

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1405 (2025)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

Committee/Subcommittee hearing bill: Judiciary Committee
Representative Jacques offered the following:

Amendment

Remove everything after the enacting clause and insert:

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

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

984.01 Purposes and intent; personnel standards and
screening.—

(1) The purposes of this chapter are:

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16 (a) To provide judicial, nonjudicial, and other procedures
17 to address the status offenses of children who are truant from
18 school, run away from their caregivers, or exhibit ungovernable
19 behavior by refusing to follow the household rules of their
20 caregivers and engage in behavior that places the child at risk
21 of harm; and to ensure ~~assure~~ due process through which children
22 and other interested parties are assured fair hearings by a
23 respectful and respected court ~~or other tribunal~~ and the
24 recognition, protection, and enforcement of their constitutional
25 and other legal rights, ~~while ensuring that public safety~~
26 ~~interests and the authority and dignity of the courts are~~
27 ~~adequately protected.~~

28 (b) To provide for the care, safety, and protection of
29 children in an environment that cultivates ~~fosters~~ healthy
30 social, emotional, intellectual, and physical development; to
31 ensure the safety of children ~~secure and safe custody~~; and to
32 promote the education, health, and well-being of all children
33 under the state's care.

34 (c) To provide ~~ensure the protection of society, by~~
35 ~~providing~~ for a needs ~~comprehensive~~ standardized assessment of
36 the child's needs, strengths, and family dynamics so that the
37 most appropriate services ~~control, discipline, punishment, and~~
38 ~~treatment~~ can be provided in the most appropriate environment
39 ~~administered~~ consistent with the ~~seriousness of the act~~
40 ~~committed, the~~ community's long-term need for public safety and

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41 the safety of the individual child, with consideration given to
42 the education and overall well-being,~~the prior record of the~~
43 ~~child, and the specific rehabilitation needs of the child, while~~
44 ~~also providing restitution, whenever possible, to the victim of~~
45 ~~the offense.~~

46 (d) To preserve and strengthen the child's family ties
47 whenever possible; provide for temporary shelter placement of
48 the child only when necessary for the child's education, safety,
49 and welfare and when other less restrictive alternatives have
50 been exhausted; provide,~~by providing for removal of the child~~
51 ~~from parental custody only when his or her welfare or the safety~~
52 ~~and protection of the public cannot be adequately safeguarded~~
53 ~~without such removal; and, when the child is removed from his or~~
54 ~~her own family, to secure custody, care, and education;~~
55 encourage self-discipline; and increase protective factors when
56 the child is in temporary shelter placement~~discipline for the~~
57 ~~child as nearly as possible equivalent to that which should have~~
58 ~~been given by the parents; and to assure, in all cases in which~~
59 ~~a child must be permanently removed from parental custody, that~~
60 ~~the child be placed in an approved family home, adoptive home,~~
61 ~~independent living program, or other placement that provides the~~
62 ~~most stable and permanent living arrangement for the child, as~~
63 ~~determined by the court.~~

64 (e)~~1.~~ To ensure~~assure~~ that the adjudication and
65 disposition of a child alleged or found to be a child in need of

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66 ~~services have committed a violation of Florida law~~ be exercised
67 with appropriate discretion and in keeping with the seriousness
68 of the misconduct ~~offense~~ and the need for ~~treatment~~ services,
69 and that all findings made under this chapter be based upon
70 facts presented at a hearing that meets the constitutional
71 standards of fundamental fairness and due process.

72 ~~2. To assure that the sentencing and placement of a child~~
73 ~~tried as an adult be appropriate and in keeping with the~~
74 ~~seriousness of the offense and the child's need for~~
75 ~~rehabilitative services, and that the proceedings and procedures~~
76 ~~applicable to such sentencing and placement be applied within~~
77 ~~the full framework of constitutional standards of fundamental~~
78 ~~fairness and due process.~~

79 (f) To provide a court process through which school boards
80 are able to access the court for the limited purpose of early
81 truancy intervention for children, subject to compulsory
82 education, who are not engaging in regular school attendance,
83 and encourage school attendance by educating children and their
84 families on the importance of regular school attendance and
85 provide services to families to prevent the child's pattern of
86 truancy from becoming habitual ~~children committed to the~~
87 ~~Department of Juvenile Justice with training in life skills,~~
88 ~~including career education.~~

89 (2) ~~The department of Juvenile Justice or the Department~~
90 ~~of Children and Families, as appropriate,~~ may contract with the

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91 Federal Government, other state departments and agencies, county
92 and municipal governments and agencies, public and private
93 agencies, and private individuals and corporations in carrying
94 out the purposes of, and the responsibilities established in,
95 this chapter.

96 (a) If the department contracts with a provider for any
97 program for children, all personnel, including owners,
98 operators, employees, and volunteers, in the facility must be of
99 good moral character. The Each contract entered into by either
100 department and any agency providing services for the department
101 must require that each contract entered into for services
102 delivered on an appointment or intermittent basis by a provider
103 that does or does not have regular custodial responsibility for
104 children and each contract with a school for before or aftercare
105 services must ensure that the owners, operators, and all
106 personnel who have direct contact with children are of good
107 moral character and must meet level 2 screening requirements as
108 described in s. 435.04. A volunteer who assists on an
109 intermittent basis for less than 10 hours per month need not be
110 screened if a person who meets the screening requirement of this
111 section is always present and has the volunteer in his or her
112 line of sight.

113 ~~(b) The department of Juvenile Justice and the Department~~
114 ~~of Children and Families shall require employment screening~~
115 ~~pursuant to chapter 435, using the level 2 standards set forth~~

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~~in that chapter for personnel in programs for children or youths.~~

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

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

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

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

984.02 Legislative intent for prevention and intervention under chapter 984 ~~the juvenile justice system.~~

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

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

(b) A permanent and stable home.

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

(d) Adequate nutrition, shelter, and clothing.

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140 (e) Effective services or treatment to address physical,
141 social, and emotional needs, ~~regardless of geographical~~
142 ~~location~~.

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

147 (g) Access to preventive services to provide the child and
148 family with the support of community resources to address the
149 needs of the child and reduce the risk of harm or risk of the
150 child engaging in delinquent behavior.

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

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

157 (j) Supervision and services by skilled staff when
158 temporary out of home placement is necessary ~~and a skilled~~
159 ~~guardian or caretaker in a safe environment when alternative~~
160 ~~placement is necessary~~.

161 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that
162 children in the care of the state's juvenile justice and
163 intervention ~~dependency and delinquency~~ systems need appropriate
164 health care services and, that the impact of substance abuse on

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165 health requires ~~indicates~~ the need for health care services to
166 include substance abuse services when ~~where~~ appropriate., ~~and~~
167 ~~that~~ It is in the state's best interest that ~~such~~ children be
168 provided the services they need to enable them to become and
169 remain independent of state care. In order to provide these
170 services, the state's juvenile justice and intervention
171 ~~dependency and delinquency~~ systems must have the ability to
172 identify and make referrals to experts capable of providing
173 ~~provide appropriate~~ intervention and treatment for children with
174 personal or family-related substance abuse problems. It is
175 therefore the purpose of the Legislature to provide authority
176 for the state to contract with community substance abuse
177 treatment providers for the development and operation of
178 specialized support and overlay services for the juvenile
179 justice and intervention ~~dependency and delinquency~~ systems,
180 subject to legislative appropriation, which will be fully
181 implemented and utilized as resources permit. This section does
182 not prevent agencies from referring children and families to
183 privately operated community service providers to the extent the
184 families have funding or insurance to provide care.

185 (3) JUVENILE JUSTICE AND INTERVENTION ~~DELINQUENCY~~
186 ~~PREVENTION.~~—It is the policy of the state regarding ~~with respect~~
187 ~~to~~ juvenile justice and intervention ~~delinquency prevention~~ to
188 first protect the public from acts of delinquency. In addition,
189 it is the policy of the state to:

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

194 (b) Develop and implement effective programs to prevent
195 delinquency, to divert children from the traditional juvenile
196 justice system, to intervene at an early stage of delinquency,
197 and to provide critically needed alternatives to
198 institutionalization and deep-end commitment.

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

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

205 (e) Develop and implement effective early prevention
206 programs to address truancy and ungovernable and runaway
207 behavior of children which places the child at risk of harm, and
208 allow for intervention before the child commits a delinquent
209 act.

210
211 The Legislature intends that temporary shelter ~~detention~~ care,
212 in addition to providing safe care ~~secure and safe custody~~, will
213 promote the health and well-being of the children placed therein

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~~committed thereto~~ and provide an environment that fosters their social, emotional, intellectual, and physical development.

(4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—

Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision to deter their participation in delinquent acts, and ensure their children attend school and engage in education to prepare their children for their future.

The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caretakers to fulfill their responsibilities are identified and appropriate recommendations are provided to address those impediments through the provision of nonjudicial voluntary family services for families in need of services and through the child in need of services court processes ~~delinquency intake process and that appropriate recommendations to address those problems are considered in any judicial or nonjudicial proceeding.~~

(5) PROVISION OF SERVICES.—Services to families shall be provided on a continuum of increasing intensity and participation by the parent, legal guardian, or custodian and child. Judicial intervention to resolve the problems and

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conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through individual and family services after all available less restrictive resources have been exhausted. In creating this chapter, the Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this distinction, it is the policy of the state to develop short-term services using the least restrictive method for children and families, early truancy intervention, and children in need of services.

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

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

(1) "Abandoned" or "abandonment" have the same meaning as in s. 39.01(1) ~~means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or person primarily responsible for the child's welfare to~~

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~~support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in subsection (9) or a "family in need of services" as defined in subsection (25). The incarceration of a parent, legal custodian, or person responsible for a child's welfare does not constitute a bar to a finding of abandonment.~~

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

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

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

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

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289 ~~(5)-(6)~~ "Authorized agent" or "designee" of the department
290 means a person or agency assigned or designated by the
291 Department of Juvenile Justice ~~or the Department of Children and~~
292 ~~Families, as appropriate,~~ to perform duties or exercise powers
293 pursuant to this chapter and includes contract providers and
294 subcontracted providers and their employees for purposes of
295 providing voluntary family services, and providing court-ordered
296 services ~~to~~ and managing cases of children in need of services
297 ~~and families in need of services.~~

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

303 ~~(6)-(8)~~ "Child" or "juvenile" or "youth" means any
304 unmarried person under the age of 18 who has not been
305 emancipated by order of the court ~~and who has been found or~~
306 ~~alleged to be dependent, in need of services, or from a family~~
307 ~~in need of services; or any married or unmarried person who is~~
308 ~~charged with a violation of law occurring prior to the time that~~
309 ~~person reached the age of 18 years.~~

310 ~~(7)-(9)~~ "Child in need of services" means a child for whom
311 there is no pending petition filed with the court ~~investigation~~
312 ~~into an allegation or suspicion of abuse, neglect, or~~
313 ~~abandonment; no pending referral alleging the child is~~

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delinquent, or no current court ordered supervision by the department for delinquency under chapter 985 of Juvenile Justice or court-ordered supervision by the Department of Children and Families under chapter 39 ~~for an adjudication of dependency or delinquency~~. The child must also, pursuant to this chapter, be found by the court:

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(14) "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a juvenile~~

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~~offender's or a child's physical, psychological, educational, vocational, and social condition and family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.~~

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

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

~~(16) "Delinquency program" means any intake, community control, or similar program; regional detention center or facility; or community-based program, whether owned and operated by or contracted by the Department of Juvenile Justice, or institution owned and operated by or contracted by the Department of Juvenile Justice, which provides intake, supervision, or custody and care of children who are alleged to be or who have been found to be delinquent pursuant to chapter 985.~~

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

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

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

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

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

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

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

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

~~(22) "Diligent search" means the efforts of a social service agency to locate a parent or prospective parent whose identity or location is unknown, or a relative made known to the social services agency by the parent or custodian of a child. When the search is for a parent, prospective parent, or relative of a child in the custody of the department, this search must be initiated as soon as the agency is made aware of the existence of such parent, prospective parent, or relative. A diligent search shall include interviews with persons who are likely to have information about the identity or location of the person being sought, comprehensive database searches, and records searches, including searches of employment, residence, utilities, Armed Forces, vehicle registration, child support enforcement, law enforcement, and corrections records, and any other records likely to result in identifying and locating the person being sought. The initial diligent search must be completed within 90 days after a child is taken into custody. After the completion of the initial diligent search, the~~

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department, ~~unless excused by the court, shall have a continuing duty to search for relatives with whom it may be appropriate to place the child, until such relatives are found or until the child is placed for adoption.~~

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

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

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

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

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

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487 ~~(15)(25)~~ "Family in need of services" means a family that
488 has a child who is running away; who is ungovernable and
489 persistently disobeying reasonable and lawful demands of the
490 parent or legal custodian and is beyond the control of the
491 parent or legal custodian; or who is a habitual ~~habitually~~
492 truant ~~from school~~ or engaging in other serious behaviors that
493 place the child at risk of future abuse, neglect, or abandonment
494 or at risk of entering the juvenile justice system. The child
495 must be referred to a law enforcement agency, the department ~~of~~
496 ~~Juvenile Justice~~, or an agency contracted to provide services to
497 children in need of services. A family is not eligible to
498 receive voluntary family services if, at the time of the
499 referral, ~~there is an open investigation into an allegation of~~
500 ~~abuse, neglect, or abandonment or if~~ the child is currently
501 under court-ordered supervision by the department for
502 delinquency under chapter 985 or under court-ordered supervision
503 by of Juvenile Justice or the Department of Children and
504 Families under chapter 39 ~~due to an adjudication of dependency~~
505 ~~or delinquency.~~

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

509 ~~(16)(27)~~ "Habitual ~~Habitually~~ truant" has the same meaning
510 as in s. 1003.01(12). ~~means that:~~

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

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

~~If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 1003.26 and 1003.27(3) and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the State Attorney may, or the appropriate jurisdictional agency shall, file a child-in-need-of-services petition if recommended by the case staffing committee, unless it is determined that another alternative action is preferable. The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to~~

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~~return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in ss. 1003.26 and 1003.27(3) shall be handled as prescribed in s. 1003.27.~~

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

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

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

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561 (c) The recommendation by the assigned intake case manager
562 ~~juvenile probation officer~~ of judicial handling when appropriate
563 and warranted.

564 ~~(18)(29)~~ "Judge" means the circuit judge exercising
565 jurisdiction pursuant to this chapter.

566 ~~(30) "Juvenile justice continuum" includes, but is not~~
567 ~~limited to, delinquency prevention programs and services~~
568 ~~designed for the purpose of preventing or reducing delinquent~~
569 ~~acts, including criminal activity by criminal gangs and juvenile~~
570 ~~arrests, as well as programs and services targeted at children~~
571 ~~who have committed delinquent acts, and children who have~~
572 ~~previously been committed to residential treatment programs for~~
573 ~~delinquents. The term includes children-in-need-of-services and~~
574 ~~families-in-need-of-services programs; conditional release;~~
575 ~~substance abuse and mental health programs; educational and~~
576 ~~vocational programs; recreational programs; community services~~
577 ~~programs; community service work programs; and alternative~~
578 ~~dispute resolution programs serving children at risk of~~
579 ~~delinquency and their families, whether offered or delivered by~~
580 ~~state or local governmental entities, public or private for-~~
581 ~~profit or not-for-profit organizations, or religious or~~
582 ~~charitable organizations.~~

583 ~~(31) "Juvenile probation officer" means the authorized~~
584 ~~agent of the department who performs and directs intake,~~

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~~assessment, probation, or conditional release, and other related services.~~

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

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

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

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

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~~rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.~~

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

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

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

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

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

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

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

~~(25)(39)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). If a child has been legally adopted, the term "parent" means the adoptive mother or father

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of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.503(1) or s. 63.062(1).

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

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

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684 (28) "Physically secure shelter" means a department-
685 approved locked facility or locked unit within a facility for
686 the care of a child adjudicated a child in need of services who
687 is court ordered to be held pursuant to s. 984.226. A physically
688 secure shelter unit shall provide 24-hour, continuous
689 supervision. A physically secure shelter must be licensed by the
690 Department of Children and Families as a licensed child-caring
691 agency.

692 ~~(42) "Preliminary screening" means the gathering of~~
693 ~~preliminary information to be used in determining a child's need~~
694 ~~for further evaluation or assessment or for referral for other~~
695 ~~substance abuse services through means such as psychosocial~~
696 ~~interviews; urine and breathalyzer screenings; and reviews of~~
697 ~~available educational, delinquency, and dependency records of~~
698 ~~the child.~~

699 (29) (43) "Preventive services" means social services and
700 other supportive and evaluation and intervention rehabilitative
701 services provided to the child or the parent, of the child, the
702 legal guardian of the child, or the custodian of the child and
703 to the child for the purpose of averting the removal of the
704 child from the home or disruption of a family which will or
705 could result in an adjudication that orders the placement of a
706 child under dependency supervision into foster care or into the
707 delinquency system or that will or could result in the child
708 living on the street. Social services and other supportive and

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709 ~~rehabilitative~~ services may include the provision of assessment
710 and screening services; individual, group, or family counseling;
711 specialized educational and vocational services; temporary
712 voluntary shelter for the child; outreach services for children
713 living on the street; ~~independent living services to assist~~
714 ~~adolescents in achieving a successful transition to adulthood;~~
715 and other specialized services.

716 ~~(44) "Protective supervision" means a legal status in~~
717 ~~child-in-need-of-services cases or family-in-need-of-services~~
718 ~~cases which permits the child to remain in his or her own home~~
719 ~~or other placement under the supervision of an agent of the~~
720 ~~Department of Juvenile Justice or the Department of Children and~~
721 ~~Families, subject to being returned to the court during the~~
722 ~~period of supervision.~~

723 ~~(30)(45)~~ "Relative" means a grandparent, great-
724 grandparent, sibling, first cousin, aunt, uncle, great-aunt,
725 great-uncle, niece, or nephew, whether related by the whole or
726 half blood, by affinity, or by adoption. The term does not
727 include a stepparent.

728 ~~(31)(46)~~ "Reunification services" means social services
729 and other supportive ~~and rehabilitative~~ services provided to the
730 child and the parent of the child, the legal guardian of the
731 child, or the custodian of the child, whichever is applicable, ~~+~~
732 ~~the child; and, where appropriate, the foster parents of the~~
733 ~~child~~ for the purpose of assisting ~~enabling~~ a child who has been

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placed in temporary shelter care to return to his or her family at the most appropriate and effective ~~earliest possible~~ time based on the presenting concerns at intake. Social services and other supportive ~~and rehabilitative~~ services shall be consistent with the child's need for a safe, continuous, and stable living environment and shall promote the strengthening of family life whenever possible.

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

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

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~~for the temporary care of a child who is placed pursuant to s. 984.14.~~

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

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

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

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

~~(36)(53)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court,

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784 or other person until a more permanent arrangement is ordered.
785 Temporary legal custody confers upon the custodian the right to
786 have temporary physical custody of the child and the right and
787 duty to protect, train, and discipline the child and to provide
788 the child with food, shelter, and education, and ordinary
789 medical, dental, psychiatric, and psychological care, unless
790 these rights and duties are otherwise enlarged or limited by the
791 court order establishing the temporary legal custody
792 relationship.

793 ~~(37)(54)~~ "Truancy petition" means a petition filed by the
794 superintendent of schools under s. 984.151 for the purpose of
795 early truancy intervention alleging that a student subject to
796 compulsory school attendance has had at least five unexcused
797 absences, or absences for which the reasons are unknown, within
798 a calendar month or 10 unexcused absences, or absences for which
799 the reasons are unknown, within a 90-calendar-day period, or has
800 had more than 15 unexcused absences in a 90-calendar-day period.
801 ~~A truancy petition is filed and processed under s. 984.151.~~

802 (38) "Truant status offender" means a child subject to the
803 jurisdiction of the court under s. 984.151 who has been found by
804 the court to be truant while subject to compulsory education.
805 The court's jurisdiction is limited to entering orders to
806 require the child to attend school and participate in services
807 to encourage regular school attendance. A truant status offender
808 is not a delinquent child and may not be deemed to have

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809 committed a criminal or delinquent act solely due to failure to
810 attend school.

811 (39)-(55) "Violation of law" or "delinquent act" means a
812 violation of any law of this state, the United States, or any
813 other state which is a misdemeanor or a felony or a violation of
814 a county or municipal ordinance which would be punishable by
815 incarceration if the violation were committed by an adult.

816 (40) "Voluntary family services" means voluntary services
817 provided by the department or an agency designated by the
818 department to a family that has a child who is running away; who
819 is ungovernable by persistently disobeying reasonable and lawful
820 demands of the parent, legal guardian, or custodian and is
821 beyond the control of the parent, legal guardian, or custodian;
822 or who is a habitual truant or engaging in other serious
823 behaviors that place the child at risk of future abuse, neglect,
824 abandonment, or entering the juvenile justice system. The child
825 must be referred to the Department of Juvenile Justice or an
826 agency designated by the department to provide voluntary
827 services to families and children.

828 **Section 5. Section 984.04, Florida Statutes, is amended to**
829 **read:**

830 984.04 Early truancy intervention; families in need of
831 services and children in need of services; procedures and
832 jurisdiction.—

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~~(1) It is the intent of the Legislature to address the problems of families in need of services by providing them with an array of services designed to preserve the unity and integrity of the family and to emphasize parental responsibility for the behavior of their children. Services to families in need of services and children in need of services shall be provided on a continuum of increasing intensity and participation by the parent and child. Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through service, treatment, and family intervention after all available less restrictive resources have been exhausted. In creating this chapter, the Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this recognition, it shall be the policy of the state to develop short-term, temporary services and programs utilizing the least restrictive method for families in need of services and children in need of services.~~

~~(1)(2)~~ The department of Juvenile Justice shall be responsible for all nonjudicial proceedings involving voluntary

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857 a family ~~in need of~~ services for a family identified as a family
858 in need of services.

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

862 (2)(4) The circuit court shall have exclusive original
863 jurisdiction of judicial proceedings involving early truancy
864 intervention. When the jurisdiction of any child found to be
865 truant under s. 984.151 is obtained, the court may retain
866 jurisdiction for up to 180 days. The court must terminate
867 supervision and relinquish jurisdiction if the child has
868 substantially complied with the requirements of early truancy
869 intervention, is no longer subject to compulsory education, or
870 is adjudicated a child in need of services under s. 984.21
871 ~~continued placement of a child from a family in need of services~~
872 ~~in shelter.~~

873 (3)(5) The circuit court shall have exclusive original
874 jurisdiction of proceedings in which a child is alleged to be a
875 child in need of services. When the jurisdiction of any child
876 who has been found to be a child in need of services or the
877 parent, custodian, or legal guardian of such a child is
878 obtained, the court shall retain jurisdiction, unless
879 relinquished by its order or unless the department withdraws its
880 petition because the child no longer meets the definition of a
881 child in need of services as defined in s. 984.03, until the

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child reaches 18 years of age. This subsection does ~~shall~~ not be construed to prevent the exercise of jurisdiction by any other court having jurisdiction of the child ~~if the child commits a violation of law, is the subject of the dependency provisions under this chapter, or is the subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment.~~

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

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

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

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

984.06 Oaths, records, and confidential information.—

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve

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the records ~~pertaining to a child in need of services~~ until 10 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy them. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this chapter and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which are filed in the case.

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

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

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

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

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932 counsel at each court appearance. The court must appoint counsel
933 unless the child is not indigent and has counsel present to
934 represent the child or the record in that proceeding
935 affirmatively demonstrates by clear and convincing evidence that
936 the child knowingly and intelligently waived the right to
937 counsel after being fully advised by the court of the nature of
938 the proceedings and the dispositional alternatives available to
939 the court. If the child waives counsel at any proceeding, the
940 court shall advise the child with respect to the right to
941 counsel at every subsequent hearing.

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

945 (3) If the court appoints counsel for a child, and if the
946 child and his or her parents or legal guardians are indigent and
947 unable to employ counsel, the court must appoint an attorney to
948 represent the child under s. 27.511. Determination of indigence
949 and costs of representation shall be as provided by s. 57.082.
950 Legal counsel representing a child who exercises the right to
951 counsel may provide advice and counsel to the child at any time
952 after appointment.

953 (4) If the parents or legal guardians of an indigent child
954 are not indigent but refuse to employ counsel, the court shall
955 appoint counsel pursuant to s. 27.511 to represent the child
956 until counsel is provided. Costs of representation must be

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957 imposed as provided by s. 57.082. Thereafter, the court may not
958 appoint counsel for an indigent child with nonindigent parents
959 or legal guardians but shall order the parents or legal
960 guardians to obtain private counsel.

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

965 (b) An indigent child may have counsel appointed pursuant
966 to ss. 27.511 and 57.082 if the parents or legal guardians have
967 willfully refused to obey the court order to obtain counsel for
968 the child and have been punished by civil contempt. Costs of
969 representation must be imposed as provided by s. 57.082.

970 (5) If the court makes a finding that nonindigent parents
971 have made a good faith effort to participate in services and
972 remediate the child's behavior, but despite their good faith
973 efforts, the child's truancy, ungovernable behavior, or runaway
974 behavior has persisted, the court may appoint counsel to
975 represent the child as provided in s. 27.511.

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

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

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

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

984.071 Resources and information.—

(1) ~~The department of Juvenile Justice, in collaboration with the Department of Children and Families and the Department of Education,~~ shall develop and publish an information guide ~~packet~~ that explains the current process under this chapter for obtaining assistance for a child in need of services or a family in need of services and the community services and resources available to parents ~~of troubled or runaway children~~. The information guide shall be published in a written format for distribution and shall also be published on the department's

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1005 website. ~~In preparing the information packet, the Department of~~
1006 ~~Juvenile Justice shall work with school district~~
1007 ~~superintendents, juvenile court judges, county sheriffs, and~~
1008 ~~other local law enforcement officials in order to ensure that~~
1009 ~~the information packet lists services and resources that are~~
1010 ~~currently available within the county in which the packet is~~
1011 ~~distributed.~~ Each information guide ~~packet~~ shall be reviewed
1012 annually and updated as appropriate. The school district shall
1013 distribute this information guide ~~packet~~ to parents of truant
1014 children, and to other parents upon request or as deemed
1015 appropriate by the school district. In addition, the department
1016 ~~of Juvenile Justice~~ shall distribute the information guide
1017 ~~packet~~ to state and local law enforcement agencies. Any law
1018 enforcement officer who has contact with the parent of a child
1019 who is locked out of the home, who is ungovernable, or who runs
1020 away from home shall make the information guide available to the
1021 parent.

1022 (3) The Department of Education and the Department of
1023 Children and Families must each post the department's
1024 information guide on their respective websites.

1025 **Section 9.** Sections 984.08 and 984.085, Florida Statutes,
1026 are repealed.

1027 **Section 10.** **Section 984.0861, Florida Statutes, is created**
1028 **to read:**

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1029 984.0861 Prohibited use of detention.—A child under the
1030 jurisdiction of the court solely pursuant to this chapter may
1031 not be placed in:

1032 (1) Any form of detention care intended for the use of
1033 alleged juvenile delinquents as authorized under chapter 985 for
1034 any purpose.

1035 (2) A secure detention facility authorized for use under
1036 chapter 985 for any purpose.

1037 (3) Any jail or other similar facility used for the
1038 purpose of detention or confinement of adults for any purpose.

1039 **Section 11. Section 984.09, Florida Statutes, is amended**
1040 **to read:**

1041 984.09 Punishment for contempt of court; alternative
1042 sanctions.—

1043 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may
1044 punish any child for contempt for interfering with the court or
1045 with court administration, or for violating any provision of
1046 this chapter or order of the court relative thereto. It is the
1047 intent of the Legislature that the court restrict and limit the
1048 use of contempt powers and prohibit the use of detention care
1049 and secure detention facilities as provided in s. 984.0861 with
1050 ~~respect to commitment of a child to a secure facility.~~ A child
1051 who commits direct contempt of court or indirect contempt of a
1052 valid court order may be taken into custody and ordered to serve

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an alternative sanction or placed in a shelter ~~secure~~ facility,
as authorized in this section, by order of the court.

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

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

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

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1077 be placed in a physically secure shelter ~~setting~~ as provided
1078 under s. 984.226 if conditions of eligibility are met.

1079 (b) A child subject to proceedings under s. 984.151 who
1080 has been held in direct contempt or indirect contempt may only
1081 be placed, for 5 days for a first offense or 15 days for a
1082 second or subsequent offense, in a shelter operated by or
1083 contracted with the department for such services if a shelter
1084 bed is available. Upon a second or subsequent finding of
1085 contempt under this section, the court must refer the child to
1086 the case staffing committee with a recommendation to file a
1087 child in need of services petition.

1088 (c) Any shelter placement ordered under this section must
1089 be given as a cumulative sanction. Separate sanctions for the
1090 same act or series of acts within the same episode may not be
1091 imposed.

1092 (3) ALTERNATIVE SANCTIONS. ~~Each judicial circuit shall~~
1093 ~~have an alternative sanctions coordinator who shall serve under~~
1094 ~~the chief administrative judge of the juvenile division of the~~
1095 ~~circuit court, and who shall coordinate and maintain a spectrum~~
1096 ~~of contempt sanction alternatives in conjunction with the~~
1097 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~
1098 Upon determining that a child has committed direct contempt of
1099 court or indirect contempt of a valid court order, the court may
1100 immediately request the circuit alternative sanctions
1101 coordinator to recommend the most appropriate available

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alternative sanction and shall order the child to perform up to 50 hours of community-service ~~manual labor~~ or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the department ~~of Juvenile Justice~~ to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the ~~manual~~ labor of children and limited immunity in accordance with s. 768.28(11).

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

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

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

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1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.
2. Right to an explanation of the nature and the consequences of the proceedings.
3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 984.07 ~~s. 985.033~~.
4. Right to confront witnesses.
5. Right to present witnesses.
6. Right to have a transcript or record of the proceeding.
7. Right to appeal to an appropriate court.

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

(c) The court may not order that a child be placed in a shelter ~~secure facility~~ for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an

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1151 alternative sanction and did not comply with the alternative
1152 sanction. The court is encouraged to order a child to perform
1153 community service, up to the maximum number of hours, where
1154 appropriate before ordering that the child be placed in a
1155 shelter ~~secure facility~~ as punishment for contempt of court.

1156 ~~(d) In addition to any other sanction imposed under this~~
1157 ~~section, the court may direct the Department of Highway Safety~~
1158 ~~and Motor Vehicles to withhold issuance of, or suspend, a~~
1159 ~~child's driver license or driving privilege. The court may order~~
1160 ~~that a child's driver license or driving privilege be withheld~~
1161 ~~or suspended for up to 1 year for a first offense of contempt~~
1162 ~~and up to 2 years for a second or subsequent offense. If the~~
1163 ~~child's driver license or driving privilege is suspended or~~
1164 ~~revoked for any reason at the time the sanction for contempt is~~
1165 ~~imposed, the court shall extend the period of suspension or~~
1166 ~~revocation by the additional period ordered under this~~
1167 ~~paragraph. If the child's driver license is being withheld at~~
1168 ~~the time the sanction for contempt is imposed, the period of~~
1169 ~~suspension or revocation ordered under this paragraph shall~~
1170 ~~begin on the date on which the child is otherwise eligible to~~
1171 ~~drive. For a child in need of services whose driver license or~~
1172 ~~driving privilege is suspended under this paragraph, the court~~
1173 ~~may direct the Department of Highway Safety and Motor Vehicles~~
1174 ~~to issue the child a license for driving privileges restricted~~
1175 ~~to business or employment purposes only, as defined in s.~~

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1176 ~~322.271, or for the purpose of completing court-ordered~~
1177 ~~community service, if the child is otherwise qualified for a~~
1178 ~~license. However, the department may not issue a restricted~~
1179 ~~license unless specifically ordered to do so by the court.~~

1180 (5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created
1181 the position of alternative sanctions coordinator within each
1182 judicial circuit, ~~pursuant to subsection (3).~~ Each alternative
1183 sanctions coordinator shall serve under the direction of the
1184 chief administrative judge of the juvenile division as directed
1185 by the chief judge of the circuit. The alternative sanctions
1186 coordinator shall act as the liaison between the judiciary,
1187 local department officials, district school board employees, and
1188 local law enforcement agencies. The alternative sanctions
1189 coordinator shall coordinate within the circuit community-based
1190 alternative sanctions, including ~~nonsecure detention programs,~~
1191 ~~community service projects, and other juvenile sanctions, in~~
1192 ~~conjunction with the circuit plan implemented in accordance with~~
1193 ~~s. 790.22(4)(c).~~

1194 **Section 12. Section 984.10, Florida Statutes, is amended**
1195 **to read:**

1196 984.10 Intake.—

1197 (1) Intake shall be performed by the department or the
1198 department's authorized agent. A report ~~or complaint~~ alleging
1199 that a child is from a family in need of services shall be made
1200 to the intake office operating in the county in which the child

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1201 is found or in which the case arose. Any person or agency,
1202 including, but not limited to, the parent, ~~or~~ legal guardian, or
1203 custodian, the local school district, a law enforcement agency,
1204 or the Department of Children and Families, having knowledge of
1205 the facts may make a report ~~or complaint~~.

1206 (2) A representative of the department shall make a
1207 preliminary determination as to whether the report ~~or complaint~~
1208 is complete. The criteria for the completeness of a report ~~or~~
1209 ~~complaint~~ with respect to a child alleged to be from a family in
1210 need of services while subject to compulsory school attendance
1211 shall be governed by s. 984.03 ~~s. 984.03(27)~~. In any case in
1212 which the representative of the department finds that the report
1213 ~~or complaint~~ is incomplete, the representative of the department
1214 shall return the report ~~or complaint~~ without delay to the person
1215 or agency originating the report ~~or complaint~~ or having
1216 knowledge of the facts or to the appropriate law enforcement
1217 agency having investigative jurisdiction and request additional
1218 information in order to complete the report ~~or complaint~~.

1219 (3) If the representative of the department determines
1220 that in his or her judgment the interests of the family, the
1221 child, and the public will be best served by providing the
1222 family and child services and treatment voluntarily accepted by
1223 the child and the parents, ~~or~~ legal guardians, or custodians,
1224 the department's ~~departmental~~ representative may refer the
1225 family or child to an appropriate service ~~and treatment~~

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1226 provider. As part of the intake procedure, the department's
1227 ~~departmental~~ representative shall inform the parent, ~~or~~ legal
1228 ~~eustodian~~ guardian, or custodian, in writing, of the services
1229 currently and treatment available to the child and family by
1230 department providers and other ~~or~~ community agencies in the
1231 county in which the family is located, and the rights and
1232 responsibilities of the parent, ~~or~~ legal guardian, or custodian
1233 under this chapter. Upon admission, and depending on services, a
1234 staff member may be assigned to the family as deemed
1235 appropriate.

1236 (4) If the department reasonably believes ~~has reasonable~~
1237 ~~grounds to believe~~ that the child has been abandoned, abused, or
1238 neglected, it shall proceed pursuant to ~~the provisions of~~
1239 chapter 39 and report immediately to the central abuse hotline.

1240 **Section 13. Section 984.11, Florida Statutes, is amended**
1241 **to read:**

1242 984.11 Services to families ~~in need of services.~~

1243 (1) The department or its authorized agent shall provide
1244 an array of voluntary family services aimed at remediating
1245 school truancy, homelessness, and runaway and ungovernable
1246 behavior by children. Services and treatment to families in need
1247 of services shall be by voluntary agreement of the parent, ~~or~~
1248 legal guardian, or custodian and the child ~~or as directed by a~~
1249 ~~court order pursuant to s. 984.22.~~

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1250 (2) A family is not eligible to receive voluntary family
1251 services, if, at the time of the referral, the child is under
1252 court-ordered supervision by the department for delinquency
1253 under chapter 985 or court-ordered supervision by the Department
1254 of Children and Families under chapter 39. A child who has
1255 received a prearrest delinquency citation, or is receiving
1256 delinquency diversion services, may receive voluntary family
1257 services.

1258 (3) If there is a pending investigation into an allegation
1259 of abuse, neglect, or abandonment, the child may be eligible for
1260 voluntary family services if the Department of Children and
1261 Families agrees to the provision of services and makes a
1262 referral. An interagency agreement between the department and
1263 the Department of Children and Families shall govern this
1264 referral process, which is contingent on available funding. The
1265 department must notify the Department of Children and Families
1266 if a referral is declined.

1267 (4)(2) These services may include, but need not be limited
1268 to:

- 1269 (a) ~~Homemaker~~ or Parent aide services.
1270 (b) Intensive crisis counseling.
1271 (c) Parent training.
1272 (d) Individual, group, or family counseling.
1273 (e) Referral to community mental health services.
1274 (f) Prevention and diversion services.

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(g) Services provided by voluntary or community agencies.

(h) Runaway center services.

(i) Runaway shelter ~~Housekeeper~~ services.

(j) Referral for special educational, tutorial, or remedial services.

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

(l) Recreational services.

(m) Assessment.

(n) Case management.

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

(5)-(3)- The department shall advise the parents, ~~or~~ legal guardian, or custodian that they are responsible for contributing to the cost of the ~~child or family~~ services and ~~treatment~~ to the extent of their ability to pay. The parent is responsible for using health care insurance to the extent it is available for the provision of health services ~~The department shall set and charge fees for services and treatment provided to clients. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the~~

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~~amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.~~

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

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

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

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

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

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

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

(2) The composition of the case staffing committee shall be based on the needs of the family and child. It shall include a representative from the child's school district and a

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1324 representative of the department ~~of Juvenile Justice~~, and may
1325 include the department's authorized agent and a supervisor of
1326 the department's contracted provider; a representative from the
1327 area of health, mental health, substance abuse, or social, ~~or~~
1328 ~~educational~~ services; a representative of the state attorney; a
1329 representative of law enforcement ~~the alternative sanctions~~
1330 ~~coordinator~~; and any person recommended by the child, family, or
1331 department. The child and the child's parent, legal guardian, or
1332 custodian must be invited to attend the committee meeting.

1333 (3) The case staffing committee shall:

1334 (a) Identify the family's concerns and contributing
1335 factors.

1336 (b) Request the family and child to identify their needs
1337 and concerns.

1338 (c) Seek input from the school district and any other
1339 persons in attendance with knowledge of the family or child's
1340 situation and concerns.

1341 (d) Consider the voluntary family services or other
1342 community services that have been offered and the results of
1343 those services.

1344 (e) Identify whether truancy is a concern and evaluate
1345 compliance with the remedial strategies provided pursuant to s.
1346 1003.26.

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1347 (f) Reach a timely decision to provide the child or family
1348 with ~~needed~~ services and recommend any appropriate ~~and~~ treatment
1349 through the development of a plan for services.

1350 (4) The plan for services shall contain the following:

1351 (a) Statement of the concerns ~~problems~~.

1352 (b) Needs of the child.

1353 (c) Needs of the parents, legal guardian, or ~~legal~~
1354 custodian.

1355 (d) Measurable objectives that address the identified
1356 problems and needs.

1357 (e) Services and treatment to be provided, to include:

1358 1. Type of services or treatment.

1359 2. Frequency of services or treatment.

1360 3. Location.

1361 4. Accountable service providers or staff.

1362 (f) Timeframes for achieving objectives.

1363 (5) Upon receipt of the plan, the child and family shall
1364 acknowledge their position by accepting or rejecting the
1365 services and provisions in writing. If the plan is accepted, it
1366 shall be implemented as soon as is practicable.

1367 (6) The assigned case manager shall have responsibility ~~A~~
1368 ~~case manager shall be designated by the case staffing committee~~
1369 ~~to be responsible~~ for implementing the plan. The department's
1370 authorized agent ~~case manager~~ shall periodically review the

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1371 progress towards achieving the objectives of the plan in order
1372 to:

1373 (a) Advise the case staffing committee of the need to make
1374 adjustments to the plan; ~~or~~

1375 (b) Recommend a child in need of services petition be
1376 filed by the department; or

1377 (c) ~~(b)~~ Terminate the case as indicated by successful or
1378 substantial achievement of the objectives of the plan.

1379 (7) The parent, legal guardian, or ~~legal~~ custodian may
1380 convene a meeting of the case staffing committee, ~~and any other~~
1381 ~~member of the committee may convene a meeting if the member~~
1382 ~~finds that doing so is in the best interest of the family or~~
1383 ~~child.~~ A case staffing committee meeting requested by a parent,
1384 legal guardian, or ~~legal~~ custodian must be convened within 7
1385 days, excluding weekends and legal holidays, after the date the
1386 department's representative receives the request in writing.

1387 (8) Any other member of the committee may convene a
1388 meeting if voluntary family services have been offered and the
1389 services have been rejected by the child or family, or the child
1390 has not made measurable progress toward achieving the service
1391 plan goals, and the member finds that doing so is in the best
1392 interest of the family or child.

1393 (9) A case staffing committee meeting must be convened
1394 within 30 days after the date the case is referred by the court
1395 pursuant to s. 984.151.

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1396 ~~(10)(8)~~ Within 7 days after meeting, the case staffing
1397 committee shall provide the parent, legal guardian, or ~~legal~~
1398 custodian with a written report that details the reasons for the
1399 committee's decision to recommend, or decline to recommend, that
1400 the department file a petition alleging that the child is a
1401 child in need of services.

1402 (11) The case staffing committee may reconvene from time
1403 to time as may be necessary to make adjustments to the plan.

1404 **Section 15. Section 984.13, Florida Statutes, is amended**
1405 **to read:**

1406 984.13 Taking a child into custody ~~a child alleged to be~~
1407 ~~from a family in need of services or to be a child in need of~~
1408 ~~services.-~~

1409 (1) A child may be taken into custody:

1410 (a) By a law enforcement officer when the officer
1411 reasonably believes ~~has reasonable grounds to believe~~ that the
1412 child has run away from his or her parents, legal guardian, or
1413 ~~other legal~~ custodian.

1414 (b) By a designated school representative pursuant to s.
1415 1003.26(3) or a law enforcement officer when the officer
1416 reasonably believes ~~has reasonable grounds to believe~~ that the
1417 child is absent from school without authorization or is
1418 suspended or expelled and is not in the presence of his or her
1419 parent, ~~or~~ legal guardian, or custodian, for the purpose of
1420 delivering the child without unreasonable delay to the

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

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

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

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

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

(a) Release the child to a parent, legal guardian, ~~legal~~ custodian, or responsible adult relative and make a full written

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1446 report to the department's authorized agent for families in need
1447 of services within 3 days after release ~~or to a department-~~
1448 ~~approved family in need of services and child in need of-~~
1449 ~~services provider~~ if the person taking the child into custody
1450 reasonably believes ~~has reasonable grounds to believe~~ the child
1451 has run away from a parent, legal guardian, or ~~legal~~ custodian;
1452 is truant; or is ungovernable and beyond the control of the
1453 parent, legal guardian, or ~~legal~~ custodian; ~~following such~~
1454 ~~release, the person taking the child into custody shall make a~~
1455 ~~full written report to the intake office of the department~~
1456 ~~within 3 days; or~~

1457 (b) Deliver the child to a shelter when: ~~the department,~~
1458 ~~stating the facts by reason of which the child was taken into~~
1459 ~~eustody and sufficient information to establish probable cause~~
1460 ~~that the child is from a family in need of services.~~

1461 1. The parent, legal guardian, or custodian is unavailable
1462 to take immediate custody of the child;

1463 2. The child requested voluntary family services and
1464 shelter placement;

1465 3. A court order under this chapter for shelter placement
1466 has been issued; or

1467 4. The child and the parent, legal guardian, or custodian
1468 voluntarily agree the child is in need of temporary shelter
1469 placement and such placement is necessary to provide a safe
1470 place for the child to remain until the parents, legal

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guardians, or custodians and child can agree on conditions for the child's safe return home.

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

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

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

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

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

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

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

984.14 Voluntary shelter services placement; hearing.—

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

~~(a) To provide an opportunity for the child and family to agree upon conditions for the child's return home, when immediate placement in the home would result in a substantial~~

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1521 ~~likelihood that the child and family would not reach an~~
1522 ~~agreement; or~~

1523 ~~(b) Because a parent, custodian, or guardian is~~
1524 ~~unavailable to take immediate custody of the child.~~

1525 (2) If a child is sheltered due to being a runaway, or a
1526 parent, legal guardian, or custodian is unavailable, the shelter
1527 shall immediately attempt to make contact with the parent, legal
1528 guardian, or custodian to advise the family of the child's
1529 whereabouts, determine whether the child can safely return home,
1530 or determine whether the family is seeking temporary voluntary
1531 shelter services until they can arrange to take the child home.

1532 If the parent, legal guardian, or custodian cannot be located
1533 within 24 hours, the Department of Children and Families shall
1534 be contacted ~~If the department determines that placement in a~~
1535 ~~shelter is necessary according to the provisions of subsection~~
1536 ~~(1), the departmental representative shall authorize placement~~
1537 ~~of the child in a shelter provided by the community specifically~~
1538 ~~for runaways and troubled youth who are children in need of~~
1539 ~~services or members of families in need of services and shall~~
1540 ~~immediately notify the parents or legal custodians that the~~
1541 ~~child was taken into custody.~~

1542 ~~(3) A child who is involuntarily placed in a shelter shall~~
1543 ~~be given a shelter hearing within 24 hours after being taken~~
1544 ~~into custody to determine whether shelter placement is required.~~

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~~The shelter petition filed with the court shall address each condition required to be determined in subsection (1).~~

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

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

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

~~(7) A child who is adjudicated a child in need of services or alleged to be from a family in need of services or a child in need of services may not be placed in a secure detention~~

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~~facility or jail or any other commitment program for delinquent children under any circumstances.~~

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

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

984.15 Petition for a child in need of services.—

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

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

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

2. The family or child have refused ~~all~~ services described in ss. 984.11 and 984.12 after reasonable efforts by the

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department to involve the family and child in voluntary family
services ~~and treatment~~.

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

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

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

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

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

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

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1619 4. The department fails to provide a written report within
1620 7 days after the case staffing committee meets, as required
1621 under s. 984.12(10) ~~s. 984.12(8)~~.

1622 (b) The parent, legal guardian, or ~~legal~~ custodian must
1623 give the department prior written notice of intent to file the
1624 petition. If, at the arraignment hearing, the court finds that
1625 such written notice of intent to file the petition was not
1626 provided to the department, the court shall dismiss the
1627 petition, postpone the hearing until such written notice is
1628 given, or, if the department agrees, proceed with the
1629 arraignment hearing. The petition must be served on the
1630 department's office of general counsel.

1631 (c) The petition must be in writing and must set forth
1632 specific facts alleging that the child is a child in need of
1633 services ~~as defined in s. 984.03(9)~~. The petition must also
1634 demonstrate that the parent, legal guardian, or ~~legal~~ custodian
1635 has in good faith, but unsuccessfully, participated in the
1636 services and processes described in ss. 984.11 and 984.12.

1637 ~~(4)(d)~~ The petition must be signed by the petitioner under
1638 oath.

1639 ~~(5)(e)~~ The court, on its own motion or the motion of any
1640 party or the department, shall determine the legal sufficiency
1641 of a petition filed under ~~this~~ subsection (3) and may dismiss
1642 any petition that lacks sufficient grounds. In addition, the
1643 court shall verify that the child is not:

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1644 (a)1- The subject of a pending investigation into an
1645 allegation or suspicion of abuse, neglect, or abandonment;

1646 (b)2- The subject of a pending petition ~~referral~~ alleging
1647 that the child is delinquent; or

1648 (c)3- Under the current supervision of the department or
1649 the Department of Children and Families for an adjudication or
1650 withholding of adjudication of delinquency or dependency.

1651 (6)(4)- The form of the petition and any additional
1652 contents shall be determined by rules of procedure adopted by
1653 the Supreme Court.

1654 (7)(5)- The petitioner ~~department or the parent, guardian,~~
1655 ~~or legal custodian~~ may withdraw a petition at any time before
1656 ~~prior to~~ the child is ~~being~~ adjudicated a child in need of
1657 services.

1658 **Section 18. Section 984.151, Florida Statutes, is amended**
1659 **to read:**

1660 984.151 Early truancy intervention; truancy petition;
1661 judgment ~~prosecution; disposition.-~~

1662 (1) If the school determines that a student subject to
1663 compulsory school attendance has had at least five unexcused
1664 absences, or absences for which the reasons are unknown, within
1665 a calendar month or 10 unexcused absences, or absences for which
1666 the reasons are unknown, within a 90-calendar-day period
1667 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused
1668 absences in a 90-calendar-day period, the superintendent of

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1669 schools or his or her designee may file a truancy petition
1670 seeking early truancy intervention.

1671 (2) The petition shall be filed in the circuit in which
1672 the student is enrolled in school.

1673 (3) Original jurisdiction to hear a truancy petition shall
1674 be in the circuit court; however, the circuit court may use a
1675 general or special magistrate ~~master~~ pursuant to Supreme Court
1676 rules. Upon the filing of the petition, the clerk shall issue a
1677 summons to the parent, legal guardian, or ~~legal~~ custodian of the
1678 student, directing that person and the student to appear for a
1679 hearing at a time and place specified.

1680 (4) The petition must contain the following: the name,
1681 age, and address of the student; the name and address of the
1682 student's parent or guardian; the school where the student is
1683 enrolled; the efforts the school has made to get the student to
1684 attend school in compliance with s. 1003.26; the number of out-
1685 of-school contacts between the school system and student's
1686 parent or guardian; and the number of days and dates of days the
1687 student has missed school. The petition shall be sworn to by the
1688 superintendent or his or her designee.

1689 (5) Once the petition is filed, the court shall hear the
1690 petition within 30 days.

1691 (6) The student and the student's parent or guardian shall
1692 attend the hearing.

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

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

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

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

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

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1717 (e) The student and the student's parent, legal or
1718 guardian, or custodian to participate in services service
1719 provided by state or community voluntary or community agencies,
1720 if appropriate as available, including services for families in
1721 need of services as provided in s. 984.11;

1722 (f) The student and the student's parent, legal guardian,
1723 or custodian to attend meetings with school officials to address
1724 the child's educational needs, classroom assignment, class
1725 schedule, and other barriers to school attendance identified by
1726 the child's school, the child, or his or her family;

1727 (g) The student and the student's parent, legal guardian,
1728 or custodian to engage in learning activities provided by the
1729 school board as to why education is important and the potential
1730 impact on the child's future employment and education options if
1731 the attendance problem persists; or

1732 (h) and The student or the student's parent, legal or
1733 guardian, or custodian to participate in vocational or, job
1734 training, or employment services.

1735 (8) If the student does not substantially comply with
1736 compulsory school attendance and court-ordered services required
1737 under successfully complete the sanctions ordered in subsection
1738 (7), and the child meets the definition of a child in need of
1739 services, the case shall be referred by the court to the
1740 department's authorized agent for review by the case staffing
1741 committee under s. 984.12 with a recommendation to file a

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1742 petition for child in need of services ~~child in need of services~~
1743 ~~petition~~ under s. 984.15. The court shall review the case not
1744 less than every 45 days to determine whether the child is in
1745 substantial compliance with compulsory education or if the case
1746 should be referred to the case staffing committee in accord with
1747 this subsection.

1748 (9) If the student substantially complies with compulsory
1749 school attendance the court shall close the truancy case.

1750 (10) If the child is adjudicated a child in need of
1751 services pursuant to s. 984.21, the truancy case shall be closed
1752 and jurisdiction relinquished in accordance with s. 984.04.

1753 (11) The court may retain jurisdiction of any case in
1754 which the child is noncompliant with compulsory education and
1755 the child does not meet the definition of a child in need of
1756 services under this chapter until jurisdiction lapses pursuant
1757 to s. 984.04.

1758 (12) The court may not order a child placed in shelter
1759 pursuant to this section unless the court has found the child to
1760 be in contempt for violation of a court order under s. 984.09.

1761 (13)(9) The parent, legal guardian, or legal custodian and
1762 the student shall participate, as required by court order, in
1763 any sanctions or services required by the court under this
1764 section, and the court shall enforce such participation through
1765 its contempt power.

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

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

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

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

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

(5) The jurisdiction of the court shall attach to the child and the parent, legal guardian, or custodian, ~~or legal~~

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guardian of the child and the case when the summons is served upon the child or a parent, ~~or~~ legal guardian, or actual custodian of the child; ~~or~~ when the child is taken into custody with or without service of summons and after filing of a petition for a child in need of services; or when a party personally appears before the court whichever occurs first, and thereafter the court may control the child and case in accordance with this chapter.

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

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

984.17 Response to petition and representation of parties.—

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

(2) No answer to the petition or any other pleading need be filed by any child, parent, ~~or~~ legal guardian, or custodian,

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but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of an answer or any pleading, the child and ~~or~~ parent, legal guardian, or custodian shall, before ~~prior to~~ an adjudicatory hearing, be advised by the court of the right to counsel.

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

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

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

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

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1840 984.19 Medical screening and treatment of child;
1841 examination of parent, legal guardian, or person requesting
1842 custody.-

1843 (1) When any child is to be placed in shelter care, the
1844 department or its authorized agent may ~~is authorized to~~ have a
1845 medical screening provided for ~~performed on~~ the child without
1846 authorization from the court and without consent from a parent,
1847 legal or guardian, or custodian. Such medical screening shall be
1848 provided ~~performed~~ by a licensed health care professional and
1849 shall be to screen ~~examine~~ the child for injury, illness, and
1850 communicable diseases. In no case does this subsection authorize
1851 the department to consent to medical treatment for such
1852 children.

1853 (2) When ~~the department has performed~~ the medical
1854 screening authorized by subsection (1) or when it is otherwise
1855 determined by a licensed health care professional that a child
1856 is in need of medical treatment, consent for medical treatment
1857 shall be obtained in the following manner:

1858 (a)1. Consent to medical treatment shall be obtained from
1859 a parent, legal or guardian, or custodian of the child; or

1860 2. A court order for such treatment shall be obtained.

1861 (b) If a parent, legal or guardian, or custodian of the
1862 child is unavailable and his or her whereabouts cannot be
1863 reasonably ascertained, and it is after normal working hours so
1864 that a court order cannot reasonably be obtained, an authorized

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

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

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

(3) A judge may order that a child alleged to be or adjudicated a child in need of services be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the Department of Children and Families or Agency for Persons with

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1890 Disabilities. The judge may order a family assessment if that
1891 assessment was not completed at an earlier time. If it is
1892 necessary to place a child in a residential facility for such
1893 evaluation, then the criteria and procedure established in s.
1894 394.463(2) or chapter 393 shall be used, whichever is
1895 applicable. The educational needs assessment provided by the
1896 district school board educational needs assessment team shall
1897 include, but not be limited to, reports of intelligence and
1898 achievement tests, screening for learning disabilities and other
1899 handicaps, and screening for the need for alternative education
1900 pursuant to s. 1003.53.

1901 (4) A judge may order that a child alleged to be or
1902 adjudicated a child in need of services be treated by a licensed
1903 health care professional. The judge may also order such child to
1904 receive mental health or intellectual disability services from a
1905 psychiatrist, psychologist, or other appropriate service
1906 provider. If it is necessary to place the child in a residential
1907 facility for such services, the procedures and criteria
1908 established in s. 394.467 or chapter 393 shall be used, as
1909 applicable. A child may be provided services in emergency
1910 situations pursuant to the procedures and criteria contained in
1911 s. 394.463(1) or chapter 393, as applicable.

1912 (5) When there are indications of physical injury or
1913 illness, a licensed health care professional shall be

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1914 immediately contacted ~~called~~ or the child shall be taken to the
1915 nearest available hospital for emergency care.

1916 (6) Except as otherwise provided herein, ~~nothing in this~~
1917 section does not ~~shall be deemed to~~ eliminate the right of a
1918 parent, legal a guardian, or custodian, or the child to consent
1919 to examination or treatment for the child.

1920 (7) Except as otherwise provided herein, ~~nothing in this~~
1921 section does not ~~shall be deemed to~~ alter the provisions of s.
1922 743.064.

1923 (8) A court may order ~~shall not be precluded from ordering~~
1924 services or treatment to be provided to the child by a duly
1925 accredited practitioner who relies solely on spiritual means for
1926 healing in accordance with the tenets and practices of a church
1927 or religious organization, when required by the child's health
1928 and when requested by the child.

1929 (9) ~~Nothing in~~ This section does not ~~shall be construed to~~
1930 authorize the permanent sterilization of the child, unless such
1931 sterilization is the result of or incidental to medically
1932 necessary treatment to protect or preserve the life of the
1933 child.

1934 (10) For the purpose of obtaining an evaluation or
1935 examination or receiving treatment as authorized pursuant to
1936 this section, no child ~~alleged to be or found to be a child from~~
1937 ~~a family in need of services or a child in need of services~~
1938 shall be placed in a detention facility or other program used

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1939 primarily for the care and custody of children alleged or found
1940 to have committed delinquent acts.

1941 (11) The parents, legal guardian, or custodian ~~guardian~~ of
1942 a child alleged to be or adjudicated a child in need of services
1943 remain financially responsible for the cost of medical treatment
1944 provided to the child even if one or both of the parents or if
1945 the legal guardian, or custodian did not consent to the medical
1946 treatment. After a hearing, the court may order the parents, ~~legal~~
1947 legal ~~or~~ guardian, or custodian, if found able to do so, to
1948 reimburse the department or other provider of medical services
1949 for treatment provided.

1950 (12) A judge may order a child under its jurisdiction to
1951 submit to substance abuse evaluation, testing, and treatment in
1952 accordance with s. 397.706 ~~Nothing in this section alters the~~
1953 ~~authority of the department to consent to medical treatment for~~
1954 ~~a child who has been committed to the department pursuant to s.~~
1955 ~~984.22(3) and of whom the department has become the legal~~
1956 ~~eustodian.~~

1957 (13) At any time after the filing of a petition for a
1958 child in need of services, when the mental or physical
1959 condition, including the blood group, of a parent, guardian, or
1960 other person requesting custody of a child is in controversy,
1961 the court may order the person to submit to a physical or mental
1962 examination by a qualified professional. The order may be made

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only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

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

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

(1) ARRAIGNMENT HEARING.—

(a) The clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing of the child in need of services petition. The court shall advise the child and the parent, legal guardian, or custodian of the right to counsel as provided in s. 984.07. ~~When a child has been taken into custody by order of the court, an arraignment hearing shall be held within 7 days after the date the child is taken into custody.~~ The hearing shall be held for the child and the parent, legal guardian, or custodian to admit, deny, or consent to findings that a child is in need of services as alleged in the petition. If the child and the parent, legal guardian, or custodian admit or consent to the findings in the petition, the court shall adjudicate the child a child in need of services and proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, legal guardian, or custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within a reasonable

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1987 time after the date of the arraignment hearing ~~7 days after the~~
1988 ~~date of the arraignment hearing.~~

1989 (b) The court may grant a continuance of the arraignment
1990 hearing ~~When a child is in the custody of the parent, guardian,~~
1991 ~~or custodian, upon the filing of a petition, the clerk shall set~~
1992 ~~a date for an arraignment hearing within a reasonable time from~~
1993 ~~the date of the filing of the petition. if the child or and the~~
1994 ~~parent, legal guardian, or custodian request a continuance to~~
1995 ~~obtain an attorney. The case shall be rescheduled for an~~
1996 ~~arraignment hearing within a reasonable period of time to allow~~
1997 ~~for consultation admit or consent to an adjudication, the court~~
1998 ~~shall proceed as set forth in the Florida Rules of Juvenile~~
1999 ~~Procedure. However, if either the child or the parent, guardian,~~
2000 ~~or custodian denies any of the allegations of child in need of~~
2001 ~~services, the court shall hold an adjudicatory hearing within a~~
2002 ~~reasonable time from the date of the arraignment hearing.~~

2003 (c) If at the arraignment hearing the child and the
2004 parent, legal guardian, or custodian consents or admits to the
2005 allegations in the petition and the court determines that the
2006 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(e)~~,
2007 the court shall proceed to hold a disposition hearing at the
2008 earliest practicable time that will allow for the completion of
2009 a predisposition study.

2010 (d) Failure of a person served with notice to appear at
2011 the arraignment hearing constitutes the person's consent to the

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2012 adjudication of the child as a child in need of services. The
2013 document containing the notice to respond or appear must
2014 contain, in type as large as the balance of the document, the
2015 following or substantially similar language:

2016
2017 FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING
2018 CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD
2019 AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE
2020 COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE
2021 CHILD INTO SHELTER.

2022
2023 If a person appears for the arraignment hearing and the court
2024 orders that person to appear, either physically or through
2025 audio-video communication technology, at the adjudicatory
2026 hearing for the child in need of services case, stating the
2027 date, time, place, and, if applicable, the instructions for
2028 appearance through audio-video communication technology, of the
2029 adjudicatory hearing, that person's failure to appear for the
2030 scheduled adjudicatory hearing constitutes consent to
2031 adjudication of the child as a child in need of services.

2032 (2) ADJUDICATORY HEARING.—

2033 (a) The adjudicatory hearing shall be held as soon as
2034 practicable after the petition for a child in need of services
2035 is filed and in accordance with the Florida Rules of Juvenile
2036 Procedure, but reasonable delay for the purpose of

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2037 investigation, discovery, or procuring counsel or witnesses
2038 shall, whenever practicable, be granted. ~~If the child is in~~
2039 ~~custody, the adjudicatory hearing shall be held within 14 days~~
2040 ~~after the date the child was taken into custody.~~

2041 (b) Adjudicatory hearings shall be conducted by the judge
2042 without a jury, applying the rules of evidence in use in civil
2043 cases and adjourning the hearings from time to time as
2044 necessary. In an adjudicatory a hearing ~~on a petition in which~~
2045 ~~it is alleged that the child is a child in need of services~~, a
2046 preponderance of evidence shall be required to establish that
2047 the child is in need of services. If the court finds the
2048 allegations are proven by a preponderance of evidence and the
2049 child is a child in need of services, the court shall enter an
2050 order of adjudication.

2051 (c) All hearings, except as hereinafter provided, shall be
2052 open to the public, and no person shall be excluded therefrom
2053 except on special order of the judge who, in his or her
2054 discretion, may close any hearing to the public when the public
2055 interest or the welfare of the child, in his or her opinion, is
2056 best served by so doing. Hearings involving more than one child
2057 may be held simultaneously when the several children involved
2058 are related to each other or were involved in the same case. The
2059 child and the parent, legal guardian, or custodian of the child
2060 may be examined separately and apart from each other.

2061 (3) DISPOSITION HEARING.—

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2062 (a) At the disposition hearing, ~~if the court finds that~~
2063 ~~the facts alleged in the petition of a child in need of services~~
2064 ~~were proven in the adjudicatory hearing,~~ the court shall receive
2065 and consider a predisposition study, which shall be in writing
2066 and be presented by an authorized agent of the department or its
2067 provider.

2068 ~~(a)~~ The predisposition study shall cover:

2069 1. All treatment and services that the parent, legal
2070 guardian, or custodian and child received.

2071 2. The love, affection, and other emotional ties existing
2072 between the family ~~parents~~ and the child.

2073 3. The capacity and disposition of the parents, legal
2074 guardian, or custodian to provide the child with food, clothing,
2075 medical care or other remedial care recognized and permitted
2076 under the laws of this state in lieu of medical care, and other
2077 material needs.

2078 4. The length of time that the child has lived in a
2079 stable, satisfactory environment and the desirability of
2080 maintaining continuity.

2081 5. The permanence, as a family unit, of the existing or
2082 proposed custodial home.

2083 6. The moral fitness of the parents, legal guardian, or
2084 custodian.

2085 7. The mental and physical health of the family.

2086 8. The home, school, and community record of the child.

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2087 9. The reasonable preference of the child, if the court
2088 deems the child to be of sufficient intelligence, understanding,
2089 and experience to express a preference.

2090 10. Any other factor considered by the court to be
2091 relevant.

2092 (b) The predisposition study also shall provide the court
2093 with documentation regarding:

2094 1. The availability of appropriate prevention, services,
2095 and treatment for the parent, legal guardian, custodian, and
2096 child to prevent the removal of the child from the home or to
2097 reunify the child with the parent, legal guardian, or custodian
2098 after removal or to reconcile the problems between the family
2099 ~~parent, guardian, or custodian~~ and the child.†

2100 2. The inappropriateness of other prevention, treatment,
2101 and services that were available.†

2102 3. The efforts by the department to prevent shelter ~~out-~~
2103 ~~of-home~~ placement of the child or, when applicable, to reunify
2104 the parent, legal guardian, or custodian if appropriate services
2105 were available.†

2106 4. Whether voluntary family ~~the~~ services were provided.†

2107 5. If the voluntary family services and treatment were
2108 provided, whether they were sufficient to meet the needs of the
2109 child and the family and to enable the child to remain at home
2110 or to be returned home.†

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2111 6. If the voluntary family services and treatment were not
2112 provided, the reasons for such lack of provision. ~~and~~

2113 7. The need for, or appropriateness of, continuing such
2114 treatment and services if the child remains in the custody of
2115 the parent, legal guardian, or custodian or if the child is
2116 placed outside the home.

2117 (c) If placement of the child with anyone other than the
2118 child's parent, legal guardian, or custodian is being
2119 considered, the study shall include the designation of a
2120 specific length of time as to when custody by the parent, legal
2121 guardian, or custodian shall be reconsidered.

2122 (d) A copy of this predisposition study shall be furnished
2123 to the person having custody of the child at the time such
2124 person is notified of the disposition hearing.

2125 (e) After review of the predisposition study and other
2126 relevant materials, the court shall hear from the parties and
2127 consider all recommendations for court-ordered services,
2128 evaluations, treatment and required actions designed to remedy
2129 the child's truancy, ungovernable behavior, or running away. The
2130 court shall enter an order of disposition.

2131
2132 Any other relevant and material evidence, including other
2133 written or oral reports, may be received by the court in its
2134 effort to determine the action to be taken with regard to the
2135 child and may be relied upon to the extent of its probative

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2136 value, even though not competent in an adjudicatory hearing.
2137 Except as provided in paragraph (2)(c), ~~nothing in this section~~
2138 does not shall prohibit the publication of proceedings in a
2139 hearing.

2140 (4) REVIEW HEARINGS.—

2141 (a) The court shall hold a review hearing within 45 days
2142 after the disposition hearing. Additional review hearings may be
2143 held as necessary, allowing sufficient time for the child and
2144 family to work toward compliance with the court orders and
2145 monitoring by the case manager. No longer than 90 days may
2146 elapse between judicial review hearings but no less than 45 days
2147 after the date of the last review hearing.

2148 (b) The parent, legal guardian, or custodian and the child
2149 shall be noticed to appear for the review hearing. The
2150 department must appear at the review hearing. If the parent,
2151 legal guardian, or custodian does not appear at a review
2152 hearing, or if the court finds good cause to waive the child's
2153 presence, the court may proceed with the hearing and enter
2154 orders that affect the child and family accordingly.

2155 (c) ~~(b)~~ At the review hearings, the court shall consider
2156 the department's judicial review summary. The court shall close
2157 the case if the child has substantially complied with the case
2158 plans and court orders and no longer requires continued court
2159 supervision, subject to the case being reopened. Upon request of
2160 the petitioner, the court may close the case and relinquish

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jurisdiction. If the child has significantly failed to comply with the case plan or court orders, the child shall continue to be a child in need of services and reviewed by the court as needed. At review hearings, the court may enter further orders to adjust the services case plan to address the family needs and compliance with court orders, including, but not limited to, ordering the child placed in shelter, but no less than 45 days after the date of the last review hearing.

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

984.21 Orders of adjudication.—

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

~~(2) If the court finds that the child named in the petition is a child in need of services, but finds that no action other than supervision in the home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child and family under the supervision of the department. If the court later finds that the parent, guardian, or custodian of the child have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of the child in need of services, enter an order of adjudication and~~

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2186 ~~shall thereafter have full authority under this chapter to~~
2187 ~~provide for the child as adjudicated.~~

2188 (3) If the court finds by a preponderance of evidence that
2189 the child named in a petition is a child in need of services,
2190 ~~but elects not to proceed under subsection (2),~~ it shall
2191 incorporate that finding in an order of adjudication entered in
2192 the case, briefly stating the facts upon which the finding is
2193 made, and the court shall thereafter have full authority under
2194 this chapter to provide for the child as adjudicated.

2195 (1)(4) An order of adjudication by a court that a child is
2196 a child in need of services is a civil adjudication, and is
2197 ~~services shall~~ not be deemed a conviction, nor shall the child
2198 be deemed to have been found guilty or to be a delinquent or
2199 criminal by reason of ~~that~~ adjudication, nor shall that
2200 adjudication operate to impose upon the child any of the civil
2201 disabilities ordinarily imposed by or resulting from conviction
2202 or disqualify or prejudice the child in any civil service
2203 application or appointment.

2204 **Section 25. Section 984.22, Florida Statutes, is amended**
2205 **to read:**

2206 984.22 Powers of disposition.—

2207 (1) If the court finds that services and treatment have
2208 not been provided or used ~~utilized~~ by a child or family, the
2209 court having jurisdiction of the child in need of services shall

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2210 have the power to direct the least intrusive and least
2211 restrictive disposition, as follows:

2212 (a) Order the parent, legal guardian, or custodian and the
2213 child to participate in treatment, services, and any other
2214 alternative identified as necessary.

2215 (b) Order the parent, legal guardian, or custodian to pay
2216 a fine or fee based on the recommendations of the department.

2217 (2) When any child is adjudicated by the court to be a
2218 child in need of services, the court having jurisdiction of the
2219 child and parent, legal guardian, or custodian shall have the
2220 power, by order, to:

2221 (a) Place the child under the supervision of the
2222 department's authorized agent ~~contracted~~ provider of programs
2223 and services for children in need of services and families in
2224 need of services. The term "supervision," for the purposes of
2225 this section, means services as defined by the contract between
2226 the department and the provider.

2227 (b) Place the child in the temporary legal custody of an
2228 adult willing to care for the child.

2229 (c) Commit the child to a licensed child-caring agency
2230 willing to receive the child and to provide services without
2231 compensation from the department.

2232 (d) Order the child, and, if the court finds it
2233 appropriate, the parent, legal guardian, or custodian of the
2234 child, to render community service in a public service program.

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

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the child has been placed with an adult willing to care for the child, or a licensed child-caring agency, ~~the Department of Juvenile Justice, or the Department of Children and Families,~~ the court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of such child, to pay child support to the adult relative caring for the child, the licensed child-caring agency, ~~the department of Juvenile Justice,~~ or the Department of Children and Families. When such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. If the court determines that the parent is unable to pay support, placement of the child shall not be contingent upon issuance of a support order. The department may employ a collection agency to receive, collect, and manage ~~for the purpose of receiving, collecting, and managing~~ the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the

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collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

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

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

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

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

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

(1) ~~Subject to specific legislative appropriation,~~ The court may order that a child adjudicated as a child in need of

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services be placed in shelter to enforce the court's orders, to ensure the child attends school, to ensure the child receives needed counseling, and to ensure the child adheres to a service plan. While a child is in a shelter, the child shall receive education commensurate with his or her grade level and educational ability. The department, or the department's authorized agent, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized agent verifies that a bed is not available, the department shall place the child's name on a waiting list. The child who has been on the waiting list the longest shall get the next available bed. ~~for up to 90 days in a staff-secure shelter if:~~

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

(3) Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or custodian with respect to the child, except

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2309 to the extent that those responsibilities are temporarily
2310 altered by court order.

2311 (a) The court may order any child adjudicated a child in
2312 need of services to be placed in shelter for up to 35 days.

2313 (b) After other alternative, less restrictive, remedies
2314 have been exhausted, the child may be placed in shelter for up
2315 to 90 days if:

2316 1. ~~(a)~~ The child's parent, legal guardian, or legal
2317 custodian refuses to provide food, clothing, shelter, and
2318 necessary parental support for the child and the refusal is a
2319 direct result of an established pattern of significant
2320 disruptive behavior of the child in the home of the parent,
2321 legal guardian, or legal custodian;

2322 2. ~~(b)~~ The child refuses to remain under the reasonable
2323 care and custody of the ~~his or her~~ parent, legal guardian, or
2324 legal custodian, as evidenced by repeatedly running away and
2325 failing to comply with a court order; or

2326 3. ~~(c)~~ The child has failed to successfully complete an
2327 alternative treatment program or to comply with a court-ordered
2328 services sanction and the child has been placed in a shelter
2329 residential program on at least one prior occasion pursuant to a
2330 court order after the child has been adjudicated a child in need
2331 of services under this chapter.

2332 (4) The court shall review the child's 90-day shelter
2333 placement within 45 days after the child's placement and

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determine whether continued shelter is deemed necessary. The court shall also determine whether the parent, legal guardian, or custodian has reasonably participated in the child's counseling and treatment program, and is following the recommendations of the program to work toward reunification. The court shall also determine whether the department's reunification efforts have been reasonable. If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the shelter commitment period, the court shall direct a staffing to take place with the Department of Children and Families.

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

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

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1405 (2025)

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2359 ~~and family, in accordance with the family's ability to pay as~~
2360 ~~determined by the court. Commitment of a child under this~~
2361 ~~section is designed to provide residential care on a temporary~~
2362 ~~basis. Such commitment does not abrogate the legal~~
2363 ~~responsibilities of the parent, guardian, or legal custodian~~
2364 ~~with respect to the child, except to the extent that those~~
2365 ~~responsibilities are temporarily altered by court order.~~

2366 ~~(4) While a child is in a staff-secure shelter, the child~~
2367 ~~shall receive education commensurate with his or her grade level~~
2368 ~~and educational ability.~~

2369 (5) If a child has not been reunited with his or her
2370 parent, legal guardian, or ~~legal~~ custodian at the expiration of
2371 the 90-day commitment period, the court may order that the child
2372 remain in the ~~staff-secure~~ shelter for an additional 30 days if
2373 the court finds that reunification could be achieved within that
2374 period.

2375 ~~(6)~~ The department is deemed to have exhausted the
2376 reasonable remedies offered under this chapter if, at the end of
2377 the 90-day shelter ~~commitment~~ period, the parent, legal
2378 guardian, or ~~legal~~ custodian continues to refuse to allow the
2379 child to remain at home or creates unreasonable conditions for
2380 the child's return. If, at the end of the 90-day shelter
2381 ~~commitment~~ period, the child is not reunited with his or her
2382 parent, legal guardian, or custodian due solely to the continued
2383 refusal of the parent, legal guardian, or custodian to provide

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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2384 food, clothing, shelter, and parental support, the child is
2385 considered to be threatened with harm as a result of such acts
2386 or omissions, and the court shall direct that the child be
2387 handled in every respect as a dependent child. Jurisdiction
2388 shall be transferred to the custody of the Department of
2389 Children and Families, and the child's care shall be governed
2390 under the relevant provisions of chapter 39. The department
2391 shall coordinate with the Department of Children and Families as
2392 provided in s. 984.086. The clerk of court shall serve the
2393 Department of Children and Families with any court order of
2394 referral.

2395 ~~(7) The court shall review the child's commitment once~~
2396 ~~every 45 days as provided in s. 984.20. The court shall~~
2397 ~~determine whether the parent, guardian, or custodian has~~
2398 ~~reasonably participated in and financially contributed to the~~
2399 ~~child's counseling and treatment program. The court shall also~~
2400 ~~determine whether the department's efforts to reunite the family~~
2401 ~~have been reasonable. If the court finds an inadequate level of~~
2402 ~~support or participation by the parent, guardian, or custodian~~
2403 ~~prior to the end of the commitment period, the court shall~~
2404 ~~direct that the child be handled in every respect as a dependent~~
2405 ~~child. Jurisdiction shall be transferred to the Department of~~
2406 ~~Children and Families, and the child's care shall be governed~~
2407 ~~under the relevant provisions of chapter 39.~~

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2408 ~~(6)-(8)~~ If the child requires residential mental health
2409 treatment or residential care for a developmental disability,
2410 the court shall refer the child to the Agency for Persons with
2411 Disabilities or to the Department of Children and Families for
2412 the provision of necessary services.

2413 **Section 27. Section 984.226, Florida Statutes, is amended**
2414 **to read:**

2415 984.226 Physically secure shelter ~~setting~~.—

2416 (1) Subject to specific legislative appropriation, the
2417 department ~~of Juvenile Justice~~ shall establish or contract for
2418 physically secure shelters ~~settings designated exclusively~~ for
2419 the placement of children in need of services who meet the
2420 criteria provided in this section.

2421 ~~(2) When a petition is filed alleging that a child is a~~
2422 ~~child in need of services, the child must be represented by~~
2423 ~~counsel at each court appearance unless the record in that~~
2424 ~~proceeding affirmatively demonstrates by clear and convincing~~
2425 ~~evidence that the child knowingly and intelligently waived the~~
2426 ~~right to counsel after being fully advised by the court of the~~
2427 ~~nature of the proceedings and the dispositional alternatives~~
2428 ~~available to the court under this section. If the court decides~~
2429 ~~to appoint counsel for the child and if the child is indigent,~~
2430 ~~the court shall appoint an attorney to represent the child as~~
2431 ~~provided under s. 985.033. Nothing precludes the court from~~

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~~requesting reimbursement of attorney's fees and costs from the nonindigent parent or legal guardian.~~

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

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

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

The department or an authorized agent ~~representative~~ of the department must verify to the court that a bed is available for the child in a physically secure shelter. If a bed is not available in a physically secure shelter, the court must stay the placement until such a bed is available, and the department must place the child's name on a waiting list. The child who has been on the waiting list the longest has first priority for placement in the physically secure shelter. Physically secure shelter placement may only be used when the child cannot receive appropriate and available services due to the child running away

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2457 or refusing to cooperate with attempts to provide services in
2458 other less restrictive placements ~~setting~~.

2459 (3)-(4) A child may be placed in a physically secure
2460 shelter ~~setting~~ for up to 90 days by order of the court. If a
2461 child has not been reunited with his or her parent, legal
2462 guardian, or ~~legal~~ custodian at the expiration of the placement
2463 in a physically secure shelter ~~setting~~, the court may order that
2464 the child remain in the physically secure shelter ~~setting~~ for an
2465 additional 30 days if the court finds that reunification could
2466 be achieved within that period.

2467 (4)-(5) (a) The court shall review the child's placement
2468 once within every 45 days to determine whether the child can be
2469 returned home with the provision of ongoing services ~~as provided~~
2470 ~~in s. 984.20.~~

2471 (b) At any time during the placement of a child in need of
2472 services in a physically secure shelter ~~setting~~, the department
2473 or an authorized agent ~~representative~~ of the department may
2474 submit to the court a report that recommends:

2475 1. That the child has received all of the services
2476 available from the physically secure shelter ~~setting~~ and is
2477 ready for reunification with a parent or guardian; or

2478 2. That the child is unlikely to benefit from continued
2479 placement in the physically secure shelter ~~setting~~ and is more
2480 likely to have his or her needs met in a different type of
2481 placement. The court may order that the child be transitioned

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2482 from a physically secure shelter to a shelter placement as
2483 provided in s. 984.225 upon a finding that the physically secure
2484 shelter is no longer necessary for the child's safety and to
2485 provide needed services.

2486 (c) The court shall determine if the parent, legal
2487 guardian, or custodian has reasonably participated in and has
2488 ~~financially~~ contributed to or participated in the child's
2489 counseling and treatment program.

2490 (d) If the court finds an inadequate level of support or
2491 participation by the parent, legal guardian, or custodian before
2492 the end of the placement, the court shall direct a staffing to
2493 take place with the Department of Children and Families ~~that the~~
2494 ~~child be handled as a dependent child, jurisdiction shall be~~
2495 ~~transferred to the Department of Children and Families, and the~~
2496 ~~child's care shall be governed by chapter 39.~~

2497 (e) If the child requires long-term residential mental
2498 health treatment or residential care for a developmental
2499 disability, the court shall refer the child to the Department of
2500 Children and Families or the Agency for Persons with
2501 Disabilities for the provision of necessary services. The clerk
2502 of court shall serve the Agency for Persons with Disabilities or
2503 the Department of Children and Families with any court order of
2504 referral.

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2505 ~~(5)(6)~~ Prior to being ordered to a physically secure
2506 shelter setting, the child must be afforded all rights of due
2507 process required under s. 984.07 ~~985.037~~.

2508 (6) While in the physically secure shelter setting, the
2509 child shall receive appropriate assessment, intervention,
2510 treatment, and educational services that are designed to
2511 eliminate or reduce the child's truant, ungovernable, or runaway
2512 behavior. The child and family shall be provided with individual
2513 and family counseling and other support services necessary for
2514 reunification.

2515 (7) The court shall order the parent, legal guardian, or
2516 ~~legal~~ custodian to cooperate with efforts to reunite the child
2517 with the family, participate in counseling, and pay all costs
2518 associated with the care and counseling provided to the child
2519 and family, in accordance with the child's insurance and the
2520 family's ability to pay as determined by the court. Placement of
2521 a child under this section is designed to provide residential
2522 care on a temporary basis. Such placement does not abrogate the
2523 legal responsibilities of the parent, legal guardian, or ~~legal~~
2524 custodian with respect to the child, except to the extent that
2525 those responsibilities are temporarily altered by court order.

2526 **Section 28.** Section 985.731, Florida Statutes, is
2527 transferred and renumbered as section 787.035, Florida Statutes.

2528 **Section 29. Subsection (9) of section 985.03, Florida**
2529 **Statutes, is amended to read:**

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

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

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

985.24 Use of detention; prohibitions.—

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

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

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

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2555 school attendance of all students subject to the compulsory
2556 school age in the school district and supporting enforcement of
2557 school attendance by local law enforcement agencies. The
2558 responsibility includes recommending policies and procedures to
2559 the district school board that require public schools to respond
2560 in a timely manner to every unexcused absence, and every absence
2561 for which the reason is unknown, of students enrolled in the
2562 schools. District school board policies shall require the parent
2563 of a student to justify each absence of the student, and that
2564 justification will be evaluated based on adopted district school
2565 board policies that define excused and unexcused absences. The
2566 policies must provide that public schools track excused and
2567 unexcused absences and contact the home in the case of an
2568 unexcused absence from school, or an absence from school for
2569 which the reason is unknown, to prevent the development of
2570 patterns of nonattendance. The Legislature finds that early
2571 intervention in school attendance is the most effective way of
2572 producing good attendance habits that will lead to improved
2573 student learning and achievement. Each public school is required
2574 to ~~shall~~ implement the following steps to promote and enforce
2575 regular school attendance:

2576 (1) CONTACT, REFER, AND ENFORCE.—

2577 (a) Upon each unexcused absence, or absence for which the
2578 reason is unknown, the school principal or his or her designee
2579 must ~~shall~~ contact the student's parent to determine the reason

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for the absence. If the absence is an excused absence, as defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

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

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

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

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

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

~~4.3.~~ Attendance contracts.

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

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

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

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for

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at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(d). The first portfolio review must occur within the first 30 calendar days after ~~of~~ the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(d).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of the term "regular school attendance" under s. 1003.01(16)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s.

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1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(e).

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

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

(2) GIVE WRITTEN NOTICE.—

(a) Under the direction of the district school superintendent, a designated school representative must provide ~~shall give~~ written notice in person or by return-receipt mail to the parent, requiring the child's ~~that requires~~ enrollment or

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1405 (2025)

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2703 attendance within 3 days after the date of notice, ~~in person or~~
2704 ~~by return receipt mail, to the parent~~ when no valid reason is
2705 found for a student's nonenrollment in school if the child is
2706 under compulsory education requirements, and is not exempt. If
2707 the child is not enrolled or in attendance in school within 3
2708 days after the notice being provided ~~and requirement are~~
2709 ~~ignored,~~ the designated school representative must ~~shall~~ report
2710 the case to the district school superintendent, who must ~~may~~
2711 refer the case to the child study team in paragraph (1)(b) at
2712 the school the student would be assigned according to district
2713 school board attendance area policies. In addition, the
2714 designated school representative may refer the case to the
2715 Department of Juvenile Justice's authorized agent for families
2716 in need of services ~~or to the case staffing committee,~~
2717 ~~established pursuant to s. 984.12.~~ The child study team must
2718 ~~shall~~ diligently facilitate intervention services and ~~shall~~
2719 report the case back to the district school superintendent
2720 within 15 days after referral of the case if only when all
2721 reasonable efforts to resolve the nonenrollment behavior have
2722 been made and the child is still not attending school ~~are~~
2723 ~~exhausted.~~ If the parent ~~still~~ refuses to cooperate or enroll
2724 the child in school within 15 days after referral of the case to
2725 the child study team, the district school superintendent must
2726 make a report to law enforcement and refer the case to the

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2727 Office of the State Attorney shall take such steps as are
2728 necessary to bring criminal prosecution against the parent.

2729 (b) Subsequent to referring the case to the Office of the
2730 State Attorney ~~the activities required under subsection (1)~~, the
2731 district school superintendent or his or her designee must ~~shall~~
2732 give written notice in person or by return-receipt mail to the
2733 parent that criminal prosecution is being sought for
2734 nonattendance. The district school superintendent may file a
2735 truancy petition, as defined in s. 984.03, following the
2736 procedures outlined in s. 984.151.

2737 (3) RETURN STUDENT TO PARENT.— A designated school
2738 representative may visit the home or place of residence of a
2739 student and any other place in which he or she is likely to find
2740 any student who is required to attend school when the student is
2741 not enrolled or is absent from school during school hours
2742 without an excuse, and, when the student is found, shall return
2743 the student to his or her parent or to the principal or teacher
2744 in charge of the school, or to the private tutor from whom
2745 absent. If the parent cannot be located or is unavailable to
2746 take custody of the child, and the child is not to be presented
2747 to the child's school or tutor, the youth shall be referred to
2748 the Department of Juvenile Justice's shelter, to another
2749 facility, or to the juvenile assessment center or other location
2750 established by the district school board to receive students who

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are absent from school. Upon receipt of the student, the parent shall be immediately notified.

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

(5) RIGHT TO INSPECT.—A designated school representative shall have the right of access to, and inspection of, establishments where minors may be employed or detained only for the purpose of ascertaining whether students of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the appropriate authority.

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

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

(2) NONENROLLMENT AND NONATTENDANCE CASES.—

~~(a) In each case of nonenrollment or of nonattendance upon the part of a student who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is~~

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2776 ~~found,~~ The district school superintendent shall institute a
2777 criminal prosecution against the student's parent, in each case
2778 of nonenrollment or of nonattendance of a student who is
2779 required to attend school, when no valid reason for the
2780 nonenrollment or nonattendance is found. ~~However,~~ Criminal
2781 prosecution may not be instituted against the student's parent
2782 until the school and school district have complied with s.
2783 1003.26.

2784 (b) Each public school principal or the principal's
2785 designee must ~~shall~~ notify the district school board of each
2786 minor student under its jurisdiction who accumulates 15
2787 unexcused absences in a period of 90 calendar days. Reports
2788 shall be made to the district school board at the end of each
2789 school quarter. The calculation of 15 absences within 90 days
2790 are determined based on calendar days and are not limited to the
2791 span of one school quarter during which the nonattendance begins
2792 or ends. The district school board shall verify the schools
2793 reporting 15 or more unexcused absences within a 90-day period
2794 have complied with the requirements of remediating truancy at
2795 the school level or pursuing appropriate court intervention as
2796 provided in this section. Any school not meeting the
2797 requirements in this paragraph shall provide a remedial action
2798 plan to the school board within 30 days, and follow up within 90
2799 days to confirm all truancy cases have been addressed either
2800 through the child's enrollment and regular attendance or

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2801 referral of the case to the appropriate court or agency to
2802 pursue court intervention.

2803 (c) The district school superintendent must provide the
2804 Department of Highway Safety and Motor Vehicles the legal name,
2805 sex, date of birth, and social security number of each minor
2806 student who has been reported under ~~this~~ paragraph (b) and who
2807 fails to otherwise satisfy the requirements of s. 322.091. The
2808 Department of Highway Safety and Motor Vehicles may not issue a
2809 driver license or learner's driver license to, and shall suspend
2810 any previously issued driver license or learner's driver license
2811 of, any such minor student, pursuant ~~to the provisions of~~ s.
2812 322.091.

2813 (d) ~~(e)~~ Each designee of the governing body of each private
2814 school and each parent whose child is enrolled in a home
2815 education program or personalized education program may provide
2816 the Department of Highway Safety and Motor Vehicles with the
2817 legal name, sex, date of birth, and social security number of
2818 each minor student under his or her jurisdiction who fails to
2819 satisfy relevant attendance requirements and who fails to
2820 otherwise satisfy the requirements of s. 322.091. The Department
2821 of Highway Safety and Motor Vehicles may not issue a driver
2822 license or learner's driver license to, and shall suspend any
2823 previously issued driver license or learner's driver license of,
2824 any such minor student pursuant to s. 322.091.

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(3) HABITUAL TRUANCY CASES.— The district school superintendent may ~~is authorized to~~ file a truancy petition seeking early truancy intervention, as defined in s. 984.03, following the procedures outlined in s. 984.151. If the district school superintendent chooses not to file a truancy petition, the case must be referred to the Department of Juvenile Justice's authorized agent for families in need of services. The procedures for filing a child in need of services ~~child-in-need-of-services~~ petition must ~~shall~~ be commenced pursuant to this subsection and chapter 984 if voluntary family services do not remediate the child's truancy. The. ~~In accordance with procedures established by the district school board, the designated school representative must shall~~ refer a student who is a habitual ~~habitually~~ truant and the student's family to the Department of Juvenile Justice's designated children in need of services provider for provision of voluntary services, and may refer the case to ~~children-in-need-of-services and families in-need-of-services provider or~~ the case staffing committee, established pursuant to s. 984.12, following the referral process established by the cooperative interagency agreement as ~~determined by the cooperative agreement required in this section.~~ The case staffing committee may request the Department of Juvenile Justice or its designee to file a petition for child in need of services ~~child-in-need-of-services petition~~ based upon the report and efforts of the district school board or

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other community agency, and early truancy intervention by the circuit court, after review and an initial meeting, or may seek to resolve the truant behavior through the school or community-based organizations or other state or local agencies. Prior to ~~and subsequent to~~ the filing of a ~~child-in-need-of-services~~ petition for a child in need of services due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this section and ss. 984.11 and s. 1003.26 to remedy the conditions leading to the truant behavior. Prior to the filing of a petition, the district school board must have complied with the requirements of s. 1003.26, and those efforts must have been unsuccessful.

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

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

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

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

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

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

(6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—
Proceedings or prosecutions under this chapter may be commenced by the district school superintendent or his or her designee, ~~by a designated school representative, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, by an officer of any court of competent jurisdiction, or~~ by a duly authorized agent of the Department of Education or the Department of Juvenile Justice, by a parent, or in the case of a criminal prosecution, by the Office of the State Attorney. If a proceeding has been commenced against both

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a parent and a child pursuant to this chapter, the presiding courts shall make every effort to coordinate services or sanctions against the child and parent, including ordering the child and parent to perform community service hours or attend counseling together.

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

(a) *The parent.*—

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

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

3. In addition to any other sanctions authorized under s. 984.151 ~~punishment~~, the court shall order a parent who has

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violated this section to send the minor student to school, and may also order the parent to participate in an approved parent training class, attend school with the student unless this would cause undue hardship or is prohibited by rules or policy of the school board, perform community service hours ~~at the school~~, or participate in counseling or other services, as appropriate. If a parent is ordered to attend school with a student, the school shall provide for programming to educate the parent and student on the importance of school attendance. It shall be unlawful to terminate any employee solely because he or she is attending school with his or her child pursuant to a court order.

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

(c) *The employer.*—

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

2. An employer who terminates any employee solely because he or she is attending school with a student pursuant to court

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order commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) *The student.*—

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

~~2. Upon a second or subsequent finding that a student is a habitual truant, the court, in addition to any other authorized sanctions, shall order the student to make up all school work missed and may order the student to pay a civil penalty of up to \$5, based on the student's ability to pay, for each day of school missed, perform up to 50 community service hours at the school, or participate in counseling or other services, as appropriate.~~

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

381.02035 Canadian Prescription Drug Importation Program.—

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

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

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

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

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

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

2. For a second or subsequent offense, commits a felony of the third degree. For a second offense, the minor shall serve a period of detention of up to 21 days in a secure detention facility, with credit for time served in secure detention prior to disposition, and shall be required to perform not less than 100 nor more than 250 hours of community service or paid work as

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determined by the department. For a third or subsequent offense, the minor shall be adjudicated delinquent and committed to a residential program. A finding by a court that a minor committed a violation of this section, regardless of whether the court adjudicates the minor delinquent or withholds adjudication of delinquency, ~~withhold of adjudication of delinquency~~ shall be considered a prior offense for the purpose of determining a second, third, or subsequent offense.

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

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

985.12 Prearrest delinquency citation programs.—

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

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

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

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

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

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

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

985.25 Detention intake.—

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

(c) If the final score on the child's risk assessment instrument indicates detention care is appropriate, but the

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department otherwise determines the child should be released, the department shall contact the state attorney, who may authorize release. If the final score on the child's risk assessment instrument indicates release or supervised release is appropriate, but the department otherwise determines that there should be supervised release or detention, the department shall contact the state attorney, who may authorize an upward departure. Notwithstanding any other provision of this paragraph, a child may only be moved one category in either direction within the risk assessment instrument and release is not authorized if it would cause the child to be moved more than one category.

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

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

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

(7) If the court determines that the child should be adjudicated as having committed a delinquent act and should be

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committed to the department, such determination shall be in writing or on the record of the hearing. The determination shall include a specific finding of the reasons for the decision to adjudicate and to commit the child to the department, including any determination that the child was a member of a criminal gang.

(c) The court may also require that the child be placed on conditional release ~~in a probation program~~ following the child's discharge from commitment. Community-based sanctions under subsection (8) may be imposed by the court at the disposition hearing or at any time prior to the child's release from commitment.

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

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

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

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

~~(a) The cost-effectiveness model shall compare program costs to expected and actual child recidivism rates. It is the~~

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~~intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness model.~~

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

~~(c) Based on reports of the department on child outcomes and program outputs and on the department's most recent cost-effectiveness rankings, the department may terminate a program operated by the department or a provider if the program has failed to achieve a minimum standard of program effectiveness. This paragraph does not preclude the department from terminating a contract as provided under this section or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.~~

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

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

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

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

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

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

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

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

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

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

409.2564 Actions for support.—

(1) In each case in which regular support payments are not being made as provided herein, the department shall institute, within 30 days after determination of the obligor's reasonable ability to pay, action as is necessary to secure the obligor's payment of current support, any arrearage that may have accrued under an existing order of support, and, if a parenting time plan was not incorporated into the existing order of support, include either a signed, agreed-upon parenting time plan or a signed Title IV-D Standard Parenting Time Plan, if appropriate. The department shall notify the program attorney in the judicial

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circuit in which the recipient resides setting forth the facts in the case, including the obligor's address, if known, and the public assistance case number. Whenever applicable, the procedures established under chapter 88, Uniform Interstate Family Support Act, chapter 61, Dissolution of Marriage; Support; Time-sharing, chapter 39, Proceedings Relating to Children, chapter 984, Children and Families in Need of Services; Prevention and Intervention for School Truancy and Ungovernable and Runaway Children, and chapter 985, Delinquency; Interstate Compact on Juveniles, may govern actions instituted under this act, except that actions for support under chapter 39, chapter 984, or chapter 985 brought pursuant to this act shall not require any additional investigation or supervision by the department.

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

419.001 Site selection of community residential homes.—

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

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

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

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

(3) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01 or s. 984.03(1), (2), and (24) ~~(37)~~, or who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 or similar statute of another jurisdiction, shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of

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interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

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

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

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

985.618 Educational and career-related programs.—
(4)

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

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

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

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