

By Representatives Crist, Lynn, Bainter, Arnall, Valdes
and Fuller

1 A bill to be entitled
2 An act relating to juveniles; amending s.
3 39.0145, F.S.; authorizing the court to direct
4 the Department of Highway Safety and Motor
5 Vehicles to withhold issuance of, or suspend, a
6 child's driver's license if the child is held
7 in contempt; authorizing the court to order
8 that a child in need of services who is held in
9 contempt be issued a restricted license;
10 amending ss. 39.044, 39.054, F.S.; authorizing
11 the Department of Juvenile Justice to employ a
12 collection agency to collect delinquent fees
13 required under part II, ch. 39, F.S.; amending
14 s. 39.422, F.S.; revising limitations on
15 placing a child adjudicated in need of services
16 in a shelter; amending s. 39.423, F.S.;
17 clarifying that a child's parent or legal
18 custodian may make a complaint alleging that
19 the family is in need of services; revising
20 provisions to conform to the creation of the
21 Department of Children and Family Services by
22 the Legislature; requiring the Department of
23 Juvenile Justice to provide certain information
24 to the parent or custodian during the intake
25 process pursuant to a complaint that a child is
26 from a family in need of services; amending s.
27 39.424, F.S.; authorizing the department to
28 employ a collection agency to collect
29 delinquent fees required under part IV, ch. 39,
30 F.S.; amending s. 39.426, F.S.; providing for
31 the state attorney to be represented on a

1 case-staffing committee; authorizing a parent
2 and any other member of the committee to
3 convene a meeting of the committee; requiring
4 that the committee make a written report to the
5 parent; amending s. 39.436, F.S.; authorizing a
6 child's parent or custodian to file a petition
7 alleging that a child is a child in need of
8 services; requiring notice to the department;
9 requiring that such a petition allege certain
10 facts; authorizing the court to determine the
11 sufficiency of the petition; amending ss.
12 39.438, 39.44, F.S., relating to the response
13 to a petition and hearings; conforming
14 provisions to changes made by the act; amending
15 s. 39.442, F.S.; authorizing the department to
16 employ a collection agency to collect
17 delinquent fees required under part IV, ch. 39,
18 F.S.; creating s. 39.4421, F.S.; specifying
19 circumstances under which a child in need of
20 services may be placed into a staff-secure
21 shelter for an extended period; providing
22 requirements for the child's parent or
23 custodian; requiring that the child receive
24 education while in the shelter; authorizing the
25 court to extend the term of commitment;
26 requiring that the court review a child's
27 commitment and make certain determinations;
28 specifying circumstances under which a child
29 must be treated as a dependent child; creating
30 s. 39.4422, F.S.; authorizing the court to
31 commit a child in need of services to a

1 physically secure facility if the child is held
2 in contempt; requiring that the child be
3 afforded the rights of due process; requiring
4 that a child receive certain services while in
5 the physically secure facility; providing
6 requirements for the child's parent or
7 custodian; requiring the Department of Juvenile
8 Justice to establish a pilot program to operate
9 a physically secure facility for the placement
10 of children in need of services who are found
11 to be in contempt of court; requiring the
12 Juvenile Justice Advisory Board and the
13 department to make certain reports to the
14 Legislature with respect to the pilot program;
15 providing that it is a first-degree misdemeanor
16 for a person to knowingly shelter a minor for
17 longer than a specified period without the
18 consent of the minor's parent or guardian or
19 without notifying a law enforcement officer;
20 providing that it is a first-degree misdemeanor
21 for a person to knowingly provide aid to a
22 minor who has run away from home without
23 notifying the minor's parent or guardian or a
24 law enforcement officer; requiring the
25 Department of Juvenile Justice and the
26 Department of Children and Family Services to
27 coordinate services provided to children who
28 are locked out of the home and to the families
29 of those children; requiring the departments to
30 establish a joint work group to develop
31 proposals for coordinating services and report

1 to the Legislature; requiring the Department of
2 Juvenile Justice to develop information that
3 details the services and resources that are
4 available for parents of troubled or runaway
5 children; requiring school districts and law
6 enforcement agencies to distribute the
7 information; requiring the Department of
8 Education to analyze data collection and assist
9 school districts in identifying habitual
10 truants; requiring the Department of Education
11 to report to the Legislature on the
12 implementation of programs designed to prevent
13 truancy and make recommendations; providing
14 appropriations; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 39.0145, Florida Statutes, is
19 amended to read:

20 39.0145 Punishment for contempt of court; alternative
21 sanctions.--

22 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.--The court
23 may punish any child for contempt for interfering with the
24 court or with court administration, or for violating any
25 provision of this chapter or order of the court relative
26 thereto. It is the intent of the Legislature that the court
27 restrict and limit the use of contempt powers with respect to
28 commitment of a child to a secure facility. A child who
29 commits direct contempt of court or indirect contempt of a
30 valid court order may be taken into custody and ordered to

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

3 (2) PLACEMENT IN A SECURE FACILITY.--A child may be
4 placed in a secure facility for purposes of punishment for
5 contempt of court if alternative sanctions are unavailable or
6 inappropriate, or if the child has already been ordered to
7 serve an alternative sanction but failed to comply with the
8 sanction.

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

14 (b) A child in need of services who has been held in
15 direct contempt or indirect contempt may be placed, for 5 days
16 for a first offense or 15 days for a second or subsequent
17 offense, in a staff-secure shelter or a staff-secure
18 residential facility solely for children in need of services
19 if such placement is available, or, if such placement is not
20 available, the child may be placed in an appropriate mental
21 health facility or substance abuse facility for assessment. In
22 addition to disposition under this paragraph, a child in need
23 of services who is held in direct contempt or indirect
24 contempt may be placed in a physically secure facility as
25 provided under s. 39.4422 if conditions of eligibility are
26 met.

27 (3) ALTERNATIVE SANCTIONS.--Each judicial circuit
28 shall have an alternative sanctions coordinator who shall
29 serve under the chief administrative judge of the juvenile
30 division of the circuit court, and who shall coordinate and
31 maintain a spectrum of contempt sanction alternatives in

1 conjunction with the circuit plan implemented in accordance
2 with s. 790.22(4)(c). Upon determining that a child has
3 committed direct contempt of court or indirect contempt of a
4 valid court order, the court may immediately request the
5 alternative sanctions coordinator to recommend the most
6 appropriate available alternative sanction and shall order the
7 child to perform up to 50 hours of community-service manual
8 labor or a similar alternative sanction, unless an alternative
9 sanction is unavailable or inappropriate, or unless the child
10 has failed to comply with a prior alternative sanction.
11 Alternative contempt sanctions may be provided by local
12 industry or by any nonprofit organization or any public or
13 private business or service entity that has entered into a
14 contract with the Department of Juvenile Justice to act as an
15 agent of the state to provide voluntary supervision of
16 children on behalf of the state in exchange for the manual
17 labor of children and limited immunity in accordance with s.
18 768.28(11).

19 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
20 PROCESS.--

21 (a) If a child is charged with direct contempt of
22 court, including traffic court, the court may impose an
23 authorized sanction immediately.

24 (b) If a child is charged with indirect contempt of
25 court, the court must hold a hearing within 24 hours to
26 determine whether the child committed indirect contempt of a
27 valid court order. At the hearing, the following due process
28 rights must be provided to the child:

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

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

3 3. Right to legal counsel and the right to have legal
4 counsel appointed by the court if the juvenile is indigent,
5 pursuant to s. 39.041.

6 4. Right to confront witnesses.

7 5. Right to present witnesses.

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

10 7. Right to appeal to an appropriate court.

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12 The child's parent or guardian may address the court regarding
13 the due process rights of the child. The court shall review
14 the placement of the child every 72 hours to determine whether
15 it is appropriate for the child to remain in the facility.

16 (c) The court may not order that a child be placed in
17 a secure facility for punishment for contempt unless the court
18 determines that an alternative sanction is inappropriate or
19 unavailable or that the child was initially ordered to an
20 alternative sanction and did not comply with the alternative
21 sanction. The court is encouraged to order a child to perform
22 community service, up to the maximum number of hours, where
23 appropriate before ordering that the child be placed in a
24 secure facility as punishment for contempt of court.

25 (d) In addition to any other sanction imposed under
26 this section, the court may direct the Department of Highway
27 Safety and Motor Vehicles to withhold issuance of, or suspend,
28 a child's driver's license or driving privilege. The court may
29 order that a child's driver's license or driving privilege be
30 withheld or suspended for up to 1 year for a first offense of
31 contempt and up to 2 years for a second or subsequent offense.

1 For a child in need of services whose driver's license or
2 driving privilege is suspended under this paragraph, the court
3 may direct the Department of Highway Safety and Motor Vehicles
4 to issue the child a license for driving privileges restricted
5 to business or employment purposes only, as defined in s.
6 322.271, if the child is otherwise qualified for a license.

7 (5) ALTERNATIVE SANCTIONS COORDINATOR.--~~Effective July~~
8 ~~1, 1995,~~There is created the position of alternative
9 sanctions coordinator within each judicial circuit, pursuant
10 to subsection (3). Each alternative sanctions coordinator
11 shall serve under the direction of the chief administrative
12 judge of the juvenile division as directed by the chief judge
13 of the circuit. The alternative sanctions coordinator shall
14 act as the liaison between the judiciary and county juvenile
15 justice councils, the local department officials, district
16 school board employees, and local law enforcement agencies.
17 The alternative sanctions coordinator shall coordinate within
18 the circuit community-based alternative sanctions, including
19 nonsecure detention programs, community service projects, and
20 other juvenile sanctions, in conjunction with the circuit plan
21 implemented in accordance with s. 790.22(4)(c).

22 Section 2. Subsection (6) of section 39.044, Florida
23 Statutes, 1996 Supplement, is amended to read:

24 39.044 Detention.--

25 (6) When any child is placed into secure, nonsecure,
26 or home detention care or into other placement pursuant to a
27 court order following a detention hearing, the court shall
28 order the natural or adoptive parents of such child, the
29 natural father of such child born out of wedlock who has
30 acknowledged his paternity in writing before the court, or the
31 guardian of such child's estate, if possessed of assets which

1 under law may be disbursed for the care, support, and
2 maintenance of the child, to pay to the Department of Juvenile
3 Justice, or institution having custody of the child, fees
4 equal to the actual cost of the care, support, and maintenance
5 of the child, as established by the Department of Juvenile
6 Justice, unless the court determines that the parent or
7 guardian of the child is indigent. The court may reduce the
8 fees or waive the fees upon a showing by the parent or
9 guardian of an inability to pay the full cost of the care,
10 support, and maintenance of the child. In addition, the court
11 may waive the fees if it finds that the child's parent or
12 guardian was the victim of the child's delinquent act or
13 violation of law or if the court finds that the parent or
14 guardian has made a diligent and good faith effort to prevent
15 the child from engaging in the delinquent act or violation of
16 law. With respect to a child who has been found to have
17 committed a delinquent act or violation of law, whether or not
18 adjudication is withheld, and whose parent or guardian
19 receives public assistance for any portion of that child's
20 care, the department must seek a federal waiver to garnish or
21 otherwise order the payments of the portion of the public
22 assistance relating to that child to offset the costs of
23 providing care, custody, maintenance, rehabilitation,
24 intervention, or corrective services to the child. When the
25 order affects the guardianship estate, a certified copy of the
26 order shall be delivered to the judge having jurisdiction of
27 the guardianship estate. The department may employ a
28 collection agency for the purpose of collecting delinquent or
29 unpaid fees. The collection agency must be registered and in
30 good standing under chapter 559. The department may pay to the
31 collection agency a fee from the amount collected under the

1 claim or may authorize the agency to deduct the fee from the
2 amount collected.

3 Section 3. Subsection (2) of section 39.054, Florida
4 Statutes, is amended to read:

5 39.054 Powers of disposition.--

6 (2) When any child is adjudicated by the court to have
7 committed a delinquent act and temporary legal custody of the
8 child has been placed with a licensed child-caring agency or
9 the Department of Juvenile Justice, the court shall order the
10 natural or adoptive parents of such child, the natural father
11 of such child born out of wedlock who has acknowledged his
12 paternity in writing before the court, or the guardian of such
13 child's estate, if possessed of assets that under law may be
14 disbursed for the care, support, and maintenance of the child,
15 to pay fees to the licensed child-caring agency or the
16 Department of Juvenile Justice equal to the actual cost of the
17 care, support, and maintenance of the child, unless the court
18 determines that the parent or guardian of the child is
19 indigent. The court may reduce the fees or waive the fees upon
20 a showing by the parent or guardian of an inability to pay the
21 full cost of the care, support, and maintenance of the child.
22 In addition, the court may waive the fees if it finds that the
23 child's parent or guardian was the victim of the child's
24 delinquent act or violation of law or if the court finds that
25 the parent or guardian has made a diligent and good faith
26 effort to prevent the child from engaging in the delinquent
27 act or violation of law. When the order affects the
28 guardianship estate, a certified copy of the order shall be
29 delivered to the judge having jurisdiction of the guardianship
30 estate. The department may employ a collection agency for the
31 purpose of collecting delinquent or unpaid fees. The

1 collection agency must be registered and in good standing
2 under chapter 559. The department may pay to the collection
3 agency a fee from the amount collected under the claim or may
4 authorize the agency to deduct the fee from the amount
5 collected.

6 Section 4. Subsection (5) of section 39.422, Florida
7 Statutes, 1996 Supplement, is amended to read:

8 39.422 Placement of a child from a family in need of
9 services or a child in need of services in a shelter.--

10 (5) Except as provided under s. 39.4421,~~Under the~~
11 ~~provisions of this part, placement in a shelter of a child in~~
12 ~~need of services or a child from a family in need of services~~
13 ~~may not be placed in a shelter for shall be for no~~ longer than
14 35 days.

15 Section 5. Subsections (1) and (3) of section 39.423,
16 Florida Statutes, 1996 Supplement, are amended to read:

17 39.423 Intake.--

18 (1) Intake shall be performed by the department. A
19 report or complaint alleging that a child is from a family in
20 need of services shall be made to the intake office operating
21 in the county in which the child is found or in which the case
22 arose. Any person or agency, including, but not limited to,
23 the parent or legal custodian,the local school district, a
24 law enforcement agency, or the Department of Children and
25 Family Health and Rehabilitative Services, having knowledge of
26 the facts may make a report or complaint.

27 (3) If the representative of the department determines
28 that in his or her judgment the interests of the family, the
29 child, and the public will be best served by providing the
30 family and child services and treatment voluntarily accepted
31 by the child and the parents or legal custodians, the

1 departmental representative may refer the family or child to
2 an appropriate service and treatment provider. As part of the
3 intake procedure, the departmental representative shall inform
4 the parent or legal custodian, in writing, of the services and
5 treatment available to the child and family by department
6 providers or community agencies and the rights and
7 responsibilities of the parent or legal guardian under this
8 part.

9 Section 6. Subsection (3) of section 39.424, Florida
10 Statutes, 1996 Supplement, is amended to read:

11 39.424 Services to families in need of services.--

12 (3) The department shall advise the parents or legal
13 guardian that they are responsible for contributing to the
14 cost of the child or family services and treatment to the
15 extent of their ability to pay. The department shall set and
16 charge fees for services and treatment provided to clients.
17 The department may employ a collection agency for the purpose
18 of collecting delinquent or unpaid fees. The collection agency
19 must be registered and in good standing under chapter 559. The
20 department may pay to the collection agency a fee from the
21 amount collected under the claim or may authorize the agency
22 to deduct the fee from the amount collected.

23 Section 7. Section 39.426, Florida Statutes, 1996
24 Supplement, is amended to read:

25 39.426 Case staffing; services and treatment to a
26 family in need of services.--

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

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

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

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

9 (2) The composition of the case staffing committee
10 shall be based on the needs of the family and child. It shall
11 include a representative from the child's school district and
12 a representative of the Department of Juvenile Justice, and
13 may include a supervisor of the department's contracted
14 provider; a representative from the area of health, mental
15 health, substance abuse, social, or educational services; a
16 representative of the state attorney; ~~the alternative~~
17 ~~sanctions coordinator~~, and any person recommended by the child
18 or family.

19 (3) The case staffing committee shall reach a timely
20 decision to provide the child or family with needed services
21 and treatment through the development of a plan for services.

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

23 (a) Statement of the problems.

24 (b) Needs of the child.

25 (c) Needs of the parents, guardian, or legal
26 custodian.

27 (d) Measurable objectives that address the identified
28 problems and needs.

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

30 1. Type of services or treatment.

31 2. Frequency of services or treatment.

1 3. Location.
2 4. Accountable service providers or staff.
3 (f) Timeframes for achieving objectives.
4 (5) Upon receipt of the plan, the child and family
5 shall acknowledge their position by accepting or rejecting the
6 services and provisions in writing.
7 (a) If the plan is accepted, it shall be implemented
8 as soon as is practicable.
9 ~~(6)~~ A case manager shall be designated by the case
10 staffing committee to be responsible for implementing the
11 plan. The case manager shall periodically review the progress
12 towards achieving the objectives of the plan in order to:
13 1.~~(a)~~ Advise the case staffing committee of the need
14 to make adjustments to the plan; or
15 2.~~(b)~~ Terminate the case as indicated by successful or
16 substantial achievement of the objectives of the plan.
17
18 The parent, guardian, or legal custodian may convene a meeting
19 of the case staffing committee, and any other member of the
20 committee may convene a meeting if the member finds that doing
21 so is in the best interest of the family or child.
22 (b) If the plan is not accepted, the parent, guardian,
23 or legal custodian may file a petition alleging that the child
24 is a child in need of services as provided under s. 39.436.
25 (6) The case staffing committee shall provide the
26 parent, guardian, or legal custodian with a written report
27 that details the reasons for the committee's decision to
28 recommend, or decline to recommend, that the department file a
29 petition alleging that the child is a child in need of
30 services.
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1 Section 8. Section 39.436, Florida Statutes, 1996
2 Supplement, is amended to read:

3 39.436 Petition for a child in need of services.--

4 (1) All proceedings seeking an adjudication that a
5 child is a child in need of services shall be initiated by the
6 filing of a petition by an attorney representing the
7 department or by the child's parent, guardian, or legal
8 custodian. If a child in need of services has been placed in
9 a shelter pursuant to s. 39.422, the department shall file the
10 petition shall be filed immediately, including in the petition
11 ~~and contain~~ notice of arraignment pursuant to s. 39.44.

12 (2)(a) The department shall file a petition for a
13 child in need of services if the case manager or staffing
14 committee requests that a petition be filed and:

15 1.(a) The family and child have in good faith, but
16 unsuccessfully, used the services and process described in ss.
17 39.424 and 39.426; or

18 2.(b) The family or child have refused all services
19 described in ss. 39.424 and 39.426 after reasonable efforts by
20 the department to involve the family and child in services and
21 treatment.

22 (b)(3) ~~Effective January 1, 1997,~~ Once the
23 requirements in paragraph (a) subsection (2) have been met,
24 the department shall file a petition for a child in need of
25 services within 45 days.

26 (c)(4) The petition shall be in writing, shall state
27 the specific grounds under s. 39.01(12) by which the child is
28 designated a child in need of services, and shall certify that
29 the conditions prescribed in paragraph (a) subsection (2) have
30 been met. The petition shall be signed by the petitioner

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1 under oath stating good faith in filing the petition and shall
2 be signed by an attorney for the department.

3 (3)(a) If the parent, guardian, or legal custodian
4 does not agree with the plan for services offered by the case
5 staffing committee, the parent, guardian, or legal custodian
6 may file a petition alleging that the child is a child in need
7 of services. The parent, guardian, or legal custodian must
8 give the department prior written notice of intent to file the
9 petition. The petition must be served on the department's
10 office of general counsel and the department shall be a party
11 to the proceeding.

12 (b) The petition must be in writing and must set forth
13 specific facts alleging that the child is a child in need of
14 services as defined in s. 39.01. The petition must also
15 demonstrate that:

16 1. The parent, guardian, or legal custodian has in
17 good faith, but unsuccessfully, attempted to use the services
18 and processes described in ss. 39.424 and 39.426; or

19 2. The plan for services proposed by the case staffing
20 committee does not adequately address the needs of the child.

21 (c) The petition must be signed by the petitioner
22 under oath.

23 (d) The court, on its own motion or the motion of any
24 party, shall determine the legal sufficiency of a petition
25 filed under this subsection and may dismiss any petition that
26 lacks sufficient grounds. If the court finds that the petition
27 is legally sufficient, the court shall promptly set a date for
28 an adjudicatory hearing.

29 (4)(5) The form of a the petition filed under this
30 section and its contents shall be determined by rules of
31 procedure adopted by the Supreme Court.

1 ~~(5)(6)~~ The department or the parent, guardian, or
2 legal custodian may withdraw a petition at any time prior to
3 the child being adjudicated a child in need of services.

4 Section 9. Subsections (2) and (3) of section 39.438,
5 Florida Statutes, 1996 Supplement, are amended to read:

6 39.438 Response to petition and representation of
7 parties.--

8 (2) No answer to the petition or any other pleading
9 filed by the department need be filed by any child, parent, or
10 legal custodian, but any matters which might be set forth in
11 an answer or other pleading may be pleaded orally before the
12 court or filed in writing as any such person may choose.
13 Notwithstanding the filing of an answer or any pleading, the
14 child or parent shall, prior to an adjudicatory hearing, be
15 advised by the court of the right to counsel.

16 (3) When a petition for a child in need of services
17 has been filed by the department and the parents, guardian, or
18 legal custodian of the child and the child have advised the
19 department that the truth of the allegations is acknowledged
20 and that no contest is to be made of the adjudication, the
21 attorney representing the department may set the case before
22 the court for an adjudicatory hearing. If there is a change
23 in the plea at this hearing, the court shall continue the
24 hearing to permit the attorney representing the department to
25 prepare and present the case.

26 Section 10. Subsection (1) and paragraph (a) of
27 subsection (2) of section 39.44, Florida Statutes, 1996
28 Supplement, are amended to read:

29 39.44 Hearings for child-in-need-of-services cases.--

30 (1) ARRAIGNMENT HEARING.--

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1 (a) When a child has been taken into custody by order
2 of the court, an arraignment hearing shall be held within 7
3 days after the date the child is taken into custody. The
4 hearing shall be held for the child and the parent, guardian,
5 or custodian to admit, deny, or consent to findings that a
6 child is in need of services as alleged in the department's
7 petition. If the child and the parent, guardian, or custodian
8 admit or consent to the findings in the petition, the court
9 shall proceed as set forth in the Florida Rules of Juvenile
10 Procedure. However, if either the child or the parent,
11 guardian, or custodian denies any of the allegations of the
12 petition, the court shall hold an adjudicatory hearing within
13 7 days after the date of the arraignment hearing.

14 (b) When a child is in the custody of the parent,
15 guardian, or custodian, upon the filing of a petition by the
16 department, the clerk shall set a date for an arraignment
17 hearing within a reasonable time from the date of the filing
18 of the petition. If the child and the parent, guardian, or
19 custodian admit or consent to an adjudication, the court shall
20 proceed as set forth in the Florida Rules of Juvenile
21 Procedure. However, if either the child or the parent,
22 guardian, or custodian denies any of the allegations of child
23 in need of services, the court shall hold an adjudicatory
24 hearing within a reasonable time from the date of the
25 arraignment hearing.

26 (c) If at the arraignment hearing the child, parent,
27 guardian, or custodian consents or admits to the allegations
28 in the department's petition, the court shall proceed to hold
29 an adjudicatory hearing at the earliest practicable time that
30 will allow for the completion of a predisposition study.

31 (2) ADJUDICATORY HEARING.--

1 (a) The adjudicatory hearing shall be held as soon as
2 practicable after the petition for a child in need of services
3 is filed by the department or the parent, guardian, or
4 custodian,~~and~~ in accordance with the Florida Rules of
5 Juvenile Procedure, but reasonable delay for the purpose of
6 investigation, discovery, or procuring counsel or witnesses
7 shall, whenever practicable, be granted. If the child is in
8 custody, the adjudicatory hearing shall be held within 14 days
9 after the date the child was taken into custody.

10 Section 11. Subsections (3) and (4) of section 39.442,
11 Florida Statutes, 1996 Supplement, are amended to read:

12 39.442 Powers of disposition.--

13 (3) When any child is adjudicated by the court to be a
14 child in need of services and temporary legal custody of the
15 child has been placed with an adult willing to care for the
16 child, a licensed child-caring agency, the Department of
17 Juvenile Justice, or the Department of Children and Family
18 ~~Health and Rehabilitative~~ Services, the court shall order the
19 natural or adoptive parents of such child, including the
20 natural father of such child born out of wedlock who has
21 acknowledged his paternity in writing before the court, or the
22 guardian of such child's estate if possessed of assets which
23 under law may be disbursed for the care, support, and
24 maintenance of such child, to pay child support to the adult
25 relative caring for the child, the licensed child-caring
26 agency, the Department of Juvenile Justice, or the Department
27 of Children and Family ~~Health and Rehabilitative~~ Services.
28 When such order affects the guardianship estate, a certified
29 copy of such order shall be delivered to the judge having
30 jurisdiction of such guardianship estate. If the court
31 determines that the parent is unable to pay support, placement

1 of the child shall not be contingent upon issuance of a
2 support order. The department may employ a collection agency
3 for the purpose of collecting delinquent or unpaid fees. The
4 collection agency must be registered and in good standing
5 under chapter 559. The department may pay to the collection
6 agency a fee from the amount collected under the claim or may
7 authorize the agency to deduct the fee from the amount
8 collected.

9 (4) All payments of fees made to the department
10 pursuant to this part, or child support payments made to the
11 department pursuant to subsection (3)~~subsection (5)~~, shall be
12 deposited in the General Revenue Fund. In cases in which the
13 child is placed in foster care with the Department of Children
14 and Family ~~Health and Rehabilitative~~ Services, such child
15 support payments shall be deposited in the Foster Care, Group
16 Home, Developmental Training, and Supported Employment
17 Programs Trust Fund.

18 Section 12. Section 39.4421, Florida Statutes, is
19 created to read:

20 39.4421 Powers of disposition; commitment to a
21 staff-secure shelter.--

22 (1) The court may order that a child adjudicated as a
23 child in need of services be placed for up to 90 days in a
24 staff-secure shelter if:

25 (a) The child's parent, guardian, or legal custodian
26 refuses to provide food, clothing, shelter, and necessary
27 parental support for the child and the refusal is a direct
28 result of an established pattern of significant disruptive
29 behavior of the child in the home of the parent, guardian, or
30 legal custodian; or

31

1 (b) The child refuses to remain under the reasonable
2 care and custody of his or her parent, guardian, or legal
3 custodian, as evidenced by repeatedly running away from home.

4 (2) This section applies after other alternative,
5 less-restrictive remedies have been exhausted. The court may
6 not order that a child be placed in a staff-secure facility
7 unless:

8 (a) The child has failed to successfully complete an
9 alternative treatment program or to comply with a
10 court-ordered sanction;

11 (b) The child has been committed to a residential
12 program on at least one prior occasion; and

13 (c) The department, or an authorized representative of
14 the department, verifies to the court that a bed is available
15 for the child at a staff-secure shelter.

16 (3) The court shall order the parent, guardian, or
17 legal custodian to cooperate with efforts to reunite the child
18 with the family, participate in counseling, and pay all costs
19 associated with the care and counseling provided to the child
20 and family, in accordance with the family's ability to pay as
21 determined by the court. Commitment of a child under this
22 section is designed to provide residential care on a temporary
23 basis. Such commitment does not abrogate the legal
24 responsibilities of the parent, guardian, or legal custodian
25 with respect to the child, except to the extent that those
26 responsibilities are temporarily altered by court order.

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

30 (5) If a child has not been reunited with his or her
31 parent, guardian, or legal custodian at the expiration of the

1 90-day commitment period, the court may order that the child
2 remain in the staff-secure shelter for an additional 30 days
3 if the court finds that reunification could be achieved within
4 that period.

5 (6) The department is deemed to have exhausted the
6 reasonable remedies offered under this part if, at the end of
7 the commitment period, the parent, guardian, or legal
8 custodian continues to refuse to allow the child to remain at
9 home or creates unreasonable conditions for the child's
10 return. If, at the end of the commitment period, the child is
11 not reunited with his or her parent, guardian, or custodian
12 due solely to the continued refusal of the parent, guardian,
13 or custodian to provide food, clothing, shelter, and parental
14 support, the child is considered to be threatened with harm as
15 a result of such acts or omissions and the court shall direct
16 that the child be handled in every respect as a dependent
17 child. Jurisdiction shall be transferred to the Department of
18 Children and Family Services and the child's care shall be
19 governed under parts III and V.

20 (7) The court shall review the child's commitment once
21 every 45 days as provided in s. 39.44. The court shall
22 determine if the parent, guardian, or custodian has reasonably
23 participated in and financially contributed to the child's
24 counseling and treatment program. The court shall also
25 determine whether the department's efforts to reunite the
26 family have been reasonable. If the court finds an inadequate
27 level of support or participation by the parent, guardian, or
28 custodian prior to the end of the commitment period, the court
29 shall direct that the child be handled in every respect as a
30 dependent child. Jurisdiction shall be transferred to the
31

1 Department of Children and Family Services and the child's
2 care shall be governed under parts III and V.

3 (8) If the child requires residential mental health
4 treatment or residential care for a developmental disability,
5 the court shall refer the child to the Department of Children
6 and Family Services for the provision of necessary services.

7 Section 13. Section 39.4422, Florida Statutes, is
8 created to read:

9 39.4422 Powers of disposition; contempt of court.--

10 (1) If a child adjudicated as a child in need of
11 services is held in direct contempt or indirect contempt of a
12 valid court order, as an alternative to placing the child in a
13 staff-secure facility as provided under s. 39.0145 or s.
14 39.4421, the court may order that the child be placed within
15 the circuit in a physically secure facility that is designated
16 exclusively for the placement of children in need of services
17 held in contempt of court. A child may be committed to the
18 facility only if the department, or an authorized
19 representative of the department, verifies to the court that a
20 bed is available for the child at the physically secure
21 facility and the child has:

22 (a) Run away from a staff-secure shelter following
23 placement under s. 39.0145 or s. 39.4421; or

24 (b) Committed at least two prior acts of direct or
25 indirect contempt.

26 (2) A child may be placed in a physically secure
27 facility for up to 5 days for the first commitment and up to
28 15 days for a second or subsequent commitment.

29 (3) Prior to being committed to a physically secure
30 facility, the child must be afforded all rights of due process
31 required under s. 39.0145. While in the physically secure

1 facility, the child shall receive appropriate assessment,
2 treatment, and educational services that are designed to
3 eliminate or reduce the child's truant, ungovernable, or
4 runaway behavior. The child and family shall be provided with
5 family counseling and other support services necessary for
6 reunification.

7 (4) The court shall order the parent, guardian, or
8 legal custodian to cooperate with efforts to reunite the child
9 with the family, participate in counseling, and pay all costs
10 associated with the care and counseling provided to the child
11 and family, in accordance with the family's ability to pay as
12 determined by the court. Commitment of a child under this
13 section is designed to provide residential care on a temporary
14 basis. Such commitment does not abrogate the legal
15 responsibilities of the parent, guardian, or legal custodian
16 with respect to the child, except to the extent that those
17 responsibilities are temporarily altered by court order.

18 Section 14. (1) The Department of Juvenile Justice
19 shall establish a pilot program within a single judicial
20 circuit for the purpose of operating one or more physically
21 secure facilities designated exclusively for the placement of
22 children in need of services who are found in direct contempt
23 or indirect contempt of a valid court order.

24 (2) The Juvenile Justice Advisory Board shall monitor
25 the operation of the pilot program and issue a preliminary
26 evaluation report to the Legislature by December 1, 1998. The
27 Department of Juvenile Justice and the Juvenile Justice
28 Advisory Board shall issue a joint final report to the
29 Legislature, including any proposed legislation, by December
30 1, 1999.

31

1 Section 15. (1)(a) A person who is not an authorized
2 agent of the Department of Juvenile Justice or the Department
3 of Children and Family Services may not knowingly shelter an
4 unmarried minor for more than 24 hours without the consent of
5 the minor's parent or guardian or without notifying a law
6 enforcement officer of the minor's name and the fact that the
7 minor is being provided shelter.

8 (b) A person may not knowingly provide aid to an
9 unmarried minor who has run away from home without first
10 contacting the minor's parent or guardian or notifying a law
11 enforcement officer. The aid prohibited under this paragraph
12 includes assisting the minor in obtaining shelter, such as
13 hotel lodgings.

14 (2) A person who violates this section commits a
15 misdemeanor of the first degree, punishable as provided in
16 section 775.082 or section 775.083, Florida Statutes.

17 Section 16. The Department of Juvenile Justice and the
18 Department of Children and Family Services shall encourage
19 interagency cooperation within each district and shall develop
20 comprehensive agreements between the staff and providers for
21 each department in order to coordinate the services provided
22 to children who are locked out of the home and the families of
23 those children.

24 Section 17. The Department of Juvenile Justice and the
25 Department of Children and Family Services shall establish a
26 joint work group to develop a proposal for legislative
27 consideration which would eliminate or minimize the
28 duplication of services and jurisdictional conflicts that
29 occur under the current system by which services are provided
30 to children who are locked out of the home and to families of
31 those children. The Secretary of Juvenile Justice and the

1 Secretary of Children and Family Services shall appoint the
2 members of the work group, which must be composed of
3 appropriate personnel from state and local governmental
4 agencies, representatives of private-sector organizations that
5 provide services to children who are locked out of the home
6 and their families, and children and parents from families who
7 are or have been involved in lockout situations. The proposal
8 submitted by the work group must be based on an analysis of
9 service needs and must address strategies by which the
10 Legislature can improve the ability of the Department of
11 Juvenile Justice and the Department of Children and Family
12 Services to work with locked-out children and their families
13 through coordinating services, revising the allocation of
14 funds and available resources, and eliminating other barriers
15 that inhibit the effective delivery of services. The
16 Department of Juvenile Justice and the Department of Children
17 and Family Services shall provide administrative support for
18 the work group from existing resources, and the group need not
19 have statewide representation. The work group shall submit its
20 proposal to the President of the Senate and the Speaker of the
21 House of Representatives by January 15, 1998.

22 Section 18. The Department of Juvenile Justice, in
23 collaboration with the Department of Children and Family
24 Services and the Department of Education, shall develop and
25 publish an information packet that explains the current
26 process under part IV of chapter 39, Florida Statutes, for
27 obtaining assistance for a child in need of services or a
28 family in need of services and the community services and
29 resources available to parents of troubled or runaway
30 children. In preparing the information packet, the Department
31 of Juvenile Justice shall work with school district

1 superintendents, juvenile court judges, county sheriffs, and
2 other local law enforcement officials in order to ensure that
3 the information packet lists services and resources that are
4 currently available within the county in which the packet is
5 distributed. Each information packet shall be annually updated
6 and shall be available for distribution by January 1, 1998.
7 The school district shall distribute this information packet
8 to parents of truant children and to other parents upon
9 request or as deemed appropriate by the school district. In
10 addition, the Department of Juvenile Justice shall distribute
11 the information packet to state and local law enforcement
12 agencies. Any law enforcement officer who has contact with the
13 parent of a child who is locked out of the home or who runs
14 away from home shall make the information available to the
15 parent.

16 Section 19. The Department of Education shall analyze
17 the current methods of collecting data on student attendance
18 and shall develop improved methods of identifying children who
19 are habitually truant. The department shall provide technical
20 assistance to school districts in order to allow each district
21 to accurately identify students whose chronic absence from
22 school may not otherwise be readily apparent to school
23 personnel.

24 Section 20. The Department of Education shall report
25 to the Legislature on the implementation of programs designed
26 to eliminate habitual truancy which were enacted in chapter
27 96-369, Laws of Florida. The department shall include in its
28 report any statutory changes that are necessary to further
29 reduce the incidence of truancy, including intervention
30 strategies that may be implemented by elementary schools.

31

1 Section 21. (1) The sum of \$6,980,625 is appropriated
2 from the General Revenue Fund to the Department of Juvenile
3 Justice to provide 6 months' funding for operating a program
4 under which children in need of services may be committed for
5 up to 120 days in a staff-secure shelter as a result of either
6 failure by the parent or guardian to provide support or the
7 child's refusal to remain under the care of the parent or
8 guardian.

9 (2) The sum of \$520,125 is appropriated from the
10 General Revenue Fund to the Department of Juvenile Justice to
11 provide 6 months' funding for operating a pilot project in one
12 judicial circuit to provide one or more physically secure
13 facilities for children in need of services who are found in
14 contempt of a valid court order.

15 (3) The sum of \$35,000 is appropriated from the
16 General Revenue Fund to the Department of Juvenile Justice for
17 the purpose of expanding the department's toll-free hotline to
18 include resource and referral information for parents of
19 troubled or runaway children.

20 Section 22. This act shall take effect July 1, 1997.
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SENATE SUMMARY

Provides that the court may order a child's driver's license to be withheld or suspended if the child has been found in contempt. Provides that the court may order that a child in need of services who is held in contempt be issued a restricted license for business or employment purposes. Authorizes the Department of Juvenile Justice to employ a collection agency to collect delinquent or unpaid fees from a child's parent or guardian. Authorizes a child's parent or guardian to file a petition that a child be adjudicated a child in need of services under certain circumstances. Provides requirements for filing the petition. Authorizes the court to place a child in a staff-secure shelter for up to 90 days if the child's parent or guardian refuses to care for the child or if the child refuses to remain under the care of the parent or guardian. Requires the implementation of certain prior sanctions. Authorizes the court to place a child found to be in contempt of court in a physically secure facility for children in need of services under a pilot program if there is space available in the facility and if the child has run away from a staff-secure shelter or committed at least two prior acts of contempt of court. Provides that it is a first-degree misdemeanor for a person who is not an agent of the department or the Department of Children and Family Services to shelter a minor for more than 24 hours, or provide aid to a minor, without notifying the minor's parent or guardian or a law enforcement officer. Requires the Department of Juvenile Justice to develop resource information for school districts and law enforcement agencies to distribute to parents of troubled or runaway children. Requires the department, in conjunction with the Department of Children and Family Services, to coordinate services provided to children locked out of the home. Requires that a joint work group develop legislative proposals. Requires the Department of Education to develop improved methods of identifying habitual truants. Requires a report to the Legislature. Provides appropriations.