

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

26 | purposes; amending s. 984.09, F.S.; revising
27 | provisions for punishment for contempt of court;
28 | limiting periods for placement for direct contempt or
29 | indirect contempt; revising procedures for procedure
30 | and due process; amending s. 984.10, F.S.; authorizing
31 | an authorized agent of the Department of Juvenile
32 | Justice to perform intake; revising provisions
33 | concerning referrals for service; requiring the abuse
34 | hotline to be contacted in certain circumstances;
35 | authorizing a child to remain in custody in certain
36 | circumstances; amending s. 984.11, F.S.; requiring
37 | that an array of voluntary family services be
38 | available to remediate specified problems; providing
39 | that certain families are not eligible for voluntary
40 | family services; providing eligibility for children in
41 | certain circumstances if the Department of Children
42 | and Families agrees; providing for an interagency
43 | agreement to govern such referrals; amending s.
44 | 984.12, F.S.; requiring parents to use health care
45 | insurance to the extent that it is available; deleting
46 | provisions concerning collection of fees; amending s.
47 | 984.13, F.S.; authorizing a child to be taken into
48 | custody pursuant to a finding of contempt; specifying
49 | where a child taken into custody may be placed in
50 | specified circumstances; revising the duties of a

51 person taking a child into custody; amending s.
52 984.14, F.S.; revising provisions concerning voluntary
53 shelter services and placement of children in such
54 services; deleting provisions concerning involuntary
55 placement in a shelter; amending s. 984.15, F.S.;
56 revising requirements for petitions for a child in
57 need of services; amending s. 984.151, F.S.; providing
58 for early truancy intervention; providing for
59 additional services to be ordered if a student is
60 found to be a truant status offender; revising
61 provisions concerning compliance; providing for
62 applicability in cases in which a student is found to
63 be a child in need of services; providing for
64 retention of jurisdiction by courts; prohibiting
65 shelter and detention care placements for violations;
66 providing an exception; providing for service of court
67 orders on specified entities; amending s. 984.16,
68 F.S.; requiring that a student's school receive notice
69 of certain actions by courts; amending s. 984.17,
70 F.S.; specifying when a guardian ad litem may be
71 appointed; revising provisions concerning
72 representation of the Department of Juvenile Justice
73 in cases in which a child is alleged to be in need of
74 services; repealing s. 984.18, F.S., relating to
75 referral of child-in-need-of-services cases to

76 mediation; amending s. 984.19, F.S.; providing that an
77 authorized agent of the department may have a medical
78 screening performed on a child placed in shelter care;
79 revising provisions concerning consent for medical
80 care for a child in the care of the department;
81 amending s. 984.20, F.S.; revising provisions for
82 hearings in child in need of services cases; providing
83 that the failure of a person served with notice to
84 appear at the arraignment hearing constitutes the
85 person's consent to the child in need of services
86 petition; requiring a specified notice in such
87 petitions; amending s. 984.21, F.S.; specifying that
88 an order of adjudication by a court that a child is a
89 child in need of services is a civil adjudication and
90 not a conviction; deleting provisions allowing a court
91 to withhold an adjudication that a is child in need of
92 services in certain cases; amending s. 984.22, F.S.;
93 conforming provisions to changes made by the act;
94 deleting provisions on the deposit of fees received;
95 amending s. 984.225, F.S.; revising when a child in
96 need of services may be placed in a shelter; revising
97 placement procedures; providing for counseling orders;
98 specifying the effect of a placement the legal
99 responsibilities of a parent, guardian, or custodian;
100 providing limits for shelter stays; deleting

101 provisions concerning exhaustion of less restrictive
102 alternatives; providing for periodic review of
103 placements; providing for transfer of a child to the
104 Department of Children and Families in certain
105 circumstances; authorizing transfer to the custody of
106 the Agency for Persons with Disabilities in certain
107 circumstances; amending s. 984.226, F.S.; authorizing
108 contracting for physically secure settings; deleting
109 provisions on representation in certain proceedings;
110 requiring exhaustion of less restrictive placements
111 before a child may be placed in a physically secure
112 shelter; providing a time limit on secure shelter
113 orders; proving legislative intent; revising
114 provisions concerning review of secure shelter
115 placements; providing for transfer to shelter
116 placements in certain circumstances; requiring a child
117 to be transferred to the Department of Children and
118 Families in certain circumstances; providing for the
119 transfer of a child to the Agency for Persons with
120 Disabilities in certain circumstances; transferring
121 and renumbering s. 985.731, F.S. as s. 787.035, F.S.;
122 relating to offenses concerning providing sheltering
123 unmarried minors and aiding unmarried minor runaways;
124 providing criminal penalties; amending s. 985.03,
125 F.S.; revising the definition of the term "child who

126 | has been found to have committed a delinquent act";
127 | amending s. 985.244, F.S.; prohibiting placement of a
128 | child subject to certain proceedings into secure
129 | detention care; amending s. 1003.01, F.S.; making a
130 | technical change; amending s. 1003.26, F.S.;
131 | authorizing that certain meetings with parents may be
132 | conducted virtually or by telephone; providing for
133 | child study team meetings in the absence of a parent,
134 | legal guardian, or custodian or child; revising
135 | interventions by such team; revising provisions
136 | concerning required notice of a child's enrollment or
137 | attendance issues; revising provisions concerning
138 | returning a student to a parent or other party in
139 | certain circumstances; amending s. 1003.27, F.S.;
140 | revising reporting requirements for reports by school
141 | principals to school boards concerning minor students
142 | who accumulate more than a specified number of
143 | absences; requiring actions by schools boards;
144 | providing for remedial actions for failure to comply;
145 | revising provisions concerning habitual truancy cases;
146 | revising provisions concerning cooperative agreements;
147 | revising who may begin certain proceedings and
148 | prosecutions; deleting a provision concerning a civil
149 | penalty for students; revising provisions concerning
150 | habitually truant students; amending s. 381.02035,

151 F.S.; authorizing pharmacists employed by the
152 Department of Juvenile Justice to import drugs from
153 Canada under a specified program; amending s. 790.22,
154 F.S.; revising provisions concerning the treatment of
155 a finding that a minor violated specified provisions,
156 regardless of whether adjudication was withheld, for
157 the purposes of determining whether a prior offense
158 was committed; amending s. 985.12, F.S.; deleting a
159 requirement that the Department of Juvenile Justice
160 annually develop and produce best practice models for
161 prearrest delinquency citation programs; amending s.
162 985.126, F.S.; revising the requirements for a
163 quarterly report on prearrest citation programs;
164 amending s. 985.25, F.S.; providing for supervised
165 release or detention of a child despite the child's
166 risk assessment score in certain circumstances;
167 limiting the number of categories that a child may be
168 moved; amending s. 985.433, F.S.; requiring that a
169 child be placed on conditional release rather than
170 probation following discharge from commitment;
171 repealing s. 985.625, F.S., relating to literacy
172 programs for juvenile offenders; amending s. 985.632,
173 F.S.; deleting provision for development of a cost-
174 effectiveness model and application of the model to
175 each commitment program; amending ss. 95.11,

176 390.01114, 419.001, F.S.; 409.2564, 744.309, 784.075,
 177 985.618, F.S.; conforming provisions to changes made
 178 by the act; providing an effective date.

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

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

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

188 984.01 Purposes and intent; personnel standards and
 189 screening.—

190 (1) The purposes of this chapter are:

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

201 ~~interests and the authority and dignity of the courts are~~
202 ~~adequately protected.~~

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

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

221 (d) To preserve and strengthen the child's family ties
222 whenever possible; provide for temporary shelter placement of
223 the child only when necessary to ensure the child's education,
224 safety, and welfare will benefit from shelter and when other
225 less restrictive alternatives have been exhausted; ~~by providing~~

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

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

247 ~~2.~~ To ~~assure~~ that the sentencing and placement of a child
248 ~~tried as an adult~~ be appropriate and in keeping with the
249 ~~seriousness of the offense and the child's need for~~
250 ~~rehabilitative services, and that the proceedings and procedures~~

251 ~~applicable to such sentencing and placement be applied within~~
252 ~~the full framework of constitutional standards of fundamental~~
253 ~~fairness and due process.~~

254 (f) To provide a court process through which school boards
255 are able to access the court for the limited purpose of early
256 truancy intervention for children, subject to compulsory
257 education, who are not engaging in regular school attendance,
258 and encourage school attendance by educating children and their
259 families on the importance of regular school attendance and
260 provide services to families to prevent the child's pattern of
261 truancy from becoming habitual ~~children committed to the~~
262 ~~Department of Juvenile Justice with training in life skills,~~
263 ~~including career education.~~

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

271 (a) If the department contracts with a provider for any
272 program for children, all personnel, including owners,
273 operators, employees, and volunteers, in the facility must be of
274 good moral character. The ~~Each contract entered into by either~~
275 department and any agency providing services for the department

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276 must require that each contract entered into for services
277 delivered on an appointment or intermittent basis by a provider
278 that does or does not have regular custodial responsibility for
279 children and each contract with a school for before or aftercare
280 services must ensure that the owners, operators, and all
281 personnel who have direct contact with children are of good
282 moral character. A volunteer who assists on an intermittent
283 basis for less than 10 hours per month need not be screened if a
284 person who meets the screening requirement of this section is
285 always present and has the volunteer in his or her line of
286 sight.

287 (b) The department must ~~of Juvenile Justice and the~~
288 ~~Department of Children and Families shall~~ require employment
289 screening ~~pursuant to chapter 435,~~ using the level 2 standards
290 in set forth in that chapter 435 for personnel in programs for
291 children or youths.

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

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

299 (3) ~~It is the intent of the Legislature that~~ This chapter
300 is to be liberally interpreted and construed in conformity with

301 its declared purposes.

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

304 984.02 Legislative intent for prevention and intervention
305 under this chapter ~~the juvenile justice system.~~

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

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

310 (b) A permanent and stable home.

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

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

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

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

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

325 (h) Court ~~An independent, trained advocate when~~

326 intervention only when is necessary to address at-risk behavior
327 before the behavior escalates into harm to the child or to the
328 community through delinquent behavior.

329 (i) Ensure the child has representation of a trained
330 advocate when court proceedings are initiated under this
331 chapter.

332 (j) Ensure that when temporary out of home placement is
333 necessary, the child is placed in a safe therapeutic environment
334 that provides supervision and services by ~~and a~~ skilled staff
335 ~~guardian or caretaker in a safe environment when alternative~~
336 ~~placement is necessary.~~

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

351 therefore the purpose of the Legislature to provide authority
 352 for the state to contract with community substance abuse
 353 treatment providers for the development and operation of
 354 specialized support and overlay services for the juvenile
 355 justice and intervention ~~dependency and delinquency~~ systems,
 356 subject to legislative appropriation, which will be fully
 357 implemented and utilized as resources permit. This section
 358 prevents agencies from referring children and families to
 359 privately operated community service providers to the extent the
 360 families have funding or insurance to provide care.

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

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

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

375 (c) Provide well-trained personnel, high-quality services,

376 and cost-effective programs within the juvenile justice system.

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

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

386

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

392 (4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
393 Parents, custodians, and guardians are deemed by the state to be
394 responsible for providing their children with sufficient
395 support, guidance, and supervision to deter their participation
396 in delinquent acts, and ensure their children attend school and
397 engage in education to prepare their child for their future. The
398 state further recognizes that the ability of parents,
399 custodians, and guardians to fulfill those responsibilities can
400 be greatly impaired by economic, social, behavioral, emotional,

401 and related problems. It is therefore the policy of the
402 Legislature that it is the state's responsibility to ensure that
403 factors impeding the ability of caretakers to fulfill their
404 responsibilities are identified and appropriate recommendations
405 are provided to address those impediments through the provision
406 of nonjudicial voluntary family services for families in need of
407 services and through the child in need of services court
408 processes ~~delinquency intake process and that appropriate~~
409 ~~recommendations to address those problems are considered in any~~
410 ~~judicial or nonjudicial proceeding.~~

411 (5) PROVISION OF SERVICES.-It is the intent of the
412 Legislature to address the concerns of families by providing
413 them with an array of services designed to preserve the unity
414 and integrity of the family and to emphasize parental
415 responsibility for the behavior of their children. Services to
416 families shall be provided on a continuum of increasing
417 intensity and participation by the parent, legal guardian, or
418 custodian and child. Judicial intervention to resolve the
419 problems and conflicts that exist within a family shall be
420 limited to situations in which a resolution to the problem or
421 conflict has not been achieved through individual and family
422 services after all available less restrictive resources have
423 been exhausted. In creating this chapter, the Legislature
424 recognizes the need to distinguish the problems of truants,
425 runaways, and children beyond the control of their parents, and

426 the services provided to these children, from the problems and
427 services designed to meet the needs of abandoned, abused,
428 neglected, and delinquent children. In achieving this
429 distinction, it is the policy of the state to develop short-term
430 services using the least restrictive method for children and
431 families, early truancy intervention, and children in need of
432 services.

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

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

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

451 ~~incarceration of a parent, legal custodian, or person~~
452 ~~responsible for a child's welfare does not constitute a bar to a~~
453 ~~finding of abandonment.~~

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

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

463 (3)(4) "Adjudicatory hearing" means a hearing for the
464 court to determine whether or not the facts support the
465 allegations stated in the petition as is provided for under s.
466 984.20(2) in child in need of services ~~child-in-need-of-services~~
467 cases.

468 (4)(5) "Adult" means any natural person other than a
469 child.

470 (5)(6) "Authorized agent" or "designee" of the department
471 means a person or agency assigned or designated by the
472 Department of Juvenile Justice ~~or the Department of Children and~~
473 ~~Families, as appropriate,~~ to perform duties or exercise powers
474 pursuant to this chapter and includes contract providers and
475 subcontracted providers and their employees for purposes of

476 providing voluntary family services, and providing court-ordered
477 services ~~to~~ and managing cases of children in need of services
478 and ~~families in need of services~~.

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

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

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

500 (a) To have persistently run away from the child's

501 | parents, or legal guardians, or custodians despite reasonable
 502 | efforts of ~~the child~~, the parents, or legal guardians, or
 503 | custodians, and appropriate agencies to remedy the conditions
 504 | contributing to the behavior. Reasonable efforts shall include
 505 | ~~voluntary participation by the child's parents or legal~~
 506 | guardian, or custodians and the child in ~~family mediation,~~
 507 | voluntary services, and treatment offered by the Department or
 508 | through its designated service provider of Juvenile Justice or
 509 | ~~the Department of Children and Families;~~

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

518 | (c) To be ungovernable by having ~~have~~ persistently
 519 | disobeyed the reasonable and lawful rules and demands of the
 520 | child's parents, or legal guardians, or custodians, and to be
 521 | beyond their control despite the child having the mental and
 522 | physical capacity to understand and obey lawful rules and
 523 | demands, and despite efforts by the child's parents, or legal
 524 | guardians, or custodians and appropriate agencies to remedy the
 525 | conditions contributing to the behavior. Reasonable efforts may

526 include such things as good faith participation in voluntary
527 family services or individual services counseling.

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

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

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

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

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

548 ~~(c) To have been voluntarily placed with a licensed child-~~
549 ~~earing agency, a licensed child-placing agency, an adult~~
550 ~~relative, the former Department of Health and Rehabilitative~~

551 ~~Services, or the Department of Children and Families, after~~
552 ~~which placement, under the requirements of this chapter, a case~~
553 ~~plan has expired and the parent or parents have failed to~~
554 ~~substantially comply with the requirements of the plan.~~

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

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

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

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

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

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

576 chapter.

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

581 ~~(16) "Delinquency program" means any intake, community~~
582 ~~control, or similar program; regional detention center or~~
583 ~~facility; or community-based program, whether owned and operated~~
584 ~~by or contracted by the Department of Juvenile Justice, or~~
585 ~~institution owned and operated by or contracted by the~~
586 ~~Department of Juvenile Justice, which provides intake,~~
587 ~~supervision, or custody and care of children who are alleged to~~
588 ~~be or who have been found to be delinquent pursuant to chapter~~
589 ~~985.~~

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

592 (12)~~(18)~~ "Detention care" means the temporary care of a
593 child alleged to be or adjudicated delinquent in secure or
594 supervised release detention, nonsecure, or home detention,
595 pending a court adjudication of delinquency or disposition or
596 execution of a court order under chapter 985. ~~There are three~~
597 ~~types of detention care, as follows:~~

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

601 ~~or placement.~~

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

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

612 (13) ~~(19)~~ "Detention center or facility" means a facility
613 used pending court adjudication or disposition or execution of
614 court order for the temporary care of a child alleged or found
615 to have committed a violation of law. A detention center or
616 facility may provide secure ~~or nonsecure~~ custody. A facility
617 used for the commitment of adjudicated delinquents shall not be
618 considered a detention center or facility. A detention center or
619 facility may not be used for placement of any child under this
620 chapter.

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

624 ~~(21) "Diligent efforts of social service agency" means~~
625 ~~reasonable efforts to provide social services or reunification~~

626 ~~services made by any social service agency as defined in this~~
627 ~~section that is a party to a case plan.~~

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

650 ~~(14)(23)~~ (14) "Disposition hearing" means a hearing in which

651 the court determines the most appropriate dispositional services
652 in the least restrictive available setting provided for under s.
653 984.20(3), in child in need of services ~~child-in-need-of-~~
654 ~~services~~ cases.

655 ~~(15)-(24)~~ "Family" means a collective body of persons,
656 consisting of a child and a parent, legal guardian, adult
657 custodian, or adult relative, in which:

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

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

663 ~~(16)-(25)~~ "Family in need of services" means a family that
664 has a child who is running away; who is ungovernable and
665 persistently disobeying reasonable and lawful demands of the
666 parent or legal custodian and is beyond the control of the
667 parent or legal custodian; or who is habitually truant from
668 school or engaging in other serious behaviors that place the
669 child at risk of future abuse, neglect, or abandonment or at
670 risk of entering the juvenile justice system. The child must be
671 referred to a law enforcement agency, the department ~~of Juvenile~~
672 ~~Justice~~, or an agency contracted to provide services to children
673 in need of services. A family is not eligible to receive
674 voluntary family services if, at the time of the referral, ~~there~~
675 ~~is an open investigation into an allegation of abuse, neglect,~~

676 ~~or abandonment or if~~ the child is currently under court-ordered
677 supervision by the department for delinquency under chapter 985
678 ~~of Juvenile Justice~~ or the Department of Children and Families
679 due to a finding of dependency under chapter 39 ~~an adjudication~~
680 ~~of dependency or delinquency.~~

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

684 ~~(17)-(27)~~ "Habitually truant" means that:

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

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

695
696 If a child who is subject to compulsory school attendance is
697 responsive to the interventions described in ss. 1003.26 and
698 1003.27(3) and has completed the necessary requirements to pass
699 the current grade as indicated in the district pupil progression
700 plan, the child shall not be determined to be habitually truant

701 and shall be passed. If a child within the compulsory school
702 attendance age has 15 unexcused absences within 90 calendar days
703 or fails to enroll in school, the department ~~State Attorney~~ may,
704 ~~or the appropriate jurisdictional agency shall,~~ file a child in
705 need of services ~~child-in-need-of-services~~ petition if
706 recommended by the case staffing committee, unless it is
707 determined that another alternative action is preferable. The
708 failure or refusal of the parent ~~or~~ legal guardian, or
709 custodian, or the child to participate, or make a good faith
710 effort to participate, in the activities prescribed to remedy
711 the truant behavior, or the failure or refusal of the child to
712 return to school after participation in activities required by
713 this subsection, or the failure of the child to stop the truant
714 behavior after the school administration and the Department ~~of~~
715 ~~Juvenile Justice~~ have offered services to ~~worked with~~ the child
716 as described in ss. 1003.26 and 1003.27(3) shall be handled as
717 prescribed in s. 1003.27.

718 ~~(18)-(28)~~ "Intake" means the initial acceptance and
719 screening by the department or its designated service provider
720 of a referral from early truancy intervention court, a school
721 board, or school requesting services; a request for assistance
722 from a parent or child; or a complaint, ~~of Juvenile Justice of a~~
723 ~~complaint or a~~ law enforcement report, or probable cause
724 affidavit of a child's truancy, ungovernable behavior, or
725 running away, on behalf of a family delinquency, family in need

726 ~~of services, or child in need of services~~ to determine the most
727 appropriate course of action ~~recommendation to be taken~~ in the
728 best interests of the child, the family, and the community. The
729 emphasis of intake is on diversion and the least restrictive
730 available services. Consequently, intake includes such
731 alternatives as:

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

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

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

740 ~~(19)(29)~~ "Judge" means the circuit judge exercising
741 jurisdiction pursuant to this chapter.

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

751 ~~substance abuse and mental health programs; educational and~~
752 ~~vocational programs; recreational programs; community services~~
753 ~~programs; community service work programs; and alternative~~
754 ~~dispute resolution programs serving children at risk of~~
755 ~~delinquency and their families, whether offered or delivered by~~
756 ~~state or local governmental entities, public or private for-~~
757 ~~profit or not-for-profit organizations, or religious or~~
758 ~~charitable organizations.~~

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

763 (20)~~(32)~~ "Legal custody" means a legal status created by
764 court order or letter of guardianship which vests in a custodian
765 of the person or guardian, whether an agency or an individual,
766 the right to have physical custody of the child and the right
767 and duty to protect, train, and discipline the child and to
768 provide him or her with food, shelter, education, and ordinary
769 medical, dental, psychiatric, and psychological care.

770 (21)~~(33)~~ "Licensed child-caring agency" means a person,
771 society, association, or agency licensed by the Department of
772 Children and Families to care for, receive, and board children,
773 and includes shelters under this chapter.

774 (22)~~(34)~~ "Licensed health care professional" means a
775 physician licensed under chapter 458, an osteopathic physician

776 licensed under chapter 459, a nurse licensed under part I of
777 chapter 464, a physician assistant licensed under chapter 458 or
778 chapter 459, or a dentist licensed under chapter 466.

779 ~~(35) "Mediation" means a process whereby a neutral third~~
780 ~~person called a mediator acts to encourage and facilitate the~~
781 ~~resolution of a dispute between two or more parties. It is an~~
782 ~~informal and nonadversarial process with the objective of~~
783 ~~helping the disputing parties reach a mutually acceptable and~~
784 ~~voluntary agreement. In mediation, decisionmaking authority~~
785 ~~rests with the parties. The role of the mediator includes, but~~
786 ~~is not limited to, assisting the parties in identifying issues,~~
787 ~~fostering joint problem solving, and exploring settlement~~
788 ~~alternatives.~~

789 (23)~~(36)~~ "Necessary medical treatment" means care that is
790 necessary within a reasonable degree of medical certainty to
791 prevent the deterioration of a child's condition or to alleviate
792 immediate pain of a child.

793 (24)~~(37)~~ "Neglect" has the same meaning as in s.
794 39.01(50). ~~occurs when the parent or legal custodian of a child~~
795 ~~or, in the absence of a parent or legal custodian, the person~~
796 ~~primarily responsible for the child's welfare deprives a child~~
797 ~~of, or allows a child to be deprived of, necessary food,~~
798 ~~clothing, shelter, or medical treatment or permits a child to~~
799 ~~live in an environment when such deprivation or environment~~
800 ~~causes the child's physical, mental, or emotional health to be~~

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

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

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

820 (25) "Needs assessment" means the gathering of information
821 for the evaluation of a child's physical, psychological,
822 educational, vocational, and social condition and family
823 environment related to the child's need for services, including
824 substance abuse treatment services, mental health services,
825 developmental services, literacy services, medical services,

826 family services, individual and family counseling, education
827 services, and other specialized services, as appropriate.

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

831 (26)~~(39)~~ "Parent" means a woman who gives birth to a child
832 and a man whose consent to the adoption of the child would be
833 required under s. 63.062(1). If a child has been legally
834 adopted, the term "parent" means the adoptive mother or father
835 of the child. The term does not include an individual whose
836 parental relationship to the child has been legally terminated,
837 or an alleged or prospective parent, unless the parental status
838 falls within the terms of either s. 39.503(1) or s. 63.062(1).

839 (27)~~(40)~~ "Participant," for purposes of a ~~shelter~~
840 proceeding under this chapter, means any person who is not a
841 party but who should receive notice of hearings involving the
842 child, including ~~foster parents~~, identified prospective parents,
843 grandparents entitled to priority for adoption consideration
844 under s. 63.0425, actual custodians of the child, and any other
845 person whose participation may be in the best interest of the
846 child. Participants may be granted leave by the court to be
847 heard without the necessity of filing a motion to intervene.

848 (28)~~(41)~~ "Party," for purposes of a ~~shelter~~ proceeding
849 under this chapter, means the parent, legal guardian, or actual
850 custodian of the child, the petitioner, the department, the

851 guardian ad litem when one has been appointed, and the child.
852 The presence of the child may be excused by order of the court
853 when presence would not be in the child's best interest or the
854 child has failed to appear for a proceeding after having been
855 noticed. ~~Notice to the child may be excused by order of the~~
856 ~~court when the age, capacity, or other condition of the child is~~
857 ~~such that the notice would be meaningless or detrimental to the~~
858 ~~child.~~

859 (29) "Physically secure shelter" means a locked facility
860 or locked unit within a facility for the care of a child
861 adjudicated a child in need of services who is court ordered to
862 be held pursuant to s. 984.226. A physically secure shelter unit
863 shall provide supervision by shelter staff who are awake 24
864 hours a day.

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

872 (30)-(43) "Preventive services" means social services and
873 other supportive and evaluation and intervention rehabilitative
874 services provided to the child or the parent, ~~of the child,~~ the
875 legal guardian ~~of the child,~~ or the custodian of the child and

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

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

896 ~~(31)(45)~~ "Relative" means a grandparent, great-
897 grandparent, sibling, first cousin, aunt, uncle, great-aunt,
898 great-uncle, niece, or nephew, whether related by the whole or
899 half blood, by affinity, or by adoption. The term does not
900 include a stepparent.

901 ~~(32)-(46)~~ "Reunification services" means social services
902 and other supportive ~~and rehabilitative~~ services provided to the
903 child and the parent of the child, the legal guardian of the
904 child, or the custodian of the child, whichever is applicable,~~†~~
905 ~~the child; and, where appropriate, the foster parents of the~~
906 ~~child~~ for the purpose of assisting ~~enabling~~ a child who has been
907 placed in temporary shelter care to return to his or her family
908 at the most appropriate and effective ~~earliest possible~~ time
909 based on the presenting concerns at intake. Social services and
910 other supportive ~~and rehabilitative~~ services shall be consistent
911 with the child's need for a safe, continuous, and stable living
912 environment and shall promote the strengthening of family life
913 whenever possible.

914 ~~(33)-(47)~~ "Secure detention center or facility" means a
915 physically restricting facility for the temporary care of
916 children, pending adjudication of delinquency or~~†~~ disposition. A
917 child subject to proceedings under this chapter or who is
918 alleged to be dependent under chapter 39, but who is not alleged
919 to have committed a delinquent act or violation of law, may not,
920 under any circumstances, be placed into a secure detention
921 center or facility, ~~or placement.~~

922 ~~(34)-(48)~~ "Shelter" means a department-approved shelter
923 facility for the temporary care runaway children; children
924 placed for voluntary shelter respite upon request of the child
925 or the child's parent, legal guardian, or custodian; or for

926 placement of a child who has been adjudicated a child in need of
927 services or who has been found in contempt of court under s.
928 984.09. Shelters must provide 24-hour continual supervision and
929 must be licensed child care facilities ~~a place for the temporary~~
930 ~~care of a child who is alleged to be or who has been found to be~~
931 ~~dependent, a child from a family in need of services, or a child~~
932 ~~in need of services, pending court disposition before or after~~
933 ~~adjudication or after execution of a court order. "Shelter" may~~
934 ~~include a facility which provides 24-hour continual supervision~~
935 ~~for the temporary care of a child who is placed pursuant to s.~~
936 ~~984.14.~~

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

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

948 ~~(35)-(51)~~ (35) "Substance abuse" means using, without medical
949 reason, any psychoactive or mood-altering drug, including
950 alcohol, in such a manner as to induce impairment resulting in

951 dysfunctional social behavior.

952 ~~(36)~~~~(52)~~ "Taken into custody" means the status of a child
953 immediately when temporary physical control over the child is
954 attained by a person authorized by law, pending the child's
955 release, shelter ~~detention~~, placement, or other disposition as
956 authorized by law.

957 ~~(37)~~~~(53)~~ "Temporary legal custody" means the relationship
958 that a juvenile court creates between a child and an adult
959 relative of the child, adult nonrelative approved by the court,
960 or other person until a more permanent arrangement is ordered.
961 Temporary legal custody confers upon the custodian the right to
962 have temporary physical custody of the child and the right and
963 duty to protect, train, and discipline the child and to provide
964 the child with food, shelter, and education, and ordinary
965 medical, dental, psychiatric, and psychological care, unless
966 these rights and duties are otherwise enlarged or limited by the
967 court order establishing the temporary legal custody
968 relationship.

969 ~~(38)~~~~(54)~~ "Truancy petition" means a petition filed by the
970 superintendent of schools under s. 984.151 for the purpose of
971 early truancy intervention alleging that a student subject to
972 compulsory school attendance has had at least five unexcused
973 absences, or absences for which the reasons are unknown, within
974 a calendar month or 10 unexcused absences, or absences for which
975 the reasons are unknown, within a 90-calendar-day period, or has

976 had more than 15 unexcused absences in a 90-calendar-day period.
977 ~~A truancy petition is filed and processed under s. 984.151.~~

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

986 ~~(40)-(55)~~ "Violation of law" or "delinquent act" means a
987 violation of any law of this state, the United States, or any
988 other state which is a misdemeanor or a felony or a violation of
989 a county or municipal ordinance which would be punishable by
990 incarceration if the violation were committed by an adult.

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

1001 Juvenile Justice or an agency designated by the department to
 1002 provide voluntary services to families and children. Contingent
 1003 upon available funding, and subject to a memorandum of agreement
 1004 between the department and the Department of Children and
 1005 Families, a family is eligible to receive voluntary services if,
 1006 at the time of the referral, there is an open investigation into
 1007 an allegation of abuse, neglect, or abandonment or if the child
 1008 is currently under court ordered supervision by the Department
 1009 of Juvenile Justice for delinquency under chapter 985 or by the
 1010 Department of Children and Families due to a finding of
 1011 dependency under chapter 39.

1012 **Section 5. Section 984.04, Florida Statutes, is amended to**
 1013 **read:**

1014 984.04 Early truancy intervention; families in need of
 1015 services and children in need of services; procedures and
 1016 jurisdiction.-

1017 ~~(1) It is the intent of the Legislature to address the~~
 1018 ~~problems of families in need of services by providing them with~~
 1019 ~~an array of services designed to preserve the unity and~~
 1020 ~~integrity of the family and to emphasize parental responsibility~~
 1021 ~~for the behavior of their children. Services to families in need~~
 1022 ~~of services and children in need of services shall be provided~~
 1023 ~~on a continuum of increasing intensity and participation by the~~
 1024 ~~parent and child. Judicial intervention to resolve the problems~~
 1025 ~~and conflicts that exist within a family shall be limited to~~

1026 ~~situations in which a resolution to the problem or conflict has~~
1027 ~~not been achieved through service, treatment, and family~~
1028 ~~intervention after all available less restrictive resources have~~
1029 ~~been exhausted. In creating this chapter, the Legislature~~
1030 ~~recognizes the need to distinguish the problems of truants,~~
1031 ~~runaways, and children beyond the control of their parents, and~~
1032 ~~the services provided to these children, from the problems and~~
1033 ~~services designed to meet the needs of abandoned, abused,~~
1034 ~~neglected, and delinquent children. In achieving this~~
1035 ~~recognition, it shall be the policy of the state to develop~~
1036 ~~short-term, temporary services and programs utilizing the least~~
1037 ~~restrictive method for families in need of services and children~~
1038 ~~in need of services.~~

1039 ~~(1)(2)~~ The department ~~of Juvenile Justice~~ shall be
1040 responsible for all nonjudicial proceedings involving voluntary
1041 a family in need of services for a family identified as a family
1042 in need of services.

1043 ~~(3)~~ ~~All nonjudicial procedures in family-in-need-of-~~
1044 ~~services cases shall be~~ according to rules established by the
1045 department ~~of Juvenile Justice~~ under chapter 120.

1046 ~~(2)(4)~~ The circuit court shall have exclusive original
1047 jurisdiction of judicial proceedings involving early truancy
1048 intervention. When the jurisdiction of any child found to be
1049 truant under s. 984.151 is obtained, the court may retain
1050 jurisdiction for up to 180 days. The court must terminate

1051 supervision and relinquish jurisdiction if the child has
1052 substantially complied with the requirements of early truancy
1053 intervention, is no longer subject to compulsory education, or
1054 is adjudicated a child in need of services under s. 984.21
1055 ~~continued placement of a child from a family in need of services~~
1056 ~~in shelter.~~

1057 (3)~~(5)~~ The circuit court shall have exclusive original
1058 jurisdiction of proceedings in which a child is alleged to be a
1059 child in need of services. When the jurisdiction of any child
1060 who has been found to be a child in need of services or the
1061 parent, custodian, or legal guardian of such a child is
1062 obtained, the court shall retain jurisdiction, unless
1063 relinquished by its order or unless the department withdraws its
1064 petition because the child no longer meets the definition of a
1065 child in need of services as defined in s. 984.03, until the
1066 child reaches 18 years of age. This subsection does ~~shall~~ not ~~be~~
1067 ~~construed to prevent the exercise of jurisdiction by any other~~
1068 ~~court having jurisdiction of the child if the child commits a~~
1069 ~~violation of law, is the subject of the dependency provisions~~
1070 ~~under this chapter, or is the subject of a pending investigation~~
1071 ~~into an allegation or suspicion of abuse, neglect, or~~
1072 ~~abandonment.~~

1073 (4) Jurisdiction of the circuit court shall attach to the
1074 case and parties to proceedings filed under s. 984.15 or under
1075 s. 984.151 when the summons is served upon the child and a

1076 parent, legal guardian, or custodian, or when the parties
 1077 personally appear before the court.

1078 ~~(5)-(6)~~ All procedures, including petitions, pleadings,
 1079 subpoenas, summonses, and hearings, in proceedings under this
 1080 chapter ~~family-in-need-of-services cases and child-in-need-of-~~
 1081 ~~services cases~~ shall be according to the Florida Rules of
 1082 Juvenile Procedure unless otherwise provided by law.

1083 ~~(7) The department may contract with a provider to provide~~
 1084 ~~services and programs for families in need of services and~~
 1085 ~~children in need of services.~~

1086 **Section 6. Subsections (2) and (4) of section 984.06,**
 1087 **Florida Statutes, are amended to read:**

1088 984.06 Oaths, records, and confidential information.—

1089 (2) The court shall make and keep records of all cases
 1090 brought before it pursuant to this chapter and shall preserve
 1091 the records ~~pertaining to a child in need of services~~ until 10
 1092 years after the last entry was made or until the child is 18
 1093 years of age, whichever date is first reached, and may then
 1094 destroy them. The court shall make official records, consisting
 1095 of all petitions and orders filed in a case arising pursuant to
 1096 this chapter and any other pleadings, certificates, proofs of
 1097 publication, summonses, warrants, and other writs which are
 1098 filed in the case.

1099 (4) Except as provided in subsection (3), all information
 1100 obtained pursuant to this chapter in the discharge of official

1101 duty by any judge, employee of the court, authorized agent of
1102 the department, school employee, district superintendent, school
1103 board employee, or law enforcement agent is confidential and may
1104 not be disclosed to anyone other than the authorized personnel
1105 of the court, the department and its designees, school or school
1106 board personnel, law enforcement agencies, and others entitled
1107 under this chapter to receive that information, except upon
1108 order of the court.

1109 **Section 7. Section 984.07, Florida Statutes, is amended to**
1110 **read:**

1111 984.07 Right to counsel; waiver; appointed counsel;
1112 compensation.—

1113 (1) When a petition is filed alleging that a child is a
1114 child in need of services, the child must be represented by
1115 counsel at each court appearance unless the record in that
1116 proceeding affirmatively demonstrates by clear and convincing
1117 evidence that the child knowingly and intelligently waived the
1118 right to counsel after being fully advised by the court of the
1119 nature of the proceedings and the dispositional alternatives
1120 available to the court. If the child waives counsel at any
1121 proceeding, the court shall advise the child with respect to the
1122 right to counsel at every subsequent hearing.

1123 (2) A child in proceedings under s. 984.151 may have
1124 counsel appointed by the court if the court determines it is in
1125 the best interest of the child.

1126 (3) If the court appoints counsel for a child, and if the
1127 child and his or her parents or legal guardians are indigent and
1128 unable to employ counsel, the court shall appoint an attorney to
1129 represent the child under s. 27.511. Determination of indigence
1130 and costs of representation shall be as provided by ss. 27.52
1131 and 938.29. Legal counsel representing a child who exercises the
1132 right to counsel may provide advice and counsel to the child at
1133 any time after appointment.

1134 (4) If the parents or legal guardians of an indigent child
1135 are not indigent but refuse to employ counsel, the court shall
1136 appoint counsel pursuant to s. 27.511 to represent the child
1137 until counsel is provided. Costs of representation must be
1138 imposed as provided by ss. 27.52 and 938.29. Thereafter, the
1139 court may not appoint counsel for an indigent child with
1140 nonindigent parents or legal guardian but shall order the
1141 parents or legal guardian to obtain private counsel. A parent or
1142 legal guardian of an indigent child who has been ordered to
1143 obtain private counsel for the child and who willfully fails to
1144 follow the court order shall be punished by the court in civil
1145 contempt proceedings.

1146 (5) An indigent child with whose parents or legal guardian
1147 are not indigent may have counsel appointed pursuant to ss.
1148 27.511 and 27.52 if the parents or legal guardian have willfully
1149 refused to obey the court order to obtain counsel for the child
1150 and have been punished by civil contempt and then still have

1151 willfully refused to obey the court order. Costs of
1152 representation must be imposed as provided by ss. 27.511, 27.52,
1153 and 938.29.

1154 (6) If the court makes a finding that nonindigent parents
1155 have made a good faith effort to participate in services and
1156 remediate the child's behavior, but despite their good faith
1157 efforts, the child's truancy, ungovernable behavior or runaway
1158 behavior has persisted, the court may appoint counsel to
1159 represent the child as provided in s 27.511.

1160 (7) If counsel is entitled to receive compensation for
1161 representation pursuant to court appointment in a child in need
1162 of services proceeding, such compensation shall not exceed
1163 \$1,000 at the trial level and \$2,500 at the appellate level.

1164 (8) This section does not preclude the court from
1165 requesting reimbursement of attorney fees and costs from the
1166 nonindigent parent or legal guardian.

1167 (9) The court may appoint an attorney to represent a
1168 parent or legal guardian under this chapter only upon a finding
1169 that the parent or legal guardian is indigent pursuant to s.
1170 57.082. If an attorney is appointed, the parent or legal
1171 guardian shall be enrolled in a payment plan pursuant to s.
1172 28.246 ~~If counsel is entitled to receive compensation for~~
1173 ~~representation pursuant to court appointment in a child in need~~
1174 ~~of services proceeding, such compensation shall not exceed~~
1175 ~~\$1,000 at the trial level and \$2,500 at the appellate level.~~

1176 **Section 8. Subsection (1) of section 984.071, Florida**
 1177 **Statutes, is amended, and subsection (3) is added to that**
 1178 **section, to read:**

1179 984.071 Resources and information.—

1180 (1) The department ~~of Juvenile Justice, in collaboration~~
 1181 ~~with the Department of Children and Families and the Department~~
 1182 ~~of Education,~~ shall develop and publish an information packet
 1183 that explains the current process under this chapter for
 1184 obtaining assistance for a child in need of services or a family
 1185 in need of services and the community services and resources
 1186 available to parents ~~of troubled or runaway children. The~~
 1187 information guide shall be published in a written format for
 1188 distribution and shall also be published on the department's
 1189 website. In preparing the information packet, the Department of
 1190 ~~Juvenile Justice shall work with school district~~
 1191 ~~superintendents, juvenile court judges, county sheriffs, and~~
 1192 ~~other local law enforcement officials in order to ensure that~~
 1193 ~~the information packet lists services and resources that are~~
 1194 ~~currently available within the county in which the packet is~~
 1195 ~~distributed.~~ Each information guide ~~packet~~ shall be reviewed
 1196 annually and updated as appropriate. The school district shall
 1197 distribute this information guide ~~packet~~ to parents of truant
 1198 children, and to other parents upon request or as deemed
 1199 appropriate by the school district. In addition, the department
 1200 ~~of Juvenile Justice~~ shall distribute the information guide

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1201 ~~packet~~ to state and local law enforcement agencies. Any law
1202 enforcement officer who has contact with the parent of a child
1203 who is locked out of the home, is ungovernable, or who runs away
1204 from home shall make the information guide available to the
1205 parent.

1206 (3) The Department of Education and the Department of
1207 Children and Families must each post the department's
1208 information guide on their respective websites.

1209 **Section 9.** Sections 984.08 and 984.085, Florida Statutes,
1210 are repealed.

1211 **Section 10. Section 984.0861, Florida Statutes, is created**
1212 **to read:**

1213 984.0861 Prohibited use of detention.—A child under the
1214 jurisdiction of the court pursuant to this chapter may not be
1215 placed in:

1216 (1) Any form of detention care intended for the use of
1217 alleged juvenile delinquents as authorized under chapter 985 for
1218 any purpose.

1219 (2) A secure detention facility authorized for use under
1220 chapter 985 for any purpose.

1221 (3) Any jail or other similar facility used for the
1222 purpose of detention or confinement of adults for any purpose.

1223 **Section 11. Section 984.09, Florida Statutes, is amended**
1224 **to read:**

1225 984.09 Punishment for contempt of court; alternative

1226 sanctions.—

1227 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may
1228 punish any child for contempt for interfering with the court or
1229 with court administration, or for violating any provision of
1230 this chapter or order of the court relative thereto. It is the
1231 intent of the Legislature that the court restrict and limit the
1232 use of contempt powers and prohibit the use of detention care
1233 and detention facilities as set forth in s. 984.0861 with
1234 ~~respect to commitment of a child to a secure facility~~. A child
1235 who commits direct contempt of court or indirect contempt of a
1236 valid court order may be taken into custody and ordered to serve
1237 an alternative sanction or placed in a shelter ~~secure~~ facility,
1238 as authorized in this section, by order of the court.

1239 (2) PLACEMENT IN A SHELTER ~~SECURE FACILITY~~.—A child
1240 adjudicated as a child in need of services may be placed solely
1241 in a shelter ~~secure facility~~ for purposes of punishment for
1242 contempt of court if alternative sanctions are unavailable or
1243 inappropriate, or if the child has already been ordered to serve
1244 an alternative sanction but failed to comply with the sanction.

1245 ~~(a) A delinquent child who has been held in direct or~~
1246 ~~indirect contempt may be placed in a secure detention facility~~
1247 ~~for 5 days for a first offense or 15 days for a second or~~
1248 ~~subsequent offense, or in a secure residential commitment~~
1249 ~~facility.~~

1250 (a)(b) A child in need of services who has been held in

1251 direct contempt or indirect contempt may be placed, for 5 days
1252 for a first offense or 15 days for a second or subsequent
1253 offense, in a ~~staff-secure shelter~~ operated by or contracted
1254 with the department to provide such services ~~or a staff-secure~~
1255 ~~residential facility solely for children in need of services if~~
1256 ~~such placement is available, or, if such placement is not~~
1257 ~~available, the child may be placed in an appropriate mental~~
1258 ~~health facility or substance abuse facility for assessment.~~ In
1259 addition to disposition under this paragraph, a child in need of
1260 services who is held in direct contempt or indirect contempt may
1261 be placed in a physically secure setting as provided under s.
1262 984.226 if conditions of eligibility are met.

1263 (b) A child subject to proceedings under s. 984.151 who
1264 has been held in direct contempt or indirect contempt may only
1265 be placed, for 5 days for a first offense or 15 days for a
1266 second or subsequent offense in a shelter operated by or
1267 contracted with the department for such services if a shelter
1268 bed is available. Upon a second or subsequent finding of
1269 contempt under this section, the court must refer the child to
1270 the case staffing committee with a recommendation to file a
1271 child in need of services petition.

1272 (c) Any shelter placement ordered under this section must
1273 be given as a cumulative sanction. Separate sanctions for the
1274 same act or series of acts within the same episode may not be
1275 imposed.

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1276 (3) ALTERNATIVE SANCTIONS. ~~Each judicial circuit shall~~
1277 ~~have an alternative sanctions coordinator who shall serve under~~
1278 ~~the chief administrative judge of the juvenile division of the~~
1279 ~~circuit court, and who shall coordinate and maintain a spectrum~~
1280 ~~of contempt sanction alternatives in conjunction with the~~
1281 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~
1282 Upon determining that a child has committed direct contempt of
1283 court or indirect contempt of a valid court order, the court may
1284 immediately request the circuit alternative sanctions
1285 coordinator to recommend the most appropriate available
1286 alternative sanction and shall order the child to perform up to
1287 50 hours of community-service ~~manual labor~~ or a similar
1288 alternative sanction, unless an alternative sanction is
1289 unavailable or inappropriate, or unless the child has failed to
1290 comply with a prior alternative sanction. Alternative contempt
1291 sanctions may be provided by local industry or by any nonprofit
1292 organization or any public or private business or service entity
1293 that has entered into a contract with the department ~~of Juvenile~~
1294 ~~Justice~~ to act as an agent of the state to provide voluntary
1295 supervision of children on behalf of the state in exchange for
1296 the ~~manual~~ labor of children and limited immunity in accordance
1297 with s. 768.28(11).

1298 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
1299 PROCESS.—

1300 (a) If a child subject to proceedings under this chapter

1301 is charged with direct contempt of court, ~~including traffic~~
 1302 ~~court~~, the court may impose an authorized sanction immediately.

1303 (b) If a child subject to proceedings under this chapter
 1304 is charged with indirect contempt of court, the court must issue
 1305 an order to show cause and schedule ~~hold~~ a hearing ~~within 24~~
 1306 ~~hours~~ to determine whether the child committed indirect contempt
 1307 of a valid court order. The child must be served with the order
 1308 to show cause and notice of hearing. At the hearing, the
 1309 following due process rights must be provided to the child:

1310 1. Right to a copy of the order to show cause alleging
 1311 facts supporting the contempt charge.

1312 2. Right to an explanation of the nature and the
 1313 consequences of the proceedings.

1314 3. Right to legal counsel and the right to have legal
 1315 counsel appointed by the court if the juvenile is indigent,
 1316 pursuant to s. 984.07 ~~985.033~~. The court must appoint counsel to
 1317 the child under s. 984.07 unless the child is not indigent and
 1318 has counsel present to represent the child, or the child
 1319 voluntarily, knowingly and intelligently waives counsel after
 1320 having been fully informed of his or her rights.

1321 4. Right to confront witnesses.

1322 5. Right to present witnesses.

1323 6. Right to have a transcript or record of the proceeding.

1324 7. Right to appeal to an appropriate court.

1325

1326 The child's parent, legal ~~or~~ guardian, or custodian may address
1327 the court regarding the due process rights of the child. If
1328 after the hearing, the court determines the child has committed
1329 indirect contempt of a valid court order, the court may impose
1330 an alternative sanction or may proceed under subsection (2). If
1331 the court orders shelter placement of a child in need of
1332 services, the court shall review the matter ~~placement of the~~
1333 ~~child~~ every 72 hours to determine whether it is appropriate for
1334 the child to remain in the facility.

1335 (c) The court may not order that a child be placed in a
1336 shelter ~~secure~~ facility for punishment for contempt unless the
1337 court determines that an alternative sanction is inappropriate
1338 or unavailable or that the child was initially ordered to an
1339 alternative sanction and did not comply with the alternative
1340 sanction. The court is encouraged to order a child to perform
1341 community service, up to the maximum number of hours, where
1342 appropriate before ordering that the child be placed in a
1343 shelter ~~secure~~ facility as punishment for contempt of court.

1344 ~~(d) In addition to any other sanction imposed under this~~
1345 ~~section, the court may direct the Department of Highway Safety~~
1346 ~~and Motor Vehicles to withhold issuance of, or suspend, a~~
1347 ~~child's driver license or driving privilege. The court may order~~
1348 ~~that a child's driver license or driving privilege be withheld~~
1349 ~~or suspended for up to 1 year for a first offense of contempt~~
1350 ~~and up to 2 years for a second or subsequent offense. If the~~

1351 ~~child's driver license or driving privilege is suspended or~~
1352 ~~revoked for any reason at the time the sanction for contempt is~~
1353 ~~imposed, the court shall extend the period of suspension or~~
1354 ~~revocation by the additional period ordered under this~~
1355 ~~paragraph. If the child's driver license is being withheld at~~
1356 ~~the time the sanction for contempt is imposed, the period of~~
1357 ~~suspension or revocation ordered under this paragraph shall~~
1358 ~~begin on the date on which the child is otherwise eligible to~~
1359 ~~drive. For a child in need of services whose driver license or~~
1360 ~~driving privilege is suspended under this paragraph, the court~~
1361 ~~may direct the Department of Highway Safety and Motor Vehicles~~
1362 ~~to issue the child a license for driving privileges restricted~~
1363 ~~to business or employment purposes only, as defined in s.~~
1364 ~~322.271, or for the purpose of completing court-ordered~~
1365 ~~community service, if the child is otherwise qualified for a~~
1366 ~~license. However, the department may not issue a restricted~~
1367 ~~license unless specifically ordered to do so by the court.~~

1368 (5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created
1369 the position of alternative sanctions coordinator within each
1370 judicial circuit, ~~pursuant to subsection (3)~~. Each alternative
1371 sanctions coordinator shall serve under the direction of the
1372 chief administrative judge of the juvenile division as directed
1373 by the chief judge of the circuit. The alternative sanctions
1374 coordinator shall act as the liaison between the judiciary,
1375 local department officials, district school board employees, and

1376 local law enforcement agencies. The alternative sanctions
1377 coordinator shall coordinate within the circuit community-based
1378 alternative sanctions, including ~~nonsecure detention programs,~~
1379 community service projects, ~~and other juvenile sanctions,~~ in
1380 conjunction with the circuit plan implemented in accordance with
1381 ~~s. 790.22(4)(c).~~

1382 **Section 12. Section 984.10, Florida Statutes, is amended**
1383 **to read:**

1384 984.10 Intake.—

1385 (1) Intake shall be performed by the department or the
1386 department's authorized agent. A report ~~or complaint~~ alleging
1387 that a child is from a family in need of services shall be made
1388 to the intake office operating in the county in which the child
1389 is found or in which the case arose. Any person or agency,
1390 including, but not limited to, the parent, ~~or~~ legal guardian, or
1391 custodian, the local school district, a law enforcement agency,
1392 or the Department of Children and Families, having knowledge of
1393 the facts may make a report ~~or complaint~~.

1394 (2) A representative of the department shall make a
1395 preliminary determination as to whether the report ~~or complaint~~
1396 is complete. The criteria for the completeness of a report ~~or~~
1397 ~~complaint~~ with respect to a child alleged to be from a family in
1398 need of services while subject to compulsory school attendance
1399 shall be governed by s. 984.03(17) ~~984.03(27)~~. In any case in
1400 which the representative of the department finds that the report

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1401 ~~or complaint~~ is incomplete, the representative of the department
1402 shall return the report ~~or complaint~~ without delay to the person
1403 or agency originating the report ~~or complaint~~ or having
1404 knowledge of the facts or to the appropriate law enforcement
1405 agency having investigative jurisdiction and request additional
1406 information in order to complete the report ~~or complaint~~.

1407 (3) If the representative of the department determines
1408 that in his or her judgment the interests of the family, the
1409 child, and the public will be best served by providing the
1410 family and child services and treatment voluntarily accepted by
1411 the child and the parents, ~~or~~ legal guardians, or custodians,
1412 the department's ~~departmental~~ representative may refer the
1413 family or child to an appropriate service ~~and treatment~~
1414 provider. As part of the intake procedure, the department's
1415 ~~departmental~~ representative shall inform the parent, ~~or~~ legal
1416 ~~eustodian~~ guardian, or custodian, in writing, of the services
1417 currently ~~and treatment~~ available to the child and family by
1418 department providers and other ~~or~~ community agencies in the
1419 county in which the family is located, and the rights and
1420 responsibilities of the parent, ~~or~~ legal guardian, or custodian
1421 under this chapter. Upon admission, and depending on services, a
1422 staff member may be assigned to the family as deemed appropriate
1423 to care.

1424 (4) If the department has reasonable grounds to believe
1425 that the child has been abandoned, abused, or neglected, it

1426 shall proceed pursuant ~~to the provisions of~~ chapter 39 and the
1427 abuse hotline shall be contacted.

1428 **Section 13. Section 984.11, Florida Statutes, is amended**
1429 **to read:**

1430 984.11 Services to families ~~in need of services.~~

1431 (1) The department or its designated service provider
1432 shall provide an array of voluntary family services aimed toward
1433 remediating school truancy, homelessness, and runaway and
1434 ungovernable behavior by children. Services ~~and treatment~~ to
1435 families in need of services shall be by voluntary agreement of
1436 the parent, ~~or~~ legal guardian, or custodian and the child ~~or as~~
1437 ~~directed by a court order pursuant to s. 984.22.~~

1438 (2) A family is not eligible to receive voluntary family
1439 services, if, at the time of the referral, the child is under
1440 court-ordered supervision by the department for delinquency
1441 under chapter 985 or by the Department of Children and Families
1442 due to a finding of dependency under chapter 39. A child who had
1443 received a prearrest delinquency citation, or is receiving
1444 delinquency diversion services, may receive voluntary family
1445 services.

1446 (3) If there is a pending investigation into an allegation
1447 of abuse, neglect or abandonment, the child may be eligible for
1448 voluntary family services if the Department of Children and
1449 Families agrees to the provision of services and makes a
1450 referral. An interagency agreement between the department and

1451 the Department of Children and Families shall govern this
 1452 referral process. The process must include notice to the
 1453 Department of Children and Families if a referral is declined
 1454 and the ability to decline services when funding is unavailable.

1455 (4)~~(2)~~ These services may include, but need not be limited
 1456 to:

- 1457 (a) ~~Homemaker~~ or Parent aide services.
- 1458 (b) Intensive crisis counseling.
- 1459 (c) Parent training.
- 1460 (d) Individual, group, or family counseling.
- 1461 (e) Referral to community mental health services.
- 1462 (f) Prevention and diversion services.
- 1463 (g) Services provided by voluntary or community agencies.
- 1464 (h) Runaway center services.
- 1465 (i) Runaway shelter ~~Housekeeper~~ services.
- 1466 (j) Referral for special educational, tutorial, or
 1467 remedial services.
- 1468 (k) Referral to vocational, career development job
 1469 ~~training~~, or employment services.
- 1470 (l) Recreational services.
- 1471 (m) Assessment.
- 1472 (n) Management.
- 1473 (o) Referral for or provision of substance abuse
 1474 assessment or treatment.

1475 (5)~~(3)~~ The department shall advise the parents, or ~~or~~ legal

1476 guardian, or custodian that they are responsible for
1477 contributing to the cost of the ~~child or family~~ services and
1478 ~~treatment~~ to the extent of their ability to pay. The parent is
1479 responsible for using health care insurance to the extent it is
1480 available for the provision of health services ~~The department~~
1481 ~~shall set and charge fees for services and treatment provided to~~
1482 ~~clients. The department may employ a collection agency for the~~
1483 ~~purpose of receiving, collecting, and managing the payment of~~
1484 ~~unpaid and delinquent fees. The collection agency must be~~
1485 ~~registered and in good standing under chapter 559. The~~
1486 ~~department may pay to the collection agency a fee from the~~
1487 ~~amount collected under the claim or may authorize the agency to~~
1488 ~~deduct the fee from the amount collected.~~

1489 ~~(4) The department may file a petition with the circuit~~
1490 ~~court to enforce the collection of fees for services and~~
1491 ~~treatment rendered to the child or the parent and other legal~~
1492 ~~custodians.~~

1493 **Section 14. Section 984.12, Florida Statutes, is amended**
1494 **to read:**

1495 984.12 Case staffing; services and treatment related to a
1496 family in need of services.-

1497 (1) The appropriate representative of the department shall
1498 request a meeting of the family and child with a case staffing
1499 committee to review the case of any family or child who the
1500 department determines is in need of services ~~or treatment~~ if:

1501 (a) The family or child is not in agreement with the
 1502 services or treatment offered;

1503 (b) The family or child will not participate in the
 1504 services or treatment selected; or

1505 (c) The representative of the department needs assistance
 1506 in developing an appropriate plan for services. The time and
 1507 place selected for the meeting shall be convenient for the child
 1508 and family.

1509 (2) The composition of the case staffing committee shall
 1510 be based on the needs of the family and child. It shall include
 1511 a representative from the child's school district and a
 1512 representative of the department ~~of Juvenile Justice~~, and may
 1513 include the department's designated service provider and a
 1514 supervisor of the department's contracted provider; a
 1515 representative from the area of health, mental health, substance
 1516 abuse, social, or ~~educational~~ services; a representative of the
 1517 state attorney; a representative of law enforcement ~~the~~
 1518 ~~alternative sanctions coordinator~~; and any person recommended by
 1519 the child, family, or department. The child and the child's
 1520 parent, legal guardian, or custodian must be invited to attend
 1521 the committee meeting.

1522 (3) The case staffing committee shall:

1523 (a) Identify the family's concerns and contributing
 1524 factors.

1525 (b) Request the family and child to identify their needs

1526 and concerns.

1527 (c) Seek input from the school district and any other
1528 persons in attendance with knowledge of the family or child's
1529 situation and concerns.

1530 (d) Consider the voluntary family services or other
1531 community services that have been offered and the results of
1532 those services.

1533 (e) Identify whether truancy is a concern and the efforts
1534 made by the child study team to remedy the truancy.

1535 (f) Reach a timely decision to provide the child or family
1536 with ~~needed~~ services and recommend any appropriate ~~and~~ treatment
1537 through the development of a plan for services.

1538 (4) The plan for services shall contain the following:

1539 (a) Statement of the concerns ~~problems~~.

1540 (b) Needs of the child.

1541 (c) Needs of the parents, legal guardian, or ~~legal~~
1542 ~~custodian~~.

1543 (d) Measurable objectives that address the identified
1544 problems and needs.

1545 (e) Services and treatment to be provided, to include:

1546 1. Type of services or treatment.

1547 2. Frequency of services or treatment.

1548 3. Location.

1549 4. Accountable service providers or staff.

1550 (f) Timeframes for achieving objectives.

1551 (5) Upon receipt of the plan, the child and family shall
 1552 acknowledge their position by accepting or rejecting the
 1553 services and provisions in writing. If the plan is accepted, it
 1554 shall be implemented as soon as is practicable.

1555 (6) The assigned case manager shall have responsibility A
 1556 ~~case manager shall be designated by the case staffing committee~~
 1557 ~~to be responsible~~ for implementing the plan. The department's
 1558 designated service provider ~~case manager~~ shall periodically
 1559 review the progress towards achieving the objectives of the plan
 1560 in order to:

1561 (a) Advise the case staffing committee of the need to make
 1562 adjustments to the plan; ~~or~~

1563 (b) Recommend a child in need of services petition be
 1564 filed by the department; or

1565 (c) ~~(b)~~ Terminate the case as indicated by successful or
 1566 substantial achievement of the objectives of the plan.

1567 (7) The parent, guardian, or legal custodian may convene a
 1568 meeting of the case staffing committee, ~~and any other member of~~
 1569 ~~the committee may convene a meeting if the member finds that~~
 1570 ~~doing so is in the best interest of the family or child.~~ A case
 1571 staffing committee meeting requested by a parent, guardian, or
 1572 legal custodian must be convened within 7 days, excluding
 1573 weekends and legal holidays, after the date the department's
 1574 representative receives the request in writing.

1575 (8) Any other member of the committee may convene a

1576 meeting if voluntary family services have been offered and the
 1577 services have been rejected by the child or family, or the child
 1578 has not made measurable progress toward achieving the service
 1579 plan goals, and the member finds that doing so is in the best
 1580 interest of the family or child.

1581 (9) A case staffing committee meeting must be convened
 1582 within 30 days after the date the case is referred by the court
 1583 pursuant to s. 984.151.

1584 (10)-(8) Within 7 days after meeting, the case staffing
 1585 committee shall provide the parent, guardian, or legal custodian
 1586 with a written report that details the reasons for the
 1587 committee's decision to recommend, or decline to recommend, that
 1588 the department file a petition alleging that the child is a
 1589 child in need of services.

1590 (11) The case staffing committee may reconvene from time
 1591 to time as may be necessary to make adjustments to the plan.

1592 **Section 15. Section 984.13, Florida Statutes, is amended**
 1593 **to read:**

1594 984.13 Taking a child into custody ~~a child alleged to be~~
 1595 ~~from a family in need of services or to be a child in need of~~
 1596 ~~services.-~~

1597 (1) A child may be taken into custody:

1598 (a) By a law enforcement officer when the officer has
 1599 reasonable grounds to believe that the child has run away from
 1600 his or her parents, legal guardian, or ~~other legal~~ custodian.

1601 (b) By a law enforcement officer when the officer has
1602 reasonable grounds to believe that the child is absent from
1603 school without authorization or is suspended or expelled and is
1604 not in the presence of his or her parent, ~~or~~ legal guardian, or
1605 custodian, for the purpose of delivering the child without
1606 unreasonable delay to the appropriate school system site. For
1607 the purpose of this paragraph, "school system site" includes,
1608 but is not limited to, a center approved by the superintendent
1609 of schools for the purpose of counseling students and referring
1610 them back to the school system or an approved alternative to a
1611 suspension or expulsion program. If a student is suspended or
1612 expelled from school without assignment to an alternative school
1613 placement, the law enforcement officer shall deliver the child
1614 to the parent, ~~or~~ legal guardian, or custodian, to a location
1615 determined by the parent, legal ~~or~~ guardian, or custodian, or to
1616 a designated truancy interdiction site until the parent or
1617 guardian can be located.

1618 (c) Pursuant to an order of the circuit court based upon
1619 sworn testimony before or after a child in need of services
1620 petition is filed under s. 984.15.

1621 (d) Pursuant to an order of the circuit court based upon a
1622 finding of contempt under this chapter for the purpose of
1623 delivering the child to a designated shelter facility.

1624 (e)-(d) By a law enforcement officer when the child
1625 voluntarily agrees to or requests services pursuant to this

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1626 chapter or placement in a shelter.

1627 (2) The person taking the child into custody shall:

1628 (a) Release the child to a parent, legal guardian, ~~legal~~
1629 ~~custodian, or responsible adult relative or to a department-~~
1630 ~~approved family in need of services and child in need of-~~
1631 ~~services provider~~ if the person taking the child into custody
1632 has reasonable grounds to believe the child has run away from a
1633 parent, legal guardian, or ~~legal~~ custodian; is truant; or is
1634 ungovernable and beyond the control of the parent, guardian, or
1635 legal custodian; following such release, the person taking the
1636 child into custody shall make a full written report to the
1637 family in need of services intake office of the department
1638 within 3 days; or

1639 (b) Deliver the child to a shelter designated by the
1640 department, stating the facts by reason of which the child was
1641 taken into custody and sufficient information to establish
1642 probable cause that the child be delivered to a shelter: ~~is from~~
1643 ~~a family in need of services.~~

1644 1. Pursuant to a court order that the child has been found
1645 guilty of contempt under this chapter;

1646 2. Pursuant to a court order for shelter placement
1647 subsequent to adjudication as a child in need of services;

1648 3. Because the child has requested voluntary family
1649 services and shelter placement; or

1650 4. Because the child and parent, legal guardian, or

1651 custodian voluntarily agree the child is in need of temporary
1652 shelter placement and such placement is necessary to provide a
1653 safe place for the child to remain until the parents and child
1654 can agree on conditions for the child's safe return home.

1655 (c) Deliver the child to a department-approved shelter or
1656 physically secure shelter pursuant to a court order issued under
1657 this chapter.

1658 (d) Deliver the child to a hospital for necessary
1659 evaluation and treatment if the child is believed to be
1660 suffering from a serious physical condition which requires
1661 either prompt diagnosis or treatment.

1662 (e) Deliver the child to a designated public receiving
1663 facility as defined in s. 394.455 for examination under s.
1664 394.463 if the child is believed to be mentally ill, including
1665 immediate threat of suicide as provided in s. 394.463(1).

1666 (f) Deliver the child to a hospital, addictions receiving
1667 facility, or treatment resource if the child appears to be
1668 intoxicated and has threatened, attempted, or inflicted physical
1669 harm on himself or herself or another, or is incapacitated by
1670 substance abuse.

1671 (3) If the child is taken into custody and ~~by, or~~ is
1672 delivered to a shelter, ~~the department~~, the appropriate
1673 representative of the department shall review the facts and make
1674 such further inquiry as necessary to determine whether the child
1675 shall remain in shelter ~~custody~~ or be released. Unless shelter

1676 is required as provided in s. 984.09, s. 984.22, or s. 984.226,
 1677 or the parent, legal guardian or custodian agree to the child's
 1678 temporary voluntary shelter placement, s. 984.14(1), the
 1679 department shall:

1680 (a) Release the child to his or her parent, legal
 1681 guardian, or legal custodian, to a responsible adult approved by
 1682 the parent, guardian, or legal custodian, relative, to a
 1683 responsible adult approved by the department, or to a
 1684 department-approved shelter family in need of services and
 1685 child in need of services provider; or

1686 (b) Authorize voluntary family temporary services and
 1687 treatment that would allow the child alleged to be from a family
 1688 in need of services to remain at home.

1689 **Section 16. Section 984.14, Florida Statutes, is amended**
 1690 **to read:**

1691 984.14 Voluntary shelter services placement; hearing.—

1692 (1) The department shall provide temporary voluntary
 1693 shelter services for the purpose of offering a safe environment
 1694 that provides 24-hour care and supervision, referrals for
 1695 services as needed, and education at the center or offsite and
 1696 counseling services for children when ~~Unless ordered by the~~
 1697 ~~court pursuant to the provisions of this chapter, or upon~~
 1698 ~~voluntary consent to placement by the child and the child's~~
 1699 ~~parent, legal guardian, or custodian, a child taken into custody~~
 1700 ~~shall not be placed in a shelter prior to a court hearing unless~~

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1701 ~~a determination has been made that the provision of appropriate~~
1702 ~~and available services will not eliminate the need for placement~~
1703 ~~and that such placement is required:~~

1704 (a) A child has run away from his or her caregiver, to
1705 provide an opportunity for the child and family to agree upon
1706 conditions for the child's return home, when immediate placement
1707 in the home would result in a substantial likelihood that the
1708 child and family would not reach an agreement; or

1709 (b) A ~~Because a parent, legal guardian, or custodian, or~~
1710 ~~guardian~~ is unavailable to take immediate custody of the child;
1711 or

1712 (c) A parent, legal guardian, or custodian has requested
1713 voluntary shelter for the child.

1714 (2) If a child is sheltered due to being a runaway or a
1715 parent, legal guardian, or custodian is unavailable, the
1716 department's designated shelter shall immediately attempt to
1717 make contact with the parent, legal guardian, or custodian to
1718 advise the family of the child's whereabouts, determine if the
1719 child can safely return home, or determine if the family is
1720 seeking temporary voluntary shelter services until they can
1721 arrange to take the child home. If the parent, legal guardian,
1722 or custodian cannot be located within 24 hours, the Department
1723 of Children and Families shall be contacted to assume custody of
1724 the child ~~If the department determines that placement in a~~
1725 ~~shelter is necessary according to the provisions of subsection~~

1726 ~~(1), the departmental representative shall authorize placement~~
1727 ~~of the child in a shelter provided by the community specifically~~
1728 ~~for runaways and troubled youth who are children in need of~~
1729 ~~services or members of families in need of services and shall~~
1730 ~~immediately notify the parents or legal custodians that the~~
1731 ~~child was taken into custody.~~

1732 ~~(3) A child who is involuntarily placed in a shelter shall~~
1733 ~~be given a shelter hearing within 24 hours after being taken~~
1734 ~~into custody to determine whether shelter placement is required.~~
1735 ~~The shelter petition filed with the court shall address each~~
1736 ~~condition required to be determined in subsection (1).~~

1737 ~~(4) A child may not be held involuntarily in a shelter~~
1738 ~~longer than 24 hours unless an order so directing is made by the~~
1739 ~~court after a shelter hearing finding that placement in a~~
1740 ~~shelter is necessary based on the criteria in subsection (1) and~~
1741 ~~that the department has made reasonable efforts to prevent or~~
1742 ~~eliminate the need for removal of the child from the home.~~

1743 ~~(5) Except as provided under s. 984.225, a child in need~~
1744 ~~of services or a child from a family in need of services may not~~
1745 ~~be placed in a shelter for longer than 35 days.~~

1746 ~~(6) When any child is placed in a shelter pursuant to~~
1747 ~~court order following a shelter hearing, the court shall order~~
1748 ~~the natural or adoptive parents of such child, the natural~~
1749 ~~father of such child born out of wedlock who has acknowledged~~
1750 ~~his paternity in writing before the court, or the guardian of~~

1751 ~~such child's estate, if possessed of assets which under law may~~
1752 ~~be disbursed for the care, support, and maintenance of the~~
1753 ~~child, to pay, to the department, fees as established by the~~
1754 ~~department. When the order affects the guardianship estate, a~~
1755 ~~certified copy of the order shall be delivered to the judge~~
1756 ~~having jurisdiction of the guardianship estate.~~

1757 ~~(7) A child who is adjudicated a child in need of services~~
1758 ~~or alleged to be from a family in need of services or a child in~~
1759 ~~need of services may not be placed in a secure detention~~
1760 ~~facility or jail or any other commitment program for delinquent~~
1761 ~~children under any circumstances.~~

1762 ~~(8) The court may order the placement of a child in need~~
1763 ~~of services into a staff-secure facility for no longer than 5~~
1764 ~~days for the purpose of evaluation and assessment.~~

1765 **Section 17. Section 984.15, Florida Statutes, is amended**
1766 **to read:**

1767 984.15 Petition for a child in need of services.—

1768 (1) All proceedings seeking an adjudication that a child
1769 is a child in need of services shall be initiated by the filing
1770 of a petition by an attorney representing the department or by
1771 the child's parent, legal guardian, or ~~legal~~ custodian. ~~If a~~
1772 ~~child in need of services has been placed in a shelter pursuant~~
1773 ~~to s. 984.14, the department shall file the petition~~
1774 ~~immediately, including in the petition notice of arraignment~~
1775 ~~pursuant to s. 984.20.~~

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1776 (2) (a) The department shall file a petition for a child in
1777 need of services if the child meets the definition of a child in
1778 need of services, and the case ~~manager or~~ staffing committee
1779 recommends ~~requests~~ that a petition be filed and:

1780 1. The family and child have in good faith, but
1781 unsuccessfully, used the services and process described in ss.
1782 984.11 and 984.12; or

1783 2. The family or child have refused ~~all~~ services described
1784 in ss. 984.11 and 984.12 after reasonable efforts by the
1785 department to involve the family and child in voluntary family
1786 services ~~and treatment~~.

1787 (b) Once the requirements in paragraph (a) have been met,
1788 the department shall file a petition for a child in need of
1789 services as soon as practicable ~~within 45 days~~.

1790 (c) The petition shall be in writing, shall state the
1791 specific grounds ~~under s. 984.03(9)~~ by which the child is
1792 designated a child in need of services, and shall certify that
1793 the conditions prescribed in paragraph (a) have been met. The
1794 petition shall be signed by the petitioner under oath stating
1795 good faith in filing the petition and shall be signed by an
1796 attorney for the department.

1797 (3) (a) The parent, legal guardian, or ~~legal~~ custodian may
1798 file a petition alleging that a child is a child in need of
1799 services if:

1800 1. The department waives the requirement for a case

1801 staffing committee.

1802 2. The department fails to convene a meeting of the case
1803 staffing committee within 7 days, excluding weekends and legal
1804 holidays, after receiving a written request for such a meeting
1805 from the child's parent, legal guardian, or ~~legal~~ custodian.

1806 3. The parent, legal guardian, or ~~legal~~ custodian does not
1807 agree with the plan for services offered by the case staffing
1808 committee.

1809 4. The department fails to provide a written report within
1810 7 days after the case staffing committee meets, as required
1811 under s. 984.12(10) ~~s. 984.12(8)~~.

1812 (b) The parent, legal guardian, or ~~legal~~ custodian must
1813 give the department prior written notice of intent to file the
1814 petition. If, at the arraignment hearing, the court finds that
1815 such written notice of intent to file the petition was not
1816 provided to the department, the court shall dismiss the
1817 petition, postpone the hearing until such written notice is
1818 given, or, if the department agrees, proceed with the
1819 arraignment hearing. The petition must be served on the
1820 department's office of general counsel.

1821 (c) The petition must be in writing and must set forth
1822 specific facts alleging that the child is a child in need of
1823 services ~~as defined in s. 984.03(9)~~. The petition must also
1824 demonstrate that the parent, legal guardian, or ~~legal~~ custodian
1825 has in good faith, but unsuccessfully, participated in the

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1826 services and processes described in ss. 984.11 and 984.12.
1827 (4)~~(d)~~ The petition must be signed by the petitioner under
1828 oath.

1829 (5)~~(e)~~ The court, on its own motion or the motion of any
1830 party or the department, shall determine the legal sufficiency
1831 of a petition filed under this subsection and may dismiss any
1832 petition that lacks sufficient grounds. In addition, the court
1833 shall verify that the child is not:

1834 (a)~~1.~~ The subject of a pending investigation into an
1835 allegation or suspicion of abuse, neglect, or abandonment;

1836 (b)~~2.~~ The subject of a pending petition ~~referral~~ alleging
1837 that the child is delinquent; or

1838 (c)~~3.~~ Under the current supervision of the department or
1839 the Department of Children and Families for an adjudication of
1840 delinquency or dependency.

1841 (6)~~(4)~~ The form of the petition and any additional
1842 contents shall be determined by rules of procedure adopted by
1843 the Supreme Court.

1844 (7)~~(5)~~ The petitioner ~~department or the parent, guardian,~~
1845 ~~or legal custodian~~ may withdraw a petition at any time before
1846 ~~prior to~~ the child is ~~being~~ adjudicated a child in need of
1847 services.

1848 **Section 18. Section 984.151, Florida Statutes, is amended**
1849 **to read:**

1850 984.151 Early truancy intervention; truancy petition;

1851 judgment ~~prosecution; disposition.~~-

1852 (1) If the school determines that a student subject to
1853 compulsory school attendance has had at least five unexcused
1854 absences, or absences for which the reasons are unknown, within
1855 a calendar month or 10 unexcused absences, or absences for which
1856 the reasons are unknown, within a 90-calendar-day period
1857 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused
1858 absences in a 90-calendar-day period, the superintendent of
1859 schools or his or her designee may file a truancy petition
1860 seeking early truancy intervention.

1861 (2) The petition shall be filed in the circuit in which
1862 the student is enrolled in school.

1863 (3) Original jurisdiction to hear a truancy petition shall
1864 be in the circuit court; however, the circuit court may use a
1865 general or special magistrate ~~master~~ pursuant to Supreme Court
1866 rules. Upon the filing of the petition, the clerk shall issue a
1867 summons to the parent, legal guardian, or ~~legal~~ custodian of the
1868 student, directing that person and the student to appear for a
1869 hearing at a time and place specified.

1870 (4) The petition must contain the following: the name,
1871 age, and address of the student; the name and address of the
1872 student's parent or guardian; the school where the student is
1873 enrolled; the efforts the school has made to get the student to
1874 attend school in compliance with s. 1003.26; the number of out-
1875 of-school contacts between the school system and student's

1876 parent or guardian; and the number of days and dates of days the
1877 student has missed school. The petition shall be sworn to by the
1878 superintendent or his or her designee.

1879 (5) Once the petition is filed, the court shall hear the
1880 petition within 30 days.

1881 (6) The student and the student's parent or guardian shall
1882 attend the hearing.

1883 (7) If the court determines that the student did miss any
1884 of the alleged days, the court shall enter an order finding the
1885 child to be a truant status offender and the court shall order
1886 the student to attend school and order the parent, legal
1887 guardian, or custodian to ensure that the student attends
1888 school. The court, ~~and~~ may order any of the following services:

1889 (a) The student to participate in ~~alternative sanctions to~~
1890 ~~include mandatory attendance at alternative classes; to be~~
1891 ~~followed by mandatory community services hours for a period up~~
1892 ~~to 6 months; the student and~~

1893 (b) The student's parent, legal or guardian, or custodian
1894 to participate in parenting classes ~~homemaker or parent aide~~
1895 ~~services;~~

1896 (c) The student or the student's parent, legal or guardian
1897 or custodian to participate in individual, group, or family
1898 ~~intensive crisis~~ counseling;

1899 (d) The student or the student's parent, legal or guardian
1900 or custodian to participate in community mental health services

1901 or substance abuse treatment services if available and
 1902 applicable;

1903 (e) The student and the student's parent, legal or
 1904 guardian, or custodian to participate in services service
 1905 provided by state or community voluntary or community agencies,
 1906 if appropriate as available, including services for families in
 1907 need of services as provided in s. 984.11;

1908 (f) The student and the student's parent, legal guardian,
 1909 or custodian to attend meetings with school officials to address
 1910 the child's educational needs, classroom assignment, class
 1911 schedule, and other barriers to school attendance identified by
 1912 the child's school, child or family;

1913 (g) The student and the student's parent, legal guardian,
 1914 or custodian to engage in learning activities provided by the
 1915 school board as to why education is important and the potential
 1916 impact on the child's future employment and education options if
 1917 the attendance problem persist; or

1918 (h) and The student or the student's parent, legal or
 1919 guardian, or custodian to participate in vocational or job
 1920 training, or employment services.

1921 (8) If the student does not substantially comply with
 1922 compulsory school attendance and court ordered services required
 1923 under successfully complete the sanctions ordered in subsection
 1924 (7), and the child meets the definition of a child in need of
 1925 services, the case shall be referred by the court to the

1926 department's designated service provider for review by the case
1927 staffing committee under s. 984.12 with a recommendation to file
1928 a petition for child in need of services ~~child-in-need-of-~~
1929 ~~services petition~~ under s. 984.15. The court shall review the
1930 case not less than every 45 days to determine if the child is in
1931 substantial compliance with compulsory education or if the case
1932 should be referred to the case staffing committee in accord with
1933 this subsection.

1934 (9) If the student substantially complies with compulsory
1935 school attendance the court shall close the truancy case.

1936 (10) If the child is adjudicated a child in need of
1937 services pursuant to s. 984.21, the truancy case shall be closed
1938 and jurisdiction relinquished in accordance with s. 984.04.

1939 (11) The court may retain jurisdiction of any case in
1940 which the child is noncompliant with compulsory education and
1941 the child does not meet the definition of a child in need of
1942 services under this chapter until the child is no longer subject
1943 to compulsory education under s. 1003.21 or jurisdiction lapses
1944 in accord with s. 984.04, whichever occurs first.

1945 (12) The court may not order a child placed in shelter
1946 pursuant to this section unless the court has found the child
1947 has been found in contempt for violation of a court order under
1948 s. 984.09.

1949 (13) The court may not order a child to be placed in
1950 detention care or any detention facility pursuant to this

1951 section.

1952 (14)~~(9)~~ The parent, legal guardian, or ~~legal~~ custodian and
 1953 the student shall participate, as required by court order, in
 1954 any sanctions or services required by the court under this
 1955 section, and the court shall enforce such participation through
 1956 its contempt power.

1957 (15) Any truant student that meets the definition of a
 1958 child in need of services and who has been found in contempt for
 1959 violation of a court order under s. 984.09 two or more times
 1960 shall be referred to the case staffing committee under s. 984.12
 1961 with a recommendation to file a petition for a child in need of
 1962 services.

1963 (16) The clerk of court must serve any court order
 1964 referring the case to voluntary family services or the case
 1965 staffing committee to the department's office of general counsel
 1966 and to the department's designated child in need of services
 1967 provider.

1968 **Section 19. Subsections (3) and (5) of section 984.16,**
 1969 **Florida Statutes, are amended, and subsection (11) is added to**
 1970 **that section, to read:**

1971 984.16 Process and service for child in need of services
 1972 petitions.—

1973 (3) The summons shall require the person on whom it is
 1974 served to appear for a hearing at a time and place specified.
 1975 ~~Except in cases of medical emergency, the time shall not be less~~

1976 ~~than 24 hours after service of the summons.~~ The summons must ~~may~~
 1977 require the custodian to bring the child to court ~~if the court~~
 1978 ~~determines that the child's presence is necessary.~~ A copy of the
 1979 petition shall be attached to the summons.

1980 (5) The jurisdiction of the court shall attach to the
 1981 child and the parent, legal guardian, or custodian, ~~or legal~~
 1982 ~~guardian~~ of the child and the case when the summons is served
 1983 upon the child or a parent, ~~or~~ legal guardian, or ~~actual~~
 1984 custodian of the child; ~~or~~ when the child is taken into custody
 1985 with or without service of summons and after filing of a
 1986 petition for a child in need of services; or when a party
 1987 personally appears before the court whichever occurs first, and
 1988 thereafter the court may control the child and case in
 1989 accordance with this chapter.

1990 (11) If a court takes action that directly involves a
 1991 student's school, including, but not limited to, an order that a
 1992 student attend school, attend school with his or her parent, an
 1993 order the parent to participate in meetings, including parent-
 1994 teacher conferences, Section 504 plan meetings or individualized
 1995 education plan meetings to address the student's disability, the
 1996 office of the clerk of the court shall provide notice to the
 1997 school of the court's action.

1998 **Section 20. Section 984.17, Florida Statutes, is amended**
 1999 **to read:**

2000 984.17 Response to petition and representation of

2001 parties.—

2002 (1) At the time a child in need of services petition is
 2003 filed, the court may appoint a guardian ad litem for the child.

2004 (2) No answer to the petition or any other pleading need
 2005 be filed by any child, parent, ~~or~~ legal guardian, or custodian,
 2006 but any matters which might be set forth in an answer or other
 2007 pleading may be pleaded orally before the court or filed in
 2008 writing as any such person may choose. Notwithstanding the
 2009 filing of an answer or any pleading, the child and ~~or~~ parent,
 2010 legal guardian, or custodian shall, before ~~prior to~~ an
 2011 adjudicatory hearing, be advised by the court of the right to
 2012 counsel.

2013 (3) When a petition for a child in need of services has
 2014 been filed and the parents, legal guardian, or ~~legal~~ custodian
 2015 of the child and the child have advised the department that the
 2016 truth of the allegations is acknowledged and that no contest is
 2017 to be made of the adjudication, the attorney representing the
 2018 department may set the case before the court for a disposition
 2019 hearing. If there is a change in the plea at this hearing, the
 2020 court shall continue the hearing to permit the attorney
 2021 representing the department to prepare and present the case.

2022 (4) An attorney representing the department shall
 2023 represent the state in any proceeding in which the petition
 2024 alleges that a child is a child in need of services ~~and in which~~
 2025 ~~a party denies the allegations of the petition and contests the~~

2026 adjudication.

2027 **Section 21.** Section 984.18, Florida Statutes, is repealed.

2028 **Section 22. Section 984.19, Florida Statutes, is amended**
 2029 **to read:**

2030 984.19 Medical screening and treatment of child;
 2031 examination of parent, legal guardian, or person requesting
 2032 custody.—

2033 (1) When any child is to be placed in shelter care, the
 2034 department or its authorized agent may ~~is authorized to~~ have a
 2035 medical screening provided for ~~performed on~~ the child without
 2036 authorization from the court and without consent from a parent,
 2037 legal ~~or~~ guardian, or custodian. Such medical screening shall be
 2038 provided ~~performed~~ by a licensed health care professional and
 2039 shall be to screen ~~examine~~ the child for injury, illness, and
 2040 communicable diseases. In no case does this subsection authorize
 2041 the department to consent to medical treatment for such
 2042 children.

2043 (2) When ~~the department has performed~~ the medical
 2044 screening authorized by subsection (1) or when it is otherwise
 2045 determined by a licensed health care professional that a child
 2046 is in need of medical treatment, consent for medical treatment
 2047 shall be obtained in the following manner:

2048 (a)1. Consent to medical treatment shall be obtained from
 2049 a parent, legal ~~or~~ guardian, or custodian of the child; or

2050 2. A court order for such treatment shall be obtained.

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2051 (b) If a parent, legal ~~or~~ guardian, or custodian of the
2052 child is unavailable and his or her whereabouts cannot be
2053 reasonably ascertained, and it is after normal working hours so
2054 that a court order cannot reasonably be obtained, an authorized
2055 agent of the department or its provider has the authority to
2056 consent to necessary medical treatment for the child. The
2057 authority of the department to consent to medical treatment in
2058 this circumstance is limited to the time reasonably necessary to
2059 obtain court authorization.

2060 (c) If a parent, legal ~~or~~ guardian, or custodian of the
2061 child is available but refuses to consent to the necessary
2062 treatment, a court order is required, unless the situation meets
2063 the definition of an emergency in s. 743.064 or the treatment
2064 needed is related to suspected abuse or neglect of the child by
2065 the parent or guardian. In such case, the department's
2066 authorized agent may ~~department has the authority to~~ consent to
2067 necessary medical treatment. This authority is limited to the
2068 time reasonably necessary to obtain court authorization.

2069
2070 In no case may the department consent to sterilization,
2071 abortion, or termination of life support.

2072 (3) A judge may order that a child alleged to be or
2073 adjudicated a child in need of services be examined by a
2074 licensed health care professional. The judge may also order such
2075 child to be evaluated by a psychiatrist or a psychologist, by a

2076 district school board educational needs assessment team, or, if
2077 a developmental disability is suspected or alleged, by the
2078 developmental disability diagnostic and evaluation team of the
2079 Department of Children and Families or Agency for Persons with
2080 Disabilities. The judge may order a family assessment if that
2081 assessment was not completed at an earlier time. If it is
2082 necessary to place a child in a residential facility for such
2083 evaluation, then the criteria and procedure established in s.
2084 394.463(2) or chapter 393 shall be used, whichever is
2085 applicable. The educational needs assessment provided by the
2086 district school board educational needs assessment team shall
2087 include, but not be limited to, reports of intelligence and
2088 achievement tests, screening for learning disabilities and other
2089 handicaps, and screening for the need for alternative education
2090 pursuant to s. 1003.53.

2091 (4) A judge may order that a child alleged to be or
2092 adjudicated a child in need of services be treated by a licensed
2093 health care professional. The judge may also order such child to
2094 receive mental health or intellectual disability services from a
2095 psychiatrist, psychologist, or other appropriate service
2096 provider. If it is necessary to place the child in a residential
2097 facility for such services, the procedures and criteria
2098 established in s. 394.467 or chapter 393 shall be used, as
2099 applicable. A child may be provided services in emergency
2100 situations pursuant to the procedures and criteria contained in

2101 s. 394.463(1) or chapter 393, as applicable.

2102 (5) When there are indications of physical injury or
 2103 illness, a licensed health care professional shall be
 2104 immediately contacted ~~called~~ or the child shall be taken to the
 2105 nearest available hospital for emergency care.

2106 (6) Except as otherwise provided herein, ~~nothing in~~ this
 2107 section does not ~~shall be deemed to~~ eliminate the right of a
 2108 parent, legal ~~a~~ guardian, or custodian, or the child to consent
 2109 to examination or treatment for the child.

2110 (7) Except as otherwise provided herein, ~~nothing in~~ this
 2111 section does not ~~shall be deemed to~~ alter the provisions of s.
 2112 743.064.

2113 (8) A court may order ~~shall not be precluded from ordering~~
 2114 services or treatment to be provided to the child by a duly
 2115 accredited practitioner who relies solely on spiritual means for
 2116 healing in accordance with the tenets and practices of a church
 2117 or religious organization, when required by the child's health
 2118 and when requested by the child.

2119 (9) ~~Nothing in~~ This section does not ~~shall be construed to~~
 2120 authorize the permanent sterilization of the child, unless such
 2121 sterilization is the result of or incidental to medically
 2122 necessary treatment to protect or preserve the life of the
 2123 child.

2124 (10) For the purpose of obtaining an evaluation or
 2125 examination or receiving treatment as authorized pursuant to

2126 | this section, no child ~~alleged to be or found to be a child from~~
2127 | ~~a family in need of services or a child in need of services~~
2128 | shall be placed in a detention facility or other program used
2129 | primarily for the care and custody of children alleged or found
2130 | to have committed delinquent acts.

2131 | (11) The parents, legal guardian, or custodian ~~guardian~~ of
2132 | a child alleged to be or adjudicated a child in need of services
2133 | remain financially responsible for the cost of medical treatment
2134 | provided to the child even if one or both of the parents or if
2135 | the legal guardian, or custodian did not consent to the medical
2136 | treatment. After a hearing, the court may order the parents, legal
2137 | guardian, or custodian, if found able to do so, to
2138 | reimburse the department or other provider of medical services
2139 | for treatment provided.

2140 | (12) A judge may order a child under its jurisdiction to
2141 | submit to substance abuse evaluation, testing, and treatment in
2142 | accordance with s. 397.706 ~~Nothing in this section alters the~~
2143 | ~~authority of the department to consent to medical treatment for~~
2144 | ~~a child who has been committed to the department pursuant to s.~~
2145 | ~~984.22(3) and of whom the department has become the legal~~
2146 | ~~custodian.~~

2147 | (13) At any time after the filing of a petition for a
2148 | child in need of services, when the mental or physical
2149 | condition, including the blood group, of a parent, guardian, or
2150 | other person requesting custody of a child is in controversy,

2151 the court may order the person to submit to a physical or mental
2152 examination by a qualified professional. The order may be made
2153 only upon good cause shown and pursuant to notice and procedures
2154 as set forth by the Florida Rules of Juvenile Procedure.

2155 **Section 23. Section 984.20, Florida Statutes, is amended**
2156 **to read:**

2157 984.20 Hearings for child in need of services ~~child-in-~~
2158 ~~need-of-services~~ cases.—

2159 (1) ARRAIGNMENT HEARING.—

2160 (a) The clerk shall set a date for an arraignment hearing
2161 within a reasonable time after the date of the filing of the
2162 child in need of services petition. The court shall advise the
2163 child and the parent, legal guardian, or custodian of the right
2164 to counsel as provided in s. 984.07. ~~When a child has been taken~~
2165 ~~into custody by order of the court, an arraignment hearing shall~~
2166 ~~be held within 7 days after the date the child is taken into~~
2167 ~~eustody.~~ The hearing shall be held for the child and the parent,
2168 legal guardian, or custodian to admit, deny, or consent to
2169 findings that a child is in need of services as alleged in the
2170 petition. If the child and the parent, legal guardian, or
2171 custodian admit or consent to the findings in the petition, the
2172 court shall adjudicate the child a child in need of services and
2173 proceed as set forth in the Florida Rules of Juvenile Procedure.
2174 However, if either the child or the parent, legal guardian, or
2175 custodian denies any of the allegations of the petition, the

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2176 court shall hold an adjudicatory hearing within a reasonable
2177 time after the date of the arraignment hearing ~~7 days after the~~
2178 ~~date of the arraignment hearing.~~

2179 (b) The court may grant a continuance of the arraignment
2180 hearing ~~When a child is in the custody of the parent, guardian,~~
2181 ~~or custodian, upon the filing of a petition, the clerk shall set~~
2182 ~~a date for an arraignment hearing within a reasonable time from~~
2183 ~~the date of the filing of the petition. if the child or and the~~
2184 ~~parent, legal guardian, or custodian request a continuance to~~
2185 ~~obtain an attorney and legal counsel requests a continuance. The~~
2186 ~~case shall be rescheduled for an arraignment hearing within a~~
2187 ~~reasonable period of time to allow for consultation admit or~~
2188 ~~consent to an adjudication, the court shall proceed as set forth~~
2189 ~~in the Florida Rules of Juvenile Procedure. However, if either~~
2190 ~~the child or the parent, guardian, or custodian denies any of~~
2191 ~~the allegations of child in need of services, the court shall~~
2192 ~~hold an adjudicatory hearing within a reasonable time from the~~
2193 ~~date of the arraignment hearing.~~

2194 (c) If at the arraignment hearing the child and the
2195 parent, legal guardian, or custodian consents or admits to the
2196 allegations in the petition and the court determines that the
2197 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(c)~~,
2198 the court shall proceed to hold a disposition hearing at the
2199 earliest practicable time that will allow for the completion of
2200 a predisposition study.

2201 (d) Failure of a person served with notice to appear at
 2202 the arraignment hearing constitutes the person's consent to the
 2203 child in need of services petition. The document containing the
 2204 notice to respond or appear must contain, in type as large as
 2205 the balance of the document, the following or substantially
 2206 similar language:

2207
 2208 FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING CONSTITUTES
 2209 CONSENT TO THE ADJUDICATION OF THIS CHILD AS A CHILD IN
 2210 NEED OF SERVICES AND MAY RESULT IN THE COURT ENTERING AN
 2211 ORDER OF DISPOSITION AND PLACE THE CHILD INTO SHELTER.

2212
 2213 If a person appears for the arraignment hearing and the court
 2214 orders that person to appear, either physically or through
 2215 audio-video communication technology, at the adjudicatory
 2216 hearing for the child in need of services case, stating the
 2217 date, time, place, and, if applicable, the instructions for
 2218 appearance through audio-video communication technology, of the
 2219 adjudicatory hearing, then that person's failure to appear for
 2220 the scheduled adjudicatory hearing constitutes consent to a
 2221 child in need of services adjudication.

2222 (2) ADJUDICATORY HEARING.—

2223 (a) The adjudicatory hearing shall be held as soon as
 2224 practicable after the petition for a child in need of services
 2225 is filed and in accordance with the Florida Rules of Juvenile

2226 Procedure, but reasonable delay for the purpose of
2227 investigation, discovery, or procuring counsel or witnesses
2228 shall, whenever practicable, be granted. ~~If the child is in~~
2229 ~~custody, the adjudicatory hearing shall be held within 14 days~~
2230 ~~after the date the child was taken into custody.~~

2231 (b) Adjudicatory hearings shall be conducted by the judge
2232 without a jury, applying the rules of evidence in use in civil
2233 cases and adjourning the hearings from time to time as
2234 necessary. In an adjudicatory hearing ~~on a petition in which it~~
2235 ~~is alleged that the child is a child in need of services,~~ a
2236 preponderance of evidence shall be required to establish that
2237 the child is in need of services. If the court finds the
2238 allegations are proven by a preponderance of evidence and the
2239 child is a child in need of services, the court shall enter an
2240 order of adjudication.

2241 (c) All hearings, except as hereinafter provided, shall be
2242 open to the public, and no person shall be excluded therefrom
2243 except on special order of the judge who, in his or her
2244 discretion, may close any hearing to the public when the public
2245 interest or the welfare of the child, in his or her opinion, is
2246 best served by so doing. Hearings involving more than one child
2247 may be held simultaneously when the several children involved
2248 are related to each other or were involved in the same case. The
2249 child and the parent, guardian, or custodian of the child may be
2250 examined separately and apart from each other.

2251 (3) DISPOSITION HEARING.—

2252 (a) At the disposition hearing, ~~if the court finds that~~
2253 ~~the facts alleged in the petition of a child in need of services~~
2254 ~~were proven in the adjudicatory hearing,~~ the court shall receive
2255 and consider a predisposition study, which shall be in writing
2256 and be presented by an authorized agent of the department or its
2257 provider.

2258 ~~(a)~~ The predisposition study shall cover:

2259 1. All treatment and services that the parent, legal
2260 guardian, or custodian and child received.

2261 2. The love, affection, and other emotional ties existing
2262 between the family ~~parents~~ and the child.

2263 3. The capacity and disposition of the parents, legal
2264 guardian, or custodian to provide the child with food, clothing,
2265 medical care or other remedial care recognized and permitted
2266 under the laws of this state in lieu of medical care, and other
2267 material needs.

2268 4. The length of time that the child has lived in a
2269 stable, satisfactory environment and the desirability of
2270 maintaining continuity.

2271 5. The permanence, as a family unit, of the existing or
2272 proposed custodial home.

2273 6. The moral fitness of the parents, legal guardian, or
2274 custodian.

2275 7. The mental and physical health of the family.

- 2276 8. The home, school, and community record of the child.
- 2277 9. The reasonable preference of the child, if the court
- 2278 deems the child to be of sufficient intelligence, understanding,
- 2279 and experience to express a preference.
- 2280 10. Any other factor considered by the court to be
- 2281 relevant.
- 2282 (b) The predisposition study also shall provide the court
- 2283 with documentation regarding:
- 2284 1. The availability of appropriate prevention, services,
- 2285 and treatment for the parent, legal guardian, custodian, and
- 2286 child to prevent the removal of the child from the home or to
- 2287 reunify the child with the parent, legal guardian, or custodian
- 2288 after removal or to reconcile the problems between the family
- 2289 ~~parent, guardian, or custodian~~ and the child.†
- 2290 2. The inappropriateness of other prevention, treatment,
- 2291 and services that were available.†
- 2292 3. The efforts by the department to prevent shelter out-
- 2293 ~~of-home~~ placement of the child or, when applicable, to reunify
- 2294 the parent, legal guardian, or custodian if appropriate services
- 2295 were available.†
- 2296 4. Whether voluntary family ~~the~~ services were provided.†
- 2297 5. If the voluntary family services and treatment were
- 2298 provided, whether they were sufficient to meet the needs of the
- 2299 child and the family and to enable the child to remain at home
- 2300 or to be returned home.†

2301 6. If the voluntary family services and treatment were not
2302 provided, the reasons for such lack of provision.~~;~~ ~~and~~

2303 7. The need for, or appropriateness of, continuing such
2304 treatment and services if the child remains in the custody of
2305 the parent, guardian, or custodian or if the child is placed
2306 outside the home.

2307 (c) If placement of the child with anyone other than the
2308 child's parent, guardian, or custodian is being considered, the
2309 study shall include the designation of a specific length of time
2310 as to when custody by the parent, guardian, or custodian shall
2311 be reconsidered.

2312 (d) A copy of this predisposition study shall be furnished
2313 to the person having custody of the child at the time such
2314 person is notified of the disposition hearing.

2315 (e) After review of the predisposition study and other
2316 relevant materials, the court shall hear from the parties and
2317 consider all recommendations for court-ordered services,
2318 evaluations, treatment and required actions designed to remedy
2319 the child's truancy, ungovernable behavior, or running away. The
2320 court shall enter an order of disposition.

2321
2322 Any other relevant and material evidence, including other
2323 written or oral reports, may be received by the court in its
2324 effort to determine the action to be taken with regard to the
2325 child and may be relied upon to the extent of its probative

2326 value, even though not competent in an adjudicatory hearing.
2327 Except as provided in paragraph (2) (c), ~~nothing in this section~~
2328 does not shall prohibit the publication of proceedings in a
2329 hearing.

2330 (4) REVIEW HEARINGS.—

2331 (a) The court shall hold a review hearing within 45 days
2332 after the disposition hearing. Additional review hearings may be
2333 held as necessary, allowing sufficient time for the child and
2334 family to work toward compliance with the court orders and
2335 monitoring by the case manager. No longer than 90 days may
2336 elapse between judicial review hearings but no less than 45 days
2337 after the date of the last review hearing.

2338 (b) The parent, legal guardian, or custodian and the child
2339 shall be noticed to appear for the review hearing. The
2340 department must appear at the review hearing. If the child or
2341 parent, legal guardian, or custodian does not appear at a review
2342 hearing, the court may proceed with the hearing and enter orders
2343 that affect the child and family accordingly. The child's
2344 presence may be waived by the court if the court finds good
2345 cause to do so.

2346 (c) ~~(b)~~ At the review hearings, the court shall consider
2347 the department's judicial review summary. The court shall close
2348 the case if the child has substantially complied with the case
2349 plans and court orders and no longer requires continued court
2350 supervision, subject to the case being reopened. Upon request of

2351 the petitioner, the court may close the case and relinquish
2352 jurisdiction. If the child has significantly failed to comply
2353 with the case plan or court orders, the child shall continue to
2354 be a child in need of services and reviewed by the court as
2355 needed. At review hearings, the court may enter further orders
2356 to adjust the services case plan to address the family needs and
2357 compliance with court orders, including, but not limited to,
2358 ordering the child placed in shelter, ~~but no less than 45 days~~
2359 ~~after the date of the last review hearing.~~

2360 **Section 24. Section 984.21, Florida Statutes, is amended**
2361 **to read:**

2362 984.21 Orders of adjudication.—

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

2372 (2)~~(1)~~ If the court finds that the child named in a
2373 petition is not a child in need of services, it shall enter an
2374 order so finding and dismiss ~~dismissing~~ the case.

2375 ~~(2) If the court finds that the child named in the~~

2376 ~~petition is a child in need of services, but finds that no~~
2377 ~~action other than supervision in the home is required, it may~~
2378 ~~enter an order briefly stating the facts upon which its finding~~
2379 ~~is based, but withholding an order of adjudication and placing~~
2380 ~~the child and family under the supervision of the department. If~~
2381 ~~the court later finds that the parent, guardian, or custodian of~~
2382 ~~the child have not complied with the conditions of supervision~~
2383 ~~imposed, the court may, after a hearing to establish the~~
2384 ~~noncompliance, but without further evidence of the state of the~~
2385 ~~child in need of services, enter an order of adjudication and~~
2386 ~~shall thereafter have full authority under this chapter to~~
2387 ~~provide for the child as adjudicated.~~

2388 (3) If the court finds by a preponderance of evidence that
2389 the child named in a petition is a child in need of services,
2390 ~~but elects not to proceed under subsection (2),~~ it shall
2391 incorporate that finding in an order of adjudication entered in
2392 the case, briefly stating the facts upon which the finding is
2393 made, and the court shall thereafter have full authority under
2394 this chapter to provide for the child as adjudicated.

2395 **Section 25. Section 984.22, Florida Statutes, is amended**
2396 **to read:**

2397 984.22 Powers of disposition.—

2398 (1) If the court finds that services and treatment have
2399 not been provided or used ~~utilized~~ by a child or family, the
2400 court having jurisdiction of the child in need of services shall

2401 have the power to direct the least intrusive and least
 2402 restrictive disposition, as follows:

2403 (a) Order the parent, legal guardian, or custodian and the
 2404 child to participate in treatment, services, and any other
 2405 alternative identified as necessary.

2406 (b) Order the parent, legal guardian, or custodian to pay
 2407 a fine or fee based on the recommendations of the department.

2408 (2) When any child is adjudicated by the court to be a
 2409 child in need of services, the court having jurisdiction of the
 2410 child and parent, legal guardian, or custodian shall have the
 2411 power, by order, to:

2412 (a) Place the child under the supervision of the
 2413 department's designated services ~~contracted~~ provider of programs
 2414 and services for children in need of services and families in
 2415 need of services. "Supervision," for the purposes of this
 2416 section, means services as defined by the contract between the
 2417 department and the provider.

2418 (b) Place the child in the temporary legal custody of an
 2419 adult willing to care for the child.

2420 (c) Commit the child to a licensed child-caring agency
 2421 willing to receive the child and to provide services without
 2422 compensation from the department.

2423 (d) Order the child, and, if the court finds it
 2424 appropriate, the parent, legal guardian, or custodian of the
 2425 child, to render community service in a public service program.

2426 (e) Order the child placed in shelter pursuant to s.
 2427 984.225 or s. 984.226.

2428 (3) When any child is adjudicated by the court to be a
 2429 child in need of services and temporary legal custody of the
 2430 child has been placed with an adult willing to care for the
 2431 child, or a licensed child-caring agency, ~~the Department of~~
 2432 ~~Juvenile Justice, or the Department of Children and Families,~~
 2433 the court shall order the natural or adoptive parents of such
 2434 child, including the natural father of such child born out of
 2435 wedlock who has acknowledged his paternity in writing before the
 2436 court, or the guardian of such child's estate if possessed of
 2437 assets which under law may be disbursed for the care, support,
 2438 and maintenance of such child, to pay child support to the adult
 2439 relative caring for the child, the licensed child-caring agency,
 2440 the department ~~of Juvenile Justice,~~ or the Department of
 2441 Children and Families. When such order affects the guardianship
 2442 estate, a certified copy of such order shall be delivered to the
 2443 judge having jurisdiction of such guardianship estate. If the
 2444 court determines that the parent is unable to pay support,
 2445 placement of the child shall not be contingent upon issuance of
 2446 a support order. The department may employ a collection agency
 2447 to receive, collect, and manage ~~for the purpose of receiving,~~
 2448 ~~collecting, and managing~~ the payment of unpaid and delinquent
 2449 fees. The collection agency must be registered and in good
 2450 standing under chapter 559. The department may pay to the

2451 collection agency a fee from the amount collected under the
 2452 claim or may authorize the agency to deduct the fee from the
 2453 amount collected.

2454 ~~(4) All payments of fees made to the department under this~~
 2455 ~~chapter, or child support payments made to the department~~
 2456 ~~pursuant to subsection (3), shall be deposited in the General~~
 2457 ~~Revenue Fund.~~

2458 (4)~~(5)~~ In carrying out the provisions of this chapter, the
 2459 court shall order the child, family, parent, legal guardian, or
 2460 custodian of a child who is found to be a child in need of
 2461 services to participate in family counseling and other
 2462 professional counseling activities or other alternatives deemed
 2463 necessary to address the needs ~~for the rehabilitation~~ of the
 2464 child and family.

2465 (5)~~(6)~~ The participation and cooperation of the family,
 2466 parent, legal guardian, or custodian, and the child with court-
 2467 ordered services, treatment, or community service are mandatory,
 2468 not merely voluntary. The court may use its contempt powers to
 2469 enforce its orders ~~order~~.

2470 **Section 26. Section 984.225, Florida Statutes, is amended**
 2471 **to read:**

2472 984.225 Powers of disposition; placement in a staff-secure
 2473 shelter.—

2474 (1) ~~Subject to specific legislative appropriation,~~ The
 2475 court may order that a child adjudicated as a child in need of

2476 services be placed in shelter for the purpose of enforcement of
2477 the court's orders, to ensure the child attends school, to
2478 ensure the child is receives needed counseling, and to ensure
2479 the child adheres to a service plan. While a child is in a
2480 shelter, the child shall receive education commensurate with his
2481 or her grade level and educational ability. The department, or
2482 the department's authorized services provider, must verify to
2483 the court that a shelter bed is available for the child. If the
2484 department or the department's authorized representative
2485 verifies that a bed is not available, the department shall place
2486 the child's name on a waiting list. The child who has been on
2487 the waiting list the longest shall get the next available bed.
2488 ~~for up to 90 days in a staff-secure shelter if:~~

2489 (2) The court shall order the parent, legal guardian, or
2490 custodian to cooperate with efforts to reunite the child with
2491 the family and participate in counseling. If a parent, legal
2492 guardian, or custodian prefers to arrange counseling or other
2493 services with a private provider in lieu of using services
2494 provided by the department, the family shall pay all costs
2495 associated with those services.

2496 (3) Placement of a child under this section is designed to
2497 provide residential care on a temporary basis. Such placement
2498 does not abrogate the legal responsibilities of the parent,
2499 legal guardian, or custodian with respect to the child, except
2500 to the extent that those responsibilities are temporarily

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2501 altered by court order.

2502 (a) The court may order any child adjudicated a child in
2503 need of services to be placed in shelter for up to 35 days.

2504 (b) After other alternative, less restrictive remedies
2505 have been exhausted, the child may be placed in shelter for up
2506 to 90 days if:

2507 1.(a) The child's parent, legal guardian, or legal
2508 custodian refuses to provide food, clothing, shelter, and
2509 necessary parental support for the child and the refusal is a
2510 direct result of an established pattern of significant
2511 disruptive behavior of the child in the home of the parent,
2512 legal guardian, or legal custodian;

2513 2.(b) The child refuses to remain under the reasonable
2514 care and custody of the his or her parent, legal guardian, or
2515 legal custodian, as evidenced by repeatedly running away and
2516 failing to comply with a court order; or

2517 3.(c) The child has failed to successfully complete an
2518 alternative treatment program or to comply with a court-ordered
2519 services sanction and the child has been placed in a shelter
2520 residential program on at least one prior occasion pursuant to a
2521 court order after the child has been adjudicated a child in need
2522 of services under this chapter.

2523 (4) The court shall review the child's 90-day shelter
2524 placement no less than every 45 days and determine if continued
2525 shelter is deemed necessary. The court also shall determine

2526 whether the parent, legal guardian, or custodian has reasonably
2527 participated in the child's counseling and treatment program,
2528 and is following the recommendations of the program to work
2529 toward reunification. The court shall also determine whether the
2530 department's efforts to reunite the family have been reasonable.
2531 If the court finds an inadequate level of support or
2532 participation by the parent, legal guardian, or custodian before
2533 the end of the shelter commitment period, the court shall direct
2534 that the child be handled in every respect as a dependent child.
2535 Jurisdiction shall be transferred to the Department of Children
2536 and Families, and the child's care shall be governed under the
2537 relevant provisions of chapter 39. The department shall notify
2538 and coordinate with the Department of Children and Families for
2539 the transfer of jurisdiction. The clerk of court shall serve the
2540 Department of Children and Families with any court order of
2541 referral.

2542 ~~(2) This section applies after other alternative, less-~~
2543 ~~restrictive remedies have been exhausted. The court may order~~
2544 ~~that a child be placed in a staff-secure shelter. The~~
2545 ~~department, or an authorized representative of the department,~~
2546 ~~must verify to the court that a bed is available for the child.~~
2547 ~~If the department or an authorized representative of the~~
2548 ~~department verifies that a bed is not available, the department~~
2549 ~~will place the child's name on a waiting list. The child who has~~
2550 ~~been on the waiting list the longest will get the next available~~

2551 ~~bed.~~

2552 ~~(3) The court shall order the parent, guardian, or legal~~
 2553 ~~eustodian to cooperate with efforts to reunite the child with~~
 2554 ~~the family, participate in counseling, and pay all costs~~
 2555 ~~associated with the care and counseling provided to the child~~
 2556 ~~and family, in accordance with the family's ability to pay as~~
 2557 ~~determined by the court. Commitment of a child under this~~
 2558 ~~section is designed to provide residential care on a temporary~~
 2559 ~~basis. Such commitment does not abrogate the legal~~
 2560 ~~responsibilities of the parent, guardian, or legal custodian~~
 2561 ~~with respect to the child, except to the extent that those~~
 2562 ~~responsibilities are temporarily altered by court order.~~

2563 ~~(4) While a child is in a staff-secure shelter, the child~~
 2564 ~~shall receive education commensurate with his or her grade level~~
 2565 ~~and educational ability.~~

2566 (5) If a child has not been reunited with his or her
 2567 parent, legal guardian, or ~~legal~~ custodian at the expiration of
 2568 the 90-day commitment period, the court may order that the child
 2569 remain in the staff-secure shelter for an additional 30 days if
 2570 the court finds that reunification could be achieved within that
 2571 period.

2572 ~~(6)~~ The department is deemed to have exhausted the
 2573 reasonable remedies offered under this chapter if, at the end of
 2574 the 90-day shelter ~~commitment~~ period, the parent, legal
 2575 guardian, or ~~legal~~ custodian continues to refuse to allow the

2576 child to remain at home or creates unreasonable conditions for
2577 the child's return. If, at the end of the 90-day shelter
2578 ~~commitment~~ period, the child is not reunited with his or her
2579 parent, legal guardian, or custodian due solely to the continued
2580 refusal of the parent, legal guardian, or custodian to provide
2581 food, clothing, shelter, and parental support, the child is
2582 considered to be threatened with harm as a result of such acts
2583 or omissions, and the court shall direct that the child be
2584 handled in every respect as a dependent child. Jurisdiction
2585 shall be transferred to the custody of the Department of
2586 Children and Families, and the child's care shall be governed
2587 under the relevant provisions of chapter 39. The department
2588 shall coordinate with the Department of Children and Families as
2589 provided in s. 984.086. The clerk of court shall serve the
2590 Department of Children and Families with any court order of
2591 referral.

2592 ~~(7) The court shall review the child's commitment once~~
2593 ~~every 45 days as provided in s. 984.20. The court shall~~
2594 ~~determine whether the parent, guardian, or custodian has~~
2595 ~~reasonably participated in and financially contributed to the~~
2596 ~~child's counseling and treatment program. The court shall also~~
2597 ~~determine whether the department's efforts to reunite the family~~
2598 ~~have been reasonable. If the court finds an inadequate level of~~
2599 ~~support or participation by the parent, guardian, or custodian~~
2600 ~~prior to the end of the commitment period, the court shall~~

2601 ~~direct that the child be handled in every respect as a dependent~~
2602 ~~child. Jurisdiction shall be transferred to the Department of~~
2603 ~~Children and Families, and the child's care shall be governed~~
2604 ~~under the relevant provisions of chapter 39.~~

2605 (6)(8) If the child requires residential mental health
2606 treatment or residential care for a developmental disability,
2607 the court shall order ~~refer~~ the child transferred to the custody
2608 of the Agency for Persons with Disabilities or to the Department
2609 of Children and Families for the provision of necessary
2610 services. The clerk of court shall serve the Agency for Persons
2611 with Disabilities or the Department of Children and Families
2612 with any court order of referral.

2613 **Section 27. Section 984.226, Florida Statutes, is amended**
2614 **to read:**

2615 984.226 Physically secure setting.—

2616 (1) Subject to specific legislative appropriation, the
2617 department ~~of Juvenile Justice~~ shall establish or contract for
2618 physically secure settings designated exclusively for the
2619 shelter placement of children in need of services who meet the
2620 criteria provided in this section.

2621 ~~(2) When a petition is filed alleging that a child is a~~
2622 ~~child in need of services, the child must be represented by~~
2623 ~~counsel at each court appearance unless the record in that~~
2624 ~~proceeding affirmatively demonstrates by clear and convincing~~
2625 ~~evidence that the child knowingly and intelligently waived the~~

2626 ~~right to counsel after being fully advised by the court of the~~
2627 ~~nature of the proceedings and the dispositional alternatives~~
2628 ~~available to the court under this section. If the court decides~~
2629 ~~to appoint counsel for the child and if the child is indigent,~~
2630 ~~the court shall appoint an attorney to represent the child as~~
2631 ~~provided under s. 985.033. Nothing precludes the court from~~
2632 ~~requesting reimbursement of attorney's fees and costs from the~~
2633 ~~nonindigent parent or legal guardian.~~

2634 (2)~~(3)~~ When a child is adjudicated as a child in need of
2635 services by a court and all other less restrictive placements
2636 have been exhausted, the court may order the child to be placed
2637 in a physically secure shelter ~~setting authorized in this~~
2638 ~~section~~ if the child has:

2639 (a) Failed to appear for placement in a ~~staff-secure~~
2640 shelter for up to 90 days ordered under s. 984.225, or failed to
2641 comply with any other provision of a valid court order relating
2642 to such placement and, as a result of such failure, has been
2643 found to be in direct or indirect contempt of court; or

2644 (b) Run away from a 90-day ~~staff-secure~~ shelter following
2645 placement under s. 984.225 ~~or s. 984.09~~.

2646

2647 The department or an authorized representative of the department
2648 must verify to the court that a physically secure bed is
2649 available for the child. If a bed is not available, the court
2650 must stay the placement until a physically secure bed is

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2651 available, and the department must place the child's name on a
2652 waiting list. The child who has been on the waiting list the
2653 longest has first priority for placement in the physically
2654 secure shelter. It is the intent of the Legislature that
2655 physically secure shelter placement be used only when the child
2656 cannot receive appropriate and available services due to the
2657 child running away or refusing to cooperate with attempts to
2658 provide services in other less restrictive placements ~~setting~~.

2659 ~~(3)-(4)~~ A child may be placed in a physically secure
2660 setting for up to 90 days by order of the court. If a child has
2661 not been reunited with his or her parent, guardian, or legal
2662 custodian at the expiration of the placement in a physically
2663 secure setting, the court may order that the child remain in the
2664 physically secure setting for an additional 30 days if the court
2665 finds that reunification could be achieved within that period.

2666 ~~(4)-(5)~~(a) The court shall review the child's placement
2667 once within every 45 days to determine if the child can be
2668 returned home with the provision of ongoing services ~~as provided~~
2669 ~~in s. 984.20~~.

2670 (b) At any time during the placement of a child in need of
2671 ~~services~~ in a physically secure setting, the department or an
2672 authorized representative of the department may submit to the
2673 court a report that recommends:

2674 1. That the child has received all of the services
2675 available from the physically secure setting and is ready for

2676 reunification with a parent or guardian; or

2677 2. That the child is unlikely to benefit from continued
2678 placement in the physically secure setting and is more likely to
2679 have his or her needs met in a different type of placement. The
2680 court may order that the child be transitioned from a physically
2681 secure shelter setting to a shelter placement as provided in s.
2682 984.225 upon a finding that the physically secure setting is no
2683 longer necessary to ensure the child's safety and provide needed
2684 services.

2685 (c) The court shall determine if the parent, legal
2686 guardian, or custodian has reasonably participated in and has
2687 ~~financially~~ contributed to or participated in the child's
2688 counseling and treatment program.

2689 (d) If the court finds an inadequate level of support or
2690 participation by the parent, legal guardian, or custodian before
2691 the end of the placement, the court shall direct that the child
2692 be handled as a dependent child, jurisdiction shall be
2693 transferred to the Department of Children and Families, and the
2694 child's care shall be governed by chapter 39. The department
2695 shall notify and coordinate with the Department of Children and
2696 Families to ensure provision of services to the child. The clerk
2697 of court shall serve the Department of Children and Families
2698 with any court order of referral.

2699 (e) If the child requires long-term residential mental
2700 health treatment or residential care for a developmental

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2701 disability, the court shall transfer custody of ~~refer~~ the child
2702 to the Department of Children and Families or the Agency for
2703 Persons with Disabilities for the provision of necessary
2704 services. The clerk of court shall serve the Agency for Persons
2705 with Disabilities or the Department of Children and Families
2706 with any court order of referral.

2707 (5) ~~(6)~~ Prior to being ordered to a physically secure
2708 shelter setting, the child must be afforded all rights of due
2709 process required under s. 984.07 ~~985.037~~.

2710 (6) While in the physically secure shelter setting, the
2711 child shall receive appropriate assessment, intervention,
2712 treatment, and educational services that are designed to
2713 eliminate or reduce the child's truant, ungovernable, or runaway
2714 behavior. The child and family shall be provided with individual
2715 and family counseling and other support services necessary for
2716 reunification.

2717 (7) The court shall order the parent, legal guardian, or
2718 ~~legal~~ custodian to cooperate with efforts to reunite the child
2719 with the family, participate in counseling, and pay all costs
2720 associated with the care and counseling provided to the child
2721 and family, in accordance with the child's insurance and the
2722 family's ability to pay as determined by the court. Placement of
2723 a child under this section is designed to provide residential
2724 care on a temporary basis. Such placement does not abrogate the
2725 legal responsibilities of the parent, legal guardian, or ~~legal~~

2726 | custodian with respect to the child, except to the extent that
 2727 | those responsibilities are temporarily altered by court order.

2728 | **Section 28.** Section 985.731, Florida Statutes, is
 2729 | transferred and renumbered as section 787.035, Florida Statutes.

2730 | **Section 29. Subsection (9) of section 985.03, Florida**
 2731 | **Statutes, is amended to read:**

2732 | 985.03 Definitions.—As used in this chapter, the term:

2733 | (9) "Child who has been found to have committed a
 2734 | delinquent act" means a child who, under this chapter, is found
 2735 | by a court to have committed a violation of law or to be in
 2736 | direct or indirect contempt of court, except that this
 2737 | definition does not include an act constituting contempt of
 2738 | court arising out of a ~~dependency~~ proceeding under chapter 984
 2739 | ~~or a proceeding concerning a child or family in need of~~
 2740 | ~~services.~~

2741 | **Section 30. Subsection (4) of section 985.24, Florida**
 2742 | **Statutes, is amended to read:**

2743 | 985.24 Use of detention; prohibitions.—

2744 | (4) A child who is alleged to be dependent under chapter
 2745 | 39, or any child subject to proceedings under chapter 984, ~~but~~
 2746 | who is not alleged to have committed a delinquent act or
 2747 | violation of law, may not, under any circumstances, be placed
 2748 | into secure detention care.

2749 | **Section 31. Section 1003.26, Florida Statutes, is amended**
 2750 | **to read:**

2751 1003.26 Enforcement of school attendance.—The Legislature
2752 finds that poor academic performance is associated with
2753 nonattendance and that school districts must take an active role
2754 in promoting and enforcing attendance as a means of improving
2755 student performance. It is the policy of the state that each
2756 district school superintendent be responsible for enforcing
2757 school attendance of all students subject to the compulsory
2758 school age in the school district and supporting enforcement of
2759 school attendance by local law enforcement agencies. The
2760 responsibility includes recommending policies and procedures to
2761 the district school board that require public schools to respond
2762 in a timely manner to every unexcused absence, and every absence
2763 for which the reason is unknown, of students enrolled in the
2764 schools. District school board policies shall require the parent
2765 of a student to justify each absence of the student, and that
2766 justification will be evaluated based on adopted district school
2767 board policies that define excused and unexcused absences. The
2768 policies must provide that public schools track excused and
2769 unexcused absences and contact the home in the case of an
2770 unexcused absence from school, or an absence from school for
2771 which the reason is unknown, to prevent the development of
2772 patterns of nonattendance. The Legislature finds that early
2773 intervention in school attendance is the most effective way of
2774 producing good attendance habits that will lead to improved
2775 student learning and achievement. Each public school is required

2776 to ~~shall~~ implement the following steps to promote and enforce
2777 regular school attendance:

2778 (1) CONTACT, REFER, AND ENFORCE.—

2779 (a) Upon each unexcused absence, or absence for which the
2780 reason is unknown, the school principal or his or her designee
2781 must ~~shall~~ contact the student's parent to determine the reason
2782 for the absence. If the absence is an excused absence, as
2783 defined by district school board policy, the school shall
2784 provide opportunities for the student to make up assigned work
2785 and not receive an academic penalty unless the work is not made
2786 up within a reasonable time.

2787 (b) If a student has had at least five unexcused absences,
2788 or absences for which the reasons are unknown, within a calendar
2789 month or 10 unexcused absences, or absences for which the
2790 reasons are unknown, within a 90-calendar-day period, the
2791 student's primary teacher must ~~shall~~ report to the school
2792 principal or his or her designee that the student may be
2793 exhibiting a pattern of nonattendance. ~~The principal shall,~~
2794 Unless there is clear evidence that the absences are not a
2795 pattern of nonattendance, the principal must refer the case to
2796 the school's child study team to determine if early patterns of
2797 truancy are developing. If the child study team finds that a
2798 pattern of nonattendance is developing, whether the absences are
2799 excused or not, a meeting with the parent must be scheduled to
2800 identify potential remedies, and the principal must ~~shall~~ notify

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2801 the district school superintendent and the school district
2802 contact for home education programs that the referred student is
2803 exhibiting a pattern of nonattendance. The child study team may
2804 allow the parent to attend the meeting virtually or by telephone
2805 if the parent is unable to attend the meeting in person.

2806 (c) If the parent, legal guardian, or custodian or child
2807 fails to attend the child study team meeting, the meeting shall
2808 be held in his or her absence, and the child study team shall
2809 make written recommendations to remediate the truancy based upon
2810 the information available to the school. The recommendations
2811 shall be provided to the parent within 7 days after the child
2812 study team meeting. If the ~~an~~ initial meeting does not resolve
2813 the problem, the child study team shall implement the following:

2814 1. Frequent attempts at communication between the teacher
2815 and the family.

2816 2. Attempt to determine the reasons the child is truant
2817 from school and provide remedies if available or refer the
2818 family to services, including referring the family for available
2819 scholarship options if bullying is an issue of concern.

2820 ~~3.2.~~ Evaluation for alternative education programs.

2821 ~~4.3.~~ Attendance contracts.

2822

2823 The child study team may, but is not required to, implement
2824 other interventions, including referral to the Department of
2825 Juvenile Justice's designated provider for voluntary family

2826 services, or to other agencies for family services or recommend
2827 ~~recommendation for~~ filing a truancy petition pursuant to s.
2828 984.151.

2829 (d) The child study team must ~~shall~~ be diligent in
2830 facilitating intervention services and shall report the case to
2831 the district school superintendent only when all reasonable
2832 efforts to resolve the nonattendance behavior are exhausted.

2833 (e) If the parent refuses to participate in the remedial
2834 strategies because he or she believes that those strategies are
2835 unnecessary or inappropriate, the parent may appeal to the
2836 district school board. The district school board may provide a
2837 hearing officer, and the hearing officer shall make a
2838 recommendation for final action to the district school board. If
2839 the district school board's final determination is that the
2840 strategies of the child study team are appropriate, and the
2841 parent still refuses to participate or cooperate, the district
2842 school superintendent may seek criminal prosecution for
2843 noncompliance with compulsory school attendance.

2844 (f)1. If the parent of a child who has been identified as
2845 exhibiting a pattern of nonattendance enrolls the child in a
2846 home education program pursuant to chapter 1002, the district
2847 school superintendent shall provide the parent a copy of s.
2848 1002.41 and the accountability requirements of this paragraph.
2849 The district school superintendent shall also refer the parent
2850 to a home education review committee composed of the district

2851 contact for home education programs and at least two home
2852 educators selected by the parent from a district list of all
2853 home educators who have conducted a home education program for
2854 at least 3 years and who have indicated a willingness to serve
2855 on the committee. The home education review committee shall
2856 review the portfolio of the student, as defined by s. 1002.41,
2857 every 30 days during the district's regular school terms until
2858 the committee is satisfied that the home education program is in
2859 compliance with s. 1002.41(1)(d). The first portfolio review
2860 must occur within the first 30 calendar days after ~~of~~ the
2861 establishment of the program. The provisions of subparagraph 2.
2862 do not apply once the committee determines the home education
2863 program is in compliance with s. 1002.41(1)(d).

2864 2. If the parent fails to provide a portfolio to the
2865 committee, the committee shall notify the district school
2866 superintendent. The district school superintendent shall then
2867 terminate the home education program and require the parent to
2868 enroll the child in an attendance option that meets the
2869 definition of "regular school attendance" under s.
2870 1003.01(16)(a), (b), (c), or (e), within 3 days. Upon
2871 termination of a home education program pursuant to this
2872 subparagraph, the parent shall not be eligible to reenroll the
2873 child in a home education program for 180 calendar days. Failure
2874 of a parent to enroll the child in an attendance option as
2875 required by this subparagraph after termination of the home

2876 education program pursuant to this subparagraph shall constitute
 2877 noncompliance with the compulsory attendance requirements of s.
 2878 1003.21 and may result in criminal prosecution under s.
 2879 1003.27(2). Nothing contained herein shall restrict the ability
 2880 of the district school superintendent, or the ability of his or
 2881 her designee, to review the portfolio pursuant to s.
 2882 1002.41(1)(e).

2883 (g) If a student subject to compulsory school attendance
 2884 will not comply with attempts to enforce school attendance, the
 2885 parent or the district school superintendent or his or her
 2886 designee must ~~shall~~ refer the case to the Department of Juvenile
 2887 Justice's designated service provider, which shall then offer
 2888 voluntary family services, and schedule a meeting of the case
 2889 staffing committee pursuant to s. 984.12 if the services do not
 2890 remediate the child's truancy, and the district school
 2891 superintendent or his or her designee may file a truancy
 2892 petition pursuant to the procedures in s. 984.151.

2893 (2) GIVE WRITTEN NOTICE.—

2894 (a) Under the direction of the district school
 2895 superintendent, a designated school representative must provide
 2896 ~~shall give~~ written notice in person or by return-receipt mail to
 2897 the parent, legal guardian, or custodian, requiring the child's
 2898 ~~that requires~~ enrollment or attendance within 3 days after the
 2899 date of notice, ~~in person or by return-receipt mail, to the~~
 2900 ~~parent~~ when no valid reason is found for a student's

2901 nonenrollment in school if the child is under compulsory
2902 education requirements, and is not exempt. If the child is not
2903 enrolled or in attendance in school within 3 days after the
2904 notice being provided ~~and requirement are ignored,~~ the
2905 designated school representative must ~~shall~~ report the case to
2906 the district school superintendent, who must ~~may~~ refer the case
2907 to the child study team in paragraph (1) (b) at the school the
2908 student would be assigned according to district school board
2909 attendance area policies. In addition, the designated school
2910 representative may refer the case to the Department of Juvenile
2911 Justice's designated service provider for families in need of
2912 services ~~or to the case staffing committee, established pursuant~~
2913 ~~to s. 984.12.~~ The child study team must ~~shall~~ diligently
2914 facilitate intervention services and ~~shall~~ report the case back
2915 to the district school superintendent within 15 days after
2916 receiving the case if only when all reasonable efforts to
2917 resolve the nonenrollment behavior have been made, and the child
2918 is still not attending school ~~are exhausted.~~ If the parent ~~still~~
2919 refuses to cooperate or enroll the child in school within 15
2920 days after the case having been referred to the child study
2921 team, the district school superintendent must make a report to
2922 law enforcement and refer the case to the Office of the State
2923 Attorney ~~shall take such steps as are necessary~~ to bring
2924 criminal prosecution against the parent.
2925 (b) Subsequent to referring the case to the Office of the

2926 State Attorney ~~the activities required under subsection (1),~~ the
2927 district school superintendent or his or her designee must ~~shall~~
2928 give written notice in person or by return-receipt mail to the
2929 parent that criminal prosecution is being sought for
2930 nonattendance. The district school superintendent may file a
2931 truancy petition, as defined in s. 984.03, following the
2932 procedures outlined in s. 984.151.

2933 (3) RETURN STUDENT TO PARENT.— A designated school
2934 representative may visit the home or place of residence of a
2935 student and any other place in which he or she is likely to find
2936 any student who is required to attend school when the student is
2937 not enrolled or is absent from school during school hours
2938 without an excuse, and, when the student is found, shall return
2939 the student to his or her parent, legal guardian, custodian, or
2940 to the principal or teacher in charge of the school, or to the
2941 private tutor from whom absent. If the parent, legal guardian,
2942 or custodian cannot be located or is unavailable to take custody
2943 of the child and the child is not to be presented to the child's
2944 school or tutor, the youth shall be referred to the Department
2945 of Juvenile Justice's designated shelter services provider, or
2946 to another facility, ~~or to the juvenile assessment center or~~
2947 ~~other location~~ established by the district school board to
2948 receive students who are absent from school. Upon receipt of the
2949 student, the parent shall be immediately notified.

2950 (4) REPORT TO APPROPRIATE AUTHORITY.— A designated school

2951 representative shall report to the appropriate authority
 2952 designated by law to receive such notices, all violations of the
 2953 Child Labor Law that may come to his or her knowledge.

2954 (5) RIGHT TO INSPECT.—A designated school representative
 2955 shall have the right of access to, and inspection of,
 2956 establishments where minors may be employed or detained only for
 2957 the purpose of ascertaining whether students of compulsory
 2958 school age are actually employed there and are actually working
 2959 there regularly. The designated school representative shall, if
 2960 he or she finds unsatisfactory working conditions or violations
 2961 of the Child Labor Law, report his or her findings to the
 2962 appropriate authority.

2963 **Section 32. Subsections (2), (3), (4), (6), and (7) of**
 2964 **section 1003.27, Florida Statutes, are amended to read:**

2965 1003.27 Court procedure and penalties.—The court procedure
 2966 and penalties for the enforcement of the provisions of this
 2967 part, relating to compulsory school attendance, shall be as
 2968 follows:

2969 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2970 (a) ~~In each case of nonenrollment or of nonattendance upon~~
 2971 ~~the part of a student who is required to attend some school,~~
 2972 ~~when no valid reason for such nonenrollment or nonattendance is~~
 2973 ~~found,~~ The district school superintendent shall institute a
 2974 criminal prosecution against the student's parent, in each case
 2975 of nonenrollment or of nonattendance upon the part of a student

2976 who is required to attend school, when no valid reason for the
2977 nonenrollment or nonattendance is found. ~~However,~~ Criminal
2978 prosecution may not be instituted against the student's parent
2979 until the school and school district have complied with s.
2980 1003.26.

2981 (b) Each public school principal or the principal's
2982 designee must ~~shall~~ notify the district school board of each
2983 minor student under its jurisdiction who accumulates 15
2984 unexcused absences in a period of 90 calendar days. Reports
2985 shall be made to the district school board at the end of each
2986 school quarter. The calculation of 15 absences within 90 days
2987 are determined based on calendar days and are not limited to the
2988 span of one school quarter during which the nonattendance begins
2989 or ends. The district school board shall verify the schools
2990 reporting 15 or more unexcused absences within a 90-day period
2991 have complied with the requirements of remediating truancy at
2992 the school level or pursuing appropriate court intervention as
2993 set forth in this section. Any school not meeting the
2994 requirements in this paragraph shall provide a remedial action
2995 plan to the school board within 30 days, and followup within 90
2996 days to confirm all truancy cases have been addressed either
2997 through remediation efforts that achieved the child's enrollment
2998 and regular attendance or referring the case to the appropriate
2999 court or agency to pursue court intervention.

3000 (c) The district school superintendent must provide the

3001 Department of Highway Safety and Motor Vehicles the legal name,
 3002 sex, date of birth, and social security number of each minor
 3003 student who has been reported under this paragraph and who fails
 3004 to otherwise satisfy the requirements of s. 322.091. The
 3005 Department of Highway Safety and Motor Vehicles may not issue a
 3006 driver license or learner's driver license to, and shall suspend
 3007 any previously issued driver license or learner's driver license
 3008 of, any such minor student, pursuant ~~to the provisions of~~ s.
 3009 322.091.

3010 (d)~~(e)~~ Each designee of the governing body of each private
 3011 school and each parent whose child is enrolled in a home
 3012 education program or personalized education program may provide
 3013 the Department of Highway Safety and Motor Vehicles with the
 3014 legal name, sex, date of birth, and social security number of
 3015 each minor student under his or her jurisdiction who fails to
 3016 satisfy relevant attendance requirements and who fails to
 3017 otherwise satisfy the requirements of s. 322.091. The Department
 3018 of Highway Safety and Motor Vehicles may not issue a driver
 3019 license or learner's driver license to, and shall suspend any
 3020 previously issued driver license or learner's driver license of,
 3021 any such minor student pursuant to s. 322.091.

3022 (3) HABITUAL TRUANCY CASES.— The district school
 3023 superintendent may ~~is authorized to~~ file a truancy petition
 3024 seeking early truancy intervention, as defined in s. 984.03,
 3025 following the procedures outlined in s. 984.151. If the district

3026 school superintendent chooses not to file a truancy petition,
3027 the case must be referred to the Department of Juvenile
3028 Justice's designated service provider for families in need of
3029 services. The procedures for filing a child in need of services
3030 ~~child-in-need-of-services~~ petition must shall be commenced
3031 pursuant to this subsection and chapter 984 if voluntary family
3032 services do not remediate the child's truancy. The. In
3033 ~~accordance with procedures established by the district school~~
3034 ~~board, the~~ designated school representative must shall refer a
3035 student who is habitually truant and the student's family to the
3036 Department of Juvenile Justice's designated children in need of
3037 services provider for provision of voluntary services, and may
3038 refer the case to ~~children-in-need-of-services and families-in-~~
3039 ~~need-of-services provider or~~ the case staffing committee,
3040 established pursuant to s. 984.12, following the referral
3041 process established by the district interagency agreement, or
3042 the Department of Juvenile Justice in the absence of a district
3043 interagency agreement, as determined by the cooperative
3044 ~~agreement required in this section.~~ The case staffing committee
3045 may request the Department of Juvenile Justice or its designee
3046 to file a petition for child in need of services ~~child-in-need-~~
3047 ~~of-services~~ petition based upon the report and efforts of the
3048 district school board or other community agency, and early
3049 truancy intervention by the circuit court, after review and an
3050 initial meeting, or may seek to resolve the truant behavior

3051 through the school or community-based organizations or other
 3052 state or local agencies. Prior to ~~and subsequent to~~ the filing
 3053 of a ~~child-in-need-of-services~~ petition for a child in need of
 3054 services due to habitual truancy, the appropriate governmental
 3055 agencies must allow a reasonable time to complete actions
 3056 required by this section and ss. 984.11 and ~~s.~~ 1003.26 to remedy
 3057 the conditions leading to the truant behavior. Prior to the
 3058 filing of a petition, the district school board must have
 3059 complied with the requirements of s. 1003.26, and those efforts
 3060 must have been unsuccessful.

3061 (4) COOPERATIVE AGREEMENTS.—The ~~circuit manager~~ of the
 3062 Department of Juvenile Justice's authorized representative
 3063 Justice or his or her designee, ~~the circuit manager's designee,~~
 3064 ~~the district administrator of the Department of Children and~~
 3065 ~~Families or the district administrator's designee,~~ and the
 3066 district school superintendent or his or her ~~the~~
 3067 ~~superintendent's~~ designee must develop a cooperative interagency
 3068 agreement that:

3069 (a) Clearly defines each department's role,
 3070 responsibility, and function in working with ~~habitual~~ truants
 3071 and their families.

3072 (b) Identifies and implements measures to quickly resolve
 3073 and reduce truant behavior.

3074 (c) Addresses issues of streamlining service delivery, the
 3075 appropriateness of legal intervention, case management, the role

3076 and responsibility of the case staffing committee, student and
 3077 parental intervention and involvement, and community action
 3078 plans.

3079 (d) Delineates timeframes for implementation and
 3080 identifies a mechanism for reporting results by the Department
 3081 of Juvenile Justice or its designated service provider ~~circuit~~
 3082 ~~juvenile justice manager or the circuit manager's designee~~ and
 3083 the district school superintendent or the superintendent's
 3084 designee to the Department of Juvenile Justice and the
 3085 Department of Education and other governmental entities as
 3086 needed.

3087 (e) Designates which agency is responsible for each of the
 3088 intervention steps in this section, to yield more effective and
 3089 efficient intervention services.

3090 (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—
 3091 Proceedings or prosecutions under this chapter may be commenced
 3092 by the district school superintendent or his or her designee, ~~by~~
 3093 ~~a designated school representative, by the probation officer of~~
 3094 ~~the county, by the executive officer of any court of competent~~
 3095 ~~jurisdiction, by an officer of any court of competent~~
 3096 ~~jurisdiction, or~~ by a duly authorized agent of the Department of
 3097 Education or the Department of Juvenile Justice, by a parent, or
 3098 in the case of a criminal prosecution, by the Office of the
 3099 State Attorney. If a proceeding has been commenced against both
 3100 a parent and a child pursuant to this chapter, the presiding

3101 courts shall make every effort to coordinate services or
3102 sanctions against the child and parent, including ordering the
3103 child and parent to perform community service hours or attend
3104 counseling together.

3105 (7) PENALTIES.—The penalties for refusing or failing to
3106 comply with this chapter shall be as follows:

3107 (a) The parent.—

3108 1. A parent who refuses or fails to have a minor student
3109 who is under his or her control attend school regularly, or who
3110 refuses or fails to comply with the requirements in subsection
3111 (3), commits a misdemeanor of the second degree, punishable as
3112 provided in s. 775.082 or s. 775.083.

3113 2. The continued or habitual absence of a minor student
3114 without the consent of the principal or teacher in charge of the
3115 school he or she attends or should attend, or of the tutor who
3116 instructs or should instruct him or her, is prima facie evidence
3117 of a violation of this chapter; however, a showing that the
3118 parent has made a bona fide and diligent effort to control and
3119 keep the student in school shall be an affirmative defense to
3120 any criminal or other liability under this subsection and the
3121 court shall refer the parent and child for counseling, guidance,
3122 or other needed services.

3123 3. In addition to any other punishment, the court shall
3124 order a parent who has violated this section to send the minor
3125 student to school, and may also order the parent to participate

3126 in an approved parent training class, attend school with the
3127 student unless this would cause undue hardship or is prohibited
3128 by school rules or school board policy, perform community
3129 service hours ~~at the school~~, or participate in counseling or
3130 other services, as appropriate. If a parent is ordered to attend
3131 school with a student, the school shall provide for programming
3132 to educate the parent and student on the importance of school
3133 attendance. It shall be unlawful to terminate any employee
3134 solely because he or she is attending school with his or her
3135 child pursuant to a court order.

3136 (b) The principal or teacher.—A principal or teacher in
3137 any public, parochial, religious, denominational, or private
3138 school, or a private tutor who willfully violates any provision
3139 of this chapter may, upon satisfactory proof of such violation,
3140 have his or her certificate revoked by the Department of
3141 Education.

3142 (c) The employer.—

3143 1. An employer who fails to notify the district school
3144 superintendent when he or she ceases to employ a student commits
3145 a misdemeanor of the second degree, punishable as provided in s.
3146 775.082 or s. 775.083.

3147 2. An employer who terminates any employee solely because
3148 he or she is attending school with a student pursuant to court
3149 order commits a misdemeanor of the second degree, punishable as
3150 provided in s. 775.082 or s. 775.083.

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3151 (d) The student.—

3152 1. In addition to any other authorized sanctions, the
3153 court shall order a student found to be a ~~habitual~~ truant to
3154 make up all school work missed and attend school daily with no
3155 unexcused absences or tardiness, and may order the child to ~~and~~
3156 ~~may order the student to pay a civil penalty of up to \$2, based~~
3157 ~~on the student's ability to pay, for each day of school missed,~~
3158 ~~perform up to 25 community service hours at the school, or~~
3159 participate in counseling or other services, as appropriate.

3160 2. If a child has been found to be a truant status
3161 offender by the court, and the child continues to be truant from
3162 school and meets the definition of habitually truant under
3163 chapter 984, the court shall proceed as provided in s. 984.151,
3164 and refer the child to the department's designated service
3165 provider to convene the case staffing committee with a
3166 recommendation that a petition for child in need of services be
3167 filed ~~Upon a second or subsequent finding that a student is a~~
3168 ~~habitual truant, the court, in addition to any other authorized~~
3169 ~~sanctions, shall order the student to make up all school work~~
3170 ~~missed and may order the student to pay a civil penalty of up to~~
3171 ~~\$5, based on the student's ability to pay, for each day of~~
3172 ~~school missed, perform up to 50 community service hours at the~~
3173 ~~school, or participate in counseling or other services, as~~
3174 appropriate.

3175 **Section 33. Paragraph (g) is added to subsection (7) of**

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3176 **section 381.02035, Florida Statutes, to read:**

3177 381.02035 Canadian Prescription Drug Importation Program.—

3178 (7) ELIGIBLE IMPORTERS.—The following entities may import
3179 prescription drugs from an eligible Canadian supplier under the
3180 program:

3181 (g) A pharmacist or wholesaler employed by or under
3182 contract with the Department of Juvenile Justice, for dispensing
3183 to juveniles in the custody of the Department of Juvenile
3184 Justice.

3185 **Section 34. Paragraph (a) of subsection (5) of section**
3186 **790.22, Florida Statutes, is amended to read:**

3187 790.22 Use of BB guns, air or gas-operated guns, or
3188 electric weapons or devices by minor under 16; limitation;
3189 possession of firearms by minor under 18 prohibited; penalties.—

3190 (5) (a) A minor who violates subsection (3):

3191 1. For a first offense, commits a misdemeanor of the first
3192 degree; shall serve a period of detention of up to 5 days in a
3193 secure detention facility, with credit for time served in secure
3194 detention prior to disposition; and shall be required to perform
3195 100 hours of community service or paid work as determined by the
3196 department.

3197 2. For a second or subsequent offense, commits a felony of
3198 the third degree. For a second offense, the minor shall serve a
3199 period of detention of up to 21 days in a secure detention
3200 facility, with credit for time served in secure detention prior

3201 to disposition, and shall be required to perform not less than
 3202 100 nor more than 250 hours of community service or paid work as
 3203 determined by the department. For a third or subsequent offense,
 3204 the minor shall be adjudicated delinquent and committed to a
 3205 residential program. A finding by a court that a minor committed
 3206 a violation of this section, regardless of whether the court
 3207 adjudicates the minor delinquent or withholds adjudication of
 3208 delinquency, withhold of adjudication of delinquency shall be
 3209 considered a prior offense for the purpose of determining a
 3210 second, third, or subsequent offense.

3211
 3212 For the purposes of this subsection, community service shall be
 3213 performed, if possible, in a manner involving a hospital
 3214 emergency room or other medical environment that deals on a
 3215 regular basis with trauma patients and gunshot wounds.

3216 **Section 35. Paragraph (a) of subsection (2) of section**
 3217 **985.12, Florida Statutes, is amended to read:**

3218 985.12 Prearrest delinquency citation programs.—

3219 (2) JUDICIAL CIRCUIT DELINQUENCY CITATION PROGRAM
 3220 DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

3221 (a) A prearrest delinquency citation program for
 3222 misdemeanor offenses shall be established in each judicial
 3223 circuit in the state. The state attorney and public defender of
 3224 each circuit, the clerk of the court for each county in the
 3225 circuit, and representatives of participating law enforcement

3226 agencies in the circuit shall create a prearrest delinquency
3227 citation program and develop its policies and procedures. In
3228 developing the program's policies and procedures, input from
3229 other interested stakeholders may be solicited. ~~The department~~
3230 ~~shall annually develop and provide guidelines on best practice~~
3231 ~~models for prearrest delinquency citation programs to the~~
3232 ~~judicial circuits as a resource.~~

3233 **Section 36. Subsection (5) of section 985.126, Florida**
3234 **Statutes, is amended to read:**

3235 985.126 Prearrest and postarrest diversion programs; data
3236 collection; denial of participation or expunged record.—

3237 (5) The department shall provide a quarterly report to be
3238 published on its website and distributed to the Governor,
3239 President of the Senate, and Speaker of the House of
3240 Representatives listing the entities that use prearrest
3241 delinquency citations for less than 80 ~~70~~ percent of first-time
3242 misdemeanor offenses.

3243 **Section 37. Paragraph (c) of subsection (1) of section**
3244 **985.25, Florida Statutes, is amended to read:**

3245 985.25 Detention intake.—

3246 (1) The department shall receive custody of a child who
3247 has been taken into custody from the law enforcement agency or
3248 court and shall review the facts in the law enforcement report
3249 or probable cause affidavit and make such further inquiry as may
3250 be necessary to determine whether detention care is appropriate.

3251 (c) If the final score on the child's risk assessment
3252 instrument indicates detention care is appropriate, but the
3253 department otherwise determines the child should be released,
3254 the department shall contact the state attorney, who may
3255 authorize release. If the final score on the child's risk
3256 assessment instrument indicates release or supervised release is
3257 appropriate, but the department otherwise determines that there
3258 should be supervised release or detention, the department shall
3259 contact the state attorney, who may authorize an upward
3260 departure. Notwithstanding any other provision of this
3261 paragraph, a child may only be moved one category in either
3262 direction within the risk assessment instrument and release is
3263 not authorized if it would cause the child to be moved more than
3264 one category.

3265
3266 Under no circumstances shall the department or the state
3267 attorney or law enforcement officer authorize the detention of
3268 any child in a jail or other facility intended or used for the
3269 detention of adults, without an order of the court.

3270 **Section 38. Paragraph (c) of subsection (7) of section**
3271 **985.433, Florida Statutes, is amended to read:**

3272 985.433 Disposition hearings in delinquency cases.—When a
3273 child has been found to have committed a delinquent act, the
3274 following procedures shall be applicable to the disposition of
3275 the case:

3276 (7) If the court determines that the child should be
 3277 adjudicated as having committed a delinquent act and should be
 3278 committed to the department, such determination shall be in
 3279 writing or on the record of the hearing. The determination shall
 3280 include a specific finding of the reasons for the decision to
 3281 adjudicate and to commit the child to the department, including
 3282 any determination that the child was a member of a criminal
 3283 gang.

3284 (c) The court may also require that the child be placed on
 3285 conditional release ~~in a probation program~~ following the child's
 3286 discharge from commitment. Community-based sanctions under
 3287 subsection (8) may be imposed by the court at the disposition
 3288 hearing or at any time prior to the child's release from
 3289 commitment.

3290 **Section 39.** Section 985.625, Florida Statutes, is
 3291 repealed.

3292 **Section 40. Subsection (4) of section 985.632, Florida**
 3293 **Statutes, is amended to read:**

3294 985.632 Quality improvement and cost-effectiveness;
 3295 Comprehensive Accountability Report.—

3296 ~~(4) COST-EFFECTIVENESS MODEL. The department, in~~
 3297 ~~consultation with the Office of Economic and Demographic~~
 3298 ~~Research and contract service providers, shall develop a cost-~~
 3299 ~~effectiveness model and apply the model to each commitment~~
 3300 ~~program.~~

3301 ~~(a) The cost-effectiveness model shall compare program~~
3302 ~~costs to expected and actual child recidivism rates. It is the~~
3303 ~~intent of the Legislature that continual development efforts~~
3304 ~~take place to improve the validity and reliability of the cost-~~
3305 ~~effectiveness model.~~

3306 ~~(b) The department shall rank commitment programs based on~~
3307 ~~the cost-effectiveness model, performance measures, and~~
3308 ~~adherence to quality improvement standards and shall report this~~
3309 ~~data in the annual Comprehensive Accountability Report.~~

3310 ~~(c) Based on reports of the department on child outcomes~~
3311 ~~and program outputs and on the department's most recent cost-~~
3312 ~~effectiveness rankings, the department may terminate a program~~
3313 ~~operated by the department or a provider if the program has~~
3314 ~~failed to achieve a minimum standard of program effectiveness.~~
3315 ~~This paragraph does not preclude the department from terminating~~
3316 ~~a contract as provided under this section or as otherwise~~
3317 ~~provided by law or contract, and does not limit the department's~~
3318 ~~authority to enter into or terminate a contract.~~

3319 ~~(d) In collaboration with the Office of Economic and~~
3320 ~~Demographic Research, and contract service providers, the~~
3321 ~~department shall develop a work plan to refine the cost-~~
3322 ~~effectiveness model so that the model is consistent with the~~
3323 ~~performance-based program budgeting measures approved by the~~
3324 ~~Legislature to the extent the department deems appropriate. The~~
3325 ~~department shall notify the Office of Program Policy Analysis~~

3326 ~~and Government Accountability of any meetings to refine the~~
 3327 ~~model.~~

3328 ~~(c) Contingent upon specific appropriation, the~~
 3329 ~~department, in consultation with the Office of Economic and~~
 3330 ~~Demographic Research, and contract service providers, shall:~~

3331 ~~1. Construct a profile of each commitment program that~~
 3332 ~~uses the results of the quality improvement data portion of the~~
 3333 ~~Comprehensive Accountability Report required by this section,~~
 3334 ~~the cost-effectiveness data portion of the Comprehensive~~
 3335 ~~Accountability Report required in this subsection, and other~~
 3336 ~~reports available to the department.~~

3337 ~~2. Target, for a more comprehensive evaluation, any~~
 3338 ~~commitment program that has achieved consistently high, low, or~~
 3339 ~~disparate ratings in the reports required under subparagraph 1.~~
 3340 ~~and target, for technical assistance, any commitment program~~
 3341 ~~that has achieved low or disparate ratings in the reports~~
 3342 ~~required under subparagraph 1.~~

3343 ~~3. Identify the essential factors that contribute to the~~
 3344 ~~high, low, or disparate program ratings.~~

3345 ~~4. Use the results of these evaluations in developing or~~
 3346 ~~refining juvenile justice programs or program models, child~~
 3347 ~~outcomes and program outputs, provider contracts, quality~~
 3348 ~~improvement standards, and the cost-effectiveness model.~~

3349 **Section 41. Subsection (1) of section 409.2564, Florida**
 3350 **Statutes, is amended to read:**

3351 409.2564 Actions for support.—

3352 (1) In each case in which regular support payments are not
3353 being made as provided herein, the department shall institute,
3354 within 30 days after determination of the obligor's reasonable
3355 ability to pay, action as is necessary to secure the obligor's
3356 payment of current support, any arrearage that may have accrued
3357 under an existing order of support, and, if a parenting time
3358 plan was not incorporated into the existing order of support,
3359 include either a signed, agreed-upon parenting time plan or a
3360 signed Title IV-D Standard Parenting Time Plan, if appropriate.
3361 The department shall notify the program attorney in the judicial
3362 circuit in which the recipient resides setting forth the facts
3363 in the case, including the obligor's address, if known, and the
3364 public assistance case number. Whenever applicable, the
3365 procedures established under chapter 88, Uniform Interstate
3366 Family Support Act, chapter 61, Dissolution of Marriage;
3367 Support; Time-sharing, chapter 39, Proceedings Relating to
3368 Children, chapter 984, Prevention and Intervention for School
3369 Truancy and Ungovernable and Runaway Children ~~and Families in~~
3370 ~~Need of Services~~, and chapter 985, Delinquency; Interstate
3371 Compact on Juveniles, may govern actions instituted under this
3372 act, except that actions for support under chapter 39, chapter
3373 984, or chapter 985 brought pursuant to this act shall not
3374 require any additional investigation or supervision by the
3375 department.

3376 **Section 42. Subsection (8) of section 95.11, Florida**
 3377 **Statutes, is amended to read:**

3378 95.11 Limitations other than for the recovery of real
 3379 property.—Actions other than for recovery of real property shall
 3380 be commenced as follows:

3381 (8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action
 3382 founded on alleged abuse, as defined in s. 39.01 or s. 415.102,
 3383 ~~or s. 984.03~~; incest, as defined in s. 826.04; or an action
 3384 brought pursuant to s. 787.061 may be commenced at any time
 3385 within 7 years after the age of majority, or within 4 years
 3386 after the injured person leaves the dependency of the abuser, or
 3387 within 4 years from the time of discovery by the injured party
 3388 of both the injury and the causal relationship between the
 3389 injury and the abuse, whichever occurs later.

3390 **Section 43. Paragraph (e) of subsection (1) of section**
 3391 **419.001, Florida Statutes, is amended to read:**

3392 419.001 Site selection of community residential homes.—

3393 (1) For the purposes of this section, the term:

3394 (e) "Resident" means any of the following: a frail elder
 3395 as defined in s. 429.65; a person who has a disability as
 3396 defined in s. 760.22(3)(a); a person who has a developmental
 3397 disability as defined in s. 393.063; a nondangerous person who
 3398 has a mental illness as defined in s. 394.455; or a child who is
 3399 found to be dependent as defined in s. 39.01 ~~or s. 984.03~~, or a
 3400 child in need of services as defined in ~~s. 984.03~~ or s. 985.03.

3401 **Section 44. Subsection (3) of section 744.309, Florida**
 3402 **Statutes, is amended to read:**

3403 744.309 Who may be appointed guardian of a resident ward.—

3404 (3) DISQUALIFIED PERSONS.—No person who has been convicted
 3405 of a felony or who, from any incapacity or illness, is incapable
 3406 of discharging the duties of a guardian, or who is otherwise
 3407 unsuitable to perform the duties of a guardian, shall be
 3408 appointed to act as guardian. Further, no person who has been
 3409 judicially determined to have committed abuse, abandonment, or
 3410 neglect against a child as defined in s. 39.01 or s. 984.03(1),
 3411 (2), and (24) ~~(37)~~, or who has been found guilty of, regardless
 3412 of adjudication, or entered a plea of nolo contendere or guilty
 3413 to, any offense prohibited under s. 435.04 or similar statute of
 3414 another jurisdiction, shall be appointed to act as a guardian.
 3415 Except as provided in subsection (5) or subsection (6), a person
 3416 who provides substantial services to the proposed ward in a
 3417 professional or business capacity, or a creditor of the proposed
 3418 ward, may not be appointed guardian and retain that previous
 3419 professional or business relationship. A person may not be
 3420 appointed a guardian if he or she is in the employ of any
 3421 person, agency, government, or corporation that provides service
 3422 to the proposed ward in a professional or business capacity,
 3423 except that a person so employed may be appointed if he or she
 3424 is the spouse, adult child, parent, or sibling of the proposed
 3425 ward or the court determines that the potential conflict of

3426 interest is insubstantial and that the appointment would clearly
3427 be in the proposed ward's best interest. The court may not
3428 appoint a guardian in any other circumstance in which a conflict
3429 of interest may occur.

3430 **Section 45. Section 784.075, Florida Statutes, is amended**
3431 **to read:**

3432 784.075 Battery on detention or commitment facility staff
3433 or a juvenile probation officer.—A person who commits a battery
3434 on a juvenile probation officer, as defined in ~~s. 984.03~~ or s.
3435 985.03, on other staff of a detention center or facility as
3436 defined in s. 984.03(13) ~~s. 984.03(19)~~ or s. 985.03, or on a
3437 staff member of a commitment facility as defined in s. 985.03,
3438 commits a felony of the third degree, punishable as provided in
3439 s. 775.082, s. 775.083, or s. 775.084. For purposes of this
3440 section, a staff member of the facilities listed includes
3441 persons employed by the Department of Juvenile Justice, persons
3442 employed at facilities licensed by the Department of Juvenile
3443 Justice, and persons employed at facilities operated under a
3444 contract with the Department of Juvenile Justice.

3445 **Section 46. Paragraph (b) of subsection (4) of section**
3446 **985.618, Florida Statutes, is amended to read:**

3447 985.618 Educational and career-related programs.—

3448 (4)

3449 (b) Evaluations of juvenile educational and career-related
3450 programs shall be conducted according to the following

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3451 guidelines:

3452 1. Systematic evaluations and quality assurance monitoring
3453 shall be implemented, in accordance with s. 985.632(1), (2), and
3454 (4) ~~(5)~~, to determine whether the programs are related to
3455 successful postrelease adjustments.

3456 2. Operations and policies of the programs shall be
3457 reevaluated to determine if they are consistent with their
3458 primary objectives.

3459 **Section 47.** This act shall take effect July 1, 2025.