

By the Committee on Juvenile Justice and Representatives
Crist, Lynn, Bainter, Arnall, Valdes, Fuller and Fasano

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 receive, collect, and
13 manage the payment of delinquent fees required
14 under part II, ch. 39, F.S.; amending s.
15 39.422, F.S.; revising limitations on placing a
16 child adjudicated in need of services in a
17 shelter; amending s. 39.423, F.S.; clarifying
18 that a child's parent or legal custodian may
19 make a complaint alleging that the family is in
20 need of services; revising provisions to
21 conform to the creation of the Department of
22 Children and Family Services by the
23 Legislature; requiring the Department of
24 Juvenile Justice to provide certain information
25 to the parent or custodian during the intake
26 process pursuant to a complaint that a child is
27 from a family in need of services; amending s.
28 39.424, F.S.; authorizing the department to
29 employ a collection agency to receive, collect,
30 and manage the payment of delinquent fees
31 required under part IV, ch. 39, F.S.; amending

1 s. 39.426, F.S.; providing for the state
2 attorney to be represented on a case-staffing
3 committee; authorizing a parent and any other
4 member of the committee to convene a meeting of
5 the committee; providing a timeframe; requiring
6 that the committee make a written report to the
7 parent within 7 days; amending s. 39.436, F.S.;
8 authorizing a child's parent or custodian to
9 file a petition alleging that a child is a
10 child in need of services; requiring notice to
11 the department; requiring that such a petition
12 allege certain facts; authorizing the court to
13 determine the sufficiency of the petition and
14 verify that the child meets certain
15 qualifications; amending ss. 39.438, 39.44,
16 F.S., relating to the response to a petition
17 and hearings; conforming provisions to changes
18 made by the act; amending s. 39.442, F.S.;
19 authorizing the department to employ a
20 collection agency to receive, collect, and
21 manage the payment of delinquent fees required
22 under part IV, ch. 39, F.S.; creating s.
23 39.4421, F.S.; specifying circumstances under
24 which a child in need of services may be placed
25 into a staff-secure shelter for an extended
26 period; providing requirements for the child's
27 parent or custodian; requiring that the child
28 receive education while in the shelter;
29 authorizing the court to extend the term of
30 commitment; requiring that the court review a
31 child's commitment and make certain

1 determinations; specifying circumstances under
2 which a child must be treated as a dependent
3 child; creating s. 39.4422, F.S.; requiring the
4 Department of Juvenile Justice to establish a
5 pilot program for operating one or more
6 physically secure facilities designated
7 exclusively for children in need of services
8 who are found in contempt of court; requiring
9 that a child alleged to be a child in need of
10 services within the judicial circuit in which
11 the pilot program is established be represented
12 by counsel; providing for an attorney to be
13 appointed to represent an indigent child;
14 requiring that the child be afforded the rights
15 of due process; requiring that a child receive
16 certain services while in the physically secure
17 facility; providing requirements for the
18 child's parent or custodian; requiring the
19 Juvenile Justice Advisory Board and the
20 department to make certain reports to the
21 Legislature with respect to the pilot program;
22 providing that it is a first-degree misdemeanor
23 for a person to knowingly shelter a minor for
24 longer than a specified period without the
25 consent of the minor's parent or guardian or
26 without notifying a law enforcement officer;
27 providing that it is a first-degree misdemeanor
28 for a person to knowingly provide aid to a
29 minor who has run away from home without
30 notifying the minor's parent or guardian or a
31 law enforcement officer; requiring the

1 Department of Juvenile Justice and the
2 Department of Children and Family Services to
3 coordinate services provided to children who
4 are locked out of the home and to the families
5 of those children; requiring the departments to
6 establish a joint work group to develop
7 proposals for coordinating services and report
8 to the Legislature; requiring the Department of
9 Juvenile Justice to develop information that
10 details the services and resources that are
11 available for parents of troubled or runaway
12 children; requiring school districts and law
13 enforcement agencies to distribute the
14 information; requiring the Department of
15 Education to analyze data collection and assist
16 school districts in identifying habitual
17 truants; requiring the Department of Education
18 to report to the Legislature on the
19 implementation of programs designed to prevent
20 truancy and make recommendations; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 39.0145, Florida Statutes, is
26 amended to read:

27 39.0145 Punishment for contempt of court; alternative
28 sanctions.--

29 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.--The court
30 may punish any child for contempt for interfering with the
31 court or with court administration, or for violating any

1 provision of this chapter or order of the court relative
2 thereto. It is the intent of the Legislature that the court
3 restrict and limit the use of contempt powers with respect to
4 commitment of a child to a secure facility. A child who
5 commits direct contempt of court or indirect contempt of a
6 valid court order may be taken into custody and ordered to
7 serve an alternative sanction or placed in a secure facility,
8 as authorized in this section, by order of the court.

9 (2) PLACEMENT IN A SECURE FACILITY.--A child may be
10 placed in a secure facility for purposes of punishment for
11 contempt of court if alternative sanctions are unavailable or
12 inappropriate, or if the child has already been ordered to
13 serve an alternative sanction but failed to comply with the
14 sanction.

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

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

3 (3) ALTERNATIVE SANCTIONS.--Each judicial circuit
4 shall have an alternative sanctions coordinator who shall
5 serve under the chief administrative judge of the juvenile
6 division of the circuit court, and who shall coordinate and
7 maintain a spectrum of contempt sanction alternatives in
8 conjunction with the circuit plan implemented in accordance
9 with s. 790.22(4)(c). Upon determining that a child has
10 committed direct contempt of court or indirect contempt of a
11 valid court order, the court may immediately request the
12 alternative sanctions coordinator to recommend the most
13 appropriate available alternative sanction and shall order the
14 child to perform up to 50 hours of community-service manual
15 labor or a similar alternative sanction, unless an alternative
16 sanction is unavailable or inappropriate, or unless the child
17 has failed to comply with a prior alternative sanction.
18 Alternative contempt sanctions may be provided by local
19 industry or by any nonprofit organization or any public or
20 private business or service entity that has entered into a
21 contract with the Department of Juvenile Justice to act as an
22 agent of the state to provide voluntary supervision of
23 children on behalf of the state in exchange for the manual
24 labor of children and limited immunity in accordance with s.
25 768.28(11).

26 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
27 PROCESS.--

28 (a) If a child is charged with direct contempt of
29 court, including traffic court, the court may impose an
30 authorized sanction immediately.

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

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

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

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

13 4. Right to confront witnesses.

14 5. Right to present witnesses.

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

17 7. Right to appeal to an appropriate court.
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19 The child's parent or guardian may address the court regarding
20 the due process rights of the child. The court shall review
21 the placement of the child every 72 hours to determine whether
22 it is appropriate for the child to remain in the facility.

23 (c) The court may not order that a child be placed in
24 a secure facility for punishment for contempt unless the court
25 determines that an alternative sanction is inappropriate or
26 unavailable or that the child was initially ordered to an
27 alternative sanction and did not comply with the alternative
28 sanction. The court is encouraged to order a child to perform
29 community service, up to the maximum number of hours, where
30 appropriate before ordering that the child be placed in a
31 secure facility as punishment for contempt of court.

1 (d) In addition to any other sanction imposed under
2 this section, the court may direct the Department of Highway
3 Safety and Motor Vehicles to withhold issuance of, or suspend,
4 a child's driver's license or driving privilege. The court may
5 order that a child's driver's license or driving privilege be
6 withheld or suspended for up to 1 year for a first offense of
7 contempt and up to 2 years for a second or subsequent offense.
8 If the child's driver's license or driving privilege is
9 suspended or revoked for any reason at the time the sanction
10 for contempt is imposed, the court shall extend the period of
11 suspension or revocation by the additional period ordered
12 under this paragraph. If the child's driver's license is being
13 withheld at the time the sanction for contempt is imposed, the
14 period of suspension or revocation ordered under this
15 paragraph shall begin on the date on which the child is
16 otherwise eligible to drive. For a child in need of services
17 whose driver's license or driving privilege is suspended under
18 this paragraph, the court may direct the Department of Highway
19 Safety and Motor Vehicles to issue the child a license for
20 driving privileges restricted to business or employment
21 purposes only, as defined in s. 322.271, or for the purpose of
22 completing court-ordered community service, if the child is
23 otherwise qualified for a license. However, the department may
24 not issue a restricted license unless specifically ordered to
25 do so by the court.

26 (5) ALTERNATIVE SANCTIONS COORDINATOR.--~~Effective July~~
27 ~~1, 1995,~~There is created the position of alternative
28 sanctions coordinator within each judicial circuit, pursuant
29 to subsection (3). Each alternative sanctions coordinator
30 shall serve under the direction of the chief administrative
31 judge of the juvenile division as directed by the chief judge

1 of the circuit. The alternative sanctions coordinator shall
2 act as the liaison between the judiciary and county juvenile
3 justice councils, the local department officials, district
4 school board employees, and local law enforcement agencies.
5 The alternative sanctions coordinator shall coordinate within
6 the circuit community-based alternative sanctions, including
7 nonsecure detention programs, community service projects, and
8 other juvenile sanctions, in conjunction with the circuit plan
9 implemented in accordance with s. 790.22(4)(c).

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

12 39.044 Detention.--

13 (6) When any child is placed into secure, nonsecure,
14 or home detention care or into other placement pursuant to a
15 court order following a detention hearing, the court shall
16 order the natural or adoptive parents of such child, the
17 natural father of such child born out of wedlock who has
18 acknowledged his paternity in writing before the court, or the
19 guardian of such child's estate, if possessed of assets which
20 under law may be disbursed for the care, support, and
21 maintenance of the child, to pay to the Department of Juvenile
22 Justice, or institution having custody of the child, fees
23 equal to the actual cost of the care, support, and maintenance
24 of the child, as established by the Department of Juvenile
25 Justice, unless the court determines that the parent or
26 guardian of the child is indigent. The court may reduce the
27 fees or waive the fees upon a showing by the parent or
28 guardian of an inability to pay the full cost of the care,
29 support, and maintenance of the child. In addition, the court
30 may waive the fees if it finds that the child's parent or
31 guardian was the victim of the child's delinquent act or

1 violation of law or if the court finds that the parent or
2 guardian has made a diligent and good faith effort to prevent
3 the child from engaging in the delinquent act or violation of
4 law. With respect to a child who has been found to have
5 committed a delinquent act or violation of law, whether or not
6 adjudication is withheld, and whose parent or guardian
7 receives public assistance for any portion of that child's
8 care, the department must seek a federal waiver to garnish or
9 otherwise order the payments of the portion of the public
10 assistance relating to that child to offset the costs of
11 providing care, custody, maintenance, rehabilitation,
12 intervention, or corrective services to the child. When the
13 order affects the guardianship estate, a certified copy of the
14 order shall be delivered to the judge having jurisdiction of
15 the guardianship estate. The department may employ a
16 collection agency for the purpose of receiving, collecting,
17 and managing the payment of unpaid and delinquent fees. The
18 collection agency must be registered and in good standing
19 under chapter 559. The department may pay to the collection
20 agency a fee from the amount collected under the claim or may
21 authorize the agency to deduct the fee from the amount
22 collected.

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

25 39.054 Powers of disposition.--

26 (2) When any child is adjudicated by the court to have
27 committed a delinquent act and temporary legal custody of the
28 child has been placed with a licensed child-caring agency or
29 the Department of Juvenile Justice, the court shall order the
30 natural or adoptive parents of such child, the natural father
31 of such child born out of wedlock who has acknowledged his

1 paternity in writing before the court, or the guardian of such
2 child's estate, if possessed of assets that under law may be
3 disbursed for the care, support, and maintenance of the child,
4 to pay fees to the licensed child-caring agency or the
5 Department of Juvenile Justice equal to the actual cost of the
6 care, support, and maintenance of the child, unless the court
7 determines that the parent or guardian of the child is
8 indigent. The court may reduce the fees or waive the fees upon
9 a showing by the parent or guardian of an inability to pay the
10 full cost of the care, support, and maintenance of the child.
11 In addition, the court may waive the fees if it finds that the
12 child's parent or guardian was the victim of the child's
13 delinquent act or violation of law or if the court finds that
14 the parent or guardian has made a diligent and good faith
15 effort to prevent the child from engaging in the delinquent
16 act or violation of law. When the order affects the
17 guardianship estate, a certified copy of the order shall be
18 delivered to the judge having jurisdiction of the guardianship
19 estate. The department may employ a collection agency for the
20 purpose of receiving, collecting, and managing the payment of
21 unpaid and delinquent fees. The collection agency must be
22 registered and in good standing under chapter 559. The
23 department may pay to the collection agency a fee from the
24 amount collected under the claim or may authorize the agency
25 to deduct the fee from the amount collected.

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

28 39.422 Placement of a child from a family in need of
29 services or a child in need of services in a shelter.--

30 (5) Except as provided under s. 39.4421,~~Under the~~
31 ~~provisions of this part, placement in a shelter of a child in~~

1 need of services or a child from a family in need of services
2 may not be placed in a shelter for ~~shall be for no~~ longer than
3 35 days.

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

6 39.423 Intake.--

7 (1) Intake shall be performed by the department. A
8 report or complaint alleging that a child is from a family in
9 need of services shall be made to the intake office operating
10 in the county in which the child is found or in which the case
11 arose. Any person or agency, including, but not limited to,
12 the parent or legal custodian, the local school district, a
13 law enforcement agency, or the Department of Children and
14 Family Health and Rehabilitative Services, having knowledge of
15 the facts may make a report or complaint.

16 (3) If the representative of the department determines
17 that in his or her judgment the interests of the family, the
18 child, and the public will be best served by providing the
19 family and child services and treatment voluntarily accepted
20 by the child and the parents or legal custodians, the
21 departmental representative may refer the family or child to
22 an appropriate service and treatment provider. As part of the
23 intake procedure, the departmental representative shall inform
24 the parent or legal custodian, in writing, of the services and
25 treatment available to the child and family by department
26 providers or community agencies and the rights and
27 responsibilities of the parent or legal guardian under this
28 part.

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

31 39.424 Services to families in need of services.--

1 (3) The department shall advise the parents or legal
2 guardian that they are responsible for contributing to the
3 cost of the child or family services and treatment to the
4 extent of their ability to pay. The department shall set and
5 charge fees for services and treatment provided to clients.
6 The department may employ a collection agency for the purpose
7 of receiving, collecting, and managing the payment of unpaid
8 and delinquent fees. The collection agency must be registered
9 and in good standing under chapter 559. The department may pay
10 to the collection agency a fee from the amount collected under
11 the claim or may authorize the agency to deduct the fee from
12 the amount collected.

13 Section 7. Section 39.426, Florida Statutes, 1996
14 Supplement, is amended to read:

15 39.426 Case staffing; services and treatment to a
16 family in need of services.--

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

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

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

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

30 (2) The composition of the case staffing committee
31 shall be based on the needs of the family and child. It shall

1 include a representative from the child's school district and
2 a representative of the Department of Juvenile Justice, and
3 may include a supervisor of the department's contracted
4 provider; a representative from the area of health, mental
5 health, substance abuse, social, or educational services; a
6 representative of the state attorney;~~the alternative~~
7 ~~sanctions coordinator;~~and any person recommended by the
8 child, or family, or department.

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

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

13 (a) Statement of the problems.

14 (b) Needs of the child.

15 (c) Needs of the parents, guardian, or legal
16 custodian.

17 (d) Measurable objectives that address the identified
18 problems and needs.

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

20 1. Type of services or treatment.

21 2. Frequency of services or treatment.

22 3. Location.

23 4. Accountable service providers or staff.

24 (f) Timeframes for achieving objectives.

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

29 (6) A case manager shall be designated by the case
30 staffing committee to be responsible for implementing the
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1 plan. The case manager shall periodically review the progress
2 towards achieving the objectives of the plan in order to:

3 (a) Advise the case staffing committee of the need to
4 make adjustments to the plan; or

5 (b) Terminate the case as indicated by successful or
6 substantial achievement of the objectives of the plan.

7 (7) The parent, guardian, or legal custodian may
8 convene a meeting of the case staffing committee, and any
9 other member of the committee may convene a meeting if the
10 member finds that doing so is in the best interest of the
11 family or child. A case staffing committee meeting requested
12 by a parent, guardian, or legal custodian must be convened
13 within 7 days, excluding weekends and legal holidays, after
14 the date the department's representative receives the request
15 in writing.

16 (8) Within 7 days after meeting, the case staffing
17 committee shall provide the parent, guardian, or legal
18 custodian with a written report that details the reasons for
19 the committee's decision to recommend, or decline to
20 recommend, that the department file a petition alleging that
21 the child is a child in need of services.

22 Section 8. Section 39.436, Florida Statutes, 1996
23 Supplement, is amended to read:

24 39.436 Petition for a child in need of services.--

25 (1) All proceedings seeking an adjudication that a
26 child is a child in need of services shall be initiated by the
27 filing of a petition by an attorney representing the
28 department or by the child's parent, guardian, or legal
29 custodian. If a child in need of services has been placed in
30 a shelter pursuant to s. 39.422, the department shall file the
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1 petition ~~shall be filed~~ immediately, including in the petition
2 ~~and contain~~ notice of arraignment pursuant to s. 39.44.

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

6 1.(a) The family and child have in good faith, but
7 unsuccessfully, used the services and process described in ss.
8 39.424 and 39.426; or

9 2.(b) The family or child have refused all services
10 described in ss. 39.424 and 39.426 after reasonable efforts by
11 the department to involve the family and child in services and
12 treatment.

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

17 (c)(4) The petition shall be in writing, shall state
18 the specific grounds under s. 39.01(12) by which the child is
19 designated a child in need of services, and shall certify that
20 the conditions prescribed in paragraph (a) subsection (2) have
21 been met. The petition shall be signed by the petitioner
22 under oath stating good faith in filing the petition and shall
23 be signed by an attorney for the department.

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

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

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

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

6 4. The department fails to provide a written report
7 within 7 days after the case staffing committee meets, as
8 required under s. 39.426(8).

9 (b) The parent, guardian, or legal custodian must give
10 the department prior written notice of intent to file the
11 petition. If, at the arraignment hearing, the court finds that
12 such written notice of intent to file the petition was not
13 provided to the department, the court shall dismiss the
14 petition, postpone the hearing until such written notice is
15 given, or, if the department agrees, proceed with the
16 arraignment hearing. The petition must be served on the
17 department's office of general counsel.

18 (c) The petition must be in writing and must set forth
19 specific facts alleging that the child is a child in need of
20 services as defined in s. 39.01. The petition must also
21 demonstrate that the parent, guardian, or legal custodian has
22 in good faith, but unsuccessfully, participated in the
23 services and processes described in ss. 39.424 and 39.426.

24 (d) The petition must be signed by the petitioner
25 under oath.

26 (e) The court, on its own motion or the motion of any
27 party or the department, shall determine the legal sufficiency
28 of a petition filed under this subsection and may dismiss any
29 petition that lacks sufficient grounds. In addition, the court
30 shall verify that the child is not:

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1 1. The subject of a pending investigation into an
2 allegation or suspicion of abuse, neglect, or abandonment;

3 2. The subject of a pending referral alleging that the
4 child is delinquent; or

5 3. Under the current supervision of the department or
6 the Department of Children and Family Services for an
7 adjudication of delinquency or dependency.

8 ~~(4)(5)~~ The form of the petition and any additional ~~its~~
9 contents shall be determined by rules of procedure adopted by
10 the Supreme Court.

11 ~~(5)(6)~~ The department or the parent, guardian, or
12 legal custodian may withdraw a petition at any time prior to
13 the child being adjudicated a child in need of services.

14 Section 9. Subsection (3) of section 39.438, Florida
15 Statutes, 1996 Supplement, is amended to read:

16 39.438 Response to petition and representation of
17 parties.--

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

28 Section 10. Paragraph (c) of subsection (1) of section
29 39.44, Florida Statutes, 1996 Supplement, is amended to read:

30 39.44 Hearings for child-in-need-of-services cases.--

31 (1) ARRAIGNMENT HEARING.--

1 (c) If at the arraignment hearing the child and the
2 parent, guardian, or custodian consents or admits to the
3 allegations in the petition and the court determines that the
4 petition meets the requirements of s. 39.436(3)(e), the court
5 shall proceed to hold a disposition ~~an adjudicatory~~ hearing at
6 the earliest practicable time that will allow for the
7 completion of a predisposition study.

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

10 39.442 Powers of disposition.--

11 (3) When any child is adjudicated by the court to be a
12 child in need of services and temporary legal custody of the
13 child has been placed with an adult willing to care for the
14 child, a licensed child-caring agency, the Department of
15 Juvenile Justice, or the Department of Children and Family
16 ~~Health and Rehabilitative~~ Services, the court shall order the
17 natural or adoptive parents of such child, including the
18 natural father of such child born out of wedlock who has
19 acknowledged his paternity in writing before the court, or the
20 guardian of such child's estate if possessed of assets which
21 under law may be disbursed for the care, support, and
22 maintenance of such child, to pay child support to the adult
23 relative caring for the child, the licensed child-caring
24 agency, the Department of Juvenile Justice, or the Department
25 of Children and Family ~~Health and Rehabilitative~~ Services.
26 When such order affects the guardianship estate, a certified
27 copy of such order shall be delivered to the judge having
28 jurisdiction of such guardianship estate. If the court
29 determines that the parent is unable to pay support, placement
30 of the child shall not be contingent upon issuance of a
31 support order. The department may employ a collection agency

1 for the purpose of receiving, collecting, and managing the
2 payment of unpaid and delinquent fees. The collection agency
3 must be registered and in good standing under chapter 559. The
4 department may pay to the collection agency a fee from the
5 amount collected under the claim or may authorize the agency
6 to deduct the fee from the amount collected.

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

16 Section 12. Section 39.4421, Florida Statutes, is
17 created to read:

18 39.4421 Powers of disposition; placement in a
19 staff-secure shelter.--

20 (1) Subject to specific legislative appropriation, the
21 court may order that a child adjudicated as a child in need of
22 services be placed for up to 90 days in a staff-secure shelter
23 if:

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

30 (b) The child refuses to remain under the reasonable
31 care and custody of his or her parent, guardian, or legal

1 custodian, as evidenced by repeatedly running away from home.
2 The court may not order that a child be placed in a
3 staff-secure facility unless:

4 1. The child has failed to successfully complete an
5 alternative treatment program or to comply with a
6 court-ordered sanction; and

7 2. The child has been placed in a residential program
8 on at least one prior occasion pursuant to a court order under
9 this part.

10
11 This subsection applies after other alternative,
12 less-restrictive remedies have been exhausted. The court may
13 order that a child be placed in a staff-secure shelter. The
14 department, or an authorized representative of the department,
15 must verify to the court that a bed is available for the
16 child. If the department or an authorized representative of
17 the department verifies that a bed is not available, the court
18 shall stay the placement until a bed is available. The
19 department will place the child's name on a waiting list. The
20 child who has been on the waiting list the longest will get
21 the next available bed.

22 (2) The court shall order the parent, guardian, or
23 legal custodian to cooperate with efforts to reunite the child
24 with the family, participate in counseling, and pay all costs
25 associated with the care and counseling provided to the child
26 and family, in accordance with the family's ability to pay as
27 determined by the court. Commitment of a child under this
28 section is designed to provide residential care on a temporary
29 basis. Such commitment does not abrogate the legal
30 responsibilities of the parent, guardian, or legal custodian

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1 with respect to the child, except to the extent that those
2 responsibilities are temporarily altered by court order.

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

6 (4) If a child has not been reunited with his or her
7 parent, guardian, or legal custodian at the expiration of the
8 90-day commitment period, the court may order that the child
9 remain in the staff-secure shelter for an additional 30 days
10 if the court finds that reunification could be achieved within
11 that period.

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

27 (6) The court shall review the child's commitment once
28 every 45 days as provided in s. 39.44. The court shall
29 determine if the parent, guardian, or custodian has reasonably
30 participated in and financially contributed to the child's
31 counseling and treatment program. The court shall also

1 determine whether the department's efforts to reunite the
2 family have been reasonable. If the court finds an inadequate
3 level of support or participation by the parent, guardian, or
4 custodian prior to the end of the commitment period, the court
5 shall direct that the child be handled in every respect as a
6 dependent child. Jurisdiction shall be transferred to the
7 Department of Children and Family Services and the child's
8 care shall be governed under parts III and V.

9 (7) If the child requires residential mental health
10 treatment or residential care for a developmental disability,
11 the court shall refer the child to the Department of Children
12 and Family Services for the provision of necessary services.

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

15 39.4422 Pilot program for a physically secure
16 facility; contempt of court.--

17 (1) Subject to specific legislative appropriation, the
18 Department of Juvenile Justice shall establish a pilot program
19 within a single judicial circuit for the purpose of operating
20 one or more physically secure facilities designated
21 exclusively for the placement of children in need of services
22 who are found in direct contempt or indirect contempt of a
23 valid court order. If any party files a petition that a child
24 is a child in need of services within such judicial circuit,
25 the child must be represented by counsel at each court
26 appearance. If the child is indigent, the court shall appoint
27 an attorney to represent the child as provided under s.
28 39.041. Nothing precludes the court from requesting
29 reimbursement of attorney's fees and costs from the
30 nonindigent parent or legal guardian.

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1 (2) If a child adjudicated as a child in need of
2 services is held in direct contempt or indirect contempt of a
3 valid court order, as an alternative to placing the child in a
4 staff-secure facility as provided under s. 39.0145 or s.
5 39.4421, the court may order that the child be placed within
6 the circuit in a physically secure facility operated under the
7 pilot program. A child may be committed to the facility only
8 if the department, or an authorized representative of the
9 department, verifies to the court that a bed is available for
10 the child at the physically secure facility and the child has:
11 (a) Run away from a staff-secure shelter following
12 placement under s. 39.0145 or s. 39.4421; or
13 (b) Committed at least two prior acts of direct or
14 indirect contempt.
15 (3) A child may be placed in a physically secure
16 facility for up to 5 days for the first commitment and up to
17 15 days for a second or subsequent commitment.
18 (4) Prior to being committed to a physically secure
19 facility, the child must be afforded all rights of due process
20 required under s. 39.0145. While in the physically secure
21 facility, the child shall receive appropriate assessment,
22 treatment, and educational services that are designed to
23 eliminate or reduce the child's truant, ungovernable, or
24 runaway behavior. The child and family shall be provided with
25 family counseling and other support services necessary for
26 reunification.
27 (5) The court shall order the parent, guardian, or
28 legal custodian to cooperate with efforts to reunite the child
29 with the family, participate in counseling, and pay all costs
30 associated with the care and counseling provided to the child
31 and family, in accordance with the family's ability to pay as

1 determined by the court. Commitment of a child under this
2 section is designed to provide residential care on a temporary
3 basis. Such commitment does not abrogate the legal
4 responsibilities of the parent, guardian, or legal custodian
5 with respect to the child, except to the extent that those
6 responsibilities are temporarily altered by court order.

7 (6) The Juvenile Justice Advisory Board shall monitor
8 the operation of the pilot program and issue a preliminary
9 evaluation report to the Legislature by December 1, 1998. The
10 Department of Juvenile Justice and the Juvenile Justice
11 Advisory Board shall issue a joint final report to the
12 Legislature, including any proposed legislation, by December
13 1, 1999.

14 Section 14. (1)(a) A person who is not an authorized
15 agent of the Department of Juvenile Justice or the Department
16 of Children and Family Services may not knowingly shelter an
17 unmarried minor for more than 24 hours without the consent of
18 the minor's parent or guardian or without notifying a law
19 enforcement officer of the minor's name and the fact that the
20 minor is being provided shelter.

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

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

30 Section 15. The Department of Juvenile Justice and the
31 Department of Children and Family Services shall encourage

1 interagency cooperation within each district and shall develop
2 comprehensive agreements between the staff and providers for
3 each department in order to coordinate the services provided
4 to children who are locked out of the home and the families of
5 those children.

6 Section 16. The Department of Juvenile Justice and the
7 Department of Children and Family Services shall establish a
8 joint work group to develop a proposal for legislative
9 consideration which would eliminate or minimize the
10 duplication of services and jurisdictional conflicts that
11 occur under the current system by which services are provided
12 to children who are locked out of the home and to families of
13 those children. The Secretary of Juvenile Justice and the
14 Secretary of Children and Family Services shall appoint the
15 members of the work group, which must be composed of
16 appropriate personnel from state and local governmental
17 agencies, representatives of private-sector organizations that
18 provide services to children who are locked out of the home
19 and their families, and children and parents from families who
20 are or have been involved in lockout situations. The proposal
21 submitted by the work group must be based on an analysis of
22 service needs and must address strategies by which the
23 Legislature can improve the ability of the Department of
24 Juvenile Justice and the Department of Children and Family
25 Services to work with locked-out children and their families
26 through coordinating services, revising the allocation of
27 funds and available resources, and eliminating other barriers
28 that inhibit the effective delivery of services. The
29 Department of Juvenile Justice and the Department of Children
30 and Family Services shall provide administrative support for
31 the work group from existing resources, and the group need not

1 have statewide representation. The work group shall submit its
2 proposal to the President of the Senate and the Speaker of the
3 House of Representatives by January 15, 1998.

4 Section 17. The Department of Juvenile Justice, in
5 collaboration with the Department of Children and Family
6 Services and the Department of Education, shall develop and
7 publish an information packet that explains the current
8 process under part IV of chapter 39, Florida Statutes, for
9 obtaining assistance for a child in need of services or a
10 family in need of services and the community services and
11 resources available to parents of troubled or runaway
12 children. In preparing the information packet, the Department
13 of Juvenile Justice shall work with school district
14 superintendents, juvenile court judges, county sheriffs, and
15 other local law enforcement officials in order to ensure that
16 the information packet lists services and resources that are
17 currently available within the county in which the packet is
18 distributed. Each information packet shall be annually updated
19 and shall be available for distribution by January 1, 1998.
20 The school district shall distribute this information packet
21 to parents of truant children and to other parents upon
22 request or as deemed appropriate by the school district. In
23 addition, the Department of Juvenile Justice shall distribute
24 the information packet to state and local law enforcement
25 agencies. Any law enforcement officer who has contact with the
26 parent of a child who is locked out of the home or who runs
27 away from home shall make the information available to the
28 parent.

29 Section 18. The Department of Education shall analyze
30 the current methods of collecting data on student attendance
31 and shall develop improved methods of identifying children who

1 are habitually truant. The department shall provide technical
2 assistance to school districts in order to allow each district
3 to accurately identify students whose chronic absence from
4 school may not otherwise be readily apparent to school
5 personnel.

6 Section 19. The Department of Education shall report
7 to the Legislature on the implementation of programs designed
8 to eliminate habitual truancy which were enacted in chapter
9 96-369, Laws of Florida. The department shall include in its
10 report any statutory changes that are necessary to further
11 reduce the incidence of truancy, including intervention
12 strategies that may be implemented by elementary schools.

13 Section 20. This act shall take effect July 1, 1997.
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