders that parent to ~~personally~~ appear at the  
252 adjudicatory hearing for the petition for termination of  
253 parental rights, stating the date, time, and location of the  
254 said hearing and, if applicable, instructions for appearance  
255 through audio-video communication technology, then failure of  
256 that parent to ~~personally~~ appear, either physically or, by  
257 agreement of the parties or at the discretion of the court,  
258 through audio-video communication technology, at the  
259 adjudicatory hearing constitutes ~~shall constitute~~ consent for  
260 termination of parental rights.

261 Section 8. Subsections (1) and (4) of section 92.54,  
262 Florida Statutes, are amended to read:

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263 92.54 Use of closed-circuit television and audio-video  
264 communication technology in proceedings involving a victim or  
265 witness under the age of 18 or who has an intellectual  
266 disability.—

267 (1) Upon motion and hearing in camera and upon a finding  
268 that there is a substantial likelihood that a victim or witness  
269 under the age of 18 or who has an intellectual disability will  
270 suffer at least moderate emotional or mental harm due to the  
271 presence of the defendant if such victim or witness is required  
272 to testify in open court, or is unavailable as defined in s.  
273 90.804(1), the trial court may order that the testimony of the  
274 victim or witness be taken outside of the courtroom and shown by  
275 means of closed-circuit television or through audio-video  
276 communication technology.

277 (4) During the victim's or witness's testimony by closed-  
278 circuit television or through audio-video communication  
279 technology, the court may require the defendant to view the  
280 testimony from the courtroom. In such a case, the court shall  
281 permit the defendant to observe and hear the testimony of the  
282 victim or witness, but must ensure that the victim or witness  
283 cannot hear or see the defendant. The defendant's right to  
284 assistance of counsel, which includes the right to immediate and  
285 direct communication with counsel conducting cross-examination,  
286 must be protected and, upon the defendant's request, such

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287 communication must be provided by any appropriate electronic  
288 method.

289 Section 9. Subsection (3) of section 985.319, Florida  
290 Statutes, is amended to read:

291 985.319 Process and service.—

292 (3) The summons must ~~shall~~ have a copy of the petition  
293 attached and must ~~shall~~ require the person on whom it is served  
294 to appear for a hearing at a time and place specified. If the  
295 hearing is to be held through audio or audio-video communication  
296 technology, the summons must provide instructions on how to  
297 attend the hearing. Except in cases of medical emergency, the  
298 time may not be less than 24 hours after service of the summons.  
299 If the child is not detained by an order of the court, the  
300 summons must ~~shall~~ require the custodian of the child to produce  
301 the child at the said time and place.

302 Section 10. This act shall take effect upon becoming a  
303 law.

304

305 -----

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

307 Remove everything before the enacting clause and insert:  
308 An act relating to juvenile court proceedings; amending s.  
309 39.013, F.S.; authorizing individuals to appear at or attend  
310 dependency proceedings relating to children through audio or  
311 audio-video communication technology, except under certain

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312 circumstances; amending s. 39.0131, F.S.; requiring parties in  
313 certain proceedings to provide their primary e-mail addresses to  
314 the court; authorizing courts to excuse a party from the  
315 requirement for good cause shown; requiring courts to excuse  
316 such requirement under certain circumstances; amending s.  
317 39.402, F.S.; requiring that court notices for shelter placement  
318 hearings held through audio or audio-video communication  
319 technology include certain information; amending s. 39.502,  
320 F.S.; specifying how parties to certain hearings involving  
321 children may consent to service or notice by e-mail; requiring  
322 that certain summonses or notices contain instructions for  
323 appearance through audio or audio-video communications  
324 technology; amending s. 39.506, F.S.; requiring parties at  
325 arraignment hearings to provide the court with a primary e-mail  
326 address; authorizing the court to excuse a party from the  
327 requirement for good cause shown; requiring the court to excuse  
328 such requirement under certain circumstances; conforming  
329 provisions to changes made by the act; amending ss. 39.521 and  
330 39.801, F.S.; conforming provisions to changes made by the act;  
331 amending s. 92.54, F.S.; authorizing the use of audio-video  
332 communication technology for showing testimonies in proceedings  
333 involving a victim or witness under the age of 18 or who has an  
334 intellectual disability; amending s. 985.319, F.S.; requiring  
335 that summonses for juvenile delinquency hearings held through

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336 audio or audio-video communication technology provide certain  
337 information; providing an effective date.