

By Senator Webster

12-1513-99

See HB

1 A bill to be entitled
2 An act relating to children and families;
3 transferring powers, duties, and functions
4 relating to children-in-need-of-services
5 programs, families-in-need-of-services
6 programs, and delinquency prevention programs
7 and services from the Department of Juvenile
8 Justice to the Department of Children and
9 Family Services; amending ss. 20.19, 20.316,
10 F.S.; revising responsibilities of the
11 departments to conform to the transfer;
12 providing for pt. XII of ch. 39, F.S., entitled
13 "Children and Families in Need of Services and
14 Delinquency Prevention," and transferring
15 provisions of ch. 984, F.S., to that part;
16 renumbering and amending s. 984.04, F.S.,
17 relating to procedures and jurisdiction for
18 families in need of services; renumbering and
19 amending s. 984.05, F.S., relating to rules
20 relating to habitual truants; renumbering ss.
21 984.06, 984.07, F.S., relating to oaths,
22 records, confidential information, and
23 appointed counsel; renumbering and amending s.
24 984.071, F.S., relating to a services
25 information packet; renumbering and amending s.
26 984.08, F.S., relating to attorney's fees;
27 renumbering and amending s. 984.085, F.S.,
28 relating to sheltering unmarried minors;
29 renumbering and amending s. 984.09, F.S.;
30 deleting provision relating to detention of a
31 child held in contempt; renumbering and

1 amending s. 984.10, F.S., relating to intake;
2 renumbering and amending s. 984.11, F.S.,
3 relating to services to families in need of
4 services; renumbering and amending s. 984.12,
5 F.S., relating to case staffing for families in
6 need of services; renumbering and amending s.
7 984.13, F.S., relating to taking into custody a
8 child in need of services; renumbering and
9 amending s. 984.14, F.S., relating to shelter
10 placement and hearings; renumbering and
11 amending s. 984.15, F.S., relating to petition
12 for a child in need of services; renumbering
13 and amending s. 984.16, F.S., relating to
14 process and service; renumbering ss. 984.17,
15 984.18, F.S., relating to response to petition,
16 representation of parties, and referral of
17 child-in-need-of-services cases to mediation;
18 renumbering and amending s. 984.19, F.S.,
19 relating to medical, psychiatric, and
20 psychological examination of child, parent,
21 guardian, or custodian; renumbering and
22 amending s. 984.20, F.S., relating to hearings
23 for child-in-need-of-services cases;
24 renumbering and amending s. 984.21, F.S.,
25 relating to orders of adjudication; renumbering
26 and amending s. 984.22, F.S., relating to
27 powers of disposition; renumbering and amending
28 s. 984.225, F.S., relating to powers of
29 disposition and placement in a staff-secure
30 shelter; renumbering and amending s. 984.226,
31 F.S., relating to a pilot program for a

1 physically secure facility and contempt of
2 court; renumbering and amending s. 984.23,
3 F.S., relating to court and witness fees;
4 renumbering and amending s. 984.24, F.S.,
5 relating to appeal; renumbering and amending s.
6 985.415, F.S.; revising and transferring to
7 part XII of ch. 39, F.S., provisions relating
8 to Community Prevention Partnership Grants;
9 amending ss. 27.151, 39.001, 39.01, 39.205,
10 39.302, 39.828, 95.11, 228.041, 230.2316,
11 232.17, 232.19, 316.003, 316.635, 397.6758,
12 397.706, 409.2564, 409.803, 419.001, 743.0645,
13 744.309, F.S., to conform to the act;
14 conforming references and cross-references;
15 merging provisions from ch. 984, F.S., relating
16 to purpose and intent and definitions into
17 those provisions of ch. 39, F.S.; amending ss.
18 985.01, 985.02, 985.03, 985.204, 985.2065,
19 985.21, 985.214, 985.216, 985.404, 985.413,
20 985.414, 985.416, F.S.; conforming to the act
21 provisions relating to delinquency and the
22 juvenile justice system; repealing ss. 39.0196,
23 984.086, 985.2066, F.S., relating to
24 interagency cooperation for services to
25 children locked out of the home; repealing ss.
26 984.01, 984.02, 984.03, 984.04, F.S., relating
27 to purposes, intent, definitions, procedures,
28 and jurisdiction for children and families in
29 need of services; repealing s. 985.03(1)(c),
30 (44), (50), (51), and (52), F.S., relating to
31 definitions; providing an effective date.

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

2
3 Section 1. All powers, duties and functions, records,
4 personnel, property, and unexpended balances of
5 appropriations, allocations, or other funds relating to the
6 children-in-need-of-services programs,
7 families-in-need-of-services programs, and delinquency
8 prevention programs and services of the Department of Juvenile
9 Justice are transferred by a type two transfer, as defined in
10 section 20.06(2), Florida Statutes, from the Department of
11 Juvenile Justice to the Department of Children and Family
12 Services. This transfer shall take effect October 1, 1999. Any
13 rules adopted by or for the Department of Juvenile Justice for
14 the administration and operation of these programs are
15 included in this transfer.

16 Section 2. Paragraph (b) of subsection (1) and
17 paragraph (b) of subsection (5) of section 20.19, Florida
18 Statutes, 1998 Supplement, are amended to read:

19 20.19 Department of Children and Family
20 Services.--There is created a Department of Children and
21 Family Services.

22 (1) MISSION AND PURPOSE.--

23 (b) The purposes of the Department of Children and
24 Family Services are to deliver, or provide for the delivery
25 of, all family services offered by the state through the
26 department to its citizens and include, but are not limited
27 to:

28 1. Cooperating with other state and local agencies in
29 integrating the delivery of all family and health services
30 offered by the state to those citizens in need of assistance.

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1 2. Providing such assistance as is authorized to all
2 eligible clients in order that they might achieve or maintain
3 economic self-support and self-sufficiency to prevent, reduce,
4 or eliminate dependency.

5 3. Preventing or remedying the neglect, abuse, or
6 exploitation of children and of adults unable to protect their
7 own interests.

8 4. Aiding in the preservation, rehabilitation, and
9 reuniting of families.

10 5. Preventing or reducing inappropriate institutional
11 care by providing for community-based care, home-based care,
12 or other forms of less intensive care.

13 6. Securing referral or admission for institutional
14 care when other forms of care are not appropriate, or
15 providing services to individuals in institutions when
16 necessary.

17 7. Improving the quality of life for persons with
18 mental illnesses and persons with developmental disabilities.

19 8. Planning, coordinating, and managing the delivery
20 of all children-in-need-of-services and
21 families-in-need-of-services programs and all delinquency
22 prevention programs.

23 (5) PROGRAM OFFICES.--

24 (b) The following program offices are established and
25 may be consolidated, restructured, or rearranged by the
26 secretary; provided any such consolidation, restructuring, or
27 rearranging is for the purpose of encouraging service
28 integration through more effective and efficient performance
29 of the program offices or parts thereof:

30 1. Economic Self-Sufficiency Program Office.--The
31 responsibilities of this office encompass income support

1 programs within the department, such as temporary assistance
2 to families with dependent children, food stamps, welfare
3 reform, and state supplementation of the supplemental security
4 income (SSI) program.

5 2. Developmental Services Program Office.--The
6 responsibilities of this office encompass programs operated by
7 the department for developmentally disabled persons.
8 Developmental disabilities include any disability defined in
9 s. 393.063.

10 3. Children and Families Program Office.--The
11 responsibilities of this program office encompass early
12 intervention services for children and families at risk;
13 intake services for protective investigation of abandoned,
14 abused, and neglected children; programs and services for
15 children in need of services and families in need of services;
16 delinquency prevention programs and services;interstate
17 compact on the placement of children programs; adoption; child
18 care; out-of-home care programs and other specialized services
19 to families.

20 4. Alcohol, Drug Abuse, and Mental Health Program
21 Office.--The responsibilities of this office encompass all
22 alcohol, drug abuse, and mental health programs operated by
23 the department.

24 Section 3. Paragraphs (b) and (c) of subsection (1)
25 and subsections (3) and (5) of section 20.316, Florida
26 Statutes, 1998 Supplement, are amended to read:

27 20.316 Department of Juvenile Justice.--There is
28 created a Department of Juvenile Justice.

29 (1) SECRETARY OF JUVENILE JUSTICE.--

30 (b) The Secretary of Juvenile Justice is responsible
31 for planning, coordinating, and managing the delivery of all

1 programs and services within the juvenile justice continuum.
2 For purposes of this section, the term "juvenile justice
3 continuum" means all ~~children-in-need-of-services programs;~~
4 ~~families-in-need-of-services programs;~~ other prevention, early
5 intervention, and diversion programs; detention centers and
6 related programs and facilities; community-based residential
7 and nonresidential commitment programs; and delinquency
8 institutions provided or funded by the department.

9 (c) The Secretary of Juvenile Justice shall:

10 1. Ensure that juvenile justice continuum programs and
11 services are implemented according to legislative intent;
12 state and federal laws, rules, and regulations; statewide
13 program standards; and performance objectives by reviewing and
14 monitoring regional and district program operations and
15 providing technical assistance to those programs.

16 2. Identify the need for and recommend the funding and
17 implementation of an appropriate mix of programs and services
18 within the juvenile justice continuum, including ~~prevention,~~
19 diversion, nonresidential and residential commitment programs,
20 training schools, and reentry and aftercare programs and
21 services, with an overlay of educational, vocational, alcohol,
22 drug abuse, and mental health services where appropriate.

23 3. Provide for program research, development, and
24 planning.

25 4. Develop staffing and workload standards and
26 coordinate staff development and training.

27 5. Develop budget and resource allocation
28 methodologies and strategies.

29 6. Establish program policies and rules and ensure
30 that those policies and rules encourage cooperation,
31 collaboration, and information sharing with community partners

1 in the juvenile justice system to the extent authorized by
2 law.

3 7. Develop funding sources external to state
4 government.

5 8. Obtain, approve, monitor, and coordinate research
6 and program development grants.

7 9. Enter into contracts.

8 (3) ASSISTANT SECRETARY OF PROGRAMMING AND
9 PLANNING.--The secretary shall appoint an Assistant Secretary
10 of Programming and Planning who shall head the ~~following~~
11 ~~divisions:~~

12 ~~(a) Division of Prevention and Intervention.~~

13 ~~(b) Division of Detention and Commitment.~~

14 (5) COMMITMENT REGIONS.--The department shall plan and
15 administer its community and institutional delinquency
16 programs, ~~children-in-need-of-services programs, and~~
17 ~~families-in-need-of-services programs~~ through commitment
18 regions composed of the following service districts:

19 Northwest Region.--Districts 1 and 2.

20 Northeast Region.--Districts 3, 4, 12, and 13.

21 Eastern Region.--Districts 7, 9, and 15.

22 Western Region.--Districts 5, 6, 8, and 14.

23 Southern Region.--Districts 10 and 11.

24 Section 4. Part XII of chapter 39, Florida Statutes,
25 consisting of sections 39.9204, 39.9205, 39.9206, 39.9207,
26 39.92071, 39.9208, 39.92085, 39.9209, 39.9210, 39.9211,
27 39.9212, 39.9213, 39.9214, 39.9215, 39.9216, 39.9217, 39.9218,
28 39.9219, 39.9220, 39.9221, 39.9222, 39.92225, 39.92226,
29 39.9223, 39.9224, and 39.925, Florida Statutes, shall be
30 entitled:

31 PART XII

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CHILDREN AND FAMILIES IN NEED OF
SERVICES AND DELINQUENCY PREVENTION

Section 5. Section 984.04, Florida Statutes, 1998 Supplement, is renumbered as section 39.9204, Florida Statutes, and amended to read:

39.9204 ~~984.04~~ Families in need of services and children in need of services; procedures and jurisdiction.--

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

1 (2) The department ~~of Juvenile Justice~~ shall be
2 responsible for all nonjudicial proceedings involving a family
3 in need of services.

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

8 (4) The circuit court shall have exclusive original
9 jurisdiction of judicial proceedings involving continued
10 placement of a child from a family in need of services in
11 shelter.

12 (5) The circuit court shall have exclusive original
13 jurisdiction of proceedings in which a child is alleged to be
14 a child in need of services. When the jurisdiction of any
15 child who has been found to be a child in need of services or
16 the parent, custodian, or legal guardian of such a child is
17 obtained, the court shall retain jurisdiction, unless
18 relinquished by its order or unless the department withdraws
19 its petition because the child no longer meets the definition
20 of a child in need of services as defined in s. 39.01 ~~984.03~~,
21 until the child reaches 18 years of age. This subsection
22 shall not be construed to prevent the exercise of jurisdiction
23 by any other court having jurisdiction of the child if the
24 child commits a violation of law, is the subject of the
25 dependency provisions under this part ~~chapter~~, or is the
26 subject of a pending investigation into an allegation or
27 suspicion of abuse, neglect, or abandonment.

28 (6) All procedures, including petitions, pleadings,
29 subpoenas, summonses, and hearings, in
30 family-in-need-of-services cases and child-in-need-of-services
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1 cases shall be according to the Florida Rules of Juvenile
2 Procedure unless otherwise provided by law.

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

6 Section 6. Section 984.05, Florida Statutes, 1998
7 Supplement, is renumbered as section 39.9205, Florida
8 Statutes, and amended to read:

9 39.9205 ~~984.05~~ Rules relating to habitual truants;
10 adoption by department and Department of Education ~~and~~
11 ~~Department of Juvenile Justice~~.--The department ~~of Juvenile~~
12 ~~Justice~~ and the Department of Education shall work together on
13 the development of, and shall adopt, rules as necessary for
14 the implementation of ss. 39.01(35), 232.19, 984.03(29), and
15 985.03(27).

16 Section 7. Sections 984.06 and 984.07, Florida
17 Statutes, are renumbered, respectively, as sections 39.9206
18 and 39.9207, Florida Statutes.

19 Section 8. Section 984.071, Florida Statutes, 1998
20 Supplement, is renumbered as section 39.92071, Florida
21 Statutes, and amended to read:

22 39.92071 ~~984.071~~ Information packet.--The department
23 ~~of Juvenile Justice~~, in collaboration with ~~the Department of~~
24 ~~Children and Family Services and~~ the Department of Education,
25 shall develop and publish an information packet that explains
26 the current process under this part ~~chapter~~ for obtaining
27 assistance for a child in need of services or a family in need
28 of services and the community services and resources available
29 to parents of troubled or runaway children. In preparing the
30 information packet, the department ~~of Juvenile Justice~~ shall
31 work with school district superintendents, juvenile court

1 judges, county sheriffs, and other local law enforcement
2 officials in order to ensure that the information packet lists
3 services and resources that are currently available within the
4 county in which the packet is distributed. Each information
5 packet shall be annually updated and shall be available for
6 distribution by January 1, 1998. The school district shall
7 distribute this information packet to parents of truant
8 children and to other parents upon request or as deemed
9 appropriate by the school district. In addition, the
10 department of ~~Juvenile Justice~~ shall distribute the
11 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 9. Section 984.08, Florida Statutes, is
17 renumbered as section 39.9208, Florida Statutes, and amended
18 to read:

19 39.9208 ~~984.08~~ Attorney's fees.--

20 (1) The court may appoint an attorney to represent a
21 parent or legal guardian under this part ~~chapter~~ only upon a
22 finding that the parent or legal guardian is indigent.

23 (a) The finding of indigency of any parent or legal
24 guardian may be made by the court at any stage of the
25 proceedings. Any parent or legal guardian claiming indigency
26 shall file with the court an affidavit containing the factual
27 information required in paragraphs (c) and (d).

28 (b) A parent or legal guardian who is unable to pay
29 for the services of an attorney without substantial hardship
30 to self or family is indigent for the purposes of this part
31 ~~chapter~~.

1 (c) Before finding that a parent or legal guardian is
2 indigent, the court shall determine whether any of the
3 following facts exist, and the existence of any such fact
4 creates a presumption that the parent or legal guardian is not
5 indigent:

6 1. The parent or legal guardian has no dependents and
7 has a gross income exceeding \$250 per week; or, the parent or
8 legal guardian has dependents and has a gross income exceeding
9 \$250 per week plus \$100 per week for each dependent.

10 2. The parent or legal guardian owns cash in excess of
11 \$1,000.

12 3. The parent or legal guardian has an interest
13 exceeding \$1,000 in value in a single motor vehicle as defined
14 in s. 320.01.

15 (d) The court shall also consider the following
16 circumstances before finding that a parent or legal guardian
17 is indigent:

18 1. The probable expense of being represented in the
19 case.

20 2. The parent's or legal guardian's ownership of, or
21 equity in, any intangible or tangible personal property or
22 real property or expectancy of an interest in any such
23 property.

24 3. The amount of debts the parent or legal guardian
25 owes or might incur because of illness or other misfortunes
26 within the family.

27 (2) If, after the appointment of counsel for an
28 indigent parent or legal guardian, it is determined that the
29 parent or legal guardian is not indigent, the court has
30 continuing jurisdiction to assess attorney's fees and costs
31 against the parent or legal guardian, and order the payment

1 | thereof. When payment of attorney's fees or costs has been
2 | assessed and ordered by the court, there is hereby created a
3 | lien in the name of the county in which the legal assistance
4 | was rendered, enforceable as provided in subsection (3), upon
5 | all the property, both real and personal, of the parent or
6 | legal guardian who received the court-ordered appointed
7 | counsel under this part ~~chapter~~. The lien constitutes a claim
8 | against the parent or legal guardian and the parent's or legal
9 | guardian's estate in an amount to be determined by the court
10 | in which the legal assistance was rendered.

11 | (3)(a) The lien created for court-ordered payment of
12 | attorney's fees or costs under subsection (2) is enforceable
13 | upon all the property, both real and personal, of the parent
14 | or legal guardian who is being, or has been, represented by
15 | legal counsel appointed by the court in proceedings under this
16 | chapter. The lien constitutes a claim against the person and
17 | the estate of the parent or legal guardian, enforceable
18 | according to law, in an amount to be determined by the court
19 | in which the legal assistance was rendered.

20 | (b) Immediately after the issuance of an order for the
21 | payment of attorney's fees or costs, a judgment showing the
22 | name, the residential address, the date of birth, and either a
23 | physical description or the social security number of the
24 | parent or legal guardian must be filed for record in the
25 | office of the clerk of the circuit court in the county where
26 | the parent or legal guardian resides and in each county in
27 | which the parent or legal guardian then owns or later acquires
28 | any property. The judgment is enforceable on behalf of the
29 | county by the board of county commissioners of the county in
30 | which the legal assistance was rendered.

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1 (c) Instead of the procedure described in paragraphs
2 (a) and (b), the court is authorized to require that the
3 parent or legal guardian who has been represented by legal
4 counsel appointed by the court in proceedings under this part
5 ~~chapter~~ execute a lien upon his or her real or personal
6 property, presently owned or after-acquired, as security for
7 the debt created by the court's order requiring payment of
8 attorney's fees or costs. The lien must be recorded in the
9 public records of the county at no charge by the clerk of the
10 circuit court and is enforceable in the same manner as a
11 mortgage.

12 (d) The board of county commissioners of the county
13 where the parent received the services of an appointed private
14 legal counsel is authorized to enforce, satisfy, compromise,
15 settle, subordinate, release, or otherwise dispose of any debt
16 or lien imposed under this section. A parent, who has been
17 ordered to pay attorney's fees or costs and who is not in
18 willful default in the payment thereof, may, at any time,
19 petition the court which entered the order for remission of
20 the payment of attorney's fees or costs or of any unpaid
21 portion thereof. If the court determines that payment of the
22 amount due will impose manifest hardship on the parent or
23 immediate family, the court may remit all or part of the
24 amount due in attorney's fees or costs or may modify the
25 method of payment.

26 (e) The board of county commissioners of the county
27 claiming the lien is authorized to contract with a collection
28 agency for collection of such debts or liens, provided the fee
29 for collection is on a contingent basis not to exceed 50
30 percent of the recovery. However, no fee may be paid to any
31 collection agency by reason of foreclosure proceedings against

1 real property or from the proceeds from the sale or other
2 disposition of real property.

3 Section 10. Section 984.085, Florida Statutes, is
4 renumbered as section 39.92085, Florida Statutes, and amended
5 to read:

6 39.92085 ~~984.085~~ Sheltering unmarried minors; aiding
7 unmarried minor runaways; violations.--

8 (1)(a) A person who is not an authorized agent of the
9 department or the Department of Juvenile Justice ~~or the~~
10 ~~Department of Children and Family Services~~ may not knowingly
11 shelter an unmarried minor for more than 24 hours without the
12 consent of the minor's parent or guardian or without notifying
13 a law enforcement officer of the minor's name and the fact
14 that the minor is being provided shelter.

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

21 (2) A person who violates this section commits a
22 misdemeanor of the first degree, punishable as provided in s.
23 775.082 or s. 775.083.

24 Section 11. Section 984.09, Florida Statutes, is
25 renumbered as section 39.9209, Florida Statutes, and amended
26 to read:

27 39.9209 ~~984.09~~ Punishment for contempt of court;
28 alternative 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 placement ~~commitment~~ of a child in to a secure facility. A
5 child who commits direct contempt of court or indirect
6 contempt of a valid court order may be taken into custody and
7 ordered to serve an alternative sanction or placed in a secure
8 facility, as authorized in this section, by order of the
9 court.

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

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

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

1 provided under s. 39.92226 ~~984.226~~ if conditions of
2 eligibility are 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. 985.203.

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 of
24 Highway Safety and Motor Vehicles may not issue a restricted
25 license unless specifically ordered to do so by the court.

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

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

10 Section 12. Section 984.10, Florida Statutes, 1998
11 Supplement, is renumbered as section 39.9210, Florida
12 Statutes, and amended to read:

13 39.9210 ~~984.10~~ Intake.--

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

23 (2) A representative of the department shall make a
24 preliminary determination as to whether the report or
25 complaint is complete. The criteria for the completeness of a
26 report or complaint with respect to a child alleged to be from
27 a family in need of services while subject to compulsory
28 school attendance shall be governed by s. 39.01(35)
29 ~~984.03(29)~~. In any case in which the representative of the
30 department finds that the report or complaint is incomplete,
31 the representative of the department shall return the report

1 or complaint without delay to the person or agency originating
2 the report or complaint or having knowledge of the facts or to
3 the appropriate law enforcement agency having investigative
4 jurisdiction and request additional information in order to
5 complete the report or complaint.

6 (3) If the representative of the department determines
7 that in his or her judgment the interests of the family, the
8 child, and the public will be best served by providing the
9 family and child services and treatment voluntarily accepted
10 by the child and the parents or legal custodians, the
11 ~~departmental~~ representative of the department may refer the
12 family or child to an appropriate service and treatment
13 provider. As part of the intake procedure, the ~~departmental~~
14 representative of the department shall inform the parent or
15 legal custodian, in writing, of the services and treatment
16 available to the child and family by department providers or
17 community agencies and the rights and responsibilities of the
18 parent or legal guardian under this part ~~chapter~~.

19 ~~(4) If the department has reasonable grounds to~~
20 ~~believe that the child has been abandoned, abused, or~~
21 ~~neglected, it shall proceed pursuant to the provisions of~~
22 ~~chapter 39.~~

23 Section 13. Section 984.11, Florida Statutes, is
24 renumbered as section 39.9211, Florida Statutes, and amended
25 to read:

26 39.9211 ~~984.11~~ Services to families in need of
27 services.--

28 (1) Services and treatment to families in need of
29 services shall be by voluntary agreement of the parent or
30 legal guardian and the child or as directed by a court order
31 pursuant to s. 39.9222 ~~984.22~~.

- 1 (2) These services may include, but need not be
2 limited to:
- 3 (a) Homemaker or parent aide services.
 - 4 (b) Intensive crisis counseling.
 - 5 (c) Parent training.
 - 6 (d) Individual, group, or family counseling.
 - 7 (e) Community mental health services.
 - 8 (f) Prevention and diversion services.
 - 9 (g) Services provided by voluntary or community
10 agencies.
 - 11 (h) Runaway center services.
 - 12 (i) Housekeeper services.
 - 13 (j) Special educational, tutorial, or remedial
14 services.
 - 15 (k) Vocational, job training, or employment services.
 - 16 (l) Recreational services.
 - 17 (m) Assessment.
- 18 (3) The department shall advise the parents or legal
19 guardian that they are responsible for contributing to the
20 cost of the child or family services and treatment to the
21 extent of their ability to pay. The department shall set and
22 charge fees for services and treatment provided to clients.
23 The department may employ a collection agency for the purpose
24 of receiving, collecting, and managing the payment of unpaid
25 and delinquent fees. The collection agency must be registered
26 and in good standing under chapter 559. The department may pay
27 to the collection agency a fee from the amount collected under
28 the claim or may authorize the agency to deduct the fee from
29 the amount collected.
- 30 (4) The department may file a petition with the
31 circuit court to enforce the collection of fees for services

1 and treatment rendered to the child or the parent and other
2 legal custodians.

3 Section 14. Section 984.12, Florida Statutes, is
4 renumbered as section 39.9212, Florida Statutes, and amended
5 to read:

6 39.9212 ~~984.12~~ Case staffing; services and treatment
7 to a family in need of services.--

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

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

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

17 (c) The representative of the department needs
18 assistance in developing an appropriate plan for services.

19 The time and place selected for the meeting shall be
20 convenient for the child and family.

21 (2) The composition of the case staffing committee
22 shall be based on the needs of the family and child. It shall
23 include a representative from the child's school district and
24 a representative of the department ~~of Juvenile Justice~~, and
25 may include a supervisor of the department's contracted
26 provider; a representative from the area of health, mental
27 health, substance abuse, social, or educational services; a
28 representative of the state attorney; the alternative
29 sanctions coordinator; and any person recommended by the
30 child, family, or department.

31

- 1 (3) The case staffing committee shall reach a timely
2 decision to provide the child or family with needed services
3 and treatment through the development of a plan for services.
- 4 (4) The plan for services shall contain the following:
- 5 (a) Statement of the problems.
- 6 (b) Needs of the child.
- 7 (c) Needs of the parents, guardian, or legal
8 custodian.
- 9 (d) Measurable objectives that address the identified
10 problems and needs.
- 11 (e) Services and treatment to be provided, to include:
- 12 1. Type of services or treatment.
- 13 2. Frequency of services or treatment.
- 14 3. Location.
- 15 4. Accountable service providers or staff.
- 16 (f) Timeframes for achieving objectives.
- 17 (5) Upon receipt of the plan, the child and family
18 shall acknowledge their position by accepting or rejecting the
19 services and provisions in writing. If the plan is accepted,
20 it shall be implemented as soon as is practicable.
- 21 (6) A case manager shall be designated by the case
22 staffing committee to be responsible for implementing the
23 plan. The case manager shall periodically review the progress
24 towards achieving the objectives of the plan in order to:
- 25 (a) Advise the case staffing committee of the need to
26 make adjustments to the plan; or
- 27 (b) Terminate the case as indicated by successful or
28 substantial achievement of the objectives of the plan.
- 29 (7) The parent, guardian, or legal custodian may
30 convene a meeting of the case staffing committee, and any
31 other member of the committee may convene a meeting if the

1 member finds that doing so is in the best interest of the
2 family or child. A case staffing committee meeting requested
3 by a parent, guardian, or legal custodian must be convened
4 within 7 days, excluding weekends and legal holidays, after
5 the date the department's representative receives the request
6 in writing.

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

13 Section 15. Section 984.13, Florida Statutes, is
14 renumbered as section 39.9213, Florida Statutes, and amended
15 to read:

16 39.9213 ~~984.13~~ Taking into custody a child alleged to
17 be from a family in need of services or to be a child in need
18 of services.--

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

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

23 (b) By a law enforcement officer when the officer has
24 reasonable grounds to believe that the child is absent from
25 school without authorization, for the purpose of delivering
26 the child without unreasonable delay to the school system.
27 For the purpose of this paragraph, "school system" includes,
28 but is not limited to, a center approved by the superintendent
29 of schools for the purpose of counseling students and
30 referring them back to the school system.

31

1 (c) Pursuant to an order of the circuit court based
2 upon sworn testimony before or after a petition is filed under
3 s. 39.9215 ~~984.15~~.

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

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

8 (a) Release the child to a parent, guardian, legal
9 custodian, or responsible adult relative or to a
10 department-approved family-in-need-of-services and
11 child-in-need-of-services provider if the person taking the
12 child into custody has reasonable grounds to believe the child
13 has run away from a parent, guardian, or legal custodian; is
14 truant; or is beyond the control of the parent, guardian, or
15 legal custodian; following such release, the person taking the
16 child into custody shall make a full written report to the
17 intake office of the department within 3 days; or

18 (b) Deliver the child to the department, stating the
19 facts by reason of which the child was taken into custody and
20 sufficient information to establish probable cause that the
21 child is from a family in need of services.

22 (3) If the child is taken into custody by, or is
23 delivered to, the department, the appropriate representative
24 of the department shall review the facts and make such further
25 inquiry as necessary to determine whether the child shall
26 remain in custody or be released. Unless shelter is required
27 as provided in s. 39.9214(1) ~~984.14(1)~~, the department shall:

28 (a) Release the child to his or her parent, guardian,
29 or legal custodian, to a responsible adult relative, to a
30 responsible adult approved by the department, or to a
31

1 department-approved family-in-need-of-services and
2 child-in-need-of-services provider; or

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

6 Section 16. Section 984.14, Florida Statutes, is
7 renumbered as section 39.9214, Florida Statutes, and amended
8 to read:

9 39.9214 ~~984.14~~ Shelter placement; hearing.--

10 (1) Unless ordered by the court pursuant to the
11 provisions of this chapter, or upon voluntary consent to
12 placement by the child and the child's parent, legal guardian,
13 or custodian, a child taken into custody shall not be placed
14 in a shelter prior to a court hearing unless a determination
15 has been made that the provision of appropriate and available
16 services will not eliminate the need for placement and that
17 such placement is required:

18 (a) To provide an opportunity for the child and family
19 to agree upon conditions for the child's return home, when
20 immediate placement in the home would result in a substantial
21 likelihood that the child and family would not reach an
22 agreement; or

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

25 (2) If the department determines that placement in a
26 shelter is necessary according to the provisions of subsection
27 (1), the ~~departmental~~ representative of the department shall
28 authorize placement of the child in a shelter provided by the
29 community specifically for runaways and troubled youth who are
30 children in need of services or members of families in need of

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1 services and shall immediately notify the parents or legal
2 custodians that the child was taken into custody.

3 (3) A child who is involuntarily placed in a shelter
4 shall be given a shelter hearing within 24 hours after being
5 taken into custody to determine whether shelter placement is
6 required. The shelter petition filed with the court shall
7 address each condition required to be determined in subsection
8 (1).

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

15 (5) Except as provided under s. 39.9225 ~~984.225~~, a
16 child in need of services or a child from a family in need of
17 services may not be placed in a shelter for longer than 35
18 days.

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

30 (7) A child who is adjudicated a child in need of
31 services or alleged to be from a family in need of services or

1 a child in need of services may not be placed in a secure
2 detention facility or jail or any other commitment program for
3 delinquent children under any circumstances.

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

7 Section 17. Section 984.15, Florida Statutes, 1998
8 Supplement, is renumbered as section 39.9215, Florida
9 Statutes, and amended to read:

10 39.9215 ~~984.15~~ Petition for a child in need of
11 services.--

12 (1) All proceedings seeking an adjudication that a
13 child is a child in need of services shall be initiated by the
14 filing of a petition by an attorney representing the
15 department or by the child's parent, guardian, or legal
16 custodian. If a child in need of services has been placed in
17 a shelter pursuant to s. 39.9214 ~~984.14~~, the department shall
18 file the petition immediately, including in the petition
19 notice of arraignment pursuant to s. 39.9220 ~~984.20~~.

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

23 1. The family and child have in good faith, but
24 unsuccessfully, used the services and process described in ss.
25 39.9211 ~~984.11~~ and 39.9212 ~~984.12~~; or

26 2. The family or child have refused all services
27 described in ss. 39.9211 ~~984.11~~ and 39.9212 ~~984.12~~ after
28 reasonable efforts by the department to involve the family and
29 child in services and treatment.

30
31

1 (b) Once the requirements in paragraph (a) have been
2 met, the department shall file a petition for a child in need
3 of services within 45 days.

4 (c) The petition shall be in writing, shall state the
5 specific grounds under s. 39.01(13)~~984.03(9)~~ by which the
6 child is designated a child in need of services, and shall
7 certify that the conditions prescribed in paragraph (a) have
8 been met. The petition shall be signed by the petitioner
9 under oath stating good faith in filing the petition and shall
10 be signed by an attorney for the department.

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

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

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

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

23 4. The department fails to provide a written report
24 within 7 days after the case staffing committee meets, as
25 required under s. 39.9212(8)~~984.12(8)~~.

26 (b) The parent, guardian, or legal custodian must give
27 the department prior written notice of intent to file the
28 petition. If, at the arraignment hearing, the court finds that
29 such written notice of intent to file the petition was not
30 provided to the department, the court shall dismiss the
31 petition, postpone the hearing until such written notice is

1 given, or, if the department agrees, proceed with the
2 arraignment hearing. The petition must be served on the
3 department's office of general counsel.

4 (c) The petition must be in writing and must set forth
5 specific facts alleging that the child is a child in need of
6 services as defined in s. 39.01(13)~~984.03(9)~~. The petition
7 must also demonstrate that the parent, guardian, or legal
8 custodian has in good faith, but unsuccessfully, participated
9 in the services and processes described in ss. 39.9211 ~~984.11~~
10 and 39.9212 ~~984.12~~.

11 (d) The petition must be signed by the petitioner
12 under oath.

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

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

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

22 3. Under the current supervision of the department or
23 the Department of Juvenile Justice ~~Children and Family~~
24 ~~Services~~ for an adjudication of delinquency or dependency.

25 (4) The form of the petition and any additional
26 contents shall be determined by rules of procedure adopted by
27 the Supreme Court.

28 (5) The department or the parent, guardian, or legal
29 custodian may withdraw a petition at any time prior to the
30 child being adjudicated a child in need of services.

31

1 Section 18. Section 984.16, Florida Statutes, 1998
2 Supplement, is renumbered as section 39.9216, Florida
3 Statutes, and amended to read:

4 39.9216 ~~984.16~~ Process and service.--

5 (1) Personal appearance of any person in a hearing
6 before the court shall obviate the necessity of serving
7 process on that person.

8 (2) Upon the filing of a petition containing
9 allegations of facts which, if true, would constitute the
10 child therein being named a child in need of services, and
11 upon the request of the petitioner, the clerk or deputy clerk
12 shall issue a summons.

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

20 (4) The summons shall be directed to, and shall be
21 served upon, the following persons:

22 (a) The parents.

23 (b) The legal custodian, actual custodian, and
24 guardian ad litem.

25 (c) The child.

26 (5) The jurisdiction of the court shall attach to the
27 child and the parent, custodian, or legal guardian of the
28 child and the case when the summons is served upon the child
29 or a parent or legal or actual custodian of the child or when
30 the child is taken into custody with or without service of
31 summons and after filing of a petition for a child in need of

1 services, and thereafter the court may control the child and
2 case in accordance with this part ~~chapter~~.

3 (6) Upon the application of a party or the petitioner,
4 the clerk or deputy clerk shall issue, and the court on its
5 own motion may issue, subpoenas requiring attendance and
6 testimony of witnesses and production of records, documents,
7 or other tangible objects at any hearing.

8 (7) All process and orders issued by the court shall
9 be served or executed as other process and orders of the
10 circuit court and, in addition, may be served or executed by
11 authorized agents of the department.

12 (8) Subpoenas may be served within the state by any
13 person over 18 years of age who is not a party to the
14 proceeding.

15 (9) No fee shall be paid for service of any process or
16 other papers by an agent of the department. If any process,
17 orders, or other papers are served or executed by any sheriff,
18 the sheriff's fees shall be paid by the county.

19 (10) If the party to whom an order is directed is
20 present or represented at the final hearing, service of such
21 order shall not be required.

22 Section 19. Sections 984.17 and 984.18, Florida
23 Statutes, are renumbered, respectively, as sections 39.9217
24 and 39.9218, Florida Statutes.

25 Section 20. Section 984.19, Florida Statutes, is
26 renumbered as section 39.9219, Florida Statutes, and amended
27 to read:

28 39.9219 ~~984.19~~ Medical, psychiatric, and psychological
29 examination and treatment of child; physical or mental
30 examination of parent, guardian, or person requesting custody
31 of child.--

1 (1) When any child is to be placed in shelter care,
2 the department is authorized to have a medical screening
3 performed on the child without authorization from the court
4 and without consent from a parent or guardian. Such medical
5 screening shall be performed by a licensed health care
6 professional and shall be to examine the child for injury,
7 illness, and communicable diseases. In no case does this
8 subsection authorize the department to consent to medical
9 treatment for such children.

10 (2) When the department has performed the medical
11 screening authorized by subsection (1) or when it is otherwise
12 determined by a licensed health care professional that a child
13 is in need of medical treatment, consent for medical treatment
14 shall be obtained in the following manner:

15 (a)1. Consent to medical treatment shall be obtained
16 from a parent or guardian of the child; or

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

18 (b) If a parent or guardian of the child is
19 unavailable and his or her whereabouts cannot be reasonably
20 ascertained and it is after normal working hours so that a
21 court order cannot reasonably be obtained, an authorized agent
22 of the department or its provider has the authority to consent
23 to necessary medical treatment for the child. The authority
24 of the department to consent to medical treatment in this
25 circumstance is limited to the time reasonably necessary to
26 obtain court authorization.

27 (c) If a parent or guardian of the child is available
28 but refuses to consent to the necessary treatment, a court
29 order is required, unless the situation meets the definition
30 of an emergency in s. 743.064 or the treatment needed is
31 related to suspected abuse or neglect of the child by the

1 parent or guardian. In such case, the department has the
2 authority to consent to necessary medical treatment. This
3 authority is limited to the time reasonably necessary to
4 obtain court authorization.

5
6 In no case may the department consent to sterilization,
7 abortion, or termination of life support.

8 (3) A judge may order that a child alleged to be or
9 adjudicated a child in need of services be examined by a
10 licensed health care professional. The judge may also order
11 such child to be evaluated by a psychiatrist or a
12 psychologist, by a district school board educational needs
13 assessment team, or, if a developmental disability is
14 suspected or alleged, by the developmental disability
15 diagnostic and evaluation team of the department ~~of Children~~
16 ~~and Family Services~~. The judge may order a family assessment
17 if that assessment was not completed at an earlier time. If
18 it is necessary to place a child in a residential facility for
19 such evaluation, then the criteria and procedure established
20 in s. 394.463(2) or chapter 393 shall be used, whichever is
21 applicable. The educational needs assessment provided by the
22 district school board educational needs assessment team shall
23 include, but not be limited to, reports of intelligence and
24 achievement tests, screening for learning disabilities and
25 other handicaps, and screening for the need for alternative
26 education pursuant to s. 230.2316.

27 (4) A judge may order that a child alleged to be or
28 adjudicated a child in need of services be treated by a
29 licensed health care professional. The judge may also order
30 such child to receive mental health or retardation services
31 from a psychiatrist, psychologist, or other appropriate

1 service provider. If it is necessary to place the child in a
2 residential facility for such services, then the procedures
3 and criteria established in s. 394.467 or chapter 393 shall be
4 used, whichever is applicable. A child may be provided mental
5 health or retardation services in emergency situations,
6 pursuant to the procedures and criteria contained in s.
7 394.463(1) or chapter 393, whichever is applicable.

8 (5) When there are indications of physical injury or
9 illness, a licensed health care professional shall be
10 immediately called or the child shall be taken to the nearest
11 available hospital for emergency care.

12 (6) Except as otherwise provided herein, nothing in
13 this section shall be deemed to eliminate the right of a
14 parent, a guardian, or the child to consent to examination or
15 treatment for the child.

16 (7) Except as otherwise provided herein, nothing in
17 this section shall be deemed to alter the provisions of s.
18 743.064.

19 (8) A court shall not be precluded from ordering
20 services or treatment to be provided to the child by a duly
21 accredited practitioner who relies solely on spiritual means
22 for healing in accordance with the tenets and practices of a
23 church or religious organization, when required by the child's
24 health and when requested by the child.

25 (9) Nothing in this section shall be construed to
26 authorize the permanent sterilization of the child, unless
27 such sterilization is the result of or incidental to medically
28 necessary treatment to protect or preserve the life of the
29 child.

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

1 this section, no child alleged to be or found to be a child
2 from a family in need of services or a child in need of
3 services shall be placed in a detention facility or other
4 program used primarily for the care and custody of children
5 alleged or found to have committed delinquent acts.

6 (11) The parents or guardian of a child alleged to be
7 or adjudicated a child in need of services remain financially
8 responsible for the cost of medical treatment provided to the
9 child even if one or both of the parents or if the guardian
10 did not consent to the medical treatment. After a hearing,
11 the court may order the parents or guardian, if found able to
12 do so, to reimburse the department or other provider of
13 medical services for treatment provided.

14 (12) Nothing in this section alters the authority of
15 the department to consent to medical treatment for a child who
16 has been committed to the department pursuant to s. 39.9222(3)
17 ~~984.22(3)~~ and (4) and of whom the department has become the
18 legal custodian.

19 (13) At any time after the filing of a petition for a
20 child in need of services, when the mental or physical
21 condition, including the blood group, of a parent, guardian,
22 or other person requesting custody of a child is in
23 controversy, the court may order the person to submit to a
24 physical or mental examination by a qualified professional.
25 The order may be made only upon good cause shown and pursuant
26 to notice and procedures as set forth by the Florida Rules of
27 Juvenile Procedure.

28 Section 21. Section 984.20, Florida Statutes, 1998
29 Supplement, is renumbered as section 39.9220, Florida
30 Statutes, and amended to read:

31

1 39.9220 ~~984.20~~ Hearings for child-in-need-of-services
2 cases.--

3 (1) ARRAIGNMENT HEARING.--

4 (a) When a child has been taken into custody by order
5 of the court, an arraignment hearing shall be held within 7
6 days after the date the child is taken into custody. The
7 hearing shall be held for the child and the parent, guardian,
8 or custodian to admit, deny, or consent to findings that a
9 child is in need of services as alleged in the petition. If
10 the child and the parent, guardian, or custodian admit or
11 consent to the findings in the petition, the court shall
12 proceed as set forth in the Florida Rules of Juvenile
13 Procedure. However, if either the child or the parent,
14 guardian, or custodian denies any of the allegations of the
15 petition, the court shall hold an adjudicatory hearing within
16 7 days after the date of the arraignment hearing.

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

28 (c) If at the arraignment hearing the child and the
29 parent, guardian, or custodian consents or admits to the
30 allegations in the petition and the court determines that the
31 petition meets the requirements of s. 984.15(3)(e), the court

1 shall proceed to hold a disposition hearing at the earliest
2 practicable time that will allow for the completion of a
3 predisposition study.

4 (2) ADJUDICATORY HEARING.--

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

13 (b) Adjudicatory hearings shall be conducted by the
14 judge without a jury, applying the rules of evidence in use in
15 civil cases and adjourning the hearings from time to time as
16 necessary. In a hearing on a petition in which it is alleged
17 that the child is a child in need of services, a preponderance
18 of evidence shall be required to establish that the child is
19 in need of services.

20 (c) All hearings, except as hereinafter provided,
21 shall be open to the public, and no person shall be excluded
22 therefrom except on special order of the judge who, in his or
23 her discretion, may close any hearing to the public when the
24 public interest or the welfare of the child, in his or her
25 opinion, is best served by so doing. Hearings involving more
26 than one child may be held simultaneously when the several
27 children involved are related to each other or were involved
28 in the same case. The child and the parent, guardian, or
29 custodian of the child may be examined separately and apart
30 from each other.

31

1 (3) DISPOSITION HEARING.--At the disposition hearing,
2 if the court finds that the facts alleged in the petition of a
3 child in need of services were proven in the adjudicatory
4 hearing, the court shall receive and consider a predisposition
5 study, which shall be in writing and be presented by an
6 authorized agent of the department or its provider.

7 (a) The predisposition study shall cover:

8 1. All treatment and services that the parent,
9 guardian, or custodian and child received.

10 2. The love, affection, and other emotional ties
11 existing between the parents and the child.

12 3. The capacity and disposition of the parents to
13 provide the child with food, clothing, medical care or other
14 remedial care recognized and permitted under the laws of this
15 state in lieu of medical care, and other material needs.

16 4. The length of time that the child has lived in a
17 stable, satisfactory environment and the desirability of
18 maintaining continuity.

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

21 6. The moral fitness of the parents.

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

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

25 9. The reasonable preference of the child, if the
26 court deems the child to be of sufficient intelligence,
27 understanding, and experience to express a preference.

28 10. Any other factor considered by the court to be
29 relevant.

30 (b) The predisposition study also shall provide the
31 court with documentation regarding:

1 1. The availability of appropriate prevention,
2 services, and treatment for the parent, guardian, custodian,
3 and child to prevent the removal of the child from the home or
4 to reunify the child with the parent, guardian, or custodian
5 after removal or to reconcile the problems between the parent,
6 guardian, or custodian and the child;

7 2. The inappropriateness of other prevention,
8 treatment, and services that were available;

9 3. The efforts by the department to prevent
10 out-of-home placement of the child or, when applicable, to
11 reunify the parent, guardian, or custodian if appropriate
12 services were available;

13 4. Whether the services were provided;

14 5. If the services and treatment were provided,
15 whether they were sufficient to meet the needs of the child
16 and the family and to enable the child to remain at home or to
17 be returned home;

18 6. If the services and treatment were not provided,
19 the reasons for such lack of provision; and

20 7. The need for, or appropriateness of, continuing
21 such treatment and services if the child remains in the
22 custody of the parent, guardian, or custodian or if the child
23 is placed outside the home.

24 (c) If placement of the child with anyone other than
25 the child's parent, guardian, or custodian is being
26 considered, the study shall include the designation of a
27 specific length of time as to when custody by the parent,
28 guardian, or custodian shall be reconsidered.

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

1
2 Any other relevant and material evidence, including other
3 written or oral reports, may be received by the court in its
4 effort to determine the action to be taken with regard to the
5 child and may be relied upon to the extent of its probative
6 value, even though not competent in an adjudicatory hearing.
7 Except as provided in paragraph (2)(c), nothing in this
8 section shall prohibit the publication of proceedings in a
9 hearing.

10 (4) REVIEW HEARINGS.--

11 (a) The court shall hold a review hearing 45 days
12 after the disposition hearing. Additional review hearings may
13 be held as necessary, but no less than 45 days after the date
14 of the last review hearing.

15 (b) At the review hearings, the court shall close the
16 case if the child has substantially complied with the case
17 plans and court orders and no longer requires continued court
18 supervision, subject to the case being reopened. If the child
19 has significantly failed to comply with the case plan or court
20 orders, the child shall continue to be a child in need of
21 services reviewed by the court as needed, but no less than 45
22 days after the date of the last review hearing.

23 Section 22. Section 984.21, Florida Statutes, 1998
24 Supplement, is renumbered as section 39.9221, Florida
25 Statutes, and amended to read:

26 39.9221 ~~984.21~~ Orders of adjudication.--

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

30 (2) If the court finds that the child named in the
31 petition is a child in need of services, but finds that no

1 action other than supervision in the home is required, it may
2 enter an order briefly stating the facts upon which its
3 finding is based, but withholding an order of adjudication and
4 placing the child and family under the supervision of the
5 department. If the court later finds that the parent,
6 guardian, or custodian of the child have not complied with the
7 conditions of supervision imposed, the court may, after a
8 hearing to establish the noncompliance, but without further
9 evidence of the state of the child in need of services, enter
10 an order of adjudication and shall thereafter have full
11 authority under this part ~~chapter~~ to provide for the child as
12 adjudicated.

13 (3) If the court finds that the child named in a
14 petition is a child in need of services, but elects not to
15 proceed under subsection (2), it shall incorporate that
16 finding in an order of adjudication entered in the case,
17 briefly stating the facts upon which the finding is made, and
18 the court shall thereafter have full authority under this part
19 ~~chapter~~ to provide for the child as adjudicated.

20 (4) An order of adjudication by a court that a child
21 is a child in need of services shall not be deemed a
22 conviction, nor shall the child be deemed to have been found
23 guilty or to be a criminal by reason of that adjudication, nor
24 shall that adjudication operate to impose upon the child any
25 of the civil disabilities ordinarily imposed by or resulting
26 from conviction or disqualify or prejudice the child in any
27 civil service application or appointment.

28 Section 23. Section 984.22, Florida Statutes, 1998
29 Supplement, is renumbered as section 39.9222, Florida
30 Statutes, and amended to read:

31 39.9222 ~~984.22~~ Powers of disposition.--

1 (1) If the court finds that services and treatment
2 have not been provided or utilized by a child or family, the
3 court having jurisdiction of the child shall have the power to
4 direct the least intrusive and least restrictive disposition,
5 as follows:

6 (a) Order the parent, guardian, or custodian and the
7 child to participate in treatment, services, and any other
8 alternative identified as necessary.

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

11 (2) When any child is adjudicated by the court to be a
12 child in need of services, the court having jurisdiction of
13 the child and parent, guardian, or custodian shall have the
14 power, by order, to:

15 (a) Place the child under the supervision of the
16 department's contracted provider of programs and services for
17 children in need of services and families in need of services.
18 "Supervision," for the purposes of this section, means
19 services as defined by the contract between the department and
20 the provider.

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

23 (c) Commit the child to a licensed child-caring agency
24 willing to receive the child and to provide services without
25 compensation from the department.

26 (d) Order the child, and, if the court finds it
27 appropriate, the parent, guardian, or custodian of the child,
28 to render community service in a public service program.

29 (3) When any child is adjudicated by the court to be a
30 child in need of services and temporary legal custody of the
31 child has been placed with an adult willing to care for the

1 child, a licensed child-caring agency, ~~the Department of~~
2 ~~Juvenile Justice~~, or the department of ~~Children and Family~~
3 ~~Services~~, the court shall order the natural or adoptive
4 parents of such child, including the natural father of such
5 child born out of wedlock who has acknowledged his paternity
6 in writing before the court, or the guardian of such child's
7 estate if possessed of assets which under law may be disbursed
8 for the care, support, and maintenance of such child, to pay
9 child support to the adult relative caring for the child, the
10 licensed child-caring agency, ~~the Department of Juvenile~~
11 ~~Justice~~, or the department of ~~Children and Family Services~~.
12 When such order affects the guardianship estate, a certified
13 copy of such order shall be delivered to the judge having
14 jurisdiction of such guardianship estate. If the court
15 determines that the parent is unable to pay support, placement
16 of the child shall not be contingent upon issuance of a
17 support order. The department may employ a collection agency
18 for the purpose of receiving, collecting, and managing the
19 payment of unpaid and delinquent fees. The collection agency
20 must be registered and in good standing under chapter 559. The
21 department may pay to the collection agency a fee from the
22 amount collected under the claim or may authorize the agency
23 to deduct the fee from the amount collected.

24 (4) All payments of fees made to the department
25 pursuant to this chapter, or child support payments made to
26 the department pursuant to subsection (3), shall be deposited
27 in the General Revenue Fund. In cases in which the child is
28 placed in foster care with the department of ~~Children and~~
29 ~~Family Services~~, such child support payments shall be
30 deposited in the Community Resources Development Trust Fund.

31

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

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

12 Section 24. Section 984.225, Florida Statutes, 1998
13 Supplement, is renumbered as section 39.92225, Florida
14 Statutes, and amended to read:

15 39.92225 ~~984.225~~ Powers of disposition; placement in a
16 staff-secure shelter.--

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

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

27 (b) The child refuses to remain under the reasonable
28 care and custody of his or her parent, guardian, or legal
29 custodian, as evidenced by repeatedly running away from home.
30 The court may not order that a child be placed in a
31 staff-secure facility unless:

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

4 2. The child has been placed in a residential program
5 on at least one prior occasion pursuant to a court order under
6 this part ~~chapter~~.

7
8 This subsection applies after other alternative,
9 less-restrictive remedies have been exhausted. The court may
10 order that a child be placed in a staff-secure shelter. The
11 department, or an authorized representative of the department,
12 must verify to the court that a bed is available for the
13 child. If the department or an authorized representative of
14 the department verifies that a bed is not available, the court
15 shall stay the placement until a bed is available. The
16 department will place the child's name on a waiting list. The
17 child who has been on the waiting list the longest will get
18 the next available bed.

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

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

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

10 (5) The department is deemed to have exhausted the
11 reasonable remedies offered under this ~~part~~ chapter if, at the
12 end of the placement ~~commitment~~ period, the parent, guardian,
13 or legal custodian continues to refuse to allow the child to
14 remain at home or creates unreasonable conditions for the
15 child's return. If, at the end of the placement ~~commitment~~
16 period, the child is not reunited with his or her parent,
17 guardian, or custodian due solely to the continued refusal of
18 the parent, guardian, or custodian to provide food, clothing,
19 shelter, and parental support, the child is considered to be
20 threatened with harm as a result of such acts or omissions,
21 and the court shall direct that the child be handled in every
22 respect as a dependent child. ~~Jurisdiction shall be~~
23 ~~transferred to the Department of Children and Family Services~~
24 and the child's care shall be governed by the provisions of
25 this chapter relating to children who are found to be
26 dependent under parts II and III of chapter 39.

27 (6) The court shall review the child's commitment once
28 every 45 days as provided in s. 39.9220 ~~984.20~~. The court
29 shall determine if the parent, guardian, or custodian has
30 reasonably participated in and financially contributed to the
31 child's 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 placement ~~commitment~~ period,
5 the court shall direct that the child be handled in every
6 respect as a dependent child, ~~Jurisdiction shall be~~
7 ~~transferred to the Department of Children and Family Services~~
8 and the child's care shall be governed by the provisions of
9 this chapter relating to children who are found to be
10 dependent under parts II and III of chapter 39.

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

15 Section 25. Section 984.226, Florida Statutes, 1998
16 Supplement, is renumbered as section 39.92226, Florida
17 Statutes, and amended to read:

18 39.92226 ~~984.226~~ Pilot program for a physically secure
19 facility; contempt of court.--

20 (1) Subject to specific legislative appropriation, the
21 department ~~of Juvenile Justice~~ shall establish a pilot program
22 within a single judicial circuit for the purpose of operating
23 one or more physically secure facilities designated
24 exclusively for the placement of children in need of services
25 who are found in direct contempt or indirect contempt of a
26 valid court order. If any party files a petition that a child
27 is a child in need of services within such judicial circuit,
28 the child must be represented by counsel at each court
29 appearance. If the child is indigent, the court shall appoint
30 an attorney to represent the child as provided under s.
31 39.9207 ~~985.203~~. Nothing precludes the court from requesting

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

3 (2) If a child adjudicated as a child in need of
4 services is held in direct contempt or indirect contempt of a
5 valid court order, as an alternative to placing the child in a
6 staff-secure facility as provided under s. 39.92225 ~~984.225~~ or
7 ~~s. 985.216~~, the court may order that the child be placed
8 within the circuit in a physically secure facility operated
9 under the pilot program. A child may be placed in ~~committed to~~
10 the facility only if the department, or an authorized
11 representative of the department, verifies to the court that a
12 bed is available for the child at the physically secure
13 facility and the child has:

14 (a) Run away from a staff-secure shelter following
15 placement under s. 39.92225 ~~984.225~~ or ~~s. 985.216~~; or

16 (b) Committed at least two prior acts of direct or
17 indirect contempt.

18 (3) A child may be placed in a physically secure
19 facility for up to 5 days for the first commitment and up to
20 15 days for a second or subsequent commitment.

21 (4) Prior to being committed to a physically secure
22 facility, the child must be afforded all rights of due process
23 required under s. 39.9209 ~~985.216~~. While in the physically
24 secure facility, the child shall receive appropriate
25 assessment, treatment, and educational services that are
26 designed to eliminate or reduce the child's truant,
27 ungovernable, or runaway behavior. The child and family shall
28 be provided with family counseling and other support services
29 necessary for reunification.

30 (5) The court shall order the parent, guardian, or
31 legal custodian to cooperate with efforts to reunite the child

1 with the family, participate in counseling, and pay all costs
2 associated with the care and counseling provided to the child
3 and family, in accordance with the family's ability to pay as
4 determined by the court. Placement ~~Commitment~~ of a child under
5 this section is designed to provide residential care on a
6 temporary basis. Such placement ~~commitment~~ does not abrogate
7 the legal responsibilities of the parent, guardian, or legal
8 custodian with respect to the child, except to the extent that
9 those responsibilities are temporarily altered by court order.

10 ~~(6) The Juvenile Justice Advisory Board shall monitor~~
11 ~~the operation of the pilot program and issue a preliminary~~
12 ~~evaluation report to the Legislature by December 1, 1998. The~~
13 ~~Department of Juvenile Justice and the Juvenile Justice~~
14 ~~Advisory Board shall issue a joint final report to the~~
15 ~~Legislature, including any proposed legislation, by December~~
16 ~~1, 1999.~~

17 Section 26. Section 984.23, Florida Statutes, 1998
18 Supplement, is renumbered as section 39.9223, Florida
19 Statutes, and amended to read:

20 39.9223 ~~984.23~~ Court and witness fees.--In all
21 proceedings under this part ~~chapter~~, no court fees shall be
22 charged against, and no witness fees shall be allowed to, any
23 party to a petition or any parent or legal custodian or child
24 named in a summons. Other witnesses shall be paid the witness
25 fees fixed by law.

26 Section 27. Section 984.24, Florida Statutes, 1998
27 Supplement, is renumbered as section 39.9224, Florida
28 Statutes, and amended to read:

29 39.9224 ~~984.24~~ Appeal.--The state, any child, or the
30 family, guardian ad litem, or legal custodian of any child who
31 is affected by an order of the court pursuant to this part

1 ~~chapter~~ may appeal to the appropriate district court of appeal
2 within the time and in the manner prescribed by the Florida
3 Rules of Appellate Procedure.

4 Section 28. Section 985.415, Florida Statutes, 1998
5 Supplement, is renumbered as section 39.925, Florida Statutes,
6 1998 Supplement, and amended to read:

7 39.925 ~~985.415~~ Community Prevention ~~Juvenile Justice~~
8 Partnership Grants.--

9 (1) GRANTS; CRITERIA.--

10 (a) In order to encourage the development of county
11 and district prevention plans, the community prevention
12 ~~juvenile justice plans and the development and implementation~~
13 ~~of county and district interagency agreements pursuant to ss.~~
14 ~~985.413 and 985.414~~, the community juvenile justice
15 partnership grant program is established, and shall be
16 administered by the department ~~of Juvenile Justice~~.

17 (b) The department shall only consider applications
18 which at a minimum provide for ~~the following~~:

19 1. ~~The participation of the agencies and programs~~
20 ~~needed to implement the project or program for which the~~
21 ~~applicant is applying.~~ and

22 2. ~~The reduction of truancy and in-school and~~
23 ~~out-of-school suspensions and expulsions, and the enhancement~~
24 ~~of school safety.~~

25 (c) In addition, the department may consider the
26 following criteria in awarding grants:

27 1. The district prevention ~~juvenile justice~~ plan and
28 any county prevention ~~juvenile justice~~ plans that are referred
29 to or incorporated into the district plan, including a list of
30 individuals, groups, and public and private entities that
31 participated in the development of the plan.

1 2. The diversity of community entities participating
2 in the development of the district prevention ~~juvenile justice~~
3 plan.

4 3. The number of community partners who will be
5 actively involved in the operation of the grant program.

6 4. The number of students or youths to be served by
7 the grant and the criteria by which they will be selected.

8 5. The criteria by which the grant program will be
9 evaluated and, if deemed successful, the feasibility of
10 implementation in other communities.

11 (2) GRANT APPLICATION PROCEDURES.--

12 (a) Each entity wishing to apply for an annual
13 community prevention ~~juvenile justice~~ partnership grant, which
14 may be renewed for a maximum of 2 additional years for the
15 same provision of services, shall submit a grant proposal for
16 funding or continued funding to the department by March 1 of
17 each year. The department shall establish the grant
18 application procedures. In order to be considered for
19 funding, the grant proposal shall include the following
20 assurances and information:

21 1. A letter from the district health and human
22 services board ~~chair of the county juvenile justice council~~
23 confirming that the grant application has been reviewed and
24 found to support one or more purposes or goals of the
25 prevention ~~juvenile justice~~ plan as developed by the board
26 ~~council~~.

27 2. A rationale and description of the program and the
28 services to be provided, including goals and objectives.

29 3. A method for identification of the children and
30 youth ~~juveniles~~ at risk of involvement in the
31 children-in-need-of-services, families-in-need-of-services, or

1 juvenile justice systems ~~system~~ who will be the focus of the
2 program.

3 4. Provisions for the participation of parents and
4 guardians in the program.

5 5. Coordination with other community-based and social
6 service prevention efforts, including, but not limited to,
7 drug and alcohol abuse prevention and dropout prevention
8 programs, that serve the target population or neighborhood.

9 6. An evaluation component to measure the
10 effectiveness of the program ~~in accordance with the provisions~~
11 ~~of s. 985.412.~~

12 7. A program budget, including the amount and sources
13 of local cash and in-kind resources committed to the budget.
14 The proposal must establish to the satisfaction of the
15 department that the entity will make a cash or in-kind
16 contribution to the program of a value that is at least equal
17 to 20 percent of the amount of the grant.

18 8. The necessary program staff.

19 (b) The department shall consider the following in
20 awarding such grants:

21 1. The number of youths from 10 through 17 years of
22 age within the geographical area to be served by the program.
23 Those geographical areas with the highest number of youths
24 from 10 through 17 years of age shall have priority for
25 selection.

26 2. The extent to which the program targets high
27 juvenile crime neighborhoods and those public schools serving
28 juveniles from high crime neighborhoods.

29 3. The validity and cost-effectiveness of the program.
30
31

1 4. The degree to which the program is located in and
2 managed by local leaders of the target neighborhoods and
3 public schools serving the target neighborhoods.

4 ~~5. The recommendations of the juvenile justice council~~
5 ~~as to the priority that should be given to proposals submitted~~
6 ~~by entities within a county.~~

7 ~~5.6.~~ The recommendations of the district health and
8 human services juvenile justice board as to the priority that
9 should be given to proposals submitted by entities within a
10 district.

11 (c) The department shall make available, to anyone
12 wishing to apply for such a grant, information on all of the
13 criteria to be used in the selection of the proposals for
14 funding pursuant to the provisions of this subsection.

15 (d) The department shall review all program proposals
16 submitted. Entities submitting proposals shall be notified of
17 approval not later than June 30 of each year.

18 (e) Each entity that is awarded a grant as provided
19 for in this section shall submit an annual evaluation report
20 to the department, the district administrator, and juvenile
21 ~~justice manager,~~ the district health and human services
22 ~~juvenile justice~~ board, ~~and the county juvenile justice~~
23 ~~council,~~ by a date subsequent to the end of the contract
24 period established by the department, documenting the extent
25 to which the program objectives have been met, the effect of
26 the program on the juvenile arrest rate, and any other
27 information required by the department. ~~The department shall~~
28 ~~coordinate and incorporate all such annual evaluation reports~~
29 ~~with the provisions of s. 985.412.~~ Each entity is also
30 subject to a financial audit and a performance audit.

31

1 (f) The department may establish rules and policy
2 provisions necessary to implement this section.

3 (3) RESTRICTIONS.--This section does not prevent a
4 program initiated under a community prevention ~~juvenile~~
5 ~~justice~~ partnership grant established pursuant to this section
6 from continuing to operate beyond the 3-year maximum funding
7 period if it can find other funding sources. Likewise, this
8 section does not restrict the number of programs an entity may
9 apply for or operate.

10 Section 29. Subsection (3) of section 27.151, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 27.151 Confidentiality of specified executive orders;
13 criteria.--

14 (3) To maintain the confidentiality of the executive
15 order, the state attorney, upon entering the circuit of
16 assignment, shall immediately have the executive order sealed
17 by the court prior to filing it with the clerk of the circuit
18 court. The Governor may make public any executive order issued
19 pursuant to s. 27.14 or s. 27.15 by a subsequent executive
20 order, and at the expiration of a confidential executive order
21 or any extensions thereof, the executive order and all
22 associated orders and reports shall be open to the public
23 pursuant to chapter 119 unless the information contained in
24 the executive order is confidential pursuant to the provisions
25 of chapter 39, chapter 415, ~~chapter 984~~, or chapter 985.

26 Section 30. Paragraph (n) is added to subsection (1)
27 of section 39.001, Florida Statutes, 1998 Supplement, present
28 subsection (9) is renumbered as subsection (10), and a new
29 subsection (9) is added to that section, to read:

30 39.001 Purposes and intent; personnel standards and
31 screening.--

1 (1) PURPOSES OF CHAPTER.--The purposes of this chapter
2 are:

3 (n) To ensure the protection of society, by providing
4 for a comprehensive standardized assessment of the child's
5 needs so that the most appropriate discipline and treatment
6 can be administered consistent with the prior record of the
7 child and the child's specific rehabilitation needs.

8 (9) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.--It
9 is the policy of the state with respect to juvenile justice
10 and delinquency prevention to first protect the public from
11 acts of delinquency. In addition, it is the policy of the
12 state to:

13 (a) Develop and implement effective methods of
14 preventing and reducing acts of delinquency, with a focus on
15 maintaining and strengthening the family as a whole so that
16 children may remain in their homes or communities.

17 (b) Develop and implement effective programs to
18 prevent delinquency and to intervene at an early stage of
19 delinquency.

20 (c) Provide well-trained personnel, high-quality
21 services, and cost-effective delinquency prevention programs.

22 (d) Increase the capacity of local governments and
23 public and private agencies to develop and operate
24 rehabilitative treatment programs and to provide research,
25 evaluation, and training services in the field of juvenile
26 delinquency prevention.

27 Section 31. Section 39.01, Florida Statutes, 1998
28 Supplement, is amended to read:

29 39.01 Definitions.--When used in this chapter, unless
30 the context otherwise requires:

31

1 (1) "Abandoned" means a situation in which the parent
2 or legal custodian of a child or, in the absence of a parent
3 or legal custodian, the caregiver responsible for the child's
4 welfare, while being able, makes no provision for the child's
5 support and makes no effort to communicate with the child,
6 which situation is sufficient to evince a willful rejection of
7 parental obligations. If the efforts of such parent or legal
8 custodian, or caregiver primarily responsible for the child's
9 welfare, to support and communicate with the child are, in the
10 opinion of the court, only marginal efforts that do not evince
11 a settled purpose to assume all parental duties, the court may
12 declare the child to be abandoned. The term "abandoned" does
13 not include a "child in need of services" as defined in
14 subsection (13)chapter 984 or a "family in need of services"
15 as defined in subsection (33)chapter 984. The incarceration
16 of a parent, legal custodian, or caregiver responsible for a
17 child's welfare may support a finding of abandonment.

18 (2) "Abuse" means any willful act or threatened act
19 that results in any physical, mental, or sexual injury or harm
20 that causes or is likely to cause the child's physical,
21 mental, or emotional health to be significantly impaired. For
22 the purpose of protective investigations, abuse of a child
23 includes the acts or omissions of the parent, legal custodian,
24 caregiver, or other person responsible for the child's
25 welfare. Corporal discipline of a child by a parent, legal
26 custodian, or caregiver for disciplinary purposes does not in
27 itself constitute abuse when it does not result in harm to the
28 child.

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

31

1 (4) "Adjudicatory hearing" means a hearing for the
2 court to determine whether or not the facts support the
3 allegations stated in the petition in dependency cases or in
4 termination of parental rights cases or in
5 child-in-need-of-services cases.

6 (5) "Adult" means any natural person other than a
7 child.

8 (6) "Adoption" means the act of creating the legal
9 relationship between parent and child where it did not exist,
10 thereby declaring the child to be legally the child of the
11 adoptive parents and their heir at law, and entitled to all
12 the rights and privileges and subject to all the obligations
13 of a child born to such adoptive parents in lawful wedlock.

14 (7) "Alleged juvenile sexual offender" means:

15 (a) A child 12 years of age or younger who is alleged
16 to have committed a violation of chapter 794, chapter 796,
17 chapter 800, s. 827.071, or s. 847.0133; or

18 (b) A child who is alleged to have committed any
19 violation of law or delinquent act involving juvenile sexual
20 abuse. "Juvenile sexual abuse" means any sexual behavior which
21 occurs without consent, without equality, or as a result of
22 coercion. For purposes of this paragraph, the following
23 definitions apply:

24 1. "Coercion" means the exploitation of authority or
25 the use of bribes, threats of force, or intimidation to gain
26 cooperation or compliance.

27 2. "Equality" means two participants operating with
28 the same level of power in a relationship, neither being
29 controlled nor coerced by the other.

30 3. "Consent" means an agreement, including all of the
31 following:

- 1 a. Understanding what is proposed based on age,
2 maturity, developmental level, functioning, and experience.
3 b. Knowledge of societal standards for what is being
4 proposed.
5 c. Awareness of potential consequences and
6 alternatives.
7 d. Assumption that agreement or disagreement will be
8 accepted equally.
9 e. Voluntary decision.
10 f. Mental competence.

11
12 Juvenile sexual offender behavior ranges from noncontact
13 sexual behavior such as making obscene phone calls,
14 exhibitionism, voyeurism, and the showing or taking of lewd
15 photographs to varying degrees of direct sexual contact, such
16 as frottage, fondling, digital penetration, rape, fellatio,
17 sodomy, and various other sexually aggressive acts.

18 (8) "Arbitration" means a process whereby a neutral
19 third person or panel, called an arbitrator or an arbitration
20 panel, considers the facts and arguments presented by the
21 parties and renders a decision which may be binding or
22 nonbinding.

23 (9) "Authorized agent" or "designee" of the department
24 means an employee, volunteer, or other person or agency
25 determined by the state to be eligible for state-funded risk
26 management coverage, that is assigned or designated by the
27 department to perform duties or exercise powers pursuant to
28 this chapter.

29 (10) "Caregiver" means the parent, legal custodian,
30 adult household member, or other person responsible for a
31 child's welfare as defined in subsection (54)~~(47)~~.

1 (11) "Case plan" or "plan" means a document, as
2 described in s. 39.601, prepared by the department with input
3 from all parties, including parents, guardians ad litem, legal
4 custodians, caregivers, and the child. The case plan follows
5 the child from the provision of voluntary services through any
6 dependency, foster care, or termination of parental rights
7 proceeding or related activity or process.

8 (12) "Child" or "juvenile" or "youth" means any
9 unmarried person under the age of 18 years who has not been
10 emancipated by order of the court and who has been alleged or
11 found to be dependent, in need of services, or from a family
12 in need of services; or any married or unmarried person who is
13 charged with a violation of law occurring prior to the time
14 that person reached the age of 18 years.

15 (13) "Child in need of services" means a child for
16 whom there is no pending investigation into an allegation or
17 suspicion of abuse, neglect, or abandonment; no pending
18 referral alleging the child is delinquent; or no current
19 supervision by the department for an adjudication of
20 dependency or delinquency. The child must also, pursuant to
21 this chapter, be found by the court:

22 (a) To have persistently run away from the child's
23 parents or legal custodians despite reasonable efforts of the
24 child, the parents or legal custodians, and appropriate
25 agencies to remedy the conditions contributing to the
26 behavior. Reasonable efforts shall include voluntary
27 participation by the child's parents or legal custodians and
28 the child in family mediation, services, and treatment offered
29 by the department;

30 (b) To be habitually truant from school, while subject
31 to compulsory school attendance, despite reasonable efforts to

1 remedy the situation pursuant to ss. 232.17 and 232.19 and
2 through voluntary participation by the child's parents or
3 legal custodians and by the child in family mediation,
4 services, and treatment offered by the department; or

5 (c) To have persistently disobeyed the reasonable and
6 lawful demands of the child's parents or legal custodians, and
7 to be beyond their control despite efforts by the child's
8 parents or legal custodians and appropriate agencies to remedy
9 the conditions contributing to the behavior. Reasonable
10 efforts may include such things as good faith participation in
11 family or individual counseling.

12 (14)~~(13)~~ "Child protection team" means a team of
13 professionals established by the Department of Health to
14 receive referrals from the protective investigators and
15 protective supervision staff of the department and to provide
16 specialized and supportive services to the program in shall
17 provide consultation to ~~other~~ programs of the department and
18 other persons regarding child abuse, abandonment, or neglect
19 cases.

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

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

31

1 ~~(17)~~(14) "Child who is found to be dependent" means a
2 child who, pursuant to this chapter, is found by the court:

3 (a) To have been abandoned, abused, or neglected by
4 the child's parent or parents, legal custodians, or
5 caregivers;

6 (b) To have been surrendered to the department, the
7 former Department of Health and Rehabilitative Services, or a
8 licensed child-placing agency for purpose of adoption;

9 (c) To have been voluntarily placed with a licensed
10 child-caring agency, a licensed child-placing agency, an adult
11 relative, the department, or the former Department of Health
12 and Rehabilitative Services, after which placement, under the
13 requirements of this chapter, a case plan has expired and the
14 parent or parents, legal custodians, or caregivers have failed
15 to substantially comply with the requirements of the plan;

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

20 (e) To have no parent, legal custodian, or caregiver
21 to provide supervision and care; or

22 (f) To be at substantial risk of imminent abuse,
23 abandonment, or neglect by the parent or parents, legal
24 custodians, or caregivers.

25 ~~(18)~~(16) "Circuit" means any of the 20 judicial
26 circuits as set forth in s. 26.021.

27 ~~(19)~~(17) "Comprehensive assessment" or "assessment"
28 means the gathering of information for the evaluation of a
29 child's and caregiver's physical, psychiatric, psychological
30 or mental health, educational, vocational, and social
31 condition and family environment as they relate to the child's

1 and caregiver's need for rehabilitative and treatment
2 services, including substance abuse treatment services, mental
3 health services, developmental services, literacy services,
4 medical services, family services, and other specialized
5 services, as appropriate.

6 (20)~~(18)~~ "Court," unless otherwise expressly stated,
7 means the circuit court assigned to exercise jurisdiction
8 under this chapter.

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

18 (22)~~(19)~~ "Department" means the Department of Children
19 and Family Services.

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

23 (24)~~(20)~~ "Diligent efforts by a parent, legal
24 custodian, or caregiver" means a course of conduct which
25 results in a reduction in risk to the child in the child's
26 home that would allow the child to be safely placed
27 permanently back in the home as set forth in the case plan.

28 (25)~~(21)~~ "Diligent efforts of social service agency"
29 means reasonable efforts to provide social services or
30 reunification services made by any social service agency that
31 is a party to a case plan.

1 ~~(26)~~(22) "Diligent search" means the efforts of a
2 social service agency to locate a parent or prospective parent
3 whose identity or location is unknown, initiated as soon as
4 the social service agency is made aware of the existence of
5 such parent, with the search progress reported at each court
6 hearing until the parent is either identified and located or
7 the court excuses further search.

8 ~~(27)~~(23) "Disposition hearing" means a hearing in
9 which the court determines the most appropriate family support
10 services in the least restrictive available setting in
11 dependency cases or in termination of parental rights cases or
12 child-in-need-of-services cases.

13 ~~(28)~~(24) "District" means any one of the 15 service
14 districts of the department established pursuant to s. 20.19.

15 ~~(29)~~(25) "District administrator" means the chief
16 operating officer of each service district of the department
17 as defined in s. 20.19(7) and, where appropriate, includes any
18 district administrator whose service district falls within the
19 boundaries of a judicial circuit.

20 ~~(30)~~(26) "Expedited termination of parental rights"
21 means proceedings wherein a case plan with the goal of
22 reunification is not being offered.

23 ~~(31)~~(27) "False report" means a report of abuse,
24 neglect, or abandonment of a child to the central abuse
25 hotline, which report is maliciously made for the purpose of:

- 26 (a) Harassing, embarrassing, or harming another
27 person;
28 (b) Personal financial gain for the reporting person;
29 (c) Acquiring custody of a child; or
30 (d) Personal benefit for the reporting person in any
31 other private dispute involving a child.

1
2 The term "false report" does not include a report of abuse,
3 neglect, or abandonment of a child made in good faith to the
4 central abuse hotline.

5 ~~(32)(28)~~ "Family" means a collective body of persons,
6 consisting of a child and a parent, legal custodian,
7 caregiver, or adult relative, in which:

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

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

13 (33) "Family in need of services" means a family that
14 has a child for whom there is no pending investigation into an
15 allegation of abuse, neglect, or abandonment or no current
16 supervision by the department or the Department of Juvenile
17 Justice for an adjudication of dependency or delinquency. The
18 child must also have been referred to a law enforcement agency
19 or the department for:

20 (a) Running away from parents or legal custodians;

21 (b) Persistently disobeying reasonable and lawful
22 demands of parents or legal custodians and being beyond their
23 control; or

24 (c) Habitual truancy from school.

25 ~~(34)(29)~~ "Foster care" means care provided a child in
26 a foster family or boarding home, group home, agency boarding
27 home, child care institution, or any combination thereof.

28 (35) "Habitually truant" means that:

29 (a) The child has 15 unexcused absences within 90
30 calendar days with or without the knowledge or justifiable
31 consent of the child's parent or legal guardian, is subject to

1 compulsory school attendance under s. 232.01, and is not
2 exempt under s. 232.06, s. 232.09, or any other exemptions
3 specified by law or the rules of the State Board of Education.

4 (b) Escalating activities to determine the cause, and
5 to attempt the remediation, of the child's truant behavior
6 under ss. 232.17 and 232.19 have been completed.

7
8 If a child who is subject to compulsory school attendance is
9 responsive to the interventions described in ss. 232.17 and
10 232.19 and has completed the necessary requirements to pass
11 the current grade as indicated in the district pupil
12 progression plan, the child shall not be determined to be
13 habitually truant and shall be passed. If a child within the
14 compulsory school attendance age has 15 unexcused absences
15 within 90 calendar days or fails to enroll in school, the
16 State Attorney may file a child-in-need-of-services petition.
17 Prior to filing a petition, the child must be referred to the
18 appropriate agency for evaluation. After consulting with the
19 evaluating agency, the State Attorney may elect to file a
20 child-in-need-of-services petition.

21 (c) A school representative, designated according to
22 school board policy, and a department caseworker have jointly
23 investigated the truancy problem or, if that was not feasible,
24 have performed separate investigations to identify conditions
25 that may be contributing to the truant behavior; and if, after
26 a joint staffing of the case to determine the necessity for
27 services, such services were determined to be needed, the
28 persons who performed the investigations met jointly with the
29 family and child to discuss any referral to appropriate
30 community agencies for economic services, family or individual

31

1 counseling, or other services required to remedy the
2 conditions that are contributing to the truant behavior.

3 (d) The failure or refusal of the parent or legal
4 guardian or the child to participate, or make a good faith
5 effort to participate, in the activities prescribed to remedy
6 the truant behavior, or the failure or refusal of the child to
7 return to school after participation in activities required by
8 this subsection, or the failure of the child to stop the
9 truant behavior after the school administration and the
10 department have worked with the child as described in s.
11 232.19(3) and (4) shall be handled as prescribed in s. 232.19.

12 (36)~~(30)~~ "Harm" to a child's health or welfare can
13 occur when the parent, legal custodian, or caregiver
14 responsible for the child's welfare:

15 (a) Inflicts or allows to be inflicted upon the child
16 physical, mental, or emotional injury. In determining whether
17 harm has occurred, the following factors must be considered in
18 evaluating any physical, mental, or emotional injury to a
19 child: the age of the child; any prior history of injuries to
20 the child; the location of the injury on the body of the
21 child; the multiplicity of the injury; and the type of trauma
22 inflicted. Such injury includes, but is not limited to:

23 1. Willful acts that produce the following specific
24 injuries:

25 a. Sprains, dislocations, or cartilage damage.

26 b. Bone or skull fractures.

27 c. Brain or spinal cord damage.

28 d. Intracranial hemorrhage or injury to other internal
29 organs.

30 e. Asphyxiation, suffocation, or drowning.

31 f. Injury resulting from the use of a deadly weapon.

- 1 g. Burns or scalding.
2 h. Cuts, lacerations, punctures, or bites.
3 i. Permanent or temporary disfigurement.
4 j. Permanent or temporary loss or impairment of a body
5 part or function.

6
7 As used in this subparagraph, the term "willful" refers to the
8 intent to perform an action, not to the intent to achieve a
9 result or to cause an injury.

10 2. Purposely giving a child poison, alcohol, drugs, or
11 other substances that substantially affect the child's
12 behavior, motor coordination, or judgment or that result in
13 sickness or internal injury. For the purposes of this
14 subparagraph, the term "drugs" means prescription drugs not
15 prescribed for the child or not administered as prescribed,
16 and controlled substances as outlined in Schedule I or
17 Schedule II of s. 893.03.

18 3. Leaving a child without adult supervision or
19 arrangement appropriate for the child's age or mental or
20 physical condition, so that the child is unable to care for
21 the child's own needs or another's basic needs or is unable to
22 exercise good judgment in responding to any kind of physical
23 or emotional crisis.

24 4. Inappropriate or excessively harsh disciplinary
25 action that is likely to result in physical injury, mental
26 injury as defined in this section, or emotional injury. The
27 significance of any injury must be evaluated in light of the
28 following factors: the age of the child; any prior history of
29 injuries to the child; the location of the injury on the body
30 of the child; the multiplicity of the injury; and the type of
31 trauma inflicted. Corporal discipline may be considered

1 excessive or abusive when it results in any of the following
2 or other similar injuries:
3 a. Sprains, dislocations, or cartilage damage.
4 b. Bone or skull fractures.
5 c. Brain or spinal cord damage.
6 d. Intracranial hemorrhage or injury to other internal
7 organs.
8 e. Asphyxiation, suffocation, or drowning.
9 f. Injury resulting from the use of a deadly weapon.
10 g. Burns or scalding.
11 h. Cuts, lacerations, punctures, or bites.
12 i. Permanent or temporary disfigurement.
13 j. Permanent or temporary loss or impairment of a body
14 part or function.
15 k. Significant bruises or welts.
16 (b) Commits, or allows to be committed, sexual
17 battery, as defined in chapter 794, or lewd or lascivious
18 acts, as defined in chapter 800, against the child.
19 (c) Allows, encourages, or forces the sexual
20 exploitation of a child, which includes allowing, encouraging,
21 or forcing a child to:
22 1. Solicit for or engage in prostitution; or
23 2. Engage in a sexual performance, as defined by
24 chapter 827.
25 (d) Exploits a child, or allows a child to be
26 exploited, as provided in s. 450.151.
27 (e) Abandons the child. Within the context of the
28 definition of "harm," the term "abandons the child" means that
29 the parent or legal custodian of a child or, in the absence of
30 a parent or legal custodian, the person responsible for the
31 child's welfare, while being able, makes no provision for the

1 child's support and makes no effort to communicate with the
2 child, which situation is sufficient to evince a willful
3 rejection of parental obligation. If the efforts of such a
4 parent or legal custodian or person primarily responsible for
5 the child's welfare to support and communicate with the child
6 are only marginal efforts that do not evince a settled purpose
7 to assume all parental duties, the child may be determined to
8 have been abandoned.

9 (f) Neglects the child. Within the context of the
10 definition of "harm," the term "neglects the child" means that
11 the parent or other person responsible for the child's welfare
12 fails to supply the child with adequate food, clothing,
13 shelter, or health care, although financially able to do so or
14 although offered financial or other means to do so. However,
15 a parent, legal custodian, or caregiver who, by reason of the
16 legitimate practice of religious beliefs, does not provide
17 specified medical treatment for a child may not be considered
18 abusive or neglectful for that reason alone, but such an
19 exception does not:

- 20 1. Eliminate the requirement that such a case be
21 reported to the department;
- 22 2. Prevent the department from investigating such a
23 case; or
- 24 3. Preclude a court from ordering, when the health of
25 the child requires it, the provision of medical services by a
26 physician, as defined in this section, or treatment by a duly
27 accredited practitioner who relies solely on spiritual means
28 for healing in accordance with the tenets and practices of a
29 well-recognized church or religious organization.

30
31

1 (g) Exposes a child to a controlled substance or
2 alcohol. Exposure to a controlled substance or alcohol is
3 established by:

4 1. Use by the mother of a controlled substance or
5 alcohol during pregnancy when the child, at birth, is
6 demonstrably adversely affected by such usage; or

7 2. Continued chronic and severe use of a controlled
8 substance or alcohol by a parent when the child is
9 demonstrably adversely affected by such usage.

10
11 As used in this paragraph, the term "controlled substance"
12 means prescription drugs not prescribed for the parent or not
13 administered as prescribed and controlled substances as
14 outlined in Schedule I or Schedule II of s. 893.03.

15 (h) Uses mechanical devices, unreasonable restraints,
16 or extended periods of isolation to control a child.

17 (i) Engages in violent behavior that demonstrates a
18 wanton disregard for the presence of a child and could
19 reasonably result in serious injury to the child.

20 (j) Negligently fails to protect a child in his or her
21 care from inflicted physical, mental, or sexual injury caused
22 by the acts of another.

23 (k) Has allowed a child's sibling to die as a result
24 of abuse, abandonment, or neglect.

25 (37)~~(31)~~ "Health and human services board" means the
26 body created in each service district of the department
27 pursuant to the provisions of s. 20.19(8).

28 (38)~~(32)~~ "Institutional child abuse or neglect" means
29 situations of known or suspected child abuse or neglect in
30 which the person allegedly perpetrating the child abuse or
31 neglect is an employee of a private school, public or private

1 day care center, residential home, institution, facility, or
2 agency or any other person at such institution responsible for
3 the child's care.

4 (39) "Intake," for purposes of part XII of this
5 chapter, means the initial acceptance and screening by the
6 department of a complaint or a law enforcement report or
7 probable cause affidavit of family in need of services or
8 child in need of services to determine the recommendation to
9 be taken in the best interests of the child, the family, and
10 the community. The emphasis of intake is on diversion and the
11 least restrictive available services. Consequently, intake
12 includes such alternatives as:

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

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

18 (c) The recommendation of judicial handling when
19 appropriate and warranted.

20 (40)(33) "Judge" means the circuit judge exercising
21 jurisdiction pursuant to this chapter.

22 (41)(34) "Legal custody" means a legal status created
23 by court order or letter of guardianship which vests in a
24 custodian of the person or guardian, whether an agency or an
25 individual, the right to have physical custody of the child
26 and the right and duty to protect, train, and discipline the
27 child and to provide him or her with food, shelter, education,
28 and ordinary medical, dental, psychiatric, and psychological
29 care. The legal custodian is the person or entity in whom the
30 legal right to custody is vested.

31

1 (42)~~(35)~~ "Legal guardianship" means a judicially
2 created relationship between the child and caregiver which is
3 intended to be permanent and self-sustaining and is provided
4 pursuant to the procedures in chapter 744.

5 (43)~~(36)~~ "Licensed child-caring agency" means a
6 person, society, association, or agency licensed by the
7 department to care for, receive, and board children.

8 (44)~~(37)~~ "Licensed child-placing agency" means a
9 person, society, association, or institution licensed by the
10 department to care for, receive, or board children and to
11 place children in a licensed child-caring institution or a
12 foster or adoptive home.

13 (45)~~(38)~~ "Licensed health care professional" means a
14 physician licensed under chapter 458, an osteopathic physician
15 licensed under chapter 459, a nurse licensed under chapter
16 464, a physician assistant licensed under chapter 458 or
17 chapter 459, or a dentist licensed under chapter 466.

18 (46)~~(39)~~ "Likely to injure oneself" means that, as
19 evidenced by violent or other actively self-destructive
20 behavior, it is more likely than not that within a 24-hour
21 period the child will attempt to commit suicide or inflict
22 serious bodily harm on himself or herself.

23 (47)~~(40)~~ "Likely to injure others" means that it is
24 more likely than not that within a 24-hour period the child
25 will inflict serious and unjustified bodily harm on another
26 person.

27 (48)~~(41)~~ "Long-term relative custodian" means an adult
28 relative who is a party to a long-term custodial relationship
29 created by a court order pursuant to this chapter.

30 (49)~~(42)~~ "Long-term relative custody" or "long-term
31 custodial relationship" means the relationship that a juvenile

1 court order creates between a child and an adult relative of
2 the child or other caregiver approved by the court when the
3 child cannot be placed in the custody of a natural parent and
4 termination of parental rights is not deemed to be in the best
5 interest of the child. Long-term relative custody confers upon
6 the long-term relative or other caregiver the right to
7 physical custody of the child, a right which will not be
8 disturbed by the court except upon request of the caregiver or
9 upon a showing that a material change in circumstances
10 necessitates a change of custody for the best interest of the
11 child. A long-term relative or other caregiver shall have all
12 of the rights and duties of a natural parent, including, but
13 not limited to, the right and duty to protect, train, and
14 discipline the child and to provide the child with food,
15 shelter, and education, and ordinary medical, dental,
16 psychiatric, and psychological care, unless these rights and
17 duties are otherwise enlarged or limited by the court order
18 establishing the long-term custodial relationship.

19 (50)~~(43)~~ "Mediation" means a process whereby a neutral
20 third person called a mediator acts to encourage and
21 facilitate the resolution of a dispute between two or more
22 parties. It is an informal and nonadversarial process with
23 the objective of helping the disputing parties reach a
24 mutually acceptable and voluntary agreement. The role of the
25 mediator includes, but is not limited to, assisting the
26 parties in identifying issues, fostering joint problem
27 solving, and exploring settlement alternatives.

28 (51)~~(44)~~ "Mental injury" means an injury to the
29 intellectual or psychological capacity of a child as evidenced
30 by a discernible and substantial impairment in the ability to
31 function within the normal range of performance and behavior.

1 (52)~~(45)~~ "Necessary medical treatment" means care
2 which is necessary within a reasonable degree of medical
3 certainty to prevent the deterioration of a child's condition
4 or to alleviate immediate pain of a child.

5 (53)~~(46)~~ "Neglect" occurs when the parent or legal
6 custodian of a child or, in the absence of a parent or legal
7 custodian, the caregiver deprives a child of, or allows a
8 child to be deprived of, necessary food, clothing, shelter, or
9 medical treatment or permits a child to live in an environment
10 when such deprivation or environment causes the child's
11 physical, mental, or emotional health to be significantly
12 impaired or to be in danger of being significantly impaired.
13 The foregoing circumstances shall not be considered neglect if
14 caused primarily by financial inability unless actual services
15 for relief have been offered to and rejected by such person. A
16 parent, legal custodian, or caregiver legitimately practicing
17 religious beliefs in accordance with a recognized church or
18 religious organization who thereby does not provide specific
19 medical treatment for a child shall not, for that reason
20 alone, be considered a negligent parent, legal custodian, or
21 caregiver; however, such an exception does not preclude a
22 court from ordering the following services to be provided,
23 when the health of the child so requires:

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

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

31

1 For the purpose of protective investigations, neglect of a
2 child includes the acts or omissions of the parent, legal
3 custodian, or caregiver.

4 (54)~~(47)~~ "Other person responsible for a child's
5 welfare" includes the child's legal guardian, legal custodian,
6 or foster parent; an employee of a private school, public or
7 private child day care center, residential home, institution,
8 facility, or agency; or any other person legally responsible
9 for the child's welfare in a residential setting; and also
10 includes an adult sitter or relative entrusted with a child's
11 care. For the purpose of departmental investigative
12 jurisdiction, this definition does not include law enforcement
13 officers, or employees of municipal or county detention
14 facilities or the Department of Corrections, while acting in
15 an official capacity.

16 (55)~~(48)~~ "Next of kin" means an adult relative of a
17 child who is the child's brother, sister, grandparent, aunt,
18 uncle, or first cousin.

19 (56)~~(49)~~ "Parent" means a woman who gives birth to a
20 child and a man whose consent to the adoption of the child
21 would be required under s. 63.062(1)(b). If a child has been
22 legally adopted, the term "parent" means the adoptive mother
23 or father of the child. The term does not include an
24 individual whose parental relationship to the child has been
25 legally terminated, or an alleged or prospective parent,
26 unless the parental status falls within the terms of s.
27 39.503(1)~~39.4051(1)~~ or s. 63.062(1)(b).

28 (57)~~(50)~~ "Participant," for purposes of a shelter
29 proceeding, dependency proceeding, or termination of parental
30 rights proceeding, means any person who is not a party but who
31 should receive notice of hearings involving the child,

1 including foster parents or caregivers, identified prospective
2 parents, grandparents entitled to priority for adoption
3 consideration under s. 63.0425, actual custodians of the
4 child, and any other person whose participation may be in the
5 best interest of the child. Participants may be granted leave
6 by the court to be heard without the necessity of filing a
7 motion to intervene.

8 (58)~~(51)~~ "Party" means the parent or legal custodian
9 of the child, the petitioner, the department, the guardian ad
10 litem or the representative of the guardian ad litem program
11 when the program has been appointed, and the child. The
12 presence of the child may be excused by order of the court
13 when presence would not be in the child's best interest.
14 Notice to the child may be excused by order of the court when
15 the age, capacity, or other condition of the child is such
16 that the notice would be meaningless or other condition of the
17 child is such that the notice would be meaningless or
18 detrimental to the child.

19 (59)~~(52)~~ "Physical injury" means death, permanent or
20 temporary disfigurement, or impairment of any bodily part.

21 (60)~~(53)~~ "Physician" means any licensed physician,
22 dentist, podiatric physician ~~podiatrist~~, or optometrist and
23 includes any intern or resident.

24 (61)~~(54)~~ "Preliminary screening" means the gathering
25 of preliminary information to be used in determining a child's
26 need for further evaluation or assessment or for referral for
27 other substance abuse services through means such as
28 psychosocial interviews; urine and breathalyzer screenings;
29 and reviews of available educational, delinquency, and
30 dependency records of the child.

31

1 (62)~~(55)~~ "Preventive services" means social services
2 and other supportive and rehabilitative services provided to
3 the parent of the child, the legal custodian of the child, or
4 the caregiver of the child and to the child for the purpose of
5 averting the removal of the child from the home or disruption
6 of a family which will or could result in the placement of a
7 child in foster care. Social services and other supportive
8 and rehabilitative services shall promote the child's need for
9 physical, mental, and emotional health and a safe, stable,
10 living environment, shall promote family autonomy, and shall
11 strengthen family life, whenever possible.

12 (63)~~(56)~~ "Prospective parent" means a person who
13 claims to be, or has been identified as, a person who may be a
14 mother or a father of a child.

15 (64)~~(57)~~ "Protective investigation" means the
16 acceptance of a report alleging child abuse, abandonment, or
17 neglect, as defined in this chapter, by the central abuse
18 hotline or the acceptance of a report of other dependency by
19 the department; the investigation of each report; the
20 determination of whether action by the court is warranted; the
21 determination of the disposition of each report without court
22 or public agency action when appropriate; and the referral of
23 a child to another public or private agency when appropriate.

24 (65)~~(58)~~ "Protective investigator" means an authorized
25 agent of the department who receives and investigates reports
26 of child abuse, abandonment, or neglect; who, as a result of
27 the investigation, may recommend that a dependency petition be
28 filed for the child; and who performs other duties necessary
29 to carry out the required actions of the protective
30 investigation function.

31

1 ~~(66)(59)~~ "Protective supervision" means a legal status
2 in dependency cases, child-in-need-of-services cases, or
3 family-in-need-of-services cases which permits the child to
4 remain safely in his or her own home or other placement under
5 the supervision of an agent of the department and which must
6 be reviewed by the court during the period of supervision.

7 ~~(67)(60)~~ "Relative" means a grandparent,
8 great-grandparent, sibling, first cousin, aunt, uncle,
9 great-aunt, great-uncle, niece, or nephew, whether related by
10 the whole or half blood, by affinity, or by adoption. The term
11 does not include a stepparent.

12 ~~(68)(61)~~ "Reunification services" means social
13 services and other supportive and rehabilitative services
14 provided to the parent of the child, the legal custodian of
15 the child, or the caregiver of the child, whichever is
16 applicable; to the child; and where appropriate to the
17 foster parents of the child, for the purpose of enabling a
18 child who has been placed in out-of-home care to safely return
19 to his or her family at the earliest possible time. The
20 health and safety of the child shall be the paramount goal of
21 social services and other supportive and rehabilitative
22 services. Such services shall promote the child's need for
23 physical, mental, and emotional health and a safe, stable,
24 living environment, shall promote family autonomy, and shall
25 strengthen family life, whenever possible.

26 ~~(69)(62)~~ "Secretary" means the Secretary of Children
27 and Family Services.

28 (70) "Secure detention facility" means a physically
29 restricting facility for the temporary care of children,
30 pending adjudication, disposition, or placement.

31

1 (71)~~(63)~~ "Sexual abuse of a child" means one or more
2 of the following acts:

3 (a) Any penetration, however slight, of the vagina or
4 anal opening of one person by the penis of another person,
5 whether or not there is the emission of semen.

6 (b) Any sexual contact between the genitals or anal
7 opening of one person and the mouth or tongue of another
8 person.

9 (c) Any intrusion by one person into the genitals or
10 anal opening of another person, including the use of any
11 object for this purpose, except that this does not include any
12 act intended for a valid medical purpose.

13 (d) The intentional touching of the genitals or
14 intimate parts, including the breasts, genital area, groin,
15 inner thighs, and buttocks, or the clothing covering them, of
16 either the child or the perpetrator, except that this does not
17 include:

18 1. Any act which may reasonably be construed to be a
19 normal caregiver responsibility, any interaction with, or
20 affection for a child; or

21 2. Any act intended for a valid medical purpose.

22 (e) The intentional masturbation of the perpetrator's
23 genitals in the presence of a child.

24 (f) The intentional exposure of the perpetrator's
25 genitals in the presence of a child, or any other sexual act
26 intentionally perpetrated in the presence of a child, if such
27 exposure or sexual act is for the purpose of sexual arousal or
28 gratification, aggression, degradation, or other similar
29 purpose.

30 (g) The sexual exploitation of a child, which includes
31 allowing, encouraging, or forcing a child to:

- 1 1. Solicit for or engage in prostitution; or
2 2. Engage in a sexual performance, as defined by
3 chapter 827.

4 ~~(72)(64)~~ "Shelter" means a place for the temporary
5 care of a child who is alleged to be or who has been found to
6 be dependent, a child from a family in need of services, or a
7 child in need of services, pending court disposition before or
8 after adjudication. "Shelter" may include a facility which
9 provides 24-hour continual supervision for the temporary care
10 of a child who is placed pursuant to s. 39.9214.

11 ~~(73)(65)~~ "Shelter hearing" means a hearing in which
12 the court determines whether probable cause exists to keep a
13 child in shelter status pending further investigation of the
14 case.

15 ~~(74)(66)~~ "Social service agency" means the department,
16 a licensed child-caring agency, or a licensed child-placing
17 agency.

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

26 ~~(76)(67)~~ "Substance abuse" means using, without
27 medical reason, any psychoactive or mood-altering drug,
28 including alcohol, in such a manner as to induce impairment
29 resulting in dysfunctional social behavior.

30 ~~(77)(68)~~ "Substantial compliance" means that the
31 circumstances which caused the creation of the case plan have

1 | been significantly remedied to the extent that the well-being
2 | and safety of the child will not be endangered upon the
3 | child's remaining with or being returned to the child's
4 | parent, legal custodian, or caregiver.

5 | (78)~~(69)~~ "Taken into custody" means the status of a
6 | child immediately when temporary physical control over the
7 | child is attained by a person authorized by law, pending the
8 | child's release, or placement, or other disposition as
9 | authorized by law.

10 | (79)~~(70)~~ "Temporary legal custody" means the
11 | relationship that a juvenile court creates between a child and
12 | an adult relative of the child, legal custodian, or caregiver
13 | approved by the court, or other person until a more permanent
14 | arrangement is ordered. Temporary legal custody confers upon
15 | the custodian the right to have temporary physical custody of
16 | the child and the right and duty to protect, train, and
17 | discipline the child and to provide the child with food,
18 | shelter, and education, and ordinary medical, dental,
19 | psychiatric, and psychological care, unless these rights and
20 | duties are otherwise enlarged or limited by the court order
21 | establishing the temporary legal custody relationship.

22 | (80)~~(71)~~ "Victim" means any child who has sustained or
23 | is threatened with physical, mental, or emotional injury
24 | identified in a report involving child abuse, neglect, or
25 | abandonment, or child-on-child sexual abuse.

26 | Section 32. Subsection (4) of section 39.205, Florida
27 | Statutes, 1998 Supplement, is amended to read:

28 | 39.205 Penalties relating to reporting of child abuse,
29 | abandonment, or neglect.--

30 | (4) If the department or its authorized agent has
31 | determined after its investigation that a report is false, the

1 department shall, with the consent of the alleged perpetrator,
2 refer the report to the local law enforcement agency having
3 jurisdiction for an investigation to determine whether
4 sufficient evidence exists to refer the case for prosecution
5 for filing a false report as defined in s. 39.01(31)~~(27)~~.
6 During the pendency of the investigation by the local law
7 enforcement agency, the department must notify the local law
8 enforcement agency of, and the local law enforcement agency
9 must respond to, all subsequent reports concerning children in
10 that same family in accordance with s. 39.301. If the law
11 enforcement agency believes that there are indicators of
12 abuse, abandonment, or neglect, it must immediately notify the
13 department, which must assure the safety of the children. If
14 the law enforcement agency finds sufficient evidence for
15 prosecution for filing a false report, it must refer the case
16 to the appropriate state attorney for prosecution.

17 Section 33. Subsection (1) of section 39.302, Florida
18 Statutes, 1998 Supplement, is amended to read:

19 39.302 Protective investigations of institutional
20 child abuse, abandonment, or neglect.--

21 (1) The department shall conduct a child protective
22 investigation of each report of institutional child abuse,
23 abandonment, or neglect. Upon receipt of a report which
24 alleges that an employee or agent of the department, or any
25 other entity or person covered by s. 39.01(38)~~(32)~~or(54)
26 ~~(47)~~, acting in an official capacity, has committed an act of
27 child abuse, abandonment, or neglect, the department shall
28 immediately initiate a child protective investigation and
29 orally notify the appropriate state attorney, law enforcement
30 agency, and licensing agency. These agencies shall
31 immediately conduct a joint investigation, unless independent

1 investigations are more feasible. When a facility is exempt
2 from licensing, the department shall inform the owner or
3 operator of the facility of the report. Each agency
4 conducting a joint investigation shall be entitled to full
5 access to the information gathered by the department in the
6 course of the investigation. In all cases, the department
7 shall make a full written report to the state attorney within
8 3 days after making the oral report. A criminal investigation
9 shall be coordinated, whenever possible, with the child
10 protective investigation of the department. Any interested
11 person who has information regarding the offenses described in
12 this subsection may forward a statement to the state attorney
13 as to whether prosecution is warranted and appropriate. Within
14 15 days after the completion of the investigation, the state
15 attorney shall report the findings to the department and shall
16 include in such report a determination of whether or not
17 prosecution is justified and appropriate in view of the
18 circumstances of the specific case.

19 Section 34. Subsection (1) of section 39.828, Florida
20 Statutes, 1998 Supplement, is amended to read:

21 39.828 Grounds for appointment of a guardian
22 advocate.--

23 (1) The court shall appoint the person named in the
24 petition as a guardian advocate with all the powers and duties
25 specified in s. 39.829 for an initial term of 1 year upon a
26 finding that:

27 (a) The child named in the petition is or was a drug
28 dependent newborn as described in s. 39.01(36)~~(30)~~(g);

29 (b) The parent or parents of the child have
30 voluntarily relinquished temporary custody of the child to a
31 relative or other responsible adult;

1 (c) The person named in the petition to be appointed
2 the guardian advocate is capable of carrying out the duties as
3 provided in s. 39.829; and

4 (d) A petition to adjudicate the child dependent
5 pursuant to this chapter has not been filed.

6 Section 35. Subsection (7) of section 95.11, Florida
7 Statutes, 1998 Supplement, is amended to read:

8 95.11 Limitations other than for the recovery of real
9 property.--Actions other than for recovery of real property
10 shall be commenced as follows:

11 (7) FOR INTENTIONAL TORTS BASED ON ABUSE.--An action
12 founded on alleged abuse, as defined in s. 39.01 ors.
13 415.102, ~~or s. 984.03~~, or incest, as defined in s. 826.04, may
14 be commenced at any time within 7 years after the age of
15 majority, or within 4 years after the injured person leaves
16 the dependency of the abuser, or within 4 years from the time
17 of discovery by the injured party of both the injury and the
18 causal relationship between the injury and the abuse,
19 whichever occurs later.

20 Section 36. Subsection (28) of section 228.041,
21 Florida Statutes, 1998 Supplement, is amended to read:

22 228.041 Definitions.--Specific definitions shall be as
23 follows, and wherever such defined words or terms are used in
24 the Florida School Code, they shall be used as follows:

25 (28) HABITUAL TRUANT.--A habitual truant is a student
26 who has 15 unexcused absences within 90 calendar days with or
27 without the knowledge or consent of the student's parent or
28 legal guardian, is subject to compulsory school attendance
29 under s. 232.01, and is not exempt under s. 232.06 or s.
30 232.09, or by meeting the criteria for any other exemption
31 specified by law or rules of the State Board of Education.

1 Such a student must have been the subject of the activities
2 specified in ss. 232.17 and 232.19, without resultant
3 successful remediation of the truancy problem before being
4 dealt with as a child in need of services according to the
5 provisions of chapter 39 ~~984~~.

6 Section 37. Paragraphs (c) and (d) of subsection (3)
7 of section 230.2316, Florida Statutes, 1998 Supplement, are
8 amended to read:

9 230.2316 Dropout prevention.--

10 (3) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.--

11 (c) A student shall be identified as being a potential
12 dropout based upon one of the following criteria:

13 1. The student has shown a lack of motivation in
14 school through grades which are not commensurate with
15 documented ability levels or high absenteeism or habitual
16 truancy as defined in s. 228.041(28).

17 2. The student has not been successful in school as
18 determined by retentions, failing grades, or low achievement
19 test scores and has needs and interests that cannot be met
20 through traditional programs.

21 3. The student has been identified as a potential
22 school dropout by student services personnel using district
23 criteria. District criteria that are used as a basis for
24 student referral to an educational alternatives program shall
25 identify specific student performance indicators that the
26 educational alternative program seeks to address.

27 4. The student has documented drug-related or
28 alcohol-related problems, or has immediate family members with
29 documented drug-related or alcohol-related problems that
30 adversely affect the student's performance in school.

31

1 5. The student has a history of disruptive behavior in
2 school or has committed an offense that warrants out-of-school
3 suspension or expulsion from school according to the district
4 code of student conduct. For the purposes of this program,
5 "disruptive behavior" is behavior that:

6 a. Interferes with the student's own learning or the
7 educational process of others and requires attention and
8 assistance beyond that which the traditional program can
9 provide or results in frequent conflicts of a disruptive
10 nature while the student is under the jurisdiction of the
11 school either in or out of the classroom; or

12 b. Severely threatens the general welfare of students
13 or others with whom the student comes into contact.

14 6. The student is assigned to a program provided
15 pursuant to chapter 39, ~~chapter 984~~, or chapter 985 which is
16 sponsored by a state-based or community-based agency or is
17 operated or contracted for by the Department of Children and
18 Family Services or the Department of Juvenile Justice.

19 (d)1. "Second chance schools" means school district
20 programs provided through cooperative agreements between the
21 Department of Juvenile Justice, private providers, state or
22 local law enforcement agencies, or other state agencies for
23 students who have been disruptive or violent or who have
24 committed serious offenses. As partnership programs, second
25 chance schools are eligible for waivers by the Commissioner of
26 Education from chapters 230-235 and 239 and State Board of
27 Education rules that prevent the provision of appropriate
28 educational services to violent, severely disruptive, or
29 delinquent students in small nontraditional settings or in
30 court-adjudicated settings.

31

1 2. A student enrolled in a sixth, seventh, eighth,
2 ninth, or tenth grade class may be assigned to a second chance
3 school if the student meets the following criteria:

4 a. The student is a habitual truant as defined in s.
5 228.041(28).

6 b. The student's excessive absences have detrimentally
7 affected the student's academic progress and the student may
8 have unique needs that a traditional school setting may not
9 meet.

10 c. The student's high incidences of truancy have been
11 directly linked to a lack of motivation.

12 d. The student has been identified as at risk of
13 dropping out of school.

14 3. A student who is habitually truant may be assigned
15 to a second chance school only if the case staffing committee,
16 established pursuant to s. 39.9212 ~~984.12~~, determines that
17 such placement could be beneficial to the student and the
18 criteria included in subparagraph 2. are met.

19 4. A student may be assigned to a second chance school
20 if the school district in which the student resides has a
21 second chance school and if the student meets one of the
22 following criteria:

23 a. The student habitually exhibits disruptive behavior
24 in violation of the code of student conduct adopted by the
25 school board.

26 b. The student interferes with the student's own
27 learning or the educational process of others and requires
28 attention and assistance beyond that which the traditional
29 program can provide, or, while the student is under the
30 jurisdiction of the school either in or out of the classroom,
31 frequent conflicts of a disruptive nature occur.

1 c. The student has committed a serious offense which
2 warrants suspension or expulsion from school according to the
3 district code of student conduct. For the purposes of this
4 program, "serious offense" is behavior which:

5 (I) Threatens the general welfare of students or
6 others with whom the student comes into contact;

7 (II) Includes violence;

8 (III) Includes possession of weapons or drugs; or

9 (IV) Is harassment or verbal abuse of school personnel
10 or other students.

11 5. Prior to assignment of students to second chance
12 schools, school boards are encouraged to use alternative
13 programs, such as in-school suspension, which provide
14 instruction and counseling leading to improved student
15 behavior, a reduction in the incidence of truancy, and the
16 development of more effective interpersonal skills.

17 6. Students assigned to second chance schools must be
18 evaluated by the school's local child study team before
19 placement in a second chance school. The study team shall
20 ensure that students are not eligible for placement in a
21 program for emotionally disturbed children.

22 7. Students who exhibit academic and social progress
23 and who wish to return to a traditional school shall be
24 evaluated by school district personnel prior to reentering a
25 traditional school.

26 8. Second chance schools shall be funded at the
27 dropout prevention program weight pursuant to s. 236.081 and
28 may receive school safety funds or other funds as appropriate.

29 Section 38. Subsection (2) of section 232.17, Florida
30 Statutes, 1998 Supplement, is amended to read:

31

1 232.17 Enforcement of school attendance.--Pursuant to
2 procedures established by the district school board, a
3 designated school representative must complete activities
4 designed to determine the cause and attempt the remediation of
5 truant behavior, as provided in this section.

6 (2) GIVE WRITTEN NOTICE.--Under the direction of the
7 superintendent, a designated school representative shall give
8 written notice, in person or by return-receipt mail, to the
9 parent, guardian, or other person having control when no valid
10 reason is found for a child's nonenrollment in school or when
11 the child has a minimum of 3 but fewer than 6 unexcused
12 absences within 90 calendar days, requiring enrollment or
13 attendance within 3 days after the date of notice. If the
14 notice and requirement are ignored, the designated school
15 representative shall report the case to the superintendent,
16 and may refer the case to the case staffing committee,
17 established pursuant to s. 39.9212 ~~984.12~~, if the conditions
18 of s. 232.19(3) have been met. The superintendent may take
19 such steps as are necessary to bring criminal prosecution
20 against the parent, guardian, or other person having control.

21 Section 39. Subsections (3), (4), and (6) of section
22 232.19, Florida Statutes, 1998 Supplement, are amended to
23 read:

24 232.19 Court procedure and penalties.--The court
25 procedure and penalties for the enforcement of the provisions
26 of this chapter, relating to compulsory school attendance,
27 shall be as follows:

28 (3) HABITUAL TRUANCY CASES.--In accordance with
29 procedures established by the district school board, the
30 designated school representative shall refer a student who is
31 habitually truant and the student's family to the

1 children-in-need-of-services and families-in-need-of-services
2 provider or the case staffing committee, established pursuant
3 to s. 39.9212 ~~984.12~~, as determined by the cooperative
4 agreement required in this section. The case staffing
5 committee may request the Department of Children and Family
6 Services ~~Juvenile Justice~~ or its designee to file a
7 child-in-need-of-services petition based upon the report and
8 efforts of the school district or other community agency or
9 may seek to resolve the truant behavior through the school or
10 community-based organizations or agencies. Prior to and
11 subsequent to the filing of a child-in-need-of-services
12 petition due to habitual truancy, the appropriate governmental
13 agencies must allow a reasonable time to complete actions
14 required by this subsection to remedy the conditions leading
15 to the truant behavior. The following criteria must be met and
16 documented in writing prior to the filing of a petition:

17 (a) The child must have 15 unexcused absences within
18 90 calendar days with or without the knowledge or consent of
19 the child's parent or legal guardian, must be subject to
20 compulsory school attendance, and must not be exempt under s.
21 232.06, s. 232.09, or any other exemption specified by law or
22 the rules of the State Board of Education.

23 (b) In addition to the actions described in s. 232.17,
24 the school administration must have completed the following
25 activities to determine the cause, and to attempt the
26 remediation, of the child's truant behavior:

27 1. After a minimum of 3 and prior to 6 unexcused
28 absences within 90 calendar days, one or more meetings must
29 have been held, either in person or by phone, between a
30 designated school representative, the child's parent or
31 guardian, and the child, if necessary, to report and to

1 attempt to solve the truancy problem. However, if the
2 designated school representative has documented the refusal of
3 the parent or guardian to participate in the meetings, this
4 requirement has been met.

5 2. Educational counseling must have been provided to
6 determine whether curriculum changes would help solve the
7 truancy problem, and, if any changes were indicated, such
8 changes must have been instituted but proved unsuccessful in
9 remedying the truant behavior. Such curriculum changes may
10 include enrollment of the child in a dropout prevention
11 program that meets the specific educational and behavioral
12 needs of the child, including a second chance school, as
13 provided for in s. 230.2316, designed to resolve truant
14 behavior.

15 3. Educational evaluation, which may include
16 psychological evaluation, must have been provided to assist in
17 determining the specific condition, if any, that is
18 contributing to the child's nonattendance. The evaluation
19 must have been supplemented by specific efforts by the school
20 to remedy any diagnosed condition.

21
22 If a child who is subject to compulsory school attendance is
23 responsive to the interventions described in this paragraph
24 and has completed the necessary requirements to pass the
25 current grade as indicated in the district pupil progression
26 plan, the child shall be passed.

27 (4) COOPERATIVE AGREEMENTS. ~~--The district manager of~~
28 ~~the Department of Juvenile Justice or the district manager's~~
29 ~~designee,~~The district administrator of the Department of
30 Children and Family Services or the district administrator's
31 designee, and the superintendent of the local school district

1 or the superintendent's designee must develop a cooperative
2 interagency agreement that:

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

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

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

13 (d) Delineates timeframes for implementation and
14 identifies a mechanism for reporting results by the district
15 administrator ~~juvenile justice manager~~ or the district
16 administrator's manager's designee and the superintendent of
17 schools or the superintendent's designee to the Department of
18 Children and Family Services ~~Juvenile Justice~~ and the
19 Department of Education and other governmental entities as
20 needed.

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

24 (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY
25 BEGIN.--Proceedings or prosecutions under this chapter may be
26 commenced by the superintendent, by a designated school
27 representative, by the case manager ~~probation officer of the~~
28 ~~county~~, by the executive officer of any court of competent
29 jurisdiction, or by an officer of any court of competent
30 jurisdiction, or by a duly authorized agent of the Department
31 of Education or the Department of Children and Family Services

1 ~~Juvenile Justice~~. If a proceeding has been commenced against
2 both a parent or legal guardian and a child pursuant to this
3 chapter, the presiding courts shall make every effort to
4 coordinate sanctions against the child and parent or legal
5 guardian, including ordering the child and parent or legal
6 guardian to perform community service hours or attend
7 counseling together.

8 Section 40. Subsection (65) of section 316.003,
9 Florida Statutes, 1998 Supplement, is amended to read:

10 316.003 Definitions.--The following words and phrases,
11 when used in this chapter, shall have the meanings
12 respectively ascribed to them in this section, except where
13 the context otherwise requires:

14 (65) CHILD.--A child as defined in s. 39.01, ~~s.~~
15 ~~984.03~~, or s. 985.03.

16 Section 41. Paragraph (d) of subsection (3) and
17 paragraph (a) of subsection (4) of section 316.635, Florida
18 Statutes, 1998 Supplement, are amended to read:

19 316.635 Courts having jurisdiction over traffic
20 violations; powers relating to custody and detention of
21 minors.--

22 (3) If a minor is taken into custody for a criminal
23 traffic offense or a violation of chapter 322 and the minor
24 does not demand to be taken before a magistrate, the arresting
25 officer or booking officer shall immediately notify, or cause
26 to be notified, the minor's parents, guardian, or responsible
27 adult relative of the action taken. After making every
28 reasonable effort to give notice, the arresting officer or
29 booking officer may:

30 (d) If the violation constitutes a felony and the
31 minor cannot be released pursuant to s. 903.03, transport and

1 deliver the minor to an appropriate Department of Juvenile
2 Justice intake office. Upon delivery of the minor to the
3 intake office, the department shall assume custody and proceed
4 pursuant to ~~chapter 984~~ or chapter 985.

5
6 If action is not taken pursuant to paragraphs (a)-(d), the
7 minor shall be delivered to the Department of Juvenile
8 Justice, and the department shall make every reasonable effort
9 to contact the parents, guardian, or responsible adult
10 relative to take custody of the minor. If there is no parent,
11 guardian, or responsible adult relative available, the
12 department may retain custody of the minor for up to 24 hours.

13 (4) A minor who willfully fails to appear before any
14 court or judicial officer as required by written notice to
15 appear is guilty of contempt of court. Upon a finding by a
16 court, after notice and a hearing, that a minor is in contempt
17 of court for willful failure to appear pursuant to a valid
18 notice to appear, the court may:

19 (a) For a first offense, order the minor to serve up
20 to 5 days in a staff-secure shelter as defined in ~~chapter 984~~
21 ~~or~~ chapter 985 or, if space in a staff-secure shelter is
22 unavailable, in a secure juvenile detention center.

23 Section 42. Section 397.6758, Florida Statutes, 1998
24 Supplement, is amended to read:

25 397.6758 Release of client from protective custody,
26 emergency admission, involuntary assessment, involuntary
27 treatment, and alternative involuntary assessment of a
28 minor.--A client involuntarily admitted to a licensed service
29 provider may be released without further order of the court
30 only by a qualified professional in a hospital, a
31 detoxification facility, an addictions receiving facility, or

1 any less restrictive treatment component. Notice of the
2 release must be provided to the applicant in the case of an
3 emergency admission or an alternative involuntary assessment
4 for a minor, or to the petitioner and the court if the
5 involuntary assessment or treatment was court ordered. In the
6 case of a minor client, the release must be:

7 (1) To the client's parent, legal guardian, or legal
8 custodian or the authorized designee thereof; or

9 (2) To the Department of Children and Family Services
10 pursuant to s. 39.9213.39.401; ~~or~~

11 ~~(3) To the Department of Juvenile Justice pursuant to~~
12 ~~s. 984.13.~~

13 Section 43. Subsection (1) of section 397.706, Florida
14 Statutes, 1998 Supplement, is amended to read:

15 397.706 Screening, assessment, and disposition of
16 juvenile offenders.--

17 (1) The substance abuse treatment needs of juvenile
18 offenders and their families must be identified and addressed
19 through diversionary programs and adjudicatory proceedings
20 pursuant to ~~chapter 984~~ or chapter 985.

21 Section 44. Subsection (1) of section 409.2564,
22 Florida Statutes, 1998 Supplement, is amended to read:

23 409.2564 Actions for support.--

24 (1) In each case in which regular support payments are
25 not being made as provided herein, the department shall
26 institute, within 30 days after determination of the obligor's
27 reasonable ability to pay, action as is necessary to secure
28 the obligor's payment of current support and any arrearage
29 which may have accrued under an existing order of support.
30 The department shall notify the program attorney in the
31 judicial circuit in which the recipient resides setting forth

1 the facts in the case, including the obligor's address, if
2 known, and the public assistance case number. Whenever
3 applicable, the procedures established under the provisions of
4 chapter 88, Uniform Interstate Family Support Act, chapter 61,
5 Dissolution of Marriage; Support; Custody, chapter 39,
6 Proceedings Relating to Children, ~~chapter 984, Children and~~
7 ~~Families in Need of Services,~~ and chapter 985, Delinquency;
8 Interstate Compact on Juveniles, may govern actions instituted
9 under the provisions of this act, except that actions for
10 support under chapter 39, ~~chapter 984,~~ or chapter 985 brought
11 pursuant to this act shall not require any additional
12 investigation or supervision by the department.

13 Section 45. Paragraph (a) of subsection (1) of section
14 409.803, Florida Statutes, 1998 Supplement, is amended to
15 read:

16 409.803 Shelter and foster care services to dependent
17 children.--

18 (1) It is the intent of the Legislature to:

19 (a) Facilitate the reunification of families or the
20 permanent placement of a child pursuant to ~~part II of~~ chapter
21 39 ~~and chapter 984.~~

22 Section 46. Paragraph (d) of subsection (1) of section
23 419.001, Florida Statutes, 1998 Supplement, is amended to
24 read:

25 419.001 Site selection of community residential
26 homes.--

27 (1) For the purposes of this section, the following
28 definitions shall apply:

29 (d) "Resident" means any of the following: a frail
30 elder as defined in s. 400.618; a physically disabled or
31 handicapped person as defined in s. 760.22(7)(a); a

1 | developmentally disabled person as defined in s.
2 | 393.063(12)~~(11)~~; a nondangerous mentally ill person as defined
3 | in s. 394.455(18); or a child as defined in s. 39.01(13) or
4 | (17)~~(11)~~, ~~s. 984.03(9) or (12)~~, or s. 985.03(8).

5 | Section 47. Subsections (2) and (3) of section
6 | 743.0645, Florida Statutes, 1998 Supplement, are amended to
7 | read:

8 | 743.0645 Other persons who may consent to medical care
9 | or treatment of a minor.--

10 | (2) Any of the following persons, in order of priority
11 | listed, may consent to the medical care or treatment of a
12 | minor who is not committed to the Department of Children and
13 | Family Services or the Department of Juvenile Justice or in
14 | their custody under chapter 39, ~~chapter 984~~, or chapter 985
15 | when, after a reasonable attempt, a person who has the power
16 | to consent as otherwise provided by law cannot be contacted by
17 | the treatment provider and actual notice to the contrary has
18 | not been given to the provider by that person:

19 | (3) The Department of Children and Family Services or
20 | the Department of Juvenile Justice caseworker, case manager,
21 | or person primarily responsible for the case management of the
22 | child, the administrator of any facility licensed by the
23 | department under s. 393.067, s. 394.875, or s. 409.175, or the
24 | administrator of any state-operated or state-contracted
25 | delinquency residential treatment facility may consent to the
26 | medical care or treatment of any minor committed to it or in
27 | its custody under chapter 39, ~~chapter 984~~, or chapter 985,
28 | when the person who has the power to consent as otherwise
29 | provided by law cannot be contacted and such person has not
30 | expressly objected to such consent. There shall be maintained
31 | in the records of the minor documentation that a reasonable

1 attempt was made to contact the person who has the power to
2 consent as otherwise provided by law.

3 Section 48. Subsection (3) of section 744.309, Florida
4 Statutes, 1998 Supplement, is amended to read:

5 744.309 Who may be appointed guardian of a resident
6 ward.--

7 (3) DISQUALIFIED PERSONS.--No person who has been
8 convicted of a felony or who, from any incapacity or illness,
9 is incapable of discharging the duties of a guardian, or who
10 is otherwise unsuitable to perform the duties of a guardian,
11 shall be appointed to act as guardian. Further, no person who
12 has been judicially determined to have committed abuse,
13 abandonment, or neglect against a child as defined in s. 39.01
14 ~~or s. 984.03(2) and (39)~~, or who has a confirmed report of
15 abuse, neglect, or exploitation which has been uncontested or
16 upheld pursuant to the provisions of ss. 415.104 and 415.1075
17 shall be appointed to act as a guardian. Except as provided
18 in subsection (5) or subsection (6), a person who provides
19 substantial services to the proposed ward in a professional or
20 business capacity, or a creditor of the proposed ward, may not
21 be appointed guardian and retain that previous professional or
22 business relationship. A person may not be appointed a
23 guardian if he or she is in the employ of any person, agency,
24 government, or corporation that provides service to the
25 proposed ward in a professional or business capacity, except
26 that a person so employed may be appointed if he or she is the
27 spouse, adult child, parent, or sibling of the proposed ward
28 or the court determines that the potential conflict of
29 interest is insubstantial and that the appointment would
30 clearly be in the proposed ward's best interest. The court may
31

1 not appoint a guardian in any other circumstance in which a
2 conflict of interest may occur.

3 Section 49. Paragraph (d) of subsection (1) and
4 subsection (2) of section 985.01, Florida Statutes, are
5 amended to read:

6 985.01 Purposes and intent; personnel standards and
7 screening.--

8 (1) The purposes of this chapter are:

9 ~~(d) To preserve and strengthen the child's family ties~~
10 ~~whenever possible, by providing for removal of the child from~~
11 ~~parental custody only when his or her welfare or the safety~~
12 ~~and protection of the public cannot be adequately safeguarded~~
13 ~~without such removal; and, when the child is removed from his~~
14 ~~or her own family, to secure custody, care, and discipline for~~
15 ~~the child as nearly as possible equivalent to that which~~
16 ~~should have been given by the parents; and to assure, in all~~
17 ~~cases in which a child must be permanently removed from~~
18 ~~parental custody, that the child be placed in an approved~~
19 ~~family home, adoptive home, independent living program, or~~
20 ~~other placement that provides the most stable and permanent~~
21 ~~living arrangement for the child, as determined by the court.~~

22 (2) The Department of Juvenile Justice ~~or the~~
23 ~~Department of Children and Family Services, as appropriate,~~
24 may contract with the Federal Government, other state
25 departments and agencies, county and municipal governments and
26 agencies, public and private agencies, and private individuals
27 and corporations in carrying out the purposes of, and the
28 responsibilities established in, this chapter.

29 (a) When the Department of Juvenile Justice ~~or the~~
30 ~~Department of Children and Family Services~~ contracts with a
31 provider for any program for children, all personnel,

1 including owners, operators, employees, and volunteers, in the
2 facility must be of good moral character. A volunteer who
3 assists on an intermittent basis for less than 40 hours per
4 month need not be screened if the volunteer is under direct
5 and constant supervision by persons who meet the screening
6 requirements.

7 (b) The Department of Juvenile Justice ~~and the~~
8 ~~Department of Children and Family Services~~ shall require
9 employment screening pursuant to chapter 435, using the level
10 2 standards set forth in that chapter for personnel in
11 programs for children or youths.

12 (c) The Department of Juvenile Justice ~~or the~~
13 ~~Department of Children and Family Services~~ may grant
14 exemptions from disqualification from working with children as
15 provided in s. 435.07.

16 Section 50. Paragraphs (g) and (h) of subsection (1)
17 and subsections (2) and (3) of section 985.02, Florida
18 Statutes, are amended to read:

19 985.02 Legislative intent for the juvenile justice
20 system.--

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

24 ~~(g) Access to preventive services.~~

25 (g)~~(h)~~ An independent, trained advocate when
26 intervention is necessary, and a skilled guardian or caretaker
27 in a safe environment when alternative placement is necessary.

28 (2) SUBSTANCE ABUSE SERVICES.--The Legislature finds
29 that children in the care of the state's ~~dependency and~~
30 delinquency system ~~systems~~ need appropriate health care
31 services, that the impact of substance abuse on health

1 indicates the need for health care services to include
2 substance abuse services where appropriate, and that it is in
3 the state's best interest that such children be provided the
4 services they need to enable them to become and remain
5 independent of state care. In order to provide these
6 services, the state's ~~dependency and delinquency system~~
7 ~~systems~~ must have the ability to identify and provide
8 appropriate intervention and treatment for children with
9 personal or family-related substance abuse problems. It is
10 therefore the purpose of the Legislature to provide authority
11 for the state to contract with community substance abuse
12 treatment providers for the development and operation of
13 specialized support and overlay services for the ~~dependency~~
14 ~~and delinquency system systems~~, which will be fully
15 implemented and utilized as resources permit.

16 (3) JUVENILE JUSTICE ~~AND DELINQUENCY PREVENTION~~.--It
17 is the policy of the state with respect to juvenile justice
18 ~~and delinquency prevention~~ to first protect the public from
19 acts of delinquency. In addition, it is the policy of the
20 state to:

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

25 (b) Develop and implement effective programs ~~to~~
26 ~~prevent delinquency~~, to divert children from the traditional
27 juvenile justice system, to intervene at an early stage of
28 delinquency, and to provide critically needed alternatives to
29 institutionalization and deep-end commitment.

30
31

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

4 (d) Increase the capacity of local governments and
5 public and private agencies to conduct rehabilitative
6 treatment programs and to provide research, evaluation, and
7 training services ~~in the field of juvenile delinquency~~
8 ~~prevention.~~

9
10 The Legislature intends that detention care, in addition to
11 providing secure and safe custody, will promote the health and
12 well-being of the children committed thereto and provide an
13 environment that fosters their social, emotional,
14 intellectual, and physical development.

15 Section 51. Subsections (5), (8), (9), (25), (29), and
16 (31), and paragraphs (c) and (d) of subsection (27), of
17 section 985.03, Florida Statutes, 1998 Supplement, are amended
18 to read:

19 985.03 Definitions.--When used in this chapter, the
20 term:

21 (5) "Authorized agent" or "designee" of the department
22 means a person or agency assigned or designated by the
23 Department of Juvenile Justice ~~or the Department of Children~~
24 ~~and Family Services, as appropriate,~~ to perform duties or
25 exercise powers pursuant to this chapter and includes contract
26 providers and their employees ~~for purposes of providing~~
27 ~~services to and managing cases of children in need of services~~
28 ~~and families in need of services.~~

29 (8) "Child in need of services" means a child for whom
30 there is no pending investigation into an allegation or
31 suspicion of abuse, neglect, or abandonment; no pending

1 referral alleging the child is delinquent; or no current
2 supervision by the Department of Juvenile Justice or the
3 Department of Children and Family Services for an adjudication
4 of dependency or delinquency. The child must also, pursuant to
5 this chapter, be found by the court:

6 (a) To have persistently run away from the child's
7 parents or legal custodians despite reasonable efforts of the
8 child, the parents or legal custodians, and appropriate
9 agencies to remedy the conditions contributing to the
10 behavior. Reasonable efforts shall include voluntary
11 participation by the child's parents or legal custodians and
12 the child in family mediation, services, and treatment offered
13 by ~~the Department of Juvenile Justice or~~ the Department of
14 Children and Family Services;

15 (b) To be habitually truant from school, while subject
16 to compulsory school attendance, despite reasonable efforts to
17 remedy the situation pursuant to ss. 232.17 and 232.19 and
18 through voluntary participation by the child's parents or
19 legal custodians and by the child in family mediation,
20 services, and treatment offered by ~~the Department of Juvenile~~
21 ~~Justice or~~ the Department of Children and Family Services; or

22 (c) To have persistently disobeyed the reasonable and
23 lawful demands of the child's parents or legal custodians, and
24 to be beyond their control despite efforts by the child's
25 parents or legal custodians and appropriate agencies to remedy
26 the conditions contributing to the behavior. Reasonable
27 efforts may include such things as good faith participation in
28 family or individual counseling.

29 (9) "Child who has been found to have committed a
30 delinquent act" means a child who, pursuant to the provisions
31 of this chapter, is found by a court to have committed a

1 violation of law or to be in direct or indirect contempt of
2 court, ~~except that this definition shall not include an act~~
3 ~~constituting contempt of court arising out of a dependency~~
4 ~~proceeding or a proceeding pursuant to part III of this~~
5 ~~chapter.~~

6 (25) "Family in need of services" means a family that
7 has a child for whom there is no pending investigation into an
8 allegation of abuse, neglect, or abandonment or no current
9 supervision by the Department of Juvenile Justice or the
10 Department of Children and Family Services for an adjudication
11 of dependency or delinquency. The child must also have been
12 referred to a law enforcement agency or the Department of
13 Children and Family Services ~~Juvenile Justice~~ for:

14 (a) Running away from parents or legal custodians;

15 (b) Persistently disobeying reasonable and lawful
16 demands of parents or legal custodians, and being beyond their
17 control; or

18 (c) Habitual truancy from school.

19 (27) "Habitually truant" means that:

20 (c) A school representative, designated according to
21 school board policy, and a caseworker of the Department of
22 Children and Family Services ~~juvenile probation officer of the~~
23 ~~Department of Juvenile Justice~~ have jointly investigated the
24 truancy problem or, if that was not feasible, have performed
25 separate investigations to identify conditions that could be
26 contributing to the truant behavior; and if, after a joint
27 staffing of the case to determine the necessity for services,
28 such services were determined to be needed, the persons who
29 performed the investigations met jointly with the family and
30 child to discuss any referral to appropriate community
31 agencies for economic services, family or individual

1 counseling, or other services required to remedy the
2 conditions that are contributing to the truant behavior.

3 (d) The failure or refusal of the parent or legal
4 guardian or the child to participate, or make a good faith
5 effort to participate, in the activities prescribed to remedy
6 the truant behavior, or the failure or refusal of the child to
7 return to school after participation in activities required by
8 this subsection, or the failure of the child to stop the
9 truant behavior after the school administration and the
10 Department of Children and Family Services ~~Juvenile Justice~~
11 have worked with the child as described in s. 232.19(3) and
12 ~~(4)~~ shall be handled as prescribed in s. 232.19.

13 (29) "Intake" means the initial acceptance and
14 screening by the Department of Juvenile Justice of a complaint
15 or a law enforcement report or probable cause affidavit of
16 delinquency, ~~family in need of services, or child in need of~~
17 ~~services~~ to determine the recommendation to be taken in the
18 best interests of the child, the family, and the community.
19 The emphasis of intake is on diversion and the least
20 restrictive available services. Consequently, intake includes
21 such alternatives as:

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

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

27 (c) The recommendation by the juvenile probation
28 officer of judicial handling when appropriate and warranted.

29 (31) "Juvenile justice continuum" includes, but is not
30 limited to, delinquency ~~prevention~~ programs and services
31 designed for the purpose of preventing or reducing delinquent

1 acts, including criminal activity by youth gangs, and juvenile
2 arrests, as well as programs and services targeted at children
3 who have committed delinquent acts, and children who have
4 previously been committed to residential treatment programs
5 for delinquents. The term includes
6 ~~children-in-need-of-services and families-in-need-of-services~~
7 ~~programs~~; aftercare and reentry services; substance abuse and
8 mental health programs; educational and vocational programs;
9 recreational programs; community services programs; community
10 service work programs; and alternative dispute resolution
11 programs serving children ~~at risk of delinquency~~ and their
12 families, whether offered or delivered by state or local
13 governmental entities, public or private for-profit or
14 not-for-profit organizations, or religious or charitable
15 organizations.

16 Section 52. Section 985.204, Florida Statutes, is
17 amended to read:

18 985.204 Powers with respect to certain children.--In
19 carrying out the provisions of this chapter, the court may
20 order the parent or legal guardian of a child adjudicated
21 ~~dependent, a child in need of services, or a delinquent child~~
22 to attend a course of instruction in parenting skills, to
23 accept counseling, or to receive other assistance from any
24 agency in the community which notifies the clerk of the court
25 of the availability of its services. Where appropriate, the
26 court shall order both parents or guardians to receive such
27 parental assistance.

28 Section 53. Paragraph (a) of subsection (1) of section
29 985.2065, Florida Statutes, is amended to read:

30 985.2065 Sheltering unmarried minors; aiding unmarried
31 minor runaways; violations.--

1 (1)(a) A person who is not an authorized agent of the
2 Department of Juvenile Justice ~~or the Department of Children~~
3 ~~and Family Services~~ may not knowingly shelter an unmarried
4 minor for more than 24 hours without the consent of the
5 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 Section 54. Paragraph (a) of subsection (1), paragraph
9 (e) of subsection (4), and subsection (5) of section 985.21,
10 Florida Statutes, 1998 Supplement, are amended to read:

11 985.21 Intake and case management.--

12 (1)(a) During the intake process, the juvenile
13 probation officer shall screen each child to determine:

14 1. Appropriateness for release, referral to a
15 diversionary program including, but not limited to, a
16 teen-court program, referral for community arbitration, or
17 referral to some other program or agency for the purpose of
18 nonofficial or nonjudicial handling.

19 2. The presence of medical, psychiatric,
20 psychological, substance abuse, educational problems, or other
21 conditions that may have caused the child to come to the
22 attention of law enforcement or the Department of Juvenile
23 Justice. In cases where such conditions are identified, and a
24 nonjudicial handling of the case is chosen, the juvenile
25 probation officer shall attempt to refer the child to a
26 program or agency, together with all available and relevant
27 assessment information concerning the child's precipitating
28 condition.

29 3. The Department of Juvenile Justice shall develop an
30 intake and a case management system whereby a child brought
31 into intake is assigned a juvenile probation officer if the

1 child was not released, referred to a diversionary program,
2 referred for community arbitration, or referred to some other
3 program or agency for the purpose of nonofficial or
4 nonjudicial handling, and shall make every reasonable effort
5 to provide case management services for the child; provided,
6 however, that case management for children committed to
7 residential programs may be transferred as provided in s.
8 985.316.

9 4. In addition to duties specified in other sections
10 and through departmental rules, the assigned juvenile
11 probation officer shall be responsible for the following:

12 a. Ensuring that a risk assessment instrument
13 establishing the child's eligibility for detention has been
14 accurately completed and that the appropriate recommendation
15 was made to the court.

16 b. Inquiring as to whether the child understands his
17 or her rights to counsel and against self-incrimination.

18 c. Performing the preliminary screening and making
19 referrals for comprehensive assessment regarding the child's
20 need for substance abuse treatment services, mental health
21 services, retardation services, literacy services, or other
22 educational or treatment services.

23 d. Coordinating the multidisciplinary assessment when
24 required, which includes the classification and placement
25 process that determines the child's priority needs, risk
26 classification, and treatment plan. When sufficient evidence
27 exists to warrant a comprehensive assessment and the child
28 fails to voluntarily participate in the assessment efforts, it
29 is the responsibility of the juvenile probation officer to
30 inform the court of the need for the assessment and the
31 refusal of the child to participate in such assessment. This

1 assessment, classification, and placement process shall
2 develop into the predisposition report.

3 e. Making recommendations for services and
4 facilitating the delivery of those services to the child,
5 including any mental health services, educational services,
6 family counseling services, family assistance services, and
7 substance abuse services. The juvenile probation officer shall
8 serve as the primary case manager for the purpose of managing,
9 coordinating, and monitoring the services provided to the
10 child. ~~Each program administrator within the Department of~~
11 ~~Children and Family Services shall cooperate with the primary~~
12 ~~case manager in carrying out the duties and responsibilities~~
13 ~~described in this section.~~

14
15 The Department of Juvenile Justice shall annually advise the
16 Legislature and the Executive Office of the Governor of the
17 resources needed in order for the intake and case management
18 system to maintain a staff-to-client ratio that is consistent
19 with accepted standards and allows the necessary supervision
20 and services for each child. The intake process and case
21 management system shall provide a comprehensive approach to
22 assessing the child's needs, relative risks, and most
23 appropriate handling, and shall be based on an individualized
24 treatment plan.

25 (4) The juvenile probation officer shall make a
26 preliminary determination as to whether the report, affidavit,
27 or complaint is complete, consulting with the state attorney
28 as may be necessary. In any case where the juvenile probation
29 officer or the state attorney finds that the report,
30 affidavit, or complaint is insufficient by the standards for a
31 probable cause affidavit, the juvenile probation officer or

1 state attorney shall return the report, affidavit, or
2 complaint, without delay, to the person or agency originating
3 the report, affidavit, or complaint or having knowledge of the
4 facts or to the appropriate law enforcement agency having
5 investigative jurisdiction of the offense, and shall request,
6 and the person or agency shall promptly furnish, additional
7 information in order to comply with the standards for a
8 probable cause affidavit.

9 (e) The state attorney may in all cases take action
10 independent of the action or lack of action of the juvenile
11 probation officer, and shall determine the action which is in
12 the best interest of the public and the child. If the child
13 meets the criteria requiring prosecution as an adult pursuant
14 to s. 985.226, the state attorney shall request the court to
15 transfer and certify the child for prosecution as an adult or
16 shall provide written reasons to the court for not making such
17 request. In all other cases, the state attorney may:

- 18 1. File a petition for dependency;
- 19 ~~2. File a petition pursuant to chapter 984;~~
- 20 2.3. File a petition for delinquency;
- 21 ~~3.4.~~ File a petition for delinquency with a motion to
22 transfer and certify the child for prosecution as an adult;
- 23 ~~4.5.~~ File an information pursuant to s. 985.227;
- 24 ~~5.6.~~ Refer the case to a grand jury;
- 25 ~~6.7.~~ Refer the child to a diversionary, pretrial
26 intervention, arbitration, or mediation program, or to some
27 other treatment or care program if such program commitment is
28 voluntarily accepted by the child or the child's parents or
29 legal guardians; or
- 30 ~~7.8.~~ Decline to file.

31

1 (5) Prior to requesting that a delinquency petition be
2 ~~filed or prior to filing a dependency petition~~, the juvenile
3 probation officer may request the parent or legal guardian of
4 the child to attend a course of instruction in parenting
5 skills, training in conflict resolution, and the practice of
6 nonviolence; to accept counseling; or to receive other
7 assistance from any agency in the community which notifies the
8 clerk of the court of the availability of its services. Where
9 appropriate, the juvenile probation officer shall request both
10 parents or guardians to receive such parental assistance. The
11 juvenile probation officer may, in determining whether to
12 request that a delinquency petition be filed, take into
13 consideration the willingness of the parent or legal guardian
14 to comply with such request.

15 Section 55. Section 985.214, Florida Statutes, 1998
16 Supplement, is amended to read:

17 985.214 Prohibited uses of detention.--

18 ~~(1)~~ A child alleged to have committed a delinquent act
19 or violation of law may not be placed into secure, nonsecure,
20 or home detention care for any of the following reasons:

21 (1)(a) To allow a parent to avoid his or her legal
22 responsibility.

23 (2)(b) To permit more convenient administrative access
24 to the child.

25 (3)(c) To facilitate further interrogation or
26 investigation.

27 (4)(d) Due to a lack of more appropriate facilities.

28 ~~(2) A child alleged to be dependent under part II of~~
29 ~~chapter 39 may not, under any circumstances, be placed into~~
30 ~~secure detention care.~~

31

1 Section 56. Subsection (2) and paragraph (d) of
2 subsection (4) of section 985.216, Florida Statutes, 1998
3 Supplement, are amended to read:

4 985.216 Punishment for contempt of court; alternative
5 sanctions.--

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

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

16 ~~(b) A child in need of services who has been held in~~
17 ~~direct contempt or indirect contempt may be placed, for 5 days~~
18 ~~for a first offense or 15 days for a second or subsequent~~
19 ~~offense, in a staff-secure shelter or a staff-secure~~
20 ~~residential facility solely for children in need of services~~
21 ~~if such placement is available, or, if such placement is not~~
22 ~~available, the child may be placed in an appropriate mental~~
23 ~~health facility or substance abuse facility for assessment. In~~
24 ~~addition to disposition under this paragraph, a child in need~~
25 ~~of services who is held in direct contempt or indirect~~
26 ~~contempt may be placed in a physically secure facility as~~
27 ~~provided under s. 984.226 if conditions of eligibility are~~
28 ~~met.~~

29 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
30 PROCESS.--

31

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 Section 57. Subsections (1), (3), and (8) of section
27 985.404, Florida Statutes, 1998 Supplement, are amended to
28 read:

29 985.404 Administering the juvenile justice
30 continuum.--

31

1 (1) The Department of Juvenile Justice shall plan,
2 develop, and coordinate comprehensive services and programs
3 statewide for the ~~prevention~~, early intervention, control, and
4 rehabilitative treatment of delinquent behavior.

5 (3) The department shall develop or contract for
6 diversified and innovative programs to provide rehabilitative
7 treatment, including early intervention ~~and prevention~~,
8 diversion, comprehensive intake, case management, diagnostic
9 and classification assessments, individual and family
10 counseling, shelter care, diversified detention care
11 emphasizing alternatives to secure detention, diversified
12 community control, halfway houses, foster homes,
13 community-based substance abuse treatment services,
14 community-based mental health treatment services,
15 community-based residential and nonresidential programs,
16 environmental programs, and programs for serious or habitual
17 juvenile offenders. Each program shall place particular
18 emphasis on reintegration and aftercare for all children in
19 the program.

20 ~~(8) The department shall administer programs and~~
21 ~~services for children in need of services and families in need~~
22 ~~of services and shall coordinate its efforts with those of the~~
23 ~~Federal Government, state agencies, county and municipal~~
24 ~~governments, private agencies, and child advocacy groups.~~ The
25 department shall establish standards for, providing technical
26 assistance to, and exercising the requisite supervision of,
27 services and programs for children in all state-supported
28 facilities and programs.

29 Section 58. Paragraph (d) of subsection (3) and
30 paragraph (a) of subsection (4) of section 985.413, Florida
31 Statutes, 1998 Supplement, are amended to read:

1 985.413 District juvenile justice boards.--
2 (3) DISTRICT JUVENILE JUSTICE BOARDS.--
3 (d) A district juvenile justice board has the purpose,
4 power, and duty to:
5 1. Advise the district juvenile justice manager and
6 the district administrator on the need for and the
7 availability of juvenile justice programs and services in the
8 district.
9 2. Develop a district juvenile justice plan that is
10 based upon the juvenile justice plans developed by each county
11 within the district, and that addresses the needs of each
12 county within the district.
13 3. Develop a district interagency cooperation and
14 information-sharing agreement that supplements county
15 agreements and expands the scope to include appropriate
16 circuit and district officials and groups.
17 4. Coordinate the efforts of the district juvenile
18 justice board with the activities of the Governor's Juvenile
19 Justice and Delinquency Prevention Advisory Committee and
20 other public and private entities.
21 5. Advise and assist the district juvenile justice
22 manager in the provision of optional, innovative delinquency
23 services in the district to meet the unique needs of
24 delinquent children and their families.
25 6. Develop, in consultation with the district juvenile
26 justice manager, funding sources external to the Department of
27 Juvenile Justice for the provision and maintenance of
28 additional delinquency programs and services. The board may,
29 either independently or in partnership with one or more county
30 juvenile justice councils or other public or private entities,
31 apply for and receive funds, under contract or other funding

1 arrangement, from federal, state, county, city, and other
2 public agencies, and from public and private foundations,
3 agencies, and charities for the purpose of funding optional
4 innovative prevention, diversion, or treatment services in the
5 district for delinquent children ~~and children at risk of~~
6 ~~delinquency~~, and their families. To aid in this process, the
7 department shall provide fiscal agency services for the
8 councils.

9 ~~7. Educate the community about and assist in the~~
10 ~~community juvenile justice partnership grant program~~
11 ~~administered by the Department of Juvenile Justice.~~

12 7.8. Advise the district health and human services
13 board, the district juvenile justice manager, and the
14 Secretary of Juvenile Justice regarding the development of the
15 legislative budget request for juvenile justice programs and
16 services in the district and the commitment region, ~~and, in~~
17 ~~coordination with the district health and human services~~
18 ~~board, make recommendations, develop programs, and provide~~
19 ~~funding for prevention and early intervention programs and~~
20 ~~services designed to serve children in need of services,~~
21 ~~families in need of services, and children who are at risk of~~
22 ~~delinquency within the district or region.~~

23 ~~8.9.~~ Assist the district juvenile justice manager in
24 collecting information and statistical data useful in
25 assessing the need for prevention programs and services within
26 the juvenile justice continuum program in the district.

27 9.10. Make recommendations with respect to, and
28 monitor the effectiveness of, the judicial administrative plan
29 for each circuit pursuant to Rule 2.050, Florida Rules of
30 Judicial Administration.

31

1 10.11. Provide periodic reports to the health and
2 human services board in the appropriate district of the
3 Department of Children and Family Services. These reports must
4 contain, at a minimum, data about the clients served by the
5 juvenile justice programs and services in the district, as
6 well as data concerning the unmet needs of juveniles within
7 the district.

8 11.12. Provide a written annual report on the
9 activities of the board to the district administrator, the
10 Secretary of Juvenile Justice, and the Juvenile Justice
11 Accountability Advisory Board. The report should include an
12 assessment of the effectiveness of juvenile justice continuum
13 programs and services within the district, recommendations for
14 elimination, modification, or expansion of existing programs,
15 and suggestions for new programs or services in the juvenile
16 justice continuum that would meet identified needs of children
17 and families in the district.

18 (4) DISTRICT JUVENILE JUSTICE PLAN; PROGRAMS.--

19 (a) A district juvenile justice plan is authorized in
20 each district or any subdivision of the district authorized by
21 the district juvenile justice board for the purpose of
22 reducing delinquent acts, juvenile arrests, and gang activity.
23 Juvenile justice programs under such plan may be administered
24 by the Department of Juvenile Justice; the district school
25 board; a local law enforcement agency; or any other public or
26 private entity, in cooperation with appropriate state or local
27 governmental entities and public and private agencies. A
28 juvenile justice program under this section may be planned,
29 implemented, and conducted in any district pursuant to a
30 proposal developed and approved as specified in s. 39.925
31 ~~985.415~~.

1 Section 59. Subsection (2) of section 985.414, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 985.414 County juvenile justice councils.--

4 (2)(a) The purpose of a county juvenile justice
5 council is to provide a forum for the development of a
6 community-based interagency assessment of the local juvenile
7 justice system, to develop a county juvenile justice plan for
8 more effectively preventing juvenile delinquency, and to make
9 recommendations for more effectively utilizing existing
10 community resources in dealing with juveniles ~~who are truant~~
11 ~~or have been suspended or expelled from school, or who are~~
12 ~~found to be involved in crime. The county juvenile justice~~
13 ~~plan shall include relevant portions of local crime prevention~~
14 ~~and public safety plans, school improvement and school safety~~
15 ~~plans, and the plans or initiatives of other public and~~
16 ~~private entities within the county that are concerned with~~
17 ~~dropout prevention, school safety, the prevention of juvenile~~
18 ~~crime and criminal activity by youth gangs, and alternatives~~
19 ~~to suspension, expulsion, and detention for children found in~~
20 ~~contempt of court.~~

21 (b) The duties and responsibilities of a county
22 juvenile justice council include, but are not limited to:

23 1. Developing a county juvenile justice plan based
24 upon utilization of the resources of law enforcement, the
25 school system, the Department of Juvenile Justice, the
26 Department of Children and Family Services, and others in a
27 cooperative and collaborative manner to ~~prevent or~~ discourage
28 juvenile crime ~~and develop meaningful alternatives to school~~
29 ~~suspensions and expulsions.~~

30 2. Entering into a written county interagency
31 agreement specifying the nature and extent of contributions

1 each signatory agency will make in achieving the goals of the
2 county juvenile justice plan and their commitment to the
3 sharing of information useful in carrying out the goals of the
4 interagency agreement to the extent authorized by law. The
5 interagency agreement must include as parties, at a minimum,
6 local school authorities or representatives, local law
7 enforcement agencies, state attorneys, public defenders, and
8 local representatives of the Department of Juvenile Justice
9 and the Department of Children and Family Services. The
10 agreement must specify how community entities will cooperate,
11 collaborate, and share information to achieve the goals of the
12 county juvenile justice plan.

13 3. Applying for and receiving public or private
14 grants, to be administered by one of the community partners,
15 that support one or more components of the county juvenile
16 justice plan.

17 4. Designating the county representatives to the
18 district juvenile justice board pursuant to s. 985.413.

19 5. Providing a forum for the presentation of
20 interagency recommendations and the resolution of
21 disagreements relating to the contents of the county
22 interagency agreement or the performance by the parties of
23 their respective obligations under the agreement.

24 6. Assisting and directing the efforts of local
25 community support organizations and volunteer groups in
26 providing enrichment programs and other support services for
27 clients of local juvenile detention centers.

28 7. Providing an annual report and recommendations to
29 the district juvenile justice board, the Juvenile Justice
30 Accountability ~~Advisory~~ Board, and the district juvenile
31 justice manager.

1 Section 60. Subsection (4) of section 985.416, Florida
2 Statutes, is amended to read:

3 985.416 Innovation zones.--The department shall
4 encourage each of the district juvenile justice boards to
5 propose at least one innovation zone within the district for
6 the purpose of implementing any experimental, pilot, or
7 demonstration project that furthers the legislatively
8 established goals of the department. An innovation zone is a
9 defined geographic area such as a district, commitment region,
10 county, municipality, service delivery area, school campus, or
11 neighborhood providing a laboratory for the research,
12 development, and testing of the applicability and efficacy of
13 model programs, policy options, and new technologies for the
14 department.

15 (4) Program models for innovation zone projects
16 include, but are not limited to:

17 (a) A forestry alternative work program that provides
18 selected juvenile offenders an opportunity to serve in a
19 forestry work program as an alternative to incarceration, in
20 which offenders assist in wildland firefighting, enhancement
21 of state land management, environmental enhancement, and land
22 restoration.

23 ~~(b) A collaborative public/private dropout prevention~~
24 ~~partnership that trains personnel from both the public and~~
25 ~~private sectors of a target community who are identified and~~
26 ~~brought into the school system as an additional resource for~~
27 ~~addressing problems which inhibit and retard learning,~~
28 ~~including abuse, neglect, financial instability, pregnancy,~~
29 ~~and substance abuse.~~

30 ~~(c) A support services program that provides~~
31 ~~economically disadvantaged youth with support services, jobs,~~

1 ~~training, counseling, mentoring, and prepaid postsecondary~~
2 ~~tuition scholarships.~~

3 (b)~~(d)~~ A juvenile offender job training program that
4 offers an opportunity for juvenile offenders to develop
5 educational and job skills in a 12-month to 18-month
6 nonresidential training program, teaching the offenders skills
7 such as computer-aided design, modular panel construction, and
8 heavy vehicle repair and maintenance which will readily
9 transfer to the private sector, thereby promoting
10 responsibility and productivity.

11 ~~(e) An infant mortality prevention program that is~~
12 ~~designed to discourage unhealthy behaviors such as smoking and~~
13 ~~alcohol or drug consumption, reduce the incidence of babies~~
14 ~~born prematurely or with low birth weight, reduce health care~~
15 ~~cost by enabling babies to be safely discharged earlier from~~
16 ~~the hospital, reduce the incidence of child abuse and neglect,~~
17 ~~and improve parenting and problem-solving skills.~~

18 (c)~~(f)~~ A regional crime prevention and intervention
19 program that serves as an umbrella agency to coordinate and
20 replicate existing services to ~~at-risk children, first-time~~
21 ~~juvenile offenders~~ and, youth crime victims, ~~and school~~
22 ~~dropouts.~~

23 (d)~~(g)~~ An alternative education outreach school
24 program that serves delinquent repeat offenders between 14 and
25 18 years of age who have demonstrated failure in school and
26 who are referred by the juvenile court.

27 ~~(h) A drug treatment and prevention program that~~
28 ~~provides early identification of children with alcohol or drug~~
29 ~~problems to facilitate treatment, comprehensive screening and~~
30 ~~assessment, family involvement, and placement options.~~

31

