

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

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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; conforming a cross-

37 reference; amending s. 984.11, F.S.; requiring that an

38 array of voluntary family services be available to

39 remediate specified problems; providing that certain

40 families are not eligible for voluntary family

41 services; providing eligibility for children in

42 certain circumstances if the Department of Children

43 and Families agrees; providing for an interagency

44 agreement to govern such referrals; requiring parents

45 to use health care insurance to the extent that it is

46 available; deleting provisions concerning collection

47 of fees; amending s. 984.12, F.S.; revising provisions

48 related to case staffing and to services and treatment

49 related to a family in need of services; amending s.

50 984.13, F.S.; authorizing that a child be taken into

51 custody pursuant to a finding of contempt; specifying

52 placement of a child taken into custody in specified

53 circumstances; revising the duties of a person taking

54 a child into custody; amending s. 984.14, F.S.;

55 revising provisions concerning voluntary shelter

56 services and placement of children in such services;

57 deleting provisions concerning involuntary placement

58 in a shelter; amending s. 984.15, F.S.; revising

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59 requirements for petitions for a child in need of  
60 services; conforming a cross-reference and provisions  
61 to changes made by the act; amending s. 984.151, F.S.;  
62 providing for early truancy intervention; providing  
63 for additional services to be ordered if a student is  
64 found to be a truant status offender; revising  
65 provisions concerning compliance; providing for  
66 applicability in cases in which a student is found to  
67 be a child in need of services; providing for  
68 retention of jurisdiction by courts; providing an  
69 exception; providing for service of court orders on  
70 specified entities; amending s. 984.16, F.S.;  
71 requiring that a student's school receive notice of  
72 certain actions by courts; amending s. 984.17, F.S.;  
73 specifying when a guardian ad litem may be appointed;  
74 revising provisions concerning representation of the  
75 Department of Juvenile Justice in cases in which a  
76 child is alleged to be in need of services; repealing  
77 s. 984.18, F.S., relating to referral of child-in-  
78 need-of-services cases to mediation; amending s.  
79 984.19, F.S.; providing that an authorized agent of  
80 the department may have a medical screening provided  
81 for a child placed in shelter care; revising  
82 provisions concerning consent for medical care for a  
83 child in the care of the department; amending s.  
84 984.20, F.S.; revising provisions for hearings in  
85 child in need of services cases; providing that the  
86 failure of a person served with notice to appear at  
87 the arraignment hearing constitutes the person's

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88 consent to the child in need of services petition;  
89 requiring a specified notice in such petitions;  
90 conforming a cross-reference; amending s. 984.21,  
91 F.S.; specifying that an order of adjudication by a  
92 court that a child is a child in need of services is a  
93 civil adjudication and not a conviction; deleting  
94 provisions allowing a court to withhold an  
95 adjudication that a child is a child in need of  
96 services in certain cases; amending s. 984.22, F.S.;  
97 conforming provisions to changes made by the act;  
98 deleting provisions on the deposit of fees received;  
99 amending s. 984.225, F.S.; revising when a child in  
100 need of services may be placed in a shelter; revising  
101 placement procedures; providing for counseling orders;  
102 specifying the effect of a placement on the legal  
103 responsibilities of a parent, guardian, or custodian;  
104 providing limits for shelter stays; deleting  
105 provisions concerning exhaustion of less restrictive  
106 alternatives; providing for periodic review of  
107 placements; requiring a court to direct a staffing to  
108 take place with the Department of Children and  
109 Families under certain circumstances; requiring a  
110 court to refer a child to the Agency for Persons with  
111 Disabilities in certain circumstances; amending s.  
112 984.226, F.S.; authorizing contracting for physically  
113 secure shelters; deleting provisions on representation  
114 in certain proceedings; requiring exhaustion of less  
115 restrictive placements before a child may be placed in  
116 a physically secure shelter; providing a time limit on

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

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

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175 discharge from commitment; repealing s. 985.625, F.S.,  
176 relating to literacy programs for juvenile offenders;  
177 amending s. 985.632, F.S.; deleting a provision  
178 regarding development of a cost-effectiveness model  
179 and application of the model to each commitment  
180 program; amending ss. 95.11, 409.2564, 419.001,  
181 744.309, 784.075, and 985.618, F.S.; conforming cross-  
182 references and provisions to changes made by the act;  
183 providing an effective date.

184

185 Be It Enacted by the Legislature of the State of Florida:

186

187 Section 1. Chapter 984, Florida Statutes, entitled  
188 "Children and Families in Need of Services," is renamed  
189 "Children and Families in Need of Services; Prevention and  
190 Intervention for School Truancy and Ungovernable and Runaway  
191 Children."

192 Section 2. Section 984.01, Florida Statutes, is amended to  
193 read:

194 984.01 Purposes and intent; personnel standards and  
195 screening.—

196 (1) The purposes of this chapter are:

197 (a) To provide judicial, nonjudicial, and other procedures  
198 to address the status offenses of children who are truant from  
199 school, run away from their caregivers, or exhibit ungovernable  
200 behavior by refusing to follow the household rules of their  
201 caregivers and engage in behavior that places the child at risk  
202 of harm; and to ensure ~~assure~~ due process through which children  
203 and other interested parties are assured fair hearings by a

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204 respectful and respected court ~~or other tribunal~~ and the  
205 recognition, protection, and enforcement of their constitutional  
206 and other legal rights, ~~while ensuring that public safety~~  
207 ~~interests and the authority and dignity of the courts are~~  
208 ~~adequately protected.~~

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

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

227 (d) To preserve and strengthen the child's family ties  
228 whenever possible; provide for temporary shelter placement of  
229 the child only when necessary for the child's education, safety,  
230 and welfare and when other less restrictive alternatives have  
231 been exhausted; provide, ~~by providing for removal of the child~~  
232 ~~from parental custody only when his or her welfare or the safety~~



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233 ~~and protection of the public cannot be adequately safeguarded~~  
234 ~~without such removal; and, when the child is removed from his or~~  
235 ~~her own family, to secure custody, care, and education;~~  
236 ~~encourage self-discipline; and increase protective factors when~~  
237 ~~the child is in temporary shelter placement ~~discipline for the~~~~  
238 ~~child as nearly as possible equivalent to that which should have~~  
239 ~~been given by the parents; and to assure, in all cases in which~~  
240 ~~a child must be permanently removed from parental custody, that~~  
241 ~~the child be placed in an approved family home, adoptive home,~~  
242 ~~independent living program, or other placement that provides the~~  
243 ~~most stable and permanent living arrangement for the child, as~~  
244 ~~determined by the court.~~

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

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

260 (f) To provide a court process through which school boards  
261 are able to access the court for the limited purpose of early

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262 truancy intervention for children, subject to compulsory  
263 education, who are not engaging in regular school attendance,  
264 and encourage school attendance by educating children and their  
265 families on the importance of regular school attendance and  
266 provide services to families to prevent the child's pattern of  
267 truancy from becoming habitual ~~children committed to the~~  
268 ~~Department of Juvenile Justice with training in life skills,~~  
269 ~~including career education.~~

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

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

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291 screened if a person who meets the screening requirement of this  
292 section is always present and has the volunteer in his or her  
293 line of sight.

294 ~~(b) The department of Juvenile Justice and the Department~~  
295 ~~of Children and Families shall require employment screening~~  
296 ~~pursuant to chapter 435, using the level 2 standards set forth~~  
297 ~~in that chapter for personnel in programs for children or~~  
298 ~~youths.~~

299 ~~(b)(e) The department of Juvenile Justice or the Department~~  
300 ~~of Children and Families may grant exemptions from~~  
301 ~~disqualification from working with children as provided in s.~~  
302 ~~435.07.~~

303 (c) Any shelter used for the placement of children under  
304 this chapter must be licensed by the Department of Children and  
305 Families.

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

309 Section 3. Section 984.02, Florida Statutes, is amended to  
310 read:

311 984.02 Legislative intent for prevention and intervention  
312 under chapter 984 the juvenile justice system.-

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

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

317 (b) A permanent and stable home.

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

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

321 (e) Effective services or treatment to address physical,  
322 social, and emotional needs, ~~regardless of geographical~~  
323 ~~location.~~

324 (f) Equal opportunity and access to quality and effective  
325 education which will meet the individual needs of each child and  
326 prepare the child for future employment, and to recreation and  
327 other community resources to develop individual abilities.

328 (g) Access to preventive services to provide the child and  
329 family the support of community resources to address the needs  
330 of the child and reduce the risk of harm or engaging in  
331 delinquent behavior.

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

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

338 (j) Supervision and services by skilled staff when  
339 temporary out-of-home placement is necessary ~~and a skilled~~  
340 ~~guardian or caretaker in a safe environment when alternative~~  
341 ~~placement is necessary.~~

342 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that  
343 children in the care of the state's juvenile justice and  
344 intervention ~~dependency and delinquency~~ systems need appropriate  
345 health care services and, that the impact of substance abuse on  
346 health requires ~~indicates~~ the need for health care services to  
347 include substance abuse services when ~~where~~ appropriate, ~~and~~  
348 ~~that~~ It is in the state's best interest that ~~such~~ children be

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349 provided the services they need to enable them to become and  
350 remain independent of state care. In order to provide these  
351 services, the state's juvenile justice and intervention  
352 ~~dependency and delinquency~~ systems must have the ability to  
353 identify and make referrals to experts capable of providing  
354 ~~provide appropriate~~ intervention and treatment for children with  
355 personal or family-related substance abuse problems. It is  
356 therefore the purpose of the Legislature to provide authority  
357 for the state to contract with community substance abuse  
358 treatment providers for the development and operation of  
359 specialized support and overlay services for the juvenile  
360 justice and intervention ~~dependency and delinquency~~ systems,  
361 subject to legislative appropriation, which will be fully  
362 implemented and utilized as resources permit. This section does  
363 not prevent agencies from referring children and families to  
364 privately operated community service providers to the extent the  
365 families have funding or insurance to provide care.

366 (3) JUVENILE JUSTICE AND INTERVENTION ~~DELINQUENCY~~  
367 ~~PREVENTION.~~—It is the policy of the state regarding ~~with respect~~  
368 ~~to~~ juvenile justice and intervention ~~delinquency prevention~~ to  
369 first protect the public from acts of delinquency. In addition,  
370 it is the policy of the state to:

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

375 (b) Develop and implement effective programs to prevent  
376 delinquency, to divert children from the traditional juvenile  
377 justice system, to intervene at an early stage of delinquency,

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378 and to provide critically needed alternatives to  
379 institutionalization and deep-end commitment.

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

382 (d) Increase the capacity of local governments and public  
383 and private agencies to conduct rehabilitative treatment  
384 programs and to provide research, evaluation, and training  
385 services for ~~in the field of~~ juvenile delinquency prevention.

386 (e) Develop and implement effective early prevention  
387 programs to address truancy and ungovernable and runaway  
388 behavior of children which places the child at risk of harm, and  
389 allow for intervention before the child engages in a delinquent  
390 act.

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

397 (4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—  
398 Parents, custodians, and guardians are deemed by the state to be  
399 responsible for providing their children with sufficient  
400 support, guidance, and supervision to deter their participation  
401 in delinquent acts, and ensure their children attend school and  
402 engage in education to prepare their child for their future. The  
403 state further recognizes that the ability of parents,  
404 custodians, and guardians to fulfill those responsibilities can  
405 be greatly impaired by economic, social, behavioral, emotional,  
406 and related problems. It is therefore the policy of the

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407 Legislature that it is the state's responsibility to ensure that  
408 factors impeding the ability of caretakers to fulfill their  
409 responsibilities are identified and appropriate recommendations  
410 are provided to address those impediments through the provision  
411 of nonjudicial voluntary family services for families in need of  
412 services and through the child in need of services court  
413 processes ~~delinquency intake process and that appropriate~~  
414 ~~recommendations to address those problems are considered in any~~  
415 ~~judicial or nonjudicial proceeding.~~

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

433 Section 4. Section 984.03, Florida Statutes, is amended to  
434 read:

435 984.03 Definitions.—When used in this chapter, the term:

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436           (1) "Abandoned" or "abandonment" has the same meaning as in  
437 s. 39.01(1) ~~means a situation in which the parent or legal~~  
438 ~~eustodian of a child or, in the absence of a parent or legal~~  
439 ~~eustodian, the person responsible for the child's welfare, while~~  
440 ~~being able, makes no provision for the child's support and makes~~  
441 ~~no effort to communicate with the child, which situation is~~  
442 ~~sufficient to evince a willful rejection of parental~~  
443 ~~obligations. If the efforts of such parent or legal custodian,~~  
444 ~~or person primarily responsible for the child's welfare to~~  
445 ~~support and communicate with the child are, in the opinion of~~  
446 ~~the court, only marginal efforts that do not evince a settled~~  
447 ~~purpose to assume all parental duties, the court may declare the~~  
448 ~~child to be abandoned. The term "abandoned" does not include a~~  
449 ~~"child in need of services" as defined in subsection (9) or a~~  
450 ~~"family in need of services" as defined in subsection (25). The~~  
451 ~~incarceration of a parent, legal custodian, or person~~  
452 ~~responsible for a child's welfare does not constitute a bar to a~~  
453 ~~finding of abandonment.~~

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

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

463           (3)-(4) "Adjudicatory hearing" means a hearing for the court  
464 to determine whether or not the facts support the allegations



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465 stated in the petition as is provided for under s. 984.20(2) in  
466 child in need of services ~~child in need of services~~ cases.

467 ~~(4)(5)~~ "Adult" means any natural person other than a child.

468 ~~(5)(6)~~ "Authorized agent" or "designee" of the department  
469 means a person or agency assigned or designated by the  
470 Department of Juvenile Justice ~~or the Department of Children and~~  
471 ~~Families, as appropriate,~~ to perform duties or exercise powers  
472 pursuant to this chapter and includes contract providers and  
473 subcontracted providers and their employees for purposes of  
474 providing voluntary family services, and providing court-ordered  
475 services ~~to~~ and managing cases of children in need of services  
476 and ~~families in need of services~~.

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

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

489 ~~(7)(9)~~ "Child in need of services" means a child for whom  
490 there is no pending petition filed with the court investigation  
491 ~~into an allegation or suspicion of abuse, neglect, or~~  
492 ~~abandonment; no pending referral~~ alleging the child is  
493 delinquent; or no current court-ordered supervision by the

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494 department for delinquency under chapter 985 ~~of Juvenile Justice~~  
495 or court-ordered supervision by the Department of Children and  
496 Families under chapter 39 ~~for an adjudication of dependency or~~  
497 ~~delinquency~~. The child must also, pursuant to this chapter, be  
498 found by the court:

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

509 (b) To be a habitual ~~habitually~~ truant from school, while  
510 subject to compulsory school attendance, despite reasonable  
511 efforts to remedy the situation pursuant to ss. 1003.26 and  
512 1003.27 and ~~through voluntary participation by the child's~~  
513 ~~parents or legal custodians and by the child in family~~  
514 ~~mediation, services, and treatment~~ offered by the department or  
515 its authorized agent ~~of Juvenile Justice or the Department of~~  
516 ~~Children and Families; or~~

517 (c) To be ungovernable by having ~~have~~ persistently  
518 disobeyed the reasonable and lawful rules and demands of the  
519 child's parents, ~~or~~ legal guardians, or custodians, and to be  
520 beyond their control despite the child having the mental and  
521 physical capacity to understand and obey lawful rules and  
522 demands, and despite efforts by the child's parents, ~~or~~ legal

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523 guardians, or custodians and appropriate agencies to remedy the  
524 conditions contributing to the behavior. Reasonable efforts may  
525 include such things as good faith participation in voluntary  
526 family services or individual services ~~counseling~~.

527 ~~(10) "Child support" means a court-ordered obligation,~~  
528 ~~enforced under chapter 61 and ss. 409.2551-409.2597, for~~  
529 ~~monetary support for the care, maintenance, training, and~~  
530 ~~education of a child.~~

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

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

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

543 ~~(b) To have been surrendered to the former Department of~~  
544 ~~Health and Rehabilitative Services, the Department of Children~~  
545 ~~and Families, or a licensed child-placing agency for purpose of~~  
546 ~~adoption.~~

547 ~~(c) To have been voluntarily placed with a licensed child-~~  
548 ~~caring agency, a licensed child-placing agency, an adult~~  
549 ~~relative, the former Department of Health and Rehabilitative~~  
550 ~~Services, or the Department of Children and Families, after~~  
551 ~~which placement, under the requirements of this chapter, a case~~

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552 ~~plan has expired and the parent or parents have failed to~~  
553 ~~substantially comply with the requirements of the plan.~~

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

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

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

562 ~~(8)(13)~~ "Circuit" means any of the 20 judicial circuits as  
563 set forth in s. 26.021.

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

573 ~~(9)(15)~~ "Court," unless otherwise expressly stated, means  
574 the circuit court assigned to exercise jurisdiction under this  
575 chapter.

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

580 ~~(16) "Delinquency program" means any intake, community~~

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581 ~~control, or similar program; regional detention center or~~  
582 ~~facility; or community-based program, whether owned and operated~~  
583 ~~by or contracted by the Department of Juvenile Justice, or~~  
584 ~~institution owned and operated by or contracted by the~~  
585 ~~Department of Juvenile Justice, which provides intake,~~  
586 ~~supervision, or custody and care of children who are alleged to~~  
587 ~~be or who have been found to be delinquent pursuant to chapter~~  
588 ~~985.~~

589 (11)~~(17)~~ "Department" means the Department of Juvenile  
590 Justice.

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

595 ~~(a)~~ "Secure detention" means temporary custody of the child  
596 while the child is under the physical restriction of a detention  
597 center or facility pending adjudication, disposition, or  
598 placement.

599 ~~(b)~~ "Nonsecure detention" means temporary custody of the  
600 child while the child is in a residential home in the community  
601 in a physically nonrestrictive environment under the supervision  
602 of the Department of Juvenile Justice pending adjudication,  
603 disposition, or placement.

604 ~~(c)~~ "Home detention" means temporary custody of the child  
605 while the child is released to the custody of the parent,  
606 guardian, or custodian in a physically nonrestrictive  
607 environment under the supervision of the Department of Juvenile  
608 Justice staff pending adjudication, disposition, or placement.

609 ~~(19)~~ "Detention center or facility" means a facility used

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610 ~~pending court adjudication or disposition or execution of court~~  
611 ~~order for the temporary care of a child alleged or found to have~~  
612 ~~committed a violation of law. A detention center or facility may~~  
613 ~~provide secure or nonsecure custody. A facility used for the~~  
614 ~~commitment of adjudicated delinquents shall not be considered a~~  
615 ~~detention center or facility.~~

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

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

623 ~~(22) "Diligent search" means the efforts of a social~~  
624 ~~service agency to locate a parent or prospective parent whose~~  
625 ~~identity or location is unknown, or a relative made known to the~~  
626 ~~social services agency by the parent or custodian of a child.~~  
627 ~~When the search is for a parent, prospective parent, or relative~~  
628 ~~of a child in the custody of the department, this search must be~~  
629 ~~initiated as soon as the agency is made aware of the existence~~  
630 ~~of such parent, prospective parent, or relative. A diligent~~  
631 ~~search shall include interviews with persons who are likely to~~  
632 ~~have information about the identity or location of the person~~  
633 ~~being sought, comprehensive database searches, and records~~  
634 ~~searches, including searches of employment, residence,~~  
635 ~~utilities, Armed Forces, vehicle registration, child support~~  
636 ~~enforcement, law enforcement, and corrections records, and any~~  
637 ~~other records likely to result in identifying and locating the~~  
638 ~~person being sought. The initial diligent search must be~~

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639 ~~completed within 90 days after a child is taken into custody.~~  
640 ~~After the completion of the initial diligent search, the~~  
641 ~~department, unless excused by the court, shall have a continuing~~  
642 ~~duty to search for relatives with whom it may be appropriate to~~  
643 ~~place the child, until such relatives are found or until the~~  
644 ~~child is placed for adoption.~~

645 ~~(12)(23)~~ "Disposition hearing" means a hearing in which the  
646 court determines the most appropriate dispositional services in  
647 the least restrictive available setting provided for under s.  
648 984.20(3), in child in need of services ~~child-in-need-of-~~  
649 ~~services~~ cases.

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

658 ~~(14)(24)~~ "Family" means a collective body of persons,  
659 consisting of a child and a parent, legal guardian, ~~adult~~  
660 custodian, or adult relative, in which:

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

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

665 ~~(15)(25)~~ "Family in need of services" means a family that  
666 has a child who is running away; who is ungovernable and  
667 persistently disobeying reasonable and lawful demands of the

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668 parent or legal custodian and is beyond the control of the  
669 parent or legal custodian; or who is a habitual ~~habitually~~  
670 truant ~~from school~~ or engaging in other serious behaviors that  
671 place the child at risk of future abuse, neglect, or abandonment  
672 or at risk of entering the juvenile justice system. The child  
673 must be referred to a law enforcement agency, the department ~~of~~  
674 ~~Juvenile Justice~~, or an agency contracted to provide services to  
675 children in need of services. A family is not eligible to  
676 receive voluntary family services if, at the time of the  
677 referral, ~~there is an open investigation into an allegation of~~  
678 ~~abuse, neglect, or abandonment or if~~ the child is currently  
679 under court-ordered supervision by the department for  
680 delinquency under chapter 985 or under court-ordered supervision  
681 by of Juvenile Justice or the Department of Children and  
682 Families under chapter 39 ~~due to an adjudication of dependency~~  
683 ~~or delinquency.~~

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

687 ~~(16)(27)~~ "Habitual Habitually truant" has the same meaning  
688 as in s. 1003.01(12). ~~means that:~~

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

695 ~~(b) Activities to determine the cause, and to attempt the~~  
696 ~~remediation, of the child's truant behavior under ss. 1003.26~~



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697 and ~~1003.27(3)~~, have been completed.

698

699 ~~If a child who is subject to compulsory school attendance is~~  
700 ~~responsive to the interventions described in ss. 1003.26 and~~  
701 ~~1003.27(3) and has completed the necessary requirements to pass~~  
702 ~~the current grade as indicated in the district pupil progression~~  
703 ~~plan, the child shall not be determined to be habitually truant~~  
704 ~~and shall be passed. If a child within the compulsory school~~  
705 ~~attendance age has 15 unexcused absences within 90 calendar days~~  
706 ~~or fails to enroll in school, the State Attorney may, or the~~  
707 ~~appropriate jurisdictional agency shall, file a child-in-need-~~  
708 ~~of-services petition if recommended by the case staffing~~  
709 ~~committee, unless it is determined that another alternative~~  
710 ~~action is preferable. The failure or refusal of the parent or~~  
711 ~~legal guardian or the child to participate, or make a good faith~~  
712 ~~effort to participate, in the activities prescribed to remedy~~  
713 ~~the truant behavior, or the failure or refusal of the child to~~  
714 ~~return to school after participation in activities required by~~  
715 ~~this subsection, or the failure of the child to stop the truant~~  
716 ~~behavior after the school administration and the Department of~~  
717 ~~Juvenile Justice have worked with the child as described in ss.~~  
718 ~~1003.26 and 1003.27(3) shall be handled as prescribed in s.~~  
719 ~~1003.27.~~

720 (17)~~(28)~~ "Intake" means the initial acceptance and  
721 screening by the department or its authorized agent of a  
722 referral from an early truancy intervention court, a school  
723 board, or a school requesting services; a request for assistance  
724 from a parent or child; or a complaint, ~~of Juvenile Justice of a~~  
725 ~~complaint or a law enforcement report,~~ or probable cause

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726 affidavit of a child's truancy, ungovernable behavior, or  
727 running away, on behalf of a family delinquency, family in need  
728 ~~of services, or child in need of services~~ to determine the most  
729 appropriate course of action ~~recommendation to be taken~~ in the  
730 best interests of the child, the family, and the community. The  
731 emphasis of intake is on diversion and the least restrictive  
732 available services. Consequently, intake includes such  
733 alternatives as:

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

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

739 (c) The recommendation by the assigned intake case manager  
740 ~~juvenile probation officer~~ of judicial handling when appropriate  
741 and warranted.

742 ~~(18)-(29)~~ "Judge" means the circuit judge exercising  
743 jurisdiction pursuant to this chapter.

744 ~~(30)~~ "Juvenile justice continuum" includes, but is not  
745 limited to, ~~delinquency prevention programs and services~~  
746 ~~designed for the purpose of preventing or reducing delinquent~~  
747 ~~acts, including criminal activity by criminal gangs and juvenile~~  
748 ~~arrests, as well as programs and services targeted at children~~  
749 ~~who have committed delinquent acts, and children who have~~  
750 ~~previously been committed to residential treatment programs for~~  
751 ~~delinquents. The term includes children in need of services and~~  
752 ~~families in need of services programs; conditional release;~~  
753 ~~substance abuse and mental health programs; educational and~~  
754 ~~vocational programs; recreational programs; community services~~

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755 ~~programs; community service work programs; and alternative~~  
756 ~~dispute resolution programs serving children at risk of~~  
757 ~~delinquency and their families, whether offered or delivered by~~  
758 ~~state or local governmental entities, public or private for-~~  
759 ~~profit or not-for-profit organizations, or religious or~~  
760 ~~charitable organizations.~~

761 ~~(31) "Juvenile probation officer" means the authorized~~  
762 ~~agent of the department who performs and directs intake,~~  
763 ~~assessment, probation, or conditional release, and other related~~  
764 ~~services.~~

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

772 ~~(20)(33)~~ (20) "Licensed child-caring agency" means an agency  
773 licensed by the Department of Children and Families pursuant to  
774 s. 409.175 ~~a person, society, association, or agency licensed by~~  
775 ~~the Department of Children and Families to care for, receive,~~  
776 ~~and board children.~~

777 ~~(21)(34)~~ (21) "Licensed health care professional" means a  
778 physician licensed under chapter 458, an osteopathic physician  
779 licensed under chapter 459, a nurse licensed under part I of  
780 chapter 464, a physician assistant licensed under chapter 458 or  
781 chapter 459, or a dentist licensed under chapter 466.

782 ~~(35) "Mediation" means a process whereby a neutral third~~  
783 ~~person called a mediator acts to encourage and facilitate the~~

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784 ~~resolution of a dispute between two or more parties. It is an~~  
785 ~~informal and nonadversarial process with the objective of~~  
786 ~~helping the disputing parties reach a mutually acceptable and~~  
787 ~~voluntary agreement. In mediation, decisionmaking authority~~  
788 ~~rests with the parties. The role of the mediator includes, but~~  
789 ~~is not limited to, assisting the parties in identifying issues,~~  
790 ~~fostering joint problem solving, and exploring settlement~~  
791 ~~alternatives.~~

792 (22)~~(36)~~ "Necessary medical treatment" means care that is  
793 necessary within a reasonable degree of medical certainty to  
794 prevent the deterioration of a child's condition or to alleviate  
795 immediate pain of a child.

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

804 (24)~~(37)~~ "Neglect" has the same meaning as in s. 39.01(53).  
805 ~~occurs when the parent or legal custodian of a child or, in the~~  
806 ~~absence of a parent or legal custodian, the person primarily~~  
807 ~~responsible for the child's welfare deprives a child of, or~~  
808 ~~allows a child to be deprived of, necessary food, clothing,~~  
809 ~~shelter, or medical treatment or permits a child to live in an~~  
810 ~~environment when such deprivation or environment causes the~~  
811 ~~child's physical, mental, or emotional health to be~~  
812 ~~significantly impaired or to be in danger of being significantly~~

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813 ~~impaired. The foregoing circumstances shall not be considered~~  
814 ~~neglect if caused primarily by financial inability unless actual~~  
815 ~~services for relief have been offered to and rejected by such~~  
816 ~~person. A parent or guardian legitimately practicing religious~~  
817 ~~beliefs in accordance with a recognized church or religious~~  
818 ~~organization who thereby does not provide specific medical~~  
819 ~~treatment for a child shall not, for that reason alone, be~~  
820 ~~considered a negligent parent or guardian; however, such an~~  
821 ~~exception does not preclude a court from ordering the following~~  
822 ~~services to be provided, when the health of the child so~~  
823 ~~requires:~~

824 ~~(a) Medical services from a licensed physician, dentist,~~  
825 ~~optometrist, podiatric physician, or other qualified health care~~  
826 ~~provider; or~~

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

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

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

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842        ~~(26)(40)~~ "Participant," for purposes of a ~~shelter~~  
843 proceeding under this chapter, means any person who is not a  
844 party but who should receive notice of hearings involving the  
845 child, including foster parents, identified prospective parents,  
846 grandparents entitled to priority for adoption consideration  
847 under s. 63.0425, actual custodians of the child, and any other  
848 person whose participation may be in the best interest of the  
849 child. Participants may be granted leave by the court to be  
850 heard without the necessity of filing a motion to intervene.

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

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

870        ~~(42)~~ "~~Preliminary screening~~" means ~~the gathering of~~

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871 ~~preliminary information to be used in determining a child's need~~  
872 ~~for further evaluation or assessment or for referral for other~~  
873 ~~substance abuse services through means such as psychosocial~~  
874 ~~interviews; urine and breathalyzer screenings; and reviews of~~  
875 ~~available educational, delinquency, and dependency records of~~  
876 ~~the child.~~

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

894 ~~(44)~~ "Protective supervision" means a legal status in  
895 ~~child-in-need-of-services cases or family-in-need-of-services~~  
896 ~~cases which permits the child to remain in his or her own home~~  
897 ~~or other placement under the supervision of an agent of the~~  
898 ~~Department of Juvenile Justice or the Department of Children and~~  
899 ~~Families, subject to being returned to the court during the~~

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900 ~~period of supervision.~~

901 ~~(30)(45)~~ "Relative" means a grandparent, great-grandparent,  
902 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,  
903 niece, or nephew, whether related by the whole or half blood, by  
904 affinity, or by adoption. The term does not include a  
905 stepparent.

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

919 ~~(32)(47)~~ "Secure detention center or facility" means a  
920 physically restricting facility for the temporary care of  
921 children, pending adjudication, disposition, or placement under  
922 chapter 985.

923 ~~(33)(48)~~ "Shelter" means a department-approved shelter  
924 facility for the temporary care of runaway children; for  
925 children placed for voluntary shelter respite upon request of  
926 the child or the child's parent, legal guardian, or custodian;  
927 or for placement of a child who has been adjudicated a child in  
928 need of services or who has been found in contempt of court



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929 under s. 984.09. Shelters must provide 24-hour continual  
930 supervision. A shelter must be licensed by the Department of  
931 Children and Families as a licensed child-caring agency a place  
932 ~~for the temporary care of a child who is alleged to be or who~~  
933 ~~has been found to be dependent, a child from a family in need of~~  
934 ~~services, or a child in need of services, pending court~~  
935 ~~disposition before or after adjudication or after execution of a~~  
936 ~~court order. "Shelter" may include a facility which provides 24-~~  
937 ~~hour continual supervision for the temporary care of a child who~~  
938 ~~is placed pursuant to s. 984.14.~~

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

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

950 ~~(34)(51)~~ (34) "Substance abuse" means using, without medical  
951 reason, any psychoactive or mood-altering drug, including  
952 alcohol, in such a manner as to induce impairment resulting in  
953 dysfunctional social behavior.

954 ~~(35)(52)~~ (35) "Taken into custody" means the status of a child  
955 immediately when temporary physical control over the child is  
956 attained by a person authorized by law, pending the child's  
957 release, shelter detention, placement, or other disposition as

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958 authorized by law.

959 (36)~~(53)~~ "Temporary legal custody" means the relationship  
960 that a juvenile court creates between a child and an adult  
961 relative of the child, adult nonrelative approved by the court,  
962 or other person until a more permanent arrangement is ordered.  
963 Temporary legal custody confers upon the custodian the right to  
964 have temporary physical custody of the child and the right and  
965 duty to protect, train, and discipline the child and to provide  
966 the child with food, shelter, and education, and ordinary  
967 medical, dental, psychiatric, and psychological care, unless  
968 these rights and duties are otherwise enlarged or limited by the  
969 court order establishing the temporary legal custody  
970 relationship.

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

980 (38) "Truant status offender" means a child subject to the  
981 jurisdiction of the court under s. 984.151 who has been found by  
982 the court to be truant while subject to compulsory education.  
983 The court's jurisdiction is limited to entering orders to  
984 require the child to attend school and participate in services  
985 to encourage regular school attendance. A truant status offender  
986 is not a delinquent child and may not be deemed to have

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987 committed a criminal or delinquent act solely due to failure to  
988 attend school.

989 (39)~~(55)~~ "Violation of law" or "delinquent act" means a  
990 violation of any law of this state, the United States, or any  
991 other state which is a misdemeanor or a felony or a violation of  
992 a county or municipal ordinance which would be punishable by  
993 incarceration if the violation were committed by an adult.

994 (40) "Voluntary family services" means voluntary services  
995 provided by the department or an agency designated by the  
996 department to a family that has a child who is running away; who  
997 is ungovernable by persistently disobeying reasonable and lawful  
998 demands of the parent, legal guardian, or custodian and is  
999 beyond the control of the parent, legal guardian, or custodian;  
1000 or who is a habitual truant or engaging in other serious  
1001 behaviors that place the child at risk of future abuse, neglect,  
1002 abandonment, or entering the juvenile justice system. The child  
1003 must be referred to the department or an agency designated by  
1004 the department to provide voluntary services to families and  
1005 children.

1006 Section 5. Section 984.04, Florida Statutes, is amended to  
1007 read:

1008 984.04 Early truancy intervention; families in need of  
1009 services and children in need of services; procedures and  
1010 jurisdiction.-

1011 ~~(1) It is the intent of the Legislature to address the~~  
1012 ~~problems of families in need of services by providing them with~~  
1013 ~~an array of services designed to preserve the unity and~~  
1014 ~~integrity of the family and to emphasize parental responsibility~~  
1015 ~~for the behavior of their children. Services to families in need~~

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1016 ~~of services and children in need of services shall be provided~~  
1017 ~~on a continuum of increasing intensity and participation by the~~  
1018 ~~parent and child. Judicial intervention to resolve the problems~~  
1019 ~~and conflicts that exist within a family shall be limited to~~  
1020 ~~situations in which a resolution to the problem or conflict has~~  
1021 ~~not been achieved through service, treatment, and family~~  
1022 ~~intervention after all available less restrictive resources have~~  
1023 ~~been exhausted. In creating this chapter, the Legislature~~  
1024 ~~recognizes the need to distinguish the problems of truants,~~  
1025 ~~runaways, and children beyond the control of their parents, and~~  
1026 ~~the services provided to these children, from the problems and~~  
1027 ~~services designed to meet the needs of abandoned, abused,~~  
1028 ~~neglected, and delinquent children. In achieving this~~  
1029 ~~recognition, it shall be the policy of the state to develop~~  
1030 ~~short-term, temporary services and programs utilizing the least~~  
1031 ~~restrictive method for families in need of services and children~~  
1032 ~~in need of services.~~

1033 ~~(1)(2)~~ The department of ~~Juvenile Justice~~ shall be  
1034 responsible for all nonjudicial proceedings involving voluntary  
1035 a family in need of services for a family identified as a family  
1036 in need of services.

1037 ~~(3)~~ ~~All nonjudicial procedures in family-in-need-of-~~  
1038 ~~services cases shall be~~ according to rules established by the  
1039 department of ~~Juvenile Justice~~ under chapter 120.

1040 ~~(2)(4)~~ The circuit court shall have exclusive original  
1041 jurisdiction of judicial proceedings involving early truancy  
1042 intervention. When the jurisdiction of any child found to be  
1043 truant under s. 984.151 is obtained, the court may retain  
1044 jurisdiction for up to 180 days. The court must terminate

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1045 supervision and relinquish jurisdiction if the child has  
1046 substantially complied with the requirements of early truancy  
1047 intervention, is no longer subject to compulsory education, or  
1048 is adjudicated a child in need of services under s. 984.21  
1049 ~~continued placement of a child from a family in need of services~~  
1050 ~~in shelter.~~

1051 (3)~~(5)~~ The circuit court shall have exclusive original  
1052 jurisdiction of proceedings in which a child is alleged to be a  
1053 child in need of services. When the jurisdiction of any child  
1054 who has been found to be a child in need of services or the  
1055 parent, custodian, or legal guardian of such a child is  
1056 obtained, the court shall retain jurisdiction, unless  
1057 relinquished by its order or unless the department withdraws its  
1058 petition because the child no longer meets the definition of a  
1059 child in need of services as defined in s. 984.03, until the  
1060 child reaches 18 years of age. This subsection does ~~shall~~ not ~~be~~  
1061 ~~construed to~~ prevent the exercise of jurisdiction by any other  
1062 court having jurisdiction of the child ~~if the child commits a~~  
1063 ~~violation of law, is the subject of the dependency provisions~~  
1064 ~~under this chapter, or is the subject of a pending investigation~~  
1065 ~~into an allegation or suspicion of abuse, neglect, or~~  
1066 ~~abandonment.~~

1067 (4) Jurisdiction of the circuit court shall attach to the  
1068 case and parties to proceedings filed under s. 984.15 or under  
1069 s. 984.151 when the summons is served upon the child and a  
1070 parent, legal guardian, or custodian, or when the parties  
1071 personally appear before the court.

1072 (5)~~(6)~~ All procedures, including petitions, pleadings,  
1073 subpoenas, summonses, and hearings, in proceedings under this

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1074 ~~chapter family in need of services cases and child in need of~~  
1075 ~~services cases~~ shall be according to the Florida Rules of  
1076 Juvenile Procedure unless otherwise provided by law.

1077 ~~(7) The department may contract with a provider to provide~~  
1078 ~~services and programs for families in need of services and~~  
1079 ~~children in need of services.~~

1080 Section 6. Subsections (2) and (4) of section 984.06,  
1081 Florida Statutes, are amended to read:

1082 984.06 Oaths, records, and confidential information.—

1083 (2) The court shall make and keep records of all cases  
1084 brought before it pursuant to this chapter and shall preserve  
1085 the records ~~pertaining to a child in need of services~~ until 10  
1086 years after the last entry was made or until the child is 18  
1087 years of age, whichever date is first reached, and may then  
1088 destroy them. The court shall make official records, consisting  
1089 of all petitions and orders filed in a case arising pursuant to  
1090 this chapter and any other pleadings, certificates, proofs of  
1091 publication, summonses, warrants, and other writs which are  
1092 filed in the case.

1093 (4) Except as provided in subsection (3), all information  
1094 obtained pursuant to this chapter in the discharge of official  
1095 duty by any judge, employee of the court, authorized agent of  
1096 the department, school employee, district superintendent, school  
1097 board employee, or law enforcement agent is confidential and may  
1098 not be disclosed to anyone other than the authorized personnel  
1099 of the court, the department and its designees, school or school  
1100 board personnel, law enforcement agencies, and others entitled  
1101 under this chapter to receive that information, except upon  
1102 order of the court.

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1103 Section 7. Section 984.07, Florida Statutes, is amended to  
1104 read:

1105 984.07 Right to counsel; waiver; appointed counsel;  
1106 compensation.—

1107 (1) When a petition is filed alleging that a child is a  
1108 child in need of services or if the child is subject to contempt  
1109 proceedings under s. 984.09, the child must be represented by  
1110 counsel at each court appearance. The court must appoint counsel  
1111 unless the child is not indigent and has counsel present to  
1112 represent the child or the record in that proceeding  
1113 affirmatively demonstrates by clear and convincing evidence that  
1114 the child knowingly and intelligently waived the right to  
1115 counsel after being fully advised by the court of the nature of  
1116 the proceedings and the dispositional alternatives available to  
1117 the court. If the child waives counsel at any proceeding, the  
1118 court shall advise the child with respect to the right to  
1119 counsel at every subsequent hearing.

1120 (2) A child in proceedings under s. 984.151 may have  
1121 counsel appointed by the court if the court determines it is in  
1122 the best interest of the child.

1123 (3) If the court appoints counsel for a child, and if the  
1124 child and his or her parents or legal guardians are indigent and  
1125 unable to employ counsel, the court must appoint an attorney to  
1126 represent the child under s. 27.511. Determination of indigence  
1127 and costs of representation shall be as provided by s. 57.082.  
1128 Legal counsel representing a child who exercises the right to  
1129 counsel may provide advice and counsel to the child at any time  
1130 after appointment.

1131 (4) If the parents or legal guardians of an indigent child

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1132 are not indigent but refuse to employ counsel, the court shall  
1133 appoint counsel pursuant to s. 27.511 to represent the child  
1134 until counsel is provided. Costs of representation must be  
1135 imposed as provided by s. 57.082. Thereafter, the court may not  
1136 appoint counsel for an indigent child with nonindigent parents  
1137 or legal guardian but shall order the parents or legal guardian  
1138 to obtain private counsel.

1139 (a) A parent or legal guardian of an indigent child who has  
1140 been ordered to obtain private counsel for the child and who  
1141 willfully fails to follow the court order shall be punished by  
1142 the court in civil contempt proceedings.

1143 (b) An indigent child may have counsel appointed pursuant  
1144 to ss. 27.511 and 57.082 if the parents or legal guardian have  
1145 willfully refused to obey the court order to obtain counsel for  
1146 the child and have been punished by civil contempt. Costs of  
1147 representation must be imposed as provided by s. 57.082.

1148 (5) If the court makes a finding that nonindigent parents  
1149 have made a good faith effort to participate in services and  
1150 remediate the child's behavior, but despite their good faith  
1151 efforts, the child's truancy, ungovernable behavior, or runaway  
1152 behavior has persisted, the court may appoint counsel to  
1153 represent the child as provided in s. 27.511.

1154 (6) If counsel is entitled to receive compensation for  
1155 representation pursuant to court appointment in a child in need  
1156 of services proceeding, such compensation may not exceed \$1,000  
1157 at the trial level and \$2,500 at the appellate level.

1158 (7) This section does not preclude the court from  
1159 requesting reimbursement of attorney fees and costs from the  
1160 nonindigent parent or legal guardian.



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1161       (8) The court may appoint an attorney to represent a parent  
1162 or legal guardian under this chapter only upon a finding that  
1163 the parent or legal guardian is indigent pursuant to s. 57.082.  
1164 If an attorney is appointed, the parent or legal guardian shall  
1165 be enrolled in a payment plan pursuant to s. 28.246 ~~If counsel~~  
1166 ~~is entitled to receive compensation for representation pursuant~~  
1167 ~~to court appointment in a child-in-need-of-services proceeding,~~  
1168 ~~such compensation shall not exceed \$1,000 at the trial level and~~  
1169 ~~\$2,500 at the appellate level.~~

1170       Section 8. Subsection (1) of section 984.071, Florida  
1171 Statutes, is amended, and subsection (3) is added to that  
1172 section, to read:

1173       984.071 Resources and information.—

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

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1190 annually and updated as appropriate. The school district shall  
1191 distribute this information guide ~~packet~~ to parents of truant  
1192 children, and to other parents upon request or as deemed  
1193 appropriate by the school district. In addition, the department  
1194 ~~of Juvenile Justice~~ shall distribute the information guide  
1195 ~~packet~~ to state and local law enforcement agencies. Any law  
1196 enforcement officer who has contact with the parent of a child  
1197 who is locked out of the home, who is ungovernable, or who runs  
1198 away from home shall make the information guide available to the  
1199 parent.

1200 (3) The Department of Education and the Department of  
1201 Children and Families must each post the department's  
1202 information guide on their respective websites.

1203 Section 9. Sections 984.08 and 984.085, Florida Statutes,  
1204 are repealed.

1205 Section 10. Section 984.0861, Florida Statutes, is created  
1206 to read:

1207 984.0861 Prohibited use of detention.—A child under the  
1208 jurisdiction of the court solely pursuant to this chapter may  
1209 not be placed in:

1210 (1) Any form of detention care intended for the use of  
1211 alleged juvenile delinquents as authorized under chapter 985 for  
1212 any purpose.

1213 (2) A secure detention facility authorized for use under  
1214 chapter 985 for any purpose.

1215 (3) Any jail or other similar facility used for the purpose  
1216 of detention or confinement of adults for any purpose.

1217 Section 11. Section 984.09, Florida Statutes, is amended to  
1218 read:

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1219 984.09 Punishment for contempt of court; alternative  
1220 sanctions.—

1221 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may  
1222 punish any child for contempt for interfering with the court or  
1223 with court administration, or for violating any provision of  
1224 this chapter or order of the court relative thereto. It is the  
1225 intent of the Legislature that the court restrict and limit the  
1226 use of contempt powers and prohibit the use of detention care  
1227 and secure detention facilities as provided in s. 984.0861 ~~with~~  
1228 ~~respect to commitment of a child to a secure facility.~~ A child  
1229 who commits direct contempt of court or indirect contempt of a  
1230 valid court order may be taken into custody and ordered to serve  
1231 an alternative sanction or placed in a shelter ~~secure~~ facility,  
1232 as authorized in this section, by order of the court.

1233 (2) PLACEMENT IN A SHELTER ~~SECURE FACILITY~~.—A child  
1234 adjudicated as a child in need of services may only be placed in  
1235 a shelter ~~secure facility~~ for purposes of punishment for  
1236 contempt of court if alternative sanctions are unavailable or  
1237 inappropriate, or if the child has already been ordered to serve  
1238 an alternative sanction but failed to comply with the sanction.

1239 ~~(a) A delinquent child who has been held in direct or~~  
1240 ~~indirect contempt may be placed in a secure detention facility~~  
1241 ~~for 5 days for a first offense or 15 days for a second or~~  
1242 ~~subsequent offense, or in a secure residential commitment~~  
1243 ~~facility.~~

1244 ~~(a)(b)~~ A child in need of services who has been held in  
1245 direct contempt or indirect contempt may be placed, for 5 days  
1246 for a first offense or 15 days for a second or subsequent  
1247 offense, in a ~~staff-secure~~ shelter operated by or contracted

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1248 ~~with the department to provide such services or a staff-secure~~  
1249 ~~residential facility solely for children in need of services if~~  
1250 ~~such placement is available, or, if such placement is not~~  
1251 ~~available, the child may be placed in an appropriate mental~~  
1252 ~~health facility or substance abuse facility for assessment.~~ In  
1253 addition to disposition under this paragraph, a child in need of  
1254 services who is held in direct contempt or indirect contempt may  
1255 be placed in a physically secure shelter setting as provided  
1256 under s. 984.226 if conditions of eligibility are met.

1257 (b) A child subject to proceedings under s. 984.151 who has  
1258 been held in direct contempt or indirect contempt may only be  
1259 placed, for 5 days for a first offense or 15 days for a second  
1260 or subsequent offense, in a shelter operated by or contracted  
1261 with the department for such services if a shelter bed is  
1262 available. Upon a second or subsequent finding of contempt under  
1263 this section, the court must refer the child to the case  
1264 staffing committee with a recommendation to file a child in need  
1265 of services petition.

1266 (c) Any shelter placement ordered under this section must  
1267 be given as a cumulative sanction. Separate sanctions for the  
1268 same act or series of acts within the same episode may not be  
1269 imposed.

1270 (3) ALTERNATIVE SANCTIONS. ~~Each judicial circuit shall have~~  
1271 ~~an alternative sanctions coordinator who shall serve under the~~  
1272 ~~chief administrative judge of the juvenile division of the~~  
1273 ~~circuit court, and who shall coordinate and maintain a spectrum~~  
1274 ~~of contempt sanction alternatives in conjunction with the~~  
1275 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~  
1276 Upon determining that a child has committed direct contempt of

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1277 court or indirect contempt of a valid court order, the court may  
1278 immediately request the circuit alternative sanctions  
1279 coordinator to recommend the most appropriate available  
1280 alternative sanction and shall order the child to perform up to  
1281 50 hours of community-service ~~manual labor~~ or a similar  
1282 alternative sanction, unless an alternative sanction is  
1283 unavailable or inappropriate, or unless the child has failed to  
1284 comply with a prior alternative sanction. Alternative contempt  
1285 sanctions may be provided by local industry or by any nonprofit  
1286 organization or any public or private business or service entity  
1287 that has entered into a contract with the department ~~of Juvenile~~  
1288 ~~Justice~~ to act as an agent of the state to provide voluntary  
1289 supervision of children on behalf of the state in exchange for  
1290 the ~~manual~~ labor of children and limited immunity in accordance  
1291 with s. 768.28(11).

1292 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE  
1293 PROCESS.—

1294 (a) If a child subject to proceedings under this chapter is  
1295 charged with direct contempt of court, ~~including traffic court,~~  
1296 the court may impose an authorized sanction immediately.

1297 (b) If a child subject to proceedings under this chapter is  
1298 charged with indirect contempt of court, the court must issue an  
1299 order to show cause and schedule ~~hold~~ a hearing ~~within 24 hours~~  
1300 to determine whether the child committed indirect contempt of a  
1301 valid court order. The child must be served with the order to  
1302 show cause and notice of hearing. At the hearing, the following  
1303 due process rights must be provided to the child:

1304 1. Right to a copy of the order to show cause alleging  
1305 facts supporting the contempt charge.

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1306 2. Right to an explanation of the nature and the  
1307 consequences of the proceedings.

1308 3. Right to legal counsel and the right to have legal  
1309 counsel appointed by the court if the juvenile is indigent,  
1310 pursuant to s. 984.07 ~~s. 985.033~~.

1311 4. Right to confront witnesses.

1312 5. Right to present witnesses.

1313 6. Right to have a transcript or record of the proceeding.

1314 7. Right to appeal to an appropriate court.

1315  
1316 The child's parent, legal ~~or~~ guardian, or custodian may address  
1317 the court regarding the due process rights of the child. If  
1318 after the hearing, the court determines the child has committed  
1319 indirect contempt of a valid court order, the court may impose  
1320 an alternative sanction or may proceed under subsection (2). If  
1321 the court orders shelter placement of a child found in contempt  
1322 of court, the court shall review the matter ~~placement of the~~  
1323 ~~child~~ every 72 hours to determine whether it is appropriate for  
1324 the child to remain in the facility.

1325 (c) The court may not order that a child be placed in a  
1326 shelter ~~secure~~ facility for punishment for contempt unless the  
1327 court determines that an alternative sanction is inappropriate  
1328 or unavailable or that the child was initially ordered to an  
1329 alternative sanction and did not comply with the alternative  
1330 sanction. The court is encouraged to order a child to perform  
1331 community service, up to the maximum number of hours, where  
1332 appropriate before ordering that the child be placed in a  
1333 shelter ~~secure~~ facility as punishment for contempt of court.

1334 ~~(d) In addition to any other sanction imposed under this~~

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1335 ~~section, the court may direct the Department of Highway Safety~~  
1336 ~~and Motor Vehicles to withhold issuance of, or suspend, a~~  
1337 ~~child's driver license or driving privilege. The court may order~~  
1338 ~~that a child's driver license or driving privilege be withheld~~  
1339 ~~or suspended for up to 1 year for a first offense of contempt~~  
1340 ~~and up to 2 years for a second or subsequent offense. If the~~  
1341 ~~child's driver license or driving privilege is suspended or~~  
1342 ~~revoked for any reason at the time the sanction for contempt is~~  
1343 ~~imposed, the court shall extend the period of suspension or~~  
1344 ~~revocation by the additional period ordered under this~~  
1345 ~~paragraph. If the child's driver license is being withheld at~~  
1346 ~~the time the sanction for contempt is imposed, the period of~~  
1347 ~~suspension or revocation ordered under this paragraph shall~~  
1348 ~~begin on the date on which the child is otherwise eligible to~~  
1349 ~~drive. For a child in need of services whose driver license or~~  
1350 ~~driving privilege is suspended under this paragraph, the court~~  
1351 ~~may direct the Department of Highway Safety and Motor Vehicles~~  
1352 ~~to issue the child a license for driving privileges restricted~~  
1353 ~~to business or employment purposes only, as defined in s.~~  
1354 ~~322.271, or for the purpose of completing court-ordered~~  
1355 ~~community service, if the child is otherwise qualified for a~~  
1356 ~~license. However, the department may not issue a restricted~~  
1357 ~~license unless specifically ordered to do so by the court.~~

1358 (5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the  
1359 position of alternative sanctions coordinator within each  
1360 judicial circuit, ~~pursuant to subsection (3)~~. Each alternative  
1361 sanctions coordinator shall serve under the direction of the  
1362 chief administrative judge of the juvenile division as directed  
1363 by the chief judge of the circuit. The alternative sanctions

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1364 coordinator shall act as the liaison between the judiciary,  
1365 local department officials, district school board employees, and  
1366 local law enforcement agencies. The alternative sanctions  
1367 coordinator shall coordinate within the circuit community-based  
1368 alternative sanctions, including ~~nonsecure detention programs,~~  
1369 community service projects, ~~and other juvenile sanctions,~~ in  
1370 conjunction with the circuit plan implemented in accordance with  
1371 ~~s. 790.22(4)(c).~~

1372 Section 12. Section 984.10, Florida Statutes, is amended to  
1373 read:

1374 984.10 Intake.—

1375 (1) Intake shall be performed by the department or the  
1376 department's authorized agent. A report ~~or complaint~~ alleging  
1377 that a child is from a family in need of services shall be made  
1378 to the intake office operating in the county in which the child  
1379 is found or in which the case arose. Any person or agency,  
1380 including, but not limited to, the parent, ~~or~~ legal guardian, or  
1381 custodian, the local school district, a law enforcement agency,  
1382 or the Department of Children and Families, having knowledge of  
1383 the facts may make a report ~~or complaint~~.

1384 (2) A representative of the department shall make a  
1385 preliminary determination as to whether the report ~~or complaint~~  
1386 is complete. The criteria for the completeness of a report ~~or~~  
1387 ~~complaint~~ with respect to a child alleged to be from a family in  
1388 need of services while subject to compulsory school attendance  
1389 shall be governed by s. 984.03 ~~s. 984.03(27)~~. In any case in  
1390 which the representative of the department finds that the report  
1391 ~~or complaint~~ is incomplete, the representative of the department  
1392 shall return the report ~~or complaint~~ without delay to the person



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1393 or agency originating the report ~~or complaint~~ or having  
1394 knowledge of the facts or to the appropriate law enforcement  
1395 agency having investigative jurisdiction and request additional  
1396 information in order to complete the report ~~or complaint~~.

1397 (3) If the representative of the department determines that  
1398 in his or her judgment the interests of the family, the child,  
1399 and the public will be best served by providing the family and  
1400 child services and treatment voluntarily accepted by the child  
1401 and the parents, ~~or~~ legal guardians, or custodians, the  
1402 department's departmental representative may refer the family or  
1403 child to an appropriate service ~~and treatment~~ provider. As part  
1404 of the intake procedure, the department's departmental  
1405 representative shall inform the parent, ~~or~~ legal custodian  
1406 guardian, or custodian, in writing, of the services currently  
1407 ~~and treatment~~ available to the child and family by department  
1408 providers and other ~~or~~ community agencies in the county in which  
1409 the family is located, and the rights and responsibilities of  
1410 the parent, ~~or~~ legal guardian, or custodian under this chapter.  
1411 Upon admission, and depending on services, a staff member may be  
1412 assigned to the family as deemed appropriate.

1413 (4) If the department reasonably believes ~~has reasonable~~  
1414 ~~grounds to believe~~ that the child has been abandoned, abused, or  
1415 neglected, it shall proceed pursuant to ~~the provisions of~~  
1416 chapter 39 and report immediately to the central abuse hotline.

1417 Section 13. Section 984.11, Florida Statutes, is amended to  
1418 read:

1419 984.11 Services to families ~~in need of services.~~

1420 (1) The department or its authorized agent shall provide an  
1421 array of voluntary family services aimed at remediating school

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1422 truancy, homelessness, and runaway and ungovernable behavior by  
1423 children. Services ~~and treatment~~ to families in need of services  
1424 shall be by voluntary agreement of the parent, ~~or~~ legal  
1425 guardian, or custodian and the child ~~or as directed by a court~~  
1426 ~~order pursuant to s. 984.22.~~

1427 (2) A family is not eligible to receive voluntary family  
1428 services if, at the time of the referral, the child is under  
1429 court-ordered supervision by the department for delinquency  
1430 under chapter 985 or court-ordered supervision by the Department  
1431 of Children and Families under chapter 39. A child who has  
1432 received a prearrest delinquency citation, or is receiving  
1433 delinquency diversion services, may receive voluntary family  
1434 services.

1435 (3) If there is a pending investigation into an allegation  
1436 of abuse, neglect, or abandonment, the child may be eligible for  
1437 voluntary family services if the Department of Children and  
1438 Families agrees to the provision of services and makes a  
1439 referral. An interagency agreement between the department and  
1440 the Department of Children and Families shall govern this  
1441 referral process, which is contingent on available funding. The  
1442 department must notify the Department of Children and Families  
1443 if a referral is declined.

1444 (4)~~(2)~~ These services may include, but need not be limited  
1445 to:

- 1446 (a) ~~Homemaker~~ or Parent aide services.
- 1447 (b) Intensive crisis counseling.
- 1448 (c) Parent training.
- 1449 (d) Individual, group, or family counseling.
- 1450 (e) Referral to community mental health services.

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- 1451 (f) Prevention and diversion services.
- 1452 (g) Services provided by voluntary or community agencies.
- 1453 (h) Runaway center services.
- 1454 (i) Runaway shelter ~~Housekeeper~~ services.
- 1455 (j) Referral for special educational, tutorial, or remedial  
1456 services.
- 1457 (k) Referral to vocational, career development ~~job~~  
1458 ~~training~~, or employment services.
- 1459 (l) Recreational services.
- 1460 (m) Assessment.
- 1461 (n) Case management.
- 1462 (o) Referral for or provision of substance abuse assessment  
1463 or treatment.
- 1464 (5)~~(3)~~ The department shall advise the parents, ~~or~~ legal  
1465 guardian, or custodian that they are responsible for  
1466 contributing to the cost of the ~~child or family~~ services and  
1467 ~~treatment~~ to the extent of their ability to pay. The parent is  
1468 responsible for using health care insurance to the extent it is  
1469 available for the provision of health services ~~The department~~  
1470 ~~shall set and charge fees for services and treatment provided to~~  
1471 ~~clients. The department may employ a collection agency for the~~  
1472 ~~purpose of receiving, collecting, and managing the payment of~~  
1473 ~~unpaid and delinquent fees. The collection agency must be~~  
1474 ~~registered and in good standing under chapter 559. The~~  
1475 ~~department may pay to the collection agency a fee from the~~  
1476 ~~amount collected under the claim or may authorize the agency to~~  
1477 ~~deduct the fee from the amount collected.~~
- 1478 ~~(4) The department may file a petition with the circuit~~  
1479 ~~court to enforce the collection of fees for services and~~

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1480 ~~treatment rendered to the child or the parent and other legal~~  
1481 ~~custodians.~~

1482 Section 14. Section 984.12, Florida Statutes, is amended to  
1483 read:

1484 984.12 Case staffing; services and treatment related to a  
1485 family in need of services.—

1486 (1) The appropriate representative of the department shall  
1487 request a meeting of the family and child with a case staffing  
1488 committee to review the case of any family or child who the  
1489 department determines is in need of services ~~or treatment~~ if:

1490 (a) The family or child is not in agreement with the  
1491 services or treatment offered;

1492 (b) The family or child will not participate in the  
1493 services or treatment selected; or

1494 (c) The representative of the department needs assistance  
1495 in developing an appropriate plan for services. The time and  
1496 place selected for the meeting shall be convenient for the child  
1497 and family.

1498 (2) The composition of the case staffing committee shall be  
1499 based on the needs of the family and child. It shall include a  
1500 representative from the child's school district and a  
1501 representative of the department ~~of Juvenile Justice~~, and may  
1502 include the department's authorized agent and a supervisor of  
1503 the department's contracted provider; a representative from the  
1504 area of health, mental health, substance abuse, or social, ~~or~~  
1505 ~~educational~~ services; a representative of the state attorney; a  
1506 representative of law enforcement ~~the alternative sanctions~~  
1507 ~~coordinator~~; and any person recommended by the child, family, or  
1508 department. The child and the child's parent, legal guardian, or

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- 1509 custodian must be invited to attend the committee meeting.
- 1510 (3) The case staffing committee shall:
- 1511 (a) Identify the family's concerns and contributing
- 1512 factors.
- 1513 (b) Request the family and child to identify their needs
- 1514 and concerns.
- 1515 (c) Seek input from the school district and any other
- 1516 persons in attendance with knowledge of the family or child's
- 1517 situation and concerns.
- 1518 (d) Consider the voluntary family services or other
- 1519 community services that have been offered and the results of
- 1520 those services.
- 1521 (e) Identify whether truancy is a concern and evaluate
- 1522 compliance with the remedial strategies provided pursuant to s.
- 1523 1003.26.
- 1524 (f) Reach a timely decision to provide the child or family
- 1525 with ~~needed~~ services and recommend any appropriate ~~and~~ treatment
- 1526 through the development of a plan for services.
- 1527 (4) The plan for services shall contain the following:
- 1528 (a) Statement of the concerns ~~problems~~.
- 1529 (b) Needs of the child.
- 1530 (c) Needs of the parents, legal guardian, or ~~legal~~
- 1531 ~~custodian~~.
- 1532 (d) Measurable objectives that address the identified
- 1533 ~~problems and needs~~.
- 1534 (e) Services and treatment to be provided, to include:
- 1535 1. Type of services or treatment.
- 1536 2. Frequency of services or treatment.
- 1537 3. Location.

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1538 4. Accountable service providers or staff.

1539 (f) Timeframes for achieving objectives.

1540 (5) Upon receipt of the plan, the child and family shall  
1541 acknowledge their position by accepting or rejecting the  
1542 services and provisions in writing. If the plan is accepted, it  
1543 shall be implemented as soon as is practicable.

1544 (6) The assigned case manager shall have responsibility A  
1545 case manager shall be designated by the case staffing committee  
1546 to be responsible for implementing the plan. The department's  
1547 authorized agent case manager shall periodically review the  
1548 progress towards achieving the objectives of the plan in order  
1549 to:

1550 (a) Advise the case staffing committee of the need to make  
1551 adjustments to the plan; ~~or~~

1552 (b) Recommend a child in need of services petition be filed  
1553 by the department; or

1554 (c) ~~(b)~~ Terminate the case as indicated by successful or  
1555 substantial achievement of the objectives of the plan.

1556 (7) The parent, legal guardian, or ~~legal~~ custodian may  
1557 convene a meeting of the case staffing committee, ~~and any other~~  
1558 ~~member of the committee may convene a meeting if the member~~  
1559 ~~finds that doing so is in the best interest of the family or~~  
1560 ~~child~~. A case staffing committee meeting requested by a parent,  
1561 guardian, or legal custodian must be convened within 7 days,  
1562 excluding weekends and legal holidays, after the date the  
1563 department's representative receives the request in writing.

1564 (8) Any other member of the committee may convene a meeting  
1565 if voluntary family services have been offered and the services  
1566 have been rejected by the child or family, or the child has not

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1567 made measurable progress toward achieving the service plan  
1568 goals, and the member finds that doing so is in the best  
1569 interest of the family or child.

1570 (9) A case staffing committee meeting must be convened  
1571 within 30 days after the date the case is referred by the court  
1572 pursuant to s. 984.151.

1573 (10)~~(8)~~ Within 7 days after meeting, the case staffing  
1574 committee shall provide the parent, legal guardian, or ~~legal~~  
1575 custodian with a written report that details the reasons for the  
1576 committee's decision to recommend, or decline to recommend, that  
1577 the department file a petition alleging that the child is a  
1578 child in need of services.

1579 (11) The case staffing committee may reconvene from time to  
1580 time as may be necessary to make adjustments to the plan.

1581 Section 15. Section 984.13, Florida Statutes, is amended to  
1582 read:

1583 984.13 Taking a child into custody ~~a child alleged to be~~  
1584 ~~from a family in need of services or to be a child in need of~~  
1585 ~~services.~~

1586 (1) A child may be taken into custody:

1587 (a) By a law enforcement officer when the officer  
1588 reasonably believes ~~has reasonable grounds to believe~~ that the  
1589 child has run away from his or her parents, legal guardian, or  
1590 ~~other legal~~ custodian.

1591 (b) By a designated school representative pursuant to s.  
1592 1003.26(3) or a law enforcement officer when the officer  
1593 reasonably believes ~~has reasonable grounds to believe~~ that the  
1594 child is absent from school without authorization or is  
1595 suspended or expelled and is not in the presence of his or her

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1596 parent, ~~or~~ legal guardian, or custodian, for the purpose of  
1597 delivering the child without unreasonable delay to the  
1598 appropriate school system site. For the purpose of this  
1599 paragraph, "school system site" includes, but is not limited to,  
1600 a center approved by the superintendent of schools for the  
1601 purpose of counseling students and referring them back to the  
1602 school system or an approved alternative to a suspension or  
1603 expulsion program. If a student is suspended or expelled from  
1604 school without assignment to an alternative school placement,  
1605 the law enforcement officer or designated school representative  
1606 pursuant to s. 1003.26(3) shall deliver the child to the parent,  
1607 ~~or~~ legal guardian, or custodian, to a location determined by the  
1608 parent, legal ~~or~~ guardian, or custodian, or to a designated  
1609 truancy interdiction site until the parent or guardian can be  
1610 located.

1611 (c) Pursuant to an order of the circuit court based upon  
1612 sworn testimony ~~before or~~ after a child in need of services  
1613 petition is filed under s. 984.15.

1614 (d) Pursuant to an order of the circuit court based upon a  
1615 finding of contempt under this chapter for the purpose of  
1616 delivering the child to a designated shelter facility.

1617 ~~(e)-(d)~~ By a law enforcement officer when the child  
1618 voluntarily agrees to or requests services pursuant to this  
1619 chapter or placement in a shelter.

1620 (2) The person taking the child into custody shall:

1621 (a) Release the child to a parent, legal guardian, ~~legal~~  
1622 custodian, or responsible adult relative and make a full written  
1623 report to the department's authorized agent for families in need  
1624 of services within 3 days after release ~~or to a department-~~



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1625 ~~approved family in need of services and child in need of~~  
1626 ~~services provider~~ if the person taking the child into custody  
1627 reasonably believes ~~has reasonable grounds to believe~~ the child  
1628 has run away from a parent, legal guardian, or ~~legal~~ custodian;  
1629 is truant; or is ungovernable and beyond the control of the  
1630 parent, guardian, or legal custodian; ~~following such release,~~  
1631 ~~the person taking the child into custody shall make a full~~  
1632 ~~written report to the intake office of the department within 3~~  
1633 ~~days; or~~

1634 (b) Deliver the child to a shelter when: ~~the department,~~  
1635 ~~stating the facts by reason of which the child was taken into~~  
1636 ~~eustody and sufficient information to establish probable cause~~  
1637 ~~that the child is from a family in need of services.~~

1638 1. The parent, legal guardian, or custodian is unavailable  
1639 to take immediate custody of the child;

1640 2. The child requested voluntary family services and  
1641 shelter placement;

1642 3. A court order under this chapter for shelter placement  
1643 has been issued; or

1644 4. The child and the parent, legal guardian, or custodian  
1645 voluntarily agree the child is in need of temporary shelter  
1646 placement and such placement is necessary to provide a safe  
1647 place for the child to remain until the parents and child can  
1648 agree on conditions for the child's safe return home.

1649 (c) Deliver the child to a hospital for necessary  
1650 evaluation and treatment if the child is reasonably believed to  
1651 be suffering from a serious physical condition which requires  
1652 either prompt diagnosis or treatment.

1653 (d) Deliver the child to a designated public receiving

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1654 facility as defined in s. 394.455 for examination under s.  
1655 394.463 if the child is reasonably believed to be mentally ill,  
1656 including immediate threat of suicide as provided in s.  
1657 394.463(1).

1658 (e) Deliver the child to a hospital, addictions receiving  
1659 facility, or treatment resource if the child is reasonably  
1660 believed to be intoxicated and has threatened, attempted, or  
1661 inflicted physical harm on himself or herself or another, or is  
1662 incapacitated by substance abuse.

1663 (3) If the child is taken into custody and by,~~or is~~  
1664 delivered to a shelter,~~the department,~~ the department's  
1665 authorized agent ~~appropriate representative of the department~~  
1666 shall review the facts and make such further inquiry as  
1667 necessary to determine whether the child shall remain in  
1668 shelter, receive voluntary family services that would allow the  
1669 child alleged to be from a family in need of services to remain  
1670 at home, custody or be released. Unless shelter is required as  
1671 provided in s. 984.14(1), the department shall:

1672 ~~(a) Release the child to his or her parent, guardian, or~~  
1673 ~~legal custodian, to a responsible adult relative, to a~~  
1674 ~~responsible adult approved by the department, or to a~~  
1675 ~~department-approved family-in-need-of-services and child-in-~~  
1676 ~~need-of-services provider; or~~

1677 ~~(b) Authorize temporary services and treatment that would~~  
1678 ~~allow the child alleged to be from a family in need of services~~  
1679 ~~to remain at home.~~

1680 Section 16. Section 984.14, Florida Statutes, is amended to  
1681 read:

1682 984.14 Voluntary shelter services placement; hearing.-

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1683           (1) Temporary voluntary shelter services provided by the  
1684 department shall provide a safe environment with 24-hour care  
1685 and supervision, referrals for services as needed, and education  
1686 at the center or offsite and counseling services for children.  
1687 ~~Unless ordered by the court pursuant to the provisions of this~~  
1688 ~~chapter, or upon voluntary consent to placement by the child and~~  
1689 ~~the child's parent, legal guardian, or custodian, a child taken~~  
1690 ~~into custody shall not be placed in a shelter prior to a court~~  
1691 ~~hearing unless a determination has been made that the provision~~  
1692 ~~of appropriate and available services will not eliminate the~~  
1693 ~~need for placement and that such placement is required:~~

1694           ~~(a) To provide an opportunity for the child and family to~~  
1695 ~~agree upon conditions for the child's return home, when~~  
1696 ~~immediate placement in the home would result in a substantial~~  
1697 ~~likelihood that the child and family would not reach an~~  
1698 ~~agreement; or~~

1699           ~~(b) Because a parent, custodian, or guardian is unavailable~~  
1700 ~~to take immediate custody of the child.~~

1701           (2) If a child is sheltered due to being a runaway, or a  
1702 parent, legal guardian, or custodian is unavailable, the shelter  
1703 shall immediately attempt to make contact with the parent, legal  
1704 guardian, or custodian to advise the family of the child's  
1705 whereabouts, determine whether the child can safely return home,  
1706 or determine whether the family is seeking temporary voluntary  
1707 shelter services until they can arrange to take the child home.  
1708 If the parent, legal guardian, or custodian cannot be located  
1709 within 24 hours, the Department of Children and Families shall  
1710 be contacted ~~If the department determines that placement in a~~  
1711 ~~shelter is necessary according to the provisions of subsection~~

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1712 ~~(1), the departmental representative shall authorize placement~~  
1713 ~~of the child in a shelter provided by the community specifically~~  
1714 ~~for runaways and troubled youth who are children in need of~~  
1715 ~~services or members of families in need of services and shall~~  
1716 ~~immediately notify the parents or legal custodians that the~~  
1717 ~~child was taken into custody.~~

1718 ~~(3) A child who is involuntarily placed in a shelter shall~~  
1719 ~~be given a shelter hearing within 24 hours after being taken~~  
1720 ~~into custody to determine whether shelter placement is required.~~  
1721 ~~The shelter petition filed with the court shall address each~~  
1722 ~~condition required to be determined in subsection (1).~~

1723 ~~(4) A child may not be held involuntarily in a shelter~~  
1724 ~~longer than 24 hours unless an order so directing is made by the~~  
1725 ~~court after a shelter hearing finding that placement in a~~  
1726 ~~shelter is necessary based on the criteria in subsection (1) and~~  
1727 ~~that the department has made reasonable efforts to prevent or~~  
1728 ~~eliminate the need for removal of the child from the home.~~

1729 ~~(5) Except as provided under s. 984.225, a child in need of~~  
1730 ~~services or a child from a family in need of services may not be~~  
1731 ~~placed in a shelter for longer than 35 days.~~

1732 ~~(6) When any child is placed in a shelter pursuant to court~~  
1733 ~~order following a shelter hearing, the court shall order the~~  
1734 ~~natural or adoptive parents of such child, the natural father of~~  
1735 ~~such child born out of wedlock who has acknowledged his~~  
1736 ~~paternity in writing before the court, or the guardian of such~~  
1737 ~~child's estate, if possessed of assets which under law may be~~  
1738 ~~disbursed for the care, support, and maintenance of the child,~~  
1739 ~~to pay, to the department, fees as established by the~~  
1740 ~~department. When the order affects the guardianship estate, a~~

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1741 ~~certified copy of the order shall be delivered to the judge~~  
1742 ~~having jurisdiction of the guardianship estate.~~

1743 ~~(7) A child who is adjudicated a child in need of services~~  
1744 ~~or alleged to be from a family in need of services or a child in~~  
1745 ~~need of services may not be placed in a secure detention~~  
1746 ~~facility or jail or any other commitment program for delinquent~~  
1747 ~~children under any circumstances.~~

1748 ~~(8) The court may order the placement of a child in need of~~  
1749 ~~services into a staff-secure facility for no longer than 5 days~~  
1750 ~~for the purpose of evaluation and assessment.~~

1751 Section 17. Section 984.15, Florida Statutes, is amended to  
1752 read:

1753 984.15 Petition for a child in need of services.-

1754 (1) All proceedings seeking an adjudication that a child is  
1755 a child in need of services shall be initiated by the filing of  
1756 a petition by an attorney representing the department or by the  
1757 child's parent, legal guardian, or ~~legal~~ custodian. ~~If a child~~  
1758 ~~in need of services has been placed in a shelter pursuant to s.~~  
1759 ~~984.14, the department shall file the petition immediately,~~  
1760 ~~including in the petition notice of arraignment pursuant to s.~~  
1761 ~~984.20.~~

1762 (2) (a) The department shall file a petition for a child in  
1763 need of services if the child meets the definition of a child in  
1764 need of services, and the case manager or staffing committee  
1765 recommends requests that a petition be filed and:

1766 1. The family and child have in good faith, but  
1767 unsuccessfully, used the services and process described in ss.  
1768 984.11 and 984.12; or

1769 2. The family or child have refused ~~all~~ services described

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1770 in ss. 984.11 and 984.12 after reasonable efforts by the  
1771 department to involve the family and child in voluntary family  
1772 services ~~and treatment~~.

1773 (b) Once the requirements in paragraph (a) have been met,  
1774 the department shall file a petition for a child in need of  
1775 services as soon as practicable ~~within 45 days~~.

1776 (c) The petition shall be in writing, shall state the  
1777 specific grounds ~~under s. 984.03(9)~~ by which the child is  
1778 designated a child in need of services, and shall certify that  
1779 the conditions prescribed in paragraph (a) have been met. The  
1780 petition shall be signed by the petitioner under oath stating  
1781 good faith in filing the petition and shall be signed by an  
1782 attorney for the department.

1783 (3)(a) The parent, legal guardian, or ~~legal~~ custodian may  
1784 file a petition alleging that a child is a child in need of  
1785 services if:

1786 1. The department waives the requirement for a case  
1787 staffing committee.

1788 2. The department fails to convene a meeting of the case  
1789 staffing committee within 7 days, excluding weekends and legal  
1790 holidays, after receiving a written request for such a meeting  
1791 from the child's parent, legal guardian, or ~~legal~~ custodian.

1792 3. The parent, legal guardian, or ~~legal~~ custodian does not  
1793 agree with the plan for services offered by the case staffing  
1794 committee.

1795 4. The department fails to provide a written report within  
1796 7 days after the case staffing committee meets, as required  
1797 under s. 984.12(10) ~~s. 984.12(8)~~.

1798 (b) The parent, legal guardian, or ~~legal~~ custodian must

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1799 give the department prior written notice of intent to file the  
1800 petition. If, at the arraignment hearing, the court finds that  
1801 such written notice of intent to file the petition was not  
1802 provided to the department, the court shall dismiss the  
1803 petition, postpone the hearing until such written notice is  
1804 given, or, if the department agrees, proceed with the  
1805 arraignment hearing. The petition must be served on the  
1806 department's office of general counsel.

1807 (c) The petition must be in writing and must set forth  
1808 specific facts alleging that the child is a child in need of  
1809 services ~~as defined in s. 984.03(9)~~. The petition must also  
1810 demonstrate that the parent, legal guardian, or ~~legal~~ custodian  
1811 has in good faith, but unsuccessfully, participated in the  
1812 services and processes described in ss. 984.11 and 984.12.

1813 (4)~~(d)~~ The petition must be signed by the petitioner under  
1814 oath.

1815 (5)~~(e)~~ The court, on its own motion or the motion of any  
1816 party or the department, shall determine the legal sufficiency  
1817 of a petition filed under this subsection and may dismiss any  
1818 petition that lacks sufficient grounds. In addition, the court  
1819 shall verify that the child is not:

1820 (a)~~1.~~ The subject of a pending investigation into an  
1821 allegation or suspicion of abuse, neglect, or abandonment;

1822 (b)~~2.~~ The subject of a pending petition ~~referral~~ alleging  
1823 that the child is delinquent; or

1824 (c)~~3.~~ Under the current supervision of the department or  
1825 the Department of Children and Families for an adjudication or  
1826 withholding of adjudication of delinquency or dependency.

1827 (6)~~(4)~~ The form of the petition and any additional contents

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1828 shall be determined by rules of procedure adopted by the Supreme  
1829 Court.

1830 ~~(7)(5)~~ The petitioner ~~department or the parent, guardian,~~  
1831 ~~or legal custodian~~ may withdraw a petition at any time before  
1832 ~~prior to~~ the child is being adjudicated a child in need of  
1833 services.

1834 Section 18. Section 984.151, Florida Statutes, is amended  
1835 to read:

1836 984.151 Early truancy intervention; truancy petition;  
1837 judgment ~~prosecution; disposition.~~-

1838 (1) If the school determines that a student subject to  
1839 compulsory school attendance has had at least five unexcused  
1840 absences, or absences for which the reasons are unknown, within  
1841 a calendar month or 10 unexcused absences, or absences for which  
1842 the reasons are unknown, within a 90-calendar-day period  
1843 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused  
1844 absences in a 90-calendar-day period, the superintendent of  
1845 schools or his or her designee may file a truancy petition  
1846 seeking early truancy intervention.

1847 (2) The petition shall be filed in the circuit in which the  
1848 student is enrolled in school.

1849 (3) Original jurisdiction to hear a truancy petition shall  
1850 be in the circuit court; however, the circuit court may use a  
1851 general or special magistrate ~~master~~ pursuant to Supreme Court  
1852 rules. Upon the filing of the petition, the clerk shall issue a  
1853 summons to the parent, legal guardian, or ~~legal~~ custodian of the  
1854 student, directing that person and the student to appear for a  
1855 hearing at a time and place specified.

1856 (4) The petition must contain the following: the name, age,



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1857 and address of the student; the name and address of the  
1858 student's parent or guardian; the school where the student is  
1859 enrolled; the efforts the school has made to get the student to  
1860 attend school in compliance with s. 1003.26; the number of out-  
1861 of-school contacts between the school system and student's  
1862 parent or guardian; and the number of days and dates of days the  
1863 student has missed school. The petition shall be sworn to by the  
1864 superintendent or his or her designee.

1865 (5) Once the petition is filed, the court shall hear the  
1866 petition within 30 days.

1867 (6) The student and the student's parent or guardian shall  
1868 attend the hearing.

1869 (7) If the court determines that the student did miss any  
1870 of the alleged days, the court shall enter an order finding the  
1871 child to be a truant status offender and the court shall order  
1872 the student to attend school and order the parent, legal  
1873 guardian, or custodian to ensure that the student attends  
1874 school. The court's power under this subsection is limited to  
1875 entering orders to require the student to attend school and  
1876 require the student and family to participate in services to  
1877 encourage regular school attendance. The court, and may order  
1878 any of the following services:

1879 (a) The student to participate in ~~alternative sanctions to~~  
1880 ~~include mandatory~~ attendance at alternative classes; ~~to be~~  
1881 ~~followed by mandatory community services hours for a period up~~  
1882 ~~to 6 months; the student and~~

1883 (b) The student's parent, legal or guardian, or custodian  
1884 to participate in parenting classes ~~homemaker or parent aide~~  
1885 ~~services~~;

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1886        (c) The student or the student's parent, legal ~~or~~ guardian  
1887 or custodian to participate in individual, group, or family  
1888 intensive-crisis counseling;

1889        (d) The student or the student's parent, legal ~~or~~ guardian,  
1890 or custodian to participate in community mental health services  
1891 or substance abuse treatment services if available and  
1892 applicable;

1893        (e) The student and the student's parent, legal ~~or~~  
1894 guardian, or custodian to participate in services ~~service~~  
1895 provided by state or community ~~voluntary or community~~ agencies,  
1896 if appropriate as available, including services for families in  
1897 need of services as provided in s. 984.11;

1898        (f) The student and the student's parent, legal guardian,  
1899 or custodian to attend meetings with school officials to address  
1900 the child's educational needs, classroom assignment, class  
1901 schedule, and other barriers to school attendance identified by  
1902 the child's school, the child, or his or her family;

1903        (g) The student and the student's parent, legal guardian,  
1904 or custodian to engage in learning activities provided by the  
1905 school board as to why education is important and the potential  
1906 impact on the child's future employment and education options if  
1907 the attendance problem persists; or

1908        (h) ~~and~~ The student or the student's parent, legal ~~or~~  
1909 guardian, or custodian to participate in vocational or job  
1910 training, ~~or employment services.~~

1911        (8) If the student does not substantially comply with  
1912 compulsory school attendance and court-ordered services required  
1913 under ~~successfully complete the sanctions ordered in~~ subsection  
1914 (7), and the child meets the definition of a child in need of

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1915 services, the case shall be referred by the court to the  
1916 department's authorized agent for review by the case staffing  
1917 committee under s. 984.12 with a recommendation to file a  
1918 petition for child in need of services ~~child-in-need-of-services~~  
1919 ~~petition~~ under s. 984.15. The court shall review the case not  
1920 less than every 45 days to determine whether the child is in  
1921 substantial compliance with compulsory education or if the case  
1922 should be referred to the case staffing committee in accord with  
1923 this subsection.

1924 (9) If the student substantially complies with compulsory  
1925 school attendance, the court shall close the truancy case.

1926 (10) If the child is adjudicated a child in need of  
1927 services pursuant to s. 984.21, the truancy case shall be closed  
1928 and jurisdiction relinquished in accordance with s. 984.04.

1929 (11) The court may retain jurisdiction of any case in which  
1930 the child is noncompliant with compulsory education and the  
1931 child does not meet the definition of a child in need of  
1932 services under this chapter until jurisdiction lapses pursuant  
1933 to s. 984.04.

1934 (12) The court may not order a child placed in shelter  
1935 pursuant to this section unless the court has found the child to  
1936 be in contempt for violation of a court order under s. 984.09.

1937 (13) ~~(9)~~ The parent, legal guardian, or ~~legal~~ custodian and  
1938 the student shall participate, as required by court order, in  
1939 any sanctions or services required by the court under this  
1940 section, and the court shall enforce such participation through  
1941 its contempt power.

1942 (14) Any truant student that meets the definition of a  
1943 child in need of services and who has been found in contempt for

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1944 violation of a court order under s. 984.09 two or more times  
1945 shall be referred to the case staffing committee under s. 984.12  
1946 with a recommendation to file a petition for a child in need of  
1947 services.

1948 (15) The clerk of court must serve any court order  
1949 referring the case to voluntary family services or the case  
1950 staffing committee to the department's office of general counsel  
1951 and to the department's authorized agent.

1952 Section 19. Subsections (3) and (5) of section 984.16,  
1953 Florida Statutes, are amended, and subsection (11) is added to  
1954 that section, to read:

1955 984.16 Process and service for child in need of services  
1956 petitions.—

1957 (3) The summons shall require the person on whom it is  
1958 served to appear for a hearing at a time, and place, and manner  
1959 specified. ~~Except in cases of medical emergency, the time shall~~  
1960 ~~not be less than 24 hours after service of the summons.~~ The  
1961 summons must ~~may~~ require the custodian to bring the child to  
1962 court ~~if the court determines that the child's presence is~~  
1963 ~~necessary.~~ A copy of the petition shall be attached to the  
1964 summons.

1965 (5) The jurisdiction of the court shall attach to the child  
1966 and the parent, legal guardian, or custodian, ~~or legal guardian~~  
1967 of the child and the case when the summons is served upon the  
1968 child or a parent, or legal guardian, or actual ~~actual~~ custodian of the  
1969 child; ~~or~~ when the child is taken into custody with or without  
1970 service of summons and after filing of a petition for a child in  
1971 need of services; or when a party personally appears before the  
1972 court, whichever occurs first, and thereafter the court may

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1973 control the child and case in accordance with this chapter.

1974 (11) If a court takes action that directly involves a  
1975 student's school, including, but not limited to, an order that a  
1976 student attend school, attend school with his or her parent,  
1977 requiring the parent to participate in meetings, including  
1978 parent-teacher conferences, Section 504 plan meetings or  
1979 individualized education plan meetings to address the student's  
1980 disability, the office of the clerk of the court shall provide  
1981 notice to the school of the court's order.

1982 Section 20. Section 984.17, Florida Statutes, is amended to  
1983 read:

1984 984.17 Response to petition and representation of parties.—

1985 (1) At the time a child in need of services petition is  
1986 filed, the court may appoint a guardian ad litem for the child.

1987 (2) No answer to the petition or any other pleading need be  
1988 filed by any child, parent, ~~or~~ legal guardian, or custodian, but  
1989 any matters which might be set forth in an answer or other  
1990 pleading may be pleaded orally before the court or filed in  
1991 writing as any such person may choose. Notwithstanding the  
1992 filing of an answer or any pleading, the child and ~~or~~ parent,  
1993 legal guardian, or custodian shall, before ~~prior to~~ an  
1994 adjudicatory hearing, be advised by the court of the right to  
1995 counsel.

1996 (3) When a petition for a child in need of services has  
1997 been filed and the parents, legal guardian, or ~~legal~~ custodian  
1998 of the child and the child have advised the department that the  
1999 truth of the allegations is acknowledged and that no contest is  
2000 to be made of the adjudication, the attorney representing the  
2001 department may set the case before the court for a disposition

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2002 hearing. If there is a change in the plea at this hearing, the  
2003 court shall continue the hearing to permit the attorney  
2004 representing the department to prepare and present the case.

2005 (4) An attorney representing the department shall represent  
2006 the state in any proceeding in which the petition alleges that a  
2007 child is a child in need of services ~~and in which a party denies~~  
2008 ~~the allegations of the petition and contests the adjudication.~~

2009 Section 21. Section 984.18, Florida Statutes, is repealed.

2010 Section 22. Section 984.19, Florida Statutes, is amended to  
2011 read:

2012 984.19 Medical screening and treatment of child;  
2013 examination of parent, legal guardian, or person requesting  
2014 custody.—

2015 (1) When any child is to be placed in shelter care, the  
2016 department or its authorized agent may ~~is authorized to~~ have a  
2017 medical screening provided for ~~performed on~~ the child without  
2018 authorization from the court and without consent from a parent,  
2019 legal or guardian, or custodian. Such medical screening shall be  
2020 provided ~~performed~~ by a licensed health care professional and  
2021 shall be to screen ~~examine~~ the child for injury, illness, and  
2022 communicable diseases. In no case does this subsection authorize  
2023 the department to consent to medical treatment for such  
2024 children.

2025 (2) When ~~the department has performed~~ the medical screening  
2026 authorized by subsection (1) or when it is otherwise determined  
2027 by a licensed health care professional that a child is in need  
2028 of medical treatment, consent for medical treatment shall be  
2029 obtained in the following manner:

2030 (a)1. Consent to medical treatment shall be obtained from a

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2031 parent, legal ~~or~~ guardian, or custodian of the child; or

2032 2. A court order for such treatment shall be obtained.

2033 (b) If a parent, legal ~~or~~ guardian, or custodian of the  
2034 child is unavailable and his or her whereabouts cannot be  
2035 reasonably ascertained, and it is after normal working hours so  
2036 that a court order cannot reasonably be obtained, an authorized  
2037 agent of the department or its provider has the authority to  
2038 consent to necessary medical treatment for the child. The  
2039 authority of the department to consent to medical treatment in  
2040 this circumstance is limited to the time reasonably necessary to  
2041 obtain court authorization.

2042 (c) If a parent, legal ~~or~~ guardian, or custodian of the  
2043 child is available but refuses to consent to the necessary  
2044 treatment, a court order is required, unless the situation meets  
2045 the definition of an emergency in s. 743.064 or the treatment  
2046 needed is related to suspected abuse or neglect of the child by  
2047 the parent or guardian. In such case, the department's  
2048 authorized agent may ~~department has the authority to~~ consent to  
2049 necessary medical treatment. This authority is limited to the  
2050 time reasonably necessary to obtain court authorization.

2051  
2052 In no case may the department consent to sterilization,  
2053 abortion, or termination of life support.

2054 (3) A judge may order that a child alleged to be or  
2055 adjudicated a child in need of services be examined by a  
2056 licensed health care professional. The judge may also order such  
2057 child to be evaluated by a psychiatrist or a psychologist, by a  
2058 district school board educational needs assessment team, or, if  
2059 a developmental disability is suspected or alleged, by the

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2060 developmental disability diagnostic and evaluation team of the  
2061 Department of Children and Families or Agency for Persons with  
2062 Disabilities. The judge may order a family assessment if that  
2063 assessment was not completed at an earlier time. If it is  
2064 necessary to place a child in a residential facility for such  
2065 evaluation, then the criteria and procedure established in s.  
2066 394.463(2) or chapter 393 shall be used, whichever is  
2067 applicable. The educational needs assessment provided by the  
2068 district school board educational needs assessment team shall  
2069 include, but not be limited to, reports of intelligence and  
2070 achievement tests, screening for learning disabilities and other  
2071 handicaps, and screening for the need for alternative education  
2072 pursuant to s. 1003.53.

2073 (4) A judge may order that a child alleged to be or  
2074 adjudicated a child in need of services be treated by a licensed  
2075 health care professional. The judge may also order such child to  
2076 receive mental health or intellectual disability services from a  
2077 psychiatrist, psychologist, or other appropriate service  
2078 provider. If it is necessary to place the child in a residential  
2079 facility for such services, the procedures and criteria  
2080 established in s. 394.467 or chapter 393 shall be used, as  
2081 applicable. A child may be provided services in emergency  
2082 situations pursuant to the procedures and criteria contained in  
2083 s. 394.463(1) or chapter 393, as applicable.

2084 (5) When there are indications of physical injury or  
2085 illness, a licensed health care professional shall be  
2086 immediately contacted ~~called~~ or the child shall be taken to the  
2087 nearest available hospital for emergency care.

2088 (6) Except as otherwise provided herein, ~~nothing in~~ this



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2089 section does not ~~shall be deemed to~~ eliminate the right of a  
2090 parent, legal a guardian, or custodian, or the child, to consent  
2091 to examination or treatment for the child.

2092 (7) Except as otherwise provided herein, ~~nothing in~~ this  
2093 section does not ~~shall be deemed to~~ alter the provisions of s.  
2094 743.064.

2095 (8) A court may order ~~shall not be precluded from ordering~~  
2096 services or treatment to be provided to the child by a duly  
2097 accredited practitioner who relies solely on spiritual means for  
2098 healing in accordance with the tenets and practices of a church  
2099 or religious organization, when required by the child's health  
2100 and when requested by the child.

2101 (9) ~~Nothing in~~ This section does not ~~shall be construed to~~  
2102 authorize the permanent sterilization of the child, unless such  
2103 sterilization is the result of or incidental to medically  
2104 necessary treatment to protect or preserve the life of the  
2105 child.

2106 (10) For the purpose of obtaining an evaluation or  
2107 examination or receiving treatment as authorized pursuant to  
2108 this section, no child ~~alleged to be or found to be a child from~~  
2109 ~~a family in need of services or a child in need of services~~  
2110 shall be placed in a detention facility or other program used  
2111 primarily for the care and custody of children alleged or found  
2112 to have committed delinquent acts.

2113 (11) The parents, legal guardian, or custodian ~~guardian~~ of  
2114 a child alleged to be or adjudicated a child in need of services  
2115 remain financially responsible for the cost of medical treatment  
2116 provided to the child even if one or both of the parents or if  
2117 the legal guardian or custodian did not consent to the medical

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2118 treatment. After a hearing, the court may order the parents,  
2119 legal or guardian, or custodian, if found able to do so, to  
2120 reimburse the department or other provider of medical services  
2121 for treatment provided.

2122 (12) A judge may order a child under its jurisdiction to  
2123 submit to substance abuse evaluation, testing, and treatment in  
2124 accordance with s. 397.706 ~~Nothing in this section alters the~~  
2125 ~~authority of the department to consent to medical treatment for~~  
2126 ~~a child who has been committed to the department pursuant to s.~~  
2127 ~~984.22(3) and of whom the department has become the legal~~  
2128 ~~eustodian.~~

2129 (13) At any time after the filing of a petition for a child  
2130 in need of services, when the mental or physical condition,  
2131 including the blood group, of a parent, guardian, or other  
2132 person requesting custody of a child is in controversy, the  
2133 court may order the person to submit to a physical or mental  
2134 examination by a qualified professional. The order may be made  
2135 only upon good cause shown and pursuant to notice and procedures  
2136 as set forth by the Florida Rules of Juvenile Procedure.

2137 Section 23. Section 984.20, Florida Statutes, is amended to  
2138 read:

2139 984.20 Hearings for child in need of services ~~child in-~~  
2140 ~~need of services~~ cases.—

2141 (1) ARRAIGNMENT HEARING.—

2142 (a) The clerk shall set a date for an arraignment hearing  
2143 within a reasonable time after the date of the filing of the  
2144 child in need of services petition. The court shall advise the  
2145 child and the parent, legal guardian, or custodian of the right  
2146 to counsel as provided in s. 984.07. ~~When a child has been taken~~

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2147 ~~into custody by order of the court, an arraignment hearing shall~~  
2148 ~~be held within 7 days after the date the child is taken into~~  
2149 ~~eustody.~~ The hearing shall be held for the child and the parent,  
2150 legal guardian, or custodian to admit, deny, or consent to  
2151 findings that a child is in need of services as alleged in the  
2152 petition. If the child and the parent, legal guardian, or  
2153 custodian admit or consent to the findings in the petition, the  
2154 court shall adjudicate the child a child in need of services and  
2155 proceed as set forth in the Florida Rules of Juvenile Procedure.  
2156 However, if either the child or the parent, legal guardian, or  
2157 custodian denies any of the allegations of the petition, the  
2158 court shall hold an adjudicatory hearing within a reasonable  
2159 time after the date of the arraignment hearing ~~7 days after the~~  
2160 ~~date of the arraignment hearing.~~

2161 (b) The court may grant a continuance of the arraignment  
2162 hearing ~~When a child is in the custody of the parent, guardian,~~  
2163 ~~or custodian, upon the filing of a petition, the clerk shall set~~  
2164 ~~a date for an arraignment hearing within a reasonable time from~~  
2165 ~~the date of the filing of the petition. if the child or and the~~  
2166 ~~parent, legal guardian, or custodian request a continuance to~~  
2167 ~~obtain an attorney. The case shall be rescheduled for an~~  
2168 ~~arraignment hearing within a reasonable period of time to allow~~  
2169 ~~for consultation~~ admit or consent to an adjudication, the court  
2170 ~~shall proceed as set forth in the Florida Rules of Juvenile~~  
2171 ~~Procedure. However, if either the child or the parent, guardian,~~  
2172 ~~or custodian denies any of the allegations of child in need of~~  
2173 ~~services, the court shall hold an adjudicatory hearing within a~~  
2174 ~~reasonable time from the date of the arraignment hearing.~~

2175 (c) If at the arraignment hearing the child and the parent,

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2176 legal guardian, or custodian consents or admits to the  
2177 allegations in the petition and the court determines that the  
2178 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(e)~~,  
2179 the court shall proceed to hold a disposition hearing at the  
2180 earliest practicable time that will allow for the completion of  
2181 a predisposition study.

2182 (d) Failure of a person served with notice to appear at the  
2183 arraignment hearing constitutes the person's consent to the  
2184 adjudication of the child as a child in need of services. The  
2185 document containing the notice to respond or appear must  
2186 contain, in type as large as the balance of the document, the  
2187 following or substantially similar language:

2188  
2189 FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING  
2190 CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD  
2191 AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE  
2192 COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE  
2193 CHILD INTO SHELTER.

2194  
2195 If a person appears for the arraignment hearing and the court  
2196 orders that person to appear, either physically or through  
2197 audio-video communication technology, at the adjudicatory  
2198 hearing for the child in need of services case, stating the  
2199 date, time, place, and, if applicable, the instructions for  
2200 appearance through audio-video communication technology, of the  
2201 adjudicatory hearing, that person's failure to appear for the  
2202 scheduled adjudicatory hearing constitutes consent to  
2203 adjudication of the child as a child in need of services.

2204 (2) ADJUDICATORY HEARING.—

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2205 (a) The adjudicatory hearing shall be held as soon as  
2206 practicable after the petition for a child in need of services  
2207 is filed and in accordance with the Florida Rules of Juvenile  
2208 Procedure, but reasonable delay for the purpose of  
2209 investigation, discovery, or procuring counsel or witnesses  
2210 shall, whenever practicable, be granted. ~~If the child is in~~  
2211 ~~custody, the adjudicatory hearing shall be held within 14 days~~  
2212 ~~after the date the child was taken into custody.~~

2213 (b) Adjudicatory hearings shall be conducted by the judge  
2214 without a jury, applying the rules of evidence in use in civil  
2215 cases and adjourning the hearings from time to time as  
2216 necessary. In an adjudicatory a hearing ~~on a petition in which~~  
2217 ~~it is alleged that the child is a child in need of services~~, a  
2218 preponderance of evidence shall be required to establish that  
2219 the child is in need of services. If the court finds the  
2220 allegations are proven by a preponderance of evidence and the  
2221 child is a child in need of services, the court shall enter an  
2222 order of adjudication.

2223 (c) All hearings, except as hereinafter provided, shall be  
2224 open to the public, and no person shall be excluded therefrom  
2225 except on special order of the judge who, in his or her  
2226 discretion, may close any hearing to the public when the public  
2227 interest or the welfare of the child, in his or her opinion, is  
2228 best served by so doing. Hearings involving more than one child  
2229 may be held simultaneously when the several children involved  
2230 are related to each other or were involved in the same case. The  
2231 child and the parent, legal guardian, or custodian of the child  
2232 may be examined separately and apart from each other.

2233 (3) DISPOSITION HEARING.—

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2234        (a) At the disposition hearing, ~~if the court finds that the~~  
2235 ~~facts alleged in the petition of a child in need of services~~  
2236 ~~were proven in the adjudicatory hearing,~~ the court shall receive  
2237 and consider a predisposition study, which shall be in writing  
2238 and be presented by an authorized agent of the department or its  
2239 provider.

2240        ~~(a)~~ The predisposition study shall cover:

2241            1. All treatment and services that the parent, legal  
2242 guardian, or custodian and child received.

2243            2. The love, affection, and other emotional ties existing  
2244 between the family ~~parents~~ and the child.

2245            3. The capacity and disposition of the parents, legal  
2246 guardian, or custodian to provide the child with food, clothing,  
2247 medical care or other remedial care recognized and permitted  
2248 under the laws of this state in lieu of medical care, and other  
2249 material needs.

2250            4. The length of time that the child has lived in a stable,  
2251 satisfactory environment and the desirability of maintaining  
2252 continuity.

2253            5. The permanence, as a family unit, of the existing or  
2254 proposed custodial home.

2255            6. The moral fitness of the parents, legal guardian, or  
2256 custodian.

2257            7. The mental and physical health of the family.

2258            8. The home, school, and community record of the child.

2259            9. The reasonable preference of the child, if the court  
2260 deems the child to be of sufficient intelligence, understanding,  
2261 and experience to express a preference.

2262            10. Any other factor considered by the court to be

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2263 relevant.

2264 (b) The predisposition study also shall provide the court  
2265 with documentation regarding:

2266 1. The availability of appropriate prevention, services,  
2267 and treatment for the parent, legal guardian, custodian, and  
2268 child to prevent the removal of the child from the home or to  
2269 reunify the child with the parent, legal guardian, or custodian  
2270 after removal or to reconcile the problems between the family  
2271 ~~parent, guardian, or custodian~~ and the child.†

2272 2. The inappropriateness of other prevention, treatment,  
2273 and services that were available.†

2274 3. The efforts by the department to prevent shelter ~~out-of-~~  
2275 ~~home~~ placement of the child or, when applicable, to reunify the  
2276 parent, legal guardian, or custodian if appropriate services  
2277 were available.†

2278 4. Whether voluntary family ~~the~~ services were provided.†

2279 5. If the voluntary family services and treatment were  
2280 provided, whether they were sufficient to meet the needs of the  
2281 child and the family and to enable the child to remain at home  
2282 or to be returned home.†

2283 6. If the voluntary family services and treatment were not  
2284 provided, the reasons for such lack of provision.† ~~and~~

2285 7. The need for, or appropriateness of, continuing such  
2286 treatment and services if the child remains in the custody of  
2287 the parent, legal guardian, or custodian or if the child is  
2288 placed outside the home.

2289 (c) If placement of the child with anyone other than the  
2290 child's parent, guardian, or custodian is being considered, the  
2291 study shall include the designation of a specific length of time

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2292 as to when custody by the parent, guardian, or custodian shall  
2293 be reconsidered.

2294 (d) A copy of this predisposition study shall be furnished  
2295 to the person having custody of the child at the time such  
2296 person is notified of the disposition hearing.

2297 (e) After review of the predisposition study and other  
2298 relevant materials, the court shall hear from the parties and  
2299 consider all recommendations for court-ordered services,  
2300 evaluations, treatment, and required actions designed to remedy  
2301 the child's truancy, ungovernable behavior, or running away. The  
2302 court shall enter an order of disposition.

2303  
2304 Any other relevant and material evidence, including other  
2305 written or oral reports, may be received by the court in its  
2306 effort to determine the action to be taken with regard to the  
2307 child and may be relied upon to the extent of its probative  
2308 value, even though not competent in an adjudicatory hearing.  
2309 Except as provided in paragraph (2) (c), ~~nothing in~~ this section  
2310 does not shall prohibit the publication of proceedings in a  
2311 hearing.

2312 (4) REVIEW HEARINGS.—

2313 (a) The court shall hold a review hearing within 45 days  
2314 after the disposition hearing. Additional review hearings may be  
2315 held as necessary, allowing sufficient time for the child and  
2316 family to work toward compliance with the court orders and  
2317 monitoring by the case manager. No longer than 90 days may  
2318 elapse between judicial review hearings ~~but no less than 45 days~~  
2319 ~~after the date of the last review hearing.~~

2320 (b) The parent, legal guardian, or custodian and the child



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2321 shall be noticed to appear for the review hearing. The  
2322 department must appear at the review hearing. If the parent,  
2323 legal guardian, or custodian does not appear at a review  
2324 hearing, or if the court finds good cause to waive the child's  
2325 presence, the court may proceed with the hearing and enter  
2326 orders that affect the child and family accordingly.

2327 (c)(b) At the review hearings, the court shall consider the  
2328 department's judicial review summary. The court shall close the  
2329 case if the child has substantially complied with the case plans  
2330 and court orders and no longer requires continued court  
2331 supervision, subject to the case being reopened. Upon request of  
2332 the petitioner, the court may close the case and relinquish  
2333 jurisdiction. If the child has significantly failed to comply  
2334 with the case plan or court orders, the child shall continue to  
2335 be a child in need of services and reviewed by the court as  
2336 needed. At review hearings, the court may enter further orders  
2337 to adjust the services case plan to address the family needs and  
2338 compliance with court orders, including, but not limited to,  
2339 ordering the child placed in shelter, but no less than 45 days  
2340 after the date of the last review hearing.

2341 Section 24. Section 984.21, Florida Statutes, is amended to  
2342 read:

2343 984.21 Orders of adjudication.—

2344 (2)(1) If the court finds that the child named in a  
2345 petition is not a child in need of services, it shall enter an  
2346 order so finding and dismiss ~~dismissing~~ the case.

2347 ~~(2) If the court finds that the child named in the petition~~  
2348 ~~is a child in need of services, but finds that no action other~~  
2349 ~~than supervision in the home is required, it may enter an order~~

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2350 ~~briefly stating the facts upon which its finding is based, but~~  
2351 ~~withholding an order of adjudication and placing the child and~~  
2352 ~~family under the supervision of the department. If the court~~  
2353 ~~later finds that the parent, guardian, or custodian of the child~~  
2354 ~~have not complied with the conditions of supervision imposed,~~  
2355 ~~the court may, after a hearing to establish the noncompliance,~~  
2356 ~~but without further evidence of the state of the child in need~~  
2357 ~~of services, enter an order of adjudication and shall thereafter~~  
2358 ~~have full authority under this chapter to provide for the child~~  
2359 ~~as adjudicated.~~

2360 (3) If the court finds by a preponderance of evidence that  
2361 the child named in a petition is a child in need of services,  
2362 ~~but elects not to proceed under subsection (2),~~ it shall  
2363 incorporate that finding in an order of adjudication entered in  
2364 the case, briefly stating the facts upon which the finding is  
2365 made, and the court shall thereafter have full authority under  
2366 this chapter to provide for the child as adjudicated.

2367 (1)~~(4)~~ An order of adjudication by a court that a child is  
2368 a child in need of services is a civil adjudication, and is  
2369 ~~services shall~~ not be deemed a conviction, nor shall the child  
2370 be deemed to have been found guilty or to be a delinquent or  
2371 criminal by reason of ~~that~~ adjudication, nor shall that  
2372 adjudication operate to impose upon the child any of the civil  
2373 disabilities ordinarily imposed by or resulting from conviction  
2374 or disqualify or prejudice the child in any civil service  
2375 application or appointment.

2376 Section 25. Section 984.22, Florida Statutes, is amended to  
2377 read:

2378 984.22 Powers of disposition.—

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2379 (1) If the court finds that services and treatment have not  
2380 been provided or used ~~utilized~~ by a child or family, the court  
2381 having jurisdiction of the child in need of services shall have  
2382 the power to direct the least intrusive and least restrictive  
2383 disposition, as follows:

2384 (a) Order the parent, legal guardian, or custodian and the  
2385 child to participate in treatment, services, and any other  
2386 alternative identified as necessary.

2387 (b) Order the parent, legal guardian, or custodian to pay a  
2388 fine or fee based on the recommendations of the department.

2389 (2) When any child is adjudicated by the court to be a  
2390 child in need of services, the court having jurisdiction of the  
2391 child and parent, legal guardian, or custodian shall have the  
2392 power, by order, to:

2393 (a) Place the child under the supervision of the  
2394 department's authorized agent ~~contracted~~ provider of programs  
2395 and services for children in need of services and families in  
2396 need of services. The term "supervision," for the purposes of  
2397 this section, means services as defined by the contract between  
2398 the department and the provider.

2399 (b) Place the child in the temporary legal custody of an  
2400 adult willing to care for the child.

2401 (c) Commit the child to a licensed child-caring agency  
2402 willing to receive the child and to provide services without  
2403 compensation from the department.

2404 (d) Order the child, and, if the court finds it  
2405 appropriate, the parent, legal guardian, or custodian of the  
2406 child, to render community service in a public service program.

2407 (e) Order the child placed in shelter pursuant to s.

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2408 984.225 or s. 984.226.

2409 (3) When any child is adjudicated by the court to be a  
2410 child in need of services and temporary legal custody of the  
2411 child has been placed with an adult willing to care for the  
2412 child, or a licensed child-caring agency, ~~the Department of~~  
2413 ~~Juvenile Justice, or the Department of Children and Families,~~  
2414 the court shall order the natural or adoptive parents of such  
2415 child, including the natural father of such child born out of  
2416 wedlock who has acknowledged his paternity in writing before the  
2417 court, or the guardian of such child's estate if possessed of  
2418 assets which under law may be disbursed for the care, support,  
2419 and maintenance of such child, to pay child support to the adult  
2420 relative caring for the child, the licensed child-caring agency,  
2421 the department ~~of Juvenile Justice,~~ or the Department of  
2422 Children and Families. When such order affects the guardianship  
2423 estate, a certified copy of such order shall be delivered to the  
2424 judge having jurisdiction of such guardianship estate. If the  
2425 court determines that the parent is unable to pay support,  
2426 placement of the child shall not be contingent upon issuance of  
2427 a support order. The department may employ a collection agency  
2428 to receive, collect, and manage ~~for the purpose of receiving,~~  
2429 ~~collecting, and managing~~ the payment of unpaid and delinquent  
2430 fees. The collection agency must be registered and in good  
2431 standing under chapter 559. The department may pay to the  
2432 collection agency a fee from the amount collected under the  
2433 claim or may authorize the agency to deduct the fee from the  
2434 amount collected.

2435 ~~(4) All payments of fees made to the department under this~~  
2436 ~~chapter, or child support payments made to the department~~

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2437 ~~pursuant to subsection (3), shall be deposited in the General~~  
2438 ~~Revenue Fund.~~

2439 (4)~~(5)~~ In carrying out the provisions of this chapter, the  
2440 court shall order the child, family, parent, legal guardian, or  
2441 custodian of a child who is found to be a child in need of  
2442 services to participate in family counseling and other  
2443 professional counseling activities or other alternatives deemed  
2444 necessary to address the needs ~~for the rehabilitation~~ of the  
2445 child and family.

2446 (5)~~(6)~~ The participation and cooperation of the family,  
2447 parent, legal guardian, or custodian, and the child with court-  
2448 ordered services, treatment, or community service are mandatory,  
2449 not merely voluntary. The court may use its contempt powers to  
2450 enforce its orders ~~order~~.

2451 Section 26. Section 984.225, Florida Statutes, is amended  
2452 to read:

2453 984.225 Powers of disposition; placement in a ~~staff-secure~~  
2454 shelter.-

2455 (1) ~~Subject to specific legislative appropriation,~~ The  
2456 court may order that a child adjudicated as a child in need of  
2457 services be placed in shelter to enforce the court's orders, to  
2458 ensure the child attends school, to ensure the child receives  
2459 needed counseling, and to ensure the child adheres to a service  
2460 plan. While a child is in a shelter, the child shall receive  
2461 education commensurate with his or her grade level and  
2462 educational ability. The department, or the department's  
2463 authorized agent, must verify to the court that a shelter bed is  
2464 available for the child. If the department or the department's  
2465 authorized agent verifies that a bed is not available, the

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2466 department shall place the child's name on a waiting list. The  
2467 child who has been on the waiting list the longest shall get the  
2468 next available bed. for up to 90 days in a staff-secure shelter  
2469 if:

2470 (2) The court shall order the parent, legal guardian, or  
2471 custodian to cooperate with reunification efforts and  
2472 participate in counseling. If a parent, legal guardian, or  
2473 custodian prefers to arrange counseling or other services with a  
2474 private provider in lieu of using services provided by the  
2475 department, the family shall pay all costs associated with those  
2476 services.

2477 (3) Placement of a child under this section is designed to  
2478 provide residential care on a temporary basis. Such placement  
2479 does not abrogate the legal responsibilities of the parent,  
2480 legal guardian, or custodian with respect to the child, except  
2481 to the extent that those responsibilities are temporarily  
2482 altered by court order.

2483 (a) The court may order any child adjudicated a child in  
2484 need of services to be placed in shelter for up to 35 days.

2485 (b) After other alternative, less restrictive, remedies  
2486 have been exhausted, the child may be placed in shelter for up  
2487 to 90 days if:

2488 1. ~~(a)~~ The child's parent, legal guardian, or ~~legal~~  
2489 custodian refuses to provide food, clothing, shelter, and  
2490 necessary parental support for the child and the refusal is a  
2491 direct result of an established pattern of significant  
2492 disruptive behavior of the child in the home of the parent,  
2493 legal guardian, or ~~legal~~ custodian;

2494 2. ~~(b)~~ The child refuses to remain under the reasonable care

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2495 and custody of the ~~his or her~~ parent, legal guardian, or ~~legal~~  
2496 custodian, as evidenced by repeatedly running away and failing  
2497 to comply with a court order; or

2498 3.(e) The child has failed to successfully complete an  
2499 alternative treatment program or to comply with ~~a~~ court-ordered  
2500 services sanction and the child has been placed in a shelter  
2501 ~~residential program~~ on at least one prior occasion pursuant to a  
2502 court order after the child has been adjudicated a child in need  
2503 of services under this chapter.

2504 (4) The court shall review the child's 90-day shelter  
2505 placement within 45 days after the child's placement and  
2506 determine whether continued shelter is deemed necessary. The  
2507 court shall also determine whether the parent, legal guardian,  
2508 or custodian has reasonably participated in the child's  
2509 counseling and treatment program, and is following the  
2510 recommendations of the program to work toward reunification. The  
2511 court shall also determine whether the department's  
2512 reunification efforts have been reasonable. If the court finds  
2513 an inadequate level of support or participation by the parent,  
2514 legal guardian, or custodian before the end of the shelter  
2515 commitment period, the court shall direct a staffing to take  
2516 place with the Department of Children and Families.

2517 ~~(2) This section applies after other alternative, less-~~  
2518 ~~restrictive remedies have been exhausted. The court may order~~  
2519 ~~that a child be placed in a staff-secure shelter. The~~  
2520 ~~department, or an authorized representative of the department,~~  
2521 ~~must verify to the court that a bed is available for the child.~~  
2522 ~~If the department or an authorized representative of the~~  
2523 ~~department verifies that a bed is not available, the department~~

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2524 will ~~place the child's name on a waiting list. The child who has~~  
2525 ~~been on the waiting list the longest will get the next available~~  
2526 ~~bed.~~

2527 ~~(3) The court shall order the parent, guardian, or legal~~  
2528 ~~custodian to cooperate with efforts to reunite the child with~~  
2529 ~~the family, participate in counseling, and pay all costs~~  
2530 ~~associated with the care and counseling provided to the child~~  
2531 ~~and family, in accordance with the family's ability to pay as~~  
2532 ~~determined by the court. Commitment of a child under this~~  
2533 ~~section is designed to provide residential care on a temporary~~  
2534 ~~basis. Such commitment does not abrogate the legal~~  
2535 ~~responsibilities of the parent, guardian, or legal custodian~~  
2536 ~~with respect to the child, except to the extent that those~~  
2537 ~~responsibilities are temporarily altered by court order.~~

2538 ~~(4) While a child is in a staff-secure shelter, the child~~  
2539 ~~shall receive education commensurate with his or her grade level~~  
2540 ~~and educational ability.~~

2541 (5) If a child has not been reunited with his or her  
2542 parent, legal guardian, or ~~legal~~ custodian at the expiration of  
2543 the 90-day commitment period, the court may order that the child  
2544 remain in the ~~staff-secure~~ shelter for an additional 30 days if  
2545 the court finds that reunification could be achieved within that  
2546 period.

2547 ~~(6)~~ The department is deemed to have exhausted the  
2548 reasonable remedies offered under this chapter if, at the end of  
2549 the 90-day shelter ~~commitment~~ period, the parent, legal  
2550 guardian, or ~~legal~~ custodian continues to refuse to allow the  
2551 child to remain at home or creates unreasonable conditions for  
2552 the child's return. If, at the end of the 90-day shelter



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2553 ~~commitment~~ period, the child is not reunited with his or her  
2554 parent, legal guardian, or custodian due solely to the continued  
2555 refusal of the parent, legal guardian, or custodian to provide  
2556 food, clothing, shelter, and parental support, the child is  
2557 considered to be threatened with harm as a result of such acts  
2558 or omissions, and the court shall direct that the child be  
2559 handled in every respect as a dependent child. Jurisdiction  
2560 shall be transferred to the custody of the Department of  
2561 Children and Families, and the child's care shall be governed  
2562 under the relevant provisions of chapter 39. The department  
2563 shall coordinate with the Department of Children and Families as  
2564 provided in s. 984.086. The clerk of court shall serve the  
2565 Department of Children and Families with any court order of  
2566 referral.

2567 ~~(7) The court shall review the child's commitment once~~  
2568 ~~every 45 days as provided in s. 984.20. The court shall~~  
2569 ~~determine whether the parent, guardian, or custodian has~~  
2570 ~~reasonably participated in and financially contributed to the~~  
2571 ~~child's counseling and treatment program. The court shall also~~  
2572 ~~determine whether the department's efforts to reunite the family~~  
2573 ~~have been reasonable. If the court finds an inadequate level of~~  
2574 ~~support or participation by the parent, guardian, or custodian~~  
2575 ~~prior to the end of the commitment period, the court shall~~  
2576 ~~direct that the child be handled in every respect as a dependent~~  
2577 ~~child. Jurisdiction shall be transferred to the Department of~~  
2578 ~~Children and Families, and the child's care shall be governed~~  
2579 ~~under the relevant provisions of chapter 39.~~

2580 (6)-(8) If the child requires residential mental health  
2581 treatment or residential care for a developmental disability,

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2582 the court shall refer the child to the Agency for Persons with  
2583 Disabilities or to the Department of Children and Families for  
2584 the provision of necessary services.

2585 Section 27. Section 984.226, Florida Statutes, is amended  
2586 to read:

2587 984.226 Physically secure shelter ~~setting~~.—

2588 (1) Subject to specific legislative appropriation, the  
2589 department ~~of Juvenile Justice~~ shall establish or contract for  
2590 physically secure shelters ~~settings~~ designated exclusively for  
2591 the placement of children in need of services who meet the  
2592 criteria provided in this section.

2593 ~~(2) When a petition is filed alleging that a child is a~~  
2594 ~~child in need of services, the child must be represented by~~  
2595 ~~counsel at each court appearance unless the record in that~~  
2596 ~~proceeding affirmatively demonstrates by clear and convincing~~  
2597 ~~evidence that the child knowingly and intelligently waived the~~  
2598 ~~right to counsel after being fully advised by the court of the~~  
2599 ~~nature of the proceedings and the dispositional alternatives~~  
2600 ~~available to the court under this section. If the court decides~~  
2601 ~~to appoint counsel for the child and if the child is indigent,~~  
2602 ~~the court shall appoint an attorney to represent the child as~~  
2603 ~~provided under s. 985.033. Nothing precludes the court from~~  
2604 ~~requesting reimbursement of attorney's fees and costs from the~~  
2605 ~~nonindigent parent or legal guardian.~~

2606 (2)(3) When a child is adjudicated as a child in need of  
2607 services by a court and all other less restrictive placements  
2608 have been exhausted, the court may order the child to be placed  
2609 in a physically secure shelter ~~setting~~ ~~authorized in this~~  
2610 ~~section~~ if the child has:

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2611 (a) Failed to appear for placement in a ~~staff-secure~~  
2612 shelter for up to 90 days as ordered under s. 984.225, or failed  
2613 to comply with any other provision of a valid court order  
2614 relating to such placement and, as a result of such failure, has  
2615 been found to be in direct or indirect contempt of court; or

2616 (b) Run away from a 90-day ~~staff-secure~~ shelter following  
2617 placement under s. 984.225 ~~or s. 984.09~~.

2618  
2619 The department or an authorized agent ~~representative~~ of the  
2620 department must verify to the court that a bed is available for  
2621 the child in a physically secure shelter. If a bed is not  
2622 available in a physically secure shelter, the court must stay  
2623 the placement until such a bed is available, and the department  
2624 must place the child's name on a waiting list. The child who has  
2625 been on the waiting list the longest has first priority for  
2626 placement in the physically secure shelter. Physically secure  
2627 shelter placement may only be used when the child cannot receive  
2628 appropriate and available services due to the child running away  
2629 or refusing to cooperate with attempts to provide services in  
2630 other less restrictive placements ~~setting~~.

2631 (3)~~(4)~~ A child may be placed in a physically secure shelter  
2632 ~~setting~~ for up to 90 days by order of the court. If a child has  
2633 not been reunited with his or her parent, guardian, or legal  
2634 custodian at the expiration of the placement in a physically  
2635 secure shelter ~~setting~~, the court may order that the child  
2636 remain in the physically secure shelter ~~setting~~ for an  
2637 additional 30 days if the court finds that reunification could  
2638 be achieved within that period.

2639 (4)~~(5)~~(a) The court shall review the child's placement once

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2640 within every 45 days to determine whether the child can be  
2641 returned home with the provision of ongoing services ~~as provided~~  
2642 ~~in s. 984.20.~~

2643 (b) At any time during the placement of a child in need of  
2644 services in a physically secure shelter ~~setting~~, the department  
2645 or an authorized agent ~~representative~~ of the department may  
2646 submit to the court a report that recommends:

2647 1. That the child has received all of the services  
2648 available from the physically secure shelter ~~setting~~ and is  
2649 ready for reunification with a parent or guardian; or

2650 2. That the child is unlikely to benefit from continued  
2651 placement in the physically secure shelter ~~setting~~ and is more  
2652 likely to have his or her needs met in a different type of  
2653 placement. The court may order that the child be transitioned  
2654 from a physically secure shelter to a shelter placement as  
2655 provided in s. 984.225 upon a finding that the physically secure  
2656 shelter is no longer necessary for the child's safety and to  
2657 provide needed services.

2658 (c) The court shall determine if the parent, legal  
2659 guardian, or custodian has reasonably participated in and has  
2660 ~~financially~~ contributed to or participated in the child's  
2661 counseling and treatment program.

2662 (d) If the court finds an inadequate level of support or  
2663 participation by the parent, legal guardian, or custodian before  
2664 the end of the placement, the court shall direct a staffing to  
2665 take place with the Department of Children and Families ~~that the~~  
2666 ~~child be handled as a dependent child, jurisdiction shall be~~  
2667 ~~transferred to the Department of Children and Families, and the~~  
2668 ~~child's care shall be governed by chapter 39.~~

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2669 (e) If the child requires long-term residential mental  
2670 health treatment or residential care for a developmental  
2671 disability, the court shall refer the child to the Department of  
2672 Children and Families or the Agency for Persons with  
2673 Disabilities for the provision of necessary services. The clerk  
2674 of court shall serve the Agency for Persons with Disabilities or  
2675 the Department of Children and Families with any court order of  
2676 referral.

2677 ~~(5)(6)~~ Prior to being ordered to a physically secure  
2678 shelter setting, the child must be afforded all rights of due  
2679 process required under s. 984.07 ~~985.037~~.

2680 (6) While in the physically secure shelter setting, the  
2681 child shall receive appropriate assessment, intervention,  
2682 treatment, and educational services that are designed to  
2683 eliminate or reduce the child's truant, ungovernable, or runaway  
2684 behavior. The child and family shall be provided with individual  
2685 and family counseling and other support services necessary for  
2686 reunification.

2687 (7) The court shall order the parent, legal guardian, or  
2688 ~~legal~~ custodian to cooperate with efforts to reunite the child  
2689 with the family, participate in counseling, and pay all costs  
2690 associated with the care and counseling provided to the child  
2691 and family, in accordance with the child's insurance and the  
2692 family's ability to pay as determined by the court. Placement of  
2693 a child under this section is designed to provide residential  
2694 care on a temporary basis. Such placement does not abrogate the  
2695 legal responsibilities of the parent, legal guardian, or ~~legal~~  
2696 custodian with respect to the child, except to the extent that  
2697 those responsibilities are temporarily altered by court order.

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2698 Section 28. Section 985.731, Florida Statutes, is  
2699 transferred and renumbered as section 787.035, Florida Statutes.

2700 Section 29. Subsection (9) of section 985.03, Florida  
2701 Statutes, is amended to read:

2702 985.03 Definitions.—As used in this chapter, the term:

2703 (9) “Child who has been found to have committed a  
2704 delinquent act” means a child who, under this chapter, is found  
2705 by a court to have committed a violation of law or to be in  
2706 direct or indirect contempt of court, except that this  
2707 definition does not include an act constituting contempt of  
2708 court arising out of a ~~dependency~~ proceeding under chapter 39 or  
2709 chapter 984 ~~or a proceeding concerning a child or family in need~~  
2710 ~~of services.~~

2711 Section 30. Subsection (4) of section 985.24, Florida  
2712 Statutes, is amended to read:

2713 985.24 Use of detention; prohibitions.—

2714 (4) A child who is alleged to be dependent under chapter  
2715 39, or any child subject to proceedings under chapter 984, ~~but~~  
2716 who is not alleged to have committed a delinquent act or  
2717 violation of law, may not, under any circumstances, be placed  
2718 into secure detention care.

2719 Section 31. Section 1003.26, Florida Statutes, is amended  
2720 to read:

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

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2727 school attendance of all students subject to the compulsory  
2728 school age in the school district and supporting enforcement of  
2729 school attendance by local law enforcement agencies. The  
2730 responsibility includes recommending policies and procedures to  
2731 the district school board that require public schools to respond  
2732 in a timely manner to every unexcused absence, and every absence  
2733 for which the reason is unknown, of students enrolled in the  
2734 schools. District school board policies shall require the parent  
2735 of a student to justify each absence of the student, and that  
2736 justification will be evaluated based on adopted district school  
2737 board policies that define excused and unexcused absences. The  
2738 policies must provide that public schools track excused and  
2739 unexcused absences and contact the home in the case of an  
2740 unexcused absence from school, or an absence from school for  
2741 which the reason is unknown, to prevent the development of  
2742 patterns of nonattendance. The Legislature finds that early  
2743 intervention in school attendance is the most effective way of  
2744 producing good attendance habits that will lead to improved  
2745 student learning and achievement. Each public school is required  
2746 to ~~shall~~ implement the following steps to promote and enforce  
2747 regular school attendance:

2748 (1) CONTACT, REFER, AND ENFORCE.—

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

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2756 up within a reasonable time.

2757 (b) If a student has had at least five unexcused absences,  
2758 or absences for which the reasons are unknown, within a calendar  
2759 month or 10 unexcused absences, or absences for which the  
2760 reasons are unknown, within a 90-calendar-day period, the  
2761 student's primary teacher must ~~shall~~ report to the school  
2762 principal or his or her designee that the student may be  
2763 exhibiting a pattern of nonattendance. ~~The principal shall,~~  
2764 Unless there is clear evidence that the absences are not a  
2765 pattern of nonattendance, the principal must refer the case to  
2766 the school's child study team to determine if early patterns of  
2767 truancy are developing. If the child study team finds that a  
2768 pattern of nonattendance is developing, whether the absences are  
2769 excused or not, a meeting with the parent must be scheduled to  
2770 identify potential remedies, and the principal must ~~shall~~ notify  
2771 the district school superintendent and the school district  
2772 contact for home education programs that the referred student is  
2773 exhibiting a pattern of nonattendance. The child study team may  
2774 allow the parent to attend the meeting virtually or by telephone  
2775 if the parent is unable to attend the meeting in person.

2776 (c) If the parent or child fails to attend the child study  
2777 team meeting, the meeting shall be held in his or her absence,  
2778 and the child study team shall make written recommendations to  
2779 remediate the truancy based upon the information available to  
2780 the school. The recommendations shall be provided to the parent  
2781 within 7 days after the child study team meeting. If the ~~an~~  
2782 initial meeting does not resolve the problem, the child study  
2783 team shall implement the following:

2784 1. Frequent attempts at communication between the teacher



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2785 and the family.

2786 2. Attempt to determine the reasons the child is truant  
2787 from school and provide remedies if available or refer the  
2788 family to services, including referring the family for available  
2789 scholarship options if the learning environment is an issue of  
2790 concern.

2791 ~~3.2.~~ Evaluation for alternative education programs.

2792 ~~4.3.~~ Attendance contracts.

2793  
2794 The child study team may, but is not required to, implement  
2795 other interventions, including referral to the Department of  
2796 Juvenile Justice's designated provider for voluntary family  
2797 services, or to other agencies for family services or recommend  
2798 ~~recommendation for~~ filing a truancy petition pursuant to s.  
2799 984.151.

2800 (d) The child study team must ~~shall~~ be diligent in  
2801 facilitating intervention services and shall report the case to  
2802 the district school superintendent only when all reasonable  
2803 efforts to resolve the nonattendance behavior are exhausted.

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

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2814 noncompliance with compulsory school attendance.

2815 (f)1. If the parent of a child who has been identified as  
2816 exhibiting a pattern of nonattendance enrolls the child in a  
2817 home education program pursuant to chapter 1002, the district  
2818 school superintendent shall provide the parent a copy of s.  
2819 1002.41 and the accountability requirements of this paragraph.  
2820 The district school superintendent shall also refer the parent  
2821 to a home education review committee composed of the district  
2822 contact for home education programs and at least two home  
2823 educators selected by the parent from a district list of all  
2824 home educators who have conducted a home education program for  
2825 at least 3 years and who have indicated a willingness to serve  
2826 on the committee. The home education review committee shall  
2827 review the portfolio of the student, as defined by s. 1002.41,  
2828 every 30 days during the district's regular school terms until  
2829 the committee is satisfied that the home education program is in  
2830 compliance with s. 1002.41(1)(d). The first portfolio review  
2831 must occur within the first 30 calendar days after ~~of~~ the  
2832 establishment of the program. The provisions of subparagraph 2.  
2833 do not apply once the committee determines the home education  
2834 program is in compliance with s. 1002.41(1)(d).

2835 2. If the parent fails to provide a portfolio to the  
2836 committee, the committee shall notify the district school  
2837 superintendent. The district school superintendent shall then  
2838 terminate the home education program and require the parent to  
2839 enroll the child in an attendance option that meets the  
2840 definition of the term "regular school attendance" under s.  
2841 1003.01(16)(a), (b), (c), or (e), within 3 days. Upon  
2842 termination of a home education program pursuant to this

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2843 subparagraph, the parent shall not be eligible to reenroll the  
2844 child in a home education program for 180 calendar days. Failure  
2845 of a parent to enroll the child in an attendance option as  
2846 required by this subparagraph after termination of the home  
2847 education program pursuant to this subparagraph shall constitute  
2848 noncompliance with the compulsory attendance requirements of s.  
2849 1003.21 and may result in criminal prosecution under s.  
2850 1003.27(2). Nothing contained herein shall restrict the ability  
2851 of the district school superintendent, or the ability of his or  
2852 her designee, to review the portfolio pursuant to s.  
2853 1002.41(1)(e).

2854 (g) If a student subject to compulsory school attendance  
2855 will not comply with attempts to enforce school attendance, the  
2856 parent or the district school superintendent or his or her  
2857 designee must ~~shall~~ refer the case to the Department of Juvenile  
2858 Justice's authorized agent, which shall then offer voluntary  
2859 family services, and schedule a meeting of the case staffing  
2860 committee pursuant to s. 984.12 if the services do not remediate  
2861 the child's truancy, and the district school superintendent or  
2862 his or her designee may file a truancy petition pursuant to the  
2863 procedures in s. 984.151.

2864 (h) If a student subject to compulsory school attendance is  
2865 responsive to the interventions described in this section and  
2866 has completed the necessary requirements to pass the current  
2867 grade as indicated in the district pupil progression plan, the  
2868 student may not be determined to be a habitual truant and shall  
2869 be promoted.

2870 (2) GIVE WRITTEN NOTICE.—

2871 (a) Under the direction of the district school

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2872 superintendent, a designated school representative must provide  
2873 ~~shall give~~ written notice in person or by return-receipt mail to  
2874 the parent, requiring the child's that requires enrollment or  
2875 attendance within 3 days after the date of notice, ~~in person or~~  
2876 ~~by return-receipt mail, to the parent~~ when no valid reason is  
2877 found for a student's nonenrollment in school if the child is  
2878 under compulsory education requirements, and is not exempt. If  
2879 the child is not enrolled or in attendance in school within 3  
2880 days after the notice being provided and requirement are  
2881 ~~ignored~~, the designated school representative must ~~shall~~ report  
2882 the case to the district school superintendent, who must ~~may~~  
2883 refer the case to the child study team in paragraph (1)(b) at  
2884 the school the student would be assigned according to district  
2885 school board attendance area policies. In addition, the  
2886 designated school representative may refer the case to the  
2887 Department of Juvenile Justice's authorized agent for families  
2888 in need of services or to the case staffing committee,  
2889 ~~established pursuant to s. 984.12~~. The child study team must  
2890 ~~shall~~ diligently facilitate intervention services and ~~shall~~  
2891 report the case back to the district school superintendent  
2892 within 15 days after referral of the case if only when all  
2893 reasonable efforts to resolve the nonenrollment behavior have  
2894 been made and the child is still not attending school are  
2895 ~~exhausted~~. If the parent ~~still~~ refuses to cooperate or enroll  
2896 the child in school within 15 days after referral of the case to  
2897 the child study team, the district school superintendent must  
2898 make a report to law enforcement and refer the case to the  
2899 Office of the State Attorney shall take such steps as are  
2900 ~~necessary~~ to bring criminal prosecution against the parent.

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2901 (b) Subsequent to referring the case to the Office of the  
2902 State Attorney ~~the activities required under subsection (1)~~, the  
2903 district school superintendent or his or her designee must ~~shall~~  
2904 give written notice in person or by return-receipt mail to the  
2905 parent that criminal prosecution is being sought for  
2906 nonattendance. The district school superintendent may file a  
2907 truancy petition, as defined in s. 984.03, following the  
2908 procedures outlined in s. 984.151.

2909 (3) RETURN STUDENT TO PARENT.—A designated school  
2910 representative may visit the home or place of residence of a  
2911 student and any other place in which he or she is likely to find  
2912 any student who is required to attend school when the student is  
2913 not enrolled or is absent from school during school hours  
2914 without an excuse, and, when the student is found, shall return  
2915 the student to his or her parent or to the principal or teacher  
2916 in charge of the school, or to the private tutor from whom  
2917 absent. If the parent cannot be located or is unavailable to  
2918 take custody of the child, and the child is not to be presented  
2919 to the child's school or tutor, the youth shall be referred to  
2920 the Department of Juvenile Justice's shelter, to another  
2921 facility, or to the juvenile assessment center or other location  
2922 established by the district school board to receive students who  
2923 are absent from school. Upon receipt of the student, the parent  
2924 shall be immediately notified.

2925 (4) REPORT TO APPROPRIATE AUTHORITY.—A designated school  
2926 representative shall report to the appropriate authority  
2927 designated by law to receive such notices, all violations of the  
2928 Child Labor Law that may come to his or her knowledge.

2929 (5) RIGHT TO INSPECT.—A designated school representative

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2930 shall have the right of access to, and inspection of,  
2931 establishments where minors may be employed or detained only for  
2932 the purpose of ascertaining whether students of compulsory  
2933 school age are actually employed there and are actually working  
2934 there regularly. The designated school representative shall, if  
2935 he or she finds unsatisfactory working conditions or violations  
2936 of the Child Labor Law, report his or her findings to the  
2937 appropriate authority.

2938 Section 32. Subsections (2), (3), (4), (6), and (7) of  
2939 section 1003.27, Florida Statutes, are amended to read:

2940 1003.27 Court procedure and penalties.—The court procedure  
2941 and penalties for the enforcement of the provisions of this  
2942 part, relating to compulsory school attendance, shall be as  
2943 follows:

2944 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2945 (a) ~~In each case of nonenrollment or of nonattendance upon~~  
2946 ~~the part of a student who is required to attend some school,~~  
2947 ~~when no valid reason for such nonenrollment or nonattendance is~~  
2948 ~~found,~~ The district school superintendent shall institute a  
2949 criminal prosecution against the student's parent, in each case  
2950 of nonenrollment or of nonattendance of a student who is  
2951 required to attend school, when no valid reason for the  
2952 nonenrollment or nonattendance is found. ~~However,~~ Criminal  
2953 prosecution may not be instituted against the student's parent  
2954 until the school and school district have complied with s.  
2955 1003.26.

2956 (b) Each public school principal or the principal's  
2957 designee must ~~shall~~ notify the district school board of each  
2958 minor student under its jurisdiction who accumulates 15

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2959 unexcused absences in a period of 90 calendar days. Reports  
2960 shall be made to the district school board at the end of each  
2961 school quarter. The calculation of 15 absences within 90 days  
2962 are determined based on calendar days and are not limited to the  
2963 span of one school quarter during which the nonattendance begins  
2964 or ends. The district school board shall verify the schools  
2965 reporting 15 or more unexcused absences within a 90-day period  
2966 have complied with the requirements of remediating truancy at  
2967 the school level or pursuing appropriate court intervention as  
2968 provided in this section. Any school not meeting the  
2969 requirements in this paragraph shall provide a remedial action  
2970 plan to the school board within 30 days, and follow up within 90  
2971 days to confirm all truancy cases have been addressed either  
2972 through the child's enrollment and regular attendance or  
2973 referral of the case to the appropriate court or agency to  
2974 pursue court intervention.

2975 (c) The district school superintendent must provide the  
2976 Department of Highway Safety and Motor Vehicles the legal name,  
2977 sex, date of birth, and social security number of each minor  
2978 student who has been reported under this paragraph and who fails  
2979 to otherwise satisfy the requirements of s. 322.091. The  
2980 Department of Highway Safety and Motor Vehicles may not issue a  
2981 driver license or learner's driver license to, and shall suspend  
2982 any previously issued driver license or learner's driver license  
2983 of, any such minor student, pursuant ~~to the provisions of~~ s.  
2984 322.091.

2985 (d)(e) Each designee of the governing body of each private  
2986 school and each parent whose child is enrolled in a home  
2987 education program or personalized education program may provide

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2988 the Department of Highway Safety and Motor Vehicles with the  
 2989 legal name, sex, date of birth, and social security number of  
 2990 each minor student under his or her jurisdiction who fails to  
 2991 satisfy relevant attendance requirements and who fails to  
 2992 otherwise satisfy the requirements of s. 322.091. The Department  
 2993 of Highway Safety and Motor Vehicles may not issue a driver  
 2994 license or learner's driver license to, and shall suspend any  
 2995 previously issued driver license or learner's driver license of,  
 2996 any such minor student pursuant to s. 322.091.

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



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3017 ~~determined by the cooperative agreement required in this~~  
3018 ~~section.~~ The case staffing committee may request the Department  
3019 of Juvenile Justice or its designee to file a petition for child  
3020 in need of services ~~child-in-need-of-services~~ petition based  
3021 upon the report and efforts of the district school board or  
3022 other community agency, and early truancy intervention by the  
3023 circuit court, after review and an initial meeting, or may seek  
3024 to resolve the truant behavior through the school or community-  
3025 based organizations or other state or local agencies. Prior to  
3026 ~~and subsequent to~~ the filing of a ~~child-in-need-of-services~~  
3027 petition for a child in need of services due to habitual  
3028 truancy, the appropriate governmental agencies must allow a  
3029 reasonable time to complete actions required by this section and  
3030 ss. 984.11 and s. 1003.26 to remedy the conditions leading to  
3031 the truant behavior. Prior to the filing of a petition, the  
3032 district school board must have complied with the requirements  
3033 of s. 1003.26, and those efforts must have been unsuccessful.

3034 (4) COOPERATIVE AGREEMENTS.—The ~~circuit manager of the~~  
3035 Department of Juvenile Justice's authorized agent Justice or his  
3036 or her designee, ~~the circuit manager's designee,~~ ~~the district~~  
3037 ~~administrator of the Department of Children and Families or the~~  
3038 ~~district administrator's designee,~~ and the district school  
3039 superintendent or his or her ~~the superintendent's~~ designee must  
3040 develop a cooperative interagency agreement that:

3041 (a) Clearly defines each department's role, responsibility,  
3042 and function in working with ~~habitual~~ truants and their  
3043 families.

3044 (b) Identifies and implements measures to quickly resolve  
3045 and reduce truant behavior.

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3046 (c) Addresses issues of streamlining service delivery, the  
3047 appropriateness of legal intervention, case management, the role  
3048 and responsibility of the case staffing committee, student and  
3049 parental intervention and involvement, and community action  
3050 plans.

3051 (d) Delineates timeframes for implementation and identifies  
3052 a mechanism for reporting results by the Department of Juvenile  
3053 Justice or its authorized agent ~~circuit juvenile justice manager~~  
3054 ~~or the circuit manager's designee~~ and the district school  
3055 superintendent or the superintendent's designee to the  
3056 Department of Juvenile Justice and the Department of Education  
3057 and other governmental entities as needed.

3058 (e) Designates which agency is responsible for each of the  
3059 intervention steps in this section, to yield more effective and  
3060 efficient intervention services.

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

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3075 counseling together.

3076 (7) PENALTIES.—The penalties for refusing or failing to  
3077 comply with this chapter shall be as follows:

3078 (a) *The parent.*—

3079 1. A parent who refuses or fails to have a minor student  
3080 who is under his or her control attend school regularly, or who  
3081 refuses or fails to comply with the requirements in subsection  
3082 (3), commits a misdemeanor of the second degree, punishable as  
3083 provided in s. 775.082 or s. 775.083.

3084 2. The continued or habitual absence of a minor student  
3085 without the consent of the principal or teacher in charge of the  
3086 school he or she attends or should attend, or of the tutor who  
3087 instructs or should instruct him or her, is prima facie evidence  
3088 of a violation of this chapter; however, a showing that the  
3089 parent has made a bona fide and diligent effort to control and  
3090 keep the student in school shall be an affirmative defense to  
3091 any criminal or other liability under this subsection and the  
3092 court shall refer the parent and child for counseling, guidance,  
3093 or other needed services.

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

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3104 on the importance of school attendance. It shall be unlawful to  
3105 terminate any employee solely because he or she is attending  
3106 school with his or her child pursuant to a court order.

3107 (b) *The principal or teacher.*—A principal or teacher in any  
3108 public, parochial, religious, denominational, or private school,  
3109 or a private tutor who willfully violates any provision of this  
3110 chapter may, upon satisfactory proof of such violation, have his  
3111 or her certificate revoked by the Department of Education.

3112 (c) *The employer.*—

3113 1. An employer who fails to notify the district school  
3114 superintendent when he or she ceases to employ a student commits  
3115 a misdemeanor of the second degree, punishable as provided in s.  
3116 775.082 or s. 775.083.

3117 2. An employer who terminates any employee solely because  
3118 he or she is attending school with a student pursuant to court  
3119 order commits a misdemeanor of the second degree, punishable as  
3120 provided in s. 775.082 or s. 775.083.

3121 (d) *The student.*—

3122 ~~1.~~ In addition to any other sanctions authorized under s.  
3123 984.151 ~~sanctions~~, the court shall order a student found to be a  
3124 ~~habitual~~ truant to make up all school work missed and attend  
3125 school daily with no unexcused absences or tardiness, and may  
3126 order the child to ~~and may order the student to pay a civil~~  
3127 ~~penalty of up to \$2, based on the student's ability to pay, for~~  
3128 ~~each day of school missed, perform up to 25 community service~~  
3129 ~~hours at the school, or participate in counseling or other~~  
3130 services, as appropriate.

3131 ~~2.~~ Upon a ~~second or subsequent finding that a student is a~~  
3132 ~~habitual truant, the court, in addition to any other authorized~~

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3133 ~~sanctions, shall order the student to make up all school work~~  
3134 ~~missed and may order the student to pay a civil penalty of up to~~  
3135 ~~\$5, based on the student's ability to pay, for each day of~~  
3136 ~~school missed, perform up to 50 community service hours at the~~  
3137 ~~school, or participate in counseling or other services, as~~  
3138 ~~appropriate.~~

3139 Section 33. Paragraph (g) is added to subsection (7) of  
3140 section 381.02035, Florida Statutes, to read:

3141 381.02035 Canadian Prescription Drug Importation Program.—

3142 (7) ELIGIBLE IMPORTERS.—The following entities may import  
3143 prescription drugs from an eligible Canadian supplier under the  
3144 program:

3145 (g) A pharmacist or wholesaler employed by or under  
3146 contract with the Department of Juvenile Justice, for dispensing  
3147 to juveniles in the custody of the Department of Juvenile  
3148 Justice.

3149 Section 34. Paragraph (a) of subsection (5) of section  
3150 790.22, Florida Statutes, is amended to read:

3151 790.22 Use of BB guns, air or gas-operated guns, or  
3152 electric weapons or devices by minor under 16; limitation;  
3153 possession of firearms by minor under 18 prohibited; penalties.—

3154 (5) (a) A minor who violates subsection (3):

3155 1. For a first offense, commits a misdemeanor of the first  
3156 degree; shall serve a period of detention of up to 5 days in a  
3157 secure detention facility, with credit for time served in secure  
3158 detention prior to disposition; and shall be required to perform  
3159 100 hours of community service or paid work as determined by the  
3160 department.

3161 2. For a second or subsequent offense, commits a felony of

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3162 the third degree. For a second offense, the minor shall serve a  
3163 period of detention of up to 21 days in a secure detention  
3164 facility, with credit for time served in secure detention prior  
3165 to disposition, and shall be required to perform not less than  
3166 100 nor more than 250 hours of community service or paid work as  
3167 determined by the department. For a third or subsequent offense,  
3168 the minor shall be adjudicated delinquent and committed to a  
3169 residential program. A finding by a court that a minor committed  
3170 a violation of this section, regardless of whether the court  
3171 adjudicates the minor delinquent or withholds adjudication of  
3172 delinquency, withhold of adjudication of delinquency shall be  
3173 considered a prior offense for the purpose of determining a  
3174 second, third, or subsequent offense.

3175  
3176 For the purposes of this subsection, community service shall be  
3177 performed, if possible, in a manner involving a hospital  
3178 emergency room or other medical environment that deals on a  
3179 regular basis with trauma patients and gunshot wounds.

3180 Section 35. Paragraph (a) of subsection (2) of section  
3181 985.12, Florida Statutes, is amended to read:

3182 985.12 Prearrest delinquency citation programs.—

3183 (2) JUDICIAL CIRCUIT DELINQUENCY CITATION PROGRAM  
3184 DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

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

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3191 citation program and develop its policies and procedures. In  
3192 developing the program's policies and procedures, input from  
3193 other interested stakeholders may be solicited. ~~The department~~  
3194 ~~shall annually develop and provide guidelines on best practice~~  
3195 ~~models for prearrest delinquency citation programs to the~~  
3196 ~~judicial circuits as a resource.~~

3197 Section 36. Subsection (5) of section 985.126, Florida  
3198 Statutes, is amended to read:

3199 985.126 Prearrest and postarrest diversion programs; data  
3200 collection; denial of participation or expunged record.—

3201 (5) The department shall provide a quarterly report to be  
3202 published on its website and distributed to the Governor,  
3203 President of the Senate, and Speaker of the House of  
3204 Representatives listing the entities that use prearrest  
3205 delinquency citations for less than 80 ~~70~~ percent of first-time  
3206 misdemeanor offenses.

3207 Section 37. Paragraph (c) of subsection (1) of section  
3208 985.25, Florida Statutes, is amended to read:

3209 985.25 Detention intake.—

3210 (1) The department shall receive custody of a child who has  
3211 been taken into custody from the law enforcement agency or court  
3212 and shall review the facts in the law enforcement report or  
3213 probable cause affidavit and make such further inquiry as may be  
3214 necessary to determine whether detention care is appropriate.

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

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3220 assessment instrument indicates release or supervised release is  
3221 appropriate, but the department otherwise determines that there  
3222 should be supervised release or detention, the department shall  
3223 contact the state attorney, who may authorize an upward  
3224 departure. Notwithstanding any other provision of this  
3225 paragraph, a child may only be moved one category in either  
3226 direction within the risk assessment instrument and release is  
3227 not authorized if it would cause the child to be moved more than  
3228 one category.

3229  
3230 Under no circumstances shall the department or the state  
3231 attorney or law enforcement officer authorize the detention of  
3232 any child in a jail or other facility intended or used for the  
3233 detention of adults, without an order of the court.

3234 Section 38. Paragraph (c) of subsection (7) of section  
3235 985.433, Florida Statutes, is amended to read:

3236 985.433 Disposition hearings in delinquency cases.—When a  
3237 child has been found to have committed a delinquent act, the  
3238 following procedures shall be applicable to the disposition of  
3239 the case:

3240 (7) If the court determines that the child should be  
3241 adjudicated as having committed a delinquent act and should be  
3242 committed to the department, such determination shall be in  
3243 writing or on the record of the hearing. The determination shall  
3244 include a specific finding of the reasons for the decision to  
3245 adjudicate and to commit the child to the department, including  
3246 any determination that the child was a member of a criminal  
3247 gang.

3248 (c) The court may also require that the child be placed on



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3249 conditional release ~~in a probation program~~ following the child's  
3250 discharge from commitment. Community-based sanctions under  
3251 subsection (8) may be imposed by the court at the disposition  
3252 hearing or at any time prior to the child's release from  
3253 commitment.

3254 Section 39. Section 985.625, Florida Statutes, is repealed.

3255 Section 40. Subsection (4) of section 985.632, Florida  
3256 Statutes, is amended to read:

3257 985.632 Quality improvement and cost-effectiveness;  
3258 Comprehensive Accountability Report.—

3259 ~~(4) COST-EFFECTIVENESS MODEL. The department, in~~  
3260 ~~consultation with the Office of Economic and Demographic~~  
3261 ~~Research and contract service providers, shall develop a cost-~~  
3262 ~~effectiveness model and apply the model to each commitment~~  
3263 ~~program.~~

3264 ~~(a) The cost-effectiveness model shall compare program~~  
3265 ~~costs to expected and actual child recidivism rates. It is the~~  
3266 ~~intent of the Legislature that continual development efforts~~  
3267 ~~take place to improve the validity and reliability of the cost-~~  
3268 ~~effectiveness model.~~

3269 ~~(b) The department shall rank commitment programs based on~~  
3270 ~~the cost-effectiveness model, performance measures, and~~  
3271 ~~adherence to quality improvement standards and shall report this~~  
3272 ~~data in the annual Comprehensive Accountability Report.~~

3273 ~~(c) Based on reports of the department on child outcomes~~  
3274 ~~and program outputs and on the department's most recent cost-~~  
3275 ~~effectiveness rankings, the department may terminate a program~~  
3276 ~~operated by the department or a provider if the program has~~  
3277 ~~failed to achieve a minimum standard of program effectiveness.~~

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3278 ~~This paragraph does not preclude the department from terminating~~  
3279 ~~a contract as provided under this section or as otherwise~~  
3280 ~~provided by law or contract, and does not limit the department's~~  
3281 ~~authority to enter into or terminate a contract.~~

3282 ~~(d) In collaboration with the Office of Economic and~~  
3283 ~~Demographic Research, and contract service providers, the~~  
3284 ~~department shall develop a work plan to refine the cost-~~  
3285 ~~effectiveness model so that the model is consistent with the~~  
3286 ~~performance-based program budgeting measures approved by the~~  
3287 ~~Legislature to the extent the department deems appropriate. The~~  
3288 ~~department shall notify the Office of Program Policy Analysis~~  
3289 ~~and Government Accountability of any meetings to refine the~~  
3290 ~~model.~~

3291 ~~(e) Contingent upon specific appropriation, the department,~~  
3292 ~~in consultation with the Office of Economic and Demographic~~  
3293 ~~Research, and contract service providers, shall:~~

3294 ~~1. Construct a profile of each commitment program that uses~~  
3295 ~~the results of the quality improvement data portion of the~~  
3296 ~~Comprehensive Accountability Report required by this section,~~  
3297 ~~the cost-effectiveness data portion of the Comprehensive~~  
3298 ~~Accountability Report required in this subsection, and other~~  
3299 ~~reports available to the department.~~

3300 ~~2. Target, for a more comprehensive evaluation, any~~  
3301 ~~commitment program that has achieved consistently high, low, or~~  
3302 ~~disparate ratings in the reports required under subparagraph 1.~~  
3303 ~~and target, for technical assistance, any commitment program~~  
3304 ~~that has achieved low or disparate ratings in the reports~~  
3305 ~~required under subparagraph 1.~~

3306 ~~3. Identify the essential factors that contribute to the~~

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3307 ~~high, low, or disparate program ratings.~~

3308 ~~4. Use the results of these evaluations in developing or~~  
3309 ~~refining juvenile justice programs or program models, child~~  
3310 ~~outcomes and program outputs, provider contracts, quality~~  
3311 ~~improvement standards, and the cost-effectiveness model.~~

3312 Section 41. Subsection (8) of section 95.11, Florida  
3313 Statutes, is amended to read:

3314 95.11 Limitations other than for the recovery of real  
3315 property.—Actions other than for recovery of real property shall  
3316 be commenced as follows:

3317 (8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action founded  
3318 on alleged abuse, as defined in s. 39.01 or s. 415.102, ~~or s.~~  
3319 ~~984.03~~; incest, as defined in s. 826.04; or an action brought  
3320 pursuant to s. 787.061 may be commenced at any time within 7  
3321 years after the age of majority, or within 4 years after the  
3322 injured person leaves the dependency of the abuser, or within 4  
3323 years from the time of discovery by the injured party of both  
3324 the injury and the causal relationship between the injury and  
3325 the abuse, whichever occurs later.

3326 Section 42. Subsection (1) of section 409.2564, Florida  
3327 Statutes, is amended to read:

3328 409.2564 Actions for support.—

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

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3336 include either a signed, agreed-upon parenting time plan or a  
3337 signed Title IV-D Standard Parenting Time Plan, if appropriate.  
3338 The department shall notify the program attorney in the judicial  
3339 circuit in which the recipient resides setting forth the facts  
3340 in the case, including the obligor's address, if known, and the  
3341 public assistance case number. Whenever applicable, the  
3342 procedures established under chapter 88, Uniform Interstate  
3343 Family Support Act, chapter 61, Dissolution of Marriage;  
3344 Support; Time-sharing, chapter 39, Proceedings Relating to  
3345 Children, chapter 984, Children and Families in Need of  
3346 Services; Prevention and Intervention for School Truancy and  
3347 Ungovernable and Runaway Children, and chapter 985, Delinquency;  
3348 Interstate Compact on Juveniles, may govern actions instituted  
3349 under this act, except that actions for support under chapter  
3350 39, chapter 984, or chapter 985 brought pursuant to this act  
3351 shall not require any additional investigation or supervision by  
3352 the department.

3353 Section 43. Paragraph (e) of subsection (1) of section  
3354 419.001, Florida Statutes, is amended to read:

3355 419.001 Site selection of community residential homes.—

3356 (1) For the purposes of this section, the term:

3357 (e) "Resident" means any of the following: a frail elder as  
3358 defined in s. 429.65; a person who has a disability as defined  
3359 in s. 760.22(3)(a); a person who has a developmental disability  
3360 as defined in s. 393.063; a nondangerous person who has a mental  
3361 illness as defined in s. 394.455; or a child who is found to be  
3362 dependent as defined in s. 39.01 ~~or s. 984.03~~, or a child in  
3363 need of services as defined in s. 984.03 ~~or s. 985.03~~.

3364 Section 44. Subsection (3) of section 744.309, Florida

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3365 Statutes, is amended to read:

3366 744.309 Who may be appointed guardian of a resident ward.—

3367 (3) DISQUALIFIED PERSONS.—No person who has been convicted  
3368 of a felony or who, from any incapacity or illness, is incapable  
3369 of discharging the duties of a guardian, or who is otherwise  
3370 unsuitable to perform the duties of a guardian, shall be  
3371 appointed to act as guardian. Further, no person who has been  
3372 judicially determined to have committed abuse, abandonment, or  
3373 neglect against a child as defined in s. 39.01 or s. 984.03(1),  
3374 (2), and (24) ~~(37)~~, or who has been found guilty of, regardless  
3375 of adjudication, or entered a plea of nolo contendere or guilty  
3376 to, any offense prohibited under s. 435.04 or similar statute of  
3377 another jurisdiction, shall be appointed to act as a guardian.  
3378 Except as provided in subsection (5) or subsection (6), a person  
3379 who provides substantial services to the proposed ward in a  
3380 professional or business capacity, or a creditor of the proposed  
3381 ward, may not be appointed guardian and retain that previous  
3382 professional or business relationship. A person may not be  
3383 appointed a guardian if he or she is in the employ of any  
3384 person, agency, government, or corporation that provides service  
3385 to the proposed ward in a professional or business capacity,  
3386 except that a person so employed may be appointed if he or she  
3387 is the spouse, adult child, parent, or sibling of the proposed  
3388 ward or the court determines that the potential conflict of  
3389 interest is insubstantial and that the appointment would clearly  
3390 be in the proposed ward's best interest. The court may not  
3391 appoint a guardian in any other circumstance in which a conflict  
3392 of interest may occur.

3393 Section 45. Section 784.075, Florida Statutes, is amended

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3394 to read:

3395           784.075 Battery on detention or commitment facility staff  
3396 or a juvenile probation officer.—A person who commits a battery  
3397 on a juvenile probation officer, as defined in ~~s. 984.03~~ or s.  
3398 985.03, on other staff of a detention center or facility as  
3399 defined in s. 984.03 ~~s. 984.03(19)~~ or s. 985.03, or on a staff  
3400 member of a commitment facility as defined in s. 985.03, commits  
3401 a felony of the third degree, punishable as provided in s.  
3402 775.082, s. 775.083, or s. 775.084. For purposes of this  
3403 section, a staff member of the facilities listed includes  
3404 persons employed by the Department of Juvenile Justice, persons  
3405 employed at facilities licensed by the Department of Juvenile  
3406 Justice, and persons employed at facilities operated under a  
3407 contract with the Department of Juvenile Justice.

3408           Section 46. Paragraph (b) of subsection (4) of section  
3409 985.618, Florida Statutes, is amended to read:

3410           985.618 Educational and career-related programs.—

3411           (4)

3412           (b) Evaluations of juvenile educational and career-related  
3413 programs shall be conducted according to the following  
3414 guidelines:

3415           1. Systematic evaluations and quality assurance monitoring  
3416 shall be implemented, in accordance with s. 985.632(1), (2), and  
3417 (4) ~~(5)~~, to determine whether the programs are related to  
3418 successful postrelease adjustments.

3419           2. Operations and policies of the programs shall be  
3420 reevaluated to determine if they are consistent with their  
3421 primary objectives.

3422           Section 47. This act shall take effect July 1, 2025.