

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/CS/SB 1344

INTRODUCER: Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice;
Criminal Justice Committee; and Senator Simon

SUBJECT: Juvenile Justice

DATE: April 18, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	<u>Parker</u>	<u>Siples</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1344 amends numerous sections of ch. 984, F.S., concerning ungovernable, runaway and truant youth and prevention services. The bill clarifies the process for voluntary and court-ordered intervention services and aligns the language with current practices within the Department of Juvenile Justice (DJJ).

The bill renames ch. 984, F.S., the Children and Families in Need of Services; Prevention and Intervention for School Truancy and Ungovernable and Runaway Children. The bill provides that the purposes for this chapter are judicial, nonjudicial, and other procedures to address the status offenses of children who are truant from school, run away from their caregivers, or exhibit ungovernable behavior by refusing to follow the household rules of their caregivers and engage in behavior that places the child at risk of harm. Additionally, it is the purpose of this chapter to provide a court process for the limited purpose of early truancy intervention. Legislative intent is further revised to ensure that the child and family receive appropriate services and have access to representation by a trained advocate during court proceedings. The bill provides when a family is eligible for voluntary services, what services may be included, and the role of a case staffing committee and child study teams.

The bill provides that the circuit court has exclusive jurisdiction over judicial proceedings involving early truancy intervention, the court processes, and guidelines for the relinquishment of such jurisdiction. A child must be represented by counsel if a petition is filed alleging that he

or she is in need of services, or if he or she is subject to contempt proceedings. Guidelines for appointing counsel for an indigent child, waiving counsel, or enforcing the nonindigent parents or legal guardian of an indigent child to employ counsel are provided.

Additionally, the use of detention care or a secure detention facility intended for juvenile delinquents, or the use of a jail or similar facility is prohibited for a child under the jurisdiction of the court solely under ch. 984, F.S. A child who is held in direct or indirect contempt must be placed in shelter, and the bill provides guidance on the release of a child who has been taken into custody. The bill provides that a child taken into custody may be delivered to a hospital or public receiving facility when the child is suffering from a serious physical condition, mental illness crisis, or intoxication that threatens the safety of the child or others.

The bill may have an indeterminate workload impact on state and local governments. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Status Offenders

A status offense is a noncriminal act that is considered a violation of the law solely due to a youth's status as a minor. Offenses typically include truancy, running away from home, violating curfew, underage use of alcohol, and ungovernability.¹ Chapter 984, F.S., establishes the processes for providing status offenders with voluntary and involuntary intervention services, through court order. Voluntary family services to families in need must be by voluntary agreement of the parent or legal guardian and the child or pursuant to a court order.²

Family in Need of Services

The term "family in need of services" means a family that has a child who is running away; who is persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the DJJ, or an agency contracted to provide services to children in need of services. A family is not eligible to receive services if, at the time of the referral, there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under supervision by the DJJ or the Department of Children and Families (DCF) due to an adjudication of dependency or delinquency.³

¹ *Status Offender Literature Review*, Office of Juvenile Justice and Delinquency Prevention, available at https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/status_offenders.pdf (last visited March 21, 2025).

² *A Guide for Parents in Need*, Florida Network of youth and family services, available at https://floridanetwork.org/wp-content/uploads/2024/12/FN_Brochure_ENG_WITH-UPDATES_12.2.2023.pdf (last visited March 21, 2025).

³ Section 984.03(25), F.S.

Child in Need of Services

The term “child in need of services” means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the DJJ or the DCF for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

- To have persistently run away from the child’s parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child’s parents or legal custodians and the child in family mediation, services, and treatment offered by the DJJ or the DCF;⁴
- To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27, F.S., and through voluntary participation by the child’s parents or legal custodians and by the child in family mediation, services, and treatment offered by the DJJ or the DCF;⁵ or
- To have persistently disobeyed the reasonable and lawful demands of the child’s parents or legal custodians, and to be beyond their control despite efforts by the child’s parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.⁶

Custody

A child may be taken into custody by a law enforcement officer who reasonably believes that:

- The child has run away from his or her parent, guardian, or other legal custodian; and,
- The child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent or legal guardian for the purpose of delivering the child without unreasonable delay to the appropriate school system site.⁷

A child may also be taken into custody pursuant to a circuit court order or when the child voluntarily agrees to or requests services or placement in a shelter.

Shelter Placement

A child may be placed in a secure facility as punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has failed to comply with an alternative sanction. A delinquent child who has been held in contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility. Similarly, a child in need of services may be placed in a staff-secure shelter or staff-secure residential facility solely for children in need of services if placement is available. If placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment.⁸

⁴ Section 984.03(9)(a), F.S.

⁵ Section 984.03(9)(b), F.S.

⁶ Section 984.03(9)(c), F.S.

⁷ Section 984.13, F.S.

⁸ Section 984.09, F.S.

Truancy

Children 6 to 16 years of age are required to regularly attend school. A delinquent child that attains the age of 16 is no longer subject to compulsory school attendance if the child files a formal declaration of intent to terminate school enrollment with the district school board.

A student who is subject to compulsory school attendance and has 5 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 the child is referred to the child study team to determine if early patterns of truancy are developing and intervene.⁹

When a designated school representative finds a truant student, the representative must “return the student to the parent, to the principal or teacher in charge of the school, to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school.”¹⁰

If a school determines that a student subject to compulsory school attendance has had at least 5 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), F.S., 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.¹¹

The petition must be filed in the circuit court in which the student is enrolled in school¹² and, once filed, must be heard by the court within 30 days.¹³ The student and the student’s parent or guardian must attend the hearing.¹⁴

If the court determines that the student did miss any of the alleged days, the court must order the student to attend school and the parent to ensure that the student attend school. The court may also order any of the following:

- 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 the student’s parent or guardian to participate in homemaker or parent aide services;
- The student or the student’s parent or guardian to participate in intensive crisis counseling;
- The student or the student’s parent or guardian to participate in community mental health services if available and applicable;

⁹ Florida Department of Education, *Attendance & Enrollment Frequently Asked Questions*, available at <https://www.fldoe.org/how-do-i/attendance-enrollment.stml> (last visited on March 22, 2025).

¹⁰ Section 1003.26(3), F.S.

¹¹ Section 984.151, F.S.

¹² Section 984.151(2), F.S.

¹³ Section 984.151(5), F.S.

¹⁴ Section 984.151(6), F.S.

- The student and the student’s parent or guardian to participate in service provided by voluntary or community agencies as available; and,
- The student or the student’s parent or guardian to participate in vocational, job training, or employment services.¹⁵

Detention Intake

When a child is taken into custody by law enforcement under ch. 985, F.S., the DJJ must conduct a risk assessment to determine if the child should be placed in detention care. If the final score of the risk assessment indicates that detention care is not appropriate, the child may be released. If the final score indicates that detention care is appropriate, but the DJJ otherwise determines the child should be released, the DJJ must contact the state attorney who may authorize release.¹⁶

“Intake” means the initial acceptance and screening by the DJJ of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

- The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate;¹⁷
- The referral of the child to another public or private agency when appropriate¹⁸; and,
- The recommendation by the juvenile probation officer of judicial handling when appropriate and warranted.¹⁹

Canadian Prescription Drug Importation Program

In 2019, the Canadian Prescription Drug Importation Program was established within the Agency for Healthcare Administration to supply the state with quality prescription drugs at a lower cost than what may be available in the US market.²⁰

Eligible importers include pharmacists or wholesalers employed by or under contract with:

- AHCA’s central pharmacy, for distribution to county health departments or free clinics.
- A Medicaid pharmacy for dispensing to the pharmacy’s Medicaid recipients;
- The Department of Corrections for dispensing to inmates in the custody of the department;
- A developmental disability center for dispensing to clients treated in the center;
- A treatment facility under s. 394.455, F.S., for dispensing to patients treated in the center, and,
- A forensic facility managed by the Agency for Persons with Disabilities for dispensing to clients in the facility.

¹⁵ Section 984.151(7), F.S.

¹⁶ Section 985.25(1), F.S.

¹⁷ Section 984.03(28)(a), F.S.

¹⁸ Section 984.03(28)(b), F.S.

¹⁹ Section 984.03(28)(c), F.S.

²⁰ Section 381.02035, F.S.

III. Effect of Proposed Changes:

The bill makes several changes to ch. 984, F.S., concerning ungovernable, runaway, and truant youth and prevention services. This bill clarifies the process for voluntary and court ordered intervention services, and aligns the language with current practices within the DJJ.

Section 1

The bill renames ch. 984, F.S., to “Children and Families in Need of Services; Prevention and intervention for School Truancy and Ungovernable and Runaway Children.”

Section 2 – Purposes and intent

The bill amends s. 984.01, F.S., to provide judicial, nonjudicial, and other procedures to address the status offenses of children who are truant from school, run away from their caregivers, or exhibit ungovernable behavior by refusing to follow the household rules of their caregivers and engage in behavior that places the child at risk of harm, and to ensure due process through which children and other interested parties are assured fair hearings by a respectful and respected court and the recognition, protection, and enforcement of their constitutional and other legal rights.

Section 3 – Legislative intent for prevention and intervention

The bill amends s. 984.02, F.S., to revise the legislative intent for prevention and intervention to provide the children of this State with the following protections:

- Effective services or treatment to address physical, social, and emotional needs;
- Equal opportunity and access to quality and effective education which will meet the individual needs of each child and prepare the child for future employment, and to recreation and other community resources to develop individual abilities;
- Access to preventative services to provide the child and family the support of community resources to address the needs of the child and reduce the risk of harm or engaging in delinquent behavior;
- Court intervention only when necessary to address at-risk behavior before the behavior escalates into harm to the child or to the community through delinquent behavior;
- Access to representation by a trained advocate when court proceedings are initiated; and
- Supervision and services by skilled staff when temporary out of home placement is necessary.

Services to families shall be provided on a continuum of increasing intensity and participation by the parent, legal guardian or custodian, and child.

The bill permits the DJJ to develop and implement effective early prevention programs to address truancy and ungovernable and runaway behavior of a child, which place the child at risk of harm, and to allow for intervention before the child engages in a delinquent act.

Parents, custodians, and guardians are deemed by the state to be responsible for ensuring their children attend school and engage in education to prepare their children for their future.

The bill provides that it is the state's responsibility to make appropriate recommendations to address impediments of caretakers to fulfill their responsibilities through the provision of nonjudicial voluntary family services for families in need of services and through the child in need of services.

Section 4 – Definitions of terms used in Ch. 984, F.S.

The bill amends s. 984.03, F.S., to add, clarify, and remove definitions of the following terms as used in ch. 984, F.S.

- “Abandoned” or “abandonment” to have the same meaning as in s. 39.01(1), F.S.²¹
- “Abuse” to have the same meaning as in s. 39.01(2), F.S.²²
- “Adjudicatory hearing” to mean a hearing for the court to determine whether or not the facts support the allegations stated in the petition as provided for under s. 984.20(2), F.S., in child in need of services cases.
- “Authorized agent” or “designee” of the department to mean a person or agency assigned or designated by the DJJ to perform duties or exercise powers pursuant to this chapter and includes contract providers and subcontracted providers and their employees for purposes of providing voluntary family services, and providing court-ordered services and managing cases of children in need of services.
- “Child” or “juvenile” or “youth” to mean any unmarried person under the age of 18 who has not been emancipated by order of the court.
- “Child in need of services” to mean a child for whom there is no pending petition filed with the court alleging the child is delinquent under ch. 985, F.S., or court-ordered supervision by the DCF under ch. 39, F.S. The child must also, pursuant to this chapter, be found by the court:
 - To have persistently run away from the child's parents or legal guardians, or custodians despite reasonable efforts of the parents, legal guardians, or custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include participation by the child's parents, or legal guardian or custodians and the child in voluntary services, and treatment offered by the department or through its designated service provider.
 - To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27, F.S., and services offered by the department or its authorized agent or designated service provider; or

²¹ Section 39.01, F.S., defines “Abandoned” or “abandonment” to mean a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

²² Section 39.01(2), F.S., defines “Abuse” to mean any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

- To be ungovernable by having persistently disobeyed the reasonable and lawful rules and demands of the child's parents, legal guardians, or custodians, and to be beyond their control despite the child having the mental and physical capacity to understand and obey lawful rules and demands, and despite efforts by the child's parents, legal guardians, or custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in voluntary family services or individual services.
- "Custodian" to mean any adult person exercising actual physical custody of the child and who is providing food, clothing, and care for the child in the absence of a parent or legal guardian.
- "Disposition hearing" to mean a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 984.20(3), F.S., in child in need of services cases.
- "Early truancy intervention" means action taken by a school or school district pursuant to s. 1003.26, F.S., to identify a pattern of nonattendance by a student subject to compulsory school attendance at the earliest opportunity to address the reasons for the student's nonattendance, and includes services provided by the school or school district, or the department or its authorized agent pursuant to s. 984.11, F.S., and may include judicial action pursuant to s. 984.151, F.S., or s. 1003.27, F.S.
- "Family" to mean a collective body of persons, consisting of a child and a parent, legal guardian, adult custodian, or adult relative, in which:
 - The persons reside in the same house or living unit; or
 - The parent, legal guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.
- "Family in need of services" to mean a family that has a child who is running away; who is ungovernable an persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the DJJ, or an agency contracted to provide services to children in need of services. A family is not eligible to receive voluntary family services if, at the time of the referral, the child is currently under court-ordered supervision by the DCF for delinquency under ch. 985, F.S., or under court-ordered supervision by the DCF under ch. 39, F.S.
- "Intake" to mean the initial acceptance and screening by the DJJ or its designated service provider of a referral from early truancy intervention court, a school board, or school requesting services; a request for assistance from a parent or child; or a compliant, law enforcement report, or probable cause affidavit of a child's truancy, ungovernable behavior, or running away, on behalf of a family to determine the most appropriate course of action in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:
 - The disposition of the request for services, complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.
 - The referral of the child to another public or private agency when appropriate.
 - the recommendation by the assigned intake case manager of judicial handling when appropriate and warranted.

- “Habitual truant” has the same meaning as in s. 1003.01(12), F.S.²³
- “Licenses child-caring agency” means an agency licensed by the DCF pursuant to s. 409.175, F.S.²⁴
- “Needs assessment” to mean the gathering of information for the evaluation of a child’s physical, psychological, educational, vocational, and social condition and family environment related to the child’s need for services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, individual and family counseling, educational services, and other specialized services, as appropriate.
- “Neglect” has the same meaning as in s. 39.01(53), F.S.²⁵
- “Party” to mean the parent, legal guardian, or actual custodian of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child’s best interest, or the child has failed to appear for a proceeding after having been noticed.
- “Physically secure shelter” means a department-approved locked facility or locked unit within a facility for the care of a child adjudicated a child in need of services who is court ordered to be held pursuant to s. 984.226, F.S. A physically secure shelter unit shall provide 24-hour, continuous supervision. A physically secure shelter must be licensed by the DCF as a licensed child-caring agency.
- “Preventive services” to mean social services and other supportive and evaluation and intervention services provided to the child or the parent, legal guardian or custodian of the child for purpose of averting the removal of the child from the home or disruption of a family which will or could result in an adjudication that orders the placement of a child under dependency supervision or into the delinquency system. Social services and other supportive services may include the provision of assessment and screening services; individual group, or

²³ “Habitual truant” means a student who has 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student’s parent, is subject to compulsory school attendance under s. 1003.21 1003.21(1) and (2)(a), F.S., and is not exempt under s. 1003.21(3) or s. 1003.24, F.S., or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 1003.26 and 1003.27(3), F.S., without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of ch. 984, F.S.

²⁴ Section 409.175(2)(d), F.S., “Child-placing agency” means any person, corporation, or agency, public or private, other than the parent or legal guardian of the child or an intermediary acting pursuant to ch. 63, F.S., that receives a child for placement and places or arranges for the placement of a child in a family foster home, residential child-caring agency, or adoptive home.

²⁵ “Neglect” occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

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

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

Neglect of a child includes acts or omissions.

family counseling; specialized educational and vocational services; temporary voluntary shelter for the child; outreach services for children living on the street.

- “Reunification services” to mean social services and other supportive services provided to the child and the parent of the child, legal guardian of the child, or the custodian of the child, whichever is applicable, for the purpose of assisting a child who has been placed in temporary shelter care to return to his or her family at the most appropriate and effective time based on the presenting concerns at intake. Social services and other supportive services shall be consistent with the child’s need for a safe, continuous, and stable living environment and shall promote the strengthening of family life whenever possible.
- “Secure detention center or facility” to mean a physically restricting facility for the temporary care of children, pending adjudication of delinquency or disposition. A child subject to proceedings under this chapter or who is alleged to be dependent under ch. 39, F.S., but who is not alleged to have committed a delinquent act or violation of law, may not under any circumstances, be placed into a secure detention center or facility.
- “Shelter” to mean a department-approved shelter facility for the temporary care of runaway children placed for voluntary shelter respite upon request of the child or the child’s parent, legal guardian, or custodian or for placement of a child who has been adjudicated a child in need of services or who has been found in contempt of court under s. 984.09, F.S. Shelters must provide 24-hour continual supervision A shelter must be licensed by the DCF as a licensed child-caring agency.
- “Truancy petition” to mean a petition filed by the superintendent of schools under s. 984.151, F.S., for the purpose of early truancy intervention, alleging 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, or has had more than 15 unexcused absences in a 90-calendar-day period.
- “Truant status offender” to mean a child subject to the jurisdiction of the court under s. 957.151, F.S., who has been found by the court to be truant while subject to compulsory education. The court’s jurisdiction is limited to entering orders to require the child to attend school and participate in services to encourage regular school attendance. A truant status offender is not a delinquent child and may not be deemed to have committed a criminal or delinquent act.
- “Voluntary family services” to mean voluntary services provided by the department or an agency designated by the department or an agency designated by the department to a family that has a child who is running away; who is ungovernable by persistently disobeying reasonable and lawful demands of the parent, legal guardian, or custodian and is beyond the control of the parent, legal guardian, or custodian or who is a habitual truant or engaging in other serious behaviors that place the child at risk of future abuse, neglect, abandonment, or entering the juvenile justice system. The child must be referred to the DJJ or an agency designated by the department to provide voluntary services to families and children.

Section 5 - Early Truancy intervention; families in need of services and children in need of services

The bill amends s. 984.04, F.S., to provide that the DJJ shall be responsible for all nonjudicial proceedings involving family services for a family identified as a family in need of services. The circuit court shall have exclusive original jurisdiction of judicial proceedings involving early

truancy intervention. When the jurisdiction of any child found to be truant under s. 984.151, F.S., is obtained, the court may retain jurisdiction for up to 180 days. The court must terminate supervision and relinquish jurisdiction if the child has substantially complied with the requirements of early truancy intervention, is no longer subject to compulsory education, or is adjudicated a child in need of services under s. 984.21, F.S.

Jurisdiction of the circuit court shall attach to the case and parties to proceedings filed under s. 984.15, F.S., or s. 984.151, F.S., when the summons is served upon the child and a parent, legal guardian, or custodian, or when the parties personally appear before the court.

Section 6 – Oaths, records and confidential information

The bill amends s. 984.06, F.S., to expand the court’s record retention policy to apply to any proceeding under ch. 984, F.S., instead of just children in need of services, and provides that information obtained by the district superintendent, school board employees, and school employees are included under the protection of confidentiality.

Section 7 – Right to counsel

The bill amends s. 984.07, F.S., to provide that when a petition is filed alleging that a child is a child in need of services, the child must be represented by counsel at each court appearance unless the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and dispositional alternatives available to the court. If the child waives counsel at any proceeding, the court shall advise the child with respect to the right to counsel at every subsequent hearing.

A child in proceedings under s. 984.151, F.S., may have counsel appointed by the court if the court determines it is in the best interest of the child.

If the parents or legal guardians of an indigent child are not indigent but refuse to employ counsel, the court shall appoint counsel pursuant to s. 27.511, F.S., to represent the child until counsel is provided. Costs of representation must be imposed as provided by s. 57.082, F.S. Thereafter, the court may not appoint counsel for an indigent child with nonindigent parents or legal guardian but shall order the parents or legal guardian to obtain private counsel.

A parent or legal guardian of an indigent child who has been ordered to obtain private counsel for the child and who willfully fails to follow the court order shall be punished by the court in civil contempt proceedings.

An indigent child may have counsel appointed pursuant to ss. 27.511 and 57.082, F.S., if the parents or legal guardian have willfully refused to obey the court order to obtain counsel for the child and have been punished by civil contempt. Costs of representation must be imposed as provided by s. 57.082, F.S.

If the court makes a finding that nonindigent parents have made a good faith effort to participate in services and remediate the child’s behavior, but despite their good faith efforts, the child’s

truancy, ungovernable behavior, or runaway behavior has persisted, the court may appoint counsel to represent the child as provided in s. 27.511, F.S.

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

This section does not preclude the court from requesting reimbursement of attorney fees and costs from the nonindigent parent and legal guardian.

The court may appoint an attorney to represent a parent or legal guardian under this chapter only upon a finding that the parent or legal guardian is indigent pursuant to s. 57.082, F.S. If an attorney is appointed, the parent or legal guardian shall be enrolled in a payment plan pursuant to s. 28.246, F.S.

Section 8 – Resources and information

The bill amends s. 984.071, F.S., to remove the DCF and the DOE from the requirements of developing an informative publication about children and families in need of services. The bill provides that the information guide shall be published in a written format for distribution and shall also be published on the DJJ'S website. The DOE and the DCF must each post the department's information guide on their respective websites.

Section 9 – Repeals ss. 984.08 and 984.085, F.S.

The bill repeals s. 984.08, related to attorney's fees, and s. 984.085, F.S., related to unmarried minors.

Section 10 – Prohibited use of detention

The bill creates s. 984.0861, F.S., to provide that a child under the jurisdiction of the court pursuant to this chapter may not be placed in:

- Any form of detention care intended for the use of alleged juvenile delinquents as authorized under ch.985, F.S., for any purpose.
- A secure detention facility authorized for use under ch. 986, F.S., for any purpose.
- Any jail or other similar facility used for the purpose of detention or confinement of adults, for any purpose.

Section 11 – Punishment for contempt of court

The bill amends s. 984.09, F.S., to provide that it is the intent of the Legislature that the court restrict and limit the use of contempt powers and prohibit the use of detention care and detention facilities as set forth in s. 984.0861, F.S.²⁶

²⁶ Section 984.0861, F.S.

A child adjudicated as a child in need of services may be placed solely in a shelter for purposes of punishment for contempt of court only if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction. Such shelter must be operated by or contracted with the DJJ.

A child subject to proceedings under s. 984.151, F.S., who has been held in direct contempt or indirect contempt may only be placed, for five days for a first offense or 15 days for a second or subsequent offense, in a shelter operated by or under contract with the DJJ for such services if a shelter bed is available. Upon a second or subsequent finding of contempt under this section, the court must refer the child to the case staffing committee with a recommendation to file a child in need of services petition.

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

If after the hearing, the court determines the child has committed indirect contempt of a valid court order, the court may impose an alternative sanction or may proceed with placement in a secure facility. If the court orders shelter placement of a child in need of services, the court shall review the matter every 72 hours to determine whether it is appropriate for the child to remain in the facility.

Section 12 – Intake

The bill amends s. 984.10, F.S., to provide that a case manager be assigned by the designated provider at intake and requires the case manager to request consent for services and interagency information sharing from the parent, legal guardian, or custodian.

Section 13- Services to families

The bill amends s. 984.11, F.S., to provide that the DJJ or its designated service provider shall provide an array of voluntary family services aimed toward remediating school truancy, homelessness, and runaway and ungovernable behavior by children. The bill provides that the parent is responsible for using health care insurance to the extent it is available for the provision of health services.

A family is not eligible to receive voluntary family services, if, at the time of the referral, the child is under court-ordered supervision by the DJJ for delinquency under ch. 985, F.S., or under court ordered supervision by the DCF under ch. 39, F.S. A child who has received a prearrest delinquency citation, or is receiving delinquency diversion services, may receive voluntary family services.

The bill provides that if there is a pending investigation into an allegation of abuse, neglect or abandonment, the child may be eligible for voluntary family services if the DCF agrees to the provision of services and makes a referral.

Section 14 – Case staffing; services and treatment related to a family in need of services

The bill amends s. 984.12, F.S., to provide that the DJJ shall request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services require the child and parent, legal guardian or custodian be invited to attend. A case staffing committee meeting must be convened within 30 days after the case is referred by the court.

The case staffing committee shall:

- Identify the family's concerns and contributing factors;
- Request the family and child to identify their needs and concerns;
- Seek input from the school district and other persons in attendance with knowledge of the family or child's situation and concerns;
- Consider the voluntary family services or other community services that have been offered and the results of those services;
- Identify whether truancy is a concern and the efforts made by the child study team to remedy the truancy; and
- Reach a timely decision to provide the child or family with services and recommend any appropriate treatment through the development of a plan for services.

A broad permission is given to any member of the case staffing committee to convene a meeting is clarified to include when the services in the plan are rejected or there is no progress. The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 15 – Taking a child into custody

The bill amends s. 984.13, F.S., to provide that a child may be taken into custody:

- By a law enforcement officer when the officer has reasonable grounds to believe that the child has run away from his or her parents, legal guardian, or custodian;
- By designated school representative or a law enforcement officer when the officer has reasonable grounds to believe the child is absent from school without authorization;
- Pursuant to a court order based on sworn testimony *after* a child in need of services petition is filed;
- Pursuant to a court order that the child has been found guilty of contempt under this chapter; and ,
- By a law enforcement officer when the child agrees to or requests services.

The person taking the child into custody shall:

- Release the child to a parent, legal guardian, custodian or responsible adult relative and make full report to the department's authorized agent for families in need of services within 3 days after release; or
- Deliver the child to a shelter when:
 - The parent or guardian is unavailable to take immediately custody;
 - The child has requested voluntary family services and shelter placement;
 - A court order for shelter placement has been issued; or,

- The child and parent, legal guardian, or custodian voluntarily agree that the child is in need of temporary shelter placement and such placement is necessary to provide a safe place for the child to remain until the parents and child can agree on conditions for the child's safe return home.
- Deliver the child to a hospital for necessary evaluation and treatment if the child is believed to be suffering from a serious physical condition which requires either diagnosis or treatment.
- Deliver the child to a designated public receiving facility as defined in s. 394.455, F.S., for examination under s. 394.463, F.S., if the child is believed to be mentally ill, including immediate threat of suicide as provided in s. 394.463(1), F.S.
- Deliver the child to a hospital, addictions receiving facility, or treatment resource if the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse.

Section 16 – Voluntary shelter services

The bill amends s. 984.14, F.S., to provide that the department shall provide temporary voluntary shelter services for the purpose of offering a safe environment that provides 24-hour care and supervision, referrals for services as needed, education at the center or off site, and counseling services for children.

If a child is sheltered due to being a runaway, or a parent, legal guardian, or custodian is unavailable, the DJJ's designated shelter shall immediately attempt to make contact with the parent, legal guardian, or custodian to advise the family of the child's whereabouts, determine if the child can safely return home, or determine if the family is seeking temporary voluntary shelter services until the family can arrange to take the child home. If the parent, legal guardian, or custodian cannot be located within 24 hours, the DCF shall be contacted.

Section 17 – Petition for a child in need of services

The bill amends s. 984.15, F.S., to provide that courts must check for both withholds of adjudication and adjudication of dependency or delinquency in its determination for legal sufficiency of a petition for a child in need of services. Provides that the DJJ must file the petition for a child in need of services as soon as practicable, removing the deadline of 45 days.

Section 18 – Early truancy intervention

The bill amends s. 984.151, F.S., to provide that 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, with a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-day calendar-day period pursuant to s. 1003.26(1)(b), F.S., or has had more than 15 unexcused absences in a 90-day calendar period, the superintendent of schools or his or her designee may file a truancy petition seeking early truancy intervention.

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, shall order the student to attend school, and shall order the parent, legal guardian, or custodian to ensure that the student attends school. The court's power 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 may order any of the following services:

- The student to participate in attendance at alternative classes;
- The student's parent, legal guardian, or custodian to participate in parenting classes;
- The student or the student's parent, legal guardian or custodian to participate in individual, group, or family counseling;
- The student or the student's parent, legal guardian, or custodian to participate in community mental health services or substance abuse treatment services if available and applicable;
- The student and the student's parent, legal guardian, or custodian to participate in services provided by state or community agencies, if appropriate, including services for families in need of services as provided in s. 984.11, F.S.;
- 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;
- 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
- The student or the student's parent, legal or guardian, or custodian to participate in vocational or job training.

If the student substantially complies with compulsory school attendance, the court shall close the truancy case.

If the student does not substantially comply with compulsory school attendance and court-ordered services required 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 designated service provider for review by the case staffing committee under s. 984.12, F.S., with a recommendation to file a petition for child in need of services s. 984.15, F.S. The court shall review the case not less than every 45 days to determine if the child is in substantial compliance with compulsory education or if the case should be referred to the case staffing committee.

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

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, F.S.

The court may not order a child placed in shelter pursuant to this section unless the court finds the child in contempt for violation of a court order under s. 984.09, F.S.

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, F.S., two or more times shall be

referred to the case staffing committee under s. 984.12, F.S., with a recommendation that the committee file a petition for a child in need of services.

The clerk of the circuit court shall 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 designated child in need of services provider.

Section 19 – Process and service for child in need of services petitions

The bill amends s. 984.16, F.S., providing that if a court takes action that directly involves a student's school, including but not limited to, an order that a student attend school, attend school with his or her parent, or an order that the parent participate in meetings, including parent-teacher conferences, Sections 504 plan meetings, or individualized education plan meetings to address the student's disability, the office of the clerk of the circuit court shall provide notice to the school of the court's action.

Section 20 – Response to petition and representation of parties

The bill amends s. 984.17, F.S., to specify when a guardian ad litem may be appointed for a child and revise provisions concerning representation of the department in which a child is alleged to be in need of services.

Section 21 – Repeal of s. 984.18, F.S.

The bill repeals s. 984.18, F.S., related to referral of child in need of services cases to mediation.

Section 22 – Medical screening and treatment of child

The bill amends s. 984.19, F.S., to provide that an authorized agent of the DJJ may have a medical screening provided for a child placed in shelter care, revising provisions concerning consent for medical care for a child in the care of the department.

Section 23 – Hearings

The bill amends s. 984.20, F.S., to provide that 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, F.S.

Arraignment Hearing

- The court may grant a continuance of the arraignment hearing if the child or the parent, legal guardian, or custodian request a continuance to obtain an attorney and legal counsel requests a continuance. The case shall be rescheduled for an arraignment hearing within a reasonable period of time to allow for consultation.
- Failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the child in need of services petition. The document containing the notice to respond or appear must contain, in type as large as the balance of the document.

- If a person appears for 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, then that person's failure to appear for the scheduled adjudicatory hearing constitutes consent to a child in need of services adjudication.
- 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.

Disposition Hearing

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

Review Hearing

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 towards compliance with the court orders and monitoring by the case manager. No longer than 90 days may elapse between judicial review hearings.

The parent, legal guardian, or custodian and the child shall be noticed to appear for the review hearing. The DJJ shall appear at the review hearing. If the child or parent, legal guardian, or custodian does not appear at a review hearing, the court may proceed with the hearing and enter orders that affect the child and family accordingly. The child's presence may be waived by the court if the court finds good cause to do so. The court shall consider the department's judicial review summary. Upon request of the petitioner, the court may close the case and relinquish jurisdiction.

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.

Section 24 – Orders of Adjudication

The bill amends s. 984.21, F.S., to provide that an order of adjudication by a court that a child is in need of services is a civil adjudication and not a conviction.

Section 25 – Powers of disposition

The bill amends s. 984.22, F.S., to provide that the disposition order may order the child to be placed in shelter or physically secure shelter. The bill repeals a provision that allows the DJJ to collect fees.

Section 26 - Powers of disposition; placement in a shelter

The bill amends s. 984.225, F.S., to provide that the court may order that a child adjudicated as a child in need of services be placed in shelter for the purpose of enforcing 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 court shall receive education commensurate with his or her grade level and educational ability. The DJJ, or the department's authorized services provider, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized representative 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.

The court shall order the parent, legal guardian, or custodian to cooperate with efforts to reunite the child with the family 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.

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.

- The court may order any child adjudicated a child in need of services to be placed in shelter for up to 35 days.
- After other alternative, less restrictive remedies have been exhausted, the child may be placed in shelter for up to 90 days if:
 - The child's parent, legal guardian, or 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 custodian;
 - The child refuses to remain under the reasonable care and custody of the parent, legal guardian, or custodian, as evidenced by repeatedly running away from failing to comply with a court order; or
 - The child has failed to successfully complete an alternative treatment program or to comply with court-ordered services and the child has been placed in a shelter on at least one prior occasion pursuant to a court order after the child has been adjudicated a child in need of services.

The court shall review the child's 90-day shelter placement not less than every 45 days to determine if continued shelter is deemed necessary. The court also shall determine whether the parent, legal guardian, or custodian has reasonably participated in the child's counseling and treatment program and is following the recommendations of the program to work toward reunification. The court shall also determine whether the department's reunification efforts have been reasonable. If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the shelter commitment period, the court shall direct a staffing to take place with the DCF.

If the child requires residential mental health treatment or residential care for a developmental disability, the court shall refer the child to the APD or the DCF for the provision of necessary services.

Section 27 – Physically secure setting

The bill amends s. 984.226, F.S., to:

- Authorize the DJJ to contract for physically secure settings;
- Require exhaustion of less restrictive placements before a child may be placed in a physically secure shelter;
- Provide time limits on secure shelter orders;
- Revise provisions concerning review of secure shelter placements. It is the intent of the legislature that physically secure shelter placement be used only when the child cannot receive appropriate and available services due to the child running away or refusing to cooperate with attempts to provide services in other less restrictive placements. The court shall review the child's placement once within every 45 days to determine if the child can be returned home with the provision of ongoing services;
- Provide for the transfer to other shelter placements. The court may order that the child be transitioned from a physically secure shelter setting to a shelter placement as provided in s. 984.225, F.S., upon a finding that the physically secure setting is no longer necessary to ensure the child's safety and provide needed services;
- Require a staffing take place with the DCF in certain circumstances; and
- Provide for the referral of a child to the Agency for Persons with Disabilities in certain circumstances. If the child requires long-term residential mental health or residential care for a developmental disability, the court shall transfer custody of the child to the DCF or the Agency for Persons with Disabilities for the provision of necessary services. The clerk of the circuit court shall serve the DCF or Agency for Person with Disabilities with any court order of referral.

Section 28 – Transfers and renumbers statutes

The bill transfers s. 985.731, F.S., and renumbers the section as s. 787.035, F.S.

Section 29 – Amends definition

The bill amends s. 985.03, F.S., to revise the definition of the term “child who has been found to have committed a delinquent act” to mean a child who, under this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition does not include an act constituting contempt of court arising out of a proceeding under ch. 984, F.S.

Section 30 – Use of detention

The bill amends s. 985.24, F.S., to prohibit placement of a child subject to certain proceedings into secure detention care. A child who is alleged to be dependent under ch. 39, F.S., or any child subject to proceedings under ch. 984, F.S., who is not alleged to have committed a delinquent act or violation of law, may not, under any circumstances, be placed into secure detention care.

Section 31 – Enforcement of school attendance

The bill amends s. 1003.26, F.S., to:

- Provide that the child study team may allow the parent to attend the child study team meeting virtually or by telephone if the parent is unable to attend the meeting in person.
- Provide that if the parent, legal guardian, or custodian or child fails to attend the child study team meeting, the meeting shall be held in his or her absence, and the child study team shall make written recommendations to remediate the truancy, based upon the information available to the school. The recommendations shall be provided to the parent within seven days after the child study team meeting. If the initial meeting does not resolve the problem, the child study team shall take further specified action including:
 - Attempt to determine the reasons the child is truant from school and provide remedies if available or refer the family to services, including referring the family for available scholarship options if bullying is an issue of concern.
- Revise provisions concerning required notice of a child's enrollment or attendance issues. Under the direction of the district school superintendent, a designated school representative must provide written notice in person or by return-receipt mail to the parent, legal guardian, or custodian, requiring the child's enrollment or attendance within three days after the date of the notice, when no valid reason is found for a student's nonenrollment in school if the child is under compulsory education requirements, and is not exempt.
- Revise provisions concerning the return of a student to a parent or other party in certain circumstances where the parent, legal guardian, or custodian cannot be located or is unavailable, the child must be referred to the DJJ designated shelter services provider.
- Provide that if a student is subject to compulsory school attendance, is responsive to the interventions described above and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the student may not be determined to be a habitual truant and shall be promoted.

Section 32 – Court procedures and penalties

The bill amends s. 1003.27, F.S., to:

- Revise reporting requirements for reports by school principals to school boards concerning minor students who accumulate 15 unexcused absences in a period of 90 calendar days.
- Require school board action and provide for remedial actions for failure to comply.
 - Reports shall be made to the district school board at the end of each quarter. The school board shall verify the school's reporting of more than 15 absences within a 90-day period. The district school board shall verify the school has complied with the requirement of remediating truancy at the school level or pursuing appropriate court interventions. Any school not meeting the requirements shall provide a remedial action plan to the school board within 90 days after noncompliance to confirm all truancy cases have been addressed through either remedial efforts that achieved the child's enrollment and regular attendance or referring the case to the appropriate court or agency for court intervention.
- Revise provisions concerning habitual truancy cases, cooperative agreements, and habitually truant students.
- Revise who may begin certain proceedings and prosecutions.

Section 33 – Canadian Prescription Drug Importation Program

The bill amends s. 381.02035, F.S., to authorize pharmacists employed by the DJJ to import drugs from Canada under specified programs.

Section 34 – Use of BB guns, air or gas-operated guns or electric weapons or devices by minor under 16

The bill amends s. 790.22, F.S., to revise provisions concerning the treatment of a finding that a minor violated specified provisions, regardless of whether adjudication occurred or was withheld, for purposes of determining whether a prior offense was committed.

Section 35 – Prearrest delinquency citation programs

The bill amends s. 985.12, F.S., to remove the provision that the DJJ annually develop and produce best practice models for prearrest delinquency citation programs.

Section 36 – Prearrest and postarrest diversion programs; data collection; denial of participation or expunged record

The bill amends s. 985.126, F.S., to revise the requirements for a quarterly report on prearrest citation programs.

Section 37 – Detention Intake

The bill amends s. 985.25, F.S., to provide for supervised release or detention of a child despite the child's risk assessment score in certain circumstances. The bill also limits the number of categories that a child may be moved. A child may only be moved one category in either direction within the risk assessment instrument and release is not authorized if it would cause the child to be moved more than one category.

Section 38 – Disposition hearings in delinquency cases

The bill amends s. 985.433, F.S., to require that a child be placed on conditional release rather than probation following discharge from commitment.

Section 39 – Repeals s. 985.625, F.S.

The bill repeals s. 985.625, F.S., relating to literacy programs for juvenile offenders.

Section 40 – Quality improvement and cost-effectiveness

The bill amends s. 985.632, F.S. to remove provision for development of cost-effectiveness model and application of the model to each commitment program.

Sections 41-46

The bill provides conforming changes to ss. 95.11, 409.2564, 419.001, 744.309, 784.075, and 985.618, F.S., respectively.

Section 47

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate workload impact on state government expenditures to the extent it redirects additional status offenders to CINS/FINS programs. The DJJ has

indicated the bill may increase CINS/FINS utilization and associated workload for circuit courts.²⁷

The DCF has indicated that any impact on administrative workload of the department or to CINS/FINS program services delivered by Community Based Care lead agencies can be absorbed within existing resources. Any initial impacts to the DJJ or the courts as a result of the bill can likely also be absorbed within existing resources, and potential future needs could be addressed through the Agency Legislative Budget Request process.

The bill would ensure federal compliance with the deinstitutionalization of the status offenders requirement set forth in the Juvenile Justice and Delinquency Prevention Act. While there have been only isolated cases of a judge ordering detention for contempt of court in status offense proceedings, the prohibition on detention for status offenses the bill places throughout ch. 984, F.S., would make it explicitly clear.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 984.01, 984.02, 984.03, 984.04, 984.06, 984.07, 984.071, 984.09, 984.10, 984.11, 984.12, 984.13, 984.14, 984.15, 984.151, 984.16, 984.17, 984.19, 984.20, 984.21, 984.22, 984.225, 984.226, 985.731, 787.035, 985.03, 985.24, 1003.26, 1003.27, 381.02035, 790.22, 985.12, 985.126, 985.25, 985.433, 985.632, 95.11, 409.2564, 419.001, 744.309, 784.075, and 985.618.

This bill creates section 984.0861 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 984.08, 984.085, 984.18, and 985.625.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Fiscal Policy on April 17, 2025:

The committee substitute:

²⁷ Department of Juvenile Justice, Agency Analysis of 2025, p. 19-20 (on file with the Senate Committee on Criminal Justice).

²⁸ *Id.* at p. 20-21 (on file with the Senate Committee on Criminal Justice).

- Provides that for a runaway child that is voluntarily staying at a shelter, if the shelter is unable to get in contact with the child's parent, legal guardian or custodian within 24 hours, then the DCF must be contacted. Custody is not transferred immediately.
- Provides that a child adjudicated as a child in need of services, that requires residential mental health treatment or residential treatment for a developmental disability, the court shall refer the child to the APD or the DCF for services rather than transferring custody.
- Removes the provision requiring the clerk of court to serve the APD or the DCF with any court order of referral.

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 10, 2025:

The committee substitute:

- Incorporates clarifying language over multiple sections relating to DJJ-DCF interaction.
- Adds the language "dependent child" under court-ordered supervision by the DCF under ch. 39, F.S.
- Clarifies that "child caring agencies" must be licensed under the DCF.
- Requires the court to order a staffing take place with the DCF when there is a finding of an inadequate level of participation by the parent, legal guardian, or custodian of a child in shelter before the end of the shelter commitment period.
- Makes technical and clarifying changes.

CS by Criminal Justice on March 25, 2025:

The committee substitute:

- Incorporates technical and clarifying changes.
- Clarifies provisions related to appointment of counsel and the indigent status of the child.
- Provides that a family is not eligible for voluntary family services if at the time of the referral the child is under court-ordered supervision.
- Provides that a child may be eligible for voluntary services if there is a pending DCF investigation.
- Requires a written report within 3 days of a child's release from custody to a parent, legal guardian or custodian.
- Provides when a child may be delivered to a shelter designated by the department.
- Provides that a child may be delivered to a hospital for evaluation and treatment if it is reasonably believed that the child is suffering from a physical condition requiring a need for treatment, is intoxicated, or in need of treatment for suicide prevention.
- Removes provision limiting the court's power to enter orders to require a student to attend school as a form of early truancy intervention.
- Provides that a student may not be determined to be habitually truant if the student has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
