

27 | 2. A dependent child who has certain special needs has a
28 | particular need for an attorney to represent the dependent child
29 | in proceedings under this chapter, as well as in fair hearings
30 | and appellate proceedings, so that the attorney may address the
31 | child's medical and related needs and the services and supports
32 | necessary for the child to live successfully in the community.

33 | (b) The Legislature recognizes the existence of
34 | organizations that provide attorney representation to children
35 | in certain jurisdictions throughout the state. Further, the
36 | statewide Guardian Ad Litem Program provides best interest
37 | representation for dependent children in every jurisdiction in
38 | accordance with state and federal law. The Legislature,
39 | therefore, does not intend that funding provided for
40 | representation under this section supplant proven and existing
41 | organizations representing children. Instead, the Legislature
42 | intends that funding provided for representation under this
43 | section be an additional resource for the representation of more
44 | children in these jurisdictions, to the extent necessary to meet
45 | the requirements of this chapter, with the cooperation of
46 | existing local organizations or through the expansion of those
47 | organizations. The Legislature encourages the expansion of pro
48 | bono representation for children. This section is not intended
49 | to limit the ability of a pro bono attorney to appear on behalf
50 | of a child.

51 | (2) As used in this section, the term "dependent child"
52 | means a child who is subject to any proceeding under this

53 chapter. The term does not require that a child be adjudicated
 54 dependent for purposes of this section.

55 (3) An attorney shall be appointed for a dependent child
 56 ~~who~~:

57 (a) Who resides in a skilled nursing facility or is being
 58 considered for placement in a skilled nursing home;

59 (b) Who is prescribed a psychotropic medication and is
 60 under the age of 8 or ~~but~~ declines assent to the psychotropic
 61 medication;

62 (c) Who has a diagnosis of a developmental disability as
 63 defined in s. 393.063;

64 (d) Who is being placed in a residential treatment center
 65 or being considered for placement in a residential treatment
 66 center; ~~or~~

67 (e) Who is a victim of human trafficking as defined in s.
 68 787.06(2)(d); or

69 (f) If the Statewide Guardian Ad Litem Program certifies
 70 that it has a conflict of interest that precludes the program
 71 from providing the child with a guardian ad litem.

72 (4) ~~(a)~~ Before a court may appoint an attorney, who may be
 73 compensated pursuant to this section, the court must request a
 74 recommendation from the Statewide Guardian Ad Litem Office for
 75 an attorney who is willing to represent a child without
 76 additional compensation. If such an attorney is available within
 77 15 days after the court's request, the court must appoint that
 78 attorney. However, the court may appoint a compensated attorney

79 | within the 15-day period if the Statewide Guardian Ad Litem
 80 | Office informs the court that it will not be able to recommend
 81 | an attorney within that time period.

82 | (5)~~(b)~~ After an attorney is appointed, the appointment
 83 | continues in effect until the attorney is allowed to withdraw,
 84 | the attorney ~~or~~ is discharged by the court, or ~~until~~ the case is
 85 | dismissed. If an attorney withdraws or is discharged, substitute
 86 | counsel shall be appointed by the court if the child continues
 87 | to meet any requirement for appointed counsel under subsection
 88 | (3). An attorney who is appointed under this section to
 89 | represent the child shall provide the complete range of legal
 90 | services, from the removal from home or from the initial
 91 | appointment through all available appellate proceedings. With
 92 | the permission of the court, the attorney for the dependent
 93 | child may arrange for supplemental or separate counsel to
 94 | represent the child in appellate proceedings. A court order
 95 | appointing an attorney under this section must be in writing.

96 | (6)~~(5)~~ Unless ~~Except~~ if the attorney has agreed to provide
 97 | pro bono services, an appointed attorney or organization must be
 98 | adequately compensated. All appointed attorneys and
 99 | organizations must be ~~and~~ provided with access to funding for
 100 | expert witnesses, depositions, and other costs of litigation.
 101 | Payment to an attorney is subject to appropriations and subject
 102 | to review by the Justice Administrative Commission for
 103 | reasonableness. The Justice Administrative Commission shall
 104 | contract with attorneys appointed by the court. Attorney fees

105 may not exceed \$1,000 per child per year.

106 (7) Appointed attorneys shall, on a quarterly basis,
 107 report to the Quality Counsel Program pursuant to s. 27.406 on
 108 the activities performed and results obtained on behalf of each
 109 dependent child to the extent that such information does not
 110 violate any applicable privilege. The form of the report shall
 111 be prescribed by the Justice Administrative Commission.

112 (8)-(6) The department shall develop procedures to identify
 113 a dependent child who has a special need specified under
 114 subsection (3) and to request that a court appoint an attorney
 115 for the child.

116 (9)-(7) The department may adopt rules to administer this
 117 section.

118 (10)-(8) This section does not limit the authority of the
 119 court to appoint an attorney for a dependent child in a
 120 proceeding under this chapter.

121 (11)-(9) Implementation of this section is subject to
 122 appropriations expressly made for that purpose.

123 Section 2. Section 27.406, Florida Statutes, is created to
 124 read:

125 27.406 Quality Counsel Program.—

126 (1) To ensure that dependent children receive quality
 127 representation under chapter 39, the Justice Administrative
 128 Commission shall contract with a nonprofit entity to establish
 129 the Quality Counsel Program.

130 (2) The Quality Counsel Program must, at a minimum:

131 (a) Create a quality improvement program utilizing the
 132 information provided by appointed attorneys under s. 39.01305
 133 that would include a review and analysis of the attorney's
 134 advocacy.

135 (b) Annually report to the President of the Florida
 136 Senate, Speaker of the Florida House of Representatives,
 137 Governor, Justice Administrative Commission, the Statewide
 138 Guardian ad Litem Program, and the Office of State Courts
 139 Administrator on the information collected, results achieved,
 140 and recommendations to enhance the quality of representation.

141 (3) The Quality Counsel Program must be complete and fully
 142 operational by June 30, 2018.

143 Section 3. This act shall take effect July 1, 2016.