

1 A bill to be entitled
 2 An act relating to the rights of children; creating
 3 part IV of ch. 391, F.S., entitled "Children's Bill of
 4 Rights Act"; creating s. 391.311, F.S.; providing
 5 definitions; creating s. 391.312, F.S.; providing for
 6 the rights of children; creating s. 391.313, F.S.;
 7 providing for the protection of such rights; amending
 8 s. 402.56, F.S.; revising the name of the children's
 9 commission; revising provisions relating to the
 10 membership and duties of the commission; providing for
 11 staff appointments, information gathering, and
 12 rulemaking authority; amending s. 402.57, F.S.;
 13 conforming a provision to changes made by the act;
 14 providing an effective date.

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

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 18 Section 1. Part IV of chapter 391, Florida Statutes,
 19 consisting of ss. 391.311, 391.312, and 391.313, Florida
 20 Statutes, is created and entitled "Children's Bill of Rights
 21 Act."

22 Section 2. Section 391.311, Florida Statutes, is created
 23 to read:

24 391.311 Definitions.—As used in this part, the term:
 25 (1) "Child" or "youth" has the same meaning as in s.

26 39.01.

27 (2) "Parent" has the same meaning as in s. 1014.02(2).

28 (3) "Vulnerable youth" means any person under 18 years of
 29 age whose everyday life has been or may be characterized by
 30 violence, sexual abuse, negligence, substance abuse, crime,
 31 psychiatric or mental disorders, a lack of interest in school,
 32 or a lack of positive adult relationships.

33 Section 3. Section 391.312, Florida Statutes, is created
 34 to read:

35 391.312 Rights of children.-

36 (1)(a) A child has the right, with guidance and
 37 supervision from the parent or parents, to:

38 1. Seek, receive, and impart information and ideas of any
 39 kind orally, in writing or in print, in the form of art, or
 40 through any other medium of the child's choice.

41 2. Freedom of thought, conscience, and religion and to
 42 exercise these rights orally, in writing or in print, in the
 43 form of art, or through any other medium of the child's choice.

44 (b) The state or governmental agencies that provide
 45 services for children, youth, and their families shall respect
 46 the rights and duties of the parents to provide direction to the
 47 child in the exercise of his or her rights in a manner
 48 consistent with the evolving capacities and needs of the child.

49 (c) Any restrictions imposed upon the exercise of the
 50 child's rights may only be by law and as necessary for the

51 respect of the rights or reputations of others or for the
 52 protection of public order.

53 (2) (a) A child may not be subjected to arbitrary,
 54 capricious, or unlawful interference or attacks on his or her
 55 privacy, family, home, correspondence with one or both parents,
 56 or honor and reputation.

57 (b) A child has the right to the protection of the law
 58 against such interference or attacks.

59 (3) A child has the explicit and inalienable right to an
 60 education and the state shall enact measures to achieve this
 61 right based on equal opportunity.

62 (4) In areas of the state where linguistic minority groups
 63 or indigenous populations exist, a child belonging to such a
 64 minority group or indigenous population may not be denied the
 65 right, in community with other members of his or her group, to
 66 enjoy his or her own culture and to use his or her own language.

67 Section 4. Section 391.313, Florida Statutes, is created
 68 to read:

69 391.313 Protection of children's rights.-

70 (1) The state or other governmental agencies that provide
 71 services for children, youth, and their families may not
 72 deliberately infringe upon the rights of any child as provided
 73 in this part.

74 (2) The state or other governmental agencies that provide
 75 services for children, youth, and their families shall ensure

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76 that:

77 (a) The rights of children are respected without regard to
78 the child's or his or her parent's race, color, sex, national or
79 ethnic origin, immigration status, language, religion, political
80 opinion or affiliation, property, or disability.

81 (b) In all actions concerning children undertaken by
82 public social welfare institutions, courts of law, executive
83 agencies, or the Legislature, the best interests of the child
84 shall be a primary consideration.

85 (c) In all actions concerning children undertaken by
86 public social welfare institutions, courts of law, executive
87 agencies or the Legislature, the child is provided protection
88 and care as is necessary for his or her wellbeing, taking into
89 account the rights and duties of his or her parents, and take
90 all appropriate legislative and administrative measures
91 consistent with chapter 1014.

92 (d) Every natural-born child who is a resident in the
93 state has the inherent right to a safe environment.

94 (e)1. A child may not be separated from his or her parents
95 against his or her parent's will, except in certain cases when a
96 court of law or the Department of Children and Families
97 determines, in accordance with applicable laws and
98 administrative rules, that such separation is necessary for the
99 best interests of the child.

100 2. In any proceeding pursuant to subparagraph 1., all

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101 interested parties shall be given an opportunity to participate
102 in the proceedings and make his or her views known unless such
103 participation is not in accordance with due process procedures.

104 3. The state or other governmental agencies that provide
105 services for children, youth, and their families shall respect
106 the right of the child who is separated from one or both parents
107 to maintain personal relations and direct contact with both
108 parents on a regular basis, unless it is contrary to the child's
109 best interests or if such contact is disallowed by any
110 applicable law or administrative rule.

111 4. If separation is a result of any action initiated by
112 the state, such as the detention, imprisonment, exile, or death,
113 including death arising from any cause while the person is in
114 the custody of the state except for the execution of a sentence
115 of death, of one or both parents or of the child, the state
116 shall, upon request, provide the child or, when applicable,
117 another member of the family, with the essential information
118 concerning the whereabouts of the absent parent unless the
119 information would be detrimental to the wellbeing of the child.
120 The state shall further ensure that the submission of such a
121 request may not entail any adverse consequences for any person
122 concerned.

123 (f)1. A mentally or physically disabled child may enjoy a
124 full and decent life, in conditions which provide dignity,
125 promote self-reliance, and facilitate the child's active

126 participation in the community.

127 2. The state or other governmental agencies that provide
128 services for children, youth, and their families shall recognize
129 the right of the mentally or physically disabled child to
130 special care and shall encourage and ensure assistance, subject
131 to available resources, to the eligible child and his or her
132 parents for which application is made and which is appropriate
133 to the needs of the child and the circumstances of the parents.

134 3. Any assistance extended by the state to a child in
135 accordance with subparagraph 1. shall be provided, whenever
136 possible, while taking into account the financial resources of
137 the parents, and shall be designed to provide the child with
138 effective access to education, training, health care services,
139 rehabilitation services, preparation for employment, and
140 recreation opportunities in a manner conducive to the child
141 achieving the fullest possible social integration and individual
142 development.

143 (3) The state or other governmental agencies that provide
144 services for children, youth, and their families shall respect:

145 (a) The responsibilities, rights, and duties of the
146 parents to provide, in a manner consistent with the evolving
147 needs of the child, appropriate direction and guidance in the
148 exercise of the rights provided in this part.

149 (b)1. The right of the child to preserve his or her
150 identity, including nationality, name, and family relations as

151 recognized by law without interference.

152 2. If a child is deprived of some or all the elements of
 153 his or her identity, the state shall provide appropriate
 154 assistance and protection, with a view to reestablishing his or
 155 her identity in a timely manner.

156 (4) The state shall take all appropriate legislative,
 157 administrative, social, and educational measures to protect the
 158 child from all forms of physical or mental violence, injury or
 159 abuse, neglect or negligent treatment, exploitation, including
 160 sexual abuse, while in the care of parent or parents, the state,
 161 legal guardians, or any other caregiver.

162 Section 5. Section 402.56, Florida Statutes, is amended to
 163 read:

164 402.56 Children's commission ~~cabinet~~; organization;
 165 responsibilities; annual report.—

166 (1) SHORT TITLE.—This act may be cited as the "Status of
 167 Children and Youth Act." ~~"Children and Youth Cabinet Act."~~

168 (2) LEGISLATIVE FINDINGS AND INTENT.—

169 (a) The Legislature finds that all state agencies and
 170 programs that touch the lives of children and youth must work in
 171 a coordinated and comprehensive fashion, with an emphasis on
 172 providing a continuum of services that benefit children from
 173 prenatal care through programs supporting successful transition
 174 to self-sufficient adulthood. The Legislature further finds that
 175 creating a Commission on the Status of Children and Youth

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176 ~~Cabinet~~ is the best method by which the state might achieve the
177 visions and plans necessary to ensure that this state is the
178 safest place in the world to be a child. ~~first-place families~~
179 ~~think of when asked, "Where do you want to raise a child?"~~

180 (b) The Legislature, in collaboration with the Governor,
181 intends to develop and implement a shared vision among the
182 branches of government in order to improve child and family
183 outcomes in this state. By working collaboratively, the
184 Legislature intends to invest in the education and skills of our
185 children and youth, develop a cohesive vision and plan that
186 ensures a long-term commitment to children and youth issues,
187 align public resources serving children and youth to support
188 their healthy growth and development, and promote increased
189 efficiency and improved service delivery by all governmental
190 agencies that provide services for children, youth, and their
191 families.

192 (3) ORGANIZATION.—There is created the Commission on the
193 Status of Children and Youth ~~Cabinet~~, which is a coordinating
194 council as defined in s. 20.03.

195 (a) The commission ~~cabinet~~ shall ensure that the public
196 policy of this state relating to children and youth is developed
197 to promote interdepartmental collaboration and program
198 implementation in order that services designed for children and
199 youth are planned, managed, and delivered in a holistic and
200 integrated manner to improve the children's self-sufficiency,

201 safety, economic stability, health, and quality of life.

202 ~~(b) The cabinet is created in the Executive Office of the~~
 203 ~~Governor, which shall provide administrative support and service~~
 204 ~~to the cabinet.~~

205 (b)(e) The commission cabinet shall meet at least four
 206 times each year, upon the call of the chairperson or two other
 207 officers but no more than six times each year, in different
 208 regions of the state in order to solicit input from the public
 209 and any other individual offering testimony relevant to the
 210 issues considered. Each meeting must include a public comment
 211 session and shall be noticed pursuant to s. 120.525.

212 (4)(a) MEMBERS.— The commission shall consist of 21
 213 members. The President of the Senate, the Speaker of the House
 214 of Representatives, the Secretary of the Department of Children
 215 and Families, and the Commissioner of Education shall each
 216 appoint three members, the Secretary of Juvenile Justice and the
 217 Secretary of Health Care Administration shall each appoint two
 218 members, and the Governor shall appoint five members for a term
 219 of 4 years each. The members appointed by the Governor shall
 220 include representatives of children and youth advocacy
 221 organizations who are not service providers. A member may not
 222 serve more than two consecutive terms on the commission. A
 223 vacancy shall be filled for the remainder of the unexpired term
 224 in the same manner as the original appointment.

225 (b) Members appointed by the Speaker of the House

226 Representatives and the President of the Senate shall have at
 227 least one of their appointees recommended with consultation of
 228 the minority leaders of the House of Representatives and the
 229 Senate.

230 (c) Biennially, at the first meeting in the first quarter,
 231 a chairperson and a vice chairperson shall be elected by the
 232 members and each officer shall serve until a successor is
 233 elected and qualified. An officer may not serve more than two
 234 consecutive terms in the same office.

235 (d) The commission may resolve itself into committees to
 236 handle various areas of commission business between general
 237 meetings of the commission. ~~The cabinet shall consist of 16~~
 238 ~~members including the Governor and the following persons:~~

- 239 ~~(a)1. The Secretary of Children and Families;~~
- 240 ~~2. The Secretary of Juvenile Justice;~~
- 241 ~~3. The director of the Agency for Persons with~~
- 242 ~~Disabilities;~~
- 243 ~~4. A representative from the Division of Early Learning;~~
- 244 ~~5. The State Surgeon General;~~
- 245 ~~6. The Secretary of Health Care Administration;~~
- 246 ~~7. The Commissioner of Education;~~
- 247 ~~8. The director of the Statewide Guardian Ad Litem Office;~~
- 248 ~~9. A representative of the Office of Adoption and Child~~
- 249 ~~Protection;~~
- 250 ~~10. A superintendent of schools, appointed by the~~

251 ~~Governor; and~~

252 ~~11. Five members who represent children and youth advocacy~~
 253 ~~organizations and who are not service providers, appointed by~~
 254 ~~the Governor.~~

255 ~~(b) The President of the Senate, the Speaker of the House~~
 256 ~~of Representatives, the Chief Justice of the Supreme Court, the~~
 257 ~~Attorney General, and the Chief Financial Officer, or their~~
 258 ~~appointed designees, shall serve as ex officio members of the~~
 259 ~~cabinet.~~

260 ~~(c) The Governor or the Governor's designee shall serve as~~
 261 ~~the chair of the cabinet.~~

262 ~~(d) Nongovernmental members of the cabinet shall serve~~
 263 ~~without compensation, but are entitled to receive per diem and~~
 264 ~~travel expenses in accordance with s. 112.061 while in~~
 265 ~~performance of their duties.~~

266 (5) DUTIES AND RESPONSIBILITIES.—The Commission on the
 267 Status of Children and Youth Cabinet shall:

268 (a) Develop and implement a shared and cohesive vision
 269 using integrated services to improve child, youth, and family
 270 outcomes in this state.

271 (b) Develop a strategic plan to achieve the goals of the
 272 shared and cohesive vision. The plan shall be centered upon a
 273 long-term commitment to children and youth issues and align all
 274 public resources to serve children and youth and their families
 275 in a manner that supports the healthy growth and development of

276 children. The plan shall prepare the children and youth to be
277 responsible citizens and productive members of the workforce.
278 The plan shall include a continuum of services that will benefit
279 children from prenatal care through services for youth in
280 transition to adulthood.

281 (c) Develop and implement measurable outcomes for each
282 state department, agency, and program that are consistent with
283 the strategic plan. The commission ~~cabinet~~ shall establish a
284 baseline measurement for each outcome and regularly report on
285 the progress made toward achieving the desired outcome.

286 (d) Design and implement actions that will promote
287 collaboration, creativity, increased efficiency, information
288 sharing, and improved service delivery between and within state
289 governmental organizations that provide services for children
290 and youth and their families. In particular, the efforts shall
291 include the long-range planning process mandated by s. 216.013.

292 (e) Foster public awareness of children and youth issues
293 and develop new partners in the effort to serve children and
294 youth.

295 (f) Create a children and youth impact statement for
296 evaluating proposed legislation, requested appropriations, and
297 programs. The impact statement shall be shared with the
298 Legislature in their deliberative process.

299 (g) Identify existing and potential funding streams and
300 resources for children's services, including, but not limited

301 to, public funding, foundation and organization grants, and
302 other forms of private funding opportunities, including public-
303 private partnerships.

304 (h) Develop a children-and-youth-based budget structure
305 and nomenclature that includes all relevant departments, funding
306 streams, and programs. The budget shall facilitate improved
307 coordination and efficiency, explore options for and allow
308 maximization of federal financial participation, and implement
309 the state's vision and strategic plan.

310 (i) Study and evaluate the following:

311 1. Access, availability, duplication, barriers, and
312 funding of services for vulnerable youth.

313 2. Communication and cooperation by agencies concerning
314 vulnerable youth.

315 3. Implementation of programs or laws concerning
316 vulnerable youth, acting as general consultants to the
317 Legislature on children's affairs.

318 4. The consolidation of existing entities that serve
319 vulnerable youth and proposing such suggestions to the
320 Legislature.

321 5. Data from state agencies relevant to evaluating
322 progress, targeting efforts, and demonstrating outcomes;

323 6. Crimes of sexual violence against children.

324 7. The impact of social networking web sites, cellular
325 telephones and wireless communications devices, digital media,

326 and new technology on crimes against children.

327 (j) Review and make recommendations to the Legislature
 328 concerning pending legislation that may affect children.

329 (k) Promote information sharing concerning vulnerable
 330 youth across the state including best practices, policies, and
 331 programs.

332 (6) VOTING.—The affirmative votes of a majority of the
 333 members appointed to the commission are required for the
 334 commission to take action on any measure, including the adoption
 335 of final reports and the appointment of an executive director.

336 ~~(i) Engage in other activities that will implement~~
 337 ~~improved collaboration of agencies in order to create, manage,~~
 338 ~~and promote coordinated policies, programs, and service delivery~~
 339 ~~systems that support children and youth.~~

340 (7)-(6) ADVISORY BOARD.—The Governor may appoint an
 341 advisory board consisting of no more than six persons to assist
 342 the commission ~~cabinet~~ in its tasks. The board shall include
 343 persons who can provide to the commission ~~cabinet~~ the best
 344 available technical and professional research and assistance. If
 345 an advisory board is created, it shall include representatives
 346 of children and youth advocacy organizations and youth, wherever
 347 practicable, who have been recipients of services and programs
 348 operated or funded by state agencies.

349 (8)-(7) ANNUAL REPORT.—The Commission on the Status of
 350 Children and Youth ~~Cabinet~~ shall, by February 1 of each year,

351 provide an annual report to the Governor, the President of the
 352 Senate, the Speaker of the House of Representatives, and the
 353 public concerning its activities and progress towards making
 354 this state the first place families think of when asked, "Is
 355 Florida the safest place in the world to be a child?" ~~"Where do~~
 356 ~~they want to raise their children?"~~ The annual report may
 357 include recommendations for needed legislation or rulemaking
 358 authority.

359 (9) STAFF APPOINTMENTS.—The commission may appoint an
 360 individual to serve as executive director of the commission
 361 pursuant to subsection (6). The executive director shall perform
 362 the duties assigned by the commission. The Department of
 363 Management Services shall provide support staff for the
 364 commission and the executive director of the commission.

365 (10) INFORMATION GATHERING.—The commission may request
 366 information or a presentation and review outcome data from any
 367 governmental agency that provides services for children, youth,
 368 and their families or receive information or a presentation from
 369 experts concerning vulnerable youth.

370 (11) RULEMAKING AUTHORITY.—The commission may adopt any
 371 necessary rules to implement this section.

372 Section 6. Subsection (1) of section 402.57, Florida
 373 Statutes, is amended to read:

374 402.57 Direct-support organization.—

375 (1) The Department of Children and Families shall

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376 | establish a direct-support organization to assist the Commission
377 | on the Status of Children and Youth Cabinet established in s.
378 | 402.56 in carrying out its purposes and responsibilities,
379 | primarily regarding fostering public awareness of children and
380 | youth issues and developing new partners in the effort to serve
381 | children and youth by raising money; submitting requests for and
382 | receiving grants from the Federal Government, the state or its
383 | political subdivisions, private foundations, and individuals;
384 | and making expenditures to or for the benefit of the commission
385 | ~~cabinet~~. The sole purpose for the direct-support organization is
386 | to support the commission ~~cabinet~~. The direct-support
387 | organization must be:

388 | (a) Incorporated under chapter 617 and approved by the
389 | Department of State as a Florida corporation not for profit.

390 | (b) Organized and operated to make expenditures to or for
391 | the benefit of the commission ~~cabinet~~.

392 | (c) Approved by the department to be operating for the
393 | benefit of and in a manner consistent with the goals of the
394 | commission ~~cabinet~~ and in the best interest of the state.

395 | Section 7. This act shall take effect July 1, 2023.