

1 A bill to be entitled
2 An act relating to juvenile court proceedings;
3 amending s. 39.013, F.S.; authorizing individuals to
4 appear at or attend hearings or conferences relating
5 to children through audio-video communication
6 technology, except under certain circumstances;
7 amending s. 39.0131, F.S.; requiring parties in
8 certain proceedings to provide their primary e-mail
9 addresses to the court; authorizing courts to excuse a
10 party from the requirement for good cause shown;
11 amending s. 39.402, F.S.; requiring that court notices
12 for shelter placement hearings held through audio-
13 video communication technology include certain
14 information; amending s. 39.502, F.S.; specifying how
15 parties to certain hearings involving children may
16 consent to service or notice by e-mail; requiring that
17 certain summonses or notices contain instructions for
18 appearance through audio-video communications
19 technology; amending s. 39.506, F.S.; requiring
20 parties at arraignment hearings to provide the court
21 with a primary e-mail address; authorizing the court
22 to excuse a party from the requirement for good cause
23 shown; conforming provisions to changes made by the
24 act; amending ss. 39.521 and 39.801, F.S.; conforming
25 provisions to changes made by the act; amending s.

26 92.54, F.S.; authorizing the use of audio-video
 27 communication technology for showing testimonies in
 28 proceedings involving a victim or witness under the
 29 age of 18 or who has an intellectual disability;
 30 amending s. 985.319, F.S.; requiring that summonses
 31 for juvenile delinquency hearings held through audio-
 32 video communication technology provide certain
 33 information; providing an effective date.
 34

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

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

39 39.013 Procedures and jurisdiction; right to counsel.—

40 (13) Except as otherwise provided in this chapter, an
 41 individual's appearance or attendance at a hearing or conference
 42 may be through his or her physical appearance or, at the
 43 discretion of the court, through audio-video communication
 44 technology, unless the court determines that appearance through
 45 audio-video communication technology is inconsistent with the
 46 United States Constitution, the State Constitution, a statute, a
 47 rule of court, or a court order.

48 Section 2. Section 39.0131, Florida Statutes, is amended
 49 to read:

50 39.0131 Permanent mailing and primary e-mail address

51 designation.—Upon the first appearance before the court, each
52 party shall provide to the court a permanent mailing address and
53 primary e-mail address. The court shall advise each party that
54 these addresses ~~this address~~ will be used by the court and the
55 petitioner for notice purposes unless and until the party
56 notifies the court and the petitioner in writing of a new
57 mailing or e-mail address. The court may excuse a party from the
58 requirement to provide an e-mail address for good cause shown.

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

61 39.402 Placement in a shelter.—

62 (16) At the conclusion of a shelter hearing, the court
63 shall notify all parties in writing of the next scheduled
64 hearing to review the shelter placement. If the hearing will be
65 held through audio-video communication technology, the written
66 notice must include all relevant information to attend the
67 proceeding. The hearing shall be held no later than 30 days
68 after placement of the child in shelter status, in conjunction
69 with the arraignment hearing, and at such times as are otherwise
70 provided by law or determined by the court to be necessary.

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

73 39.502 Notice, process, and service.—

74 (1) Unless parental rights have been terminated, all
75 parents must be notified of all proceedings or hearings

76 involving the child. Notice in cases involving shelter hearings
 77 and hearings resulting from medical emergencies must be that
 78 most likely to result in actual notice to the parents. A party
 79 may consent to service or notice by e-mail by providing a
 80 primary e-mail address to the clerk of the court. In all other
 81 dependency proceedings, notice must be provided in accordance
 82 with subsections (4)-(9), except when a relative requests
 83 notification pursuant to s. 39.301(14)(b), in which case notice
 84 shall be provided pursuant to subsection (19).

85 (4) The summons shall require the person on whom it is
 86 served to appear for a hearing at a time and place specified,
 87 not less than 72 hours after service of the summons. If
 88 applicable, the summons must also include instructions for
 89 appearing at the hearing through audio-video communication
 90 technology. A copy of the petition shall be attached to the
 91 summons.

92 (5) The summons shall be directed to, and shall be served
 93 upon, all parties other than the petitioner. A party may consent
 94 to service by e-mail by providing a primary e-mail address to
 95 the clerk of the court.

96 (18) In all proceedings under this part, the court shall
 97 provide to the parent or legal custodian of the child, at the
 98 conclusion of any hearing, a written notice containing the date
 99 of the next scheduled hearing. The court shall also include the
 100 date of the next hearing in any order issued by the court. If

101 the hearing is to be conducted through audio-video communication
 102 technology, the instructions for appearance must also be
 103 included.

104 (19) In all proceedings and hearings under this chapter,
 105 the attorney for the department shall notify, orally or in
 106 writing, a relative requesting notification pursuant to s.
 107 39.301(14) (b) of the date, time, and location of such
 108 proceedings and hearings and, if applicable, the instructions
 109 for appearance through audio-video communication technology, and
 110 notify the relative that he or she has the right to attend all
 111 subsequent proceedings and hearings, to submit reports to the
 112 court, and to speak to the court regarding the child, if the
 113 relative so desires. The court has the discretion to release the
 114 attorney for the department from notifying a relative who
 115 requested notification pursuant to s. 39.301(14) (b) if the
 116 relative's involvement is determined to be impeding the
 117 dependency process or detrimental to the child's well-being.

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

120 39.506 Arraignment hearings.—

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

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126 substantially similar language: "FAILURE TO ~~PERSONALLY~~ APPEAR AT
127 THE ARRAIGNMENT HEARING CONSTITUTES CONSENT TO THE ADJUDICATION
128 OF THIS CHILD (OR CHILDREN) AS A DEPENDENT CHILD (OR CHILDREN)
129 AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD (OR
130 CHILDREN)." If a person appears for the arraignment hearing and
131 the court orders that person to ~~personally~~ appear, either
132 physically or through audio-video communication technology, at
133 the adjudicatory hearing for dependency, stating the date, time,
134 and place, and, if applicable, the instructions for appearance
135 through audio-video communication technology, of the
136 adjudicatory hearing, then that person's failure to appear for
137 the scheduled adjudicatory hearing constitutes consent to a
138 dependency adjudication.

139 (4) At the arraignment hearing, each party shall provide
140 to the court a permanent mailing address and a primary e-mail
141 address. The court shall advise each party that these addresses
142 ~~this address~~ will be used by the court and the petitioner for
143 notice purposes unless and until the party notifies the court
144 and the petitioner in writing of a new mailing or e-mail
145 address. The court may excuse a party from the requirement to
146 provide an e-mail address for good cause shown.

147 Section 6. Paragraph (e) of subsection (1) of section
148 39.521, Florida Statutes, is amended to read:

149 39.521 Disposition hearings; powers of disposition.—

150 (1) A disposition hearing shall be conducted by the court,

151 if the court finds that the facts alleged in the petition for
 152 dependency were proven in the adjudicatory hearing, or if the
 153 parents or legal custodians have consented to the finding of
 154 dependency or admitted the allegations in the petition, have
 155 failed to appear for the arraignment hearing after proper
 156 notice, or have not been located despite a diligent search
 157 having been conducted.

158 (e) The court shall, in its written order of disposition,
 159 include all of the following:

- 160 1. The placement or custody of the child.
- 161 2. Special conditions of placement and visitation.
- 162 3. Evaluation, counseling, treatment activities, and other
 163 actions to be taken by the parties, if ordered.
- 164 4. The persons or entities responsible for supervising or
 165 monitoring services to the child and parent.
- 166 5. Continuation or discharge of the guardian ad litem, as
 167 appropriate.
- 168 6. The date, time, and location of the next scheduled
 169 review hearing and, if applicable, instructions for appearance
 170 through audio-video communication technology, which hearing must
 171 occur within the earlier of:
 - 172 a. Ninety days after the disposition hearing;
 - 173 b. Ninety days after the court accepts the case plan;
 - 174 c. Six months after the date of the last review hearing;

175 or

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

179 7. If the child is in an out-of-home placement, child
 180 support to be paid by the parents, or the guardian of the
 181 child's estate if possessed of assets which under law may be
 182 disbursed for the care, support, and maintenance of the child.
 183 The court may exercise jurisdiction over all child support
 184 matters, shall adjudicate the financial obligation, including
 185 health insurance, of the child's parents or guardian, and shall
 186 enforce the financial obligation as provided in chapter 61. The
 187 state's child support enforcement agency shall enforce child
 188 support orders under this section in the same manner as child
 189 support orders under chapter 61. Placement of the child shall
 190 not be contingent upon issuance of a support order.

191 8.a. If the court does not commit the child to the
 192 temporary legal custody of an adult relative, legal custodian,
 193 or other adult approved by the court, the disposition order must
 194 include the reasons for such a decision and shall include a
 195 determination as to whether diligent efforts were made by the
 196 department to locate an adult relative, legal custodian, or
 197 other adult willing to care for the child in order to present
 198 that placement option to the court instead of placement with the
 199 department.

200 b. If no suitable relative is found and the child is

201 placed with the department or a legal custodian or other adult
 202 approved by the court, both the department and the court shall
 203 consider transferring temporary legal custody to an adult
 204 relative approved by the court at a later date, but neither the
 205 department nor the court is obligated to so place the child if
 206 it is in the child's best interest to remain in the current
 207 placement.

208
 209 For the purposes of this section, "diligent efforts to locate an
 210 adult relative" means a search similar to the diligent search
 211 for a parent, but without the continuing obligation to search
 212 after an initial adequate search is completed.

213 9. Other requirements necessary to protect the health,
 214 safety, and well-being of the child, to preserve the stability
 215 of the child's child care, early education program, or any other
 216 educational placement, and to promote family preservation or
 217 reunification whenever possible.

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

220 39.801 Procedures and jurisdiction; notice; service of
 221 process.—

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

225 (a) Notice of the date, time, and place of the advisory

226 hearing for the petition to terminate parental rights; if
227 applicable, instructions for appearance through audio-video
228 communication technology; and a copy of the petition must be
229 personally served upon the following persons, specifically
230 notifying them that a petition has been filed:

- 231 1. The parents of the child.
- 232 2. The legal custodians of the child.
- 233 3. If the parents who would be entitled to notice are dead
234 or unknown, a living relative of the child, unless upon diligent
235 search and inquiry no such relative can be found.
- 236 4. Any person who has physical custody of the child.
- 237 5. Any grandparent entitled to priority for adoption under
238 s. 63.0425.
- 239 6. Any prospective parent who has been identified under s.
240 39.503 or s. 39.803, unless a court order has been entered
241 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
242 indicates no further notice is required. Except as otherwise
243 provided in this section, if there is not a legal father, notice
244 of the petition for termination of parental rights must be
245 provided to any known prospective father who is identified under
246 oath before the court or who is identified by a diligent search
247 of the Florida Putative Father Registry. Service of the notice
248 of the petition for termination of parental rights is not
249 required if the prospective father executes an affidavit of
250 nonpaternity or a consent to termination of his parental rights

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251 | which is accepted by the court after notice and opportunity to
252 | be heard by all parties to address the best interests of the
253 | child in accepting such affidavit.

254 | 7. The guardian ad litem for the child or the
255 | representative of the guardian ad litem program, if the program
256 | has been appointed.

257 |
258 | A party may consent to service or notice by e-mail by providing
259 | a primary e-mail address to the clerk of the court. The document
260 | containing the notice to respond or appear must contain, in type
261 | at least as large as the type in the balance of the document,
262 | the following or substantially similar language: "FAILURE TO
263 | ~~PERSONALLY~~ APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT
264 | TO THE TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR
265 | CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED,
266 | YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR
267 | CHILDREN NAMED IN THE PETITION ATTACHED TO THIS NOTICE."

268 | (d) If the person served with notice under this section
269 | fails to ~~personally~~ appear at the advisory hearing, either
270 | physically or, at the discretion of the court, through audio-
271 | video communication technology, the failure to ~~personally~~ appear
272 | constitutes ~~shall constitute~~ consent for termination of parental
273 | rights by the person given notice. If a parent appears for the
274 | advisory hearing and the court orders that parent to ~~personally~~
275 | appear at the adjudicatory hearing for the petition for

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276 termination of parental rights, stating the date, time, and
277 location of the said hearing and, if applicable, instructions
278 for appearance through audio-video communication technology,
279 then failure of that parent to ~~personally~~ appear, either
280 physically or, at the discretion of the court, through audio-
281 video communication technology, at the adjudicatory hearing
282 constitutes ~~shall constitute~~ consent for termination of parental
283 rights.

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

286 92.54 Use of closed-circuit television and audio-video
287 communication technology in proceedings involving a victim or
288 witness under the age of 18 or who has an intellectual
289 disability.—

290 (1) Upon motion and hearing in camera and upon a finding
291 that there is a substantial likelihood that a victim or witness
292 under the age of 18 or who has an intellectual disability will
293 suffer at least moderate emotional or mental harm due to the
294 presence of the defendant if such victim or witness is required
295 to testify in open court, or is unavailable as defined in s.
296 90.804(1), the trial court may order that the testimony of the
297 victim or witness be taken outside of the courtroom and shown by
298 means of closed-circuit television or through audio-video
299 communication technology.

300 (4) During the victim's or witness's testimony by closed-

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301 circuit television or through audio-video communication
302 technology, the court may require the defendant to view the
303 testimony from the courtroom. In such a case, the court shall
304 permit the defendant to observe and hear the testimony of the
305 victim or witness, but must ensure that the victim or witness
306 cannot hear or see the defendant. The defendant's right to
307 assistance of counsel, which includes the right to immediate and
308 direct communication with counsel conducting cross-examination,
309 must be protected and, upon the defendant's request, such
310 communication must be provided by any appropriate electronic
311 method.

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

314 985.319 Process and service.—

315 (3) The summons shall have a copy of the petition attached
316 and shall require the person on whom it is served to appear for
317 a hearing at a time and place specified. If the hearing is to be
318 held through audio-video communication technology, the summons
319 must provide instructions on how to attend the hearing. Except
320 in cases of medical emergency, the time may not be less than 24
321 hours after service of the summons. If the child is not detained
322 by an order of the court, the summons shall require the
323 custodian of the child to produce the child at the said time and
324 place.

325 Section 10. This act shall take effect upon becoming a

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326 | law.