

1                                   A bill to be entitled  
 2           An act relating to the appointment of an attorney for  
 3           a dependent child with disabilities; creating s.  
 4           39.01305, F.S.; defining terms; providing legislative  
 5           findings and intent; requiring an attorney to be  
 6           appointed in writing; requiring that the appointment  
 7           continues in effect until the attorney is permitted to  
 8           withdraw or is discharged by the court or until the  
 9           case is terminated; requiring that the attorney be  
 10          adequately compensated for his or her service;  
 11          providing a limitation; providing for a conditional  
 12          implementation; providing an effective date.

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

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 16           Section 1. Section 39.01305, Florida Statutes, is created  
 17 to read:

18           39.01305 Appointment of an attorney for a dependent child  
 19 with disabilities.—

20           (1) As used in this section, the term "dependent child  
 21 with a disability" means a medically dependent or  
 22 technologically dependent child who because of a medical  
 23 condition requires continuous therapeutic interventions or  
 24 skilled nursing supervision and resides in a nursing home.

25           (2) (a) The Legislature finds that all children in  
 26 proceedings under this chapter have important interests at  
 27 stake, such as health, safety, and well-being and the need to  
 28 obtain permanency.

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29        (b) The Legislature also finds that dependent children who  
30 have certain disabilities have a particular need for an attorney  
31 to represent them in such proceedings, as well as in fair  
32 hearings and appellate proceedings, so that the attorney can  
33 address the medical and related needs and the services and  
34 supports necessary for these children to live successfully in  
35 the community.

36        (c) It is the intent of the Legislature that an attorney  
37 be appointed by the court to represent each dependent child who  
38 has a disability and who has been placed in a skilled nursing  
39 facility, or is being considered for placement in a skilled  
40 nursing facility, solely because that facility can provide  
41 medical care as determined by a children's multidisciplinary  
42 assessment team.

43        (3) An order appointing an attorney for a dependent child  
44 who has a disability must be in writing.

45        (4) The appointment of an attorney for the dependent child  
46 continues in effect until the attorney is permitted to withdraw  
47 or is discharged by the court, or until the case is dismissed.  
48 An attorney who is appointed to represent the child shall  
49 provide the complete range of legal services from removal from  
50 the home or initial appointment through all available appellate  
51 proceedings. With the permission of the court, the attorney for  
52 the dependent child may arrange for supplemental or separate  
53 counsel to handle proceedings at an appellate hearing.

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

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57 | (6) This section does not negate the authority of the  
58 | court to appoint an attorney for a dependent child in a  
59 | proceeding under this chapter, limit a dependent child's right  
60 | to an attorney, or preclude an attorney from appearing on behalf  
61 | of a dependent child.

62 | (7) Implementation of this section is subject to  
63 | appropriations expressly provided for this purpose.

64 | Section 2. This act shall take effect July 1, 2013.