

By Senator Book

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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.; defining
5 terms; creating s. 391.312, F.S.; providing for
6 specified rights of children; authorizing and
7 encouraging district school boards to establish
8 certain educational programs; authorizing district
9 school boards to provide such programs in conjunction
10 with certain other education programs and instruction;
11 creating s. 391.313, F.S.; prohibiting the state and
12 certain governmental agencies from deliberately
13 infringing on the rights of children; providing duties
14 for the state and such agencies to ensure such rights
15 are protected; requiring the state to take certain
16 appropriate measures to protect children from
17 specified harms; amending s. 402.56, F.S.; revising a
18 short title; renaming the "Children and Youth Cabinet"
19 as the "Commission on the Status of Children and
20 Youth"; revising a legislative finding; removing the
21 commission from the Executive Office of the Governor;
22 revising requirements for commission meetings,
23 membership, and duties; providing requirements for
24 votes of the commission; providing membership
25 requirements for the advisory board appointed by the
26 Governor; providing for the appointment of an
27 executive director of the commission; requiring the
28 Department of Management Services to provide support
29 staff for the commission and the executive director;

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30 authorizing the commission to request information and
31 presentations from certain governmental agencies;
32 authorizing the commission to adopt rules; amending s.
33 402.57, F.S.; conforming a provision to changes made
34 by the act; providing an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Part IV of chapter 391, Florida Statutes,
39 consisting of ss. 391.311, 391.312, and 391.313, Florida
40 Statutes, is created and entitled "Children's Bill of Rights
41 Act."

42 Section 2. Section 391.311, Florida Statutes, is created to
43 read:

44 391.311 Definitions.—As used in this part, the term:

45 (1) "Child" or "youth" has the same meaning as in s. 39.01.

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

47 (3) "Vulnerable youth" means any person younger than 18
48 years of age whose everyday life has been or may be
49 characterized by violence, sexual abuse, negligence, substance
50 abuse, crime, psychiatric or mental disorders, a lack of
51 interest in school, or a lack of positive adult relationships.

52 Section 3. Section 391.312, Florida Statutes, is created to
53 read:

54 391.312 Rights of children.—

55 (1) (a) A child has the right, with guidance and supervision
56 from each parent, to:

57 1. Seek, receive, and impart information and ideas of any
58 kind, verbally, in writing or print, in the form of art, or

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59 through any other medium of the child's choice.

60 2. Freedom of thought, conscience, and religion and to
61 exercise this right verbally, in writing or print, in the form
62 of art, or through any other medium of the child's choice.

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

68 (c) Any restrictions imposed upon the exercise of a child's
69 rights may be only by law and as necessary for the respect of
70 the rights or reputations of others or for the protection of
71 public order.

72 (2) (a) A child has the right not to be subjected to
73 arbitrary, capricious, or unlawful interference with or attacks
74 on his or her privacy, family, home, correspondence with one or
75 both parents, or honor and reputation.

76 (b) A child has the right to the protection of the law
77 against such interference and attacks.

78 (3) A child has the explicit and inalienable right to an
79 education, and the state shall enact measures to achieve this
80 right based on equal opportunity.

81 (4) In areas of this state where linguistic minority groups
82 or indigenous populations reside, a child belonging to such a
83 minority group or indigenous population has the right, in
84 community with other members of his or her group or population,
85 to enjoy his or her own culture and to use his or her own
86 language.

87 (5) A child has the right to maintain a bank account, to

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88 work, and to manage personal income, including any allowance,
89 consistent with his or her age and developmental level, unless
90 otherwise prohibited by law, and to be informed about any funds
91 being held in a trust on behalf of the child.

92 (6) A child has the right to receive medical, dental,
93 vision, and mental health services as needed; to be free of the
94 administration of psychotropic medication or chemical substances
95 unless the administration of such medication or substances is
96 authorized by a parent; and to be free from confinement in any
97 room, building, or facility unless placed by court order in a
98 residential treatment center.

99 (7) A child has the right to be free from physical, sexual,
100 emotional, or other abuse or cruel and unusual punishment. This
101 includes the child's right to be placed away from other children
102 who are known to pose a threat of harm.

103 (8) A child has the right to be able to contact the
104 Commission on the Status of Children and Youth as described in
105 s. 402.56 regarding violations of rights; to speak to the
106 ombudsman confidentially; and to be free from threats or
107 punishment for making complaints.

108 (9) District school boards are authorized and encouraged to
109 establish educational programs for students ages 5 through 18
110 years which relate to identifying and reporting abuse,
111 abandonment, or neglect and the effects of abuse, abandonment,
112 or neglect on a child. The district school boards may provide
113 such programs in conjunction with the youth mental health
114 awareness and assistance training program required under s.
115 1012.584, any other mental health education program offered by
116 the school district, or any of the educational instruction

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117 required under s. 1003.42(2).

118 Section 4. Section 391.313, Florida Statutes, is created to
119 read:

120 391.313 Protection of children's rights.—

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

125 (2) The state or other governmental agencies that provide
126 services for children, youth, and their families shall ensure
127 that:

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

132 (b) In all actions concerning children which are undertaken
133 by public social welfare institutions, courts of law, executive
134 agencies, or the Legislature:

135 1. The best interest of the child is a primary
136 consideration.

137 2. The child is provided protection and care as is
138 necessary for his or her well-being, taking into account the
139 rights and duties of his or her parents, and taking all
140 appropriate legislative and administrative measures consistent
141 with chapter 1014.

142 (c) The right of every natural-born child who is a resident
143 of this state to a safe environment is respected.

144 (d)1. A child is not separated from his or her parents
145 against the parents' will, except in certain cases when a court

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146 of law or the Department of Children and Families determines, in
147 accordance with applicable laws and administrative rules, that
148 such separation is necessary for the best interests of the
149 child.

150 2. In any proceeding pursuant to subparagraph 1., all
151 interested parties are given an opportunity to participate in
152 the proceeding and make their views known, unless such
153 participation is inconsistent with due process procedures.

154 3. The state or other governmental agencies that provide
155 services for children, youth, and their families respect the
156 right of the child who is separated from one or both parents to
157 maintain personal relations and direct contact with both parents
158 on a regular basis, unless it is contrary to the child's best
159 interests or such contact is prohibited by any applicable law or
160 administrative rule.

161 4. If separation is a result of any action initiated by the
162 state, such as the detention, imprisonment, exile, or death,
163 including death arising from any cause while the person is in
164 the custody of the state, except for the execution of a sentence
165 of death, of one or both parents or of the child, the state,
166 upon request, must provide the child or, when applicable,
167 another member of the family with the essential information
168 concerning the whereabouts of the absent parent, unless the
169 information would be detrimental to the well-being of the child.
170 The state shall further ensure that the submission of such a
171 request does not result in any adverse consequences for any
172 person concerned.

173 (e)1. A mentally or physically disabled child enjoys a full
174 and decent life in conditions that provide dignity, promote

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175 self-reliance, and facilitate the child's active participation
176 in the community.

177 2. The right of each mentally or physically disabled child
178 to special care is recognized and encouraged, and ensure
179 assistance, subject to available resources, to each eligible
180 child and his or her parents for which application is made and
181 which is appropriate to the needs of the child and the
182 circumstances of the parents.

183 3. Any assistance extended by the state to a mentally or
184 physically disabled child pursuant to subparagraph 1. is
185 provided, whenever possible, taking into account the financial
186 resources of the parent, and is designed to provide the child
187 with effective access to education, training, health care
188 services, rehabilitation services, preparation for employment,
189 and recreational opportunities in a manner conducive to the
190 child achieving the fullest possible social integration and
191 individual development.

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

194 (a) The responsibilities, rights, and duties of parents to
195 provide, in a manner consistent with the evolving needs of the
196 child, appropriate direction and guidance in the exercise of the
197 rights provided in this part.

198 (b) The right of the child to preserve, without
199 interference, his or her identity, including his or her
200 nationality, name, and family relations, as recognized by law.
201 If a child is deprived of some or all of the elements of his or
202 her identity, the state must provide appropriate assistance and
203 protection in timely reestablishing his or her identity.

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204 (4) The state shall take all appropriate legislative and
205 administrative actions and shall use social and educational
206 measures to protect a child from all forms of physical or mental
207 violence, injury, abuse, neglect or negligent treatment, and
208 exploitation, including sexual abuse, while in the care of a
209 parent, the state, a legal guardian, or any other caregiver.

210 Section 5. Section 402.56, Florida Statutes, is amended to
211 read:

212 402.56 Children's commission ~~cabinet~~; organization;
213 responsibilities; annual report.-

214 (1) SHORT TITLE.-This act may be cited as the "Commission
215 on the Status of Children and Youth Act." ~~"Children and Youth~~
216 ~~Cabinet Act."~~

217 (2) LEGISLATIVE FINDINGS AND INTENT.-

218 (a) The Legislature finds that all state agencies and
219 programs that touch the lives of children and youth must work in
220 a coordinated and comprehensive fashion, with an emphasis on
221 providing a continuum of services that benefit children from
222 prenatal care through programs supporting successful transition
223 to self-sufficient adulthood. The Legislature further finds that
224 creating a Commission on the Status of Children and Youth
225 ~~Cabinet~~ is the best method by which the state might achieve the
226 visions and plans necessary to ensure that this state is the
227 safest place in the world to be a child. ~~first place families~~
228 ~~think of when asked, "Where do you want to raise a child?"~~

229 (b) The Legislature, in collaboration with the Governor,
230 intends to develop and implement a shared vision among the
231 branches of government in order to improve child and family
232 outcomes in this state. By working collaboratively, the

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233 Legislature intends to invest in the education and skills of our
234 children and youth, develop a cohesive vision and plan that
235 ensures a long-term commitment to children and youth issues,
236 align public resources serving children and youth to support
237 their healthy growth and development, and promote increased
238 efficiency and improved service delivery by all governmental
239 agencies that provide services for children, youth, and their
240 families.

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

244 (a) The commission cabinet shall ensure that the public
245 policy of this state relating to children and youth is developed
246 to promote interdepartmental collaboration and program
247 implementation in order that services designed for children and
248 youth are planned, managed, and delivered in a holistic and
249 integrated manner to improve the ~~children's~~ self-sufficiency,
250 safety, economic stability, health, and quality of life of
251 children and youth.

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

255 (c) The commission cabinet shall meet at least four times
256 each year, upon the call of the chairperson or two other
257 officers ~~but no more than six times each year~~, in different
258 regions of this ~~the~~ state in order to solicit input from the
259 public and any other individual offering testimony relevant to
260 the issues considered. Each meeting must include a public
261 comment session and must be noticed pursuant to s. 120.525.

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262 (4) MEMBERS.—

263 (a) The commission shall be composed of 21 members. The
264 President of the Senate, the Speaker of the House of
265 Representatives, the Secretary of the Department of Children and
266 Families, and the Commissioner of Education shall each appoint
267 three members; the Secretary of Juvenile Justice and the
268 Secretary of Health Care Administration shall each appoint two
269 members; and the Governor shall appoint five members.
270 Appointments are for a term of 4 years. The members appointed by
271 the Governor must include representatives of children and youth
272 advocacy organizations who are not service providers. A member
273 may not serve more than two consecutive terms on the commission,
274 and vacancies must be filled for the remainder of an unexpired
275 term in the same manner as the original appointment.

276 (b) With respect to appointments made by the President of
277 the Senate and the Speaker of the House Representatives, at
278 least one of their respective appointees must be selected in
279 consultation with the minority leader of their respective
280 chambers.

281 (c) Biennially, at the first meeting of the first quarter,
282 a chairperson and a vice chairperson must be elected by the
283 members, each of whom shall serve until a successor is elected.
284 An officer may not serve more than two consecutive terms in the
285 same office.

286 (d) The commission may establish committees to conduct
287 commission business between meetings of the commission ~~The~~
288 ~~cabinet shall consist of 16 members including the Governor and~~
289 ~~the following persons:~~

290 ~~(a)1. The Secretary of Children and Families;~~

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- 291 ~~2. The Secretary of Juvenile Justice;~~
292 ~~3. The director of the Agency for Persons with~~
293 ~~Disabilities;~~
294 ~~4. A representative from the Division of Early Learning;~~
295 ~~5. The State Surgeon General;~~
296 ~~6. The Secretary of Health Care Administration;~~
297 ~~7. The Commissioner of Education;~~
298 ~~8. The director of the Statewide Guardian Ad Litem Office;~~
299 ~~9. A representative of the Office of Adoption and Child~~
300 ~~Protection;~~
301 ~~10. A superintendent of schools, appointed by the Governor;~~
302 ~~and~~
303 ~~11. Five members who represent children and youth advocacy~~
304 ~~organizations and who are not service providers, appointed by~~
305 ~~the Governor.~~
- 306 ~~(b) The President of the Senate, the Speaker of the House~~
307 ~~of Representatives, the Chief Justice of the Supreme Court, the~~
308 ~~Attorney General, and the Chief Financial Officer, or their~~
309 ~~appointed designees, shall serve as ex officio members of the~~
310 ~~cabinet.~~
- 311 ~~(c) The Governor or the Governor's designee shall serve as~~
312 ~~the chair of the cabinet.~~
- 313 ~~(d) Nongovernmental members of the cabinet shall serve~~
314 ~~without compensation, but are entitled to receive per diem and~~
315 ~~travel expenses in accordance with s. 112.061 while in~~
316 ~~performance of their duties.~~
- 317 (5) DUTIES AND RESPONSIBILITIES.—The commission Children
318 ~~and Youth Cabinet~~ shall:
- 319 (a) Develop and implement a shared and cohesive vision

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320 using integrated services to improve child, youth, and family
321 outcomes in this state.

322 (b) Develop a strategic plan to achieve the goals of the
323 shared and cohesive vision. The plan must ~~shall~~ be centered upon
324 a long-term commitment to children and youth issues and align
325 all public resources to serve children and youth and their
326 families in a manner that supports the healthy growth and
327 development of children. The plan must ~~shall~~ prepare the
328 children and youth to be responsible citizens and productive
329 members of the workforce. The plan must ~~shall~~ include a
330 continuum of services that will benefit children from prenatal
331 care through services for youth in transition to adulthood.

332 (c) Develop and implement measurable outcomes for each
333 state department, agency, and program which ~~that~~ are consistent
334 with the strategic plan. The commission ~~cabinet~~ shall establish
335 a baseline measurement for each outcome and regularly report on
336 the progress made toward achieving the desired outcome.

337 (d) Design and implement actions that will promote
338 collaboration, creativity, increased efficiency, information
339 sharing, and improved service delivery between and within state
340 governmental organizations that provide services for children
341 and youth and their families. In particular, the efforts must
342 ~~shall~~ include the long-range planning process mandated by s.
343 216.013.

344 (e) Foster public awareness of children and youth issues
345 and develop new partners in the effort to serve children and
346 youth.

347 (f) Create a children and youth impact statement for
348 evaluating proposed legislation, requested appropriations, and

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349 programs. The impact statement must ~~shall~~ be shared with the
350 Legislature in its ~~their~~ deliberative process.

351 (g) Identify existing and potential funding streams and
352 resources for children's services, including, but not limited
353 to, public funding, foundation and organization grants, and
354 other forms of private funding opportunities, including public-
355 private partnerships.

356 (h) Develop a children-and-youth-based budget structure and
357 nomenclature that includes all relevant departments, funding
358 streams, and programs. The budget must ~~shall~~ facilitate improved
359 coordination and efficiency, explore options for and allow
360 maximization of federal financial participation, and implement
361 the state's vision and strategic plan.

362 (i) Study and evaluate the following:

363 1. Access and barriers to, and the availability,
364 duplication, and funding of, services for vulnerable youth.

365 2. The level of communication and cooperation between
366 agencies that serve vulnerable children and youth.

367 3. Implementation of programs or laws concerning vulnerable
368 children and youth. In performing this function, the commission
369 shall serve as a general consultant to the Legislature on
370 children's and youth's affairs.

371 4. The consolidation of existing entities that serve
372 vulnerable children and youth. The commission shall make
373 recommendations to the Legislature for any suggested
374 consolidations.

375 5. Data from state agencies relevant to evaluating
376 progress, targeting efforts, and demonstrating outcomes related
377 to serving vulnerable children and youth.

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378 6. Crimes of sexual violence against children and youth.

379 7. The impact of social networking websites, cellular
380 telephones, other wireless communications devices, digital
381 media, and new technology on crimes against children and youth.

382 (j) Review and make recommendations to the Legislature
383 regarding pending legislation that may affect children and
384 youth.

385 (k) Promote information sharing on topics affecting
386 vulnerable children and youth in this state, including best
387 practices, policies, and programs ~~Engage in other activities~~
388 ~~that will implement improved collaboration of agencies in order~~
389 ~~to create, manage, and promote coordinated policies, programs,~~
390 ~~and service delivery systems that support children and youth.~~

391 (6) VOTING.—The affirmative vote of the majority of the
392 members appointed to the commission is required for the
393 commission to take action on any measure, including the adoption
394 of final reports and the appointment of an executive director.

395 (7) ADVISORY BOARD.—The Governor may appoint an advisory
396 board consisting of no more than six persons to assist the
397 commission ~~cabinet~~ in its tasks. The board shall include persons
398 who can provide to the commission ~~cabinet~~ the best available
399 technical and professional research and assistance. If an
400 advisory board is appointed ~~created~~, it must ~~shall~~ include
401 representatives of children and youth advocacy organizations and
402 youth, whenever ~~wherever~~ practicable, who have been recipients
403 of services and programs operated or funded by state agencies.

404 (8) (7) ANNUAL REPORT.—By February 1 of each year, the
405 commission ~~Children and Youth Cabinet~~ shall, ~~by February 1 of~~
406 ~~each year,~~ provide an annual report to the Governor, the

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407 President of the Senate, the Speaker of the House of
 408 Representatives, and the public concerning its activities and
 409 progress toward ~~towards~~ making this state the first place
 410 families think of when asked, "Is Florida the safest place in
 411 the world to be a child?" ~~"Where do they want to raise their~~
 412 ~~children?"~~ The annual report may include recommendations for
 413 needed legislation or rulemaking authority.

414 (9) APPOINTMENT OF EXECUTIVE DIRECTOR; SUPPORT STAFF.—The
 415 commission may appoint an individual to serve as executive
 416 director of the commission by vote as provided in subsection
 417 (6). The executive director shall perform the duties assigned by
 418 the commission. The Department of Management Services shall
 419 provide support staff for the commission and the executive
 420 director of the commission.

421 (10) INFORMATION GATHERING.—The commission may request and
 422 review outcome data from any governmental agency that provides
 423 services to children, youth, and their families and may request
 424 other information or presentations from agency representatives
 425 and other experts on topics related to vulnerable children and
 426 youth.

427 (11) RULEMAKING AUTHORITY.—The commission may adopt rules
 428 necessary to implement this section.

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

431 402.57 Direct-support organization.—

432 (1) The Department of Children and Families shall establish
 433 a direct-support organization to assist the Commission on the
 434 Status of Children and Youth ~~Cabinet~~ established in s. 402.56 in
 435 carrying out its purposes and responsibilities, primarily

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436 regarding fostering public awareness of children and youth
437 issues and developing new partners in the effort to serve
438 children and youth by raising money; submitting requests for and
439 receiving grants from the Federal Government, the state or its
440 political subdivisions, private foundations, and individuals;
441 and making expenditures to or for the benefit of the commission
442 ~~cabinet~~. The sole purpose for the direct-support organization is
443 to support the commission ~~cabinet~~. The direct-support
444 organization must be:

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

447 (b) Organized and operated to make expenditures to or for
448 the benefit of the commission ~~cabinet~~.

449 (c) Approved by the department to be operating for the
450 benefit of and in a manner consistent with the goals of the
451 commission ~~cabinet~~ and in the best interest of the state.

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