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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
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The Committee on Fiscal Policy (Simon) recommended the following:

Senate Substitute for Amendment (934982) (with title amendment)

Delete lines 1705 - 2583

and insert:

be contacted ~~If the department determines that placement in a shelter is necessary according to the provisions of subsection (1), the departmental representative shall authorize placement of the child in a shelter provided by the community specifically for runaways and troubled youth who are children in need of~~



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~~services or members of families in need of services and shall immediately notify the parents or legal custodians that the child was taken into custody.~~

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

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

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

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

~~(7) A child who is adjudicated a child in need of services~~



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~~or alleged to be from a family in need of services or a child in need of services may not be placed in a secure detention facility or jail or any other commitment program for delinquent children under any circumstances.~~

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

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

984.15 Petition for a child in need of services.—

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

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

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

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



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

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

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

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

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

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

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

(b) The parent, legal guardian, or ~~legal~~ custodian must give the department prior written notice of intent to file the petition. If, at the arraignment hearing, the court finds that such written notice of intent to file the petition was not



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provided to the department, the court shall dismiss the petition, postpone the hearing until such written notice is given, or, if the department agrees, proceed with the arraignment hearing. The petition must be served on the department's office of general counsel.

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

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

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

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

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

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

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

(7)~~(5)~~ The petitioner ~~department or the parent, guardian,~~



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~~or legal custodian~~ may withdraw a petition at any time before
~~prior to~~ the child is ~~being~~ adjudicated a child in need of
services.

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

984.151 Early truancy intervention; truancy petition;
judgment ~~prosecution; disposition.~~

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

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

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

(4) The petition must contain the following: the name, age,
and address of the student; the name and address of the
student's parent or guardian; the school where the student is
enrolled; the efforts the school has made to get the student to



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attend school in compliance with s. 1003.26; the number of out-of-school contacts between the school system and student's parent or guardian; and the number of days and dates of days the student has missed school. The petition shall be sworn to by the superintendent or his or her designee.

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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services.

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

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

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

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

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

(11) If a court takes action that directly involves a student's school, including, but not limited to, an order that a



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student attend school, attend school with his or her parent,
requiring the parent to participate in meetings, including
parent-teacher conferences, Section 504 plan meetings or
individualized education plan meetings to address the student's
disability, the office of the clerk of the court shall provide
notice to the school of the court's order.

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

984.17 Response to petition and representation of parties.—

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

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

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



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

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

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

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

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

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

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

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

(b) If a parent, legal ~~or~~ guardian, or custodian of the



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child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department or its provider has the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance is limited to the time reasonably necessary to obtain court authorization.

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

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

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



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assessment was not completed at an earlier time. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education pursuant to s. 1003.53.

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

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

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



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

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

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

(10) For the purpose of obtaining an evaluation or
examination or receiving treatment as authorized pursuant to
this section, no child ~~alleged to be or found to be a child from~~
~~a family in need of services or a child in need of services~~
shall be placed in a detention facility or other program used
primarily for the care and custody of children alleged or found
to have committed delinquent acts.

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



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for treatment provided.

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

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

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

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

(1) ARRAIGNMENT HEARING.—

(a) The clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing of the child in need of services petition. The court shall advise the child and the parent, legal guardian, or custodian of the right to counsel as provided in s. 984.07. ~~When a child has been taken into custody by order of the court, an arraignment hearing shall be held within 7 days after the date the child is taken into custody.~~ The hearing shall be held for the child and the parent,



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446 legal guardian, or custodian to admit, deny, or consent to
447 findings that a child is in need of services as alleged in the
448 petition. If the child and the parent, legal guardian, or
449 custodian admit or consent to the findings in the petition, the
450 court shall adjudicate the child a child in need of services and
451 proceed as set forth in the Florida Rules of Juvenile Procedure.
452 However, if either the child or the parent, legal guardian, or
453 custodian denies any of the allegations of the petition, the
454 court shall hold an adjudicatory hearing within a reasonable
455 time after the date of the arraignment hearing ~~7 days after the~~
456 ~~date of the arraignment hearing.~~

457 (b) The court may grant a continuance of the arraignment
458 hearing ~~When a child is in the custody of the parent, guardian,~~
459 ~~or custodian, upon the filing of a petition, the clerk shall set~~
460 ~~a date for an arraignment hearing within a reasonable time from~~
461 ~~the date of the filing of the petition. if the child or and the~~
462 ~~parent, legal guardian, or custodian request a continuance to~~
463 ~~obtain an attorney. The case shall be rescheduled for an~~
464 ~~arraignment hearing within a reasonable period of time to allow~~
465 ~~for consultation~~ admit or consent to an adjudication, the court
466 ~~shall proceed as set forth in the Florida Rules of Juvenile~~
467 ~~Procedure. However, if either the child or the parent, guardian,~~
468 ~~or custodian denies any of the allegations of child in need of~~
469 ~~services, the court shall hold an adjudicatory hearing within a~~
470 ~~reasonable time from the date of the arraignment hearing.~~

471 (c) If at the arraignment hearing the child and the parent,
472 legal guardian, or custodian consents or admits to the
473 allegations in the petition and the court determines that the
474 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(c),~~



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

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

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

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

(2) ADJUDICATORY HEARING.—

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



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

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

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

(3) DISPOSITION HEARING.—

(a) At the disposition hearing, ~~if the court finds that the facts alleged in the petition of a child in need of services were proven in the adjudicatory hearing,~~ the court shall receive



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and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the department or its provider.

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

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

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

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

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

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

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

7. The mental and physical health of the family.

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

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

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

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



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

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

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

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

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

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

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

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

(d) A copy of this predisposition study shall be furnished



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to the person having custody of the child at the time such person is notified of the disposition hearing.

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

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

(4) REVIEW HEARINGS.—

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

(b) The parent, legal guardian, or custodian and the child shall be noticed to appear for the review hearing. The department must appear at the review hearing. If the parent, legal guardian, or custodian does not appear at a review



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hearing, or if the court finds good cause to waive the child's presence, the court may proceed with the hearing and enter orders that affect the child and family accordingly.

~~(c)(b)~~ At the review hearings, the court shall consider the department's judicial review summary. The court shall close the case if the child has substantially complied with the case plans and court orders and no longer requires continued court supervision, subject to the case being reopened. Upon request of the petitioner, the court may close the case and relinquish jurisdiction. If the child has significantly failed to comply with the case plan or court orders, the child shall continue to be a child in need of services and reviewed by the court as needed. At review hearings, the court may enter further orders to adjust the services case plan to address the family needs and compliance with court orders, including, but not limited to, ordering the child placed in shelter, but no less than 45 days after the date of the last review hearing.

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

984.21 Orders of adjudication.—

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

~~(2) If the court finds that the child named in the petition is a child in need of services, but finds that no action other than supervision in the home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child and family under the supervision of the department. If the court~~



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~~later finds that the parent, guardian, or custodian of the child have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of the child in need of services, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.~~

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

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

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

984.22 Powers of disposition.—

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



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

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

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

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

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

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

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

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

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

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the



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

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

(4) ~~(5)~~ In carrying out the provisions of this chapter, the



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court shall order the child, family, parent, legal guardian, or custodian of a child who is found to be a child in need of services to participate in family counseling and other professional counseling activities or other alternatives deemed necessary to address the needs ~~for the rehabilitation~~ of the child and family.

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

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

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

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



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~~if:~~

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

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

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

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

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

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



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794 ~~3.(e)~~ The child has failed to successfully complete an
795 alternative treatment program or to comply with a court-ordered
796 services sanction and the child has been placed in a shelter
797 ~~residential program~~ on at least one prior occasion pursuant to a
798 court order after the child has been adjudicated a child in need
799 of services under this chapter.

800 (4) The court shall review the child's 90-day shelter
801 placement within 45 days after the child's placement and
802 determine whether continued shelter is deemed necessary. The
803 court shall also determine whether the parent, legal guardian,
804 or custodian has reasonably participated in the child's
805 counseling and treatment program, and is following the
806 recommendations of the program to work toward reunification. The
807 court shall also determine whether the department's
808 reunification efforts have been reasonable. If the court finds
809 an inadequate level of support or participation by the parent,
810 legal guardian, or custodian before the end of the shelter
811 commitment period, the court shall direct a staffing to take
812 place with the Department of Children and Families.

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



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

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

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

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



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

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

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



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881
882 ===== T I T L E A M E N D M E N T =====
883 And the title is amended as follows:
884 Delete lines 104 - 105
885 and insert:
886 and Families under certain circumstances; requiring a
887 court to refer a child to the Agency for Persons with