

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Criminal Justice; and Senator Simon

604-03478-25

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1 A bill to be entitled
2 An act relating to juvenile justice; renaming ch. 984,
3 F.S.; amending s. 984.01, F.S.; revising the purposes
4 and intent of ch. 984, F.S.; amending s. 984.02, F.S.;
5 revising the legislative intent for prevention and
6 intervention; amending s. 984.03, F.S.; providing and
7 revising definitions; amending s. 984.04, F.S.;
8 deleting legislative intent; revising requirements for
9 early truancy intervention; amending s. 984.06, F.S.;
10 revising provisions concerning preservation of records
11 and confidential information; amending s. 984.07,
12 F.S.; providing for appointment of counsel in certain
13 circumstances; providing for payment of counsel;
14 providing for imposition of costs of appointed counsel
15 on nonindigent parents in certain circumstances;
16 providing for appointment of counsel to represent a
17 parent or guardian in certain circumstances; amending
18 s. 984.071, F.S.; revising provisions concerning
19 production of an information guide concerning juvenile
20 procedures; requiring specified departments to post
21 the information guide on their websites; repealing s.
22 984.08, F.S., relating to attorney fees; repealing s.
23 984.085, F.S., relating to sheltering and aiding
24 unmarried minors; creating s. 984.0861, F.S.;
25 prohibiting the use of detention for specified
26 purposes; amending s. 984.09, F.S.; revising
27 provisions for a child's punishment for contempt of
28 court; limiting periods for placement for direct
29 contempt or indirect contempt; revising procedures for

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30 procedure and due process; amending s. 984.10, F.S.;

31 authorizing an authorized agent of the Department of

32 Juvenile Justice to perform intake; revising

33 provisions concerning referrals for service; requiring

34 the abuse hotline to be contacted in certain

35 circumstances; authorizing a child to remain in

36 custody in certain circumstances; amending s. 984.11,

37 F.S.; requiring that an array of voluntary family

38 services be available to remediate specified problems;

39 providing that certain families are not eligible for

40 voluntary family services; providing eligibility for

41 children in certain circumstances if the Department of

42 Children and Families agrees; providing for an

43 interagency agreement to govern such referrals;

44 amending s. 984.12, F.S.; requiring parents to use

45 health care insurance to the extent that it is

46 available; deleting provisions concerning collection

47 of fees; amending s. 984.13, F.S.; authorizing that a

48 child be taken into custody pursuant to a finding of

49 contempt; specifying placement of a child taken into

50 custody in specified circumstances; revising the

51 duties of a person taking a child into custody;

52 amending s. 984.14, F.S.; revising provisions

53 concerning voluntary shelter services and placement of

54 children in such services; deleting provisions

55 concerning involuntary placement in a shelter;

56 amending s. 984.15, F.S.; revising requirements for

57 petitions for a child in need of services; amending s.

58 984.151, F.S.; providing for early truancy

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59 intervention; providing for additional services to be
60 ordered if a student is found to be a truant status
61 offender; revising provisions concerning compliance;
62 providing for applicability in cases in which a
63 student is found to be a child in need of services;
64 providing for retention of jurisdiction by courts;
65 providing an exception; providing for service of court
66 orders on specified entities; amending s. 984.16,
67 F.S.; requiring that a student's school receive notice
68 of certain actions by courts; amending s. 984.17,
69 F.S.; specifying when a guardian ad litem may be
70 appointed; revising provisions concerning
71 representation of the Department of Juvenile Justice
72 in cases in which a child is alleged to be in need of
73 services; repealing s. 984.18, F.S., relating to
74 referral of child-in-need-of-services cases to
75 mediation; amending s. 984.19, F.S.; providing that an
76 authorized agent of the department may have a medical
77 screening performed on a child placed in shelter care;
78 revising provisions concerning consent for medical
79 care for a child in the care of the department;
80 amending s. 984.20, F.S.; revising provisions for
81 hearings in child in need of services cases; providing
82 that the failure of a person served with notice to
83 appear at the arraignment hearing constitutes the
84 person's consent to the child in need of services
85 petition; requiring a specified notice in such
86 petitions; amending s. 984.21, F.S.; specifying that
87 an order of adjudication by a court that a child is a

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88 child in need of services is a civil adjudication and
89 not a conviction; deleting provisions allowing a court
90 to withhold an adjudication that a child is a child in
91 need of services in certain cases; amending s. 984.22,
92 F.S.; conforming provisions to changes made by the
93 act; deleting provisions on the deposit of fees
94 received; amending s. 984.225, F.S.; revising when a
95 child in need of services may be placed in a shelter;
96 revising placement procedures; providing for
97 counseling orders; specifying the effect of a
98 placement on the legal responsibilities of a parent,
99 guardian, or custodian; providing limits for shelter
100 stays; deleting provisions concerning exhaustion of
101 less restrictive alternatives; providing for periodic
102 review of placements; requiring a court to direct a
103 staffing to take place with the Department of Children
104 and Families under certain circumstances; authorizing
105 transfer to the custody of the Agency for Persons with
106 Disabilities in certain circumstances; amending s.
107 984.226, F.S.; authorizing contracting for physically
108 secure shelters; deleting provisions on representation
109 in certain proceedings; requiring exhaustion of less
110 restrictive placements before a child may be placed in
111 a physically secure shelter; providing a time limit on
112 secure shelter orders; providing legislative intent;
113 revising provisions concerning review of secure
114 shelter placements; providing for transfer to shelter
115 placements in certain circumstances; requiring a court
116 to direct a staffing to take place with the department

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117 under certain circumstances; providing for the
118 transfer of a child to the Agency for Persons with
119 Disabilities in certain circumstances; transferring
120 and renumbering s. 985.731, F.S., as s. 787.035, F.S.,
121 relating to offenses concerning providing sheltering
122 unmarried minors and aiding unmarried minor runaways;
123 providing criminal penalties; amending s. 985.03,
124 F.S.; revising the definition of the term "child who
125 has been found to have committed a delinquent act";
126 amending s. 985.24, F.S.; prohibiting placement of a
127 child subject to certain proceedings into secure
128 detention care; amending s. 1003.26, F.S.; authorizing
129 that certain meetings with parents may be conducted
130 virtually or by telephone; providing for child study
131 team meetings in the absence of a parent, legal
132 guardian, or custodian or child; revising
133 interventions by such team; providing for promotion of
134 a child who is responsive to intervention and meets
135 specified requirements; revising provisions concerning
136 required notice of a child's enrollment or attendance
137 issues; revising provisions concerning returning a
138 student to a parent or other party in certain
139 circumstances; amending s. 1003.27, F.S.; revising
140 reporting requirements for reports by school
141 principals to school boards concerning minor students
142 who accumulate more than a specified number of
143 absences; requiring actions by school boards;
144 providing for remedial actions for failure to comply;
145 revising provisions concerning habitual truancy cases;

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146 revising provisions concerning cooperative agreements;
147 revising who may begin certain proceedings and
148 prosecutions; deleting a provision concerning a civil
149 penalty for students; revising provisions concerning
150 truant students; amending s. 381.02035, F.S.;
151 authorizing pharmacists employed by the Department of
152 Juvenile Justice to import drugs from Canada under a
153 specified program; amending s. 790.22, F.S.; revising
154 provisions concerning the treatment of a finding that
155 a minor violated specified provisions, regardless of
156 whether adjudication was withheld, for the purposes of
157 determining whether a prior offense was committed;
158 amending s. 985.12, F.S.; deleting a requirement that
159 the Department of Juvenile Justice annually develop
160 and produce best practice models for prearrest
161 delinquency citation programs; amending s. 985.126,
162 F.S.; revising the requirements for a quarterly report
163 on prearrest citation programs; amending s. 985.25,
164 F.S.; providing for supervised release or detention of
165 a child despite the child's risk assessment score in
166 certain circumstances; limiting the number of
167 categories that a child may be moved; amending s.
168 985.433, F.S.; requiring that a child be placed on
169 conditional release rather than probation following
170 discharge from commitment; repealing s. 985.625, F.S.,
171 relating to literacy programs for juvenile offenders;
172 amending s. 985.632, F.S.; deleting a provision
173 regarding development of a cost-effectiveness model
174 and application of the model to each commitment

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175 program; amending ss. 95.11, 409.2564, 419.001,
176 744.309, 784.075, and 985.618, F.S.; conforming
177 provisions to changes made by the act; providing an
178 effective date.

179
180 Be It Enacted by the Legislature of the State of Florida:

181
182 Section 1. Chapter 984, Florida Statutes, entitled
183 "Children and Families in Need of Services," is renamed
184 "Children and Families in Need of Services; Prevention and
185 Intervention for School Truancy and Ungovernable and Runaway
186 Children."

187 Section 2. Section 984.01, Florida Statutes, is amended to
188 read:

189 984.01 Purposes and intent; personnel standards and
190 screening.—

191 (1) The purposes of this chapter are:

192 (a) To provide judicial, nonjudicial, and other procedures
193 to address the status offenses of children who are truant from
194 school, run away from their caregivers, or exhibit ungovernable
195 behavior by refusing to follow the household rules of their
196 caregivers and engage in behavior that places the child at risk
197 of harm; and to ensure ~~assure~~ due process through which children
198 and other interested parties are assured fair hearings by a
199 respectful and respected court ~~or other tribunal~~ and the
200 recognition, protection, and enforcement of their constitutional
201 and other legal rights, ~~while ensuring that public safety~~
202 interests and the authority and dignity of the courts are
203 adequately protected.

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204 (b) To provide for the care, safety, and protection of
205 children in an environment that cultivates ~~fosters~~ healthy
206 social, emotional, intellectual, and physical development; to
207 ensure the safety of children ~~secure and safe custody~~; and to
208 promote the education, health, and well-being of all children
209 under the state's care.

210 (c) To provide ~~ensure the protection of society, by~~
211 ~~providing~~ for a needs ~~comprehensive standardized~~ assessment of
212 the child's needs, strengths, and family dynamics so that the
213 most appropriate services ~~control, discipline, punishment, and~~
214 ~~treatment~~ can be provided in the most appropriate environment
215 ~~administered~~ consistent with the ~~seriousness of the act~~
216 ~~committed, the~~ community's long-term need for public safety and
217 the safety of the individual child, with consideration given to
218 the education and overall well-being, ~~the prior record of the~~
219 ~~child, and the specific rehabilitation needs of the child, while~~
220 ~~also providing restitution, whenever possible, to the victim of~~
221 ~~the offense.~~

222 (d) To preserve and strengthen the child's family ties
223 whenever possible; provide for temporary shelter placement of
224 the child only when necessary for the child's education, safety,
225 and welfare and when other less restrictive alternatives have
226 been exhausted; provide, ~~by providing for removal of the child~~
227 ~~from parental custody only when his or her welfare or the safety~~
228 ~~and protection of the public cannot be adequately safeguarded~~
229 ~~without such removal; and, when the child is removed from his or~~
230 ~~her own family, to secure custody, care, and~~ education;
231 encourage self-discipline; and increase protective factors when
232 the child is in temporary shelter placement ~~discipline for the~~

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233 ~~child as nearly as possible equivalent to that which should have~~
234 ~~been given by the parents; and to assure, in all cases in which~~
235 ~~a child must be permanently removed from parental custody, that~~
236 ~~the child be placed in an approved family home, adoptive home,~~
237 ~~independent living program, or other placement that provides the~~
238 ~~most stable and permanent living arrangement for the child, as~~
239 ~~determined by the court.~~

240 (e)1. To ensure ~~assure~~ that the adjudication and
241 disposition of a child alleged or found to be a child in need of
242 services ~~have committed a violation of Florida law~~ be exercised
243 with appropriate discretion and in keeping with the seriousness
244 of the misconduct ~~offense~~ and the need for ~~treatment~~ services,
245 and that all findings made under this chapter be based upon
246 facts presented at a hearing that meets the constitutional
247 standards of fundamental fairness and due process.

248 ~~2. To assure that the sentencing and placement of a child~~
249 ~~tried as an adult be appropriate and in keeping with the~~
250 ~~seriousness of the offense and the child's need for~~
251 ~~rehabilitative services, and that the proceedings and procedures~~
252 ~~applicable to such sentencing and placement be applied within~~
253 ~~the full framework of constitutional standards of fundamental~~
254 ~~fairness and due process.~~

255 (f) To provide a court process through which school boards
256 are able to access the court for the limited purpose of early
257 truancy intervention for children, subject to compulsory
258 education, who are not engaging in regular school attendance,
259 and encourage school attendance by educating children and their
260 families on the importance of regular school attendance and
261 provide services to families to prevent the child's pattern of

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262 ~~truancy from becoming habitual children committed to the~~
263 ~~Department of Juvenile Justice with training in life skills,~~
264 ~~including career education.~~

265 (2) ~~The department of Juvenile Justice or the Department of~~
266 ~~Children and Families, as appropriate,~~ may contract with the
267 Federal Government, other state departments and agencies, county
268 and municipal governments and agencies, public and private
269 agencies, and private individuals and corporations in carrying
270 out the purposes of, and the responsibilities established in,
271 this chapter.

272 (a) If the department contracts with a provider for any
273 program for children, all personnel, including owners,
274 operators, employees, and volunteers, in the facility must be of
275 good moral character. The Each contract entered into by either
276 department and any agency providing services for the department
277 must require that each contract entered into for services
278 delivered on an appointment or intermittent basis by a provider
279 that does or does not have regular custodial responsibility for
280 children and each contract with a school for before or aftercare
281 services must ensure that the owners, operators, and all
282 personnel who have direct contact with children are of good
283 moral character and must meet level 2 screening requirements as
284 described in s. 435.04. A volunteer who assists on an
285 intermittent basis for less than 10 hours per month need not be
286 screened if a person who meets the screening requirement of this
287 section is always present and has the volunteer in his or her
288 line of sight.

289 ~~(b) The department of Juvenile Justice and the Department~~
290 ~~of Children and Families shall require employment screening~~

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291 ~~pursuant to chapter 435, using the level 2 standards set forth~~
292 ~~in that chapter for personnel in programs for children or~~
293 ~~youths.~~

294 ~~(b)(e)~~ The department ~~of Juvenile Justice or the Department~~
295 ~~of Children and Families~~ may grant exemptions from
296 disqualification from working with children as provided in s.
297 435.07.

298 (c) Any shelter used for the placement of children under
299 this chapter must be licensed by the Department of Children and
300 Families.

301 ~~(3) It is the intent of the Legislature that~~ This chapter
302 is to be liberally interpreted and construed in conformity with
303 its declared purposes.

304 Section 3. Section 984.02, Florida Statutes, is amended to
305 read:

306 984.02 Legislative intent for prevention and intervention
307 under chapter 984 the juvenile justice system.-

308 (1) GENERAL PROTECTIONS FOR CHILDREN.-It is a purpose of
309 the Legislature that the children of this state be provided with
310 the following protections:

311 (a) Protection from abuse, neglect, and exploitation.

312 (b) A permanent and stable home.

313 (c) A safe and nurturing environment which will preserve a
314 sense of personal dignity and integrity.

315 (d) Adequate nutrition, shelter, and clothing.

316 (e) Effective services or treatment to address physical,
317 social, and emotional needs, ~~regardless of geographical~~
318 ~~location.~~

319 (f) Equal opportunity and access to quality and effective

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320 education which will meet the individual needs of each child and
321 prepare the child for future employment, and to recreation and
322 other community resources to develop individual abilities.

323 (g) Access to preventive services to provide the child and
324 family the support of community resources to address the needs
325 of the child and reduce the risk of harm or engaging in
326 delinquent behavior.

327 (h) Court ~~An independent, trained advocate when~~
328 intervention only when is necessary to address at-risk behavior
329 before the behavior escalates into harm to the child or to the
330 community through delinquent behavior.

331 (i) Access to representation by a trained advocate when
332 court proceedings are initiated under this chapter.

333 (j) Supervision and services by skilled staff when
334 temporary out of home placement is necessary ~~and a skilled~~
335 ~~guardian or caretaker in a safe environment when alternative~~
336 ~~placement is necessary~~.

337 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that
338 children in the care of the state's juvenile justice and
339 intervention dependency and delinquency systems need appropriate
340 health care services and, that the impact of substance abuse on
341 health requires ~~indicates~~ the need for health care services to
342 include substance abuse services when ~~where~~ appropriate, ~~and~~
343 ~~that~~ It is in the state's best interest that ~~such~~ children be
344 provided the services they need to enable them to become and
345 remain independent of state care. In order to provide these
346 services, the state's juvenile justice and intervention
347 ~~dependency and delinquency~~ systems must have the ability to
348 identify and make referrals to experts capable of providing

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349 ~~provide appropriate~~ intervention and treatment for children with
350 personal or family-related substance abuse problems. It is
351 therefore the purpose of the Legislature to provide authority
352 for the state to contract with community substance abuse
353 treatment providers for the development and operation of
354 specialized support and overlay services for the juvenile
355 justice and intervention ~~dependency and delinquency~~ systems,
356 subject to legislative appropriation, which will be fully
357 implemented and utilized as resources permit. This section does
358 not prevent agencies from referring children and families to
359 privately operated community service providers to the extent the
360 families have funding or insurance to provide care.

361 (3) JUVENILE JUSTICE AND INTERVENTION ~~DELINQUENCY~~
362 ~~PREVENTION~~.—It is the policy of the state regarding ~~with respect~~
363 ~~to~~ juvenile justice and intervention ~~delinquency prevention~~ to
364 first protect the public from acts of delinquency. In addition,
365 it is the policy of the state to:

366 (a) Develop and implement effective methods of preventing
367 and reducing acts of delinquency, with a focus on maintaining
368 and strengthening the family ~~as a whole~~ so that children may
369 remain in their homes or communities.

370 (b) Develop and implement effective programs to prevent
371 delinquency, to divert children from the traditional juvenile
372 justice system, to intervene at an early stage of delinquency,
373 and to provide critically needed alternatives to
374 institutionalization and deep-end commitment.

375 (c) Provide well-trained personnel, high-quality services,
376 and cost-effective programs within the juvenile justice system.

377 (d) Increase the capacity of local governments and public

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378 and private agencies to conduct rehabilitative treatment
379 programs and to provide research, evaluation, and training
380 services for ~~in the field of~~ juvenile delinquency prevention.

381 (e) Develop and implement effective early prevention
382 programs to address truancy and ungovernable and runaway
383 behavior of children which places the child at risk of harm, and
384 allow for intervention before the child engages in a delinquent
385 act.

386

387 The Legislature intends that temporary shelter ~~detention~~ care,
388 in addition to providing safe care ~~secure and safe custody~~, will
389 promote the health and well-being of the children placed therein
390 ~~committed thereto~~ and provide an environment that fosters their
391 social, emotional, intellectual, and physical development.

392 (4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
393 Parents, custodians, and guardians are deemed by the state to be
394 responsible for providing their children with sufficient
395 support, guidance, and supervision to deter their participation
396 in delinquent acts, and ensure their children attend school and
397 engage in education to prepare their child for their future. The
398 state further recognizes that the ability of parents,
399 custodians, and guardians to fulfill those responsibilities can
400 be greatly impaired by economic, social, behavioral, emotional,
401 and related problems. It is therefore the policy of the
402 Legislature that it is the state's responsibility to ensure that
403 factors impeding the ability of caretakers to fulfill their
404 responsibilities are identified and appropriate recommendations
405 are provided to address those impediments through the provision
406 of nonjudicial voluntary family services for families in need of

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407 services and through the child in need of services court
408 processes delinquency intake process and that appropriate
409 recommendations to address those problems are considered in any
410 judicial or nonjudicial proceeding.

411 (5) PROVISION OF SERVICES.-Services to families shall be
412 provided on a continuum of increasing intensity and
413 participation by the parent, legal guardian, or custodian and
414 child. Judicial intervention to resolve the problems and
415 conflicts that exist within a family shall be limited to
416 situations in which a resolution to the problem or conflict has
417 not been achieved through individual and family services after
418 all available less restrictive resources have been exhausted. In
419 creating this chapter, the Legislature recognizes the need to
420 distinguish the problems of truants, runaways, and children
421 beyond the control of their parents, and the services provided
422 to these children, from the problems and services designed to
423 meet the needs of abandoned, abused, neglected, and delinquent
424 children. In achieving this distinction, it is the policy of the
425 state to develop short-term services using the least restrictive
426 method for children and families, early truancy intervention,
427 and children in need of services.

428 Section 4. Section 984.03, Florida Statutes, is amended to
429 read:

430 984.03 Definitions.—When used in this chapter, the term:

431 (1) “Abandoned” or “abandonment” have the same meaning as
432 in s. 39.01(1) means a situation in which the parent or legal
433 eustodian of a child or, in the absence of a parent or legal
434 eustodian, the person responsible for the child’s welfare, while
435 being able, makes no provision for the child’s support and makes

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436 ~~no effort to communicate with the child, which situation is~~
437 ~~sufficient to evince a willful rejection of parental~~
438 ~~obligations. If the efforts of such parent or legal custodian,~~
439 ~~or person primarily responsible for the child's welfare to~~
440 ~~support and communicate with the child are, in the opinion of~~
441 ~~the court, only marginal efforts that do not evince a settled~~
442 ~~purpose to assume all parental duties, the court may declare the~~
443 ~~child to be abandoned. The term "abandoned" does not include a~~
444 ~~"child in need of services" as defined in subsection (9) or a~~
445 ~~"family in need of services" as defined in subsection (25). The~~
446 ~~incarceration of a parent, legal custodian, or person~~
447 ~~responsible for a child's welfare does not constitute a bar to a~~
448 ~~finding of abandonment.~~

449 (2) "Abuse" has the same meaning as in s. 39.01(2) means
450 ~~any willful act that results in any physical, mental, or sexual~~
451 ~~injury that causes or is likely to cause the child's physical,~~
452 ~~mental, or emotional health to be significantly impaired.~~
453 ~~Corporal discipline of a child by a parent or guardian for~~
454 ~~disciplinary purposes does not in itself constitute abuse when~~
455 ~~it does not result in harm to the child as defined in s. 39.01.~~

456 ~~(3) "Addictions receiving facility" means a substance abuse~~
457 ~~service provider as defined in chapter 397.~~

458 ~~(3)-(4)~~ "Adjudicatory hearing" means a hearing for the court
459 to determine whether or not the facts support the allegations
460 stated in the petition as is provided for under s. 984.20(2) in
461 child in need of services ~~child in need of services~~ cases.

462 ~~(4)-(5)~~ "Adult" means any natural person other than a child.

463 ~~(5)-(6)~~ "Authorized agent" or "designee" of the department
464 means a person or agency assigned or designated by the

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465 Department of Juvenile Justice ~~or the Department of Children and~~
466 ~~Families, as appropriate,~~ to perform duties or exercise powers
467 pursuant to this chapter and includes contract providers and
468 subcontracted providers and their employees for purposes of
469 providing voluntary family services, and providing court-ordered
470 services ~~to~~ and managing cases of children in need of services
471 and families in need of services.

472 ~~(7) "Caretaker/homemaker" means an authorized agent of the~~
473 ~~Department of Children and Families who shall remain in the~~
474 ~~child's home with the child until a parent, legal guardian, or~~
475 ~~relative of the child enters the home and is capable of assuming~~
476 ~~and agrees to assume charge of the child.~~

477 ~~(6)(8) "Child" or "juvenile" or "youth" means any unmarried~~
478 ~~person under the age of 18 who has not been emancipated by order~~
479 ~~of the court and who has been found or alleged to be dependent,~~
480 ~~in need of services, or from a family in need of services; or~~
481 ~~any married or unmarried person who is charged with a violation~~
482 ~~of law occurring prior to the time that person reached the age~~
483 ~~of 18 years.~~

484 ~~(7)(9) "Child in need of services" means a child for whom~~
485 ~~there is no pending petition filed with the court investigation~~
486 ~~into an allegation or suspicion of abuse, neglect, or~~
487 ~~abandonment; no pending referral alleging the child is~~
488 ~~delinquent; or no current court ordered supervision by the~~
489 ~~department for delinquency under chapter 985 of Juvenile Justice~~
490 ~~or court-ordered supervision by the Department of Children and~~
491 ~~Families under chapter 39 for an adjudication of dependency or~~
492 ~~delinquency. The child must also, pursuant to this chapter, be~~
493 found by the court:

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494 (a) To have persistently run away from the child's parents,
495 ~~or~~ legal guardians, or custodians despite reasonable efforts of
496 ~~the child, the parents, or~~ legal guardians, or custodians, and
497 appropriate agencies to remedy the conditions contributing to
498 the behavior. Reasonable efforts shall include ~~voluntary~~
499 participation by the child's parents ~~or~~ legal guardian, or
500 custodians and the child in ~~family mediation, voluntary~~
501 services, and treatment offered by the department or through its
502 authorized agent ~~of Juvenile Justice or the Department of~~
503 ~~Children and Families;~~

504 (b) To be a habitual ~~habitually~~ truant from school, while
505 subject to compulsory school attendance, despite reasonable
506 efforts to remedy the situation pursuant to ss. 1003.26 and
507 1003.27 and ~~through voluntary participation by the child's~~
508 ~~parents or legal custodians and by the child in family~~
509 ~~mediation, services, and treatment~~ offered by the department or
510 its authorized agent ~~of Juvenile Justice or the Department of~~
511 ~~Children and Families;~~ or

512 (c) To be ungovernable by having ~~have~~ persistently
513 disobeyed the reasonable and lawful rules and demands of the
514 child's parents, ~~or~~ legal guardians, or custodians, and to be
515 beyond their control despite the child having the mental and
516 physical capacity to understand and obey lawful rules and
517 demands, and despite efforts by the child's parents, ~~or~~ legal
518 guardians, or custodians and appropriate agencies to remedy the
519 conditions contributing to the behavior. Reasonable efforts may
520 include such things as good faith participation in voluntary
521 family services or individual services ~~counseling.~~

522 ~~(10) "Child support" means a court-ordered obligation,~~

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523 ~~enforced under chapter 61 and ss. 409.2551-409.2597, for~~
524 ~~monetary support for the care, maintenance, training, and~~
525 ~~education of a child.~~

526 ~~(11) "Child who has been found to have committed a~~
527 ~~delinquent act" means a child who, pursuant to the provisions of~~
528 ~~chapter 985, is found by a court to have committed a violation~~
529 ~~of law or to be in direct or indirect contempt of court, except~~
530 ~~that this definition shall not include an act constituting~~
531 ~~contempt of court arising out of a dependency proceeding or a~~
532 ~~proceeding pursuant to this chapter.~~

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

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

538 ~~(b) To have been surrendered to the former Department of~~
539 ~~Health and Rehabilitative Services, the Department of Children~~
540 ~~and Families, or a licensed child placing agency for purpose of~~
541 ~~adoption.~~

542 ~~(c) To have been voluntarily placed with a licensed child-~~
543 ~~earing agency, a licensed child placing agency, an adult~~
544 ~~relative, the former Department of Health and Rehabilitative~~
545 ~~Services, or the Department of Children and Families, after~~
546 ~~which placement, under the requirements of this chapter, a case~~
547 ~~plan has expired and the parent or parents have failed to~~
548 ~~substantially comply with the requirements of the plan.~~

549 ~~(d) To have been voluntarily placed with a licensed child-~~
550 ~~placing agency for the purposes of subsequent adoption and a~~
551 ~~natural parent or parents signed a consent pursuant to the~~

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552 ~~Florida Rules of Juvenile Procedure.~~

553 ~~(e) To have no parent, legal custodian, or responsible~~
554 ~~adult relative to provide supervision and care.~~

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

557 (8) ~~(13)~~ "Circuit" means any of the 20 judicial circuits as
558 set forth in s. 26.021.

559 ~~(14) "Comprehensive assessment" or "assessment" means the~~
560 ~~gathering of information for the evaluation of a juvenile~~
561 ~~offender's or a child's physical, psychological, educational,~~
562 ~~vocational, and social condition and family environment as they~~
563 ~~relate to the child's need for rehabilitative and treatment~~
564 ~~services, including substance abuse treatment services, mental~~
565 ~~health services, developmental services, literacy services,~~
566 ~~medical services, family services, and other specialized~~
567 ~~services, as appropriate.~~

568 (9) ~~(15)~~ "Court," unless otherwise expressly stated, means
569 the circuit court assigned to exercise jurisdiction under this
570 chapter.

571 (10) "Custodian" means any adult person who is exercising
572 actual physical custody of the child and is providing food,
573 clothing, and care for the child in the absence of a parent or
574 legal guardian.

575 ~~(16) "Delinquency program" means any intake, community~~
576 ~~control, or similar program; regional detention center or~~
577 ~~facility; or community-based program, whether owned and operated~~
578 ~~by or contracted by the Department of Juvenile Justice, or~~
579 ~~institution owned and operated by or contracted by the~~
580 ~~Department of Juvenile Justice, which provides intake,~~

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581 ~~supervision, or custody and care of children who are alleged to~~
582 ~~be or who have been found to be delinquent pursuant to chapter~~
583 ~~985.~~

584 (11)~~(17)~~ "Department" means the Department of Juvenile
585 Justice.

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

590 ~~(a) "Secure detention" means temporary custody of the child~~
591 ~~while the child is under the physical restriction of a detention~~
592 ~~center or facility pending adjudication, disposition, or~~
593 ~~placement.~~

594 ~~(b) "Nonsecure detention" means temporary custody of the~~
595 ~~child while the child is in a residential home in the community~~
596 ~~in a physically nonrestrictive environment under the supervision~~
597 ~~of the Department of Juvenile Justice pending adjudication,~~
598 ~~disposition, or placement.~~

599 ~~(c) "Home detention" means temporary custody of the child~~
600 ~~while the child is released to the custody of the parent,~~
601 ~~guardian, or custodian in a physically nonrestrictive~~
602 ~~environment under the supervision of the Department of Juvenile~~
603 ~~Justice staff pending adjudication, disposition, or placement.~~

604 ~~(19) "Detention center or facility" means a facility used~~
605 ~~pending court adjudication or disposition or execution of court~~
606 ~~order for the temporary care of a child alleged or found to have~~
607 ~~committed a violation of law. A detention center or facility may~~
608 ~~provide secure or nonsecure custody. A facility used for the~~
609 ~~commitment of adjudicated delinquents shall not be considered a~~

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610 ~~detention center or facility.~~

611 ~~(20) "Detention hearing" means a hearing for the court to~~
612 ~~determine if a child should be placed in temporary custody, as~~
613 ~~provided for under s. 39.402, in dependency cases.~~

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

618 ~~(22) "Diligent search" means the efforts of a social~~
619 ~~service agency to locate a parent or prospective parent whose~~
620 ~~identity or location is unknown, or a relative made known to the~~
621 ~~social services agency by the parent or custodian of a child.~~
622 ~~When the search is for a parent, prospective parent, or relative~~
623 ~~of a child in the custody of the department, this search must be~~
624 ~~initiated as soon as the agency is made aware of the existence~~
625 ~~of such parent, prospective parent, or relative. A diligent~~
626 ~~search shall include interviews with persons who are likely to~~
627 ~~have information about the identity or location of the person~~
628 ~~being sought, comprehensive database searches, and records~~
629 ~~searches, including searches of employment, residence,~~
630 ~~utilities, Armed Forces, vehicle registration, child support~~
631 ~~enforcement, law enforcement, and corrections records, and any~~
632 ~~other records likely to result in identifying and locating the~~
633 ~~person being sought. The initial diligent search must be~~
634 ~~completed within 90 days after a child is taken into custody.~~
635 ~~After the completion of the initial diligent search, the~~
636 ~~department, unless excused by the court, shall have a continuing~~
637 ~~duty to search for relatives with whom it may be appropriate to~~
638 ~~place the child, until such relatives are found or until the~~

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639 ~~child is placed for adoption.~~

640 ~~(12)-(23)~~ "Disposition hearing" means a hearing in which the
641 court determines the most appropriate dispositional services in
642 the least restrictive available setting provided for under s.
643 984.20(3), in child in need of services ~~child in need of~~
644 ~~services~~ cases.

645 (13) "Early truancy intervention" means action taken by a
646 school or school district pursuant to s. 1003.26 to identify a
647 pattern of nonattendance by a student subject to compulsory
648 school attendance at the earliest opportunity to address the
649 reasons for the student's nonattendance, and includes services
650 provided by the school or school district, or the department or
651 its authorized agent pursuant to s. 984.11, and may include
652 judicial action pursuant to s. 984.151 or s. 1003.27.

653 ~~(14)-(24)~~ "Family" means a collective body of persons,
654 consisting of a child and a parent, legal guardian, ~~adult~~
655 custodian, or adult relative, in which:

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

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

660 ~~(15)-(25)~~ "Family in need of services" means a family that
661 has a child who is running away; who is ungovernable and
662 persistently disobeying reasonable and lawful demands of the
663 parent or legal custodian and is beyond the control of the
664 parent or legal custodian; or who is a habitual ~~habitually~~
665 truant ~~from school~~ or engaging in other serious behaviors that
666 place the child at risk of future abuse, neglect, or abandonment
667 or at risk of entering the juvenile justice system. The child

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668 must be referred to a law enforcement agency, the department of
669 ~~Juvenile Justice~~, or an agency contracted to provide services to
670 children in need of services. A family is not eligible to
671 receive voluntary family services if, at the time of the
672 referral, ~~there is an open investigation into an allegation of~~
673 ~~abuse, neglect, or abandonment or if the child is currently~~
674 under court-ordered supervision by the department for
675 delinquency under chapter 985 or under court-ordered supervision
676 by ~~of Juvenile Justice or the Department of Children and~~
677 Families under chapter 39 ~~due to an adjudication of dependency~~
678 ~~or delinquency.~~

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

682 ~~(16)(27)~~ "Habitual Habitually truant" has the same meaning
683 as in s. 1003.01(12). ~~means that:~~

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

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

693
694 ~~If a child who is subject to compulsory school attendance is~~
695 ~~responsive to the interventions described in ss. 1003.26 and~~
696 ~~1003.27(3) and has completed the necessary requirements to pass~~

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697 ~~the current grade as indicated in the district pupil progression~~
698 ~~plan, the child shall not be determined to be habitually truant~~
699 ~~and shall be passed. If a child within the compulsory school~~
700 ~~attendance age has 15 unexcused absences within 90 calendar days~~
701 ~~or fails to enroll in school, the State Attorney may, or the~~
702 ~~appropriate jurisdictional agency shall, file a child-in-need-~~
703 ~~of-services petition if recommended by the case staffing~~
704 ~~committee, unless it is determined that another alternative~~
705 ~~action is preferable. The failure or refusal of the parent or~~
706 ~~legal guardian or the child to participate, or make a good faith~~
707 ~~effort to participate, in the activities prescribed to remedy~~
708 ~~the truant behavior, or the failure or refusal of the child to~~
709 ~~return to school after participation in activities required by~~
710 ~~this subsection, or the failure of the child to stop the truant~~
711 ~~behavior after the school administration and the Department of~~
712 ~~Juvenile Justice have worked with the child as described in ss.~~
713 ~~1003.26 and 1003.27(3) shall be handled as prescribed in s.~~
714 ~~1003.27.~~

715 ~~(17)(28)~~ "Intake" means the initial acceptance and
716 screening by the department or its authorized agent of a
717 referral from an early truancy intervention court, a school
718 board, or a school requesting services; a request for assistance
719 from a parent or child; or a complaint, of Juvenile Justice of a
720 complaint or a law enforcement report, or probable cause
721 affidavit of a child's truancy, ungovernable behavior, or
722 running away, on behalf of a family delinquency, family in need
723 of services, or child in need of services to determine the most
724 appropriate course of action ~~recommendation to be taken~~ in the
725 best interests of the child, the family, and the community. The

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726 emphasis of intake is on diversion and the least restrictive
727 available services. Consequently, intake includes such
728 alternatives as:

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

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

734 (c) The recommendation by the assigned intake case manager
735 ~~juvenile probation officer~~ of judicial handling when appropriate
736 and warranted.

737 ~~(18)(29)~~ "Judge" means the circuit judge exercising
738 jurisdiction pursuant to this chapter.

739 ~~(30) "Juvenile justice continuum" includes, but is not~~
740 ~~limited to, delinquency prevention programs and services~~
741 ~~designed for the purpose of preventing or reducing delinquent~~
742 ~~acts, including criminal activity by criminal gangs and juvenile~~
743 ~~arrests, as well as programs and services targeted at children~~
744 ~~who have committed delinquent acts, and children who have~~
745 ~~previously been committed to residential treatment programs for~~
746 ~~delinquents. The term includes children in need of services and~~
747 ~~families in need of services programs; conditional release;~~
748 ~~substance abuse and mental health programs; educational and~~
749 ~~vocational programs; recreational programs; community services~~
750 ~~programs; community service work programs; and alternative~~
751 ~~dispute resolution programs serving children at risk of~~
752 ~~delinquency and their families, whether offered or delivered by~~
753 ~~state or local governmental entities, public or private for-~~
754 ~~profit or not-for-profit organizations, or religious or~~

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755 ~~charitable organizations.~~

756 ~~(31) "Juvenile probation officer" means the authorized~~
757 ~~agent of the department who performs and directs intake,~~
758 ~~assessment, probation, or conditional release, and other related~~
759 ~~services.~~

760 (19)~~(32)~~ "Legal custody" means a legal status created by
761 court order or letter of guardianship which vests in a custodian
762 of the person or guardian, whether an agency or an individual,
763 the right to have physical custody of the child and the right
764 and duty to protect, train, and discipline the child and to
765 provide him or her with food, shelter, education, and ordinary
766 medical, dental, psychiatric, and psychological care.

767 (20)~~(33)~~ "Licensed child-caring agency" means an agency
768 licensed by the Department of Children and Families pursuant to
769 s. 409.175 ~~a person, society, association, or agency licensed by~~
770 ~~the Department of Children and Families to care for, receive,~~
771 ~~and board children.~~

772 (21)~~(34)~~ "Licensed health care professional" means a
773 physician licensed under chapter 458, an osteopathic physician
774 licensed under chapter 459, a nurse licensed under part I of
775 chapter 464, a physician assistant licensed under chapter 458 or
776 chapter 459, or a dentist licensed under chapter 466.

777 ~~(35) "Mediation" means a process whereby a neutral third~~
778 ~~person called a mediator acts to encourage and facilitate the~~
779 ~~resolution of a dispute between two or more parties. It is an~~
780 ~~informal and nonadversarial process with the objective of~~
781 ~~helping the disputing parties reach a mutually acceptable and~~
782 ~~voluntary agreement. In mediation, decisionmaking authority~~
783 ~~rests with the parties. The role of the mediator includes, but~~

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784 ~~is not limited to, assisting the parties in identifying issues,~~
785 ~~fostering joint problem solving, and exploring settlement~~
786 ~~alternatives.~~

787 (22)~~(36)~~ "Necessary medical treatment" means care that is
788 necessary within a reasonable degree of medical certainty to
789 prevent the deterioration of a child's condition or to alleviate
790 immediate pain of a child.

791 (23) "Needs assessment" means the gathering of information
792 for the evaluation of a child's physical, psychological,
793 educational, vocational, and social condition and family
794 environment related to the child's need for services, including
795 substance abuse treatment services, mental health services,
796 developmental services, literacy services, medical services,
797 family services, individual and family counseling, education
798 services, and other specialized services, as appropriate.

799 (24)~~(37)~~ "Neglect" has the same meaning as in s. 39.01(53).
800 ~~occurs when the parent or legal custodian of a child or, in the~~
801 ~~absence of a parent or legal custodian, the person primarily~~
802 ~~responsible for the child's welfare deprives a child of, or~~
803 ~~allows a child to be deprived of, necessary food, clothing,~~
804 ~~shelter, or medical treatment or permits a child to live in an~~
805 ~~environment when such deprivation or environment causes the~~
806 ~~child's physical, mental, or emotional health to be~~
807 ~~significantly impaired or to be in danger of being significantly~~
808 ~~impaired. The foregoing circumstances shall not be considered~~
809 ~~neglect if caused primarily by financial inability unless actual~~
810 ~~services for relief have been offered to and rejected by such~~
811 ~~person. A parent or guardian legitimately practicing religious~~
812 ~~beliefs in accordance with a recognized church or religious~~

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813 ~~organization who thereby does not provide specific medical~~
814 ~~treatment for a child shall not, for that reason alone, be~~
815 ~~considered a negligent parent or guardian; however, such an~~
816 ~~exception does not preclude a court from ordering the following~~
817 ~~services to be provided, when the health of the child so~~
818 ~~requires:~~

819 ~~(a) Medical services from a licensed physician, dentist,~~
820 ~~optometrist, podiatric physician, or other qualified health care~~
821 ~~provider; or~~

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

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

829 ~~(25)(39)~~ (25) "Parent" means a woman who gives birth to a child
830 and a man whose consent to the adoption of the child would be
831 required under s. 63.062(1). If a child has been legally
832 adopted, the term "parent" means the adoptive mother or father
833 of the child. The term does not include an individual whose
834 parental relationship to the child has been legally terminated,
835 or an alleged or prospective parent, unless the parental status
836 falls within the terms of either s. 39.503(1) or s. 63.062(1).

837 ~~(26)(40)~~ (26) "Participant," for purposes of a ~~shelter~~
838 proceeding under this chapter, means any person who is not a
839 party but who should receive notice of hearings involving the
840 child, including foster parents, identified prospective parents,
841 grandparents entitled to priority for adoption consideration

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842 under s. 63.0425, actual custodians of the child, and any other
843 person whose participation may be in the best interest of the
844 child. Participants may be granted leave by the court to be
845 heard without the necessity of filing a motion to intervene.

846 (27) ~~(41)~~ "Party," for purposes of a ~~shelter~~ proceeding
847 under this chapter, means the parent, legal guardian, or actual
848 custodian of the child, the petitioner, the department, the
849 guardian ad litem when one has been appointed, and the child.
850 The presence of the child may be excused by order of the court
851 when presence would not be in the child's best interest or the
852 child has failed to appear for a proceeding after having been
853 noticed. ~~Notice to the child may be excused by order of the~~
854 ~~court when the age, capacity, or other condition of the child is~~
855 ~~such that the notice would be meaningless or detrimental to the~~
856 ~~child.~~

857 (28) "Physically secure shelter" means a department-
858 approved locked facility or locked unit within a facility for
859 the care of a child adjudicated a child in need of services who
860 is court ordered to be held pursuant to s. 984.226. A physically
861 secure shelter unit shall provide 24-hour, continuous
862 supervision. A physically secure shelter must be licensed by the
863 Department of Children and Families as a licensed child-caring
864 agency.

865 ~~(42) "Preliminary screening" means the gathering of~~
866 ~~preliminary information to be used in determining a child's need~~
867 ~~for further evaluation or assessment or for referral for other~~
868 ~~substance abuse services through means such as psychosocial~~
869 ~~interviews; urine and breathalyzer screenings; and reviews of~~
870 ~~available educational, delinquency, and dependency records of~~

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871 ~~the child.~~

872 (29)~~(43)~~ "Preventive services" means social services and
873 other supportive and evaluation and intervention ~~rehabilitative~~
874 services provided to the child or the parent, ~~of the child, the~~
875 legal guardian ~~of the child,~~ or the custodian of the child ~~and~~
876 ~~to the child~~ for the purpose of averting the removal of the
877 child from the home or disruption of a family which will or
878 could result in an adjudication that orders the placement of a
879 child under dependency supervision ~~into foster care~~ or into the
880 delinquency system ~~or that will or could result in the child~~
881 ~~living on the street~~. Social services and other supportive ~~and~~
882 ~~rehabilitative~~ services may include the provision of assessment
883 and screening services; individual, group, or family counseling;
884 specialized educational and vocational services; temporary
885 voluntary shelter for the child; outreach services for children
886 living on the street; ~~independent living services to assist~~
887 ~~adolescents in achieving a successful transition to adulthood;~~
888 and other specialized services.

889 ~~(44)~~ "Protective supervision" means a legal status in
890 ~~child in need of services cases or family in need of services~~
891 ~~eases which permits the child to remain in his or her own home~~
892 ~~or other placement under the supervision of an agent of the~~
893 ~~Department of Juvenile Justice or the Department of Children and~~
894 ~~Families, subject to being returned to the court during the~~
895 ~~period of supervision.~~

896 (30)~~(45)~~ "Relative" means a grandparent, great-grandparent,
897 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,
898 niece, or nephew, whether related by the whole or half blood, by
899 affinity, or by adoption. The term does not include a

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900 stepparent.

901 ~~(31)(46)~~ "Reunification services" means social services and
902 other supportive ~~and rehabilitative~~ services provided to the
903 child and the parent of the child, the legal guardian of the
904 child, or the custodian of the child, whichever is applicable,~~†~~
905 ~~the child; and, where appropriate, the foster parents of the~~
906 ~~child~~ for the purpose of assisting ~~enabling~~ a child who has been
907 placed in temporary shelter care to return to his or her family
908 at the most appropriate and effective ~~earliest possible~~ time
909 based on the presenting concerns at intake. Social services and
910 other supportive ~~and rehabilitative~~ services shall be consistent
911 with the child's need for a safe, continuous, and stable living
912 environment and shall promote the strengthening of family life
913 whenever possible.

914 ~~(32)(47)~~ "Secure detention center or facility" means a
915 physically restricting facility for the temporary care of
916 children, pending adjudication, disposition, or placement under
917 chapter 985.

918 ~~(33)(48)~~ "Shelter" means a department-approved shelter
919 facility for the temporary care of runaway children; children
920 placed for voluntary shelter respite upon request of the child
921 or the child's parent, legal guardian, or custodian; or for
922 placement of a child who has been adjudicated a child in need of
923 services or who has been found in contempt of court under s.
924 984.09. Shelters must provide 24-hour continual supervision. A
925 shelter must be licensed by the Department of Children and
926 Families as a licensed child-caring agency ~~a place for the~~
927 ~~temporary care of a child who is alleged to be or who has been~~
928 ~~found to be dependent, a child from a family in need of~~

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929 ~~services, or a child in need of services, pending court~~
930 ~~disposition before or after adjudication or after execution of a~~
931 ~~court order. "Shelter" may include a facility which provides 24-~~
932 ~~hour continual supervision for the temporary care of a child who~~
933 ~~is placed pursuant to s. 984.14.~~

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

937 ~~(50) "Staff secure shelter" means a facility in which a~~
938 ~~child is supervised 24 hours a day by staff members who are~~
939 ~~awake while on duty. The facility is for the temporary care and~~
940 ~~assessment of a child who has been found to be dependent, who~~
941 ~~has violated a court order and been found in contempt of court,~~
942 ~~or whom the Department of Children and Families is unable to~~
943 ~~properly assess or place for assistance within the continuum of~~
944 ~~services provided for dependent children.~~

945 ~~(34)~~(51) "Substance abuse" means using, without medical
946 reason, any psychoactive or mood-altering drug, including
947 alcohol, in such a manner as to induce impairment resulting in
948 dysfunctional social behavior.

949 ~~(35)~~(52) "Taken into custody" means the status of a child
950 immediately when temporary physical control over the child is
951 attained by a person authorized by law, pending the child's
952 release, shelter detention, placement, or other disposition as
953 authorized by law.

954 ~~(36)~~(53) "Temporary legal custody" means the relationship
955 that a juvenile court creates between a child and an adult
956 relative of the child, adult nonrelative approved by the court,
957 or other person until a more permanent arrangement is ordered.

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958 Temporary legal custody confers upon the custodian the right to
959 have temporary physical custody of the child and the right and
960 duty to protect, train, and discipline the child and to provide
961 the child with food, shelter, and education, and ordinary
962 medical, dental, psychiatric, and psychological care, unless
963 these rights and duties are otherwise enlarged or limited by the
964 court order establishing the temporary legal custody
965 relationship.

966 (37)~~(54)~~ "Truancy petition" means a petition filed by the
967 superintendent of schools under s. 984.151 for the purpose of
968 early truancy intervention alleging that a student subject to
969 compulsory school attendance has had at least five unexcused
970 absences, or absences for which the reasons are unknown, within
971 a calendar month or 10 unexcused absences, or absences for which
972 the reasons are unknown, within a 90-calendar-day period, or has
973 had more than 15 unexcused absences in a 90-calendar-day period.
974 ~~A truancy petition is filed and processed under s. 984.151.~~

975 (38) "Truant status offender" means a child subject to the
976 jurisdiction of the court under s. 984.151 who has been found by
977 the court to be truant while subject to compulsory education.
978 The court's jurisdiction is limited to entering orders to
979 require the child to attend school and participate in services
980 to encourage regular school attendance. A truant status offender
981 is not a delinquent child and may not be deemed to have
982 committed a criminal or delinquent act solely due to failure to
983 attend school.

984 (39)~~(55)~~ "Violation of law" or "delinquent act" means a
985 violation of any law of this state, the United States, or any
986 other state which is a misdemeanor or a felony or a violation of

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987 a county or municipal ordinance which would be punishable by
988 incarceration if the violation were committed by an adult.

989 (40) "Voluntary family services" means voluntary services
990 provided by the department or an agency designated by the
991 department to a family that has a child who is running away; who
992 is ungovernable by persistently disobeying reasonable and lawful
993 demands of the parent, legal guardian, or custodian and is
994 beyond the control of the parent, legal guardian, or custodian;
995 or who is a habitual truant or engaging in other serious
996 behaviors that place the child at risk of future abuse, neglect,
997 abandonment, or entering the juvenile justice system. The child
998 must be referred to the Department of Juvenile Justice or an
999 agency designated by the department to provide voluntary
1000 services to families and children.

1001 Section 5. Section 984.04, Florida Statutes, is amended to
1002 read:

1003 984.04 Early truancy intervention; families in need of
1004 services and children in need of services; procedures and
1005 jurisdiction.-

1006 ~~(1) It is the intent of the Legislature to address the~~
1007 ~~problems of families in need of services by providing them with~~
1008 ~~an array of services designed to preserve the unity and~~
1009 ~~integrity of the family and to emphasize parental responsibility~~
1010 ~~for the behavior of their children. Services to families in need~~
1011 ~~of services and children in need of services shall be provided~~
1012 ~~on a continuum of increasing intensity and participation by the~~
1013 ~~parent and child. Judicial intervention to resolve the problems~~
1014 ~~and conflicts that exist within a family shall be limited to~~
1015 ~~situations in which a resolution to the problem or conflict has~~

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1016 ~~not been achieved through service, treatment, and family~~
1017 ~~intervention after all available less restrictive resources have~~
1018 ~~been exhausted. In creating this chapter, the Legislature~~
1019 ~~recognizes the need to distinguish the problems of truants,~~
1020 ~~runaways, and children beyond the control of their parents, and~~
1021 ~~the services provided to these children, from the problems and~~
1022 ~~services designed to meet the needs of abandoned, abused,~~
1023 ~~neglected, and delinquent children. In achieving this~~
1024 ~~recognition, it shall be the policy of the state to develop~~
1025 ~~short-term, temporary services and programs utilizing the least~~
1026 ~~restrictive method for families in need of services and children~~
1027 ~~in need of services.~~

1028 ~~(1)(2)~~ The department of ~~Juvenile Justice~~ shall be
1029 responsible for all nonjudicial proceedings involving voluntary
1030 a family ~~in need of services~~ for a family identified as a family
1031 in need of services.

1032 ~~(3)~~ ~~All nonjudicial procedures in family in need of~~
1033 ~~services cases shall be~~ according to rules established by the
1034 department of ~~Juvenile Justice~~ under chapter 120.

1035 ~~(2)(4)~~ The circuit court shall have exclusive original
1036 jurisdiction of judicial proceedings involving early truancy
1037 intervention. When the jurisdiction of any child found to be
1038 truant under s. 984.151 is obtained, the court may retain
1039 jurisdiction for up to 180 days. The court must terminate
1040 supervision and relinquish jurisdiction if the child has
1041 substantially complied with the requirements of early truancy
1042 intervention, is no longer subject to compulsory education, or
1043 is adjudicated a child in need of services under s. 984.21
1044 ~~continued placement of a child from a family in need of services~~

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1045 ~~in shelter.~~

1046 (3)~~(5)~~ The circuit court shall have exclusive original
1047 jurisdiction of proceedings in which a child is alleged to be a
1048 child in need of services. When the jurisdiction of any child
1049 who has been found to be a child in need of services or the
1050 parent, custodian, or legal guardian of such a child is
1051 obtained, the court shall retain jurisdiction, unless
1052 relinquished by its order or unless the department withdraws its
1053 petition because the child no longer meets the definition of a
1054 child in need of services as defined in s. 984.03, until the
1055 child reaches 18 years of age. This subsection does ~~shall~~ not be
1056 ~~construed to~~ prevent the exercise of jurisdiction by any other
1057 court having jurisdiction of the child ~~if the child commits a~~
1058 ~~violation of law, is the subject of the dependency provisions~~
1059 ~~under this chapter, or is the subject of a pending investigation~~
1060 ~~into an allegation or suspicion of abuse, neglect, or~~
1061 ~~abandonment.~~

1062 (4) Jurisdiction of the circuit court shall attach to the
1063 case and parties to proceedings filed under s. 984.15 or under
1064 s. 984.151 when the summons is served upon the child and a
1065 parent, legal guardian, or custodian, or when the parties
1066 personally appear before the court.

1067 (5)~~(6)~~ All procedures, including petitions, pleadings,
1068 subpoenas, summonses, and hearings, in proceedings under this
1069 ~~chapter family-in-need-of-services cases and child-in-need-of-~~
1070 ~~services cases~~ shall be according to the Florida Rules of
1071 Juvenile Procedure unless otherwise provided by law.

1072 ~~(7) The department may contract with a provider to provide~~
1073 ~~services and programs for families in need of services and~~

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1074 ~~children in need of services.~~

1075 Section 6. Subsections (2) and (4) of section 984.06,
1076 Florida Statutes, are amended to read:

1077 984.06 Oaths, records, and confidential information.—

1078 (2) The court shall make and keep records of all cases
1079 brought before it pursuant to this chapter and shall preserve
1080 the records ~~pertaining to a child in need of services~~ until 10
1081 years after the last entry was made or until the child is 18
1082 years of age, whichever date is first reached, and may then
1083 destroy them. The court shall make official records, consisting
1084 of all petitions and orders filed in a case arising pursuant to
1085 this chapter and any other pleadings, certificates, proofs of
1086 publication, summonses, warrants, and other writs which are
1087 filed in the case.

1088 (4) Except as provided in subsection (3), all information
1089 obtained pursuant to this chapter in the discharge of official
1090 duty by any judge, employee of the court, authorized agent of
1091 the department, school employee, district superintendent, school
1092 board employee, or law enforcement agent is confidential and may
1093 not be disclosed to anyone other than the authorized personnel
1094 of the court, the department and its designees, school or school
1095 board personnel, law enforcement agencies, and others entitled
1096 under this chapter to receive that information, except upon
1097 order of the court.

1098 Section 7. Section 984.07, Florida Statutes, is amended to
1099 read:

1100 984.07 Right to counsel; waiver; appointed counsel;
1101 compensation.—

1102 (1) When a petition is filed alleging that a child is a

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1103 child in need of services or if the child is subject to contempt
1104 proceedings under s. 984.09, the child must be represented by
1105 counsel at each court appearance. The court must appoint counsel
1106 unless the child is not indigent and has counsel present to
1107 represent the child or the record in that proceeding
1108 affirmatively demonstrates by clear and convincing evidence that
1109 the child knowingly and intelligently waived the right to
1110 counsel after being fully advised by the court of the nature of
1111 the proceedings and the dispositional alternatives available to
1112 the court. If the child waives counsel at any proceeding, the
1113 court shall advise the child with respect to the right to
1114 counsel at every subsequent hearing.

1115 (2) A child in proceedings under s. 984.151 may have
1116 counsel appointed by the court if the court determines it is in
1117 the best interest of the child.

1118 (3) If the court appoints counsel for a child, and if the
1119 child and his or her parents or legal guardians are indigent and
1120 unable to employ counsel, the court must appoint an attorney to
1121 represent the child under s. 27.511. Determination of indigence
1122 and costs of representation shall be as provided by s. 57.082.
1123 Legal counsel representing a child who exercises the right to
1124 counsel may provide advice and counsel to the child at any time
1125 after appointment.

1126 (4) If the parents or legal guardians of an indigent child
1127 are not indigent but refuse to employ counsel, the court shall
1128 appoint counsel pursuant to s. 27.511 to represent the child
1129 until counsel is provided. Costs of representation must be
1130 imposed as provided by s. 57.082. Thereafter, the court may not
1131 appoint counsel for an indigent child with nonindigent parents

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1132 or legal guardian but shall order the parents or legal guardian
1133 to obtain private counsel.

1134 (a) A parent or legal guardian of an indigent child who has
1135 been ordered to obtain private counsel for the child and who
1136 willfully fails to follow the court order shall be punished by
1137 the court in civil contempt proceedings.

1138 (b) An indigent child may have counsel appointed pursuant
1139 to ss. 27.511 and 57.082 if the parents or legal guardian have
1140 willfully refused to obey the court order to obtain counsel for
1141 the child and have been punished by civil contempt. Costs of
1142 representation must be imposed as provided by s. 57.082.

1143 (5) If the court makes a finding that nonindigent parents
1144 have made a good faith effort to participate in services and
1145 remediate the child's behavior, but despite their good faith
1146 efforts, the child's truancy, ungovernable behavior, or runaway
1147 behavior has persisted, the court may appoint counsel to
1148 represent the child as provided in s. 27.511.

1149 (6) If counsel is entitled to receive compensation for
1150 representation pursuant to court appointment in a child in need
1151 of services proceeding, such compensation may not exceed \$1,000
1152 at the trial level and \$2,500 at the appellate level.

1153 (7) This section does not preclude the court from
1154 requesting reimbursement of attorney fees and costs from the
1155 nonindigent parent or legal guardian.

1156 (8) The court may appoint an attorney to represent a parent
1157 or legal guardian under this chapter only upon a finding that
1158 the parent or legal guardian is indigent pursuant to s. 57.082.
1159 If an attorney is appointed, the parent or legal guardian shall
1160 be enrolled in a payment plan pursuant to s. 28.246 ~~if counsel~~

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1161 ~~is entitled to receive compensation for representation pursuant~~
1162 ~~to court appointment in a child in need of services proceeding,~~
1163 ~~such compensation shall not exceed \$1,000 at the trial level and~~
1164 ~~\$2,500 at the appellate level.~~

1165 Section 8. Subsection (1) of section 984.071, Florida
1166 Statutes, is amended, and subsection (3) is added to that
1167 section, to read:

1168 984.071 Resources and information.—

1169 (1) ~~The department of Juvenile Justice, in collaboration~~
1170 ~~with the Department of Children and Families and the Department~~
1171 ~~of Education,~~ shall develop and publish an information guide
1172 ~~packet~~ that explains the current process under this chapter for
1173 obtaining assistance for a child in need of services or a family
1174 in need of services and the community services and resources
1175 available to parents ~~of troubled or runaway children.~~ The
1176 information guide shall be published in a written format for
1177 distribution and shall also be published on the department's
1178 website. ~~In preparing the information packet, the Department of~~
1179 ~~Juvenile Justice shall work with school district~~
1180 ~~superintendents, juvenile court judges, county sheriffs, and~~
1181 ~~other local law enforcement officials in order to ensure that~~
1182 ~~the information packet lists services and resources that are~~
1183 ~~currently available within the county in which the packet is~~
1184 ~~distributed.~~ Each information guide ~~packet~~ shall be reviewed
1185 annually and updated as appropriate. The school district shall
1186 distribute this information guide ~~packet~~ to parents of truant
1187 children, and to other parents upon request or as deemed
1188 appropriate by the school district. In addition, the department
1189 ~~of Juvenile Justice~~ shall distribute the information guide

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1190 ~~packet~~ to state and local law enforcement agencies. Any law
1191 enforcement officer who has contact with the parent of a child
1192 who is locked out of the home, who is ungovernable, or who runs
1193 away from home shall make the information guide available to the
1194 parent.

1195 (3) The Department of Education and the Department of
1196 Children and Families must each post the department's
1197 information guide on their respective websites.

1198 Section 9. Sections 984.08 and 984.085, Florida Statutes,
1199 are repealed.

1200 Section 10. Section 984.0861, Florida Statutes, is created
1201 to read:

1202 984.0861 Prohibited use of detention.—A child under the
1203 jurisdiction of the court solely pursuant to this chapter may
1204 not be placed in:

1205 (1) Any form of detention care intended for the use of
1206 alleged juvenile delinquents as authorized under chapter 985 for
1207 any purpose.

1208 (2) A secure detention facility authorized for use under
1209 chapter 985 for any purpose.

1210 (3) Any jail or other similar facility used for the purpose
1211 of detention or confinement of adults for any purpose.

1212 Section 11. Section 984.09, Florida Statutes, is amended to
1213 read:

1214 984.09 Punishment for contempt of court; alternative
1215 sanctions.—

1216 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may
1217 punish any child for contempt for interfering with the court or
1218 with court administration, or for violating any provision of

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1219 this chapter or order of the court relative thereto. It is the
1220 intent of the Legislature that the court restrict and limit the
1221 use of contempt powers and prohibit the use of detention care
1222 and secure detention facilities as provided in s. 984.0861 ~~with~~
1223 ~~respect to commitment of a child to a secure facility.~~ A child
1224 who commits direct contempt of court or indirect contempt of a
1225 valid court order may be taken into custody and ordered to serve
1226 an alternative sanction or placed in a shelter ~~secure~~ facility,
1227 as authorized in this section, by order of the court.

1228 (2) PLACEMENT IN A SHELTER ~~SECURE FACILITY.~~—A child
1229 adjudicated as a child in need of services may only be placed in
1230 a shelter ~~secure facility~~ for purposes of punishment for
1231 contempt of court if alternative sanctions are unavailable or
1232 inappropriate, or if the child has already been ordered to serve
1233 an alternative sanction but failed to comply with the sanction.

1234 ~~(a) A delinquent child who has been held in direct or~~
1235 ~~indirect contempt may be placed in a secure detention facility~~
1236 ~~for 5 days for a first offense or 15 days for a second or~~
1237 ~~subsequent offense, or in a secure residential commitment~~
1238 ~~facility.~~

1239 (a)(b) A child in need of services who has been held in
1240 direct contempt or indirect contempt may be placed, for 5 days
1241 for a first offense or 15 days for a second or subsequent
1242 offense, in a ~~staff-secure~~ shelter operated by or contracted
1243 with the department to provide such services ~~or a staff-secure~~
1244 ~~residential facility solely for children in need of services if~~
1245 ~~such placement is available, or, if such placement is not~~
1246 ~~available, the child may be placed in an appropriate mental~~
1247 ~~health facility or substance abuse facility for assessment. In~~

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1248 addition to disposition under this paragraph, a child in need of
1249 services who is held in direct contempt or indirect contempt may
1250 be placed in a physically secure shelter setting as provided
1251 under s. 984.226 if conditions of eligibility are met.

1252 (b) A child subject to proceedings under s. 984.151 who has
1253 been held in direct contempt or indirect contempt may only be
1254 placed, for 5 days for a first offense or 15 days for a second
1255 or subsequent offense, in a shelter operated by or contracted
1256 with the department for such services if a shelter bed is
1257 available. Upon a second or subsequent finding of contempt under
1258 this section, the court must refer the child to the case
1259 staffing committee with a recommendation to file a child in need
1260 of services petition.

1261 (c) Any shelter placement ordered under this section must
1262 be given as a cumulative sanction. Separate sanctions for the
1263 same act or series of acts within the same episode may not be
1264 imposed.

1265 (3) ~~ALTERNATIVE SANCTIONS. Each judicial circuit shall have~~
1266 ~~an alternative sanctions coordinator who shall serve under the~~
1267 ~~chief administrative judge of the juvenile division of the~~
1268 ~~circuit court, and who shall coordinate and maintain a spectrum~~
1269 ~~of contempt sanction alternatives in conjunction with the~~
1270 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~

1271 Upon determining that a child has committed direct contempt of
1272 court or indirect contempt of a valid court order, the court may
1273 immediately request the circuit alternative sanctions
1274 coordinator to recommend the most appropriate available
1275 alternative sanction and shall order the child to perform up to
1276 50 hours of community-service ~~manual labor~~ or a similar

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1277 alternative sanction, unless an alternative sanction is
1278 unavailable or inappropriate, or unless the child has failed to
1279 comply with a prior alternative sanction. Alternative contempt
1280 sanctions may be provided by local industry or by any nonprofit
1281 organization or any public or private business or service entity
1282 that has entered into a contract with the department ~~of Juvenile~~
1283 ~~Justice~~ to act as an agent of the state to provide voluntary
1284 supervision of children on behalf of the state in exchange for
1285 the ~~manual~~ labor of children and limited immunity in accordance
1286 with s. 768.28(11).

1287 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
1288 PROCESS.—

1289 (a) If a child subject to proceedings under this chapter is
1290 charged with direct contempt of court, ~~including traffic court,~~
1291 the court may impose an authorized sanction immediately.

1292 (b) If a child subject to proceedings under this chapter is
1293 charged with indirect contempt of court, the court must issue an
1294 order to show cause and schedule ~~hold~~ a hearing ~~within 24 hours~~
1295 to determine whether the child committed indirect contempt of a
1296 valid court order. The child must be served with the order to
1297 show cause and notice of hearing. At the hearing, the following
1298 due process rights must be provided to the child:

1299 1. Right to a copy of the order to show cause alleging
1300 facts supporting the contempt charge.

1301 2. Right to an explanation of the nature and the
1302 consequences of the proceedings.

1303 3. Right to legal counsel and the right to have legal
1304 counsel appointed by the court if the juvenile is indigent,
1305 pursuant to s. 984.07 ~~s. 985.033~~.

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- 1306 4. Right to confront witnesses.
1307 5. Right to present witnesses.
1308 6. Right to have a transcript or record of the proceeding.
1309 7. Right to appeal to an appropriate court.
1310

1311 The child's parent, legal ~~or~~ guardian, or custodian may address
1312 the court regarding the due process rights of the child. If
1313 after the hearing, the court determines the child has committed
1314 indirect contempt of a valid court order, the court may impose
1315 an alternative sanction or may proceed under subsection (2). If
1316 the court orders shelter placement of a child found in contempt
1317 of court, the court shall review the matter ~~placement of the~~
1318 ~~child~~ every 72 hours to determine whether it is appropriate for
1319 the child to remain in the facility.

1320 (c) The court may not order that a child be placed in a
1321 shelter ~~secure~~ facility for punishment for contempt unless the
1322 court determines that an alternative sanction is inappropriate
1323 or unavailable or that the child was initially ordered to an
1324 alternative sanction and did not comply with the alternative
1325 sanction. The court is encouraged to order a child to perform
1326 community service, up to the maximum number of hours, where
1327 appropriate before ordering that the child be placed in a
1328 shelter ~~secure~~ facility as punishment for contempt of court.

1329 ~~(d) In addition to any other sanction imposed under this~~
1330 ~~section, the court may direct the Department of Highway Safety~~
1331 ~~and Motor Vehicles to withhold issuance of, or suspend, a~~
1332 ~~child's driver license or driving privilege. The court may order~~
1333 ~~that a child's driver license or driving privilege be withheld~~
1334 ~~or suspended for up to 1 year for a first offense of contempt~~

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1335 and up to 2 years for a second or subsequent offense. If the
1336 child's driver license or driving privilege is suspended or
1337 revoked for any reason at the time the sanction for contempt is
1338 imposed, the court shall extend the period of suspension or
1339 revocation by the additional period ordered under this
1340 paragraph. If the child's driver license is being withheld at
1341 the time the sanction for contempt is imposed, the period of
1342 suspension or revocation ordered under this paragraph shall
1343 begin on the date on which the child is otherwise eligible to
1344 drive. For a child in need of services whose driver license or
1345 driving privilege is suspended under this paragraph, the court
1346 may direct the Department of Highway Safety and Motor Vehicles
1347 to issue the child a license for driving privileges restricted
1348 to business or employment purposes only, as defined in s.
1349 322.271, or for the purpose of completing court-ordered
1350 community service, if the child is otherwise qualified for a
1351 license. However, the department may not issue a restricted
1352 license unless specifically ordered to do so by the court.

1353 (5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the
1354 position of alternative sanctions coordinator within each
1355 judicial circuit, pursuant to subsection (3). Each alternative
1356 sanctions coordinator shall serve under the direction of the
1357 chief administrative judge of the juvenile division as directed
1358 by the chief judge of the circuit. The alternative sanctions
1359 coordinator shall act as the liaison between the judiciary,
1360 local department officials, district school board employees, and
1361 local law enforcement agencies. The alternative sanctions
1362 coordinator shall coordinate within the circuit community-based
1363 alternative sanctions, including ~~nonsecure detention programs,~~

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1364 community service projects, ~~and other juvenile sanctions, in~~
1365 ~~conjunction with the circuit plan implemented in accordance with~~
1366 ~~s. 790.22(4)(c).~~

1367 Section 12. Section 984.10, Florida Statutes, is amended to
1368 read:

1369 984.10 Intake.—

1370 (1) Intake shall be performed by the department or the
1371 department's authorized agent. A report ~~or complaint~~ alleging
1372 that a child is from a family in need of services shall be made
1373 to the intake office operating in the county in which the child
1374 is found or in which the case arose. Any person or agency,
1375 including, but not limited to, the parent, ~~or~~ legal guardian, or
1376 custodian, the local school district, a law enforcement agency,
1377 or the Department of Children and Families, having knowledge of
1378 the facts may make a report ~~or complaint~~.

1379 (2) A representative of the department shall make a
1380 preliminary determination as to whether the report ~~or complaint~~
1381 is complete. The criteria for the completeness of a report ~~or~~
1382 ~~complaint~~ with respect to a child alleged to be from a family in
1383 need of services while subject to compulsory school attendance
1384 shall be governed by s. 984.03 ~~s. 984.03(27)~~. In any case in
1385 which the representative of the department finds that the report
1386 ~~or complaint~~ is incomplete, the representative of the department
1387 shall return the report ~~or complaint~~ without delay to the person
1388 or agency originating the report ~~or complaint~~ or having
1389 knowledge of the facts or to the appropriate law enforcement
1390 agency having investigative jurisdiction and request additional
1391 information in order to complete the report ~~or complaint~~.

1392 (3) If the representative of the department determines that

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1393 in his or her judgment the interests of the family, the child,
1394 and the public will be best served by providing the family and
1395 child services and treatment voluntarily accepted by the child
1396 and the parents, ~~or~~ legal guardians, or custodians, the
1397 department's departmental representative may refer the family or
1398 child to an appropriate service ~~and treatment~~ provider. As part
1399 of the intake procedure, the department's departmental
1400 representative shall inform the parent, ~~or~~ legal custodian
1401 guardian, or custodian, in writing, of the services currently
1402 ~~and treatment~~ available to the child and family by department
1403 providers and other ~~or~~ community agencies in the county in which
1404 the family is located, and the rights and responsibilities of
1405 the parent, ~~or~~ legal guardian, or custodian under this chapter.
1406 Upon admission, and depending on services, a staff member may be
1407 assigned to the family as deemed appropriate.

1408 (4) If the department reasonably believes ~~has reasonable~~
1409 ~~grounds to believe~~ that the child has been abandoned, abused, or
1410 neglected, it shall proceed pursuant to ~~the provisions of~~
1411 chapter 39 and report immediately to the central abuse hotline.

1412 Section 13. Section 984.11, Florida Statutes, is amended to
1413 read:

1414 984.11 Services to families ~~in need of services.~~

1415 (1) The department or its authorized agent shall provide an
1416 array of voluntary family services aimed at remediating school
1417 truancy, homelessness, and runaway and ungovernable behavior by
1418 children. Services ~~and treatment~~ to families in need of services
1419 shall be by voluntary agreement of the parent, ~~or~~ legal
1420 guardian, or custodian and the child ~~or as directed by a court~~
1421 ~~order pursuant to s. 984.22.~~

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1422 (2) A family is not eligible to receive voluntary family
1423 services, if, at the time of the referral, the child is under
1424 court-ordered supervision by the department for delinquency
1425 under chapter 985 or court-ordered supervision by the Department
1426 of Children and Families under chapter 39. A child who has
1427 received a prearrest delinquency citation, or is receiving
1428 delinquency diversion services, may receive voluntary family
1429 services.

1430 (3) If there is a pending investigation into an allegation
1431 of abuse, neglect or abandonment, the child may be eligible for
1432 voluntary family services if the Department of Children and
1433 Families agrees to the provision of services and makes a
1434 referral. An interagency agreement between the department and
1435 the Department of Children and Families shall govern this
1436 referral process, which is contingent on available funding. The
1437 department must notify the Department of Children and Families
1438 if a referral is declined.

1439 (4)~~(2)~~ These services may include, but need not be limited
1440 to:

- 1441 (a) ~~Homemaker~~ or Parent aide services.
1442 (b) Intensive crisis counseling.
1443 (c) Parent training.
1444 (d) Individual, group, or family counseling.
1445 (e) Referral to community mental health services.
1446 (f) Prevention and diversion services.
1447 (g) Services provided by voluntary or community agencies.
1448 (h) Runaway center services.
1449 (i) Runaway shelter ~~Housekeeper~~ services.
1450 (j) Referral for special educational, tutorial, or remedial

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1451 services.

1452 (k) Referral to vocational, career development job
1453 ~~training,~~ or employment services.

1454 (l) Recreational services.

1455 (m) Assessment.

1456 (n) Case management.

1457 (o) Referral for or provision of substance abuse assessment
1458 or treatment.

1459 (5)(3) The department shall advise the parents, ~~or~~ legal
1460 guardian, or custodian that they are responsible for
1461 contributing to the cost of the ~~child or family~~ services and
1462 ~~treatment~~ to the extent of their ability to pay. The parent is
1463 responsible for using health care insurance to the extent it is
1464 available for the provision of health services ~~The department~~
1465 ~~shall set and charge fees for services and treatment provided to~~
1466 ~~clients. The department may employ a collection agency for the~~
1467 ~~purpose of receiving, collecting, and managing the payment of~~
1468 ~~unpaid and delinquent fees. The collection agency must be~~
1469 ~~registered and in good standing under chapter 559. The~~
1470 ~~department may pay to the collection agency a fee from the~~
1471 ~~amount collected under the claim or may authorize the agency to~~
1472 ~~deduct the fee from the amount collected.~~

1473 ~~(4) The department may file a petition with the circuit~~
1474 ~~court to enforce the collection of fees for services and~~
1475 ~~treatment rendered to the child or the parent and other legal~~
1476 ~~custodians.~~

1477 Section 14. Section 984.12, Florida Statutes, is amended to
1478 read:

1479 984.12 Case staffing; services and treatment related to a

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1480 family in need of services.—

1481 (1) The appropriate representative of the department shall
 1482 request a meeting of the family and child with a case staffing
 1483 committee to review the case of any family or child who the
 1484 department determines is in need of services ~~or treatment~~ if:

1485 (a) The family or child is not in agreement with the
 1486 services or treatment offered;

1487 (b) The family or child will not participate in the
 1488 services or treatment selected; or

1489 (c) The representative of the department needs assistance
 1490 in developing an appropriate plan for services. The time and
 1491 place selected for the meeting shall be convenient for the child
 1492 and family.

1493 (2) The composition of the case staffing committee shall be
 1494 based on the needs of the family and child. It shall include a
 1495 representative from the child's school district and a
 1496 representative of the department ~~of Juvenile Justice~~, and may
 1497 include the department's authorized agent and a supervisor of
 1498 the department's contracted provider; a representative from the
 1499 area of health, mental health, substance abuse, or social, ~~or~~
 1500 ~~educational~~ services; a representative of the state attorney; a
 1501 representative of law enforcement ~~the alternative sanctions~~
 1502 ~~coordinator~~; and any person recommended by the child, family, or
 1503 department. The child and the child's parent, legal guardian, or
 1504 custodian must be invited to attend the committee meeting.

1505 (3) The case staffing committee shall:

1506 (a) Identify the family's concerns and contributing
 1507 factors.

1508 (b) Request the family and child to identify their needs

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1509 and concerns.

1510 (c) Seek input from the school district and any other
1511 persons in attendance with knowledge of the family or child's
1512 situation and concerns.

1513 (d) Consider the voluntary family services or other
1514 community services that have been offered and the results of
1515 those services.

1516 (e) Identify whether truancy is a concern and evaluate
1517 compliance with the remedial strategies provided pursuant to s.
1518 1003.26.

1519 (f) Reach a timely decision to provide the child or family
1520 with ~~needed~~ services and recommend any appropriate ~~and~~ treatment
1521 through the development of a plan for services.

1522 (4) The plan for services shall contain the following:

1523 (a) Statement of the concerns ~~problems~~.

1524 (b) Needs of the child.

1525 (c) Needs of the parents, legal guardian, or ~~legal~~
1526 custodian.

1527 (d) Measurable objectives that address the identified
1528 problems and needs.

1529 (e) Services and treatment to be provided, to include:

1530 1. Type of services or treatment.

1531 2. Frequency of services or treatment.

1532 3. Location.

1533 4. Accountable service providers or staff.

1534 (f) Timeframes for achieving objectives.

1535 (5) Upon receipt of the plan, the child and family shall
1536 acknowledge their position by accepting or rejecting the
1537 services and provisions in writing. If the plan is accepted, it

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1538 shall be implemented as soon as is practicable.

1539 (6) The assigned case manager shall have responsibility A
1540 ~~case manager shall be designated by the case staffing committee~~
1541 ~~to be responsible~~ for implementing the plan. The department's
1542 authorized agent case manager shall periodically review the
1543 progress towards achieving the objectives of the plan in order
1544 to:

1545 (a) Advise the case staffing committee of the need to make
1546 adjustments to the plan; ~~or~~

1547 (b) Recommend a child in need of services petition be filed
1548 by the department; or

1549 (c) ~~(b)~~ Terminate the case as indicated by successful or
1550 substantial achievement of the objectives of the plan.

1551 (7) The parent, legal guardian, or ~~legal~~ custodian may
1552 convene a meeting of the case staffing committee, ~~and any other~~
1553 ~~member of the committee may convene a meeting if the member~~
1554 ~~finds that doing so is in the best interest of the family or~~
1555 ~~child.~~ A case staffing committee meeting requested by a parent,
1556 guardian, or legal custodian must be convened within 7 days,
1557 excluding weekends and legal holidays, after the date the
1558 department's representative receives the request in writing.

1559 (8) Any other member of the committee may convene a meeting
1560 if voluntary family services have been offered and the services
1561 have been rejected by the child or family, or the child has not
1562 made measurable progress toward achieving the service plan
1563 goals, and the member finds that doing so is in the best
1564 interest of the family or child.

1565 (9) A case staffing committee meeting must be convened
1566 within 30 days after the date the case is referred by the court

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1567 pursuant to s. 984.151.

1568 ~~(10)(8)~~ Within 7 days after meeting, the case staffing
1569 committee shall provide the parent, legal guardian, or ~~legal~~
1570 custodian with a written report that details the reasons for the
1571 committee's decision to recommend, or decline to recommend, that
1572 the department file a petition alleging that the child is a
1573 child in need of services.

1574 (11) The case staffing committee may reconvene from time to
1575 time as may be necessary to make adjustments to the plan.

1576 Section 15. Section 984.13, Florida Statutes, is amended to
1577 read:

1578 984.13 Taking a child into custody ~~a child alleged to be~~
1579 ~~from a family in need of services or to be a child in need of~~
1580 ~~services.-~~

1581 (1) A child may be taken into custody:

1582 (a) By a law enforcement officer when the officer
1583 reasonably believes ~~has reasonable grounds to believe~~ that the
1584 child has run away from his or her parents, legal guardian, or
1585 ~~other legal~~ custodian.

1586 (b) By a designated school representative pursuant to s.
1587 1003.26(3) or a law enforcement officer when the officer
1588 reasonably believes ~~has reasonable grounds to believe~~ that the
1589 child is absent from school without authorization or is
1590 suspended or expelled and is not in the presence of his or her
1591 parent, ~~or~~ legal guardian, or custodian, for the purpose of
1592 delivering the child without unreasonable delay to the
1593 appropriate school system site. For the purpose of this
1594 paragraph, "school system site" includes, but is not limited to,
1595 a center approved by the superintendent of schools for the

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1596 purpose of counseling students and referring them back to the
1597 school system or an approved alternative to a suspension or
1598 expulsion program. If a student is suspended or expelled from
1599 school without assignment to an alternative school placement,
1600 the law enforcement officer or designated school representative
1601 pursuant to s. 1003.26(3) shall deliver the child to the parent,
1602 ~~or~~ legal guardian, or custodian, to a location determined by the
1603 parent, legal ~~or~~ guardian, or custodian, or to a designated
1604 truancy interdiction site until the parent or guardian can be
1605 located.

1606 (c) Pursuant to an order of the circuit court based upon
1607 sworn testimony ~~before or~~ after a child in need of services
1608 petition is filed under s. 984.15.

1609 (d) Pursuant to an order of the circuit court based upon a
1610 finding of contempt under this chapter for the purpose of
1611 delivering the child to a designated shelter facility.

1612 (e) ~~(d)~~ By a law enforcement officer when the child
1613 voluntarily agrees to or requests services pursuant to this
1614 chapter or placement in a shelter.

1615 (2) The person taking the child into custody shall:

1616 (a) Release the child to a parent, legal guardian, ~~legal~~
1617 custodian, or responsible adult relative and make a full written
1618 report to the department's authorized agent for families in need
1619 of services within 3 days after release ~~or to a department-~~
1620 ~~approved family-in-need-of-services and child-in-need-of-~~
1621 ~~services provider~~ if the person taking the child into custody
1622 reasonably believes ~~has reasonable grounds to believe~~ the child
1623 has run away from a parent, legal guardian, or ~~legal~~ custodian;
1624 is truant; or is ungovernable and beyond the control of the

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1625 parent, guardian, or legal custodian; ~~following such release,~~
1626 ~~the person taking the child into custody shall make a full~~
1627 ~~written report to the intake office of the department within 3~~
1628 ~~days; or~~

1629 (b) Deliver the child to a shelter when: ~~the department,~~
1630 ~~stating the facts by reason of which the child was taken into~~
1631 ~~custody and sufficient information to establish probable cause~~
1632 ~~that the child is from a family in need of services.~~

1633 1. The parent, legal guardian, or custodian is unavailable
1634 to take immediate custody of the child;

1635 2. The child requested voluntary family services and
1636 shelter placement;

1637 3. A court order under this chapter for shelter placement
1638 has been issued; or

1639 4. The child and the parent, legal guardian, or custodian
1640 voluntarily agree the child is in need of temporary shelter
1641 placement and such placement is necessary to provide a safe
1642 place for the child to remain until the parents and child can
1643 agree on conditions for the child's safe return home.

1644 (c) Deliver the child to a hospital for necessary
1645 evaluation and treatment if the child is reasonably believed to
1646 be suffering from a serious physical condition which requires
1647 either prompt diagnosis or treatment.

1648 (d) Deliver the child to a designated public receiving
1649 facility as defined in s. 394.455 for examination under s.
1650 394.463 if the child is reasonably believed to be mentally ill,
1651 including immediate threat of suicide as provided in s.
1652 394.463(1).

1653 (e) Deliver the child to a hospital, addictions receiving

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1654 facility, or treatment resource if the child is reasonably
 1655 believed to be intoxicated and has threatened, attempted, or
 1656 inflicted physical harm on himself or herself or another, or is
 1657 incapacitated by substance abuse.

1658 (3) If the child is taken into custody ~~and by, or is~~
 1659 delivered to a shelter, ~~the department,~~ the department's
 1660 authorized agent ~~appropriate representative of the department~~
 1661 shall review the facts and make such further inquiry as
 1662 necessary to determine whether the child shall remain in
 1663 shelter, receive voluntary family services that would allow the
 1664 child alleged to be from a family in need of services to remain
 1665 at home, custody or be released. ~~Unless shelter is required as~~
 1666 ~~provided in s. 984.14(1), the department shall:~~

1667 ~~(a) Release the child to his or her parent, guardian, or~~
 1668 ~~legal custodian, to a responsible adult relative, to a~~
 1669 ~~responsible adult approved by the department, or to a~~
 1670 ~~department approved family in need of services and child in-~~
 1671 ~~need of services provider; or~~

1672 ~~(b) Authorize temporary services and treatment that would~~
 1673 ~~allow the child alleged to be from a family in need of services~~
 1674 ~~to remain at home.~~

1675 Section 16. Section 984.14, Florida Statutes, is amended to
 1676 read:

1677 984.14 Voluntary shelter services placement; hearing.-

1678 (1) Temporary voluntary shelter services provided by the
 1679 department shall provide a safe environment with 24-hour care
 1680 and supervision, referrals for services as needed, and education
 1681 at the center or offsite and counseling services for children.
 1682 ~~Unless ordered by the court pursuant to the provisions of this~~

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1683 ~~chapter, or upon voluntary consent to placement by the child and~~
1684 ~~the child's parent, legal guardian, or custodian, a child taken~~
1685 ~~into custody shall not be placed in a shelter prior to a court~~
1686 ~~hearing unless a determination has been made that the provision~~
1687 ~~of appropriate and available services will not eliminate the~~
1688 ~~need for placement and that such placement is required:~~

1689 ~~(a) To provide an opportunity for the child and family to~~
1690 ~~agree upon conditions for the child's return home, when~~
1691 ~~immediate placement in the home would result in a substantial~~
1692 ~~likelihood that the child and family would not reach an~~
1693 ~~agreement; or~~

1694 ~~(b) Because a parent, custodian, or guardian is unavailable~~
1695 ~~to take immediate custody of the child.~~

1696 (2) If a child is sheltered due to being a runaway, or a
1697 parent, legal guardian, or custodian is unavailable, the shelter
1698 shall immediately attempt to make contact with the parent, legal
1699 guardian, or custodian to advise the family of the child's
1700 whereabouts, determine whether the child can safely return home,
1701 or determine whether the family is seeking temporary voluntary
1702 shelter services until they can arrange to take the child home.
1703 If the parent, legal guardian, or custodian cannot be located
1704 within 24 hours, the Department of Children and Families shall
1705 be contacted to assume custody of the child ~~If the department~~
1706 ~~determines that placement in a shelter is necessary according to~~
1707 ~~the provisions of subsection (1), the departmental~~
1708 ~~representative shall authorize placement of the child in a~~
1709 ~~shelter provided by the community specifically for runaways and~~
1710 ~~troubled youth who are children in need of services or members~~
1711 ~~of families in need of services and shall immediately notify the~~

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1712 ~~parents or legal custodians that the child was taken into~~
1713 ~~custody.~~

1714 ~~(3) A child who is involuntarily placed in a shelter shall~~
1715 ~~be given a shelter hearing within 24 hours after being taken~~
1716 ~~into custody to determine whether shelter placement is required.~~
1717 ~~The shelter petition filed with the court shall address each~~
1718 ~~condition required to be determined in subsection (1).~~

1719 ~~(4) A child may not be held involuntarily in a shelter~~
1720 ~~longer than 24 hours unless an order so directing is made by the~~
1721 ~~court after a shelter hearing finding that placement in a~~
1722 ~~shelter is necessary based on the criteria in subsection (1) and~~
1723 ~~that the department has made reasonable efforts to prevent or~~
1724 ~~eliminate the need for removal of the child from the home.~~

1725 ~~(5) Except as provided under s. 984.225, a child in need of~~
1726 ~~services or a child from a family in need of services may not be~~
1727 ~~placed in a shelter for longer than 35 days.~~

1728 ~~(6) When any child is placed in a shelter pursuant to court~~
1729 ~~order following a shelter hearing, the court shall order the~~
1730 ~~natural or adoptive parents of such child, the natural father of~~
1731 ~~such child born out of wedlock who has acknowledged his~~
1732 ~~paternity in writing before the court, or the guardian of such~~
1733 ~~child's estate, if possessed of assets which under law may be~~
1734 ~~disbursed for the care, support, and maintenance of the child,~~
1735 ~~to pay, to the department, fees as established by the~~
1736 ~~department. When the order affects the guardianship estate, a~~
1737 ~~certified copy of the order shall be delivered to the judge~~
1738 ~~having jurisdiction of the guardianship estate.~~

1739 ~~(7) A child who is adjudicated a child in need of services~~
1740 ~~or alleged to be from a family in need of services or a child in~~

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1741 ~~need of services may not be placed in a secure detention~~
1742 ~~facility or jail or any other commitment program for delinquent~~
1743 ~~children under any circumstances.~~

1744 ~~(8) The court may order the placement of a child in need of~~
1745 ~~services into a staff-secure facility for no longer than 5 days~~
1746 ~~for the purpose of evaluation and assessment.~~

1747 Section 17. Section 984.15, Florida Statutes, is amended to
1748 read:

1749 984.15 Petition for a child in need of services.-

1750 (1) All proceedings seeking an adjudication that a child is
1751 a child in need of services shall be initiated by the filing of
1752 a petition by an attorney representing the department or by the
1753 child's parent, legal guardian, or ~~legal~~ custodian. ~~If a child~~
1754 ~~in need of services has been placed in a shelter pursuant to s.~~
1755 ~~984.14, the department shall file the petition immediately,~~
1756 ~~including in the petition notice of arraignment pursuant to s.~~
1757 ~~984.20.~~

1758 (2) (a) The department shall file a petition for a child in
1759 need of services if the child meets the definition of a child in
1760 need of services, and the case ~~manager or~~ staffing committee
1761 recommends ~~requests~~ that a petition be filed and:

1762 1. The family and child have in good faith, but
1763 unsuccessfully, used the services and process described in ss.
1764 984.11 and 984.12; or

1765 2. The family or child have refused ~~all~~ services described
1766 in ss. 984.11 and 984.12 after reasonable efforts by the
1767 department to involve the family and child in voluntary family
1768 services ~~and treatment~~.

1769 (b) Once the requirements in paragraph (a) have been met,

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1770 the department shall file a petition for a child in need of
1771 services as soon as practicable ~~within 45 days~~.

1772 (c) The petition shall be in writing, shall state the
1773 specific grounds ~~under s. 984.03(9)~~ by which the child is
1774 designated a child in need of services, and shall certify that
1775 the conditions prescribed in paragraph (a) have been met. The
1776 petition shall be signed by the petitioner under oath stating
1777 good faith in filing the petition and shall be signed by an
1778 attorney for the department.

1779 (3) (a) The parent, legal guardian, or ~~legal~~ custodian may
1780 file a petition alleging that a child is a child in need of
1781 services if:

1782 1. The department waives the requirement for a case
1783 staffing committee.

1784 2. The department fails to convene a meeting of the case
1785 staffing committee within 7 days, excluding weekends and legal
1786 holidays, after receiving a written request for such a meeting
1787 from the child's parent, legal guardian, or ~~legal~~ custodian.

1788 3. The parent, legal guardian, or ~~legal~~ custodian does not
1789 agree with the plan for services offered by the case staffing
1790 committee.

1791 4. The department fails to provide a written report within
1792 7 days after the case staffing committee meets, as required
1793 under s. 984.12(10) ~~s. 984.12(8)~~.

1794 (b) The parent, legal guardian, or ~~legal~~ custodian must
1795 give the department prior written notice of intent to file the
1796 petition. If, at the arraignment hearing, the court finds that
1797 such written notice of intent to file the petition was not
1798 provided to the department, the court shall dismiss the

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1799 petition, postpone the hearing until such written notice is
1800 given, or, if the department agrees, proceed with the
1801 arraignment hearing. The petition must be served on the
1802 department's office of general counsel.

1803 (c) The petition must be in writing and must set forth
1804 specific facts alleging that the child is a child in need of
1805 services ~~as defined in s. 984.03(9)~~. The petition must also
1806 demonstrate that the parent, legal guardian, or ~~legal~~ custodian
1807 has in good faith, but unsuccessfully, participated in the
1808 services and processes described in ss. 984.11 and 984.12.

1809 (4)~~(d)~~ The petition must be signed by the petitioner under
1810 oath.

1811 (5)~~(e)~~ The court, on its own motion or the motion of any
1812 party or the department, shall determine the legal sufficiency
1813 of a petition filed under this subsection and may dismiss any
1814 petition that lacks sufficient grounds. In addition, the court
1815 shall verify that the child is not:

1816 (a)~~1.~~ The subject of a pending investigation into an
1817 allegation or suspicion of abuse, neglect, or abandonment;

1818 (b)~~2.~~ The subject of a pending petition ~~referral~~ alleging
1819 that the child is delinquent; or

1820 (c)~~3.~~ Under the current supervision of the department or
1821 the Department of Children and Families for an adjudication or
1822 withholding of adjudication of delinquency or dependency.

1823 (6)~~(4)~~ The form of the petition and any additional contents
1824 shall be determined by rules of procedure adopted by the Supreme
1825 Court.

1826 (7)~~(5)~~ The petitioner ~~department or the parent, guardian,~~
1827 ~~or legal custodian~~ may withdraw a petition at any time before

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1828 ~~prior to~~ the child is ~~being~~ adjudicated a child in need of
1829 services.

1830 Section 18. Section 984.151, Florida Statutes, is amended
1831 to read:

1832 984.151 Early truancy intervention; truancy petition;
1833 judgment ~~prosecution; disposition.~~—

1834 (1) If the school determines that a student subject to
1835 compulsory school attendance has had at least five unexcused
1836 absences, or absences for which the reasons are unknown, within
1837 a calendar month or 10 unexcused absences, or absences for which
1838 the reasons are unknown, within a 90-calendar-day period
1839 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused
1840 absences in a 90-calendar-day period, the superintendent of
1841 schools or his or her designee may file a truancy petition
1842 seeking early truancy intervention.

1843 (2) The petition shall be filed in the circuit in which the
1844 student is enrolled in school.

1845 (3) Original jurisdiction to hear a truancy petition shall
1846 be in the circuit court; however, the circuit court may use a
1847 general or special magistrate ~~master~~ pursuant to Supreme Court
1848 rules. Upon the filing of the petition, the clerk shall issue a
1849 summons to the parent, legal guardian, or ~~legal~~ custodian of the
1850 student, directing that person and the student to appear for a
1851 hearing at a time and place specified.

1852 (4) The petition must contain the following: the name, age,
1853 and address of the student; the name and address of the
1854 student's parent or guardian; the school where the student is
1855 enrolled; the efforts the school has made to get the student to
1856 attend school in compliance with s. 1003.26; the number of out-

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1857 of-school contacts between the school system and student's
1858 parent or guardian; and the number of days and dates of days the
1859 student has missed school. The petition shall be sworn to by the
1860 superintendent or his or her designee.

1861 (5) Once the petition is filed, the court shall hear the
1862 petition within 30 days.

1863 (6) The student and the student's parent or guardian shall
1864 attend the hearing.

1865 (7) If the court determines that the student did miss any
1866 of the alleged days, the court shall enter an order finding the
1867 child to be a truant status offender and the court shall order
1868 the student to attend school and order the parent, legal
1869 guardian, or custodian to ensure that the student attends
1870 school. The court's power under this subsection is limited to
1871 entering orders to require the student to attend school and
1872 require the student and family to participate in services to
1873 encourage regular school attendance. The court, ~~and~~ may order
1874 any of the following services:

1875 (a) ~~The student to participate in alternative sanctions to~~
1876 ~~include mandatory attendance at alternative classes; to be~~
1877 ~~followed by mandatory community services hours for a period up~~
1878 ~~to 6 months; the student and~~

1879 (b) The student's parent, legal ~~or~~ guardian, or custodian
1880 to participate in parenting classes ~~homemaker or parent aide~~
1881 ~~services;~~

1882 (c) The student or the student's parent, legal ~~or~~ guardian
1883 or custodian to participate in individual, group, or family
1884 ~~intensive crisis~~ counseling;

1885 (d) The student or the student's parent, legal ~~or~~ guardian

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1886 or custodian to participate in community mental health services
1887 or substance abuse treatment services if available and
1888 applicable;

1889 (e) The student and the student's parent, legal or
1890 guardian, or custodian to participate in services ~~service~~
1891 provided by state or community ~~voluntary or community~~ agencies,
1892 if appropriate as available, including services for families in
1893 need of services as provided in s. 984.11;

1894 (f) The student and the student's parent, legal guardian,
1895 or custodian to attend meetings with school officials to address
1896 the child's educational needs, classroom assignment, class
1897 schedule, and other barriers to school attendance identified by
1898 the child's school, the child or his or her family;

1899 (g) The student and the student's parent, legal guardian,
1900 or custodian to engage in learning activities provided by the
1901 school board as to why education is important and the potential
1902 impact on the child's future employment and education options if
1903 the attendance problem persists; or

1904 (h) and The student or the student's parent, legal or
1905 guardian, or custodian to participate in vocational or job
1906 training, ~~or employment services.~~

1907 (8) If the student does not substantially comply with
1908 compulsory school attendance and court-ordered services required
1909 under ~~successfully complete the sanctions ordered in~~ subsection
1910 (7), and the child meets the definition of a child in need of
1911 services, the case shall be referred by the court to the
1912 department's authorized agent for review by the case staffing
1913 committee under s. 984.12 with a recommendation to file a
1914 petition for child in need of services ~~child in need of services~~

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1915 ~~petition~~ under s. 984.15. The court shall review the case not
1916 less than every 45 days to determine whether the child is in
1917 substantial compliance with compulsory education or if the case
1918 should be referred to the case staffing committee in accord with
1919 this subsection.

1920 (9) If the student substantially complies with compulsory
1921 school attendance the court shall close the truancy case.

1922 (10) If the child is adjudicated a child in need of
1923 services pursuant to s. 984.21, the truancy case shall be closed
1924 and jurisdiction relinquished in accordance with s. 984.04.

1925 (11) The court may retain jurisdiction of any case in which
1926 the child is noncompliant with compulsory education and the
1927 child does not meet the definition of a child in need of
1928 services under this chapter until jurisdiction lapses pursuant
1929 to s. 984.04.

1930 (12) The court may not order a child placed in shelter
1931 pursuant to this section unless the court has found the child to
1932 be in contempt for violation of a court order under s. 984.09.

1933 (13)~~(9)~~ The parent, legal guardian, or legal custodian and
1934 the student shall participate, as required by court order, in
1935 any sanctions or services required by the court under this
1936 section, and the court shall enforce such participation through
1937 its contempt power.

1938 (14) Any truant student that meets the definition of a
1939 child in need of services and who has been found in contempt for
1940 violation of a court order under s. 984.09 two or more times
1941 shall be referred to the case staffing committee under s. 984.12
1942 with a recommendation to file a petition for a child in need of
1943 services.

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1944 (15) The clerk of court must serve any court order
 1945 referring the case to voluntary family services or the case
 1946 staffing committee to the department's office of general counsel
 1947 and to the department's authorized agent.

1948 Section 19. Subsections (3) and (5) of section 984.16,
 1949 Florida Statutes, are amended, and subsection (11) is added to
 1950 that section, to read:

1951 984.16 Process and service for child in need of services
 1952 petitions.-

1953 (3) The summons shall require the person on whom it is
 1954 served to appear for a hearing at a time, and place, and manner
 1955 specified. ~~Except in cases of medical emergency, the time shall~~
 1956 ~~not be less than 24 hours after service of the summons.~~ The
 1957 summons must ~~may~~ require the custodian to bring the child to
 1958 court ~~if the court determines that the child's presence is~~
 1959 ~~necessary.~~ A copy of the petition shall be attached to the
 1960 summons.

1961 (5) The jurisdiction of the court shall attach to the child
 1962 and the parent, legal guardian, or custodian, ~~or legal guardian~~
 1963 of the child and the case when the summons is served upon the
 1964 child or a parent, or legal guardian, or actual ~~actual~~ custodian of the
 1965 child; ~~or~~ when the child is taken into custody with or without
 1966 service of summons and after filing of a petition for a child in
 1967 need of services; or when a party personally appears before the
 1968 court whichever occurs first, and thereafter the court may
 1969 control the child and case in accordance with this chapter.

1970 (11) If a court takes action that directly involves a
 1971 student's school, including, but not limited to, an order that a
 1972 student attend school, attend school with his or her parent,

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1973 requiring the parent to participate in meetings, including
1974 parent-teacher conferences, Section 504 plan meetings or
1975 individualized education plan meetings to address the student's
1976 disability, the office of the clerk of the court shall provide
1977 notice to the school of the court's order.

1978 Section 20. Section 984.17, Florida Statutes, is amended to
1979 read:

1980 984.17 Response to petition and representation of parties.—

1981 (1) At the time a child in need of services petition is
1982 filed, the court may appoint a guardian ad litem for the child.

1983 (2) No answer to the petition or any other pleading need be
1984 filed by any child, parent, ~~or~~ legal guardian, or custodian, but
1985 any matters which might be set forth in an answer or other
1986 pleading may be pleaded orally before the court or filed in
1987 writing as any such person may choose. Notwithstanding the
1988 filing of an answer or any pleading, the child and ~~or~~ parent,
1989 legal guardian, or custodian shall, before ~~prior to~~ an
1990 adjudicatory hearing, be advised by the court of the right to
1991 counsel.

1992 (3) When a petition for a child in need of services has
1993 been filed and the parents, legal guardian, or ~~legal~~ custodian
1994 of the child and the child have advised the department that the
1995 truth of the allegations is acknowledged and that no contest is
1996 to be made of the adjudication, the attorney representing the
1997 department may set the case before the court for a disposition
1998 hearing. If there is a change in the plea at this hearing, the
1999 court shall continue the hearing to permit the attorney
2000 representing the department to prepare and present the case.

2001 (4) An attorney representing the department shall represent

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2002 the state in any proceeding in which the petition alleges that a
2003 child is a child in need of services ~~and in which a party denies~~
2004 ~~the allegations of the petition and contests the adjudication.~~

2005 Section 21. Section 984.18, Florida Statutes, is repealed.

2006 Section 22. Section 984.19, Florida Statutes, is amended to
2007 read:

2008 984.19 Medical screening and treatment of child;
2009 examination of parent, legal guardian, or person requesting
2010 custody.-

2011 (1) When any child is to be placed in shelter care, the
2012 department or its authorized agent may ~~is authorized to~~ have a
2013 medical screening provided for ~~performed on~~ the child without
2014 authorization from the court and without consent from a parent,
2015 legal ~~or~~ guardian, or custodian. Such medical screening shall be
2016 provided ~~performed~~ by a licensed health care professional and
2017 shall be to screen ~~examine~~ the child for injury, illness, and
2018 communicable diseases. In no case does this subsection authorize
2019 the department to consent to medical treatment for such
2020 children.

2021 (2) When ~~the department has performed~~ the medical screening
2022 authorized by subsection (1) or when it is otherwise determined
2023 by a licensed health care professional that a child is in need
2024 of medical treatment, consent for medical treatment shall be
2025 obtained in the following manner:

2026 (a)1. Consent to medical treatment shall be obtained from a
2027 parent, legal ~~or~~ guardian, or custodian of the child; or

2028 2. A court order for such treatment shall be obtained.

2029 (b) If a parent, legal ~~or~~ guardian, or custodian of the
2030 child is unavailable and his or her whereabouts cannot be

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2031 reasonably ascertained, and it is after normal working hours so
2032 that a court order cannot reasonably be obtained, an authorized
2033 agent of the department or its provider has the authority to
2034 consent to necessary medical treatment for the child. The
2035 authority of the department to consent to medical treatment in
2036 this circumstance is limited to the time reasonably necessary to
2037 obtain court authorization.

2038 (c) If a parent, legal ~~or~~ guardian, or custodian of the
2039 child is available but refuses to consent to the necessary
2040 treatment, a court order is required, unless the situation meets
2041 the definition of an emergency in s. 743.064 or the treatment
2042 needed is related to suspected abuse or neglect of the child by
2043 the parent or guardian. In such case, the department's
2044 authorized agent may ~~department has the authority to~~ consent to
2045 necessary medical treatment. This authority is limited to the
2046 time reasonably necessary to obtain court authorization.

2047
2048 In no case may the department consent to sterilization,
2049 abortion, or termination of life support.

2050 (3) A judge may order that a child alleged to be or
2051 adjudicated a child in need of services be examined by a
2052 licensed health care professional. The judge may also order such
2053 child to be evaluated by a psychiatrist or a psychologist, by a
2054 district school board educational needs assessment team, or, if
2055 a developmental disability is suspected or alleged, by the
2056 developmental disability diagnostic and evaluation team of the
2057 Department of Children and Families or Agency for Persons with
2058 Disabilities. The judge may order a family assessment if that
2059 assessment was not completed at an earlier time. If it is

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2060 necessary to place a child in a residential facility for such
2061 evaluation, then the criteria and procedure established in s.
2062 394.463(2) or chapter 393 shall be used, whichever is
2063 applicable. The educational needs assessment provided by the
2064 district school board educational needs assessment team shall
2065 include, but not be limited to, reports of intelligence and
2066 achievement tests, screening for learning disabilities and other
2067 handicaps, and screening for the need for alternative education
2068 pursuant to s. 1003.53.

2069 (4) A judge may order that a child alleged to be or
2070 adjudicated a child in need of services be treated by a licensed
2071 health care professional. The judge may also order such child to
2072 receive mental health or intellectual disability services from a
2073 psychiatrist, psychologist, or other appropriate service
2074 provider. If it is necessary to place the child in a residential
2075 facility for such services, the procedures and criteria
2076 established in s. 394.467 or chapter 393 shall be used, as
2077 applicable. A child may be provided services in emergency
2078 situations pursuant to the procedures and criteria contained in
2079 s. 394.463(1) or chapter 393, as applicable.

2080 (5) When there are indications of physical injury or
2081 illness, a licensed health care professional shall be
2082 immediately contacted ~~called~~ or the child shall be taken to the
2083 nearest available hospital for emergency care.

2084 (6) Except as otherwise provided herein, ~~nothing in this~~
2085 section does not ~~shall be deemed to~~ eliminate the right of a
2086 parent, legal ~~a~~ guardian, or custodian, or the child to consent
2087 to examination or treatment for the child.

2088 (7) Except as otherwise provided herein, ~~nothing in this~~

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2089 section does not ~~shall be deemed to~~ alter the provisions of s.
2090 743.064.

2091 (8) A court may order ~~shall not be precluded from ordering~~
2092 services or treatment to be provided to the child by a duly
2093 accredited practitioner who relies solely on spiritual means for
2094 healing in accordance with the tenets and practices of a church
2095 or religious organization, when required by the child's health
2096 and when requested by the child.

2097 (9) ~~Nothing in~~ This section does not ~~shall be construed to~~
2098 authorize the permanent sterilization of the child, unless such
2099 sterilization is the result of or incidental to medically
2100 necessary treatment to protect or preserve the life of the
2101 child.

2102 (10) For the purpose of obtaining an evaluation or
2103 examination or receiving treatment as authorized pursuant to
2104 this section, no child ~~alleged to be or found to be a child from~~
2105 ~~a family in need of services or a child in need of services~~
2106 shall be placed in a detention facility or other program used
2107 primarily for the care and custody of children alleged or found
2108 to have committed delinquent acts.

2109 (11) The parents, legal guardian, or custodian ~~guardian~~ of
2110 a child alleged to be or adjudicated a child in need of services
2111 remain financially responsible for the cost of medical treatment
2112 provided to the child even if one or both of the parents or if
2113 the legal guardian, or custodian did not consent to the medical
2114 treatment. After a hearing, the court may order the parents,
2115 legal ~~or~~ guardian, or custodian, if found able to do so, to
2116 reimburse the department or other provider of medical services
2117 for treatment provided.

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2118 (12) A judge may order a child under its jurisdiction to
2119 submit to substance abuse evaluation, testing, and treatment in
2120 accordance with s. 397.706 ~~Nothing in this section alters the~~
2121 ~~authority of the department to consent to medical treatment for~~
2122 ~~a child who has been committed to the department pursuant to s.~~
2123 ~~984.22(3) and of whom the department has become the legal~~
2124 ~~custodian.~~

2125 (13) At any time after the filing of a petition for a child
2126 in need of services, when the mental or physical condition,
2127 including the blood group, of a parent, guardian, or other
2128 person requesting custody of a child is in controversy, the
2129 court may order the person to submit to a physical or mental
2130 examination by a qualified professional. The order may be made
2131 only upon good cause shown and pursuant to notice and procedures
2132 as set forth by the Florida Rules of Juvenile Procedure.

2133 Section 23. Section 984.20, Florida Statutes, is amended to
2134 read:

2135 984.20 Hearings for child in need of services ~~child in-~~
2136 ~~need-of-services~~ cases.-

2137 (1) ARRAIGNMENT HEARING.-

2138 (a) The clerk shall set a date for an arraignment hearing
2139 within a reasonable time after the date of the filing of the
2140 child in need of services petition. The court shall advise the
2141 child and the parent, legal guardian, or custodian of the right
2142 to counsel as provided in s. 984.07. ~~When a child has been taken~~
2143 ~~into custody by order of the court, an arraignment hearing shall~~
2144 ~~be held within 7 days after the date the child is taken into~~
2145 ~~custody.~~ The hearing shall be held for the child and the parent,
2146 legal guardian, or custodian to admit, deny, or consent to

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2147 findings that a child is in need of services as alleged in the
2148 petition. If the child and the parent, legal guardian, or
2149 custodian admit or consent to the findings in the petition, the
2150 court shall adjudicate the child a child in need of services and
2151 proceed as set forth in the Florida Rules of Juvenile Procedure.
2152 However, if either the child or the parent, legal guardian, or
2153 custodian denies any of the allegations of the petition, the
2154 court shall hold an adjudicatory hearing within a reasonable
2155 time after the date of the arraignment hearing ~~7 days after the~~
2156 ~~date of the arraignment hearing.~~

2157 (b) The court may grant a continuance of the arraignment
2158 hearing ~~When a child is in the custody of the parent, guardian,~~
2159 ~~or custodian, upon the filing of a petition, the clerk shall set~~
2160 ~~a date for an arraignment hearing within a reasonable time from~~
2161 ~~the date of the filing of the petition. if the child or and the~~
2162 ~~parent, legal guardian, or custodian request a continuance to~~
2163 ~~obtain an attorney. The case shall be rescheduled for an~~
2164 ~~arraignment hearing within a reasonable period of time to allow~~
2165 ~~for consultation admit or consent to an adjudication, the court~~
2166 ~~shall proceed as set forth in the Florida Rules of Juvenile~~
2167 ~~Procedure. However, if either the child or the parent, guardian,~~
2168 ~~or custodian denies any of the allegations of child in need of~~
2169 ~~services, the court shall hold an adjudicatory hearing within a~~
2170 ~~reasonable time from the date of the arraignment hearing.~~

2171 (c) If at the arraignment hearing the child and the parent,
2172 legal guardian, or custodian consents or admits to the
2173 allegations in the petition and the court determines that the
2174 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(c)~~,
2175 the court shall proceed to hold a disposition hearing at the

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2176 earliest practicable time that will allow for the completion of
2177 a predisposition study.

2178 (d) Failure of a person served with notice to appear at the
2179 arraignment hearing constitutes the person's consent to the
2180 adjudication of the child as a child in need of services. The
2181 document containing the notice to respond or appear must
2182 contain, in type as large as the balance of the document, the
2183 following or substantially similar language:

2184
2185 FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING
2186 CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD
2187 AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE
2188 COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE
2189 CHILD INTO SHELTER.

2190
2191 If a person appears for the arraignment hearing and the court
2192 orders that person to appear, either physically or through
2193 audio-video communication technology, at the adjudicatory
2194 hearing for the child in need of services case, stating the
2195 date, time, place, and, if applicable, the instructions for
2196 appearance through audio-video communication technology, of the
2197 adjudicatory hearing, that person's failure to appear for the
2198 scheduled adjudicatory hearing constitutes consent to
2199 adjudication of the child as a child in need of services.

2200 (2) ADJUDICATORY HEARING.—

2201 (a) The adjudicatory hearing shall be held as soon as
2202 practicable after the petition for a child in need of services
2203 is filed and in accordance with the Florida Rules of Juvenile
2204 Procedure, but reasonable delay for the purpose of

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2205 investigation, discovery, or procuring counsel or witnesses
2206 shall, whenever practicable, be granted. ~~If the child is in~~
2207 ~~eustody, the adjudicatory hearing shall be held within 14 days~~
2208 ~~after the date the child was taken into custody.~~

2209 (b) Adjudicatory hearings shall be conducted by the judge
2210 without a jury, applying the rules of evidence in use in civil
2211 cases and adjourning the hearings from time to time as
2212 necessary. In an adjudicatory ~~a hearing on a petition in which~~
2213 ~~it is alleged that the child is a child in need of services, a~~
2214 ~~preponderance of evidence shall be required to establish that~~
2215 ~~the child is in need of services. If the court finds the~~
2216 ~~allegations are proven by a preponderance of evidence and the~~
2217 ~~child is a child in need of services, the court shall enter an~~
2218 ~~order of adjudication.~~

2219 (c) All hearings, except as hereinafter provided, shall be
2220 open to the public, and no person shall be excluded therefrom
2221 except on special order of the judge who, in his or her
2222 discretion, may close any hearing to the public when the public
2223 interest or the welfare of the child, in his or her opinion, is
2224 best served by so doing. Hearings involving more than one child
2225 may be held simultaneously when the several children involved
2226 are related to each other or were involved in the same case. The
2227 child and the parent, legal guardian, or custodian of the child
2228 may be examined separately and apart from each other.

2229 (3) DISPOSITION HEARING.—

2230 (a) At the disposition hearing, ~~if the court finds that the~~
2231 ~~facts alleged in the petition of a child in need of services~~
2232 ~~were proven in the adjudicatory hearing,~~ the court shall receive
2233 and consider a predisposition study, which shall be in writing

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2234 and be presented by an authorized agent of the department or its
2235 provider.

2236 ~~(a)~~ The predisposition study shall cover:

2237 1. All treatment and services that the parent, legal
2238 guardian, or custodian and child received.

2239 2. The love, affection, and other emotional ties existing
2240 between the family ~~parents~~ and the child.

2241 3. The capacity and disposition of the parents, legal
2242 guardian, or custodian to provide the child with food, clothing,
2243 medical care or other remedial care recognized and permitted
2244 under the laws of this state in lieu of medical care, and other
2245 material needs.

2246 4. The length of time that the child has lived in a stable,
2247 satisfactory environment and the desirability of maintaining
2248 continuity.

2249 5. The permanence, as a family unit, of the existing or
2250 proposed custodial home.

2251 6. The moral fitness of the parents, legal guardian, or
2252 custodian.

2253 7. The mental and physical health of the family.

2254 8. The home, school, and community record of the child.

2255 9. The reasonable preference of the child, if the court
2256 deems the child to be of sufficient intelligence, understanding,
2257 and experience to express a preference.

2258 10. Any other factor considered by the court to be
2259 relevant.

2260 (b) The predisposition study also shall provide the court
2261 with documentation regarding:

2262 1. The availability of appropriate prevention, services,

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2263 and treatment for the parent, legal guardian, custodian, and
2264 child to prevent the removal of the child from the home or to
2265 reunify the child with the parent, legal guardian, or custodian
2266 after removal or to reconcile the problems between the family
2267 ~~parent, guardian, or custodian~~ and the child.†

2268 2. The inappropriateness of other prevention, treatment,
2269 and services that were available.†

2270 3. The efforts by the department to prevent shelter ~~out-of-~~
2271 ~~home~~ placement of the child or, when applicable, to reunify the
2272 parent, legal guardian, or custodian if appropriate services
2273 were available.†

2274 4. Whether voluntary family ~~the~~ services were provided.†

2275 5. If the voluntary family services and treatment were
2276 provided, whether they were sufficient to meet the needs of the
2277 child and the family and to enable the child to remain at home
2278 or to be returned home.†

2279 6. If the voluntary family services and treatment were not
2280 provided, the reasons for such lack of provision.† ~~and~~

2281 7. The need for, or appropriateness of, continuing such
2282 treatment and services if the child remains in the custody of
2283 the parent, legal guardian, or custodian or if the child is
2284 placed outside the home.

2285 (c) If placement of the child with anyone other than the
2286 child's parent, guardian, or custodian is being considered, the
2287 study shall include the designation of a specific length of time
2288 as to when custody by the parent, guardian, or custodian shall
2289 be reconsidered.

2290 (d) A copy of this predisposition study shall be furnished
2291 to the person having custody of the child at the time such

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2292 person is notified of the disposition hearing.

2293 (e) After review of the predisposition study and other
2294 relevant materials, the court shall hear from the parties and
2295 consider all recommendations for court-ordered services,
2296 evaluations, treatment and required actions designed to remedy
2297 the child's truancy, ungovernable behavior, or running away. The
2298 court shall enter an order of disposition.

2299
2300 Any other relevant and material evidence, including other
2301 written or oral reports, may be received by the court in its
2302 effort to determine the action to be taken with regard to the
2303 child and may be relied upon to the extent of its probative
2304 value, even though not competent in an adjudicatory hearing.
2305 Except as provided in paragraph (2) (c), ~~nothing in this section~~
2306 does not shall prohibit the publication of proceedings in a
2307 hearing.

2308 (4) REVIEW HEARINGS.—

2309 (a) The court shall hold a review hearing within 45 days
2310 after the disposition hearing. Additional review hearings may be
2311 held as necessary, allowing sufficient time for the child and
2312 family to work toward compliance with the court orders and
2313 monitoring by the case manager. No longer than 90 days may
2314 elapse between judicial review hearings ~~but no less than 45 days~~
2315 ~~after the date of the last review hearing.~~

2316 (b) The parent, legal guardian, or custodian and the child
2317 shall be noticed to appear for the review hearing. The
2318 department must appear at the review hearing. If the parent,
2319 legal guardian, or custodian does not appear at a review
2320 hearing, or if the court finds good cause to waive the child's

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2321 presence, the court may proceed with the hearing and enter
2322 orders that affect the child and family accordingly.

2323 (c)(b) At the review hearings, the court shall consider the
2324 department's judicial review summary. The court shall close the
2325 case if the child has substantially complied with the case plans
2326 and court orders and no longer requires continued court
2327 supervision, subject to the case being reopened. Upon request of
2328 the petitioner, the court may close the case and relinquish
2329 jurisdiction. If the child has significantly failed to comply
2330 with the case plan or court orders, the child shall continue to
2331 be a child in need of services and reviewed by the court as
2332 needed. At review hearings, the court may enter further orders
2333 to adjust the services case plan to address the family needs and
2334 compliance with court orders, including, but not limited to,
2335 ordering the child placed in shelter, but no less than 45 days
2336 after the date of the last review hearing.

2337 Section 24. Section 984.21, Florida Statutes, is amended to
2338 read:

2339 984.21 Orders of adjudication.—

2340 (2)(1) If the court finds that the child named in a
2341 petition is not a child in need of services, it shall enter an
2342 order so finding and dismiss ~~dismissing~~ the case.

2343 ~~(2) If the court finds that the child named in the petition~~
2344 ~~is a child in need of services, but finds that no action other~~
2345 ~~than supervision in the home is required, it may enter an order~~
2346 ~~briefly stating the facts upon which its finding is based, but~~
2347 ~~withholding an order of adjudication and placing the child and~~
2348 ~~family under the supervision of the department. If the court~~
2349 ~~later finds that the parent, guardian, or custodian of the child~~

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2350 ~~have not complied with the conditions of supervision imposed,~~
2351 ~~the court may, after a hearing to establish the noncompliance,~~
2352 ~~but without further evidence of the state of the child in need~~
2353 ~~of services, enter an order of adjudication and shall thereafter~~
2354 ~~have full authority under this chapter to provide for the child~~
2355 ~~as adjudicated.~~

2356 (3) If the court finds by a preponderance of evidence that
2357 the child named in a petition is a child in need of services,
2358 ~~but elects not to proceed under subsection (2),~~ it shall
2359 incorporate that finding in an order of adjudication entered in
2360 the case, briefly stating the facts upon which the finding is
2361 made, and the court shall thereafter have full authority under
2362 this chapter to provide for the child as adjudicated.

2363 (1)(4) An order of adjudication by a court that a child is
2364 a child in need of services is a civil adjudication, and is
2365 ~~services shall~~ not be deemed a conviction, nor shall the child
2366 be deemed to have been found guilty or to be a delinquent or
2367 criminal by reason of ~~that~~ adjudication, nor shall that
2368 adjudication operate to impose upon the child any of the civil
2369 disabilities ordinarily imposed by or resulting from conviction
2370 or disqualify or prejudice the child in any civil service
2371 application or appointment.

2372 Section 25. Section 984.22, Florida Statutes, is amended to
2373 read:

2374 984.22 Powers of disposition.—

2375 (1) If the court finds that services and treatment have not
2376 been provided or used ~~utilized~~ by a child or family, the court
2377 having jurisdiction of the child in need of services shall have
2378 the power to direct the least intrusive and least restrictive

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2379 disposition, as follows:

2380 (a) Order the parent, legal guardian, or custodian and the
2381 child to participate in treatment, services, and any other
2382 alternative identified as necessary.

2383 (b) Order the parent, legal guardian, or custodian to pay a
2384 fine or fee based on the recommendations of the department.

2385 (2) When any child is adjudicated by the court to be a
2386 child in need of services, the court having jurisdiction of the
2387 child and parent, legal guardian, or custodian shall have the
2388 power, by order, to:

2389 (a) Place the child under the supervision of the
2390 department's authorized agent ~~contracted~~ provider of programs
2391 and services for children in need of services and families in
2392 need of services. The term "supervision," for the purposes of
2393 this section, means services as defined by the contract between
2394 the department and the provider.

2395 (b) Place the child in the temporary legal custody of an
2396 adult willing to care for the child.

2397 (c) Commit the child to a licensed child-caring agency
2398 willing to receive the child and to provide services without
2399 compensation from the department.

2400 (d) Order the child, and, if the court finds it
2401 appropriate, the parent, legal guardian, or custodian of the
2402 child, to render community service in a public service program.

2403 (e) Order the child placed in shelter pursuant to s.
2404 984.225 or s. 984.226.

2405 (3) When any child is adjudicated by the court to be a
2406 child in need of services and temporary legal custody of the
2407 child has been placed with an adult willing to care for the

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2408 child, or a licensed child-caring agency, ~~the Department of~~
2409 ~~Juvenile Justice, or the Department of Children and Families,~~
2410 the court shall order the natural or adoptive parents of such
2411 child, including the natural father of such child born out of
2412 wedlock who has acknowledged his paternity in writing before the
2413 court, or the guardian of such child's estate if possessed of
2414 assets which under law may be disbursed for the care, support,
2415 and maintenance of such child, to pay child support to the adult
2416 relative caring for the child, the licensed child-caring agency,
2417 the department ~~of Juvenile Justice,~~ or the Department of
2418 Children and Families. When such order affects the guardianship
2419 estate, a certified copy of such order shall be delivered to the
2420 judge having jurisdiction of such guardianship estate. If the
2421 court determines that the parent is unable to pay support,
2422 placement of the child shall not be contingent upon issuance of
2423 a support order. The department may employ a collection agency
2424 to receive, collect, and manage ~~for the purpose of receiving,~~
2425 ~~collecting, and managing~~ the payment of unpaid and delinquent
2426 fees. The collection agency must be registered and in good
2427 standing under chapter 559. The department may pay to the
2428 collection agency a fee from the amount collected under the
2429 claim or may authorize the agency to deduct the fee from the
2430 amount collected.

2431 ~~(4) All payments of fees made to the department under this~~
2432 ~~chapter, or child support payments made to the department~~
2433 ~~pursuant to subsection (3), shall be deposited in the General~~
2434 ~~Revenue Fund.~~

2435 (4) ~~(5)~~ In carrying out the provisions of this chapter, the
2436 court shall order the child, family, parent, legal guardian, or

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2437 custodian of a child who is found to be a child in need of
2438 services to participate in family counseling and other
2439 professional counseling activities or other alternatives deemed
2440 necessary to address the needs ~~for the rehabilitation~~ of the
2441 child and family.

2442 ~~(5)-(6)~~ The participation and cooperation of the family,
2443 parent, legal guardian, or custodian, and the child with court-
2444 ordered services, treatment, or community service are mandatory,
2445 not merely voluntary. The court may use its contempt powers to
2446 enforce its orders ~~order~~.

2447 Section 26. Section 984.225, Florida Statutes, is amended
2448 to read:

2449 984.225 Powers of disposition; placement in a ~~staff-secure~~
2450 shelter.-

2451 ~~(1) Subject to specific legislative appropriation,~~ The
2452 court may order that a child adjudicated as a child in need of
2453 services be placed in shelter to enforce the court's orders, to
2454 ensure the child attends school, to ensure the child receives
2455 needed counseling, and to ensure the child adheres to a service
2456 plan. While a child is in a shelter, the child shall receive
2457 education commensurate with his or her grade level and
2458 educational ability. The department, or the department's
2459 authorized agent, must verify to the court that a shelter bed is
2460 available for the child. If the department or the department's
2461 authorized agent verifies that a bed is not available, the
2462 department shall place the child's name on a waiting list. The
2463 child who has been on the waiting list the longest shall get the
2464 next available bed. ~~for up to 90 days in a staff-secure shelter~~
2465 ~~if:~~

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2466 (2) The court shall order the parent, legal guardian, or
2467 custodian to cooperate with reunification efforts and
2468 participate in counseling. If a parent, legal guardian, or
2469 custodian prefers to arrange counseling or other services with a
2470 private provider in lieu of using services provided by the
2471 department, the family shall pay all costs associated with those
2472 services.

2473 (3) Placement of a child under this section is designed to
2474 provide residential care on a temporary basis. Such placement
2475 does not abrogate the legal responsibilities of the parent,
2476 legal guardian, or custodian with respect to the child, except
2477 to the extent that those responsibilities are temporarily
2478 altered by court order.

2479 (a) The court may order any child adjudicated a child in
2480 need of services to be placed in shelter for up to 35 days.

2481 (b) After other alternative, less restrictive, remedies
2482 have been exhausted, the child may be placed in shelter for up
2483 to 90 days if:

2484 1.(a) The child's parent, legal guardian, or legal
2485 custodian refuses to provide food, clothing, shelter, and
2486 necessary parental support for the child and the refusal is a
2487 direct result of an established pattern of significant
2488 disruptive behavior of the child in the home of the parent,
2489 legal guardian, or legal custodian;

2490 2.(b) The child refuses to remain under the reasonable care
2491 and custody of the his or her parent, legal guardian, or legal
2492 custodian, as evidenced by repeatedly running away and failing
2493 to comply with a court order; or

2494 3.(e) The child has failed to successfully complete an

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2495 alternative treatment program or to comply with a court-ordered
2496 services ~~sanction~~ and the child has been placed in a shelter
2497 ~~residential program~~ on at least one prior occasion pursuant to a
2498 court order after the child has been adjudicated a child in need
2499 of services under this chapter.

2500 (4) The court shall review the child's 90-day shelter
2501 placement within 45 days after the child's placement and
2502 determine whether continued shelter is deemed necessary. The
2503 court shall also determine whether the parent, legal guardian,
2504 or custodian has reasonably participated in the child's
2505 counseling and treatment program, and is following the
2506 recommendations of the program to work toward reunification. The
2507 court shall also determine whether the department's
2508 reunification efforts have been reasonable. If the court finds
2509 an inadequate level of support or participation by the parent,
2510 legal guardian, or custodian before the end of the shelter
2511 commitment period, the court shall direct a staffing to take
2512 place with the Department of Children and Families.

2513 ~~(2) This section applies after other alternative, less-~~
2514 ~~restrictive remedies have been exhausted. The court may order~~
2515 ~~that a child be placed in a staff-secure shelter. The~~
2516 ~~department, or an authorized representative of the department,~~
2517 ~~must verify to the court that a bed is available for the child.~~
2518 ~~If the department or an authorized representative of the~~
2519 ~~department verifies that a bed is not available, the department~~
2520 ~~will place the child's name on a waiting list. The child who has~~
2521 ~~been on the waiting list the longest will get the next available~~
2522 ~~bed.~~

2523 ~~(3) The court shall order the parent, guardian, or legal~~

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2524 ~~custodian to cooperate with efforts to reunite the child with~~
2525 ~~the family, participate in counseling, and pay all costs~~
2526 ~~associated with the care and counseling provided to the child~~
2527 ~~and family, in accordance with the family's ability to pay as~~
2528 ~~determined by the court. Commitment of a child under this~~
2529 ~~section is designed to provide residential care on a temporary~~
2530 ~~basis. Such commitment does not abrogate the legal~~
2531 ~~responsibilities of the parent, guardian, or legal custodian~~
2532 ~~with respect to the child, except to the extent that those~~
2533 ~~responsibilities are temporarily altered by court order.~~

2534 ~~(4) While a child is in a staff-secure shelter, the child~~
2535 ~~shall receive education commensurate with his or her grade level~~
2536 ~~and educational ability.~~

2537 (5) If a child has not been reunited with his or her
2538 parent, legal guardian, or ~~legal~~ custodian at the expiration of
2539 the 90-day commitment period, the court may order that the child
2540 remain in the ~~staff-secure~~ shelter for an additional 30 days if
2541 the court finds that reunification could be achieved within that
2542 period.

2543 ~~(6)~~ The department is deemed to have exhausted the
2544 reasonable remedies offered under this chapter if, at the end of
2545 the 90-day shelter ~~commitment~~ period, the parent, legal
2546 guardian, or ~~legal~~ custodian continues to refuse to allow the
2547 child to remain at home or creates unreasonable conditions for
2548 the child's return. If, at the end of the 90-day shelter
2549 ~~commitment~~ period, the child is not reunited with his or her
2550 parent, legal guardian, or custodian due solely to the continued
2551 refusal of the parent, legal guardian, or custodian to provide
2552 food, clothing, shelter, and parental support, the child is

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2553 considered to be threatened with harm as a result of such acts
2554 or omissions, and the court shall direct that the child be
2555 handled in every respect as a dependent child. Jurisdiction
2556 shall be transferred to the custody of the Department of
2557 Children and Families, and the child's care shall be governed
2558 under the relevant provisions of chapter 39. The department
2559 shall coordinate with the Department of Children and Families as
2560 provided in s. 984.086. The clerk of court shall serve the
2561 Department of Children and Families with any court order of
2562 referral.

2563 ~~(7) The court shall review the child's commitment once~~
2564 ~~every 45 days as provided in s. 984.20. The court shall~~
2565 ~~determine whether the parent, guardian, or custodian has~~
2566 ~~reasonably participated in and financially contributed to the~~
2567 ~~child's counseling and treatment program. The court shall also~~
2568 ~~determine whether the department's efforts to reunite the family~~
2569 ~~have been reasonable. If the court finds an inadequate level of~~
2570 ~~support or participation by the parent, guardian, or custodian~~
2571 ~~prior to the end of the commitment period, the court shall~~
2572 ~~direct that the child be handled in every respect as a dependent~~
2573 ~~child. Jurisdiction shall be transferred to the Department of~~
2574 ~~Children and Families, and the child's care shall be governed~~
2575 ~~under the relevant provisions of chapter 39.~~

2576 (6)(8) If the child requires residential mental health
2577 treatment or residential care for a developmental disability,
2578 the court shall refer the child transferred to the custody of
2579 the Agency for Persons with Disabilities or to the Department of
2580 Children and Families for the provision of necessary services.
2581 The clerk of court shall serve the Agency for Persons with

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2582 Disabilities or the Department of Children and Families with any
2583 court order of referral.

2584 Section 27. Section 984.226, Florida Statutes, is amended
2585 to read:

2586 984.226 Physically secure shelter ~~setting~~.

2587 (1) Subject to specific legislative appropriation, the
2588 department ~~of Juvenile Justice~~ shall establish or contract for
2589 physically secure shelters ~~settings~~ designated exclusively for
2590 the placement of children in need of services who meet the
2591 criteria provided in this section.

2592 ~~(2) When a petition is filed alleging that a child is a~~
2593 ~~child in need of services, the child must be represented by~~
2594 ~~counsel at each court appearance unless the record in that~~
2595 ~~proceeding affirmatively demonstrates by clear and convincing~~
2596 ~~evidence that the child knowingly and intelligently waived the~~
2597 ~~right to counsel after being fully advised by the court of the~~
2598 ~~nature of the proceedings and the dispositional alternatives~~
2599 ~~available to the court under this section. If the court decides~~
2600 ~~to appoint counsel for the child and if the child is indigent,~~
2601 ~~the court shall appoint an attorney to represent the child as~~
2602 ~~provided under s. 985.033. Nothing precludes the court from~~
2603 ~~requesting reimbursement of attorney's fees and costs from the~~
2604 ~~nonindigent parent or legal guardian.~~

2605 (2)(3) When a child is adjudicated as a child in need of
2606 services by a court and all other less restrictive placements
2607 have been exhausted, the court may order the child to be placed
2608 in a physically secure shelter ~~setting~~ ~~authorized in this~~
2609 ~~section~~ if the child has:

2610 (a) Failed to appear for placement in a ~~staff-secure~~

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2611 shelter for up to 90 days as ordered under s. 984.225, or failed
2612 to comply with any other provision of a valid court order
2613 relating to such placement and, as a result of such failure, has
2614 been found to be in direct or indirect contempt of court; or

2615 (b) Run away from a 90-day ~~staff-secure~~ shelter following
2616 placement under s. 984.225 ~~or s. 984.09~~.

2617

2618 The department or an authorized agent ~~representative~~ of the
2619 department must verify to the court that a bed is available for
2620 the child in a physically secure shelter. If a bed is not
2621 available in a physically secure shelter, the court must stay
2622 the placement until such a bed is available, and the department
2623 must place the child's name on a waiting list. The child who has
2624 been on the waiting list the longest has first priority for
2625 placement in the physically secure shelter. Physically secure
2626 shelter placement may only be used when the child cannot receive
2627 appropriate and available services due to the child running away
2628 or refusing to cooperate with attempts to provide services in
2629 other less restrictive placements ~~setting~~.

2630 ~~(3)-(4)~~ A child may be placed in a physically secure shelter
2631 ~~setting~~ for up to 90 days by order of the court. If a child has
2632 not been reunited with his or her parent, guardian, or legal
2633 custodian at the expiration of the placement in a physically
2634 secure shelter ~~setting~~, the court may order that the child
2635 remain in the physically secure shelter ~~setting~~ for an
2636 additional 30 days if the court finds that reunification could
2637 be achieved within that period.

2638 ~~(4)-(5)~~ (a) The court shall review the child's placement once
2639 within every 45 days to determine whether the child can be

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2640 returned home with the provision of ongoing services ~~as provided~~
2641 ~~in s. 984.20.~~

2642 (b) At any time during the placement of a child in need of
2643 services in a physically secure shelter ~~setting~~, the department
2644 or an authorized agent ~~representative~~ of the department may
2645 submit to the court a report that recommends:

2646 1. That the child has received all of the services
2647 available from the physically secure shelter ~~setting~~ and is
2648 ready for reunification with a parent or guardian; or

2649 2. That the child is unlikely to benefit from continued
2650 placement in the physically secure shelter ~~setting~~ and is more
2651 likely to have his or her needs met in a different type of
2652 placement. The court may order that the child be transitioned
2653 from a physically secure shelter to a shelter placement as
2654 provided in s. 984.225 upon a finding that the physically secure
2655 shelter is no longer necessary for the child's safety and to
2656 provide needed services.

2657 (c) The court shall determine if the parent, legal
2658 guardian, or custodian has reasonably participated in and has
2659 financially contributed to or participated in the child's
2660 counseling and treatment program.

2661 (d) If the court finds an inadequate level of support or
2662 participation by the parent, legal guardian, or custodian before
2663 the end of the placement, the court shall direct a staffing to
2664 take place with the Department of Children and Families ~~that the~~
2665 ~~child be handled as a dependent child, jurisdiction shall be~~
2666 ~~transferred to the Department of Children and Families, and the~~
2667 ~~child's care shall be governed by chapter 39.~~

2668 (e) If the child requires long-term residential mental

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2669 health treatment or residential care for a developmental
2670 disability, the court shall refer the child to the Department of
2671 Children and Families or the Agency for Persons with
2672 Disabilities for the provision of necessary services. The clerk
2673 of court shall serve the Agency for Persons with Disabilities or
2674 the Department of Children and Families with any court order of
2675 referral.

2676 (5)~~(6)~~ Prior to being ordered to a physically secure
2677 shelter setting, the child must be afforded all rights of due
2678 process required under s. 984.07 ~~985.037~~.

2679 (6) While in the physically secure shelter setting, the
2680 child shall receive appropriate assessment, intervention,
2681 treatment, and educational services that are designed to
2682 eliminate or reduce the child's truant, ungovernable, or runaway
2683 behavior. The child and family shall be provided with individual
2684 and family counseling and other support services necessary for
2685 reunification.

2686 (7) The court shall order the parent, legal guardian, or
2687 ~~legal~~ custodian to cooperate with efforts to reunite the child
2688 with the family, participate in counseling, and pay all costs
2689 associated with the care and counseling provided to the child
2690 and family, in accordance with the child's insurance and the
2691 family's ability to pay as determined by the court. Placement of
2692 a child under this section is designed to provide residential
2693 care on a temporary basis. Such placement does not abrogate the
2694 legal responsibilities of the parent, legal guardian, or ~~legal~~
2695 custodian with respect to the child, except to the extent that
2696 those responsibilities are temporarily altered by court order.

2697 Section 28. Section 985.731, Florida Statutes, is

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2698 transferred and renumbered as section 787.035, Florida Statutes.

2699 Section 29. Subsection (9) of section 985.03, Florida
2700 Statutes, is amended to read:

2701 985.03 Definitions.—As used in this chapter, the term:

2702 (9) "Child who has been found to have committed a
2703 delinquent act" means a child who, under this chapter, is found
2704 by a court to have committed a violation of law or to be in
2705 direct or indirect contempt of court, except that this
2706 definition does not include an act constituting contempt of
2707 court arising out of a ~~dependency~~ proceeding under chapter 39 or
2708 chapter 984 ~~or a proceeding concerning a child or family in need~~
2709 ~~of services.~~

2710 Section 30. Subsection (4) of section 985.24, Florida
2711 Statutes, is amended to read:

2712 985.24 Use of detention; prohibitions.—

2713 (4) A child who is alleged to be dependent under chapter
2714 39, or any child subject to proceedings under chapter 984, but
2715 who is not alleged to have committed a delinquent act or
2716 violation of law, may not, under any circumstances, be placed
2717 into secure detention care.

2718 Section 31. Section 1003.26, Florida Statutes, is amended
2719 to read:

2720 1003.26 Enforcement of school attendance.—The Legislature
2721 finds that poor academic performance is associated with
2722 nonattendance and that school districts must take an active role
2723 in promoting and enforcing attendance as a means of improving
2724 student performance. It is the policy of the state that each
2725 district school superintendent be responsible for enforcing
2726 school attendance of all students subject to the compulsory

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2727 school age in the school district and supporting enforcement of
2728 school attendance by local law enforcement agencies. The
2729 responsibility includes recommending policies and procedures to
2730 the district school board that require public schools to respond
2731 in a timely manner to every unexcused absence, and every absence
2732 for which the reason is unknown, of students enrolled in the
2733 schools. District school board policies shall require the parent
2734 of a student to justify each absence of the student, and that
2735 justification will be evaluated based on adopted district school
2736 board policies that define excused and unexcused absences. The
2737 policies must provide that public schools track excused and
2738 unexcused absences and contact the home in the case of an
2739 unexcused absence from school, or an absence from school for
2740 which the reason is unknown, to prevent the development of
2741 patterns of nonattendance. The Legislature finds that early
2742 intervention in school attendance is the most effective way of
2743 producing good attendance habits that will lead to improved
2744 student learning and achievement. Each public school is required
2745 to ~~shall~~ implement the following steps to promote and enforce
2746 regular school attendance:

2747 (1) CONTACT, REFER, AND ENFORCE.—

2748 (a) Upon each unexcused absence, or absence for which the
2749 reason is unknown, the school principal or his or her designee
2750 must ~~shall~~ contact the student's parent to determine the reason
2751 for the absence. If the absence is an excused absence, as
2752 defined by district school board policy, the school shall
2753 provide opportunities for the student to make up assigned work
2754 and not receive an academic penalty unless the work is not made
2755 up within a reasonable time.

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2756 (b) If a student has had at least five unexcused absences,
2757 or absences for which the reasons are unknown, within a calendar
2758 month or 10 unexcused absences, or absences for which the
2759 reasons are unknown, within a 90-calendar-day period, the
2760 student's primary teacher must ~~shall~~ report to the school
2761 principal or his or her designee that the student may be
2762 exhibiting a pattern of nonattendance. ~~The principal shall,~~
2763 Unless there is clear evidence that the absences are not a
2764 pattern of nonattendance, the principal must refer the case to
2765 the school's child study team to determine if early patterns of
2766 truancy are developing. If the child study team finds that a
2767 pattern of nonattendance is developing, whether the absences are
2768 excused or not, a meeting with the parent must be scheduled to
2769 identify potential remedies, and the principal must ~~shall~~ notify
2770 the district school superintendent and the school district
2771 contact for home education programs that the referred student is
2772 exhibiting a pattern of nonattendance. The child study team may
2773 allow the parent to attend the meeting virtually or by telephone
2774 if the parent is unable to attend the meeting in person.

2775 (c) If the parent or child fails to attend the child study
2776 team meeting, the meeting shall be held in his or her absence,
2777 and the child study team shall make written recommendations to
2778 remediate the truancy based upon the information available to
2779 the school. The recommendations shall be provided to the parent
2780 within 7 days after the child study team meeting. If the ~~an~~
2781 initial meeting does not resolve the problem, the child study
2782 team shall implement the following:

2783 1. Frequent attempts at communication between the teacher
2784 and the family.

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2785 2. Attempt to determine the reasons the child is truant
2786 from school and provide remedies if available or refer the
2787 family to services, including referring the family for available
2788 scholarship options if the learning environment is an issue of
2789 concern.

2790 ~~3.2.~~ Evaluation for alternative education programs.

2791 ~~4.3.~~ Attendance contracts.

2792
2793 The child study team may, but is not required to, implement
2794 other interventions, including referral to the Department of
2795 Juvenile Justice's designated provider for voluntary family
2796 services, or to other agencies for family services or recommend
2797 ~~recommendation for~~ filing a truancy petition pursuant to s.
2798 984.151.

2799 (d) The child study team must ~~shall~~ be diligent in
2800 facilitating intervention services and shall report the case to
2801 the district school superintendent only when all reasonable
2802 efforts to resolve the nonattendance behavior are exhausted.

2803 (e) If the parent refuses to participate in the remedial
2804 strategies because he or she believes that those strategies are
2805 unnecessary or inappropriate, the parent may appeal to the
2806 district school board. The district school board may provide a
2807 hearing officer, and the hearing officer shall make a
2808 recommendation for final action to the district school board. If
2809 the district school board's final determination is that the
2810 strategies of the child study team are appropriate, and the
2811 parent still refuses to participate or cooperate, the district
2812 school superintendent may seek criminal prosecution for
2813 noncompliance with compulsory school attendance.

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2814 (f)1. If the parent of a child who has been identified as
2815 exhibiting a pattern of nonattendance enrolls the child in a
2816 home education program pursuant to chapter 1002, the district
2817 school superintendent shall provide the parent a copy of s.
2818 1002.41 and the accountability requirements of this paragraph.
2819 The district school superintendent shall also refer the parent
2820 to a home education review committee composed of the district
2821 contact for home education programs and at least two home
2822 educators selected by the parent from a district list of all
2823 home educators who have conducted a home education program for
2824 at least 3 years and who have indicated a willingness to serve
2825 on the committee. The home education review committee shall
2826 review the portfolio of the student, as defined by s. 1002.41,
2827 every 30 days during the district's regular school terms until
2828 the committee is satisfied that the home education program is in
2829 compliance with s. 1002.41(1)(d). The first portfolio review
2830 must occur within the first 30 calendar days after ~~of~~ the
2831 establishment of the program. The provisions of subparagraph 2.
2832 do not apply once the committee determines the home education
2833 program is in compliance with s. 1002.41(1)(d).

2834 2. If the parent fails to provide a portfolio to the
2835 committee, the committee shall notify the district school
2836 superintendent. The district school superintendent shall then
2837 terminate the home education program and require the parent to
2838 enroll the child in an attendance option that meets the
2839 definition of the term "regular school attendance" under s.
2840 1003.01(16)(a), (b), (c), or (e), within 3 days. Upon
2841 termination of a home education program pursuant to this
2842 subparagraph, the parent shall not be eligible to reenroll the

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2843 child in a home education program for 180 calendar days. Failure
2844 of a parent to enroll the child in an attendance option as
2845 required by this subparagraph after termination of the home
2846 education program pursuant to this subparagraph shall constitute
2847 noncompliance with the compulsory attendance requirements of s.
2848 1003.21 and may result in criminal prosecution under s.
2849 1003.27(2). Nothing contained herein shall restrict the ability
2850 of the district school superintendent, or the ability of his or
2851 her designee, to review the portfolio pursuant to s.
2852 1002.41(1)(e).

2853 (g) If a student subject to compulsory school attendance
2854 will not comply with attempts to enforce school attendance, the
2855 parent or the district school superintendent or his or her
2856 designee must ~~shall~~ refer the case to the Department of Juvenile
2857 Justice's authorized agent, which shall then offer voluntary
2858 family services, and schedule a meeting of the case staffing
2859 committee pursuant to s. 984.12 if the services do not remediate
2860 the child's truancy, and the district school superintendent or
2861 his or her designee may file a truancy petition pursuant to the
2862 procedures in s. 984.151.

2863 (h) If a student subject to compulsory school attendance is
2864 responsive to the interventions described in this section and
2865 has completed the necessary requirements to pass the current
2866 grade as indicated in the district pupil progression plan, the
2867 student may not be determined to be a habitual truant and shall
2868 be promoted.

2869 (2) GIVE WRITTEN NOTICE.—

2870 (a) Under the direction of the district school
2871 superintendent, a designated school representative must provide

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2872 ~~shall give~~ written notice in person or by return-receipt mail to
2873 the parent, requiring the child's ~~that requires~~ enrollment or
2874 attendance within 3 days after the date of notice, ~~in person or~~
2875 ~~by return-receipt mail, to the parent~~ when no valid reason is
2876 found for a student's nonenrollment in school if the child is
2877 under compulsory education requirements, and is not exempt. If
2878 the child is not enrolled or in attendance in school within 3
2879 days after the notice being provided ~~and requirement are~~
2880 ~~ignored,~~ the designated school representative must ~~shall~~ report
2881 the case to the district school superintendent, who must ~~may~~
2882 refer the case to the child study team in paragraph (1)(b) at
2883 the school the student would be assigned according to district
2884 school board attendance area policies. In addition, the
2885 designated school representative may refer the case to the
2886 Department of Juvenile Justice's authorized agent for families
2887 in need of services ~~or to the case staffing committee,~~
2888 ~~established pursuant to s. 984.12.~~ The child study team must
2889 ~~shall~~ diligently facilitate intervention services and ~~shall~~
2890 report the case back to the district school superintendent
2891 within 15 days after referral of the case if only when all
2892 reasonable efforts to resolve the nonenrollment behavior have
2893 been made and the child is still not attending school ~~are~~
2894 ~~exhausted.~~ If the parent ~~still~~ refuses to cooperate or enroll
2895 the child in school within 15 days after referral of the case to
2896 the child study team, the district school superintendent must
2897 make a report to law enforcement and refer the case to the
2898 Office of the State Attorney ~~shall take such steps as are~~
2899 ~~necessary~~ to bring criminal prosecution against the parent.

2900 (b) Subsequent to referring the case to the Office of the

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2901 State Attorney ~~the activities required under subsection (1),~~ the
2902 district school superintendent or his or her designee must ~~shall~~
2903 give written notice in person or by return-receipt mail to the
2904 parent that criminal prosecution is being sought for
2905 nonattendance. The district school superintendent may file a
2906 truancy petition, as defined in s. 984.03, following the
2907 procedures outlined in s. 984.151.

2908 (3) RETURN STUDENT TO PARENT.— A designated school
2909 representative may visit the home or place of residence of a
2910 student and any other place in which he or she is likely to find
2911 any student who is required to attend school when the student is
2912 not enrolled or is absent from school during school hours
2913 without an excuse, and, when the student is found, shall return
2914 the student to his or her parent or to the principal or teacher
2915 in charge of the school, or to the private tutor from whom
2916 absent. If the parent cannot be located or is unavailable to
2917 take custody of the child, and the child is not to be presented
2918 to the child's school or tutor, the youth shall be referred to
2919 the Department of Juvenile Justice's shelter, to another
2920 facility, or to the juvenile assessment center or other location
2921 established by the district school board to receive students who
2922 are absent from school. Upon receipt of the student, the parent
2923 shall be immediately notified.

2924 (4) REPORT TO APPROPRIATE AUTHORITY.—A designated school
2925 representative shall report to the appropriate authority
2926 designated by law to receive such notices, all violations of the
2927 Child Labor Law that may come to his or her knowledge.

2928 (5) RIGHT TO INSPECT.—A designated school representative
2929 shall have the right of access to, and inspection of,

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2930 establishments where minors may be employed or detained only for
 2931 the purpose of ascertaining whether students of compulsory
 2932 school age are actually employed there and are actually working
 2933 there regularly. The designated school representative shall, if
 2934 he or she finds unsatisfactory working conditions or violations
 2935 of the Child Labor Law, report his or her findings to the
 2936 appropriate authority.

2937 Section 32. Subsections (2), (3), (4), (6), and (7) of
 2938 section 1003.27, Florida Statutes, are amended to read:

2939 1003.27 Court procedure and penalties.—The court procedure
 2940 and penalties for the enforcement of the provisions of this
 2941 part, relating to compulsory school attendance, shall be as
 2942 follows:

2943 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2944 (a) ~~In each case of nonenrollment or of nonattendance upon~~
 2945 ~~the part of a student who is required to attend some school,~~
 2946 ~~when no valid reason for such nonenrollment or nonattendance is~~
 2947 ~~found,~~ The district school superintendent shall institute a
 2948 criminal prosecution against the student's parent, in each case
 2949 of nonenrollment or of nonattendance of a student who is
 2950 required to attend school, when no valid reason for the
 2951 nonenrollment or nonattendance is found. ~~However,~~ Criminal
 2952 prosecution may not be instituted against the student's parent
 2953 until the school and school district have complied with s.
 2954 1003.26.

2955 (b) Each public school principal or the principal's
 2956 designee must ~~shall~~ notify the district school board of each
 2957 minor student under its jurisdiction who accumulates 15
 2958 unexcused absences in a period of 90 calendar days. Reports

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2959 shall be made to the district school board at the end of each
2960 school quarter. The calculation of 15 absences within 90 days
2961 are determined based on calendar days and are not limited to the
2962 span of one school quarter during which the nonattendance begins
2963 or ends. The district school board shall verify the schools
2964 reporting 15 or more unexcused absences within a 90-day period
2965 have complied with the requirements of remediating truancy at
2966 the school level or pursuing appropriate court intervention as
2967 provided in this section. Any school not meeting the
2968 requirements in this paragraph shall provide a remedial action
2969 plan to the school board within 30 days, and follow up within 90
2970 days to confirm all truancy cases have been addressed either
2971 through the child's enrollment and regular attendance or
2972 referral of the case to the appropriate court or agency to
2973 pursue court intervention.

2974 (c) The district school superintendent must provide the
2975 Department of Highway Safety and Motor Vehicles the legal name,
2976 sex, date of birth, and social security number of each minor
2977 student who has been reported under this paragraph and who fails
2978 to otherwise satisfy the requirements of s. 322.091. The
2979 Department of Highway Safety and Motor Vehicles may not issue a
2980 driver license or learner's driver license to, and shall suspend
2981 any previously issued driver license or learner's driver license
2982 of, any such minor student, pursuant ~~to the provisions of~~ s.
2983 322.091.

2984 (d)~~(e)~~ Each designee of the governing body of each private
2985 school and each parent whose child is enrolled in a home
2986 education program or personalized education program may provide
2987 the Department of Highway Safety and Motor Vehicles with the

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2988 legal name, sex, date of birth, and social security number of
2989 each minor student under his or her jurisdiction who fails to
2990 satisfy relevant attendance requirements and who fails to
2991 otherwise satisfy the requirements of s. 322.091. The Department
2992 of Highway Safety and Motor Vehicles may not issue a driver
2993 license or learner's driver license to, and shall suspend any
2994 previously issued driver license or learner's driver license of,
2995 any such minor student pursuant to s. 322.091.

2996 (3) HABITUAL TRUANCY CASES.— The district school
2997 superintendent may ~~is authorized to~~ file a truancy petition
2998 seeking early truancy intervention, as defined in s. 984.03,
2999 following the procedures outlined in s. 984.151. If the district
3000 school superintendent chooses not to file a truancy petition,
3001 the case must be referred to the Department of Juvenile
3002 Justice's authorized agent for families in need of services. The
3003 procedures for filing a child in need of services ~~child-in-need-~~
3004 ~~of-services~~ petition must ~~shall~~ be commenced pursuant to this
3005 subsection and chapter 984 if voluntary family services do not
3006 remediate the child's truancy. The. ~~In accordance with~~
3007 ~~procedures established by the district school board, the~~
3008 designated school representative must ~~shall~~ refer a student who
3009 is a habitual ~~habitually~~ truant and the student's family to the
3010 Department of Juvenile Justice's designated children in need of
3011 services provider for provision of voluntary services, and may
3012 refer the case to ~~children-in-need-of-services and families-in-~~
3013 ~~need-of-services provider or the case staffing committee,~~
3014 established pursuant to s. 984.12, following the referral
3015 process established by the cooperative interagency agreement as
3016 ~~determined by the cooperative agreement required in this~~

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3017 ~~section.~~ The case staffing committee may request the Department
3018 of Juvenile Justice or its designee to file a petition for child
3019 in need of services ~~child-in-need-of-services~~ ~~petition~~ based
3020 upon the report and efforts of the district school board or
3021 other community agency, and early truancy intervention by the
3022 circuit court, after review and an initial meeting, or may seek
3023 to resolve the truant behavior through the school or community-
3024 based organizations or other state or local agencies. Prior to
3025 ~~and subsequent to~~ the filing of a ~~child-in-need-of-services~~
3026 petition for a child in need of services due to habitual
3027 truancy, the appropriate governmental agencies must allow a
3028 reasonable time to complete actions required by this section and
3029 ss. 984.11 and s. 1003.26 to remedy the conditions leading to
3030 the truant behavior. Prior to the filing of a petition, the
3031 district school board must have complied with the requirements
3032 of s. 1003.26, and those efforts must have been unsuccessful.

3033 (4) COOPERATIVE AGREEMENTS.—The ~~circuit manager of the~~
3034 Department of Juvenile Justice's authorized agent Justice or his
3035 or her designee, ~~the circuit manager's designee,~~ ~~the district~~
3036 ~~administrator of the Department of Children and Families or the~~
3037 ~~district administrator's designee,~~ and the district school
3038 superintendent or his or her ~~the superintendent's~~ designee must
3039 develop a cooperative interagency agreement that:

3040 (a) Clearly defines each department's role, responsibility,
3041 and function in working with ~~habitual~~ truants and their
3042 families.

3043 (b) Identifies and implements measures to quickly resolve
3044 and reduce truant behavior.

3045 (c) Addresses issues of streamlining service delivery, the

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3046 appropriateness of legal intervention, case management, the role
3047 and responsibility of the case staffing committee, student and
3048 parental intervention and involvement, and community action
3049 plans.

3050 (d) Delineates timeframes for implementation and identifies
3051 a mechanism for reporting results by the Department of Juvenile
3052 Justice or its authorized agent ~~circuit juvenile justice manager~~
3053 ~~or the circuit manager's designee~~ and the district school
3054 superintendent or the superintendent's designee to the
3055 Department of Juvenile Justice and the Department of Education
3056 and other governmental entities as needed.

3057 (e) Designates which agency is responsible for each of the
3058 intervention steps in this section, to yield more effective and
3059 efficient intervention services.

3060 (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—
3061 Proceedings or prosecutions under this chapter may be commenced
3062 by the district school superintendent or his or her designee, ~~by~~
3063 ~~a designated school representative, by the probation officer of~~
3064 ~~the county, by the executive officer of any court of competent~~
3065 ~~jurisdiction, by an officer of any court of competent~~
3066 ~~jurisdiction, or~~ by a duly authorized agent of the Department of
3067 Education or the Department of Juvenile Justice, by a parent, or
3068 in the case of a criminal prosecution, by the Office of the
3069 State Attorney. If a proceeding has been commenced against both
3070 a parent and a child pursuant to this chapter, the presiding
3071 courts shall make every effort to coordinate services or
3072 sanctions against the child and parent, including ordering the
3073 child and parent to perform community service hours or attend
3074 counseling together.

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3075 (7) PENALTIES.—The penalties for refusing or failing to
3076 comply with this chapter shall be as follows:

3077 (a) *The parent.*—

3078 1. A parent who refuses or fails to have a minor student
3079 who is under his or her control attend school regularly, or who
3080 refuses or fails to comply with the requirements in subsection
3081 (3), commits a misdemeanor of the second degree, punishable as
3082 provided in s. 775.082 or s. 775.083.

3083 2. The continued or habitual absence of a minor student
3084 without the consent of the principal or teacher in charge of the
3085 school he or she attends or should attend, or of the tutor who
3086 instructs or should instruct him or her, is prima facie evidence
3087 of a violation of this chapter; however, a showing that the
3088 parent has made a bona fide and diligent effort to control and
3089 keep the student in school shall be an affirmative defense to
3090 any criminal or other liability under this subsection and the
3091 court shall refer the parent and child for counseling, guidance,
3092 or other needed services.

3093 3. In addition to any other sanctions authorized under s.
3094 984.151 ~~punishment~~, the court shall order a parent who has
3095 violated this section to send the minor student to school, and
3096 may also order the parent to participate in an approved parent
3097 training class, attend school with the student unless this would
3098 cause undue hardship or is prohibited by rules or policy of the
3099 school board, perform community service hours ~~at the school~~, or
3100 participate in counseling or other services, as appropriate. If
3101 a parent is ordered to attend school with a student, the school
3102 shall provide for programming to educate the parent and student
3103 on the importance of school attendance. It shall be unlawful to

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3104 terminate any employee solely because he or she is attending
3105 school with his or her child pursuant to a court order.

3106 (b) *The principal or teacher.*—A principal or teacher in any
3107 public, parochial, religious, denominational, or private school,
3108 or a private tutor who willfully violates any provision of this
3109 chapter may, upon satisfactory proof of such violation, have his
3110 or her certificate revoked by the Department of Education.

3111 (c) *The employer.*—

3112 1. An employer who fails to notify the district school
3113 superintendent when he or she ceases to employ a student commits
3114 a misdemeanor of the second degree, punishable as provided in s.
3115 775.082 or s. 775.083.

3116 2. An employer who terminates any employee solely because
3117 he or she is attending school with a student pursuant to court
3118 order commits a misdemeanor of the second degree, punishable as
3119 provided in s. 775.082 or s. 775.083.

3120 (d) *The student.*—

3121 ~~1.~~ In addition to any other sanctions authorized under s.
3122 984.151 ~~sanctions~~, the court shall order a student found to be a
3123 ~~habitual~~ truant to make up all school work missed and attend
3124 school daily with no unexcused absences or tardiness, and may
3125 order the child to ~~and may order the student to pay a civil~~
3126 ~~penalty of up to \$2, based on the student's ability to pay, for~~
3127 ~~each day of school missed, perform up to 25 community service~~
3128 ~~hours at the school, or participate in counseling or other~~
3129 services, as appropriate.

3130 ~~2.~~ Upon a second or subsequent finding that a student is a
3131 ~~habitual~~ truant, the court, in addition to any other authorized
3132 ~~sanctions~~, shall order the student to make up all school work

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3133 ~~missed and may order the student to pay a civil penalty of up to~~
3134 ~~\$5, based on the student's ability to pay, for each day of~~
3135 ~~school missed, perform up to 50 community service hours at the~~
3136 ~~school, or participate in counseling or other services, as~~
3137 ~~appropriate.~~

3138 Section 33. Paragraph (g) is added to subsection (7) of
3139 section 381.02035, Florida Statutes, to read:

3140 381.02035 Canadian Prescription Drug Importation Program.—

3141 (7) ELIGIBLE IMPORTERS.—The following entities may import
3142 prescription drugs from an eligible Canadian supplier under the
3143 program:

3144 (g) A pharmacist or wholesaler employed by or under
3145 contract with the Department of Juvenile Justice, for dispensing
3146 to juveniles in the custody of the Department of Juvenile
3147 Justice.

3148 Section 34. Paragraph (a) of subsection (5) of section
3149 790.22, Florida Statutes, is amended to read:

3150 790.22 Use of BB guns, air or gas-operated guns, or
3151 electric weapons or devices by minor under 16; limitation;
3152 possession of firearms by minor under 18 prohibited; penalties.—

3153 (5) (a) A minor who violates subsection (3):

3154 1. For a first offense, commits a misdemeanor of the first
3155 degree; shall serve a period of detention of up to 5 days in a
3156 secure detention facility, with credit for time served in secure
3157 detention prior to disposition; and shall be required to perform
3158 100 hours of community service or paid work as determined by the
3159 department.

3160 2. For a second or subsequent offense, commits a felony of
3161 the third degree. For a second offense, the minor shall serve a

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3162 period of detention of up to 21 days in a secure detention
3163 facility, with credit for time served in secure detention prior
3164 to disposition, and shall be required to perform not less than
3165 100 nor more than 250 hours of community service or paid work as
3166 determined by the department. For a third or subsequent offense,
3167 the minor shall be adjudicated delinquent and committed to a
3168 residential program. A finding by a court that a minor committed
3169 a violation of this section, regardless of whether the court
3170 adjudicates the minor delinquent or withholds adjudication of
3171 delinquency, withhold of adjudication of delinquency shall be
3172 considered a prior offense for the purpose of determining a
3173 second, third, or subsequent offense.

3174
3175 For the purposes of this subsection, community service shall be
3176 performed, if possible, in a manner involving a hospital
3177 emergency room or other medical environment that deals on a
3178 regular basis with trauma patients and gunshot wounds.

3179 Section 35. Paragraph (a) of subsection (2) of section
3180 985.12, Florida Statutes, is amended to read:

3181 985.12 Prearrest delinquency citation programs.—

3182 (2) JUDICIAL CIRCUIT DELINQUENCY CITATION PROGRAM
3183 DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

3184 (a) A prearrest delinquency citation program for
3185 misdemeanor offenses shall be established in each judicial
3186 circuit in the state. The state attorney and public defender of
3187 each circuit, the clerk of the court for each county in the
3188 circuit, and representatives of participating law enforcement
3189 agencies in the circuit shall create a prearrest delinquency
3190 citation program and develop its policies and procedures. In

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3191 developing the program's policies and procedures, input from
3192 other interested stakeholders may be solicited. ~~The department~~
3193 ~~shall annually develop and provide guidelines on best practice~~
3194 ~~models for prearrest delinquency citation programs to the~~
3195 ~~judicial circuits as a resource.~~

3196 Section 36. Subsection (5) of section 985.126, Florida
3197 Statutes, is amended to read:

3198 985.126 Prearrest and postarrest diversion programs; data
3199 collection; denial of participation or expunged record.—

3200 (5) The department shall provide a quarterly report to be
3201 published on its website and distributed to the Governor,
3202 President of the Senate, and Speaker of the House of
3203 Representatives listing the entities that use prearrest
3204 delinquency citations for less than 80 ~~70~~ percent of first-time
3205 misdemeanor offenses.

3206 Section 37. Paragraph (c) of subsection (1) of section
3207 985.25, Florida Statutes, is amended to read:

3208 985.25 Detention intake.—

3209 (1) The department shall receive custody of a child who has
3210 been taken into custody from the law enforcement agency or court
3211 and shall review the facts in the law enforcement report or
3212 probable cause affidavit and make such further inquiry as may be
3213 necessary to determine whether detention care is appropriate.

3214 (c) If the final score on the child's risk assessment
3215 instrument indicates detention care is appropriate, but the
3216 department otherwise determines the child should be released,
3217 the department shall contact the state attorney, who may
3218 authorize release. If the final score on the child's risk
3219 assessment instrument indicates release or supervised release is

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3220 appropriate, but the department otherwise determines that there
3221 should be supervised release or detention, the department shall
3222 contact the state attorney, who may authorize an upward
3223 departure. Notwithstanding any other provision of this
3224 paragraph, a child may only be moved one category in either
3225 direction within the risk assessment instrument and release is
3226 not authorized if it would cause the child to be moved more than
3227 one category.

3228
3229 Under no circumstances shall the department or the state
3230 attorney or law enforcement officer authorize the detention of
3231 any child in a jail or other facility intended or used for the
3232 detention of adults, without an order of the court.

3233 Section 38. Paragraph (c) of subsection (7) of section
3234 985.433, Florida Statutes, is amended to read:

3235 985.433 Disposition hearings in delinquency cases.—When a
3236 child has been found to have committed a delinquent act, the
3237 following procedures shall be applicable to the disposition of
3238 the case:

3239 (7) If the court determines that the child should be
3240 adjudicated as having committed a delinquent act and should be
3241 committed to the department, such determination shall be in
3242 writing or on the record of the hearing. The determination shall
3243 include a specific finding of the reasons for the decision to
3244 adjudicate and to commit the child to the department, including
3245 any determination that the child was a member of a criminal
3246 gang.

3247 (c) The court may also require that the child be placed on
3248 conditional release ~~in a probation program~~ following the child's

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3249 discharge from commitment. Community-based sanctions under
3250 subsection (8) may be imposed by the court at the disposition
3251 hearing or at any time prior to the child's release from
3252 commitment.

3253 Section 39. Section 985.625, Florida Statutes, is repealed.

3254 Section 40. Subsection (4) of section 985.632, Florida
3255 Statutes, is amended to read:

3256 985.632 Quality improvement and cost-effectiveness;
3257 Comprehensive Accountability Report.—

3258 ~~(4) COST-EFFECTIVENESS MODEL. The department, in~~
3259 ~~consultation with the Office of Economic and Demographic~~
3260 ~~Research and contract service providers, shall develop a cost-~~
3261 ~~effectiveness model and apply the model to each commitment~~
3262 ~~program.~~

3263 ~~(a) The cost-effectiveness model shall compare program~~
3264 ~~costs to expected and actual child recidivism rates. It is the~~
3265 ~~intent of the Legislature that continual development efforts~~
3266 ~~take place to improve the validity and reliability of the cost-~~
3267 ~~effectiveness model.~~

3268 ~~(b) The department shall rank commitment programs based on~~
3269 ~~the cost-effectiveness model, performance measures, and~~
3270 ~~adherence to quality improvement standards and shall report this~~
3271 ~~data in the annual Comprehensive Accountability Report.~~

3272 ~~(c) Based on reports of the department on child outcomes~~
3273 ~~and program outputs and on the department's most recent cost-~~
3274 ~~effectiveness rankings, the department may terminate a program~~
3275 ~~operated by the department or a provider if the program has~~
3276 ~~failed to achieve a minimum standard of program effectiveness.~~
3277 ~~This paragraph does not preclude the department from terminating~~

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3278 ~~a contract as provided under this section or as otherwise~~
3279 ~~provided by law or contract, and does not limit the department's~~
3280 ~~authority to enter into or terminate a contract.~~

3281 ~~(d) In collaboration with the Office of Economic and~~
3282 ~~Demographic Research, and contract service providers, the~~
3283 ~~department shall develop a work plan to refine the cost-~~
3284 ~~effectiveness model so that the model is consistent with the~~
3285 ~~performance-based program budgeting measures approved by the~~
3286 ~~Legislature to the extent the department deems appropriate. The~~
3287 ~~department shall notify the Office of Program Policy Analysis~~
3288 ~~and Government Accountability of any meetings to refine the~~
3289 ~~model.~~

3290 ~~(e) Contingent upon specific appropriation, the department,~~
3291 ~~in consultation with the Office of Economic and Demographic~~
3292 ~~Research, and contract service providers, shall:~~

3293 ~~1. Construct a profile of each commitment program that uses~~
3294 ~~the results of the quality improvement data portion of the~~
3295 ~~Comprehensive Accountability Report required by this section,~~
3296 ~~the cost-effectiveness data portion of the Comprehensive~~
3297 ~~Accountability Report required in this subsection, and other~~
3298 ~~reports available to the department.~~

3299 ~~2. Target, for a more comprehensive evaluation, any~~
3300 ~~commitment program that has achieved consistently high, low, or~~
3301 ~~disparate ratings in the reports required under subparagraph 1.~~
3302 ~~and target, for technical assistance, any commitment program~~
3303 ~~that has achieved low or disparate ratings in the reports~~
3304 ~~required under subparagraph 1.~~

3305 ~~3. Identify the essential factors that contribute to the~~
3306 ~~high, low, or disparate program ratings.~~

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3307 ~~4. Use the results of these evaluations in developing or~~
3308 ~~refining juvenile justice programs or program models, child~~
3309 ~~outcomes and program outputs, provider contracts, quality~~
3310 ~~improvement standards, and the cost-effectiveness model.~~

3311 Section 41. Subsection (8) of section 95.11, Florida
3312 Statutes, is amended to read:

3313 95.11 Limitations other than for the recovery of real
3314 property.—Actions other than for recovery of real property shall
3315 be commenced as follows:

3316 (8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action founded
3317 on alleged abuse, as defined in s. 39.01 or s. 415.102, ~~or s.~~
3318 ~~984.03~~; incest, as defined in s. 826.04; or an action brought
3319 pursuant to s. 787.061 may be commenced at any time within 7
3320 years after the age of majority, or within 4 years after the
3321 injured person leaves the dependency of the abuser, or within 4
3322 years from the time of discovery by the injured party of both
3323 the injury and the causal relationship between the injury and
3324 the abuse, whichever occurs later.

3325 Section 42. Subsection (1) of section 409.2564, Florida
3326 Statutes, is amended to read:

3327 409.2564 Actions for support.—

3328 (1) In each case in which regular support payments are not
3329 being made as provided herein, the department shall institute,
3330 within 30 days after determination of the obligor's reasonable
3331 ability to pay, action as is necessary to secure the obligor's
3332 payment of current support, any arrearage that may have accrued
3333 under an existing order of support, and, if a parenting time
3334 plan was not incorporated into the existing order of support,
3335 include either a signed, agreed-upon parenting time plan or a

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3336 signed Title IV-D Standard Parenting Time Plan, if appropriate.
3337 The department shall notify the program attorney in the judicial
3338 circuit in which the recipient resides setting forth the facts
3339 in the case, including the obligor's address, if known, and the
3340 public assistance case number. Whenever applicable, the
3341 procedures established under chapter 88, Uniform Interstate
3342 Family Support Act, chapter 61, Dissolution of Marriage;
3343 Support; Time-sharing, chapter 39, Proceedings Relating to
3344 Children, chapter 984, Children and Families in Need of
3345 Services; Prevention and Intervention for School Truancy and
3346 Ungovernable and Runaway Children, and chapter 985, Delinquency;
3347 Interstate Compact on Juveniles, may govern actions instituted
3348 under this act, except that actions for support under chapter
3349 39, chapter 984, or chapter 985 brought pursuant to this act
3350 shall not require any additional investigation or supervision by
3351 the department.

3352 Section 43. Paragraph (e) of subsection (1) of section
3353 419.001, Florida Statutes, is amended to read:

3354 419.001 Site selection of community residential homes.—

3355 (1) For the purposes of this section, the term:

3356 (e) "Resident" means any of the following: a frail elder as
3357 defined in s. 429.65; a person who has a disability as defined
3358 in s. 760.22(3)(a); a person who has a developmental disability
3359 as defined in s. 393.063; a nondangerous person who has a mental
3360 illness as defined in s. 394.455; or a child who is found to be
3361 dependent as defined in s. 39.01 ~~or s. 984.03~~, or a child in
3362 need of services as defined in s. 984.03 ~~or s. 985.03~~.

3363 Section 44. Subsection (3) of section 744.309, Florida
3364 Statutes, is amended to read:

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3365 744.309 Who may be appointed guardian of a resident ward.—
3366 (3) DISQUALIFIED PERSONS.—No person who has been convicted
3367 of a felony or who, from any incapacity or illness, is incapable
3368 of discharging the duties of a guardian, or who is otherwise
3369 unsuitable to perform the duties of a guardian, shall be
3370 appointed to act as guardian. Further, no person who has been
3371 judicially determined to have committed abuse, abandonment, or
3372 neglect against a child as defined in s. 39.01 or s. 984.03(1),
3373 (2), and (24) ~~(37)~~, or who has been found guilty of, regardless
3374 of adjudication, or entered a plea of nolo contendere or guilty
3375 to, any offense prohibited under s. 435.04 or similar statute of
3376 another jurisdiction, shall be appointed to act as a guardian.
3377 Except as provided in subsection (5) or subsection (6), a person
3378 who provides substantial services to the proposed ward in a
3379 professional or business capacity, or a creditor of the proposed
3380 ward, may not be appointed guardian and retain that previous
3381 professional or business relationship. A person may not be
3382 appointed a guardian if he or she is in the employ of any
3383 person, agency, government, or corporation that provides service
3384 to the proposed ward in a professional or business capacity,
3385 except that a person so employed may be appointed if he or she
3386 is the spouse, adult child, parent, or sibling of the proposed
3387 ward or the court determines that the potential conflict of
3388 interest is insubstantial and that the appointment would clearly
3389 be in the proposed ward's best interest. The court may not
3390 appoint a guardian in any other circumstance in which a conflict
3391 of interest may occur.

3392 Section 45. Section 784.075, Florida Statutes, is amended
3393 to read:

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3394 784.075 Battery on detention or commitment facility staff
3395 or a juvenile probation officer.—A person who commits a battery
3396 on a juvenile probation officer, as defined in ~~s. 984.03~~ or s.
3397 985.03, on other staff of a detention center or facility as
3398 defined in s. 984.03 ~~s. 984.03(19)~~ or s. 985.03, or on a staff
3399 member of a commitment facility as defined in s. 985.03, commits
3400 a felony of the third degree, punishable as provided in s.
3401 775.082, s. 775.083, or s. 775.084. For purposes of this
3402 section, a staff member of the facilities listed includes
3403 persons employed by the Department of Juvenile Justice, persons
3404 employed at facilities licensed by the Department of Juvenile
3405 Justice, and persons employed at facilities operated under a
3406 contract with the Department of Juvenile Justice.

3407 Section 46. Paragraph (b) of subsection (4) of section
3408 985.618, Florida Statutes, is amended to read:

3409 985.618 Educational and career-related programs.—

3410 (4)

3411 (b) Evaluations of juvenile educational and career-related
3412 programs shall be conducted according to the following
3413 guidelines:

3414 1. Systematic evaluations and quality assurance monitoring
3415 shall be implemented, in accordance with s. 985.632(1), (2), and
3416 (4) ~~(5)~~, to determine whether the programs are related to
3417 successful postrelease adjustments.

3418 2. Operations and policies of the programs shall be
3419 reevaluated to determine if they are consistent with their
3420 primary objectives.

3421 Section 47. This act shall take effect July 1, 2025.