

By the Committee on Criminal Justice; and Senator Simon

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A bill to be entitled  
An act relating to juvenile justice; renaming ch. 984, F.S.; amending s. 984.01, F.S.; revising the purposes and intent of ch. 984, F.S.; amending s. 984.02, F.S.; revising the legislative intent for prevention and intervention; amending s. 984.03, F.S.; providing and revising definitions; amending s. 984.04, F.S.; deleting legislative intent; revising requirements for early truancy intervention; amending s. 984.06, F.S.; revising provisions concerning preservation of records and confidential information; amending s. 984.07, F.S.; providing for appointment of counsel in certain circumstances; providing for payment of counsel; providing for imposition of costs of appointed counsel on nonindigent parents in certain circumstances; providing for appointment of counsel to represent a parent or guardian in certain circumstances; amending s. 984.071, F.S.; revising provisions concerning production of an information guide concerning juvenile procedures; requiring specified departments to post the information guide on their websites; repealing s. 984.08, F.S., relating to attorney fees; repealing s. 984.085, F.S., relating to sheltering and aiding unmarried minors; creating s. 984.0861, F.S.; prohibiting the use of detention for specified purposes; amending s. 984.09, F.S.; revising provisions for a child's punishment for contempt of court; limiting periods for placement for direct contempt or indirect contempt; revising procedures for

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procedure and due process; amending s. 984.10, F.S.;  
authorizing an authorized agent of the Department of  
Juvenile Justice to perform intake; revising  
provisions concerning referrals for service; requiring  
the abuse hotline to be contacted in certain  
circumstances; authorizing a child to remain in  
custody in certain circumstances; amending s. 984.11,  
F.S.; requiring that an array of voluntary family  
services be available to remediate specified problems;  
providing that certain families are not eligible for  
voluntary family services; providing eligibility for  
children in certain circumstances if the Department of  
Children and Families agrees; providing for an  
interagency agreement to govern such referrals;  
amending s. 984.12, F.S.; requiring parents to use  
health care insurance to the extent that it is  
available; deleting provisions concerning collection  
of fees; amending s. 984.13, F.S.; authorizing that a  
child be taken into custody pursuant to a finding of  
contempt; specifying placement a child taken into  
custody in specified circumstances; revising the  
duties of a person taking a child into custody;  
amending s. 984.14, F.S.; revising provisions  
concerning voluntary shelter services and placement of  
children in such services; deleting provisions  
concerning involuntary placement in a shelter;  
amending s. 984.15, F.S.; revising requirements for  
petitions for a child in need of services; amending s.  
984.151, F.S.; providing for early truancy

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intervention; providing for additional services to be ordered if a student is found to be a truant status offender; revising provisions concerning compliance; providing for applicability in cases in which a student is found to be a child in need of services; providing for retention of jurisdiction by courts; providing an exception; providing for service of court orders on specified entities; amending s. 984.16, F.S.; requiring that a student's school receive notice of certain actions by courts; amending s. 984.17, F.S.; specifying when a guardian ad litem may be appointed; revising provisions concerning representation of the Department of Juvenile Justice in cases in which a child is alleged to be in need of services; repealing s. 984.18, F.S., relating to referral of child-in-need-of-services cases to mediation; amending s. 984.19, F.S.; providing that an authorized agent of the department may have a medical screening performed on a child placed in shelter care; revising provisions concerning consent for medical care for a child in the care of the department; amending s. 984.20, F.S.; revising provisions for hearings in child in need of services cases; providing that the 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; requiring a specified notice in such petitions; amending s. 984.21, F.S.; specifying that an order of adjudication by a court that a child is a

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child in need of services is a civil adjudication and not a conviction; deleting provisions allowing a court to withhold an adjudication that a is child in need of services in certain cases; amending s. 984.22, F.S.; conforming provisions to changes made by the act; deleting provisions on the deposit of fees received; amending s. 984.225, F.S.; revising when a child in need of services may be placed in a shelter; revising placement procedures; providing for counseling orders; specifying the effect of a placement the legal responsibilities of a parent, guardian, or custodian; providing limits for shelter stays; deleting provisions concerning exhaustion of less restrictive alternatives; providing for periodic review of placements; providing for transfer of a child to the Department of Children and Families in certain circumstances; authorizing transfer to the custody of the Agency for Persons with Disabilities in certain circumstances; amending s. 984.226, F.S.; authorizing contracting for physically secure shelters; deleting provisions on representation in certain proceedings; requiring exhaustion of less restrictive placements before a child may be placed in a physically secure shelter; providing a time limit on secure shelter orders; proving legislative intent; revising provisions concerning review of secure shelter placements; providing for transfer to shelter placements in certain circumstances; requiring a child to be transferred to the Department of Children and

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Families in certain circumstances; providing for the transfer of a child to the Agency for Persons with Disabilities in certain circumstances; transferring and renumbering s. 985.731, F.S. as s. 787.035, F.S., relating to offenses concerning providing sheltering unmarried minors and aiding unmarried minor runaways; providing criminal penalties; amending s. 985.03, F.S.; revising the definition of the term "child who has been found to have committed a delinquent act"; amending s. 985.24, F.S.; prohibiting placement of a child subject to certain proceedings into secure detention care; amending s. 1003.26, F.S.; authorizing that certain meetings with parents may be conducted virtually or by telephone; providing for child study team meetings in the absence of a parent, legal guardian, or custodian or child; revising interventions by such team; providing for promotion of a child who is responsive to intervention and meets specified requirements; revising provisions concerning required notice of a child's enrollment or attendance issues; revising provisions concerning returning a student to a parent or other party in certain circumstances; amending s. 1003.27, F.S.; revising reporting requirements for reports by school principals to school boards concerning minor students who accumulate more than a specified number of absences; requiring actions by school boards; providing for remedial actions for failure to comply; revising provisions concerning habitual truancy cases;

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revising provisions concerning cooperative agreements;  
revising who may begin certain proceedings and  
prosecutions; deleting a provision concerning a civil  
penalty for students; revising provisions concerning  
truant students; amending s. 381.02035, F.S.;  
authorizing pharmacists employed by the Department of  
Juvenile Justice to import drugs from Canada under a  
specified program; amending s. 790.22, F.S.; revising  
provisions concerning the treatment of a finding that  
a minor violated specified provisions, regardless of  
whether adjudication was withheld, for the purposes of  
determining whether a prior offense was committed;  
amending s. 985.12, F.S.; deleting a requirement that  
the Department of Juvenile Justice annually develop  
and produce best practice models for prearrest  
delinquency citation programs; amending s. 985.126,  
F.S.; revising the requirements for a quarterly report  
on prearrest citation programs; amending s. 985.25,  
F.S.; providing for supervised release or detention of  
a child despite the child's risk assessment score in  
certain circumstances; limiting the number of  
categories that a child may be moved; amending s.  
985.433, F.S.; requiring that a child be placed on  
conditional release rather than probation following  
discharge from commitment; repealing s. 985.625, F.S.,  
relating to literacy programs for juvenile offenders;  
amending s. 985.632, F.S.; deleting a provision  
regarding development of a cost-effectiveness model  
and application of the model to each commitment

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program; amending ss. 95.11, 409.2564, 419.001, 744.309, 784.075, and 985.618, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Chapter 984, Florida Statutes, entitled "Children and Families in Need of Services," is renamed "Children and Families in Need of Services; Prevention and Intervention for School Truancy and Ungovernable and Runaway Children."

Section 2. Section 984.01, Florida Statutes, is amended to read:

984.01 Purposes and intent; personnel standards and screening.—

(1) The purposes of this chapter are:

(a) 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 ~~assure~~ due process through which children and other interested parties are assured fair hearings by a respectful and respected court ~~or other tribunal~~ and the recognition, protection, and enforcement of their constitutional and other legal rights, ~~while ensuring that public safety interests and the authority and dignity of the courts are adequately protected.~~

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(b) To provide for the care, safety, and protection of children in an environment that cultivates ~~fosters~~ healthy social, emotional, intellectual, and physical development; to ensure the safety of children ~~secure and safe custody~~; and to promote the education, health, and well-being of all children under the state's care.

(c) To provide ~~ensure the protection of society, by providing for a~~ needs ~~comprehensive standardized~~ assessment of the child's needs, strengths, and family dynamics so that the most appropriate services ~~control, discipline, punishment, and treatment~~ can be provided in the most appropriate environment ~~administered~~ consistent with the ~~seriousness of the act~~ committed, the community's long-term need for public safety and the safety of the individual child, with consideration given to the education and overall well-being, the prior record of the child, and the specific rehabilitation needs of the child, while also providing restitution, whenever possible, to the victim of the offense.

(d) To preserve and strengthen the child's family ties whenever possible; provide for temporary shelter placement of the child only when necessary for the child's education, safety, and welfare and when other less restrictive alternatives have been exhausted; provide, ~~by providing for removal of the child from parental custody only when his or her welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when the child is removed from his or her own family, to secure custody, care, and education; encourage self-discipline; and increase protective factors when the child is in temporary shelter placement ~~discipline for the~~~~



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~~child as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court.~~

(e)~~1.~~ To ensure ~~assure~~ that the adjudication and disposition of a child alleged or found to be a child in need of services ~~have committed a violation of Florida law~~ be exercised with appropriate discretion and in keeping with the seriousness of the misconduct ~~offense~~ and the need for ~~treatment~~ services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.

~~2. To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.~~

(f) To provide a court process through which school boards are able to access the court for the limited purpose of early truancy intervention for children, subject to compulsory education, who are not engaging in regular school attendance, and encourage school attendance by educating children and their families on the importance of regular school attendance and provide services to families to prevent the child's pattern of

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~~truancy from becoming habitual children committed to the  
Department of Juvenile Justice with training in life skills,  
including career education.~~

(2) ~~The department of Juvenile Justice or the Department of  
Children and Families, as appropriate,~~ may contract with the  
Federal Government, other state departments and agencies, county  
and municipal governments and agencies, public and private  
agencies, and private individuals and corporations in carrying  
out the purposes of, and the responsibilities established in,  
this chapter.

(a) If the department contracts with a provider for any  
program for children, all personnel, including owners,  
operators, employees, and volunteers, in the facility must be of  
good moral character. The Each contract entered into by either  
department and any agency providing services for the department  
must require that each contract entered into for services  
delivered on an appointment or intermittent basis by a provider  
that does or does not have regular custodial responsibility for  
children and each contract with a school for before or aftercare  
services must ensure that the owners, operators, and all  
personnel who have direct contact with children are of good  
moral character and must meet level 2 screening requirements as  
described in s. 435.04. A volunteer who assists on an  
intermittent basis for less than 10 hours per month need not be  
screened if a person who meets the screening requirement of this  
section is always present and has the volunteer in his or her  
line of sight.

~~(b) The department of Juvenile Justice and the Department  
of Children and Families shall require employment screening~~

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~~pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.~~

~~(b)(c)~~ The department ~~of Juvenile Justice or the Department of Children and Families~~ may grant exemptions from disqualification from working with children as provided in s. 435.07.

(c) Any shelter used for the placement of children under this chapter must be licensed by the Department of Children and Families.

~~(3) It is the intent of the Legislature that~~ This chapter is to be liberally interpreted and construed in conformity with its declared purposes.

Section 3. Section 984.02, Florida Statutes, is amended to read:

984.02 Legislative intent for prevention and intervention under chapter 984 ~~the juvenile justice system.~~

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

(a) Protection from abuse, neglect, and exploitation.

(b) A permanent and stable home.

(c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.

(d) Adequate nutrition, shelter, and clothing.

(e) Effective services or treatment to address physical, social, and emotional needs, ~~regardless of geographical location.~~

(f) Equal opportunity and access to quality and effective

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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.

(g) Access to preventive 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.

(h) Court ~~An independent, trained advocate when~~  
intervention only when is necessary to address at-risk behavior  
before the behavior escalates into harm to the child or to the  
community through delinquent behavior.

(i) Access to representation by a trained advocate when  
court proceedings are initiated under this chapter.

(j) Supervision and services by skilled staff when  
temporary out of home placement is necessary ~~and a skilled~~  
~~guardian or caretaker in a safe environment when alternative~~  
~~placement is necessary~~.

(2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that  
children in the care of the state's juvenile justice and  
intervention ~~dependency and delinquency~~ systems need appropriate  
health care services and, that the impact of substance abuse on  
health requires ~~indicates~~ the need for health care services to  
include substance abuse services when ~~where~~ appropriate., ~~and~~  
~~that~~ It is in the state's best interest that ~~such~~ children be  
provided the services they need to enable them to become and  
remain independent of state care. In order to provide these  
services, the state's juvenile justice and intervention  
~~dependency and delinquency~~ systems must have the ability to  
identify and make referrals to experts capable of providing

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349 ~~provide appropriate~~ intervention and treatment for children with  
350 personal or family-related substance abuse problems. It is  
351 therefore the purpose of the Legislature to provide authority  
352 for the state to contract with community substance abuse  
353 treatment providers for the development and operation of  
354 specialized support and overlay services for the juvenile  
355 justice and intervention ~~dependency and delinquency~~ systems,  
356 subject to legislative appropriation, which will be fully  
357 implemented and utilized as resources permit. This section does  
358 not prevent agencies from referring children and families to  
359 privately operated community service providers to the extent the  
360 families have funding or insurance to provide care.

361 (3) JUVENILE JUSTICE AND INTERVENTION ~~DELINQUENCY~~  
362 ~~PREVENTION~~.—It is the policy of the state regarding ~~with respect~~  
363 ~~to~~ juvenile justice and intervention ~~delinquency prevention~~ to  
364 first protect the public from acts of delinquency. In addition,  
365 it is the policy of the state to:

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

370 (b) Develop and implement effective programs to prevent  
371 delinquency, to divert children from the traditional juvenile  
372 justice system, to intervene at an early stage of delinquency,  
373 and to provide critically needed alternatives to  
374 institutionalization and deep-end commitment.

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

377 (d) Increase the capacity of local governments and public

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and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation, and training services for ~~in the field of~~ juvenile delinquency prevention.

(e) Develop and implement effective early prevention programs to address truancy and ungovernable and runaway behavior of children which places the child at risk of harm, and allow for intervention before the child engages in a delinquent act.

The Legislature intends that temporary shelter ~~detention~~ care, in addition to providing safe care ~~secure and safe custody~~, will promote the health and well-being of the children placed therein ~~committed thereto~~ and provide an environment that fosters their social, emotional, intellectual, and physical development.

(4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.— Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision to deter their participation in delinquent acts, and ensure their children attend school and engage in education to prepare their child for their future. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caretakers to fulfill their responsibilities are identified and appropriate recommendations are provided to address those impediments through the provision of nonjudicial voluntary family services for families in need of

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services and through the child in need of services court  
processes ~~delinquency intake process and that appropriate~~  
~~recommendations to address those problems are considered in any~~  
~~judicial or nonjudicial proceeding.~~

(5) PROVISION OF SERVICES.-Services to families shall be  
provided on a continuum of increasing intensity and  
participation by the parent, legal guardian, or custodian and  
child. Judicial intervention to resolve the problems and  
conflicts that exist within a family shall be limited to  
situations in which a resolution to the problem or conflict has  
not been achieved through individual and family services after  
all available less restrictive resources have been exhausted. In  
creating this chapter, the Legislature recognizes the need to  
distinguish the problems of truants, runaways, and children  
beyond the control of their parents, and the services provided  
to these children, from the problems and services designed to  
meet the needs of abandoned, abused, neglected, and delinquent  
children. In achieving this distinction, it is the policy of the  
state to develop short-term services using the least restrictive  
method for children and families, early truancy intervention,  
and children in need of services.

Section 4. Section 984.03, Florida Statutes, is amended to  
read:

984.03 Definitions.—When used in this chapter, the term:

(1) "Abandoned" or "abandonment" have the same meaning as  
in s. 39.01(1) ~~means a situation in which the parent or legal~~  
~~eustodian of a child or, in the absence of a parent or legal~~  
~~eustodian, the person responsible for the child's welfare, while~~  
~~being able, makes no provision for the child's support and makes~~

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no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or person primarily responsible for the child's welfare to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in subsection (9) or a "family in need of services" as defined in subsection (25). The incarceration of a parent, legal custodian, or person responsible for a child's welfare does not constitute a bar to a finding of abandonment.

(2) "Abuse" has the same meaning as in s. 39.01(2) means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or guardian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child as defined in s. 39.01.

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

(3)~~(4)~~ "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition as is provided for under s. 984.20(2) in child in need of services ~~child in need of services~~ cases.

(4)~~(5)~~ "Adult" means any natural person other than a child.

(5)~~(6)~~ "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the



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Department of Juvenile Justice ~~or the Department of Children and Families, as appropriate,~~ 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 ~~to~~ and managing cases of children in need of services and families in need of services.

~~(7) "Caretaker/homemaker" means an authorized agent of the Department of Children and Families who shall remain in the child's home with the child until a parent, legal guardian, or relative of the child enters the home and is capable of assuming and agrees to assume charge of the child.~~

~~(6)(8) "Child" or "juvenile" or "youth" means any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.~~

~~(7)(9) "Child in need of services" means a child for whom there is no pending petition filed with the court investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current court ordered supervision by the department for delinquency under chapter 985 of Juvenile Justice or the Department of Children and Families for an adjudication of dependency under chapter 39 or delinquency. The child must also, pursuant to this chapter, be found by the court:~~

~~(a) To have persistently run away from the child's parents,~~

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494 ~~or~~ legal guardians, or custodians despite reasonable efforts of  
495 ~~the child, the parents, or~~ legal guardians, or custodians, and  
496 appropriate agencies to remedy the conditions contributing to  
497 the behavior. Reasonable efforts shall include ~~voluntary~~  
498 participation by the child's parents ~~or~~ legal guardian, or  
499 custodians and the child in ~~family mediation,~~ voluntary  
500 services, and treatment offered by the department or through its  
501 authorized agent of Juvenile Justice or the Department of  
502 Children and Families;

503 (b) To be a habitual ~~habitually~~ truant from school, while  
504 subject to compulsory school attendance, despite reasonable  
505 efforts to remedy the situation pursuant to ss. 1003.26 and  
506 1003.27 and ~~through voluntary participation by the child's~~  
507 ~~parents or legal custodians and by the child in family~~  
508 ~~mediation, services, and treatment~~ offered by the department or  
509 its authorized agent of Juvenile Justice or the Department of  
510 Children and Families; or

511 (c) To be ungovernable by having ~~have~~ persistently  
512 disobeyed the reasonable and lawful rules and demands of the  
513 child's parents, ~~or~~ legal guardians, or custodians, and to be  
514 beyond their control despite the child having the mental and  
515 physical capacity to understand and obey lawful rules and  
516 demands, and despite efforts by the child's parents, ~~or~~ legal  
517 guardians, or custodians and appropriate agencies to remedy the  
518 conditions contributing to the behavior. Reasonable efforts may  
519 include such things as good faith participation in voluntary  
520 family services or individual services ~~counseling.~~

521 ~~(10) "Child support" means a court-ordered obligation,~~  
522 ~~enforced under chapter 61 and ss. 409.2551-409.2597, for~~

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monetary support for the care, maintenance, training, and education of a child.

~~(11) "Child who has been found to have committed a delinquent act" means a child who, pursuant to the provisions of chapter 985, 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 shall not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding pursuant to this chapter.~~

~~(12) "Child who is found to be dependent" or "dependent child" means a child who, pursuant to this chapter, is found by the court:~~

~~(a) To have been abandoned, abused, or neglected by the child's parents or other custodians.~~

~~(b) To have been surrendered to the former Department of Health and Rehabilitative Services, the Department of Children and Families, or a licensed child-placing agency for purpose of adoption.~~

~~(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the former Department of Health and Rehabilitative Services, or the Department of Children and Families, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents have failed to substantially comply with the requirements of the plan.~~

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

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~~(e) To have no parent, legal custodian, or responsible adult relative to provide supervision and care.~~

~~(f) To be at substantial risk of imminent abuse or neglect by the parent or parents or the custodian.~~

~~(8)(13)~~ (8) "Circuit" means any of the 20 judicial circuits as set forth in s. 26.021.

~~(14) "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a juvenile offender's or a child's physical, psychological, educational, vocational, and social condition and family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.~~

~~(9)(15)~~ (9) "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

(10) "Custodian" means any adult person who is exercising actual physical custody of the child and is providing food, clothing, and care for the child in the absence of a parent or legal guardian.

~~(16) "Delinquency program" means any intake, community control, or similar program; regional detention center or facility; or community-based program, whether owned and operated by or contracted by the Department of Juvenile Justice, or institution owned and operated by or contracted by the Department of Juvenile Justice, which provides intake, supervision, or custody and care of children who are alleged to~~

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581 ~~be or who have been found to be delinquent pursuant to chapter~~  
582 ~~985.~~

583 (11)~~(17)~~ "Department" means the Department of Juvenile  
584 Justice.

585 ~~(18) "Detention care" means the temporary care of a child~~  
586 ~~in secure, nonsecure, or home detention, pending a court~~  
587 ~~adjudication or disposition or execution of a court order. There~~  
588 ~~are three types of detention care, as follows:~~

589 ~~(a) "Secure detention" means temporary custody of the child~~  
590 ~~while the child is under the physical restriction of a detention~~  
591 ~~center or facility pending adjudication, disposition, or~~  
592 ~~placement.~~

593 ~~(b) "Nonsecure detention" means temporary custody of the~~  
594 ~~child while the child is in a residential home in the community~~  
595 ~~in a physically nonrestrictive environment under the supervision~~  
596 ~~of the Department of Juvenile Justice pending adjudication,~~  
597 ~~disposition, or placement.~~

598 ~~(c) "Home detention" means temporary custody of the child~~  
599 ~~while the child is released to the custody of the parent,~~  
600 ~~guardian, or custodian in a physically nonrestrictive~~  
601 ~~environment under the supervision of the Department of Juvenile~~  
602 ~~Justice staff pending adjudication, disposition, or placement.~~

603 ~~(19) "Detention center or facility" means a facility used~~  
604 ~~pending court adjudication or disposition or execution of court~~  
605 ~~order for the temporary care of a child alleged or found to have~~  
606 ~~committed a violation of law. A detention center or facility may~~  
607 ~~provide secure or nonsecure custody. A facility used for the~~  
608 ~~commitment of adjudicated delinquents shall not be considered a~~  
609 ~~detention center or facility.~~

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

613       ~~(21) "Diligent efforts of social service agency" means~~  
614 ~~reasonable efforts to provide social services or reunification~~  
615 ~~services made by any social service agency as defined in this~~  
616 ~~section that is a party to a case plan.~~

617       ~~(22) "Diligent search" means the efforts of a social~~  
618 ~~service agency to locate a parent or prospective parent whose~~  
619 ~~identity or location is unknown, or a relative made known to the~~  
620 ~~social services agency by the parent or custodian of a child.~~  
621 ~~When the search is for a parent, prospective parent, or relative~~  
622 ~~of a child in the custody of the department, this search must be~~  
623 ~~initiated as soon as the agency is made aware of the existence~~  
624 ~~of such parent, prospective parent, or relative. A diligent~~  
625 ~~search shall include interviews with persons who are likely to~~  
626 ~~have information about the identity or location of the person~~  
627 ~~being sought, comprehensive database searches, and records~~  
628 ~~searches, including searches of employment, residence,~~  
629 ~~utilities, Armed Forces, vehicle registration, child support~~  
630 ~~enforcement, law enforcement, and corrections records, and any~~  
631 ~~other records likely to result in identifying and locating the~~  
632 ~~person being sought. The initial diligent search must be~~  
633 ~~completed within 90 days after a child is taken into custody.~~  
634 ~~After the completion of the initial diligent search, the~~  
635 ~~department, unless excused by the court, shall have a continuing~~  
636 ~~duty to search for relatives with whom it may be appropriate to~~  
637 ~~place the child, until such relatives are found or until the~~  
638 ~~child is placed for adoption.~~

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639        ~~(12)(23)~~ "Disposition hearing" means a hearing in which the  
640 court determines the most appropriate dispositional services in  
641 the least restrictive available setting provided for under s.  
642 984.20(3), in child in need of services ~~child-in-need-of-~~  
643 ~~services~~ cases.

644        (13) "Early truancy intervention" means action taken by a  
645 school or school district pursuant to s. 1003.26 to identify a  
646 pattern of nonattendance by a student subject to compulsory  
647 school attendance at the earliest opportunity to address the  
648 reasons for the student's nonattendance, and includes services  
649 provided by the school or school district, or the department or  
650 its authorized agent pursuant to s. 984.11, and may include  
651 judicial action pursuant to s. 984.151 or s. 1003.27.

652        ~~(14)(24)~~ "Family" means a collective body of persons,  
653 consisting of a child and a parent, legal guardian, ~~adult~~  
654 custodian, or adult relative, in which:

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

656            (b) The parent, legal guardian, ~~adult~~ custodian, or adult  
657 relative has a legal responsibility by blood, marriage, or court  
658 order to support or care for the child.

659        ~~(15)(25)~~ "Family in need of services" means a family that  
660 has a child who is running away; who is ungovernable and  
661 persistently disobeying reasonable and lawful demands of the  
662 parent or legal custodian and is beyond the control of the  
663 parent or legal custodian; or who is a habitual ~~habitually~~  
664 truant ~~from school~~ or engaging in other serious behaviors that  
665 place the child at risk of future abuse, neglect, or abandonment  
666 or at risk of entering the juvenile justice system. The child  
667 must be referred to a law enforcement agency, the department ~~of~~

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668 ~~Juvenile Justice~~, or an agency contracted to provide services to  
669 children in need of services. A family is not eligible to  
670 receive voluntary family services if, at the time of the  
671 referral, ~~there is an open investigation into an allegation of~~  
672 ~~abuse, neglect, or abandonment or if~~ the child is currently  
673 under court-ordered supervision by the department for  
674 delinquency under chapter 985 of Juvenile Justice or the  
675 Department of Children and Families due to a finding of  
676 dependency under chapter 39 ~~an adjudication of dependency or~~  
677 ~~delinquency~~.

678 ~~(26) "Foster care" means care provided a child in a foster~~  
679 ~~family or boarding home, group home, agency boarding home, child~~  
680 ~~care institution, or any combination thereof.~~

681 ~~(16)(27)~~ "Habitual Habitually truant" has the same meaning  
682 as in s. 1003.01(12). ~~means that:~~

683 ~~(a) The child has 15 unexcused absences within 90 calendar~~  
684 ~~days with or without the knowledge or justifiable consent of the~~  
685 ~~child's parent or legal guardian, is subject to compulsory~~  
686 ~~school attendance under s. 1003.21(1) and (2)(a), and is not~~  
687 ~~exempt under s. 1003.21(3), s. 1003.24, or any other exemptions~~  
688 ~~specified by law or the rules of the State Board of Education.~~

689 ~~(b) Activities to determine the cause, and to attempt the~~  
690 ~~remediation, of the child's truant behavior under ss. 1003.26~~  
691 ~~and 1003.27(3), have been completed.~~

692  
693 ~~If a child who is subject to compulsory school attendance is~~  
694 ~~responsive to the interventions described in ss. 1003.26 and~~  
695 ~~1003.27(3) and has completed the necessary requirements to pass~~  
696 ~~the current grade as indicated in the district pupil progression~~



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~~plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the State Attorney may, or the appropriate jurisdictional agency shall, file a child in need of services petition if recommended by the case staffing committee, unless it is determined that another alternative action is preferable. The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in ss. 1003.26 and 1003.27(3) shall be handled as prescribed in s. 1003.27.~~

~~(17)(28)~~ "Intake" means the initial acceptance and screening by the department or its authorized agent of a referral from an early truancy intervention court, a school board, or a school requesting services; a request for assistance from a parent or child; or a complaint, ~~of Juvenile Justice of a complaint or a law enforcement report,~~ or probable cause affidavit of a child's truancy, ungovernable behavior, or running away, on behalf of a family delinquency, family in need of services, or child in need of services to determine the most appropriate course of action ~~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

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726 available services. Consequently, intake includes such  
727 alternatives as:

728 (a) The disposition of the request for services, complaint,  
729 report, or probable cause affidavit without court or public  
730 agency action or judicial handling when appropriate.

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

733 (c) The recommendation by the assigned intake case manager  
734 ~~juvenile probation officer~~ of judicial handling when appropriate  
735 and warranted.

736 ~~(18)(29)~~ (18) "Judge" means the circuit judge exercising  
737 jurisdiction pursuant to this chapter.

738 ~~(30) "Juvenile justice continuum" includes, but is not~~  
739 ~~limited to, delinquency prevention programs and services~~  
740 ~~designed for the purpose of preventing or reducing delinquent~~  
741 ~~acts, including criminal activity by criminal gangs and juvenile~~  
742 ~~arrests, as well as programs and services targeted at children~~  
743 ~~who have committed delinquent acts, and children who have~~  
744 ~~previously been committed to residential treatment programs for~~  
745 ~~delinquents. The term includes children in need of services and~~  
746 ~~families in need of services programs; conditional release;~~  
747 ~~substance abuse and mental health programs; educational and~~  
748 ~~vocational programs; recreational programs; community services~~  
749 ~~programs; community service work programs; and alternative~~  
750 ~~dispute resolution programs serving children at risk of~~  
751 ~~delinquency and their families, whether offered or delivered by~~  
752 ~~state or local governmental entities, public or private for-~~  
753 ~~profit or not-for-profit organizations, or religious or~~  
754 ~~charitable organizations.~~

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~~(31) "Juvenile probation officer" means the authorized agent of the department who performs and directs intake, assessment, probation, or conditional release, and other related services.~~

(19) ~~(32)~~ "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

(20) ~~(33)~~ "Licensed child-caring agency" means a person, society, association, or agency licensed by the Department of Children and Families to care for, receive, and board children, and includes shelters under this chapter.

(21) ~~(34)~~ "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under part I of chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

~~(35) "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decisionmaking authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement~~

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alternatives.

~~(22)(36)~~ "Necessary medical treatment" means care that is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(23) "Needs assessment" means 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, education services, and other specialized services, as appropriate.

~~(24)(37) "Neglect" has the same meaning as in s. 39.01(53). occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person primarily responsible for the child's welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child 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 guardian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be~~

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813 ~~considered a negligent parent or guardian; however, such an~~  
814 ~~exception does not preclude a court from ordering the following~~  
815 ~~services to be provided, when the health of the child so~~  
816 ~~requires:~~

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

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

824 ~~(38) "Next of kin" means an adult relative of a child who~~  
825 ~~is the child's brother, sister, grandparent, aunt, uncle, or~~  
826 ~~first cousin.~~

827 (25) ~~(39)~~ "Parent" means a woman who gives birth to a child  
828 and a man whose consent to the adoption of the child would be  
829 required under s. 63.062(1). If a child has been legally  
830 adopted, the term "parent" means the adoptive mother or father  
831 of the child. The term does not include an individual whose  
832 parental relationship to the child has been legally terminated,  
833 or an alleged or prospective parent, unless the parental status  
834 falls within the terms of either s. 39.503(1) or s. 63.062(1).

835 (26) ~~(40)~~ "Participant," for purposes of a ~~shelter~~  
836 proceeding under this chapter, means any person who is not a  
837 party but who should receive notice of hearings involving the  
838 child, including foster parents, identified prospective parents,  
839 grandparents entitled to priority for adoption consideration  
840 under s. 63.0425, actual custodians of the child, and any other  
841 person whose participation may be in the best interest of the

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child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

~~(27)(41)~~ "Party," for purposes of a ~~shelter~~ proceeding under this chapter, means 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. ~~Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.~~

(28) "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. A physically secure shelter unit shall provide 24-hour, continuous supervision.

~~(42) "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.~~

~~(29)(43)~~ "Preventive services" means social services and other supportive and evaluation and intervention ~~rehabilitative~~ services provided to the child or the parent, ~~of the child, the~~

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871 legal guardian ~~of the child,~~ or the custodian of the child ~~and~~  
872 ~~to the child~~ for the purpose of averting the removal of the  
873 child from the home or disruption of a family which will or  
874 could result in an adjudication that orders the placement of a  
875 child under dependency supervision ~~into foster care~~ or into the  
876 delinquency system ~~or that will or could result in the child~~  
877 ~~living on the street.~~ Social services and other supportive ~~and~~  
878 ~~rehabilitative~~ services may include the provision of assessment  
879 and screening services; individual, group, or family counseling;  
880 specialized educational and vocational services; temporary  
881 voluntary shelter for the child; outreach services for children  
882 living on the street; ~~independent living services to assist~~  
883 ~~adolescents in achieving a successful transition to adulthood;~~  
884 and other specialized services.

885 ~~(44) "Protective supervision" means a legal status in~~  
886 ~~child-in-need-of-services cases or family-in-need-of-services~~  
887 ~~eases which permits the child to remain in his or her own home~~  
888 ~~or other placement under the supervision of an agent of the~~  
889 ~~Department of Juvenile Justice or the Department of Children and~~  
890 ~~Families, subject to being returned to the court during the~~  
891 ~~period of supervision.~~

892 ~~(30)(45)~~ (30) "Relative" means a grandparent, great-grandparent,  
893 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,  
894 niece, or nephew, whether related by the whole or half blood, by  
895 affinity, or by adoption. The term does not include a  
896 stepparent.

897 ~~(31)(46)~~ (31) "Reunification services" means social services and  
898 other supportive ~~and rehabilitative~~ services provided to the  
899 child and the parent of the child, the legal guardian of the

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child, or the custodian of the child, whichever is applicable,<sup>7</sup>  
~~the child; and, where appropriate, the foster parents of the~~  
~~child~~ for the purpose of assisting ~~enabling~~ a child who has been  
placed in temporary shelter care to return to his or her family  
at the most appropriate and effective ~~earliest possible~~ time  
based on the presenting concerns at intake. Social services and  
other supportive ~~and rehabilitative~~ 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.

~~(32)(47)~~ "Secure detention center or facility" means a  
physically restricting facility for the temporary care of  
children, pending adjudication, disposition, or placement under  
chapter 985.

~~(33)(48)~~ "Shelter" means a department-approved shelter  
facility for the temporary care of runaway children; 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. Shelters must provide 24-hour continual supervision a  
~~place for the temporary care of a child who is alleged to be or~~  
~~who has been found to be dependent, a child from a family in~~  
~~need of services, or a child in need of services, pending court~~  
~~disposition before or after adjudication or after execution of a~~  
~~court order. "Shelter" may include a facility which provides 24-~~  
~~hour continual supervision for the temporary care of a child who~~  
~~is placed pursuant to s. 984.14.~~

~~(49)~~ "Shelter hearing" means ~~a hearing provided for under~~



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s. ~~984.14~~ in family in need of services cases or child in need of services cases.

~~(50) "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Families is unable to properly assess or place for assistance within the continuum of services provided for dependent children.~~

~~(34)~~ ~~(51)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

~~(35)~~ ~~(52)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, shelter ~~detention~~, placement, or other disposition as authorized by law.

~~(36)~~ ~~(53)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the

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958 court order establishing the temporary legal custody  
959 relationship.

960 (37)(54) "Truancy petition" means a petition filed by the  
961 superintendent of schools under s. 984.151 for the purpose of  
962 early truancy intervention alleging that a student subject to  
963 compulsory school attendance has had at least five unexcused  
964 absences, or absences for which the reasons are unknown, within  
965 a calendar month or 10 unexcused absences, or absences for which  
966 the reasons are unknown, within a 90-calendar-day period, or has  
967 had more than 15 unexcused absences in a 90-calendar-day period.  
968 ~~A truancy petition is filed and processed under s. 984.151.~~

969 (38) "Truant status offender" means a child subject to the  
970 jurisdiction of the court under s. 984.151 who has been found by  
971 the court to be truant while subject to compulsory education.  
972 The court's jurisdiction is limited to entering orders to  
973 require the child to attend school and participate in services  
974 to encourage regular school attendance. A truant status offender  
975 is not a delinquent child and may not be deemed to have  
976 committed a criminal or delinquent act solely due to failure to  
977 attend school.

978 (39)(55) "Violation of law" or "delinquent act" means a  
979 violation of any law of this state, the United States, or any  
980 other state which is a misdemeanor or a felony or a violation of  
981 a county or municipal ordinance which would be punishable by  
982 incarceration if the violation were committed by an adult.

983 (40) "Voluntary family services" means voluntary services  
984 provided by the department or an agency designated by the  
985 department to a family that has a child who is running away; who  
986 is ungovernable by persistently disobeying reasonable and lawful

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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 Department of Juvenile Justice or an  
agency designated by the department to provide voluntary  
services to families and children.

Section 5. Section 984.04, Florida Statutes, is amended to  
read:

984.04 Early truancy intervention; families in need of  
services and children in need of services; procedures and  
jurisdiction.—

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

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1016 ~~services designed to meet the needs of abandoned, abused,~~  
1017 ~~neglected, and delinquent children. In achieving this~~  
1018 ~~recognition, it shall be the policy of the state to develop~~  
1019 ~~short-term, temporary services and programs utilizing the least~~  
1020 ~~restrictive method for families in need of services and children~~  
1021 ~~in need of services.~~

1022 (1)(2) The department of Juvenile Justice shall be  
1023 responsible for all nonjudicial proceedings involving voluntary  
1024 a family in need of services for a family identified as a family  
1025 in need of services.

1026 ~~(3) All nonjudicial procedures in family in need of~~  
1027 ~~services cases shall be~~ according to rules established by the  
1028 department of Juvenile Justice under chapter 120.

1029 (2)(4) The circuit court shall have exclusive original  
1030 jurisdiction of judicial proceedings involving early truancy  
1031 intervention. When the jurisdiction of any child found to be  
1032 truant under s. 984.151 is obtained, the court may retain  
1033 jurisdiction for up to 180 days. The court must terminate  
1034 supervision and relinquish jurisdiction if the child has  
1035 substantially complied with the requirements of early truancy  
1036 intervention, is no longer subject to compulsory education, or  
1037 is adjudicated a child in need of services under s. 984.21  
1038 ~~continued placement of a child from a family in need of services~~  
1039 ~~in shelter.~~

1040 (3)(5) The circuit court shall have exclusive original  
1041 jurisdiction of proceedings in which a child is alleged to be a  
1042 child in need of services. When the jurisdiction of any child  
1043 who has been found to be a child in need of services or the  
1044 parent, custodian, or legal guardian of such a child is

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obtained, the court shall retain jurisdiction, unless  
relinquished by its order or unless the department withdraws its  
petition because the child no longer meets the definition of a  
child in need of services as defined in s. 984.03, until the  
child reaches 18 years of age. This subsection does ~~shall~~ not be  
~~construed to~~ prevent the exercise of jurisdiction by any other  
court having jurisdiction of the child ~~if the child commits a~~  
~~violation of law, is the subject of the dependency provisions~~  
~~under this chapter, or is the subject of a pending investigation~~  
~~into an allegation or suspicion of abuse, neglect, or~~  
~~abandonment.~~

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

(5) ~~(6)~~ All procedures, including petitions, pleadings,  
subpoenas, summonses, and hearings, in proceedings under this  
chapter ~~family-in-need-of-services cases and child-in-need-of-~~  
~~services cases~~ shall be according to the Florida Rules of  
Juvenile Procedure unless otherwise provided by law.

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

Section 6. Subsections (2) and (4) of section 984.06,  
Florida Statutes, are amended to read:

984.06 Oaths, records, and confidential information.—

(2) The court shall make and keep records of all cases  
brought before it pursuant to this chapter and shall preserve

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the records ~~pertaining to a child in need of services~~ until 10 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy them. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this chapter and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which are filed in the case.

(4) Except as provided in subsection (3), all information obtained pursuant to this chapter in the discharge of official duty by any judge, employee of the court, authorized agent of the department, school employee, district superintendent, school board employee, or law enforcement agent is confidential and may not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, school or school board personnel, law enforcement agencies, and others entitled under this chapter to receive that information, except upon order of the court.

Section 7. Section 984.07, Florida Statutes, is amended to read:

984.07 Right to counsel; waiver; appointed counsel; compensation.—

(1) When a petition is filed alleging that a child is a child in need of services or if the child is subject to contempt proceedings under s. 984.09, the child must be represented by counsel at each court appearance. The court must appoint counsel unless the child is not indigent and has counsel present to represent the child or the record in that proceeding affirmatively demonstrates by clear and convincing evidence that

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the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and the 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.

(2) A child in proceedings under s. 984.151 may have counsel appointed by the court if the court determines it is in the best interest of the child.

(3) If the court appoints counsel for a child, and if the child and his or her parents or legal guardians are indigent and unable to employ counsel, the court must appoint an attorney to represent the child under s. 27.511. Determination of indigence and costs of representation shall be as provided by s. 57.082. Legal counsel representing a child who exercises the right to counsel may provide advice and counsel to the child at any time after appointment.

(4) 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 to represent the child until counsel is provided. Costs of representation must be imposed as provided by s. 57.082. 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) 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.

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1132       (b) An indigent child may have counsel appointed pursuant  
1133 to ss. 27.511 and 57.082 if the parents or legal guardian have  
1134 willfully refused to obey the court order to obtain counsel for  
1135 the child and have been punished by civil contempt. Costs of  
1136 representation must be imposed as provided by s. 57.082.

1137       (5) If the court makes a finding that nonindigent parents  
1138 have made a good faith effort to participate in services and  
1139 remediate the child's behavior, but despite their good faith  
1140 efforts, the child's truancy, ungovernable behavior, or runaway  
1141 behavior has persisted, the court may appoint counsel to  
1142 represent the child as provided in s. 27.511.

1143       (6) If counsel is entitled to receive compensation for  
1144 representation pursuant to court appointment in a child in need  
1145 of services proceeding, such compensation may not exceed \$1,000  
1146 at the trial level and \$2,500 at the appellate level.

1147       (7) This section does not preclude the court from  
1148 requesting reimbursement of attorney fees and costs from the  
1149 nonindigent parent or legal guardian.

1150       (8) The court may appoint an attorney to represent a parent  
1151 or legal guardian under this chapter only upon a finding that  
1152 the parent or legal guardian is indigent pursuant to s. 57.082.  
1153 If an attorney is appointed, the parent or legal guardian shall  
1154 be enrolled in a payment plan pursuant to s. 28.246 ~~If counsel~~  
1155 ~~is entitled to receive compensation for representation pursuant~~  
1156 ~~to court appointment in a child-in-need-of-services proceeding,~~  
1157 ~~such compensation shall not exceed \$1,000 at the trial level and~~  
1158 ~~\$2,500 at the appellate level.~~

1159       Section 8. Subsection (1) of section 984.071, Florida  
1160 Statutes, is amended, and subsection (3) is added to that



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section, to read:

984.071 Resources and information.—

(1) ~~The department of Juvenile Justice, in collaboration with the Department of Children and Families and the Department of Education,~~ shall develop and publish an information guide packet that explains the current process under this chapter for obtaining assistance for a child in need of services or a family in need of services and the community services and resources available to parents ~~of troubled or runaway children~~. The information guide shall be published in a written format for distribution and shall also be published on the department's website. ~~In preparing the information packet, the Department of Juvenile Justice shall work with school district superintendents, juvenile court judges, county sheriffs, and other local law enforcement officials in order to ensure that the information packet lists services and resources that are currently available within the county in which the packet is distributed.~~ Each information guide packet shall be reviewed annually and updated as appropriate. The school district shall distribute this information guide packet to parents of truant children, and to other parents upon request or as deemed appropriate by the school district. In addition, the department ~~of Juvenile Justice~~ shall distribute the information guide packet to state and local law enforcement agencies. Any law enforcement officer who has contact with the parent of a child who is locked out of the home, who is ungovernable, or who runs away from home shall make the information guide available to the parent.

(3) The Department of Education and the Department of

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Children and Families must each post the department's information guide on their respective websites.

Section 9. Sections 984.08 and 984.085, Florida Statutes, are repealed.

Section 10. Section 984.0861, Florida Statutes, is created to read:

984.0861 Prohibited use of detention.—A child under the jurisdiction of the court solely pursuant to this chapter may not be placed in:

(1) Any form of detention care intended for the use of alleged juvenile delinquents as authorized under chapter 985 for any purpose.

(2) A secure detention facility authorized for use under chapter 985 for any purpose.

(3) Any jail or other similar facility used for the purpose of detention or confinement of adults for any purpose.

Section 11. Section 984.09, Florida Statutes, is amended to read:

984.09 Punishment for contempt of court; alternative sanctions.—

(1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. 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 secure detention facilities as provided in s. 984.0861 ~~with respect to commitment of a child to a secure facility~~. A child who commits direct contempt of court or indirect contempt of a

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valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a shelter ~~secure~~ facility, as authorized in this section, by order of the court.

(2) PLACEMENT IN A SHELTER ~~SECURE FACILITY~~.—A child adjudicated as a child in need of services may only be placed in a shelter ~~secure facility~~ for purposes of punishment for contempt of court 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.

~~(a) A delinquent child who has been held in direct or indirect 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.~~

~~(a)(b)~~ A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a ~~staff-secure~~ shelter operated by or contracted with the department to provide such services ~~or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment.~~ In addition to disposition under this paragraph, a child in need of services who is held in direct contempt or indirect contempt may be placed in a physically secure shelter ~~setting~~ as provided under s. 984.226 if conditions of eligibility are met.

(b) A child subject to proceedings under s. 984.151 who has been held in direct contempt or indirect contempt may only be

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placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a shelter operated by or contracted with the department 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.

(c) 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.

~~(3) ALTERNATIVE SANCTIONS. Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).~~

Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the circuit alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service ~~manual labor~~ or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the department ~~of Juvenile~~

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Justice to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the ~~manual~~ labor of children and limited immunity in accordance with s. 768.28(11).

(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.—

(a) If a child subject to proceedings under this chapter is charged with direct contempt of court, ~~including traffic court,~~ the court may impose an authorized sanction immediately.

(b) If a child subject to proceedings under this chapter is charged with indirect contempt of court, the court must issue an order to show cause and schedule ~~hold~~ a hearing ~~within 24 hours~~ to determine whether the child committed indirect contempt of a valid court order. The child must be served with the order to show cause and notice of hearing. At the hearing, the following due process rights must be provided to the child:

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

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

3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 984.07 ~~s. 985.033~~.

4. Right to confront witnesses.

5. Right to present witnesses.

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

7. Right to appeal to an appropriate court.

The child's parent, legal or guardian, or custodian may address

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the court regarding the due process rights of the child. 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 under subsection (2). If  
the court orders shelter placement of a child found in contempt  
of court, the court shall review the matter ~~placement of the~~  
~~child~~ every 72 hours to determine whether it is appropriate for  
the child to remain in the facility.

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

~~(d) In addition to any other sanction imposed under this~~  
~~section, the court may direct the Department of Highway Safety~~  
~~and Motor Vehicles to withhold issuance of, or suspend, a~~  
~~child's driver license or driving privilege. The court may order~~  
~~that a child's driver license or driving privilege be withheld~~  
~~or suspended for up to 1 year for a first offense of contempt~~  
~~and up to 2 years for a second or subsequent offense. If the~~  
~~child's driver license or driving privilege is suspended or~~  
~~revoked for any reason at the time the sanction for contempt is~~  
~~imposed, the court shall extend the period of suspension or~~  
~~revocation by the additional period ordered under this~~  
~~paragraph. If the child's driver license is being withheld at~~

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~~the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive. For a child in need of services whose driver license or driving privilege is suspended under this paragraph, the court may direct the Department of Highway Safety and Motor Vehicles to issue the child a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, or for the purpose of completing court-ordered community service, if the child is otherwise qualified for a license. However, the department may not issue a restricted license unless specifically ordered to do so by the court.~~

(5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the position of alternative sanctions coordinator within each judicial circuit, ~~pursuant to subsection (3).~~ Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including ~~nonsecure detention programs,~~ community service projects, ~~and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).~~

Section 12. Section 984.10, Florida Statutes, is amended to read:

984.10 Intake.—

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(1) Intake shall be performed by the department or the  
department's authorized agent. A report ~~or complaint~~ alleging  
that a child is from a family in need of services shall be made  
to the intake office operating in the county in which the child  
is found or in which the case arose. Any person or agency,  
including, but not limited to, the parent, ~~or~~ legal guardian, or  
custodian, the local school district, a law enforcement agency,  
or the Department of Children and Families, having knowledge of  
the facts may make a report ~~or complaint~~.

(2) A representative of the department shall make a  
preliminary determination as to whether the report ~~or complaint~~  
is complete. The criteria for the completeness of a report ~~or~~  
~~complaint~~ with respect to a child alleged to be from a family in  
need of services while subject to compulsory school attendance  
shall be governed by s. 984.03 ~~s. 984.03(27)~~. In any case in  
which the representative of the department finds that the report  
~~or complaint~~ is incomplete, the representative of the department  
shall return the report ~~or complaint~~ without delay to the person  
or agency originating the report ~~or complaint~~ or having  
knowledge of the facts or to the appropriate law enforcement  
agency having investigative jurisdiction and request additional  
information in order to complete the report ~~or complaint~~.

(3) If the representative of the department determines that  
in his or her judgment the interests of the family, the child,  
and the public will be best served by providing the family and  
child services and treatment voluntarily accepted by the child  
and the parents, ~~or~~ legal guardians, or custodians, the  
department's departmental representative may refer the family or  
child to an appropriate service ~~and treatment~~ provider. As part



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of the intake procedure, the department's ~~departmental~~ representative shall inform the parent, ~~or~~ legal custodian guardian, or custodian, in writing, of the services currently ~~and treatment~~ available to the child and family by department providers and other ~~or~~ community agencies in the county in which the family is located, and the rights and responsibilities of the parent, ~~or~~ legal guardian, or custodian under this chapter. Upon admission, and depending on services, a staff member may be assigned to the family as deemed appropriate.

(4) If the department reasonably believes ~~has reasonable grounds to believe~~ that the child has been abandoned, abused, or neglected, it shall proceed pursuant to ~~the provisions of~~ chapter 39 and report immediately to the central abuse hotline.

Section 13. Section 984.11, Florida Statutes, is amended to read:

984.11 Services to families ~~in need of services.~~

(1) The department or its authorized agent shall provide an array of voluntary family services aimed at remediating school truancy, homelessness, and runaway and ungovernable behavior by children. Services ~~and treatment~~ to families in need of services shall be by voluntary agreement of the parent, ~~or~~ legal guardian, or custodian and the child ~~or as directed by a court order pursuant to s. 984.22.~~

(2) 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 department for delinquency under chapter 985 or by the Department of Children and Families due to a finding of dependency under chapter 39. A child who has received a prearrest delinquency citation, or is receiving

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delinquency diversion services, may receive voluntary family services.

(3) 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 Department of Children and Families agrees to the provision of services and makes a referral. An interagency agreement between the department and the Department of Children and Families shall govern this referral process, which is contingent on available funding. The department must notify the Department of Children and Families if a referral is declined.

~~(4)(2)~~ These services may include, but need not be limited to:

- (a) ~~Homemaker~~ or Parent aide services.
- (b) Intensive crisis counseling.
- (c) Parent training.
- (d) Individual, group, or family counseling.
- (e) Referral to community mental health services.
- (f) Prevention and diversion services.
- (g) Services provided by voluntary or community agencies.
- (h) Runaway center services.
- (i) Runaway shelter ~~Housekeeper~~ services.
- (j) Referral for special educational, tutorial, or remedial services.
- (k) Referral to vocational, career development ~~job~~ training, or employment services.
- (l) Recreational services.
- (m) Assessment.
- (n) Case management.

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1451       (o) Referral for or provision of substance abuse assessment  
1452 or treatment.

1453       ~~(5)(3)~~ The department shall advise the parents, ~~or~~ legal  
1454 guardian, or custodian that they are responsible for  
1455 contributing to the cost of the ~~child or family~~ services ~~and~~  
1456 ~~treatment~~ to the extent of their ability to pay. The parent is  
1457 responsible for using health care insurance to the extent it is  
1458 available for the provision of health services ~~The department~~  
1459 ~~shall set and charge fees for services and treatment provided to~~  
1460 ~~clients. The department may employ a collection agency for the~~  
1461 ~~purpose of receiving, collecting, and managing the payment of~~  
1462 ~~unpaid and delinquent fees. The collection agency must be~~  
1463 ~~registered and in good standing under chapter 559. The~~  
1464 ~~department may pay to the collection agency a fee from the~~  
1465 ~~amount collected under the claim or may authorize the agency to~~  
1466 ~~deduct the fee from the amount collected.~~

1467       ~~(4)~~ ~~The department may file a petition with the circuit~~  
1468 ~~court to enforce the collection of fees for services and~~  
1469 ~~treatment rendered to the child or the parent and other legal~~  
1470 ~~custodians.~~

1471       Section 14. Section 984.12, Florida Statutes, is amended to  
1472 read:

1473       984.12 Case staffing; services and treatment related to a  
1474 family in need of services.—

1475       (1) The appropriate representative of the department shall  
1476 request a meeting of the family and child with a case staffing  
1477 committee to review the case of any family or child who the  
1478 department determines is in need of services ~~or treatment~~ if:

1479       (a) The family or child is not in agreement with the

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1480 services or treatment offered;

1481 (b) The family or child will not participate in the  
1482 services or treatment selected; or

1483 (c) The representative of the department needs assistance  
1484 in developing an appropriate plan for services. The time and  
1485 place selected for the meeting shall be convenient for the child  
1486 and family.

1487 (2) The composition of the case staffing committee shall be  
1488 based on the needs of the family and child. It shall include a  
1489 representative from the child's school district and a  
1490 representative of the department ~~of Juvenile Justice~~, and may  
1491 include the department's authorized agent and a supervisor of  
1492 the department's contracted provider; a representative from the  
1493 area of health, mental health, substance abuse, or social, ~~or~~  
1494 educational services; a representative of the state attorney; a  
1495 representative of law enforcement ~~the alternative sanctions~~  
1496 ~~coordinator~~; and any person recommended by the child, family, or  
1497 department. The child and the child's parent, legal guardian, or  
1498 custodian must be invited to attend the committee meeting.

1499 (3) The case staffing committee shall:

1500 (a) Identify the family's concerns and contributing  
1501 factors.

1502 (b) Request the family and child to identify their needs  
1503 and concerns.

1504 (c) Seek input from the school district and any other  
1505 persons in attendance with knowledge of the family or child's  
1506 situation and concerns.

1507 (d) Consider the voluntary family services or other  
1508 community services that have been offered and the results of

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those services.

(e) Identify whether truancy is a concern and evaluate compliance with the remedial strategies provided pursuant to s. 1003.26.

(f) Reach a timely decision to provide the child or family with ~~needed~~ services and recommend any appropriate ~~and~~ treatment through the development of a plan for services.

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

(a) Statement of the concerns ~~problems~~.

(b) Needs of the child.

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

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

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

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location.

4. Accountable service providers or staff.

(f) Timeframes for achieving objectives.

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

(6) The assigned case manager shall have responsibility ~~A case manager shall be designated by the case staffing committee to be responsible~~ for implementing the plan. The department's authorized agent ~~case manager~~ shall periodically review the progress towards achieving the objectives of the plan in order

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1538 to:

1539 (a) Advise the case staffing committee of the need to make  
1540 adjustments to the plan; ~~or~~

1541 (b) Recommend a child in need of services petition be filed  
1542 by the department; or

1543 (c) ~~(b)~~ Terminate the case as indicated by successful or  
1544 substantial achievement of the objectives of the plan.

1545 (7) The parent, legal guardian, or ~~legal~~ custodian may  
1546 convene a meeting of the case staffing committee, ~~and any other~~  
1547 ~~member of the committee may convene a meeting if the member~~  
1548 ~~finds that doing so is in the best interest of the family or~~  
1549 ~~child.~~ A case staffing committee meeting requested by a parent,  
1550 guardian, or legal custodian must be convened within 7 days,  
1551 excluding weekends and legal holidays, after the date the  
1552 department's representative receives the request in writing.

1553 (8) Any other member of the committee may convene a meeting  
1554 if voluntary family services have been offered and the services  
1555 have been rejected by the child or family, or the child has not  
1556 made measurable progress toward achieving the service plan  
1557 goals, and the member finds that doing so is in the best  
1558 interest of the family or child.

1559 (9) A case staffing committee meeting must be convened  
1560 within 30 days after the date the case is referred by the court  
1561 pursuant to s. 984.151.

1562 (10) ~~(8)~~ Within 7 days after meeting, the case staffing  
1563 committee shall provide the parent, legal guardian, or ~~legal~~  
1564 custodian with a written report that details the reasons for the  
1565 committee's decision to recommend, or decline to recommend, that  
1566 the department file a petition alleging that the child is a

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child in need of services.

(11) The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 15. Section 984.13, Florida Statutes, is amended to read:

984.13 Taking a child into custody ~~a child alleged to be from a family in need of services or to be a child in need of services.~~

(1) A child may be taken into custody:

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

(b) By a designated school representative pursuant to s. 1003.26(3) or a law enforcement officer when the officer reasonably believes ~~has reasonable grounds to believe~~ that 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, or custodian, for the purpose of delivering the child without unreasonable delay to the appropriate school system site. For the purpose of this paragraph, "school system site" includes, but is not limited to, a center approved by the superintendent of schools for the purpose of counseling students and referring them back to the school system or an approved alternative to a suspension or expulsion program. If a student is suspended or expelled from school without assignment to an alternative school placement, the law enforcement officer or designated school representative pursuant to s. 1003.26(3) shall deliver the child to the parent,

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1596 ~~or~~ legal guardian, or custodian, to a location determined by the  
1597 parent, legal ~~or~~ guardian, or custodian, or to a designated  
1598 truancy interdiction site until the parent or guardian can be  
1599 located.

1600 (c) Pursuant to an order of the circuit court based upon  
1601 sworn testimony ~~before or~~ after a child in need of services  
1602 petition is filed under s. 984.15.

1603 (d) Pursuant to an order of the circuit court based upon a  
1604 finding of contempt under this chapter for the purpose of  
1605 delivering the child to a designated shelter facility.

1606 (e) ~~(d)~~ By a law enforcement officer when the child  
1607 voluntarily agrees to or requests services pursuant to this  
1608 chapter or placement in a shelter.

1609 (2) The person taking the child into custody shall:

1610 (a) Release the child to a parent, legal guardian, ~~legal~~  
1611 custodian, or responsible adult relative and make a full written  
1612 report to the department's authorized agent for families in need  
1613 of services within 3 days after release ~~or to a department-~~  
1614 ~~approved family-in-need-of-services and child-in-need-of-~~  
1615 ~~services provider~~ if the person taking the child into custody  
1616 reasonably believes ~~has reasonable grounds to believe~~ the child  
1617 has run away from a parent, legal guardian, or ~~legal~~ custodian;  
1618 is truant; or is ungovernable and beyond the control of the  
1619 parent, guardian, or legal custodian; ~~following such release,~~  
1620 ~~the person taking the child into custody shall make a full~~  
1621 ~~written report to the intake office of the department within 3~~  
1622 ~~days; or~~

1623 (b) Deliver the child to a shelter when: ~~the department,~~  
1624 ~~stating the facts by reason of which the child was taken into~~



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~~custody and sufficient information to establish probable cause  
that the child is from a family in need of services.~~

1. The parent, legal guardian, or custodian is unavailable  
to take immediate custody of the child;

2. The child requested voluntary family services and  
shelter placement;

3. A court order under this chapter for shelter placement  
has been issued; or

4. The child and the parent, legal guardian, or custodian  
voluntarily agree 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.

(c) Deliver the child to a hospital for necessary  
evaluation and treatment if the child is reasonably believed to  
be suffering from a serious physical condition which requires  
either prompt diagnosis or treatment.

(d) Deliver the child to a designated public receiving  
facility as defined in s. 394.455 for examination under s.  
394.463 if the child is reasonably believed to be mentally ill,  
including immediate threat of suicide as provided in s.  
394.463(1) .

(e) Deliver the child to a hospital, addictions receiving  
facility, or treatment resource if the child is reasonably  
believed to be intoxicated and has threatened, attempted, or  
inflicted physical harm on himself or herself or another, or is  
incapacitated by substance abuse.

(3) If the child is taken into custody and ~~by, or~~ is  
delivered to a shelter, ~~the department,~~ the department's

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1654 authorized agent ~~appropriate representative of the department~~  
1655 shall review the facts and make such further inquiry as  
1656 necessary to determine whether the child shall remain in  
1657 shelter, receive voluntary family services that would allow the  
1658 child alleged to be from a family in need of services to remain  
1659 at home, custody or be released. ~~Unless shelter is required as~~  
1660 ~~provided in s. 984.14(1), the department shall:~~

1661 ~~(a) Release the child to his or her parent, guardian, or~~  
1662 ~~legal custodian, to a responsible adult relative, to a~~  
1663 ~~responsible adult approved by the department, or to a~~  
1664 ~~department-approved family in need of services and child in-~~  
1665 ~~need of services provider; or~~

1666 ~~(b) Authorize temporary services and treatment that would~~  
1667 ~~allow the child alleged to be from a family in need of services~~  
1668 ~~to remain at home.~~

1669 Section 16. Section 984.14, Florida Statutes, is amended to  
1670 read:

1671 984.14 Voluntary shelter services placement; hearing.-

1672 (1) Temporary voluntary shelter services provided by the  
1673 department shall provide a safe environment with 24-hour care  
1674 and supervision, referrals for services as needed, and education  
1675 at the center or offsite and counseling services for children.  
1676 ~~Unless ordered by the court pursuant to the provisions of this~~  
1677 ~~chapter, or upon voluntary consent to placement by the child and~~  
1678 ~~the child's parent, legal guardian, or custodian, a child taken~~  
1679 ~~into custody shall not be placed in a shelter prior to a court~~  
1680 ~~hearing unless a determination has been made that the provision~~  
1681 ~~of appropriate and available services will not eliminate the~~  
1682 ~~need for placement and that such placement is required:~~

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

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

(2) If a child is sheltered due to being a runaway, or a parent, legal guardian, or custodian is unavailable, the shelter shall immediately attempt to make contact with the parent, legal guardian, or custodian to advise the family of the child's whereabouts, determine whether the child can safely return home, or determine whether the family is seeking temporary voluntary shelter services until they can arrange to take the child home. If the parent, legal guardian, or custodian cannot be located within 24 hours, the Department of Children and Families shall be contacted to assume custody of the child ~~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 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~~

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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 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.~~

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1741 Section 17. Section 984.15, Florida Statutes, is amended to  
1742 read:

1743 984.15 Petition for a child in need of services.—

1744 (1) All proceedings seeking an adjudication that a child is  
1745 a child in need of services shall be initiated by the filing of  
1746 a petition by an attorney representing the department or by the  
1747 child's parent, legal guardian, or ~~legal~~ custodian. ~~If a child~~  
1748 ~~in need of services has been placed in a shelter pursuant to s.~~  
1749 ~~984.14, the department shall file the petition immediately,~~  
1750 ~~including in the petition notice of arraignment pursuant to s.~~  
1751 ~~984.20.~~

1752 (2)(a) The department shall file a petition for a child in  
1753 need of services if the child meets the definition of a child in  
1754 need of services, and the case ~~manager or~~ staffing committee  
1755 recommends ~~requests~~ that a petition be filed and:

1756 1. The family and child have in good faith, but  
1757 unsuccessfully, used the services and process described in ss.  
1758 984.11 and 984.12; or

1759 2. The family or child have refused ~~all~~ services described  
1760 in ss. 984.11 and 984.12 after reasonable efforts by the  
1761 department to involve the family and child in voluntary family  
1762 services ~~and treatment~~.

1763 (b) Once the requirements in paragraph (a) have been met,  
1764 the department shall file a petition for a child in need of  
1765 services as soon as practicable ~~within 45 days~~.

1766 (c) The petition shall be in writing, shall state the  
1767 specific grounds ~~under s. 984.03(9)~~ by which the child is  
1768 designated a child in need of services, and shall certify that  
1769 the conditions prescribed in paragraph (a) have been met. The

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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 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

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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, 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.~~

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(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 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.



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(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;

(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,

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1886 if appropriate as available, including services for families in  
1887 need of services as provided in s. 984.11;

1888 (f) The student and the student's parent, legal guardian,  
1889 or custodian to attend meetings with school officials to address  
1890 the child's educational needs, classroom assignment, class  
1891 schedule, and other barriers to school attendance identified by  
1892 the child's school, the child or his or her family;

1893 (g) The student and the student's parent, legal guardian,  
1894 or custodian to engage in learning activities provided by the  
1895 school board as to why education is important and the potential  
1896 impact on the child's future employment and education options if  
1897 the attendance problem persists; or

1898 (h) and The student or the student's parent, legal or  
1899 guardian, or custodian to participate in vocational or, job  
1900 training, or employment services.

1901 (8) If the student does not substantially comply with  
1902 compulsory school attendance and court-ordered services required  
1903 under successfully complete the sanctions ordered in subsection  
1904 (7), and the child meets the definition of a child in need of  
1905 services, the case shall be referred by the court to the  
1906 department's authorized agent for review by the case staffing  
1907 committee under s. 984.12 with a recommendation to file a  
1908 petition for child in need of services ~~child-in-need-of-services~~  
1909 ~~petition~~ under s. 984.15. The court shall review the case not  
1910 less than every 45 days to determine whether the child is in  
1911 substantial compliance with compulsory education or if the case  
1912 should be referred to the case staffing committee in accord with  
1913 this subsection.

1914 (9) If the student substantially complies with compulsory

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1915 school attendance the court shall close the truancy case.

1916 (10) If the child is adjudicated a child in need of  
1917 services pursuant to s. 984.21, the truancy case shall be closed  
1918 and jurisdiction relinquished in accordance with s. 984.04.

1919 (11) The court may retain jurisdiction of any case in which  
1920 the child is noncompliant with compulsory education and the  
1921 child does not meet the definition of a child in need of  
1922 services under this chapter until jurisdiction lapses pursuant  
1923 to s. 984.04.

1924 (12) The court may not order a child placed in shelter  
1925 pursuant to this section unless the court has found the child to  
1926 be in contempt for violation of a court order under s. 984.09.

1927 (13)~~(9)~~ The parent, legal guardian, or ~~legal~~ custodian and  
1928 the student shall participate, as required by court order, in  
1929 any sanctions or services required by the court under this  
1930 section, and the court shall enforce such participation through  
1931 its contempt power.

1932 (14) Any truant student that meets the definition of a  
1933 child in need of services and who has been found in contempt for  
1934 violation of a court order under s. 984.09 two or more times  
1935 shall be referred to the case staffing committee under s. 984.12  
1936 with a recommendation to file a petition for a child in need of  
1937 services.

1938 (15) The clerk of court must serve any court order  
1939 referring the case to voluntary family services or the case  
1940 staffing committee to the department's office of general counsel  
1941 and to the department's authorized agent.

1942 Section 19. Subsections (3) and (5) of section 984.16,  
1943 Florida Statutes, are amended, and subsection (11) is added to

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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, or ~~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 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

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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.

(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:

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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  
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

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2031 obtain court authorization.

2032 (c) If a parent, legal ~~or~~ guardian, or custodian of the  
2033 child is available but refuses to consent to the necessary  
2034 treatment, a court order is required, unless the situation meets  
2035 the definition of an emergency in s. 743.064 or the treatment  
2036 needed is related to suspected abuse or neglect of the child by  
2037 the parent or guardian. In such case, the department's  
2038 authorized agent may ~~department has the authority to~~ consent to  
2039 necessary medical treatment. This authority is limited to the  
2040 time reasonably necessary to obtain court authorization.

2041  
2042 In no case may the department consent to sterilization,  
2043 abortion, or termination of life support.

2044 (3) A judge may order that a child alleged to be or  
2045 adjudicated a child in need of services be examined by a  
2046 licensed health care professional. The judge may also order such  
2047 child to be evaluated by a psychiatrist or a psychologist, by a  
2048 district school board educational needs assessment team, or, if  
2049 a developmental disability is suspected or alleged, by the  
2050 developmental disability diagnostic and evaluation team of the  
2051 Department of Children and Families or Agency for Persons with  
2052 Disabilities. The judge may order a family assessment if that  
2053 assessment was not completed at an earlier time. If it is  
2054 necessary to place a child in a residential facility for such  
2055 evaluation, then the criteria and procedure established in s.  
2056 394.463(2) or chapter 393 shall be used, whichever is  
2057 applicable. The educational needs assessment provided by the  
2058 district school board educational needs assessment team shall  
2059 include, but not be limited to, reports of intelligence and

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2060 achievement tests, screening for learning disabilities and other  
2061 handicaps, and screening for the need for alternative education  
2062 pursuant to s. 1003.53.

2063 (4) A judge may order that a child alleged to be or  
2064 adjudicated a child in need of services be treated by a licensed  
2065 health care professional. The judge may also order such child to  
2066 receive mental health or intellectual disability services from a  
2067 psychiatrist, psychologist, or other appropriate service  
2068 provider. If it is necessary to place the child in a residential  
2069 facility for such services, the procedures and criteria  
2070 established in s. 394.467 or chapter 393 shall be used, as  
2071 applicable. A child may be provided services in emergency  
2072 situations pursuant to the procedures and criteria contained in  
2073 s. 394.463(1) or chapter 393, as applicable.

2074 (5) When there are indications of physical injury or  
2075 illness, a licensed health care professional shall be  
2076 immediately contacted ~~called~~ or the child shall be taken to the  
2077 nearest available hospital for emergency care.

2078 (6) Except as otherwise provided herein, ~~nothing in this~~  
2079 section does not ~~shall be deemed to~~ eliminate the right of a  
2080 parent, legal a guardian, or custodian, or the child to consent  
2081 to examination or treatment for the child.

2082 (7) Except as otherwise provided herein, ~~nothing in this~~  
2083 section does not ~~shall be deemed to~~ alter the provisions of s.  
2084 743.064.

2085 (8) A court may order ~~shall not be precluded from ordering~~  
2086 services or treatment to be provided to the child by a duly  
2087 accredited practitioner who relies solely on spiritual means for  
2088 healing in accordance with the tenets and practices of a church



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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 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~~

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2118 ~~custodian.~~

2119 (13) At any time after the filing of a petition for a child  
2120 in need of services, when the mental or physical condition,  
2121 including the blood group, of a parent, guardian, or other  
2122 person requesting custody of a child is in controversy, the  
2123 court may order the person to submit to a physical or mental  
2124 examination by a qualified professional. The order may be made  
2125 only upon good cause shown and pursuant to notice and procedures  
2126 as set forth by the Florida Rules of Juvenile Procedure.

2127 Section 23. Section 984.20, Florida Statutes, is amended to  
2128 read:

2129 984.20 Hearings for child in need of services ~~child in-~~  
2130 ~~need-of-services~~ cases.—

2131 (1) ARRAIGNMENT HEARING.—

2132 (a) The clerk shall set a date for an arraignment hearing  
2133 within a reasonable time after the date of the filing of the  
2134 child in need of services petition. The court shall advise the  
2135 child and the parent, legal guardian, or custodian of the right  
2136 to counsel as provided in s. 984.07. ~~When a child has been taken~~  
2137 ~~into custody by order of the court, an arraignment hearing shall~~  
2138 ~~be held within 7 days after the date the child is taken into~~  
2139 ~~custody.~~ The hearing shall be held for the child and the parent,  
2140 legal guardian, or custodian to admit, deny, or consent to  
2141 findings that a child is in need of services as alleged in the  
2142 petition. If the child and the parent, legal guardian, or  
2143 custodian admit or consent to the findings in the petition, the  
2144 court shall adjudicate the child a child in need of services and  
2145 proceed as set forth in the Florida Rules of Juvenile Procedure.  
2146 However, if either the child or the parent, legal guardian, or

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2147 custodian denies any of the allegations of the petition, the  
2148 court shall hold an adjudicatory hearing within a reasonable  
2149 time after the date of the arraignment hearing ~~7 days after the~~  
2150 ~~date of the arraignment hearing.~~

2151 (b) The court may grant a continuance of the arraignment  
2152 hearing ~~When a child is in the custody of the parent, guardian,~~  
2153 ~~or custodian, upon the filing of a petition, the clerk shall set~~  
2154 ~~a date for an arraignment hearing within a reasonable time from~~  
2155 ~~the date of the filing of the petition. if the child or and the~~  
2156 ~~parent, legal guardian, or custodian request a continuance to~~  
2157 ~~obtain an attorney. The case shall be rescheduled for an~~  
2158 ~~arraignment hearing within a reasonable period of time to allow~~  
2159 ~~for consultation~~ admit or consent to an adjudication, the court  
2160 ~~shall proceed as set forth in the Florida Rules of Juvenile~~  
2161 ~~Procedure. However, if either the child or the parent, guardian,~~  
2162 ~~or custodian denies any of the allegations of child in need of~~  
2163 ~~services, the court shall hold an adjudicatory hearing within a~~  
2164 ~~reasonable time from the date of the arraignment hearing.~~

2165 (c) If at the arraignment hearing the child and the parent,  
2166 legal guardian, or custodian consents or admits to the  
2167 allegations in the petition and the court determines that the  
2168 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(c),~~  
2169 the court shall proceed to hold a disposition hearing at the  
2170 earliest practicable time that will allow for the completion of  
2171 a predisposition study.

2172 (d) Failure of a person served with notice to appear at the  
2173 arraignment hearing constitutes the person's consent to the  
2174 adjudication of the child as a child in need of services. The  
2175 document containing the notice to respond or appear must

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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 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

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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 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

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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:

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,

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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  
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

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2292 court shall enter an order of disposition.

2293  
2294 Any other relevant and material evidence, including other  
2295 written or oral reports, may be received by the court in its  
2296 effort to determine the action to be taken with regard to the  
2297 child and may be relied upon to the extent of its probative  
2298 value, even though not competent in an adjudicatory hearing.  
2299 Except as provided in paragraph (2) (c), ~~nothing in this section~~  
2300 does not shall prohibit the publication of proceedings in a  
2301 hearing.

2302 (4) REVIEW HEARINGS.—

2303 (a) The court shall hold a review hearing within 45 days  
2304 after the disposition hearing. Additional review hearings may be  
2305 held as necessary, allowing sufficient time for the child and  
2306 family to work toward compliance with the court orders and  
2307 monitoring by the case manager. No longer than 90 days may  
2308 elapse between judicial review hearings ~~but no less than 45 days~~  
2309 ~~after the date of the last review hearing.~~

2310 (b) The parent, legal guardian, or custodian and the child  
2311 shall be noticed to appear for the review hearing. The  
2312 department must appear at the review hearing. If the parent,  
2313 legal guardian, or custodian does not appear at a review  
2314 hearing, or if the court finds good cause to waive the child's  
2315 presence, the court may proceed with the hearing and enter  
2316 orders that affect the child and family accordingly.

2317 (c) ~~(b)~~ At the review hearings, the court shall consider the  
2318 department's judicial review summary. The court shall close the  
2319 case if the child has substantially complied with the case plans  
2320 and court orders and no longer requires continued court



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2321 supervision, subject to the case being reopened. Upon request of  
2322 the petitioner, the court may close the case and relinquish  
2323 jurisdiction. If the child has significantly failed to comply  
2324 with the case plan or court orders, the child shall continue to  
2325 be a child in need of services and reviewed by the court as  
2326 needed. At review hearings, the court may enter further orders  
2327 to adjust the services case plan to address the family needs and  
2328 compliance with court orders, including, but not limited to,  
2329 ordering the child placed in shelter, ~~but no less than 45 days~~  
2330 ~~after the date of the last review hearing.~~

2331 Section 24. Section 984.21, Florida Statutes, is amended to  
2332 read:

2333 984.21 Orders of adjudication.—

2334 (2)~~(1)~~ If the court finds that the child named in a  
2335 petition is not a child in need of services, it shall enter an  
2336 order so finding and dismiss ~~dismissing~~ the case.

2337 ~~(2) If the court finds that the child named in the petition~~  
2338 ~~is a child in need of services, but finds that no action other~~  
2339 ~~than supervision in the home is required, it may enter an order~~  
2340 ~~briefly stating the facts upon which its finding is based, but~~  
2341 ~~withholding an order of adjudication and placing the child and~~  
2342 ~~family under the supervision of the department. If the court~~  
2343 ~~later finds that the parent, guardian, or custodian of the child~~  
2344 ~~have not complied with the conditions of supervision imposed,~~  
2345 ~~the court may, after a hearing to establish the noncompliance,~~  
2346 ~~but without further evidence of the state of the child in need~~  
2347 ~~of services, enter an order of adjudication and shall thereafter~~  
2348 ~~have full authority under this chapter to provide for the child~~  
2349 ~~as adjudicated.~~

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(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 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.

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(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 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

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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 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,

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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 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

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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

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

(4) The court shall review the child's 90-day shelter

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2495 placement within 45 days after the child's placement and  
2496 determine whether continued shelter is deemed necessary. The  
2497 court shall also determine whether the parent, legal guardian,  
2498 or custodian has reasonably participated in the child's  
2499 counseling and treatment program, and is following the  
2500 recommendations of the program to work toward reunification. The  
2501 court shall also determine whether the department's  
2502 reunification efforts have been reasonable. If the court finds  
2503 an inadequate level of support or participation by the parent,  
2504 legal guardian, or custodian before the end of the shelter  
2505 commitment period, the court shall direct that the child be  
2506 handled in every respect as a dependent child. Jurisdiction  
2507 shall be transferred to the Department of Children and Families,  
2508 and the child's care shall be governed under the relevant  
2509 provisions of chapter 39. The department shall notify and  
2510 coordinate with the Department of Children and Families for the  
2511 transfer of jurisdiction. The clerk of court shall serve the  
2512 Department of Children and Families with any court order of  
2513 referral.

2514 ~~(2) This section applies after other alternative, less-~~  
2515 ~~restrictive remedies have been exhausted. The court may order~~  
2516 ~~that a child be placed in a staff-secure shelter. The~~  
2517 ~~department, or an authorized representative of the department,~~  
2518 ~~must verify to the court that a bed is available for the child.~~  
2519 ~~If the department or an authorized representative of the~~  
2520 ~~department verifies that a bed is not available, the department~~  
2521 ~~will place the child's name on a waiting list. The child who has~~  
2522 ~~been on the waiting list the longest will get the next available~~  
2523 ~~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 order ~~refer~~ the child transferred to the custody of the Agency for Persons with Disabilities or to the Department of Children and Families for the provision of necessary

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services. The clerk of court shall serve the Agency for Persons with Disabilities or the Department of Children and Families with any court order of referral.

Section 27. Section 984.226, Florida Statutes, is amended to read:

984.226 Physically secure shelter ~~setting~~.—

(1) Subject to specific legislative appropriation, the department ~~of Juvenile Justice~~ shall establish or contract for physically secure shelters ~~settings~~ designated exclusively for the placement of children in need of services who meet the criteria provided in this section.

~~(2) 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 the dispositional alternatives available to the court under this section. If the court decides to appoint counsel for the child and if the child is indigent, the court shall appoint an attorney to represent the child as provided under s. 985.033. Nothing precludes the court from requesting reimbursement of attorney's fees and costs from the nonindigent parent or legal guardian.~~

~~(2)~~ ~~(3)~~ When a child is adjudicated as a child in need of services by a court and all other less restrictive placements have been exhausted, the court may order the child to be placed in a physically secure shelter ~~setting~~ ~~authorized in this section~~ if the child has:

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(a) Failed to appear for placement in a ~~staff-secure~~ shelter for up to 90 days as ordered under s. 984.225, or failed to comply with any other provision of a valid court order relating to such placement and, as a result of such failure, has been found to be in direct or indirect contempt of court; or

(b) Run away from a 90-day ~~staff-secure~~ shelter following placement under s. 984.225 ~~or s. 984.09~~.

The department or an authorized agent ~~representative~~ of the department must verify to the court that a bed is available for the child in a physically secure shelter. If a bed is not available in a physically secure shelter, the court must stay the placement until such a bed is available, and the department must place the child's name on a waiting list. The child who has been on the waiting list the longest has first priority for placement in the physically secure shelter. Physically secure shelter placement may only be used 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 ~~setting~~.

~~(3)(4)~~ (3) A child may be placed in a physically secure shelter ~~setting~~ for up to 90 days by order of the court. If a child has not been reunited with his or her parent, guardian, or legal custodian at the expiration of the placement in a physically secure shelter ~~setting~~, the court may order that the child remain in the physically secure shelter ~~setting~~ for an additional 30 days if the court finds that reunification could be achieved within that period.

~~(4)(5)~~ (4) (a) The court shall review the child's placement once

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2640 within every 45 days to determine whether the child can be  
2641 returned home with the provision of ongoing services ~~as provided~~  
2642 ~~in s. 984.20.~~

2643 (b) At any time during the placement of a child in need of  
2644 services in a physically secure shelter ~~setting~~, the department  
2645 or an authorized agent ~~representative~~ of the department may  
2646 submit to the court a report that recommends:

2647 1. That the child has received all of the services  
2648 available from the physically secure shelter ~~setting~~ and is  
2649 ready for reunification with a parent or guardian; or

2650 2. That the child is unlikely to benefit from continued  
2651 placement in the physically secure shelter ~~setting~~ and is more  
2652 likely to have his or her needs met in a different type of  
2653 placement. The court may order that the child be transitioned  
2654 from a physically secure shelter to a shelter placement as  
2655 provided in s. 984.225 upon a finding that the physically secure  
2656 shelter is no longer necessary for the child's safety and to  
2657 provide needed services.

2658 (c) The court shall determine if the parent, legal  
2659 guardian, or custodian has reasonably participated in and has  
2660 ~~financially~~ contributed to or participated in the child's  
2661 counseling and treatment program.

2662 (d) If the court finds an inadequate level of support or  
2663 participation by the parent, legal guardian, or custodian before  
2664 the end of the placement, the court shall direct that the child  
2665 be handled as a dependent child, jurisdiction shall be  
2666 transferred to the Department of Children and Families, and the  
2667 child's care shall be governed by chapter 39. The department  
2668 shall notify and coordinate with the Department of Children and

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Families for provision of services to the child. The clerk of court shall serve the Department of Children and Families with any court order of referral.

(e) If the child requires long-term residential mental health treatment or residential care for a developmental disability, the court shall transfer custody of ~~refer~~ the child to the Department of Children and Families or the Agency for Persons with Disabilities for the provision of necessary services. The clerk of court shall serve the Agency for Persons with Disabilities or the Department of Children and Families with any court order of referral.

~~(5)(6)~~ Prior to being ordered to a physically secure shelter setting, the child must be afforded all rights of due process required under s. 984.07 ~~985.037~~.

(6) While in the physically secure shelter setting, the child shall receive appropriate assessment, intervention, treatment, and educational services that are designed to eliminate or reduce the child's truant, ungovernable, or runaway behavior. The child and family shall be provided with individual and family counseling and other support services necessary for reunification.

(7) The court shall order the parent, legal 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 child's insurance and the family's ability to pay as determined by the court. Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the

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legal responsibilities of the parent, legal guardian, or ~~legal~~ custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

Section 28. Section 985.731, Florida Statutes, is transferred and renumbered as section 787.035, Florida Statutes.

Section 29. Subsection (9) of section 985.03, Florida Statutes, is amended to read:

985.03 Definitions.—As used in this chapter, the term:

(9) "Child who has been found to have committed a delinquent act" means 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 ~~dependency~~ proceeding under chapter 39 or chapter 984 ~~or a proceeding concerning a child or family in need of services.~~

Section 30. Subsection (4) of section 985.24, Florida Statutes, is amended to read:

985.24 Use of detention; prohibitions.—

(4) A child who is alleged to be dependent under chapter 39, or any child subject to proceedings under chapter 984, ~~but~~ 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. Section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role

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in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school is required to ~~shall~~ implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee must ~~shall~~ contact the student's parent to determine the reason for the absence. If the absence is an excused absence, as

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defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student 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, the student's primary teacher must ~~shall~~ report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. ~~The principal shall,~~ Unless there is clear evidence that the absences are not a pattern of nonattendance, the principal must refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal must ~~shall~~ notify the district school superintendent and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance. The child study team may allow the parent to attend the meeting virtually or by telephone if the parent is unable to attend the meeting in person.

(c) If the parent 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 7 days after the child study team meeting. If the an



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initial meeting does not resolve the problem, the child study team shall implement the following:

1. Frequent attempts at communication between the teacher and the family.

2. 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 the learning environment is an issue of concern.

~~3.2.~~ Evaluation for alternative education programs.

~~4.3.~~ Attendance contracts.

The child study team may, but is not required to, implement other interventions, including referral to the Department of Juvenile Justice's designated provider for voluntary family services, or to other agencies for family services or recommend ~~recommendation for~~ filing a truancy petition pursuant to s. 984.151.

(d) The child study team must ~~shall~~ be diligent in facilitating intervention services and shall report the case to the district school superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent may appeal to the district school board. The district school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the district school board. If the district school board's final determination is that the

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strategies of the child study team are appropriate, and the parent still refuses to participate or cooperate, the district school superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(d). The first portfolio review must occur within the first 30 calendar days after ~~of~~ the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(d).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the

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definition of the term "regular school attendance" under s. 1003.01(16)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(e).

(g) If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee must ~~shall~~ refer the case to the Department of Juvenile Justice's authorized agent, which shall then offer voluntary family services, and schedule a meeting of the case staffing committee pursuant to s. 984.12 if the services do not remediate the child's truancy, and the district school superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151.

(h) If a student subject to compulsory school attendance is responsive to the interventions described in this section 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

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2872 be promoted.

2873 (2) GIVE WRITTEN NOTICE.—

2874 (a) Under the direction of the district school  
2875 superintendent, a designated school representative must provide  
2876 ~~shall give~~ written notice in person or by return-receipt mail to  
2877 the parent, requiring the child's ~~that requires~~ enrollment or  
2878 attendance within 3 days after the date of notice, ~~in person or~~  
2879 ~~by return-receipt mail, to the parent~~ when no valid reason is  
2880 found for a student's nonenrollment in school if the child is  
2881 under compulsory education requirements, and is not exempt. If  
2882 the child is not enrolled or in attendance in school within 3  
2883 days after the notice being provided ~~and requirement are~~  
2884 ~~ignored,~~ the designated school representative must ~~shall~~ report  
2885 the case to the district school superintendent, who must ~~may~~  
2886 refer the case to the child study team in paragraph (1)(b) at  
2887 the school the student would be assigned according to district  
2888 school board attendance area policies. In addition, the  
2889 designated school representative may refer the case to the  
2890 Department of Juvenile Justice's authorized agent for families  
2891 in need of services ~~or to the case staffing committee,~~  
2892 ~~established pursuant to s. 984.12.~~ The child study team must  
2893 ~~shall~~ diligently facilitate intervention services and ~~shall~~  
2894 report the case back to the district school superintendent  
2895 within 15 days after referral of the case if only when all  
2896 reasonable efforts to resolve the nonenrollment behavior have  
2897 been made and the child is still not attending school ~~are~~  
2898 ~~exhausted.~~ If the parent ~~still~~ refuses to cooperate or enroll  
2899 the child in school within 15 days after referral of the case to  
2900 the child study team, the district school superintendent must

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2901 make a report to law enforcement and refer the case to the  
2902 Office of the State Attorney ~~shall take such steps as are~~  
2903 ~~necessary~~ to bring criminal prosecution against the parent.

2904 (b) Subsequent to referring the case to the Office of the  
2905 State Attorney ~~the activities required under subsection (1)~~, the  
2906 district school superintendent or his or her designee must ~~shall~~  
2907 give written notice in person or by return-receipt mail to the  
2908 parent that criminal prosecution is being sought for  
2909 nonattendance. The district school superintendent may file a  
2910 truancy petition, as defined in s. 984.03, following the  
2911 procedures outlined in s. 984.151.

2912 (3) RETURN STUDENT TO PARENT.— A designated school  
2913 representative may visit the home or place of residence of a  
2914 student and any other place in which he or she is likely to find  
2915 any student who is required to attend school when the student is  
2916 not enrolled or is absent from school during school hours  
2917 without an excuse, and, when the student is found, shall return  
2918 the student to his or her parent or to the principal or teacher  
2919 in charge of the school, or to the private tutor from whom  
2920 absent. If the parent cannot be located or is unavailable to  
2921 take custody of the child, and the child is not to be presented  
2922 to the child's school or tutor, the youth shall be referred to  
2923 the Department of Juvenile Justice's shelter, to another  
2924 facility, or to the juvenile assessment center or other location  
2925 established by the district school board to receive students who  
2926 are absent from school. Upon receipt of the student, the parent  
2927 shall be immediately notified.

2928 (4) REPORT TO APPROPRIATE AUTHORITY.—A designated school  
2929 representative shall report to the appropriate authority

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designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5) RIGHT TO INSPECT.—A designated school representative shall have the right of access to, and inspection of, establishments where minors may be employed or detained only for the purpose of ascertaining whether students of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the appropriate authority.

Section 32. Subsections (2), (3), (4), (6), and (7) of section 1003.27, Florida Statutes, are amended to read:

1003.27 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this part, relating to compulsory school attendance, shall be as follows:

(2) NONENROLLMENT AND NONATTENDANCE CASES.—

(a) ~~In each case of nonenrollment or of nonattendance upon the part of a student who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found,~~ The district school superintendent shall institute a criminal prosecution against the student's parent, in each case of nonenrollment or of nonattendance of a student who is required to attend school, when no valid reason for the nonenrollment or nonattendance is found. ~~However,~~ Criminal prosecution may not be instituted against the student's parent until the school and school district have complied with s. 1003.26.

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(b) Each public school principal or the principal's designee must ~~shall~~ notify the district school board of each minor student under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days. Reports shall be made to the district school board at the end of each school quarter. The calculation of 15 absences within 90 days are determined based on calendar days and are not limited to the span of one school quarter during which the nonattendance begins or ends. The district school board shall verify the schools reporting 15 or more unexcused absences within a 90-day period have complied with the requirements of remediating truancy at the school level or pursuing appropriate court intervention as provided in this section. Any school not meeting the requirements in this paragraph shall provide a remedial action plan to the school board within 30 days, and follow up within 90 days to confirm all truancy cases have been addressed either through the child's enrollment and regular attendance or referral of the case to the appropriate court or agency to pursue court intervention.

(c) The district school superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor student who has been reported under this paragraph and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student, pursuant ~~to the provisions of s.~~ 322.091.

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(d) ~~(e)~~ Each designee of the governing body of each private school and each parent whose child is enrolled in a home education program or personalized education program may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor student under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student pursuant to s. 322.091.

(3) HABITUAL TRUANCY CASES.— The district school superintendent may ~~is authorized to~~ file a truancy petition seeking early truancy intervention, as defined in s. 984.03, following the procedures outlined in s. 984.151. If the district school superintendent chooses not to file a truancy petition, the case must be referred to the Department of Juvenile Justice's authorized agent for families in need of services. The procedures for filing a child in need of services ~~child in need of services~~ petition must ~~shall~~ be commenced pursuant to this subsection and chapter 984 if voluntary family services do not remediate the child's truancy. The. ~~In accordance with procedures established by the district school board, the designated school representative must shall~~ refer a student who is a habitual ~~habitually~~ truant and the student's family to the Department of Juvenile Justice's designated children in need of services provider for provision of voluntary services, and may refer the case to ~~children in need of services and families in~~



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~~need of services provider or~~ the case staffing committee,  
established pursuant to s. 984.12, following the referral  
process established by the cooperative interagency agreement as  
~~determined by the cooperative agreement required in this~~  
~~section.~~ The case staffing committee may request the Department  
of Juvenile Justice or its designee to file a petition for child  
in need of services ~~child-in-need-of-services~~ petition based  
upon the report and efforts of the district school board or  
other community agency, and early truancy intervention by the  
circuit court, after review and an initial meeting, or may seek  
to resolve the truant behavior through the school or community-  
based organizations or other state or local agencies. Prior to  
~~and subsequent to~~ the filing of a ~~child-in-need-of-services~~  
petition for a child in need of services due to habitual  
truancy, the appropriate governmental agencies must allow a  
reasonable time to complete actions required by this section and  
ss. 984.11 and s. 1003.26 to remedy the conditions leading to  
the truant behavior. Prior to the filing of a petition, the  
district school board must have complied with the requirements  
of s. 1003.26, and those efforts must have been unsuccessful.

(4) COOPERATIVE AGREEMENTS.—~~The circuit manager of the~~  
Department of Juvenile Justice's authorized agent Justice or his  
or her designee, ~~the circuit manager's designee, the district~~  
~~administrator of the Department of Children and Families or the~~  
~~district administrator's designee,~~ and the district school  
superintendent or his or her ~~the superintendent's~~ designee must  
develop a cooperative interagency agreement that:

(a) Clearly defines each department's role, responsibility,  
and function in working with ~~habitual~~ truants and their

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families.

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

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

(d) Delineates timeframes for implementation and identifies a mechanism for reporting results by the Department of Juvenile Justice or its authorized agent ~~circuit juvenile justice manager or the circuit manager's designee~~ and the district school superintendent or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed.

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

(6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—  
Proceedings or prosecutions under this chapter may be commenced by the district school superintendent or his or her designee, ~~by a designated school representative, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, by an officer of any court of competent jurisdiction, or~~ by a duly authorized agent of the Department of Education or the Department of Juvenile Justice, by a parent, or in the case of a criminal prosecution, by the Office of the State Attorney. If a proceeding has been commenced against both a parent and a child pursuant to this chapter, the presiding

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courts shall make every effort to coordinate services or sanctions against the child and parent, including ordering the child and parent to perform community service hours or attend counseling together.

(7) PENALTIES.—The penalties for refusing or failing to comply with this chapter shall be as follows:

(a) *The parent.*—

1. A parent who refuses or fails to have a minor student who is under his or her control attend school regularly, or who refuses or fails to comply with the requirements in subsection (3), commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. The continued or habitual absence of a minor student without the consent of the principal or teacher in charge of the school he or she attends or should attend, or of the tutor who instructs or should instruct him or her, is prima facie evidence of a violation of this chapter; however, a showing that the parent has made a bona fide and diligent effort to control and keep the student in school shall be an affirmative defense to any criminal or other liability under this subsection and the court shall refer the parent and child for counseling, guidance, or other needed services.

3. In addition to any other sanctions authorized under s. 984.151 ~~punishment~~, the court shall order a parent who has violated this section to send the minor student to school, and may also order the parent to participate in an approved parent training class, attend school with the student unless this would cause undue hardship or is prohibited by rules or policy of the school board, perform community service hours ~~at the school~~, or

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participate in counseling or other services, as appropriate. If a parent is ordered to attend school with a student, the school shall provide for programming to educate the parent and student on the importance of school attendance. It shall be unlawful to terminate any employee solely because he or she is attending school with his or her child pursuant to a court order.

(b) *The principal or teacher.*—A principal or teacher in any public, parochial, religious, denominational, or private school, or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such violation, have his or her certificate revoked by the Department of Education.

(c) *The employer.*—

1. An employer who fails to notify the district school superintendent when he or she ceases to employ a student commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. An employer who terminates any employee solely because he or she is attending school with a student pursuant to court order commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) *The student.*—

~~4.~~ In addition to any other sanctions authorized under s. 984.151 ~~sanctions~~, the court shall order a student found to be a ~~habitual~~ truuant to make up all school work missed and attend school daily with no unexcused absences or tardiness, and may order the child to ~~and may order the student to pay a civil penalty of up to \$2, based on the student's ability to pay, for each day of school missed, perform up to 25 community service hours at the school, or~~ participate in counseling or other

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3133 services, as appropriate.

3134 ~~2. Upon a second or subsequent finding that a student is a~~  
3135 ~~habitual truant, the court, in addition to any other authorized~~  
3136 ~~sanctions, shall order the student to make up all school work~~  
3137 ~~missed and may order the student to pay a civil penalty of up to~~  
3138 ~~\$5, based on the student's ability to pay, for each day of~~  
3139 ~~school missed, perform up to 50 community service hours at the~~  
3140 ~~school, or participate in counseling or other services, as~~  
3141 ~~appropriate.~~

3142 Section 33. Paragraph (g) is added to subsection (7) of  
3143 section 381.02035, Florida Statutes, to read:

3144 381.02035 Canadian Prescription Drug Importation Program.—

3145 (7) ELIGIBLE IMPORTERS.—The following entities may import  
3146 prescription drugs from an eligible Canadian supplier under the  
3147 program:

3148 (g) A pharmacist or wholesaler employed by or under  
3149 contract with the Department of Juvenile Justice, for dispensing  
3150 to juveniles in the custody of the Department of Juvenile  
3151 Justice.

3152 Section 34. Paragraph (a) of subsection (5) of section  
3153 790.22, Florida Statutes, is amended to read:

3154 790.22 Use of BB guns, air or gas-operated guns, or  
3155 electric weapons or devices by minor under 16; limitation;  
3156 possession of firearms by minor under 18 prohibited; penalties.—

3157 (5) (a) A minor who violates subsection (3):

3158 1. For a first offense, commits a misdemeanor of the first  
3159 degree; shall serve a period of detention of up to 5 days in a  
3160 secure detention facility, with credit for time served in secure  
3161 detention prior to disposition; and shall be required to perform

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100 hours of community service or paid work as determined by the department.

2. For a second or subsequent offense, commits a felony of the third degree. For a second offense, the minor shall serve a period of detention of up to 21 days in a secure detention facility, with credit for time served in secure detention prior to disposition, and shall be required to perform not less than 100 nor more than 250 hours of community service or paid work as determined by the department. For a third or subsequent offense, the minor shall be adjudicated delinquent and committed to a residential program. A finding by a court that a minor committed a violation of this section, regardless of whether the court adjudicates the minor delinquent or withholds adjudication of delinquency, ~~withhold of adjudication of delinquency~~ shall be considered a prior offense for the purpose of determining a second, third, or subsequent offense.

For the purposes of this subsection, community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds.

Section 35. Paragraph (a) of subsection (2) of section 985.12, Florida Statutes, is amended to read:

985.12 Prearrest delinquency citation programs.—

(2) JUDICIAL CIRCUIT DELINQUENCY CITATION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

(a) A prearrest delinquency citation program for misdemeanor offenses shall be established in each judicial circuit in the state. The state attorney and public defender of

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each circuit, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit shall create a prearrest delinquency citation program and develop its policies and procedures. In developing the program's policies and procedures, input from other interested stakeholders may be solicited. ~~The department shall annually develop and provide guidelines on best practice models for prearrest delinquency citation programs to the judicial circuits as a resource.~~

Section 36. Subsection (5) of section 985.126, Florida Statutes, is amended to read:

985.126 Prearrest and postarrest diversion programs; data collection; denial of participation or expunged record.—

(5) The department shall provide a quarterly report to be published on its website and distributed to the Governor, President of the Senate, and Speaker of the House of Representatives listing the entities that use prearrest delinquency citations for less than 80 ~~70~~ percent of first-time misdemeanor offenses.

Section 37. Paragraph (c) of subsection (1) of section 985.25, Florida Statutes, is amended to read:

985.25 Detention intake.—

(1) The department shall receive custody of a child who has been taken into custody from the law enforcement agency or court and shall review the facts in the law enforcement report or probable cause affidavit and make such further inquiry as may be necessary to determine whether detention care is appropriate.

(c) If the final score on the child's risk assessment instrument indicates detention care is appropriate, but the

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department otherwise determines the child should be released, the department shall contact the state attorney, who may authorize release. If the final score on the child's risk assessment instrument indicates release or supervised release is appropriate, but the department otherwise determines that there should be supervised release or detention, the department shall contact the state attorney, who may authorize an upward departure. Notwithstanding any other provision of this paragraph, 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.

Under no circumstances shall the department or the state attorney or law enforcement officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults, without an order of the court.

Section 38. Paragraph (c) of subsection (7) of section 985.433, Florida Statutes, is amended to read:

985.433 Disposition hearings in delinquency cases.—When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(7) If the court determines that the child should be adjudicated as having committed a delinquent act and should be committed to the department, such determination shall be in writing or on the record of the hearing. The determination shall include a specific finding of the reasons for the decision to adjudicate and to commit the child to the department, including



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any determination that the child was a member of a criminal gang.

(c) The court may also require that the child be placed on conditional release ~~in a probation program~~ following the child's discharge from commitment. Community-based sanctions under subsection (8) may be imposed by the court at the disposition hearing or at any time prior to the child's release from commitment.

Section 39. Section 985.625, Florida Statutes, is repealed.

Section 40. Subsection (4) of section 985.632, Florida Statutes, is amended to read:

985.632 Quality improvement and cost-effectiveness; Comprehensive Accountability Report.—

~~(4) COST-EFFECTIVENESS MODEL. The department, in consultation with the Office of Economic and Demographic Research and contract service providers, shall develop a cost-effectiveness model and apply the model to each commitment program.~~

~~(a) The cost-effectiveness model shall compare program costs to expected and actual child recidivism rates. It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness model.~~

~~(b) The department shall rank commitment programs based on the cost-effectiveness model, performance measures, and adherence to quality improvement standards and shall report this data in the annual Comprehensive Accountability Report.~~

~~(c) Based on reports of the department on child outcomes and program outputs and on the department's most recent cost-~~

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effectiveness rankings, the department may terminate a program operated by the department or a provider if the program has failed to achieve a minimum standard of program effectiveness. This paragraph does not preclude the department from terminating a contract as provided under this section or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.

~~(d) In collaboration with the Office of Economic and Demographic Research, and contract service providers, the department shall develop a work plan to refine the cost-effectiveness model so that the model is consistent with the performance-based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The department shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to refine the model.~~

~~(e) Contingent upon specific appropriation, the department, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall:~~

~~1. Construct a profile of each commitment program that uses the results of the quality improvement data portion of the Comprehensive Accountability Report required by this section, the cost-effectiveness data portion of the Comprehensive Accountability Report required in this subsection, and other reports available to the department.~~

~~2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1. and target, for technical assistance, any commitment program~~

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that has achieved low or disparate ratings in the reports  
required under subparagraph 1.

~~3. Identify the essential factors that contribute to the  
high, low, or disparate program ratings.~~

~~4. Use the results of these evaluations in developing or  
refining juvenile justice programs or program models, child  
outcomes and program outputs, provider contracts, quality  
improvement standards, and the cost-effectiveness model.~~

Section 41. Subsection (8) of section 95.11, Florida  
Statutes, is amended to read:

95.11 Limitations other than for the recovery of real  
property.—Actions other than for recovery of real property shall  
be commenced as follows:

(8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action founded  
on alleged abuse, as defined in s. 39.01 or, s. 415.102, ~~or s.~~  
~~984.03~~; incest, as defined in s. 826.04; or an action brought  
pursuant to s. 787.061 may be commenced at any time within 7  
years after the age of majority, or within 4 years after the  
injured person leaves the dependency of the abuser, or within 4  
years from the time of discovery by the injured party of both  
the injury and the causal relationship between the injury and  
the abuse, whichever occurs later.

Section 42. Subsection (1) of section 409.2564, Florida  
Statutes, is amended to read:

409.2564 Actions for support.—

(1) In each case in which regular support payments are not  
being made as provided herein, the department shall institute,  
within 30 days after determination of the obligor's reasonable  
ability to pay, action as is necessary to secure the obligor's

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3336 payment of current support, any arrearage that may have accrued  
3337 under an existing order of support, and, if a parenting time  
3338 plan was not incorporated into the existing order of support,  
3339 include either a signed, agreed-upon parenting time plan or a  
3340 signed Title IV-D Standard Parenting Time Plan, if appropriate.  
3341 The department shall notify the program attorney in the judicial  
3342 circuit in which the recipient resides setting forth the facts  
3343 in the case, including the obligor's address, if known, and the  
3344 public assistance case number. Whenever applicable, the  
3345 procedures established under chapter 88, Uniform Interstate  
3346 Family Support Act, chapter 61, Dissolution of Marriage;  
3347 Support; Time-sharing, chapter 39, Proceedings Relating to  
3348 Children, chapter 984, Children and Families in Need of  
3349 Services; Prevention and Intervention for School Truancy and  
3350 Un governable and Runaway Children, and chapter 985, Delinquency;  
3351 Interstate Compact on Juveniles, may govern actions instituted  
3352 under this act, except that actions for support under chapter  
3353 39, chapter 984, or chapter 985 brought pursuant to this act  
3354 shall not require any additional investigation or supervision by  
3355 the department.

3356 Section 43. Paragraph (e) of subsection (1) of section  
3357 419.001, Florida Statutes, is amended to read:

3358 419.001 Site selection of community residential homes.—

3359 (1) For the purposes of this section, the term:

3360 (e) "Resident" means any of the following: a frail elder as  
3361 defined in s. 429.65; a person who has a disability as defined  
3362 in s. 760.22(3)(a); a person who has a developmental disability  
3363 as defined in s. 393.063; a nondangerous person who has a mental  
3364 illness as defined in s. 394.455; or a child who is found to be

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dependent as defined in s. 39.01 ~~or s. 984.03~~, or a child in  
need of services as defined in s. 984.03 ~~or s. 985.03~~.

Section 44. Subsection (3) of section 744.309, Florida  
Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—No person who has been convicted  
of a felony or who, from any incapacity or illness, is incapable  
of discharging the duties of a guardian, or who is otherwise  
unsuitable to perform the duties of a guardian, shall be  
appointed to act as guardian. Further, no person who has been  
judicially determined to have committed abuse, abandonment, or  
neglect against a child as defined in s. 39.01 or s. 984.03(1),  
(2), and (24) ~~(37)~~, or who has been found guilty of, regardless  
of adjudication, or entered a plea of nolo contendere or guilty  
to, any offense prohibited under s. 435.04 or similar statute of  
another jurisdiction, shall be appointed to act as a guardian.  
Except as provided in subsection (5) or subsection (6), a person  
who provides substantial services to the proposed ward in a  
professional or business capacity, or a creditor of the proposed  
ward, may not be appointed guardian and retain that previous  
professional or business relationship. A person may not be  
appointed a guardian if he or she is in the employ of any  
person, agency, government, or corporation that provides service  
to the proposed ward in a professional or business capacity,  
except that a person so employed may be appointed if he or she  
is the spouse, adult child, parent, or sibling of the proposed  
ward or the court determines that the potential conflict of  
interest is insubstantial and that the appointment would clearly  
be in the proposed ward's best interest. The court may not

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3394 appoint a guardian in any other circumstance in which a conflict  
3395 of interest may occur.

3396 Section 45. Section 784.075, Florida Statutes, is amended  
3397 to read:

3398 784.075 Battery on detention or commitment facility staff  
3399 or a juvenile probation officer.—A person who commits a battery  
3400 on a juvenile probation officer, as defined in ~~s. 984.03~~ or s.  
3401 985.03, on other staff of a detention center or facility as  
3402 defined in s. 984.03 ~~s. 984.03(19)~~ or s. 985.03, or on a staff  
3403 member of a commitment facility as defined in s. 985.03, commits  
3404 a felony of the third degree, punishable as provided in s.  
3405 775.082, s. 775.083, or s. 775.084. For purposes of this  
3406 section, a staff member of the facilities listed includes  
3407 persons employed by the Department of Juvenile Justice, persons  
3408 employed at facilities licensed by the Department of Juvenile  
3409 Justice, and persons employed at facilities operated under a  
3410 contract with the Department of Juvenile Justice.

3411 Section 46. Paragraph (b) of subsection (4) of section  
3412 985.618, Florida Statutes, is amended to read:

3413 985.618 Educational and career-related programs.—

3414 (4)

3415 (b) Evaluations of juvenile educational and career-related  
3416 programs shall be conducted according to the following  
3417 guidelines:

3418 1. Systematic evaluations and quality assurance monitoring  
3419 shall be implemented, in accordance with s. 985.632(1), (2), and  
3420 (4) ~~(5)~~, to determine whether the programs are related to  
3421 successful postrelease adjustments.

3422 2. Operations and policies of the programs shall be

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3423 reevaluated to determine if they are consistent with their  
3424 primary objectives.

3425 Section 47. This act shall take effect July 1, 2025.