



772728

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2025	.	
	.	
	.	
	.	

---

The Appropriations Committee on Criminal and Civil Justice  
(Simon) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 490 - 2674  
and insert:  
or court-ordered supervision by the Department of Children and  
Families under chapter 39 ~~for an adjudication of dependency or  
delinquency~~. The child must also, pursuant to this chapter, be  
found by the court:

(a) To have persistently run away from the child's parents,  
~~or~~ legal guardians, or custodians despite reasonable efforts of



772728

11 ~~the child,~~ the parents, ~~or~~ legal guardians, or custodians, and  
12 appropriate agencies to remedy the conditions contributing to  
13 the behavior. Reasonable efforts shall include ~~voluntary~~  
14 participation by the child's parents ~~or~~ legal guardian, or  
15 custodians and the child in ~~family mediation,~~ voluntary  
16 services, and treatment offered by the department or through its  
17 authorized agent of Juvenile Justice or the Department of  
18 ~~Children and Families;~~

19 (b) To be a habitual ~~habitually~~ truant from school, while  
20 subject to compulsory school attendance, despite reasonable  
21 efforts to remedy the situation pursuant to ss. 1003.26 and  
22 1003.27 and ~~through voluntary participation by the child's~~  
23 ~~parents or legal custodians and by the child in family~~  
24 ~~mediation, services, and treatment~~ offered by the department or  
25 its authorized agent of Juvenile Justice or the Department of  
26 ~~Children and Families;~~ or

27 (c) To be ungovernable by having ~~have~~ persistently  
28 disobeyed the reasonable and lawful rules and demands of the  
29 child's parents, ~~or~~ legal guardians, or custodians, and to be  
30 beyond their control despite the child having the mental and  
31 physical capacity to understand and obey lawful rules and  
32 demands, and despite efforts by the child's parents, ~~or~~ legal  
33 guardians, or custodians and appropriate agencies to remedy the  
34 conditions contributing to the behavior. Reasonable efforts may  
35 include such things as good faith participation in voluntary  
36 family services or individual services ~~counseling.~~

37 ~~(10) "Child support" means a court-ordered obligation,~~  
38 ~~enforced under chapter 61 and ss. 409.2551-409.2597, for~~  
39 ~~monetary support for the care, maintenance, training, and~~



772728

40 ~~education of a child.~~

41 ~~(11) "Child who has been found to have committed a~~  
42 ~~delinquent act" means a child who, pursuant to the provisions of~~  
43 ~~chapter 985, is found by a court to have committed a violation~~  
44 ~~of law or to be in direct or indirect contempt of court, except~~  
45 ~~that this definition shall not include an act constituting~~  
46 ~~contempt of court arising out of a dependency proceeding or a~~  
47 ~~proceeding pursuant to this chapter.~~

48 ~~(12) "Child who is found to be dependent" or "dependent~~  
49 ~~child" means a child who, pursuant to this chapter, is found by~~  
50 ~~the court:~~

51 ~~(a) To have been abandoned, abused, or neglected by the~~  
52 ~~child's parents or other custodians.~~

53 ~~(b) To have been surrendered to the former Department of~~  
54 ~~Health and Rehabilitative Services, the Department of Children~~  
55 ~~and Families, or a licensed child-placing agency for purpose of~~  
56 ~~adoption.~~

57 ~~(c) To have been voluntarily placed with a licensed child-~~  
58 ~~earing agency, a licensed child-placing agency, an adult~~  
59 ~~relative, the former Department of Health and Rehabilitative~~  
60 ~~Services, or the Department of Children and Families, after~~  
61 ~~which placement, under the requirements of this chapter, a case~~  
62 ~~plan has expired and the parent or parents have failed to~~  
63 ~~substantially comply with the requirements of the plan.~~

64 ~~(d) To have been voluntarily placed with a licensed child-~~  
65 ~~placing agency for the purposes of subsequent adoption and a~~  
66 ~~natural parent or parents signed a consent pursuant to the~~  
67 ~~Florida Rules of Juvenile Procedure.~~

68 ~~(e) To have no parent, legal custodian, or responsible~~



772728

69 ~~adult relative to provide supervision and care.~~

70 ~~(f) To be at substantial risk of imminent abuse or neglect~~  
71 ~~by the parent or parents or the custodian.~~

72 ~~(8)(13)~~ "Circuit" means any of the 20 judicial circuits as  
73 set forth in s. 26.021.

74 ~~(14)~~ "Comprehensive assessment" or "assessment" means the  
75 gathering of information for the evaluation of a juvenile  
76 offender's or a child's physical, psychological, educational,  
77 vocational, and social condition and family environment as they  
78 relate to the child's need for rehabilitative and treatment  
79 services, including substance abuse treatment services, mental  
80 health services, developmental services, literacy services,  
81 medical services, family services, and other specialized  
82 services, as appropriate.

83 ~~(9)(15)~~ "Court," unless otherwise expressly stated, means  
84 the circuit court assigned to exercise jurisdiction under this  
85 chapter.

86 ~~(10)~~ "Custodian" means any adult person who is exercising  
87 actual physical custody of the child and is providing food,  
88 clothing, and care for the child in the absence of a parent or  
89 legal guardian.

90 ~~(16)~~ "Delinquency program" means ~~any intake, community~~  
91 ~~control, or similar program; regional detention center or~~  
92 ~~facility; or community-based program, whether owned and operated~~  
93 ~~by or contracted by the Department of Juvenile Justice, or~~  
94 ~~institution owned and operated by or contracted by the~~  
95 ~~Department of Juvenile Justice, which provides intake,~~  
96 ~~supervision, or custody and care of children who are alleged to~~  
97 ~~be or who have been found to be delinquent pursuant to chapter~~



98 ~~985.~~

99 ~~(11)(17)~~ "Department" means the Department of Juvenile  
100 Justice.

101 ~~(18)~~ "Detention care" means the temporary care of a child  
102 in secure, nonsecure, or home detention, pending a court  
103 adjudication or disposition or execution of a court order. There  
104 are three types of detention care, as follows:

105 ~~(a)~~ "Secure detention" means temporary custody of the child  
106 while the child is under the physical restriction of a detention  
107 center or facility pending adjudication, disposition, or  
108 placement.

109 ~~(b)~~ "Nonsecure detention" means temporary custody of the  
110 child while the child is in a residential home in the community  
111 in a physically nonrestrictive environment under the supervision  
112 of the Department of Juvenile Justice pending adjudication,  
113 disposition, or placement.

114 ~~(c)~~ "Home detention" means temporary custody of the child  
115 while the child is released to the custody of the parent,  
116 guardian, or custodian in a physically nonrestrictive  
117 environment under the supervision of the Department of Juvenile  
118 Justice staff pending adjudication, disposition, or placement.

119 ~~(19)~~ "Detention center or facility" means a facility used  
120 pending court adjudication or disposition or execution of court  
121 order for the temporary care of a child alleged or found to have  
122 committed a violation of law. A detention center or facility may  
123 provide secure or nonsecure custody. A facility used for the  
124 commitment of adjudicated delinquents shall not be considered a  
125 detention center or facility.

126 ~~(20)~~ "Detention hearing" means a hearing for the court to



772728

127 ~~determine if a child should be placed in temporary custody, as~~  
128 ~~provided for under s. 39.402, in dependency cases.~~

129 ~~(21) "Diligent efforts of social service agency" means~~  
130 ~~reasonable efforts to provide social services or reunification~~  
131 ~~services made by any social service agency as defined in this~~  
132 ~~section that is a party to a case plan.~~

133 ~~(22) "Diligent search" means the efforts of a social~~  
134 ~~service agency to locate a parent or prospective parent whose~~  
135 ~~identity or location is unknown, or a relative made known to the~~  
136 ~~social services agency by the parent or custodian of a child.~~  
137 ~~When the search is for a parent, prospective parent, or relative~~  
138 ~~of a child in the custody of the department, this search must be~~  
139 ~~initiated as soon as the agency is made aware of the existence~~  
140 ~~of such parent, prospective parent, or relative. A diligent~~  
141 ~~search shall include interviews with persons who are likely to~~  
142 ~~have information about the identity or location of the person~~  
143 ~~being sought, comprehensive database searches, and records~~  
144 ~~searches, including searches of employment, residence,~~  
145 ~~utilities, Armed Forces, vehicle registration, child support~~  
146 ~~enforcement, law enforcement, and corrections records, and any~~  
147 ~~other records likely to result in identifying and locating the~~  
148 ~~person being sought. The initial diligent search must be~~  
149 ~~completed within 90 days after a child is taken into custody.~~  
150 ~~After the completion of the initial diligent search, the~~  
151 ~~department, unless excused by the court, shall have a continuing~~  
152 ~~duty to search for relatives with whom it may be appropriate to~~  
153 ~~place the child, until such relatives are found or until the~~  
154 ~~child is placed for adoption.~~

155 ~~(12)-(23)~~ "Disposition hearing" means a hearing in which the



156 court determines the most appropriate dispositional services in  
157 the least restrictive available setting provided for under s.  
158 984.20(3), in child in need of services ~~child in need of~~  
159 ~~services~~ cases.

160 (13) "Early truancy intervention" means action taken by a  
161 school or school district pursuant to s. 1003.26 to identify a  
162 pattern of nonattendance by a student subject to compulsory  
163 school attendance at the earliest opportunity to address the  
164 reasons for the student's nonattendance, and includes services  
165 provided by the school or school district, or the department or  
166 its authorized agent pursuant to s. 984.11, and may include  
167 judicial action pursuant to s. 984.151 or s. 1003.27.

168 (14)~~(24)~~ "Family" means a collective body of persons,  
169 consisting of a child and a parent, legal guardian, ~~adult~~  
170 custodian, or adult relative, in which:

171 (a) The persons reside in the same house or living unit; or

172 (b) The parent, legal guardian, ~~adult~~ custodian, or adult  
173 relative has a legal responsibility by blood, marriage, or court  
174 order to support or care for the child.

175 (15)~~(25)~~ "Family in need of services" means a family that  
176 has a child who is running away; who is ungovernable and  
177 persistently disobeying reasonable and lawful demands of the  
178 parent or legal custodian and is beyond the control of the  
179 parent or legal custodian; or who is a habitual ~~habitually~~  
180 truant ~~from school~~ or engaging in other serious behaviors that  
181 place the child at risk of future abuse, neglect, or abandonment  
182 or at risk of entering the juvenile justice system. The child  
183 must be referred to a law enforcement agency, the department ~~of~~  
184 ~~Juvenile Justice~~, or an agency contracted to provide services to



185 children in need of services. A family is not eligible to  
186 receive voluntary family services if, at the time of the  
187 referral, ~~there is an open investigation into an allegation of~~  
188 ~~abuse, neglect, or abandonment or if the child is currently~~  
189 under court-ordered supervision by the department for  
190 delinquency under chapter 985 or under court-ordered supervision  
191 by of Juvenile Justice or the Department of Children and  
192 Families under chapter 39 ~~due to an adjudication of dependency~~  
193 ~~or delinquency.~~

194 ~~(26) "Foster care" means care provided a child in a foster~~  
195 ~~family or boarding home, group home, agency boarding home, child~~  
196 ~~care institution, or any combination thereof.~~

197 ~~(16)(27) "Habitual Habitually truant" has the same meaning~~  
198 ~~as in s. 1003.01(12). means that:~~

199 ~~(a) The child has 15 unexcused absences within 90 calendar~~  
200 ~~days with or without the knowledge or justifiable consent of the~~  
201 ~~child's parent or legal guardian, is subject to compulsory~~  
202 ~~school attendance under s. 1003.21(1) and (2) (a), and is not~~  
203 ~~exempt under s. 1003.21(3), s. 1003.24, or any other exemptions~~  
204 ~~specified by law or the rules of the State Board of Education.~~

205 ~~(b) Activities to determine the cause, and to attempt the~~  
206 ~~remediation, of the child's truant behavior under ss. 1003.26~~  
207 ~~and 1003.27(3), have been completed.~~

208  
209 ~~If a child who is subject to compulsory school attendance is~~  
210 ~~responsive to the interventions described in ss. 1003.26 and~~  
211 ~~1003.27(3) and has completed the necessary requirements to pass~~  
212 ~~the current grade as indicated in the district pupil progression~~  
213 ~~plan, the child shall not be determined to be habitually truant~~





214 ~~and shall be passed. If a child within the compulsory school~~  
215 ~~attendance age has 15 unexcused absences within 90 calendar days~~  
216 ~~or fails to enroll in school, the State Attorney may, or the~~  
217 ~~appropriate jurisdictional agency shall, file a child in need-~~  
218 ~~of-services petition if recommended by the case staffing~~  
219 ~~committee, unless it is determined that another alternative~~  
220 ~~action is preferable. The failure or refusal of the parent or~~  
221 ~~legal guardian or the child to participate, or make a good faith~~  
222 ~~effort to participate, in the activities prescribed to remedy~~  
223 ~~the truant behavior, or the failure or refusal of the child to~~  
224 ~~return to school after participation in activities required by~~  
225 ~~this subsection, or the failure of the child to stop the truant~~  
226 ~~behavior after the school administration and the Department of~~  
227 ~~Juvenile Justice have worked with the child as described in ss.~~  
228 ~~1003.26 and 1003.27(3) shall be handled as prescribed in s.~~  
229 ~~1003.27.~~

230 (17)-(28) "Intake" means the initial acceptance and  
231 screening by the department or its authorized agent of a  
232 referral from an early truancy intervention court, a school  
233 board, or a school requesting services; a request for assistance  
234 from a parent or child; or a complaint, of Juvenile Justice of a  
235 complaint or a law enforcement report, or probable cause  
236 affidavit of a child's truancy, ungovernable behavior, or  
237 running away, on behalf of a family delinquency, family in need  
238 of services, or child in need of services to determine the most  
239 appropriate course of action recommendation to be taken in the  
240 best interests of the child, the family, and the community. The  
241 emphasis of intake is on diversion and the least restrictive  
242 available services. Consequently, intake includes such



772728

243 alternatives as:

244 (a) The disposition of the request for services, complaint,  
245 report, or probable cause affidavit without court or public  
246 agency action or judicial handling when appropriate.

247 (b) The referral of the child to another public or private  
248 agency when appropriate.

249 (c) The recommendation by the assigned intake case manager  
250 ~~juvenile probation officer~~ of judicial handling when appropriate  
251 and warranted.

252 ~~(18)~~(29) "Judge" means the circuit judge exercising  
253 jurisdiction pursuant to this chapter.

254 ~~(30)~~ "Juvenile justice continuum" ~~includes, but is not~~  
255 ~~limited to, delinquency prevention programs and services~~  
256 ~~designed for the purpose of preventing or reducing delinquent~~  
257 ~~acts, including criminal activity by criminal gangs and juvenile~~  
258 ~~arrests, as well as programs and services targeted at children~~  
259 ~~who have committed delinquent acts, and children who have~~  
260 ~~previously been committed to residential treatment programs for~~  
261 ~~delinquents. The term includes children in need of services and~~  
262 ~~families in need of services programs; conditional release;~~  
263 ~~substance abuse and mental health programs; educational and~~  
264 ~~vocational programs; recreational programs; community services~~  
265 ~~programs; community service work programs; and alternative~~  
266 ~~dispute resolution programs serving children at risk of~~  
267 ~~delinquency and their families, whether offered or delivered by~~  
268 ~~state or local governmental entities, public or private for-~~  
269 ~~profit or not-for-profit organizations, or religious or~~  
270 ~~charitable organizations.~~

271 ~~(31)~~ "Juvenile probation officer" means the authorized



772728

272 ~~agent of the department who performs and directs intake,~~  
273 ~~assessment, probation, or conditional release, and other related~~  
274 ~~services.~~

275 ~~(19)~~<sup>(32)</sup> "Legal custody" means a legal status created by  
276 court order or letter of guardianship which vests in a custodian  
277 of the person or guardian, whether an agency or an individual,  
278 the right to have physical custody of the child and the right  
279 and duty to protect, train, and discipline the child and to  
280 provide him or her with food, shelter, education, and ordinary  
281 medical, dental, psychiatric, and psychological care.

282 ~~(20)~~<sup>(33)</sup> "Licensed child-caring agency" means an agency  
283 licensed by the Department of Children and Families pursuant to  
284 s. 409.175 ~~a person, society, association, or agency licensed by~~  
285 ~~the Department of Children and Families to care for, receive,~~  
286 ~~and board children.~~

287 ~~(21)~~<sup>(34)</sup> "Licensed health care professional" means a  
288 physician licensed under chapter 458, an osteopathic physician  
289 licensed under chapter 459, a nurse licensed under part I of  
290 chapter 464, a physician assistant licensed under chapter 458 or  
291 chapter 459, or a dentist licensed under chapter 466.

292 ~~(35)~~ "Mediation" means a process whereby a neutral third  
293 person called a mediator acts to encourage and facilitate the  
294 resolution of a dispute between two or more parties. It is an  
295 informal and nonadversarial process with the objective of  
296 helping the disputing parties reach a mutually acceptable and  
297 voluntary agreement. In mediation, decisionmaking authority  
298 rests with the parties. The role of the mediator includes, but  
299 is not limited to, assisting the parties in identifying issues,  
300 fostering joint problem solving, and exploring settlement



772728

301 ~~alternatives.~~

302       ~~(22)-(36)~~ "Necessary medical treatment" means care that is  
303 necessary within a reasonable degree of medical certainty to  
304 prevent the deterioration of a child's condition or to alleviate  
305 immediate pain of a child.

306       (23) "Needs assessment" means the gathering of information  
307 for the evaluation of a child's physical, psychological,  
308 educational, vocational, and social condition and family  
309 environment related to the child's need for services, including  
310 substance abuse treatment services, mental health services,  
311 developmental services, literacy services, medical services,  
312 family services, individual and family counseling, education  
313 services, and other specialized services, as appropriate.

314       ~~(24)-(37)~~ "Neglect" has the same meaning as in s. 39.01(53).  
315 ~~occurs when the parent or legal custodian of a child or, in the~~  
316 ~~absence of a parent or legal custodian, the person primarily~~  
317 ~~responsible for the child's welfare deprives a child of, or~~  
318 ~~allows a child to be deprived of, necessary food, clothing,~~  
319 ~~shelter, or medical treatment or permits a child to live in an~~  
320 ~~environment when such deprivation or environment causes the~~  
321 ~~child's physical, mental, or emotional health to be~~  
322 ~~significantly impaired or to be in danger of being significantly~~  
323 ~~impaired. The foregoing circumstances shall not be considered~~  
324 ~~neglect if caused primarily by financial inability unless actual~~  
325 ~~services for relief have been offered to and rejected by such~~  
326 ~~person. A parent or guardian legitimately practicing religious~~  
327 ~~beliefs in accordance with a recognized church or religious~~  
328 ~~organization who thereby does not provide specific medical~~  
329 ~~treatment for a child shall not, for that reason alone, be~~



330 ~~considered a negligent parent or guardian; however, such an~~  
331 ~~exception does not preclude a court from ordering the following~~  
332 ~~services to be provided, when the health of the child so~~  
333 ~~requires:~~

334 ~~(a) Medical services from a licensed physician, dentist,~~  
335 ~~optometrist, podiatric physician, or other qualified health care~~  
336 ~~provider; or~~

337 ~~(b) Treatment by a duly accredited practitioner who relies~~  
338 ~~solely on spiritual means for healing in accordance with the~~  
339 ~~tenets and practices of a well-recognized church or religious~~  
340 ~~organization.~~

341 ~~(38) "Next of kin" means an adult relative of a child who~~  
342 ~~is the child's brother, sister, grandparent, aunt, uncle, or~~  
343 ~~first cousin.~~

344 ~~(25)(39)~~ "Parent" means a woman who gives birth to a child  
345 and a man whose consent to the adoption of the child would be  
346 required under s. 63.062(1). If a child has been legally  
347 adopted, the term "parent" means the adoptive mother or father  
348 of the child. The term does not include an individual whose  
349 parental relationship to the child has been legally terminated,  
350 or an alleged or prospective parent, unless the parental status  
351 falls within the terms of either s. 39.503(1) or s. 63.062(1).

352 ~~(26)(40)~~ "Participant," for purposes of a ~~shelter~~  
353 ~~proceeding under this chapter,~~ means any person who is not a  
354 party but who should receive notice of hearings involving the  
355 child, including foster parents, identified prospective parents,  
356 grandparents entitled to priority for adoption consideration  
357 under s. 63.0425, actual custodians of the child, and any other  
358 person whose participation may be in the best interest of the



359 child. Participants may be granted leave by the court to be  
360 heard without the necessity of filing a motion to intervene.

361 ~~(27)-(41)~~ "Party," for purposes of a ~~shelter~~ proceeding  
362 under this chapter, means the parent, legal guardian, or actual  
363 custodian of the child, the petitioner, the department, the  
364 guardian ad litem when one has been appointed, and the child.  
365 The presence of the child may be excused by order of the court  
366 when presence would not be in the child's best interest or the  
367 child has failed to appear for a proceeding after having been  
368 noticed. ~~Notice to the child may be excused by order of the~~  
369 ~~court when the age, capacity, or other condition of the child is~~  
370 ~~such that the notice would be meaningless or detrimental to the~~  
371 ~~child.~~

372 (28) "Physically secure shelter" means a department-  
373 approved locked facility or locked unit within a facility for  
374 the care of a child adjudicated a child in need of services who  
375 is court ordered to be held pursuant to s. 984.226. A physically  
376 secure shelter unit shall provide 24-hour, continuous  
377 supervision. A physically secure shelter must be licensed by the  
378 Department of Children and Families as a licensed child-caring  
379 agency.

380 ~~(42) "Preliminary screening" means the gathering of~~  
381 ~~preliminary information to be used in determining a child's need~~  
382 ~~for further evaluation or assessment or for referral for other~~  
383 ~~substance abuse services through means such as psychosocial~~  
384 ~~interviews; urine and breathalyzer screenings; and reviews of~~  
385 ~~available educational, delinquency, and dependency records of~~  
386 ~~the child.~~

387 (29)-(43) "Preventive services" means social services and



772728

388 other supportive and evaluation and intervention ~~rehabilitative~~  
389 services provided to the child or the parent, ~~of the child, the~~  
390 legal guardian ~~of the child~~, or the custodian of the child and  
391 ~~to the child~~ for the purpose of averting the removal of the  
392 child from the home or disruption of a family which will or  
393 could result in an adjudication that orders the placement of a  
394 child under dependency supervision ~~into foster care~~ or into the  
395 delinquency system ~~or that will or could result in the child~~  
396 ~~living on the street~~. Social services and other supportive and  
397 ~~rehabilitative~~ services may include the provision of assessment  
398 and screening services; individual, group, or family counseling;  
399 specialized educational and vocational services; temporary  
400 voluntary shelter for the child; outreach services for children  
401 living on the street; ~~independent living services to assist~~  
402 ~~adolescents in achieving a successful transition to adulthood;~~  
403 and other specialized services.

404 ~~(44) "Protective supervision" means a legal status in~~  
405 ~~child-in-need-of-services cases or family-in-need-of-services~~  
406 ~~eases which permits the child to remain in his or her own home~~  
407 ~~or other placement under the supervision of an agent of the~~  
408 ~~Department of Juvenile Justice or the Department of Children and~~  
409 ~~Families, subject to being returned to the court during the~~  
410 ~~period of supervision.~~

411 ~~(30)-(45)~~ (30) "Relative" means a grandparent, great-grandparent,  
412 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,  
413 niece, or nephew, whether related by the whole or half blood, by  
414 affinity, or by adoption. The term does not include a  
415 stepparent.

416 ~~(31)-(46)~~ (31) "Reunification services" means social services and



417 other supportive ~~and rehabilitative~~ services provided to the  
418 child and the parent of the child, the legal guardian of the  
419 child, or the custodian of the child, whichever is applicable,~~†~~  
420 ~~the child; and, where appropriate, the foster parents of the~~  
421 ~~child~~ for the purpose of assisting enabling a child who has been  
422 placed in temporary shelter care to return to his or her family  
423 at the most appropriate and effective earliest possible time  
424 based on the presenting concerns at intake. Social services and  
425 other supportive ~~and rehabilitative~~ services shall be consistent  
426 with the child's need for a safe, continuous, and stable living  
427 environment and shall promote the strengthening of family life  
428 whenever possible.

429 (32)~~(47)~~ "Secure detention center or facility" means a  
430 physically restricting facility for the temporary care of  
431 children, pending adjudication, disposition, or placement under  
432 chapter 985.

433 (33)~~(48)~~ "Shelter" means a department-approved shelter  
434 facility for the temporary care of runaway children; children  
435 placed for voluntary shelter respite upon request of the child  
436 or the child's parent, legal guardian, or custodian; or for  
437 placement of a child who has been adjudicated a child in need of  
438 services or who has been found in contempt of court under s.  
439 984.09. Shelters must provide 24-hour continual supervision. A  
440 shelter must be licensed by the Department of Children and  
441 Families as a licensed child-caring agency ~~a place for the~~  
442 ~~temporary care of a child who is alleged to be or who has been~~  
443 ~~found to be dependent, a child from a family in need of~~  
444 ~~services, or a child in need of services, pending court~~  
445 ~~disposition before or after adjudication or after execution of a~~





446 ~~court order. "Shelter" may include a facility which provides 24-~~  
447 ~~hour continual supervision for the temporary care of a child who~~  
448 ~~is placed pursuant to s. 984.14.~~

449 ~~(49) "Shelter hearing" means a hearing provided for under~~  
450 ~~s. 984.14 in family-in-need-of-services cases or child-in-need-~~  
451 ~~of-services cases.~~

452 ~~(50) "Staff secure shelter" means a facility in which a~~  
453 ~~child is supervised 24 hours a day by staff members who are~~  
454 ~~awake while on duty. The facility is for the temporary care and~~  
455 ~~assessment of a child who has been found to be dependent, who~~  
456 ~~has violated a court order and been found in contempt of court,~~  
457 ~~or whom the Department of Children and Families is unable to~~  
458 ~~properly assess or place for assistance within the continuum of~~  
459 ~~services provided for dependent children.~~

460 ~~(34)(51)~~ "Substance abuse" means using, without medical  
461 reason, any psychoactive or mood-altering drug, including  
462 alcohol, in such a manner as to induce impairment resulting in  
463 dysfunctional social behavior.

464 ~~(35)(52)~~ "Taken into custody" means the status of a child  
465 immediately when temporary physical control over the child is  
466 attained by a person authorized by law, pending the child's  
467 release, shelter ~~detention~~, placement, or other disposition as  
468 authorized by law.

469 ~~(36)(53)~~ "Temporary legal custody" means the relationship  
470 that a juvenile court creates between a child and an adult  
471 relative of the child, adult nonrelative approved by the court,  
472 or other person until a more permanent arrangement is ordered.  
473 Temporary legal custody confers upon the custodian the right to  
474 have temporary physical custody of the child and the right and



772728

475 duty to protect, train, and discipline the child and to provide  
476 the child with food, shelter, and education, and ordinary  
477 medical, dental, psychiatric, and psychological care, unless  
478 these rights and duties are otherwise enlarged or limited by the  
479 court order establishing the temporary legal custody  
480 relationship.

481 (37)-(54) "Truancy petition" means a petition filed by the  
482 superintendent of schools under s. 984.151 for the purpose of  
483 early truancy intervention alleging that a student subject to  
484 compulsory school attendance has had at least five unexcused  
485 absences, or absences for which the reasons are unknown, within  
486 a calendar month or 10 unexcused absences, or absences for which  
487 the reasons are unknown, within a 90-calendar-day period, or has  
488 had more than 15 unexcused absences in a 90-calendar-day period.  
489 ~~A truancy petition is filed and processed under s. 984.151.~~

490 (38) "Truant status offender" means a child subject to the  
491 jurisdiction of the court under s. 984.151 who has been found by  
492 the court to be truant while subject to compulsory education.  
493 The court's jurisdiction is limited to entering orders to  
494 require the child to attend school and participate in services  
495 to encourage regular school attendance. A truant status offender  
496 is not a delinquent child and may not be deemed to have  
497 committed a criminal or delinquent act solely due to failure to  
498 attend school.

499 (39)-(55) "Violation of law" or "delinquent act" means a  
500 violation of any law of this state, the United States, or any  
501 other state which is a misdemeanor or a felony or a violation of  
502 a county or municipal ordinance which would be punishable by  
503 incarceration if the violation were committed by an adult.



772728

504           (40) "Voluntary family services" means voluntary services  
505 provided by the department or an agency designated by the  
506 department to a family that has a child who is running away; who  
507 is ungovernable by persistently disobeying reasonable and lawful  
508 demands of the parent, legal guardian, or custodian and is  
509 beyond the control of the parent, legal guardian, or custodian;  
510 or who is a habitual truant or engaging in other serious  
511 behaviors that place the child at risk of future abuse, neglect,  
512 abandonment, or entering the juvenile justice system. The child  
513 must be referred to the Department of Juvenile Justice or an  
514 agency designated by the department to provide voluntary  
515 services to families and children.

516           Section 5. Section 984.04, Florida Statutes, is amended to  
517 read:

518           984.04 Early truancy intervention; families in need of  
519 services and children in need of services; procedures and  
520 jurisdiction.-

521           ~~(1) It is the intent of the Legislature to address the~~  
522 ~~problems of families in need of services by providing them with~~  
523 ~~an array of services designed to preserve the unity and~~  
524 ~~integrity of the family and to emphasize parental responsibility~~  
525 ~~for the behavior of their children. Services to families in need~~  
526 ~~of services and children in need of services shall be provided~~  
527 ~~on a continuum of increasing intensity and participation by the~~  
528 ~~parent and child. Judicial intervention to resolve the problems~~  
529 ~~and conflicts that exist within a family shall be limited to~~  
530 ~~situations in which a resolution to the problem or conflict has~~  
531 ~~not been achieved through service, treatment, and family~~  
532 ~~intervention after all available less restrictive resources have~~



772728

533 ~~been exhausted. In creating this chapter, the Legislature~~  
534 ~~recognizes the need to distinguish the problems of truants,~~  
535 ~~runaways, and children beyond the control of their parents, and~~  
536 ~~the services provided to these children, from the problems and~~  
537 ~~services designed to meet the needs of abandoned, abused,~~  
538 ~~neglected, and delinquent children. In achieving this~~  
539 ~~recognition, it shall be the policy of the state to develop~~  
540 ~~short-term, temporary services and programs utilizing the least~~  
541 ~~restrictive method for families in need of services and children~~  
542 ~~in need of services.~~

543 (1)(2) The department of Juvenile Justice shall be  
544 responsible for all nonjudicial proceedings involving voluntary  
545 a family in need of services for a family identified as a family  
546 in need of services.

547 ~~(3) All nonjudicial procedures in family-in-need-of-~~  
548 ~~services cases shall be according to rules established by the~~  
549 ~~department of Juvenile Justice under chapter 120.~~

550 (2)(4) The circuit court shall have exclusive original  
551 jurisdiction of judicial proceedings involving early truancy  
552 intervention. When the jurisdiction of any child found to be  
553 truant under s. 984.151 is obtained, the court may retain  
554 jurisdiction for up to 180 days. The court must terminate  
555 supervision and relinquish jurisdiction if the child has  
556 substantially complied with the requirements of early truancy  
557 intervention, is no longer subject to compulsory education, or  
558 is adjudicated a child in need of services under s. 984.21  
559 ~~continued placement of a child from a family in need of services~~  
560 ~~in shelter.~~

561 (3)(5) The circuit court shall have exclusive original



772728

562 jurisdiction of proceedings in which a child is alleged to be a  
563 child in need of services. When the jurisdiction of any child  
564 who has been found to be a child in need of services or the  
565 parent, custodian, or legal guardian of such a child is  
566 obtained, the court shall retain jurisdiction, unless  
567 relinquished by its order or unless the department withdraws its  
568 petition because the child no longer meets the definition of a  
569 child in need of services as defined in s. 984.03, until the  
570 child reaches 18 years of age. This subsection does ~~shall~~ not be  
571 ~~construed to prevent the exercise of jurisdiction by any other~~  
572 ~~court having jurisdiction of the child if the child commits a~~  
573 ~~violation of law, is the subject of the dependency provisions~~  
574 ~~under this chapter, or is the subject of a pending investigation~~  
575 ~~into an allegation or suspicion of abuse, neglect, or~~  
576 ~~abandonment.~~

577 (4) Jurisdiction of the circuit court shall attach to the  
578 case and parties to proceedings filed under s. 984.15 or under  
579 s. 984.151 when the summons is served upon the child and a  
580 parent, legal guardian, or custodian, or when the parties  
581 personally appear before the court.

582 (5)~~(6)~~ All procedures, including petitions, pleadings,  
583 subpoenas, summonses, and hearings, in proceedings under this  
584 chapter ~~family-in-need-of-services cases and child-in-need-of-~~  
585 ~~services cases~~ shall be according to the Florida Rules of  
586 Juvenile Procedure unless otherwise provided by law.

587 ~~(7) The department may contract with a provider to provide~~  
588 ~~services and programs for families in need of services and~~  
589 ~~children in need of services.~~

590 Section 6. Subsections (2) and (4) of section 984.06,



772728

591 Florida Statutes, are amended to read:

592 984.06 Oaths, records, and confidential information.—

593 (2) The court shall make and keep records of all cases  
594 brought before it pursuant to this chapter and shall preserve  
595 the records ~~pertaining to a child in need of services~~ until 10  
596 years after the last entry was made or until the child is 18  
597 years of age, whichever date is first reached, and may then  
598 destroy them. The court shall make official records, consisting  
599 of all petitions and orders filed in a case arising pursuant to  
600 this chapter and any other pleadings, certificates, proofs of  
601 publication, summonses, warrants, and other writs which are  
602 filed in the case.

603 (4) Except as provided in subsection (3), all information  
604 obtained pursuant to this chapter in the discharge of official  
605 duty by any judge, employee of the court, authorized agent of  
606 the department, school employee, district superintendent, school  
607 board employee, or law enforcement agent is confidential and may  
608 not be disclosed to anyone other than the authorized personnel  
609 of the court, the department and its designees, school or school  
610 board personnel, law enforcement agencies, and others entitled  
611 under this chapter to receive that information, except upon  
612 order of the court.

613 Section 7. Section 984.07, Florida Statutes, is amended to  
614 read:

615 984.07 Right to counsel; waiver; appointed counsel;  
616 compensation.—

617 (1) When a petition is filed alleging that a child is a  
618 child in need of services or if the child is subject to contempt  
619 proceedings under s. 984.09, the child must be represented by



620 counsel at each court appearance. The court must appoint counsel  
621 unless the child is not indigent and has counsel present to  
622 represent the child or the record in that proceeding  
623 affirmatively demonstrates by clear and convincing evidence that  
624 the child knowingly and intelligently waived the right to  
625 counsel after being fully advised by the court of the nature of  
626 the proceedings and the dispositional alternatives available to  
627 the court. If the child waives counsel at any proceeding, the  
628 court shall advise the child with respect to the right to  
629 counsel at every subsequent hearing.

630 (2) A child in proceedings under s. 984.151 may have  
631 counsel appointed by the court if the court determines it is in  
632 the best interest of the child.

633 (3) If the court appoints counsel for a child, and if the  
634 child and his or her parents or legal guardians are indigent and  
635 unable to employ counsel, the court must appoint an attorney to  
636 represent the child under s. 27.511. Determination of indigence  
637 and costs of representation shall be as provided by s. 57.082.  
638 Legal counsel representing a child who exercises the right to  
639 counsel may provide advice and counsel to the child at any time  
640 after appointment.

641 (4) If the parents or legal guardians of an indigent child  
642 are not indigent but refuse to employ counsel, the court shall  
643 appoint counsel pursuant to s. 27.511 to represent the child  
644 until counsel is provided. Costs of representation must be  
645 imposed as provided by s. 57.082. Thereafter, the court may not  
646 appoint counsel for an indigent child with nonindigent parents  
647 or legal guardian but shall order the parents or legal guardian  
648 to obtain private counsel.



772728

649       (a) A parent or legal guardian of an indigent child who has  
650 been ordered to obtain private counsel for the child and who  
651 willfully fails to follow the court order shall be punished by  
652 the court in civil contempt proceedings.

653       (b) An indigent child may have counsel appointed pursuant  
654 to ss. 27.511 and 57.082 if the parents or legal guardian have  
655 willfully refused to obey the court order to obtain counsel for  
656 the child and have been punished by civil contempt. Costs of  
657 representation must be imposed as provided by s. 57.082.

658       (5) If the court makes a finding that nonindigent parents  
659 have made a good faith effort to participate in services and  
660 remediate the child's behavior, but despite their good faith  
661 efforts, the child's truancy, ungovernable behavior, or runaway  
662 behavior has persisted, the court may appoint counsel to  
663 represent the child as provided in s. 27.511.

664       (6) If counsel is entitled to receive compensation for  
665 representation pursuant to court appointment in a child in need  
666 of services proceeding, such compensation may not exceed \$1,000  
667 at the trial level and \$2,500 at the appellate level.

668       (7) This section does not preclude the court from  
669 requesting reimbursement of attorney fees and costs from the  
670 nonindigent parent or legal guardian.

671       (8) The court may appoint an attorney to represent a parent  
672 or legal guardian under this chapter only upon a finding that  
673 the parent or legal guardian is indigent pursuant to s. 57.082.  
674 If an attorney is appointed, the parent or legal guardian shall  
675 be enrolled in a payment plan pursuant to s. 28.246 ~~If counsel~~  
676 ~~is entitled to receive compensation for representation pursuant~~  
677 ~~to court appointment in a child-in-need-of-services proceeding,~~





772728

678 ~~such compensation shall not exceed \$1,000 at the trial level and~~  
679 ~~\$2,500 at the appellate level.~~

680 Section 8. Subsection (1) of section 984.071, Florida  
681 Statutes, is amended, and subsection (3) is added to that  
682 section, to read:

683 984.071 Resources and information.—

684 (1) ~~The department of Juvenile Justice, in collaboration~~  
685 ~~with the Department of Children and Families and the Department~~  
686 ~~of Education,~~ shall develop and publish an information guide  
687 packet that explains the current process under this chapter for  
688 obtaining assistance for a child in need of services or a family  
689 in need of services and the community services and resources  
690 available to parents ~~of troubled or runaway children.~~ The  
691 information guide shall be published in a written format for  
692 distribution and shall also be published on the department's  
693 website. ~~In preparing the information packet, the Department of~~  
694 ~~Juvenile Justice shall work with school district~~  
695 ~~superintendents, juvenile court judges, county sheriffs, and~~  
696 ~~other local law enforcement officials in order to ensure that~~  
697 ~~the information packet lists services and resources that are~~  
698 ~~currently available within the county in which the packet is~~  
699 ~~distributed.~~ Each information guide ~~packet~~ shall be reviewed  
700 annually and updated as appropriate. The school district shall  
701 distribute this information guide ~~packet~~ to parents of truant  
702 children, and to other parents upon request or as deemed  
703 appropriate by the school district. In addition, the department  
704 ~~of Juvenile Justice~~ shall distribute the information guide  
705 ~~packet~~ to state and local law enforcement agencies. Any law  
706 enforcement officer who has contact with the parent of a child



772728

707 who is locked out of the home, who is ungovernable, or who runs  
708 away from home shall make the information guide available to the  
709 parent.

710 (3) The Department of Education and the Department of  
711 Children and Families must each post the department's  
712 information guide on their respective websites.

713 Section 9. Sections 984.08 and 984.085, Florida Statutes,  
714 are repealed.

715 Section 10. Section 984.0861, Florida Statutes, is created  
716 to read:

717 984.0861 Prohibited use of detention.—A child under the  
718 jurisdiction of the court solely pursuant to this chapter may  
719 not be placed in:

720 (1) Any form of detention care intended for the use of  
721 alleged juvenile delinquents as authorized under chapter 985 for  
722 any purpose.

723 (2) A secure detention facility authorized for use under  
724 chapter 985 for any purpose.

725 (3) Any jail or other similar facility used for the purpose  
726 of detention or confinement of adults for any purpose.

727 Section 11. Section 984.09, Florida Statutes, is amended to  
728 read:

729 984.09 Punishment for contempt of court; alternative  
730 sanctions.—

731 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may  
732 punish any child for contempt for interfering with the court or  
733 with court administration, or for violating any provision of  
734 this chapter or order of the court relative thereto. It is the  
735 intent of the Legislature that the court restrict and limit the



736 use of contempt powers and prohibit the use of detention care  
737 and secure detention facilities as provided in s. 984.0861 with  
738 ~~respect to commitment of a child to a secure facility.~~ A child  
739 who commits direct contempt of court or indirect contempt of a  
740 valid court order may be taken into custody and ordered to serve  
741 an alternative sanction or placed in a shelter ~~secure~~ facility,  
742 as authorized in this section, by order of the court.

743 (2) PLACEMENT IN A SHELTER ~~SECURE FACILITY~~.—A child  
744 adjudicated as a child in need of services may only be placed in  
745 a shelter ~~secure~~ facility for purposes of punishment for  
746 contempt of court if alternative sanctions are unavailable or  
747 inappropriate, or if the child has already been ordered to serve  
748 an alternative sanction but failed to comply with the sanction.

749 ~~(a) A delinquent child who has been held in direct or~~  
750 ~~indirect contempt may be placed in a secure detention facility~~  
751 ~~for 5 days for a first offense or 15 days for a second or~~  
752 ~~subsequent offense, or in a secure residential commitment~~  
753 ~~facility.~~

754 (a) (b) A child in need of services who has been held in  
755 direct contempt or indirect contempt may be placed, for 5 days  
756 for a first offense or 15 days for a second or subsequent  
757 offense, in a ~~staff-secure~~ shelter operated by or contracted  
758 with the department to provide such services ~~or a staff-secure~~  
759 ~~residential facility solely for children in need of services if~~  
760 ~~such placement is available, or, if such placement is not~~  
761 ~~available, the child may be placed in an appropriate mental~~  
762 ~~health facility or substance abuse facility for assessment.~~ In  
763 addition to disposition under this paragraph, a child in need of  
764 services who is held in direct contempt or indirect contempt may



772728

765 be placed in a physically secure shelter ~~setting~~ as provided  
766 under s. 984.226 if conditions of eligibility are met.

767 (b) A child subject to proceedings under s. 984.151 who has  
768 been held in direct contempt or indirect contempt may only be  
769 placed, for 5 days for a first offense or 15 days for a second  
770 or subsequent offense, in a shelter operated by or contracted  
771 with the department for such services if a shelter bed is  
772 available. Upon a second or subsequent finding of contempt under  
773 this section, the court must refer the child to the case  
774 staffing committee with a recommendation to file a child in need  
775 of services petition.

776 (c) Any shelter placement ordered under this section must  
777 be given as a cumulative sanction. Separate sanctions for the  
778 same act or series of acts within the same episode may not be  
779 imposed.

780 (3) ALTERNATIVE SANCTIONS. ~~Each judicial circuit shall have~~  
781 ~~an alternative sanctions coordinator who shall serve under the~~  
782 ~~chief administrative judge of the juvenile division of the~~  
783 ~~circuit court, and who shall coordinate and maintain a spectrum~~  
784 ~~of contempt sanction alternatives in conjunction with the~~  
785 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~  
786 Upon determining that a child has committed direct contempt of  
787 court or indirect contempt of a valid court order, the court may  
788 immediately request the circuit alternative sanctions  
789 coordinator to recommend the most appropriate available  
790 alternative sanction and shall order the child to perform up to  
791 50 hours of community-service ~~manual labor~~ or a similar  
792 alternative sanction, unless an alternative sanction is  
793 unavailable or inappropriate, or unless the child has failed to



772728

794 comply with a prior alternative sanction. Alternative contempt  
795 sanctions may be provided by local industry or by any nonprofit  
796 organization or any public or private business or service entity  
797 that has entered into a contract with the department ~~of Juvenile~~  
798 ~~Justice~~ to act as an agent of the state to provide voluntary  
799 supervision of children on behalf of the state in exchange for  
800 the ~~manual~~ labor of children and limited immunity in accordance  
801 with s. 768.28(11).

802 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE  
803 PROCESS.—

804 (a) If a child subject to proceedings under this chapter is  
805 charged with direct contempt of court, ~~including traffic court,~~  
806 the court may impose an authorized sanction immediately.

807 (b) If a child subject to proceedings under this chapter is  
808 charged with indirect contempt of court, the court must issue an  
809 order to show cause and schedule ~~hold~~ a hearing ~~within 24 hours~~  
810 to determine whether the child committed indirect contempt of a  
811 valid court order. The child must be served with the order to  
812 show cause and notice of hearing. At the hearing, the following  
813 due process rights must be provided to the child:

814 1. Right to a copy of the order to show cause alleging  
815 facts supporting the contempt charge.

816 2. Right to an explanation of the nature and the  
817 consequences of the proceedings.

818 3. Right to legal counsel and the right to have legal  
819 counsel appointed by the court if the juvenile is indigent,  
820 pursuant to s. 984.07 ~~s. 985.033~~.

821 4. Right to confront witnesses.

822 5. Right to present witnesses.



772728

- 823           6. Right to have a transcript or record of the proceeding.  
824           7. Right to appeal to an appropriate court.

825

826 The child's parent, legal ~~or~~ guardian, or custodian may address  
827 the court regarding the due process rights of the child. If  
828 after the hearing, the court determines the child has committed  
829 indirect contempt of a valid court order, the court may impose  
830 an alternative sanction or may proceed under subsection (2). If  
831 the court orders shelter placement of a child found in contempt  
832 of court, the court shall review the matter ~~placement of the~~  
833 ~~child~~ every 72 hours to determine whether it is appropriate for  
834 the child to remain in the facility.

835           (c) The court may not order that a child be placed in a  
836 shelter ~~secure~~ facility for punishment for contempt unless the  
837 court determines that an alternative sanction is inappropriate  
838 or unavailable or that the child was initially ordered to an  
839 alternative sanction and did not comply with the alternative  
840 sanction. The court is encouraged to order a child to perform  
841 community service, up to the maximum number of hours, where  
842 appropriate before ordering that the child be placed in a  
843 shelter ~~secure~~ facility as punishment for contempt of court.

844           ~~(d) In addition to any other sanction imposed under this~~  
845 ~~section, the court may direct the Department of Highway Safety~~  
846 ~~and Motor Vehicles to withhold issuance of, or suspend, a~~  
847 ~~child's driver license or driving privilege. The court may order~~  
848 ~~that a child's driver license or driving privilege be withheld~~  
849 ~~or suspended for up to 1 year for a first offense of contempt~~  
850 ~~and up to 2 years for a second or subsequent offense. If the~~  
851 ~~child's driver license or driving privilege is suspended or~~



852 ~~revoked for any reason at the time the sanction for contempt is~~  
853 ~~imposed, the court shall extend the period of suspension or~~  
854 ~~revocation by the additional period ordered under this~~  
855 ~~paragraph. If the child's driver license is being withheld at~~  
856 ~~the time the sanction for contempt is imposed, the period of~~  
857 ~~suspension or revocation ordered under this paragraph shall~~  
858 ~~begin on the date on which the child is otherwise eligible to~~  
859 ~~drive. For a child in need of services whose driver license or~~  
860 ~~driving privilege is suspended under this paragraph, the court~~  
861 ~~may direct the Department of Highway Safety and Motor Vehicles~~  
862 ~~to issue the child a license for driving privileges restricted~~  
863 ~~to business or employment purposes only, as defined in s.~~  
864 ~~322.271, or for the purpose of completing court-ordered~~  
865 ~~community service, if the child is otherwise qualified for a~~  
866 ~~license. However, the department may not issue a restricted~~  
867 ~~license unless specifically ordered to do so by the court.~~

868 (5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the  
869 position of alternative sanctions coordinator within each  
870 judicial circuit, ~~pursuant to subsection (3)~~. Each alternative  
871 sanctions coordinator shall serve under the direction of the  
872 chief administrative judge of the juvenile division as directed  
873 by the chief judge of the circuit. The alternative sanctions  
874 coordinator shall act as the liaison between the judiciary,  
875 local department officials, district school board employees, and  
876 local law enforcement agencies. The alternative sanctions  
877 coordinator shall coordinate within the circuit community-based  
878 alternative sanctions, including ~~nonsecure detention programs,~~  
879 ~~community service projects, and other juvenile sanctions, in~~  
880 ~~conjunction with the circuit plan implemented in accordance with~~



772728

881 ~~s. 790.22(4)(c).~~

882 Section 12. Section 984.10, Florida Statutes, is amended to  
883 read:

884 984.10 Intake.—

885 (1) Intake shall be performed by the department or the  
886 department's authorized agent. A report ~~or complaint~~ alleging  
887 that a child is from a family in need of services shall be made  
888 to the intake office operating in the county in which the child  
889 is found or in which the case arose. Any person or agency,  
890 including, but not limited to, the parent, ~~or~~ legal guardian, or  
891 custodian, the local school district, a law enforcement agency,  
892 or the Department of Children and Families, having knowledge of  
893 the facts may make a report ~~or complaint~~.

894 (2) A representative of the department shall make a  
895 preliminary determination as to whether the report ~~or complaint~~  
896 is complete. The criteria for the completeness of a report ~~or~~  
897 ~~complaint~~ with respect to a child alleged to be from a family in  
898 need of services while subject to compulsory school attendance  
899 shall be governed by s. 984.03 ~~s. 984.03(27)~~. In any case in  
900 which the representative of the department finds that the report  
901 ~~or complaint~~ is incomplete, the representative of the department  
902 shall return the report ~~or complaint~~ without delay to the person  
903 or agency originating the report ~~or complaint~~ or having  
904 knowledge of the facts or to the appropriate law enforcement  
905 agency having investigative jurisdiction and request additional  
906 information in order to complete the report ~~or complaint~~.

907 (3) If the representative of the department determines that  
908 in his or her judgment the interests of the family, the child,  
909 and the public will be best served by providing the family and





772728

910 child services and treatment voluntarily accepted by the child  
911 and the parents, ~~or~~ legal guardians, or custodians, the  
912 department's departmental representative may refer the family or  
913 child to an appropriate service ~~and treatment~~ provider. As part  
914 of the intake procedure, the department's departmental  
915 representative shall inform the parent, ~~or~~ legal ~~eustodian~~  
916 guardian, or custodian, in writing, of the services currently  
917 ~~and treatment~~ available to the child and family by department  
918 providers and other ~~or~~ community agencies in the county in which  
919 the family is located, and the rights and responsibilities of  
920 the parent, ~~or~~ legal guardian, or custodian under this chapter.  
921 Upon admission, and depending on services, a staff member may be  
922 assigned to the family as deemed appropriate.

923 (4) If the department reasonably believes ~~has reasonable~~  
924 ~~grounds to believe~~ that the child has been abandoned, abused, or  
925 neglected, it shall proceed pursuant to ~~the provisions of~~  
926 chapter 39 and report immediately to the central abuse hotline.

927 Section 13. Section 984.11, Florida Statutes, is amended to  
928 read:

929 984.11 Services to families ~~in need of services.~~

930 (1) The department or its authorized agent shall provide an  
931 array of voluntary family services aimed at remediating school  
932 truancy, homelessness, and runaway and ungovernable behavior by  
933 children. Services and treatment to families in need of services  
934 shall be by voluntary agreement of the parent, ~~or~~ legal  
935 guardian, or custodian and the child ~~or as directed by a court~~  
936 ~~order pursuant to s. 984.22.~~

937 (2) A family is not eligible to receive voluntary family  
938 services, if, at the time of the referral, the child is under



939 court-ordered supervision by the department for delinquency  
940 under chapter 985 or court-ordered supervision by the Department  
941 of Children and Families under chapter 39. A child who has  
942 received a prearrest delinquency citation, or is receiving  
943 delinquency diversion services, may receive voluntary family  
944 services.

945 (3) If there is a pending investigation into an allegation  
946 of abuse, neglect or abandonment, the child may be eligible for  
947 voluntary family services if the Department of Children and  
948 Families agrees to the provision of services and makes a  
949 referral. An interagency agreement between the department and  
950 the Department of Children and Families shall govern this  
951 referral process, which is contingent on available funding. The  
952 department must notify the Department of Children and Families  
953 if a referral is declined.

954 (4)~~(2)~~ These services may include, but need not be limited  
955 to:

- 956 (a) ~~Homemaker~~ or Parent aide services.
- 957 (b) Intensive crisis counseling.
- 958 (c) Parent training.
- 959 (d) Individual, group, or family counseling.
- 960 (e) Referral to community mental health services.
- 961 (f) Prevention and diversion services.
- 962 (g) Services provided by voluntary or community agencies.
- 963 (h) Runaway center services.
- 964 (i) Runaway shelter ~~Housekeeper~~ services.
- 965 (j) Referral for special educational, tutorial, or remedial  
966 services.
- 967 (k) Referral to vocational, career development ~~job~~



772728

968 ~~training~~, or employment services.

969 (l) Recreational services.

970 (m) Assessment.

971 (n) Case management.

972 (o) Referral for or provision of substance abuse assessment  
973 or treatment.

974 (5)-(3) The department shall advise the parents, ~~or~~ legal  
975 guardian, or custodian that they are responsible for  
976 contributing to the cost of the ~~child or family services and~~  
977 ~~treatment~~ to the extent of their ability to pay. The parent is  
978 responsible for using health care insurance to the extent it is  
979 available for the provision of health services ~~The department~~  
980 ~~shall set and charge fees for services and treatment provided to~~  
981 ~~clients. The department may employ a collection agency for the~~  
982 ~~purpose of receiving, collecting, and managing the payment of~~  
983 ~~unpaid and delinquent fees. The collection agency must be~~  
984 ~~registered and in good standing under chapter 559. The~~  
985 ~~department may pay to the collection agency a fee from the~~  
986 ~~amount collected under the claim or may authorize the agency to~~  
987 ~~deduct the fee from the amount collected.~~

988 ~~(4) The department may file a petition with the circuit~~  
989 ~~court to enforce the collection of fees for services and~~  
990 ~~treatment rendered to the child or the parent and other legal~~  
991 ~~eustodians.~~

992 Section 14. Section 984.12, Florida Statutes, is amended to  
993 read:

994 984.12 Case staffing; services and treatment related to a  
995 family in need of services.-

996 (1) The appropriate representative of the department shall



772728

997 request a meeting of the family and child with a case staffing  
998 committee to review the case of any family or child who the  
999 department determines is in need of services ~~or treatment~~ if:

1000 (a) The family or child is not in agreement with the  
1001 services or treatment offered;

1002 (b) The family or child will not participate in the  
1003 services or treatment selected; or

1004 (c) The representative of the department needs assistance  
1005 in developing an appropriate plan for services. The time and  
1006 place selected for the meeting shall be convenient for the child  
1007 and family.

1008 (2) The composition of the case staffing committee shall be  
1009 based on the needs of the family and child. It shall include a  
1010 representative from the child's school district and a  
1011 representative of the department ~~of Juvenile Justice~~, and may  
1012 include the department's authorized agent and a supervisor of  
1013 the department's contracted provider; a representative from the  
1014 area of health, mental health, substance abuse, or social, ~~or~~  
1015 educational services; a representative of the state attorney; a  
1016 representative of law enforcement ~~the alternative sanctions~~  
1017 coordinator; and any person recommended by the child, family, or  
1018 department. The child and the child's parent, legal guardian, or  
1019 custodian must be invited to attend the committee meeting.

1020 (3) The case staffing committee shall:

1021 (a) Identify the family's concerns and contributing  
1022 factors.

1023 (b) Request the family and child to identify their needs  
1024 and concerns.

1025 (c) Seek input from the school district and any other



1026 persons in attendance with knowledge of the family or child's  
1027 situation and concerns.

1028 (d) Consider the voluntary family services or other  
1029 community services that have been offered and the results of  
1030 those services.

1031 (e) Identify whether truancy is a concern and evaluate  
1032 compliance with the remedial strategies provided pursuant to s.  
1033 1003.26.

1034 (f) Reach a timely decision to provide the child or family  
1035 with ~~needed~~ services and recommend any appropriate and treatment  
1036 through the development of a plan for services.

1037 (4) The plan for services shall contain the following:

1038 (a) Statement of the concerns ~~problems~~.

1039 (b) Needs of the child.

1040 (c) Needs of the parents, legal guardian, or ~~legal~~  
1041 custodian.

1042 (d) Measurable objectives that address the identified  
1043 problems and needs.

1044 (e) Services and treatment to be provided, to include:

1045 1. Type of services or treatment.

1046 2. Frequency of services or treatment.

1047 3. Location.

1048 4. Accountable service providers or staff.

1049 (f) Timeframes for achieving objectives.

1050 (5) Upon receipt of the plan, the child and family shall  
1051 acknowledge their position by accepting or rejecting the  
1052 services and provisions in writing. If the plan is accepted, it  
1053 shall be implemented as soon as is practicable.

1054 (6) The assigned case manager shall have responsibility A



772728

1055 ~~case manager shall be designated by the case staffing committee~~  
1056 ~~to be responsible~~ for implementing the plan. The department's  
1057 authorized agent ~~case manager~~ shall periodically review the  
1058 progress towards achieving the objectives of the plan in order  
1059 to:

1060 (a) Advise the case staffing committee of the need to make  
1061 adjustments to the plan; ~~or~~

1062 (b) Recommend a child in need of services petition be filed  
1063 by the department; or

1064 (c) ~~(b)~~ Terminate the case as indicated by successful or  
1065 substantial achievement of the objectives of the plan.

1066 (7) The parent, legal guardian, or ~~legal~~ custodian may  
1067 convene a meeting of the case staffing committee, ~~and any other~~  
1068 ~~member of the committee may convene a meeting if the member~~  
1069 ~~finds that doing so is in the best interest of the family or~~  
1070 ~~child.~~ A case staffing committee meeting requested by a parent,  
1071 guardian, or legal custodian must be convened within 7 days,  
1072 excluding weekends and legal holidays, after the date the  
1073 department's representative receives the request in writing.

1074 (8) Any other member of the committee may convene a meeting  
1075 if voluntary family services have been offered and the services  
1076 have been rejected by the child or family, or the child has not  
1077 made measurable progress toward achieving the service plan  
1078 goals, and the member finds that doing so is in the best  
1079 interest of the family or child.

1080 (9) A case staffing committee meeting must be convened  
1081 within 30 days after the date the case is referred by the court  
1082 pursuant to s. 984.151.

1083 (10) ~~(8)~~ Within 7 days after meeting, the case staffing



772728

1084 committee shall provide the parent, legal guardian, or ~~legal~~  
1085 custodian with a written report that details the reasons for the  
1086 committee's decision to recommend, or decline to recommend, that  
1087 the department file a petition alleging that the child is a  
1088 child in need of services.

1089 (11) The case staffing committee may reconvene from time to  
1090 time as may be necessary to make adjustments to the plan.

1091 Section 15. Section 984.13, Florida Statutes, is amended to  
1092 read:

1093 984.13 Taking a child into custody ~~a child alleged to be~~  
1094 ~~from a family in need of services or to be a child in need of~~  
1095 ~~services.-~~

1096 (1) A child may be taken into custody:

1097 (a) By a law enforcement officer when the officer  
1098 reasonably believes ~~has reasonable grounds to believe~~ that the  
1099 child has run away from his or her parents, legal guardian, or  
1100 ~~other legal~~ custodian.

1101 (b) By a designated school representative pursuant to s.  
1102 1003.26(3) or a law enforcement officer when the officer  
1103 reasonably believes ~~has reasonable grounds to believe~~ that the  
1104 child is absent from school without authorization or is  
1105 suspended or expelled and is not in the presence of his or her  
1106 parent, ~~or~~ legal guardian, or custodian, for the purpose of  
1107 delivering the child without unreasonable delay to the  
1108 appropriate school system site. For the purpose of this  
1109 paragraph, "school system site" includes, but is not limited to,  
1110 a center approved by the superintendent of schools for the  
1111 purpose of counseling students and referring them back to the  
1112 school system or an approved alternative to a suspension or



772728

1113 expulsion program. If a student is suspended or expelled from  
1114 school without assignment to an alternative school placement,  
1115 the law enforcement officer or designated school representative  
1116 pursuant to s. 1003.26(3) shall deliver the child to the parent,  
1117 ~~or~~ legal guardian, or custodian, to a location determined by the  
1118 parent, legal ~~or~~ guardian, or custodian, or to a designated  
1119 truancy interdiction site until the parent or guardian can be  
1120 located.

1121 (c) Pursuant to an order of the circuit court based upon  
1122 sworn testimony ~~before or~~ after a child in need of services  
1123 petition is filed under s. 984.15.

1124 (d) Pursuant to an order of the circuit court based upon a  
1125 finding of contempt under this chapter for the purpose of  
1126 delivering the child to a designated shelter facility.

1127 ~~(e)(d)~~ By a law enforcement officer when the child  
1128 voluntarily agrees to or requests services pursuant to this  
1129 chapter or placement in a shelter.

1130 (2) The person taking the child into custody shall:

1131 (a) Release the child to a parent, legal guardian, ~~legal~~  
1132 custodian, or responsible adult relative and make a full written  
1133 report to the department's authorized agent for families in need  
1134 of services within 3 days after release or to a department-  
1135 approved family in need of services and child in need of  
1136 services provider if the person taking the child into custody  
1137 reasonably believes ~~has reasonable grounds to believe~~ the child  
1138 has run away from a parent, legal guardian, or ~~legal~~ custodian;  
1139 is truant; or is ungovernable and beyond the control of the  
1140 parent, guardian, or legal custodian; ~~following such release,~~  
1141 ~~the person taking the child into custody shall make a full~~





772728

1142 ~~written report to the intake office of the department within 3~~  
1143 ~~days; or~~

1144 (b) ~~Deliver the child to a shelter when: the department,~~  
1145 ~~stating the facts by reason of which the child was taken into~~  
1146 ~~eustody and sufficient information to establish probable cause~~  
1147 ~~that the child is from a family in need of services.~~

1148 1. The parent, legal guardian, or custodian is unavailable  
1149 to take immediate custody of the child;

1150 2. The child requested voluntary family services and  
1151 shelter placement;

1152 3. A court order under this chapter for shelter placement  
1153 has been issued; or

1154 4. The child and the parent, legal guardian, or custodian  
1155 voluntarily agree the child is in need of temporary shelter  
1156 placement and such placement is necessary to provide a safe  
1157 place for the child to remain until the parents and child can  
1158 agree on conditions for the child's safe return home.

1159 (c) Deliver the child to a hospital for necessary  
1160 evaluation and treatment if the child is reasonably believed to  
1161 be suffering from a serious physical condition which requires  
1162 either prompt diagnosis or treatment.

1163 (d) Deliver the child to a designated public receiving  
1164 facility as defined in s. 394.455 for examination under s.  
1165 394.463 if the child is reasonably believed to be mentally ill,  
1166 including immediate threat of suicide as provided in s.  
1167 394.463(1).

1168 (e) Deliver the child to a hospital, addictions receiving  
1169 facility, or treatment resource if the child is reasonably  
1170 believed to be intoxicated and has threatened, attempted, or



772728

1171 inflicted physical harm on himself or herself or another, or is  
1172 incapacitated by substance abuse.

1173 (3) If the child is taken into custody and ~~by, or is~~  
1174 ~~delivered to a shelter, the department,~~ the department's  
1175 authorized agent ~~appropriate representative of the department~~  
1176 shall review the facts and make such further inquiry as  
1177 necessary to determine whether the child shall remain in  
1178 shelter, receive voluntary family services that would allow the  
1179 child alleged to be from a family in need of services to remain  
1180 at home, eustody or be released. ~~Unless shelter is required as~~  
1181 ~~provided in s. 984.14(1), the department shall:~~

1182 ~~(a) Release the child to his or her parent, guardian, or~~  
1183 ~~legal custodian, to a responsible adult relative, to a~~  
1184 ~~responsible adult approved by the department, or to a~~  
1185 ~~department-approved family-in-need-of-services and child-in-~~  
1186 ~~need-of-services provider; or~~

1187 ~~(b) Authorize temporary services and treatment that would~~  
1188 ~~allow the child alleged to be from a family in need of services~~  
1189 ~~to remain at home.~~

1190 Section 16. Section 984.14, Florida Statutes, is amended to  
1191 read:

1192 984.14 Voluntary shelter services placement; hearing.-

1193 (1) Temporary voluntary shelter services provided by the  
1194 department shall provide a safe environment with 24-hour care  
1195 and supervision, referrals for services as needed, and education  
1196 at the center or offsite and counseling services for children.  
1197 ~~Unless ordered by the court pursuant to the provisions of this~~  
1198 ~~chapter, or upon voluntary consent to placement by the child and~~  
1199 ~~the child's parent, legal guardian, or custodian, a child taken~~



772728

1200 ~~into custody shall not be placed in a shelter prior to a court~~  
1201 ~~hearing unless a determination has been made that the provision~~  
1202 ~~of appropriate and available services will not eliminate the~~  
1203 ~~need for placement and that such placement is required:~~

1204 ~~(a) To provide an opportunity for the child and family to~~  
1205 ~~agree upon conditions for the child's return home, when~~  
1206 ~~immediate placement in the home would result in a substantial~~  
1207 ~~likelihood that the child and family would not reach an~~  
1208 ~~agreement; or~~

1209 ~~(b) Because a parent, custodian, or guardian is unavailable~~  
1210 ~~to take immediate custody of the child.~~

1211 (2) If a child is sheltered due to being a runaway, or a  
1212 parent, legal guardian, or custodian is unavailable, the shelter  
1213 shall immediately attempt to make contact with the parent, legal  
1214 guardian, or custodian to advise the family of the child's  
1215 whereabouts, determine whether the child can safely return home,  
1216 or determine whether the family is seeking temporary voluntary  
1217 shelter services until they can arrange to take the child home.

1218 If the parent, legal guardian, or custodian cannot be located  
1219 within 24 hours, the Department of Children and Families shall  
1220 be contacted to assume custody of the child ~~If the department~~  
1221 ~~determines that placement in a shelter is necessary according to~~  
1222 ~~the provisions of subsection (1), the departmental~~  
1223 ~~representative shall authorize placement of the child in a~~  
1224 ~~shelter provided by the community specifically for runaways and~~  
1225 ~~troubled youth who are children in need of services or members~~  
1226 ~~of families in need of services and shall immediately notify the~~  
1227 ~~parents or legal custodians that the child was taken into~~  
1228 ~~eustody.~~



772728

1229           ~~(3) A child who is involuntarily placed in a shelter shall~~  
1230 ~~be given a shelter hearing within 24 hours after being taken~~  
1231 ~~into custody to determine whether shelter placement is required.~~  
1232 ~~The shelter petition filed with the court shall address each~~  
1233 ~~condition required to be determined in subsection (1).~~

1234           ~~(4) A child may not be held involuntarily in a shelter~~  
1235 ~~longer than 24 hours unless an order so directing is made by the~~  
1236 ~~court after a shelter hearing finding that placement in a~~  
1237 ~~shelter is necessary based on the criteria in subsection (1) and~~  
1238 ~~that the department has made reasonable efforts to prevent or~~  
1239 ~~eliminate the need for removal of the child from the home.~~

1240           ~~(5) Except as provided under s. 984.225, a child in need of~~  
1241 ~~services or a child from a family in need of services may not be~~  
1242 ~~placed in a shelter for longer than 35 days.~~

1243           ~~(6) When any child is placed in a shelter pursuant to court~~  
1244 ~~order following a shelter hearing, the court shall order the~~  
1245 ~~natural or adoptive parents of such child, the natural father of~~  
1246 ~~such child born out of wedlock who has acknowledged his~~  
1247 ~~paternity in writing before the court, or the guardian of such~~  
1248 ~~child's estate, if possessed of assets which under law may be~~  
1249 ~~disbursed for the care, support, and maintenance of the child,~~  
1250 ~~to pay, to the department, fees as established by the~~  
1251 ~~department. When the order affects the guardianship estate, a~~  
1252 ~~certified copy of the order shall be delivered to the judge~~  
1253 ~~having jurisdiction of the guardianship estate.~~

1254           ~~(7) A child who is adjudicated a child in need of services~~  
1255 ~~or alleged to be from a family in need of services or a child in~~  
1256 ~~need of services may not be placed in a secure detention~~  
1257 ~~facility or jail or any other commitment program for delinquent~~



1258 ~~children under any circumstances.~~

1259 ~~(8) The court may order the placement of a child in need of~~  
1260 ~~services into a staff-secure facility for no longer than 5 days~~  
1261 ~~for the purpose of evaluation and assessment.~~

1262 Section 17. Section 984.15, Florida Statutes, is amended to  
1263 read:

1264 984.15 Petition for a child in need of services.-

1265 (1) All proceedings seeking an adjudication that a child is  
1266 a child in need of services shall be initiated by the filing of  
1267 a petition by an attorney representing the department or by the  
1268 child's parent, legal guardian, or ~~legal~~ custodian. ~~If a child~~  
1269 ~~in need of services has been placed in a shelter pursuant to s.~~  
1270 ~~984.14, the department shall file the petition immediately,~~  
1271 ~~including in the petition notice of arraignment pursuant to s.~~  
1272 ~~984.20.~~

1273 (2) (a) The department shall file a petition for a child in  
1274 need of services if the child meets the definition of a child in  
1275 need of services, and the case manager or staffing committee  
1276 recommends requests that a petition be filed and:

1277 1. The family and child have in good faith, but  
1278 unsuccessfully, used the services and process described in ss.  
1279 984.11 and 984.12; or

1280 2. The family or child have refused ~~all~~ services described  
1281 in ss. 984.11 and 984.12 after reasonable efforts by the  
1282 department to involve the family and child in voluntary family  
1283 services and treatment.

1284 (b) Once the requirements in paragraph (a) have been met,  
1285 the department shall file a petition for a child in need of  
1286 services as soon as practicable ~~within 45 days.~~



772728

1287 (c) The petition shall be in writing, shall state the  
1288 specific grounds ~~under s. 984.03(9)~~ by which the child is  
1289 designated a child in need of services, and shall certify that  
1290 the conditions prescribed in paragraph (a) have been met. The  
1291 petition shall be signed by the petitioner under oath stating  
1292 good faith in filing the petition and shall be signed by an  
1293 attorney for the department.

1294 (3) (a) The parent, legal guardian, or ~~legal~~ custodian may  
1295 file a petition alleging that a child is a child in need of  
1296 services if:

1297 1. The department waives the requirement for a case  
1298 staffing committee.

1299 2. The department fails to convene a meeting of the case  
1300 staffing committee within 7 days, excluding weekends and legal  
1301 holidays, after receiving a written request for such a meeting  
1302 from the child's parent, legal guardian, or ~~legal~~ custodian.

1303 3. The parent, legal guardian, or ~~legal~~ custodian does not  
1304 agree with the plan for services offered by the case staffing  
1305 committee.

1306 4. The department fails to provide a written report within  
1307 7 days after the case staffing committee meets, as required  
1308 under s. 984.12(10) ~~s. 984.12(8)~~.

1309 (b) The parent, legal guardian, or ~~legal~~ custodian must  
1310 give the department prior written notice of intent to file the  
1311 petition. If, at the arraignment hearing, the court finds that  
1312 such written notice of intent to file the petition was not  
1313 provided to the department, the court shall dismiss the  
1314 petition, postpone the hearing until such written notice is  
1315 given, or, if the department agrees, proceed with the



772728

1316 arraignment hearing. The petition must be served on the  
1317 department's office of general counsel.

1318 (c) The petition must be in writing and must set forth  
1319 specific facts alleging that the child is a child in need of  
1320 services ~~as defined in s. 984.03(9)~~. The petition must also  
1321 demonstrate that the parent, legal guardian, or ~~legal~~ custodian  
1322 has in good faith, but unsuccessfully, participated in the  
1323 services and processes described in ss. 984.11 and 984.12.

1324 (4)~~(d)~~ The petition must be signed by the petitioner under  
1325 oath.

1326 (5)~~(e)~~ The court, on its own motion or the motion of any  
1327 party or the department, shall determine the legal sufficiency  
1328 of a petition filed under this subsection and may dismiss any  
1329 petition that lacks sufficient grounds. In addition, the court  
1330 shall verify that the child is not:

1331 (a)~~1~~. The subject of a pending investigation into an  
1332 allegation or suspicion of abuse, neglect, or abandonment;

1333 (b)~~2~~. The subject of a pending petition ~~referral~~ alleging  
1334 that the child is delinquent; or

1335 (c)~~3~~. Under the current supervision of the department or  
1336 the Department of Children and Families for an adjudication or  
1337 withholding of adjudication of delinquency or dependency.

1338 (6)~~(4)~~ The form of the petition and any additional contents  
1339 shall be determined by rules of procedure adopted by the Supreme  
1340 Court.

1341 (7)~~(5)~~ The petitioner ~~department or the parent, guardian,~~  
1342 ~~or legal custodian~~ may withdraw a petition at any time before  
1343 ~~prior to~~ the child is ~~being~~ adjudicated a child in need of  
1344 services.



772728

1345 Section 18. Section 984.151, Florida Statutes, is amended  
1346 to read:

1347 984.151 Early truancy intervention; truancy petition;  
1348 judgment prosecution; disposition.—

1349 (1) If the school determines that a student subject to  
1350 compulsory school attendance has had at least five unexcused  
1351 absences, or absences for which the reasons are unknown, within  
1352 a calendar month or 10 unexcused absences, or absences for which  
1353 the reasons are unknown, within a 90-calendar-day period  
1354 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused  
1355 absences in a 90-calendar-day period, the superintendent of  
1356 schools or his or her designee may file a truancy petition  
1357 seeking early truancy intervention.

1358 (2) The petition shall be filed in the circuit in which the  
1359 student is enrolled in school.

1360 (3) Original jurisdiction to hear a truancy petition shall  
1361 be in the circuit court; however, the circuit court may use a  
1362 general or special magistrate ~~master~~ pursuant to Supreme Court  
1363 rules. Upon the filing of the petition, the clerk shall issue a  
1364 summons to the parent, legal guardian, or ~~legal~~ custodian of the  
1365 student, directing that person and the student to appear for a  
1366 hearing at a time and place specified.

1367 (4) The petition must contain the following: the name, age,  
1368 and address of the student; the name and address of the  
1369 student's parent or guardian; the school where the student is  
1370 enrolled; the efforts the school has made to get the student to  
1371 attend school in compliance with s. 1003.26; the number of out-  
1372 of-school contacts between the school system and student's  
1373 parent or guardian; and the number of days and dates of days the





772728

1374 student has missed school. The petition shall be sworn to by the  
1375 superintendent or his or her designee.

1376 (5) Once the petition is filed, the court shall hear the  
1377 petition within 30 days.

1378 (6) The student and the student's parent or guardian shall  
1379 attend the hearing.

1380 (7) If the court determines that the student did miss any  
1381 of the alleged days, the court shall enter an order finding the  
1382 child to be a truant status offender and the court shall order  
1383 the student to attend school and order the parent, legal  
1384 guardian, or custodian to ensure that the student attends  
1385 school. The court's power under this subsection is limited to  
1386 entering orders to require the student to attend school and  
1387 require the student and family to participate in services to  
1388 encourage regular school attendance. The court, ~~and~~ may order  
1389 any of the following services:

1390 (a) ~~The student to participate in alternative sanctions to~~  
1391 ~~include mandatory attendance at alternative classes; to be~~  
1392 ~~followed by mandatory community services hours for a period up~~  
1393 ~~to 6 months; the student and~~

1394 (b) The student's parent, legal or guardian, or custodian  
1395 to participate in parenting classes ~~homemaker or parent aide~~  
1396 ~~services;~~

1397 (c) The student or the student's parent, legal or guardian  
1398 or custodian to participate in individual, group, or family  
1399 ~~intensive crisis~~ counseling;

1400 (d) The student or the student's parent, legal or guardian  
1401 or custodian to participate in community mental health services  
1402 or substance abuse treatment services if available and



772728

1403 applicable;

1404 (e) The student and the student's parent, legal or  
1405 guardian, or custodian to participate in services service  
1406 provided by state or community voluntary or community agencies,  
1407 if appropriate as available, including services for families in  
1408 need of services as provided in s. 984.11;

1409 (f) The student and the student's parent, legal guardian,  
1410 or custodian to attend meetings with school officials to address  
1411 the child's educational needs, classroom assignment, class  
1412 schedule, and other barriers to school attendance identified by  
1413 the child's school, the child or his or her family;

1414 (g) The student and the student's parent, legal guardian,  
1415 or custodian to engage in learning activities provided by the  
1416 school board as to why education is important and the potential  
1417 impact on the child's future employment and education options if  
1418 the attendance problem persists; or

1419 (h) and The student or the student's parent, legal or  
1420 guardian, or custodian to participate in vocational or, job  
1421 training, or employment services.

1422 (8) If the student does not substantially comply with  
1423 compulsory school attendance and court-ordered services required  
1424 under successfully complete the sanctions ordered in subsection  
1425 (7), and the child meets the definition of a child in need of  
1426 services, the case shall be referred by the court to the  
1427 department's authorized agent for review by the case staffing  
1428 committee under s. 984.12 with a recommendation to file a  
1429 petition for child in need of services child-in-need-of-services  
1430 petition under s. 984.15. The court shall review the case not  
1431 less than every 45 days to determine whether the child is in



772728

1432 substantial compliance with compulsory education or if the case  
1433 should be referred to the case staffing committee in accord with  
1434 this subsection.

1435 (9) If the student substantially complies with compulsory  
1436 school attendance the court shall close the truancy case.

1437 (10) If the child is adjudicated a child in need of  
1438 services pursuant to s. 984.21, the truancy case shall be closed  
1439 and jurisdiction relinquished in accordance with s. 984.04.

1440 (11) The court may retain jurisdiction of any case in which  
1441 the child is noncompliant with compulsory education and the  
1442 child does not meet the definition of a child in need of  
1443 services under this chapter until jurisdiction lapses pursuant  
1444 to s. 984.04.

1445 (12) The court may not order a child placed in shelter  
1446 pursuant to this section unless the court has found the child to  
1447 be in contempt for violation of a court order under s. 984.09.

1448 (13)-(9) The parent, legal guardian, or ~~legal~~ custodian and  
1449 the student shall participate, as required by court order, in  
1450 any sanctions or services required by the court under this  
1451 section, and the court shall enforce such participation through  
1452 its contempt power.

1453 (14) Any truant student that meets the definition of a  
1454 child in need of services and who has been found in contempt for  
1455 violation of a court order under s. 984.09 two or more times  
1456 shall be referred to the case staffing committee under s. 984.12  
1457 with a recommendation to file a petition for a child in need of  
1458 services.

1459 (15) The clerk of court must serve any court order  
1460 referring the case to voluntary family services or the case



772728

1461 staffing committee to the department's office of general counsel  
1462 and to the department's authorized agent.

1463 Section 19. Subsections (3) and (5) of section 984.16,  
1464 Florida Statutes, are amended, and subsection (11) is added to  
1465 that section, to read:

1466 984.16 Process and service for child in need of services  
1467 petitions.-

1468 (3) The summons shall require the person on whom it is  
1469 served to appear for a hearing at a time, and place, and manner  
1470 specified. ~~Except in cases of medical emergency, the time shall~~  
1471 ~~not be less than 24 hours after service of the summons.~~ The  
1472 summons must ~~may~~ require the custodian to bring the child to  
1473 court ~~if the court determines that the child's presence is~~  
1474 ~~necessary.~~ A copy of the petition shall be attached to the  
1475 summons.

1476 (5) The jurisdiction of the court shall attach to the child  
1477 and the parent, legal guardian, or custodian, ~~or legal guardian~~  
1478 of the child and the case when the summons is served upon the  
1479 child or a parent, or legal guardian, or actual ~~actual~~ custodian of the  
1480 child; ~~or~~ when the child is taken into custody with or without  
1481 service of summons and after filing of a petition for a child in  
1482 need of services; or when a party personally appears before the  
1483 court whichever occurs first, and thereafter the court may  
1484 control the child and case in accordance with this chapter.

1485 (11) If a court takes action that directly involves a  
1486 student's school, including, but not limited to, an order that a  
1487 student attend school, attend school with his or her parent,  
1488 requiring the parent to participate in meetings, including  
1489 parent-teacher conferences, Section 504 plan meetings or



772728

1490 individualized education plan meetings to address the student's  
1491 disability, the office of the clerk of the court shall provide  
1492 notice to the school of the court's order.

1493 Section 20. Section 984.17, Florida Statutes, is amended to  
1494 read:

1495 984.17 Response to petition and representation of parties.-

1496 (1) At the time a child in need of services petition is  
1497 filed, the court may appoint a guardian ad litem for the child.

1498 (2) No answer to the petition or any other pleading need be  
1499 filed by any child, parent, ~~or~~ legal guardian, or custodian, but  
1500 any matters which might be set forth in an answer or other  
1501 pleading may be pleaded orally before the court or filed in  
1502 writing as any such person may choose. Notwithstanding the  
1503 filing of an answer or any pleading, the child and ~~or~~ parent,  
1504 legal guardian, or custodian shall, before ~~prior to~~ an  
1505 adjudicatory hearing, be advised by the court of the right to  
1506 counsel.

1507 (3) When a petition for a child in need of services has  
1508 been filed and the parents, legal guardian, or ~~legal~~ custodian  
1509 of the child and the child have advised the department that the  
1510 truth of the allegations is acknowledged and that no contest is  
1511 to be made of the adjudication, the attorney representing the  
1512 department may set the case before the court for a disposition  
1513 hearing. If there is a change in the plea at this hearing, the  
1514 court shall continue the hearing to permit the attorney  
1515 representing the department to prepare and present the case.

1516 (4) An attorney representing the department shall represent  
1517 the state in any proceeding in which the petition alleges that a  
1518 child is a child in need of services ~~and in which a party denies~~



1519 ~~the allegations of the petition and contests the adjudication.~~

1520 Section 21. Section 984.18, Florida Statutes, is repealed.

1521 Section 22. Section 984.19, Florida Statutes, is amended to  
1522 read:

1523 984.19 Medical screening and treatment of child;  
1524 examination of parent, legal guardian, or person requesting  
1525 custody.—

1526 (1) When any child is to be placed in shelter care, the  
1527 department or its authorized agent may ~~is authorized to~~ have a  
1528 medical screening provided for ~~performed on~~ the child without  
1529 authorization from the court and without consent from a parent,  
1530 legal ~~or~~ guardian, or custodian. Such medical screening shall be  
1531 provided ~~performed~~ by a licensed health care professional and  
1532 shall be to screen ~~examine~~ the child for injury, illness, and  
1533 communicable diseases. In no case does this subsection authorize  
1534 the department to consent to medical treatment for such  
1535 children.

1536 (2) When ~~the department has performed~~ the medical screening  
1537 authorized by subsection (1) or when it is otherwise determined  
1538 by a licensed health care professional that a child is in need  
1539 of medical treatment, consent for medical treatment shall be  
1540 obtained in the following manner:

1541 (a)1. Consent to medical treatment shall be obtained from a  
1542 parent, legal ~~or~~ guardian, or custodian of the child; or

1543 2. A court order for such treatment shall be obtained.

1544 (b) If a parent, legal ~~or~~ guardian, or custodian of the  
1545 child is unavailable and his or her whereabouts cannot be  
1546 reasonably ascertained, and it is after normal working hours so  
1547 that a court order cannot reasonably be obtained, an authorized



772728

1548 agent of the department or its provider has the authority to  
1549 consent to necessary medical treatment for the child. The  
1550 authority of the department to consent to medical treatment in  
1551 this circumstance is limited to the time reasonably necessary to  
1552 obtain court authorization.

1553 (c) If a parent, legal ~~or~~ guardian, or custodian of the  
1554 child is available but refuses to consent to the necessary  
1555 treatment, a court order is required, unless the situation meets  
1556 the definition of an emergency in s. 743.064 or the treatment  
1557 needed is related to suspected abuse or neglect of the child by  
1558 the parent or guardian. In such case, the department's  
1559 authorized agent may ~~department has the authority to~~ consent to  
1560 necessary medical treatment. This authority is limited to the  
1561 time reasonably necessary to obtain court authorization.

1562  
1563 In no case may the department consent to sterilization,  
1564 abortion, or termination of life support.

1565 (3) A judge may order that a child alleged to be or  
1566 adjudicated a child in need of services be examined by a  
1567 licensed health care professional. The judge may also order such  
1568 child to be evaluated by a psychiatrist or a psychologist, by a  
1569 district school board educational needs assessment team, or, if  
1570 a developmental disability is suspected or alleged, by the  
1571 developmental disability diagnostic and evaluation team of the  
1572 Department of Children and Families or Agency for Persons with  
1573 Disabilities. The judge may order a family assessment if that  
1574 assessment was not completed at an earlier time. If it is  
1575 necessary to place a child in a residential facility for such  
1576 evaluation, then the criteria and procedure established in s.



772728

1577 394.463(2) or chapter 393 shall be used, whichever is  
1578 applicable. The educational needs assessment provided by the  
1579 district school board educational needs assessment team shall  
1580 include, but not be limited to, reports of intelligence and  
1581 achievement tests, screening for learning disabilities and other  
1582 handicaps, and screening for the need for alternative education  
1583 pursuant to s. 1003.53.

1584 (4) A judge may order that a child alleged to be or  
1585 adjudicated a child in need of services be treated by a licensed  
1586 health care professional. The judge may also order such child to  
1587 receive mental health or intellectual disability services from a  
1588 psychiatrist, psychologist, or other appropriate service  
1589 provider. If it is necessary to place the child in a residential  
1590 facility for such services, the procedures and criteria  
1591 established in s. 394.467 or chapter 393 shall be used, as  
1592 applicable. A child may be provided services in emergency  
1593 situations pursuant to the procedures and criteria contained in  
1594 s. 394.463(1) or chapter 393, as applicable.

1595 (5) When there are indications of physical injury or  
1596 illness, a licensed health care professional shall be  
1597 immediately contacted ~~called~~ or the child shall be taken to the  
1598 nearest available hospital for emergency care.

1599 (6) Except as otherwise provided herein, ~~nothing in~~ this  
1600 section does not ~~shall be deemed to~~ eliminate the right of a  
1601 parent, legal a guardian, or custodian, or the child to consent  
1602 to examination or treatment for the child.

1603 (7) Except as otherwise provided herein, ~~nothing in~~ this  
1604 section does not ~~shall be deemed to~~ alter the provisions of s.  
1605 743.064.





772728

1606           (8) A court may order ~~shall not be precluded from ordering~~  
1607 services or treatment to be provided to the child by a duly  
1608 accredited practitioner who relies solely on spiritual means for  
1609 healing in accordance with the tenets and practices of a church  
1610 or religious organization, when required by the child's health  
1611 and when requested by the child.

1612           (9) ~~Nothing in~~ This section does not ~~shall be construed to~~  
1613 authorize the permanent sterilization of the child, unless such  
1614 sterilization is the result of or incidental to medically  
1615 necessary treatment to protect or preserve the life of the  
1616 child.

1617           (10) For the purpose of obtaining an evaluation or  
1618 examination or receiving treatment as authorized pursuant to  
1619 this section, no child ~~alleged to be or found to be a child from~~  
1620 ~~a family in need of services or a child in need of services~~  
1621 shall be placed in a detention facility or other program used  
1622 primarily for the care and custody of children alleged or found  
1623 to have committed delinquent acts.

1624           (11) The parents, legal guardian, or custodian ~~guardian~~ of  
1625 a child alleged to be or adjudicated a child in need of services  
1626 remain financially responsible for the cost of medical treatment  
1627 provided to the child even if one or both of the parents or if  
1628 the legal guardian, or custodian did not consent to the medical  
1629 treatment. After a hearing, the court may order the parents,  
1630 legal ~~or~~ guardian, or custodian, if found able to do so, to  
1631 reimburse the department or other provider of medical services  
1632 for treatment provided.

1633           (12) A judge may order a child under its jurisdiction to  
1634 submit to substance abuse evaluation, testing, and treatment in



772728

1635 ~~accordance with s. 397.706 Nothing in this section alters the~~  
1636 ~~authority of the department to consent to medical treatment for~~  
1637 ~~a child who has been committed to the department pursuant to s.~~  
1638 ~~984.22(3) and of whom the department has become the legal~~  
1639 ~~eustodian.~~

1640 (13) At any time after the filing of a petition for a child  
1641 in need of services, when the mental or physical condition,  
1642 including the blood group, of a parent, guardian, or other  
1643 person requesting custody of a child is in controversy, the  
1644 court may order the person to submit to a physical or mental  
1645 examination by a qualified professional. The order may be made  
1646 only upon good cause shown and pursuant to notice and procedures  
1647 as set forth by the Florida Rules of Juvenile Procedure.

1648 Section 23. Section 984.20, Florida Statutes, is amended to  
1649 read:

1650 984.20 Hearings for child in need of services ~~child in~~  
1651 ~~need-of-services~~ cases.-

1652 (1) ARRAIGNMENT HEARING.-

1653 (a) The clerk shall set a date for an arraignment hearing  
1654 within a reasonable time after the date of the filing of the  
1655 child in need of services petition. The court shall advise the  
1656 child and the parent, legal guardian, or custodian of the right  
1657 to counsel as provided in s. 984.07. ~~When a child has been taken~~  
1658 ~~into custody by order of the court, an arraignment hearing shall~~  
1659 ~~be held within 7 days after the date the child is taken into~~  
1660 ~~eustody.~~ The hearing shall be held for the child and the parent,  
1661 legal guardian, or custodian to admit, deny, or consent to  
1662 findings that a child is in need of services as alleged in the  
1663 petition. If the child and the parent, legal guardian, or



772728

1664 custodian admit or consent to the findings in the petition, the  
1665 court shall adjudicate the child a child in need of services and  
1666 proceed as set forth in the Florida Rules of Juvenile Procedure.  
1667 However, if either the child or the parent, legal guardian, or  
1668 custodian denies any of the allegations of the petition, the  
1669 court shall hold an adjudicatory hearing within a reasonable  
1670 time after the date of the arraignment hearing ~~7 days after the~~  
1671 ~~date of the arraignment hearing.~~

1672 (b) The court may grant a continuance of the arraignment  
1673 hearing ~~When a child is in the custody of the parent, guardian,~~  
1674 ~~or custodian, upon the filing of a petition, the clerk shall set~~  
1675 ~~a date for an arraignment hearing within a reasonable time from~~  
1676 ~~the date of the filing of the petition. if the child or and the~~  
1677 ~~parent, legal guardian, or custodian request a continuance to~~  
1678 ~~obtain an attorney. The case shall be rescheduled for an~~  
1679 ~~arraignment hearing within a reasonable period of time to allow~~  
1680 ~~for consultation admit or consent to an adjudication, the court~~  
1681 ~~shall proceed as set forth in the Florida Rules of Juvenile~~  
1682 ~~Procedure. However, if either the child or the parent, guardian,~~  
1683 ~~or custodian denies any of the allegations of child in need of~~  
1684 ~~services, the court shall hold an adjudicatory hearing within a~~  
1685 ~~reasonable time from the date of the arraignment hearing.~~

1686 (c) If at the arraignment hearing the child and the parent,  
1687 legal guardian, or custodian consents or admits to the  
1688 allegations in the petition and the court determines that the  
1689 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(c)~~,  
1690 the court shall proceed to hold a disposition hearing at the  
1691 earliest practicable time that will allow for the completion of  
1692 a predisposition study.



772728

1693           (d) Failure of a person served with notice to appear at the  
1694 arraignment hearing constitutes the person's consent to the  
1695 adjudication of the child as a child in need of services. The  
1696 document containing the notice to respond or appear must  
1697 contain, in type as large as the balance of the document, the  
1698 following or substantially similar language:

1699

1700           FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING  
1701           CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD  
1702           AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE  
1703           COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE  
1704           CHILD INTO SHELTER.

1705

1706           If a person appears for the arraignment hearing and the court  
1707 orders that person to appear, either physically or through  
1708 audio-video communication technology, at the adjudicatory  
1709 hearing for the child in need of services case, stating the  
1710 date, time, place, and, if applicable, the instructions for  
1711 appearance through audio-video communication technology, of the  
1712 adjudicatory hearing, that person's failure to appear for the  
1713 scheduled adjudicatory hearing constitutes consent to  
1714 adjudication of the child as a child in need of services.

1715           (2) ADJUDICATORY HEARING.—

1716           (a) The adjudicatory hearing shall be held as soon as  
1717 practicable after the petition for a child in need of services  
1718 is filed and in accordance with the Florida Rules of Juvenile  
1719 Procedure, but reasonable delay for the purpose of  
1720 investigation, discovery, or procuring counsel or witnesses  
1721 shall, whenever practicable, be granted. ~~If the child is in~~



772728

1722 ~~eustody, the adjudicatory hearing shall be held within 14 days~~  
1723 ~~after the date the child was taken into custody.~~

1724 (b) Adjudicatory hearings shall be conducted by the judge  
1725 without a jury, applying the rules of evidence in use in civil  
1726 cases and adjourning the hearings from time to time as  
1727 necessary. In an adjudicatory a hearing ~~on a petition in which~~  
1728 ~~it is alleged that the child is a child in need of services,~~ a  
1729 preponderance of evidence shall be required to establish that  
1730 the child is in need of services. If the court finds the  
1731 allegations are proven by a preponderance of evidence and the  
1732 child is a child in need of services, the court shall enter an  
1733 order of adjudication.

1734 (c) All hearings, except as hereinafter provided, shall be  
1735 open to the public, and no person shall be excluded therefrom  
1736 except on special order of the judge who, in his or her  
1737 discretion, may close any hearing to the public when the public  
1738 interest or the welfare of the child, in his or her opinion, is  
1739 best served by so doing. Hearings involving more than one child  
1740 may be held simultaneously when the several children involved  
1741 are related to each other or were involved in the same case. The  
1742 child and the parent, legal guardian, or custodian of the child  
1743 may be examined separately and apart from each other.

1744 (3) DISPOSITION HEARING.—

1745 (a) At the disposition hearing, ~~if the court finds that the~~  
1746 ~~facts alleged in the petition of a child in need of services~~  
1747 ~~were proven in the adjudicatory hearing,~~ the court shall receive  
1748 and consider a predisposition study, which shall be in writing  
1749 and be presented by an authorized agent of the department or its  
1750 provider.



772728

- 1751           ~~(a)~~ The predisposition study shall cover:
- 1752           1. All treatment and services that the parent, legal
- 1753 guardian, or custodian and child received.
- 1754           2. The love, affection, and other emotional ties existing
- 1755 between the family ~~parents~~ and the child.
- 1756           3. The capacity and disposition of the parents, legal
- 1757 guardian, or custodian to provide the child with food, clothing,
- 1758 medical care or other remedial care recognized and permitted
- 1759 under the laws of this state in lieu of medical care, and other
- 1760 material needs.
- 1761           4. The length of time that the child has lived in a stable,
- 1762 satisfactory environment and the desirability of maintaining
- 1763 continuity.
- 1764           5. The permanence, as a family unit, of the existing or
- 1765 proposed custodial home.
- 1766           6. The moral fitness of the parents, legal guardian, or
- 1767 custodian.
- 1768           7. The mental and physical health of the family.
- 1769           8. The home, school, and community record of the child.
- 1770           9. The reasonable preference of the child, if the court
- 1771 deems the child to be of sufficient intelligence, understanding,
- 1772 and experience to express a preference.
- 1773           10. Any other factor considered by the court to be
- 1774 relevant.
- 1775           (b) The predisposition study also shall provide the court
- 1776 with documentation regarding:
- 1777           1. The availability of appropriate prevention, services,
- 1778 and treatment for the parent, legal guardian, custodian, and
- 1779 child to prevent the removal of the child from the home or to



772728

1780 reunify the child with the parent, legal guardian, or custodian  
1781 after removal or to reconcile the problems between the family  
1782 ~~parent, guardian, or custodian~~ and the child.~~†~~

1783 2. The inappropriateness of other prevention, treatment,  
1784 and services that were available.~~†~~

1785 3. The efforts by the department to prevent shelter ~~out-of-~~  
1786 ~~home~~ placement of the child or, when applicable, to reunify the  
1787 parent, legal guardian, or custodian if appropriate services  
1788 were available.~~†~~

1789 4. Whether voluntary family ~~the~~ services were provided.~~†~~

1790 5. If the voluntary family services and treatment were  
1791 provided, whether they were sufficient to meet the needs of the  
1792 child and the family and to enable the child to remain at home  
1793 or to be returned home.~~†~~

1794 6. If the voluntary family services and treatment were not  
1795 provided, the reasons for such lack of provision.~~†~~~~and~~

1796 7. The need for, or appropriateness of, continuing such  
1797 treatment and services if the child remains in the custody of  
1798 the parent, legal guardian, or custodian or if the child is  
1799 placed outside the home.

1800 (c) If placement of the child with anyone other than the  
1801 child's parent, guardian, or custodian is being considered, the  
1802 study shall include the designation of a specific length of time  
1803 as to when custody by the parent, guardian, or custodian shall  
1804 be reconsidered.

1805 (d) A copy of this predisposition study shall be furnished  
1806 to the person having custody of the child at the time such  
1807 person is notified of the disposition hearing.

1808 (e) After review of the predisposition study and other



772728

1809 relevant materials, the court shall hear from the parties and  
1810 consider all recommendations for court-ordered services,  
1811 evaluations, treatment and required actions designed to remedy  
1812 the child's truancy, ungovernable behavior, or running away. The  
1813 court shall enter an order of disposition.

1814  
1815 Any other relevant and material evidence, including other  
1816 written or oral reports, may be received by the court in its  
1817 effort to determine the action to be taken with regard to the  
1818 child and may be relied upon to the extent of its probative  
1819 value, even though not competent in an adjudicatory hearing.  
1820 Except as provided in paragraph (2) (c), ~~nothing in~~ this section  
1821 does not shall prohibit the publication of proceedings in a  
1822 hearing.

1823 (4) REVIEW HEARINGS.—

1824 (a) The court shall hold a review hearing within 45 days  
1825 after the disposition hearing. Additional review hearings may be  
1826 held as necessary, allowing sufficient time for the child and  
1827 family to work toward compliance with the court orders and  
1828 monitoring by the case manager. No longer than 90 days may  
1829 elapse between judicial review hearings ~~but no less than 45 days~~  
1830 ~~after the date of the last review hearing.~~

1831 (b) The parent, legal guardian, or custodian and the child  
1832 shall be noticed to appear for the review hearing. The  
1833 department must appear at the review hearing. If the parent,  
1834 legal guardian, or custodian does not appear at a review  
1835 hearing, or if the court finds good cause to waive the child's  
1836 presence, the court may proceed with the hearing and enter  
1837 orders that affect the child and family accordingly.





772728

1838        (c)~~(b)~~ At the review hearings, the court shall consider the  
1839 department's judicial review summary. The court shall close the  
1840 case if the child has substantially complied with the case plans  
1841 and court orders and no longer requires continued court  
1842 supervision, subject to the case being reopened. Upon request of  
1843 the petitioner, the court may close the case and relinquish  
1844 jurisdiction. If the child has significantly failed to comply  
1845 with the case plan or court orders, the child shall continue to  
1846 be a child in need of services and reviewed by the court as  
1847 needed. At review hearings, the court may enter further orders  
1848 to adjust the services case plan to address the family needs and  
1849 compliance with court orders, including, but not limited to,  
1850 ordering the child placed in shelter, ~~but no less than 45 days~~  
1851 ~~after the date of the last review hearing.~~

1852        Section 24. Section 984.21, Florida Statutes, is amended to  
1853 read:

1854        984.21 Orders of adjudication.—

1855        (2)~~(1)~~ If the court finds that the child named in a  
1856 petition is not a child in need of services, it shall enter an  
1857 order so finding and dismiss ~~dismissing~~ the case.

1858        ~~(2) If the court finds that the child named in the petition~~  
1859 ~~is a child in need of services, but finds that no action other~~  
1860 ~~than supervision in the home is required, it may enter an order~~  
1861 ~~briefly stating the facts upon which its finding is based, but~~  
1862 ~~withholding an order of adjudication and placing the child and~~  
1863 ~~family under the supervision of the department. If the court~~  
1864 ~~later finds that the parent, guardian, or custodian of the child~~  
1865 ~~have not complied with the conditions of supervision imposed,~~  
1866 ~~the court may, after a hearing to establish the noncompliance,~~



772728

1867 ~~but without further evidence of the state of the child in need~~  
1868 ~~of services, enter an order of adjudication and shall thereafter~~  
1869 ~~have full authority under this chapter to provide for the child~~  
1870 ~~as adjudicated.~~

1871 (3) If the court finds by a preponderance of evidence that  
1872 the child named in a petition is a child in need of services,  
1873 ~~but elects not to proceed under subsection (2),~~ it shall  
1874 incorporate that finding in an order of adjudication entered in  
1875 the case, briefly stating the facts upon which the finding is  
1876 made, and the court shall thereafter have full authority under  
1877 this chapter to provide for the child as adjudicated.

1878 (1)(4) An order of adjudication by a court that a child is  
1879 a child in need of services is a civil adjudication, and is  
1880 ~~services shall~~ not be deemed a conviction, nor shall the child  
1881 be deemed to have been found guilty or to be a delinquent or  
1882 criminal by reason of ~~that~~ adjudication, nor shall that  
1883 adjudication operate to impose upon the child any of the civil  
1884 disabilities ordinarily imposed by or resulting from conviction  
1885 or disqualify or prejudice the child in any civil service  
1886 application or appointment.

1887 Section 25. Section 984.22, Florida Statutes, is amended to  
1888 read:

1889 984.22 Powers of disposition.—

1890 (1) If the court finds that services and treatment have not  
1891 been provided or used ~~utilized~~ by a child or family, the court  
1892 having jurisdiction of the child in need of services shall have  
1893 the power to direct the least intrusive and least restrictive  
1894 disposition, as follows:

1895 (a) Order the parent, legal guardian, or custodian and the



772728

1896 child to participate in treatment, services, and any other  
1897 alternative identified as necessary.

1898 (b) Order the parent, legal guardian, or custodian to pay a  
1899 fine or fee based on the recommendations of the department.

1900 (2) When any child is adjudicated by the court to be a  
1901 child in need of services, the court having jurisdiction of the  
1902 child and parent, legal guardian, or custodian shall have the  
1903 power, by order, to:

1904 (a) Place the child under the supervision of the  
1905 department's authorized agent ~~contracted~~ provider of programs  
1906 and services for children in need of services and families in  
1907 need of services. The term "supervision," for the purposes of  
1908 this section, means services as defined by the contract between  
1909 the department and the provider.

1910 (b) Place the child in the temporary legal custody of an  
1911 adult willing to care for the child.

1912 (c) Commit the child to a licensed child-caring agency  
1913 willing to receive the child and to provide services without  
1914 compensation from the department.

1915 (d) Order the child, and, if the court finds it  
1916 appropriate, the parent, legal guardian, or custodian of the  
1917 child, to render community service in a public service program.

1918 (e) Order the child placed in shelter pursuant to s.  
1919 984.225 or s. 984.226.

1920 (3) When any child is adjudicated by the court to be a  
1921 child in need of services and temporary legal custody of the  
1922 child has been placed with an adult willing to care for the  
1923 child, or a licensed child-caring agency, ~~the Department of~~  
1924 ~~Juvenile Justice, or the Department of Children and Families,~~



772728

1925 the court shall order the natural or adoptive parents of such  
1926 child, including the natural father of such child born out of  
1927 wedlock who has acknowledged his paternity in writing before the  
1928 court, or the guardian of such child's estate if possessed of  
1929 assets which under law may be disbursed for the care, support,  
1930 and maintenance of such child, to pay child support to the adult  
1931 relative caring for the child, the licensed child-caring agency,  
1932 the department ~~of Juvenile Justice~~, or the Department of  
1933 Children and Families. When such order affects the guardianship  
1934 estate, a certified copy of such order shall be delivered to the  
1935 judge having jurisdiction of such guardianship estate. If the  
1936 court determines that the parent is unable to pay support,  
1937 placement of the child shall not be contingent upon issuance of  
1938 a support order. The department may employ a collection agency  
1939 to receive, collect, and manage ~~for the purpose of receiving,~~  
1940 ~~collecting, and managing~~ the payment of unpaid and delinquent  
1941 fees. The collection agency must be registered and in good  
1942 standing under chapter 559. The department may pay to the  
1943 collection agency a fee from the amount collected under the  
1944 claim or may authorize the agency to deduct the fee from the  
1945 amount collected.

1946 ~~(4) All payments of fees made to the department under this~~  
1947 ~~chapter, or child support payments made to the department~~  
1948 ~~pursuant to subsection (3), shall be deposited in the General~~  
1949 ~~Revenue Fund.~~

1950 (4) ~~(5)~~ In carrying out the provisions of this chapter, the  
1951 court shall order the child, family, parent, legal guardian, or  
1952 custodian of a child who is found to be a child in need of  
1953 services to participate in family counseling and other



772728

1954 professional counseling activities or other alternatives deemed  
1955 necessary to address the needs ~~for the rehabilitation~~ of the  
1956 child and family.

1957 (5)(6) The participation and cooperation of the family,  
1958 parent, legal guardian, or custodian, and the child with court-  
1959 ordered services, treatment, or community service are mandatory,  
1960 not merely voluntary. The court may use its contempt powers to  
1961 enforce its orders ~~order~~.

1962 Section 26. Section 984.225, Florida Statutes, is amended  
1963 to read:

1964 984.225 Powers of disposition; placement in a ~~staff-secure~~  
1965 shelter.-

1966 (1) ~~Subject to specific legislative appropriation,~~ The  
1967 court may order that a child adjudicated as a child in need of  
1968 services be placed in shelter to enforce the court's orders, to  
1969 ensure the child attends school, to ensure the child receives  
1970 needed counseling, and to ensure the child adheres to a service  
1971 plan. While a child is in a shelter, the child shall receive  
1972 education commensurate with his or her grade level and  
1973 educational ability. The department, or the department's  
1974 authorized agent, must verify to the court that a shelter bed is  
1975 available for the child. If the department or the department's  
1976 authorized agent verifies that a bed is not available, the  
1977 department shall place the child's name on a waiting list. The  
1978 child who has been on the waiting list the longest shall get the  
1979 next available bed. ~~for up to 90 days in a staff-secure shelter~~  
1980 ~~if:~~

1981 (2) The court shall order the parent, legal guardian, or  
1982 custodian to cooperate with reunification efforts and



772728

1983 participate in counseling. If a parent, legal guardian, or  
1984 custodian prefers to arrange counseling or other services with a  
1985 private provider in lieu of using services provided by the  
1986 department, the family shall pay all costs associated with those  
1987 services.

1988 (3) Placement of a child under this section is designed to  
1989 provide residential care on a temporary basis. Such placement  
1990 does not abrogate the legal responsibilities of the parent,  
1991 legal guardian, or custodian with respect to the child, except  
1992 to the extent that those responsibilities are temporarily  
1993 altered by court order.

1994 (a) The court may order any child adjudicated a child in  
1995 need of services to be placed in shelter for up to 35 days.

1996 (b) After other alternative, less restrictive, remedies  
1997 have been exhausted, the child may be placed in shelter for up  
1998 to 90 days if:

1999 1.-(a) The child's parent, legal guardian, or legal  
2000 custodian refuses to provide food, clothing, shelter, and  
2001 necessary parental support for the child and the refusal is a  
2002 direct result of an established pattern of significant  
2003 disruptive behavior of the child in the home of the parent,  
2004 legal guardian, or legal custodian;

2005 2.-(b) The child refuses to remain under the reasonable care  
2006 and custody of the ~~his or her~~ parent, legal guardian, or legal  
2007 custodian, as evidenced by repeatedly running away and failing  
2008 to comply with a court order; or

2009 3.-(c) The child has failed to successfully complete an  
2010 alternative treatment program or to comply with a court-ordered  
2011 services sanction and the child has been placed in a shelter



772728

2012 ~~residential program~~ on at least one prior occasion pursuant to a  
2013 court order after the child has been adjudicated a child in need  
2014 of services under this chapter.

2015 (4) The court shall review the child's 90-day shelter  
2016 placement within 45 days after the child's placement and  
2017 determine whether continued shelter is deemed necessary. The  
2018 court shall also determine whether the parent, legal guardian,  
2019 or custodian has reasonably participated in the child's  
2020 counseling and treatment program, and is following the  
2021 recommendations of the program to work toward reunification. The  
2022 court shall also determine whether the department's  
2023 reunification efforts have been reasonable. If the court finds  
2024 an inadequate level of support or participation by the parent,  
2025 legal guardian, or custodian before the end of the shelter  
2026 commitment period, the court shall direct a staffing to take  
2027 place with the Department of Children and Families.

2028 ~~(2) This section applies after other alternative, less-~~  
2029 ~~restrictive remedies have been exhausted. The court may order~~  
2030 ~~that a child be placed in a staff-secure shelter. The~~  
2031 ~~department, or an authorized representative of the department,~~  
2032 ~~must verify to the court that a bed is available for the child.~~  
2033 ~~If the department or an authorized representative of the~~  
2034 ~~department verifies that a bed is not available, the department~~  
2035 ~~will place the child's name on a waiting list. The child who has~~  
2036 ~~been on the waiting list the longest will get the next available~~  
2037 ~~bed.~~

2038 ~~(3) The court shall order the parent, guardian, or legal~~  
2039 ~~custodian to cooperate with efforts to reunite the child with~~  
2040 ~~the family, participate in counseling, and pay all costs~~



772728

2041 ~~associated with the care and counseling provided to the child~~  
2042 ~~and family, in accordance with the family's ability to pay as~~  
2043 ~~determined by the court. Commitment of a child under this~~  
2044 ~~section is designed to provide residential care on a temporary~~  
2045 ~~basis. Such commitment does not abrogate the legal~~  
2046 ~~responsibilities of the parent, guardian, or legal custodian~~  
2047 ~~with respect to the child, except to the extent that those~~  
2048 ~~responsibilities are temporarily altered by court order.~~

2049 ~~(4) While a child is in a staff-secure shelter, the child~~  
2050 ~~shall receive education commensurate with his or her grade level~~  
2051 ~~and educational ability.~~

2052 (5) If a child has not been reunited with his or her  
2053 parent, legal guardian, or ~~legal~~ custodian at the expiration of  
2054 the 90-day commitment period, the court may order that the child  
2055 remain in the ~~staff-secure~~ shelter for an additional 30 days if  
2056 the court finds that reunification could be achieved within that  
2057 period.

2058 ~~(6)~~ The department is deemed to have exhausted the  
2059 reasonable remedies offered under this chapter if, at the end of  
2060 the 90-day shelter ~~commitment~~ period, the parent, legal  
2061 guardian, or ~~legal~~ custodian continues to refuse to allow the  
2062 child to remain at home or creates unreasonable conditions for  
2063 the child's return. If, at the end of the 90-day shelter  
2064 ~~commitment~~ period, the child is not reunited with his or her  
2065 parent, legal guardian, or custodian due solely to the continued  
2066 refusal of the parent, legal guardian, or custodian to provide  
2067 food, clothing, shelter, and parental support, the child is  
2068 considered to be threatened with harm as a result of such acts  
2069 or omissions, and the court shall direct that the child be





772728

2070 handled in every respect as a dependent child. Jurisdiction  
2071 shall be transferred to the custody of the Department of  
2072 Children and Families, and the child's care shall be governed  
2073 under the relevant provisions of chapter 39. The department  
2074 shall coordinate with the Department of Children and Families as  
2075 provided in s. 984.086. The clerk of court shall serve the  
2076 Department of Children and Families with any court order of  
2077 referral.

2078 ~~(7) The court shall review the child's commitment once~~  
2079 ~~every 45 days as provided in s. 984.20. The court shall~~  
2080 ~~determine whether the parent, guardian, or custodian has~~  
2081 ~~reasonably participated in and financially contributed to the~~  
2082 ~~child's counseling and treatment program. The court shall also~~  
2083 ~~determine whether the department's efforts to reunite the family~~  
2084 ~~have been reasonable. If the court finds an inadequate level of~~  
2085 ~~support or participation by the parent, guardian, or custodian~~  
2086 ~~prior to the end of the commitment period, the court shall~~  
2087 ~~direct that the child be handled in every respect as a dependent~~  
2088 ~~child. Jurisdiction shall be transferred to the Department of~~  
2089 ~~Children and Families, and the child's care shall be governed~~  
2090 ~~under the relevant provisions of chapter 39.~~

2091 (6)(8) If the child requires residential mental health  
2092 treatment or residential care for a developmental disability,  
2093 the court shall refer the child transferred to the custody of  
2094 the Agency for Persons with Disabilities or to the Department of  
2095 Children and Families for the provision of necessary services.  
2096 The clerk of court shall serve the Agency for Persons with  
2097 Disabilities or the Department of Children and Families with any  
2098 court order of referral.



2099 Section 27. Section 984.226, Florida Statutes, is amended  
2100 to read:

2101 984.226 Physically secure shelter setting.—

2102 (1) Subject to specific legislative appropriation, the  
2103 department ~~of Juvenile Justice~~ shall establish or contract for  
2104 physically secure shelters settings ~~designated exclusively~~ for  
2105 the placement of children in need of services who meet the  
2106 criteria provided in this section.

2107 ~~(2) When a petition is filed alleging that a child is a~~  
2108 ~~child in need of services, the child must be represented by~~  
2109 ~~counsel at each court appearance unless the record in that~~  
2110 ~~proceeding affirmatively demonstrates by clear and convincing~~  
2111 ~~evidence that the child knowingly and intelligently waived the~~  
2112 ~~right to counsel after being fully advised by the court of the~~  
2113 ~~nature of the proceedings and the dispositional alternatives~~  
2114 ~~available to the court under this section. If the court decides~~  
2115 ~~to appoint counsel for the child and if the child is indigent,~~  
2116 ~~the court shall appoint an attorney to represent the child as~~  
2117 ~~provided under s. 985.033. Nothing precludes the court from~~  
2118 ~~requesting reimbursement of attorney's fees and costs from the~~  
2119 ~~nonindigent parent or legal guardian.~~

2120 (2)(3) When a child is adjudicated as a child in need of  
2121 services by a court and all other less restrictive placements  
2122 have been exhausted, the court may order the child to be placed  
2123 in a physically secure shelter setting ~~authorized in this~~  
2124 ~~section~~ if the child has:

2125 (a) Failed to appear for placement in a ~~staff-secure~~  
2126 shelter for up to 90 days as ordered under s. 984.225, or failed  
2127 to comply with any other provision of a valid court order



772728

2128 relating to such placement and, as a result of such failure, has  
2129 been found to be in direct or indirect contempt of court; or

2130 (b) Run away from a 90-day ~~staff-secure~~ shelter following  
2131 placement under s. 984.225 ~~or s. 984.09~~.

2132

2133 The department or an authorized agent ~~representative~~ of the  
2134 department must verify to the court that a bed is available for  
2135 the child in a physically secure shelter. If a bed is not  
2136 available in a physically secure shelter, the court must stay  
2137 the placement until such a bed is available, and the department  
2138 must place the child's name on a waiting list. The child who has  
2139 been on the waiting list the longest has first priority for  
2140 placement in the physically secure shelter. Physically secure  
2141 shelter placement may only be used when the child cannot receive  
2142 appropriate and available services due to the child running away  
2143 or refusing to cooperate with attempts to provide services in  
2144 other less restrictive placements ~~setting~~.

2145 (3) ~~(4)~~ A child may be placed in a physically secure shelter  
2146 ~~setting~~ for up to 90 days by order of the court. If a child has  
2147 not been reunited with his or her parent, guardian, or legal  
2148 custodian at the expiration of the placement in a physically  
2149 secure shelter ~~setting~~, the court may order that the child  
2150 remain in the physically secure shelter ~~setting~~ for an  
2151 additional 30 days if the court finds that reunification could  
2152 be achieved within that period.

2153 (4) ~~(5)~~ (a) The court shall review the child's placement once  
2154 within every 45 days to determine whether the child can be  
2155 returned home with the provision of ongoing services ~~as provided~~  
2156 ~~in s. 984.20~~.



772728

2157 (b) At any time during the placement of a child in need of  
2158 services in a physically secure shelter setting, the department  
2159 or an authorized agent representative of the department may  
2160 submit to the court a report that recommends:

2161 1. That the child has received all of the services  
2162 available from the physically secure shelter setting and is  
2163 ready for reunification with a parent or guardian; or

2164 2. That the child is unlikely to benefit from continued  
2165 placement in the physically secure shelter setting and is more  
2166 likely to have his or her needs met in a different type of  
2167 placement. The court may order that the child be transitioned  
2168 from a physically secure shelter to a shelter placement as  
2169 provided in s. 984.225 upon a finding that the physically secure  
2170 shelter is no longer necessary for the child's safety and to  
2171 provide needed services.

2172 (c) The court shall determine if the parent, legal  
2173 guardian, or custodian has reasonably participated in and has  
2174 ~~financially~~ contributed to or participated in the child's  
2175 counseling and treatment program.

2176 (d) If the court finds an inadequate level of support or  
2177 participation by the parent, legal guardian, or custodian before  
2178 the end of the placement, the court shall direct a staffing to  
2179 take place with the Department of Children and Families ~~that the~~  
2180 ~~child be handled as a dependent child, jurisdiction shall be~~  
2181 ~~transferred to the Department of Children and Families, and the~~  
2182 ~~child's care shall be governed by chapter 39.~~

2183 (e) If the child requires long-term residential mental  
2184 health treatment or residential care for a developmental  
2185 disability, the court shall refer the child



772728

2186  
2187  
2188  
2189  
2190  
2191  
2192  
2193  
2194  
2195  
2196  
2197  
2198  
2199  
2200  
2201  
2202  
2203  
2204  
2205  
2206

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

And the title is amended as follows:

Delete lines 102 - 117

and insert:

placements; requiring a court to direct a staffing to  
take place with the Department of Children and  
Families under certain circumstances; authorizing  
transfer to the custody of the Agency for Persons with  
Disabilities in certain circumstances; amending s.  
984.226, F.S.; authorizing contracting for physically  
secure shelters; deleting provisions on representation  
in certain proceedings; requiring exhaustion of less  
restrictive placements before a child may be placed in  
a physically secure shelter; providing a time limit on  
secure shelter orders; providing legislative intent;  
revising provisions concerning review of secure  
shelter placements; providing for transfer to shelter  
placements in certain circumstances; requiring a court  
to direct a staffing to take place with the department  
under certain circumstances; providing for the