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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2023	.	
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The Committee on Rules (Book) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

39.013 Procedures and jurisdiction; right to counsel.—

(13) Except as otherwise provided in this chapter, an individual's appearance or attendance at dependency proceedings may be through his or her physical appearance or attendance or, by agreement of the parties or at the discretion of the court,



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12 through audio or audio-video communication technology, unless  
13 the court determines that appearance through audio or audio-  
14 video communication technology is inconsistent with the United  
15 States Constitution, the State Constitution, a statute, a rule  
16 of court, or a court order.

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

19 39.0131 Permanent mailing and primary e-mail address  
20 designation.—Upon the first appearance before the court, each  
21 party shall provide to the court a permanent mailing address and  
22 primary e-mail address. The court shall advise each party that  
23 these addresses ~~this address~~ will be used by the court and the  
24 petitioner for notice purposes unless and until the party  
25 notifies the court and the petitioner in writing of a new  
26 mailing or e-mail address. The court may excuse a party from the  
27 requirement to provide an e-mail address for good cause shown.  
28 The court must excuse a party who is incarcerated and is not  
29 represented by an attorney from the requirement to provide an e-  
30 mail address.

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

33 39.402 Placement in a shelter.—

34 (16) At the conclusion of a shelter hearing, the court  
35 shall notify all parties in writing of the next scheduled  
36 hearing to review the shelter placement. If the hearing will be  
37 held through audio or audio-video communication technology, the  
38 written notice must include all relevant information needed to  
39 attend the proceeding. The hearing must ~~shall~~ be held no later  
40 than 30 days after placement of the child in shelter status, in



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41 conjunction with the arraignment hearing, and at such times as  
42 are otherwise provided by law or determined by the court to be  
43 necessary.

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

46 39.502 Notice, process, and service.—

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

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

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

69 (18) In all proceedings under this part, the court shall



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

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

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

93 39.506 Arraignment hearings.—

94 (3) Failure of a person served with notice to ~~personally~~  
95 appear at the arraignment hearing constitutes the person's  
96 consent to a dependency adjudication. The document containing  
97 the notice to respond or appear must contain, in type at least  
98 as large as the balance of the document, the following or



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

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



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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.

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; or

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

154 7. If the child is in an out-of-home placement, child  
155 support to be paid by the parents, or the guardian of the  
156 child's estate if possessed of assets which under law may be



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157 disbursed for the care, support, and maintenance of the child.  
158 The court may exercise jurisdiction over all child support  
159 matters, shall adjudicate the financial obligation, including  
160 health insurance, of the child's parents or guardian, and shall  
161 enforce the financial obligation as provided in chapter 61. The  
162 state's child support enforcement agency shall enforce child  
163 support orders under this section in the same manner as child  
164 support orders under chapter 61. Placement of the child is not  
165 ~~shall not be~~ contingent upon issuance of a support order.

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

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

183  
184 For the purposes of this section, "diligent efforts to locate an  
185 adult relative" means a search similar to the diligent search



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186 for a parent, but without the continuing obligation to search  
187 after an initial adequate search is completed.

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

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

195 39.801 Procedures and jurisdiction; notice; service of  
196 process.—

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

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

206 1. The parents of the child.

207 2. The legal custodians of the child.

208 3. If the parents who would be entitled to notice are dead  
209 or unknown, a living relative of the child, unless upon diligent  
210 search and inquiry no such relative can be found.

211 4. Any person who has physical custody of the child.

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

214 6. Any prospective parent who has been identified under s.





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

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

232  
233 A party may consent to service or notice by e-mail by providing  
234 a primary e-mail address to the clerk of the court. The document  
235 containing the notice to respond or appear must contain, in type  
236 at least as large as the type in the balance of the document,  
237 the following or substantially similar language: "FAILURE TO  
238 ~~PERSONALLY~~ APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT  
239 TO THE TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR  
240 CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED,  
241 YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR  
242 CHILDREN NAMED IN THE PETITION ATTACHED TO THIS NOTICE."

243 (d) If the person served with notice under this section



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

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

262 92.54 Use of closed-circuit television and audio-video  
263 communication technology in proceedings involving a victim or  
264 witness under the age of 18 or who has an intellectual  
265 disability.—

266 (1) Upon motion and hearing in camera and upon a finding  
267 that there is a substantial likelihood that a victim or witness  
268 under the age of 18 or who has an intellectual disability will  
269 suffer at least moderate emotional or mental harm due to the  
270 presence of the defendant if such victim or witness is required  
271 to testify in open court, or is unavailable as defined in s.  
272 90.804(1), the trial court may order that the testimony of the



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273 victim or witness be taken outside of the courtroom and shown by  
274 means of closed-circuit television or through audio-video  
275 communication technology.

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

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

290 985.319 Process and service.—

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

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



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to juvenile court proceedings;  
amending s. 39.013, F.S.; authorizing individuals to  
appear at or attend dependency proceedings relating to  
children through audio or audio-video communication  
technology, except under certain circumstances;  
amending s. 39.0131, F.S.; requiring parties in  
certain proceedings to provide their primary e-mail  
addresses to the court; authorizing courts to excuse a  
party from the requirement for good cause shown;  
requiring courts to excuse such requirement under  
certain circumstances; amending s. 39.402, F.S.;  
requiring that court notices for shelter placement  
hearings held through audio or audio-video  
communication technology include certain information;  
amending s. 39.502, F.S.; specifying how parties to  
certain hearings involving children may consent to  
service or notice by e-mail; requiring that certain  
summonses or notices contain instructions for  
appearance through audio or audio-video communication  
technology; amending s. 39.506, F.S.; conforming  
provisions to changes made by the act; requiring  
parties at arraignment hearings to provide the court  
with a primary e-mail address; authorizing the court



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331 to excuse a party from the requirement for good cause  
332 shown; requiring the court to excuse such requirement  
333 under certain circumstances; amending ss. 39.521 and  
334 39.801, F.S.; conforming provisions to changes made by  
335 the act; making technical changes; amending s. 92.54,  
336 F.S.; authorizing the use of audio-video communication  
337 technology for showing testimonies in proceedings  
338 involving a victim or witness under the age of 18 or  
339 who has an intellectual disability; amending s.  
340 985.319, F.S.; requiring that summonses for juvenile  
341 delinquency hearings held through audio or audio-video  
342 communication technology provide certain information;  
343 providing an effective date.