

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [CS/HB 1405](#)

**TITLE:** Juvenile Justice

**SPONSOR(S):** Jacques, Bracy Davis

**COMPANION BILL:** [SB 1344](#) (Simon)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Education & Employment](#)

19 Y, 0 N, As CS

## SUMMARY

### Effect of the Bill:

The bill repeals and amends numerous sections of ch. 984, F.S., to more accurately reflect current practices of the Department of Juvenile Justice (DJJ) by distinguishing between the services provided to truants, runaways, and children who are beyond the control of their parents from the services designed to meet the needs of abandoned, abused, neglected, and delinquent children.

### Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on state government due to an increased number of eligible children and families adjudicated as in need of services. The bill may also have an indeterminate fiscal impact on local government and an indeterminate positive impact on the private sector.

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## ANALYSIS

### **EFFECT OF THE BILL:**

Chapter 984, F.S., was established when the Department of Health and Rehabilitative Services was split into the Department of Children and Families and the Department of Juvenile Justice. Since that time there has been few revisions to the chapter. The bill repeals and revises numerous sections of ch. 984, F.S., to more accurately reflect current practices of the Department of Juvenile Justice (DJJ) by distinguishing between the services provided to truants, runaways, and children who are beyond the control of their parents from the services designed to meet the needs of abandoned, abused, neglected, and delinquent children. (Section [1-3](#)). The bill expressly prohibits the use of detention that is intended for juvenile delinquents under ch. 985 or for the confinement of adults. (Section [10-11](#)).

### Voluntary Family Services

The bill defines voluntary family services as services designed to remediate school truancy, homelessness, and runaway and ungovernable behavior in children, also referred to as [status offenses](#). (Section [4](#) and [13](#)). A child who has received a prearrest delinquency citation, or is receiving delinquency diversion services may receive voluntary family services. Likewise, a child is also eligible for services if there is a pending investigation into an allegation of abuse, neglect or abandonment, and the Department of Children and Families (DCF) agrees to the services and makes a referral. The DCF must notify the department if a referral is declined. However, a family is ineligible for services if the child is under court supervision for delinquency under ch. 985 or dependency under ch. 39. Available services are revised to career development and referral for or provision of substance abuse assessment or treatment. The parent must use health care insurance to the extent it is available for the provision of health services. (Section [13](#)). A judge may order a child to submit to substance abuse evaluation, testing, and treatment in accordance with s. 397.706. (Section [22](#)).

### Custody

**STORAGE NAME:** h1405b.EEC

**DATE:** 3/21/2025

The bill clarifies what a law enforcement officer or designated school representative must do when taking a child into custody and where to deliver the child, including to the parent, a shelter, hospital, a substance abuse treatment center, or a receiving center for involuntary examination. (Section [15](#)) A temporary voluntary shelter must provide a safe environment with 24-hour care and supervision, referrals services as needed, education and counseling services. The shelter must immediately attempt to notify the parent, legal guardian, or custodian if the child was delivered to the shelter for running away or because the parent, legal guardian, or custodian was unavailable. If the parent, legal guardian, or custodian cannot be located within 24 hours, the DCF must be contacted to assume custody of the child. (Section [16](#)).

### Right to Counsel

In a contempt proceeding or a child in need of services (CINS) proceeding, the child must be represented by counsel at each court appearance. (Section [7](#) and [11](#)). The court must appoint counsel unless the child is not indigent and has counsel present, or the record demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel. The court must advise the child, who has waived right to counsel, of the right to counsel at every subsequent hearing. (Section [7](#)).

In a truancy proceeding, counsel may be appointed if the court determines it is in the best interest of the child or if nonindigent parents have made good faith efforts to address the child's truancy, ungovernable behavior or runaway behavior. (Section [7](#)). The court must appoint counsel to an indigent child, who is subject to a contempt proceeding, unless the child is not indigent and has counsel to represent the child, or the child has voluntarily, knowingly and intelligently waived appointment of counsel.

### [Case Staffing Committee](#)

The bill revises the duties of the case staffing committee to include: identifying the needs of the child and family, requiring the committee to invite the child, the parent, legal guardian, or custodian and seek input about the family or child's situation or concerns, considering voluntary family services or community services that have been offered and the result of those services, and identifying whether truancy is a concern and the steps that have been taken to remedy that concern. The case staffing committee is authorized to recommend a CINS petition be filed by the DJJ. Any member of the committee may convene a meeting if it is in the best interests of the child and voluntary family services have been rejected by the child or family or the child has not made measurable progress. A case staffing committee must be convened within 30 days of a truancy petition. (Section [14](#)).

### [Child in Need of Services](#)

For CINS proceedings, the bill repeals the strict timeframes for setting the arraignment and adjudicatory hearing and instead requires that these hearings be set within a reasonable time. (Section [23](#)). If the court's actions, during a CINS proceeding, involves the student's school, including but not limited to, an order that a student attend school, attend school with his or her parent, that the parent participate in meetings, parent-teacher conferences, Section 504 plan meetings or individualized plan meetings, the clerk of the court shall notify the school of the court's action. (Section [19](#)). The court may grant a continuance to allow the child, parent, legal guardian, or custodian, to obtain an attorney. A default judgement may be entered in a CINS petition arraignment hearing for failure to appear by a person who is served with notice to appear. The parent, legal guardian, or custodian and child must appear at any review hearing held after the disposition hearing. Review hearings must be held within 45 days after the disposition hearing and as often as necessary to allow sufficient time for the child and family to comply with the court orders and monitoring by the case manager. No more than 90 days may elapse between review hearings. If the child or parent, legal guardian, or custodian fail to appear or if the court finds good cause to waive the child's presence, the court may proceed with the hearing and enter orders that affect the child and family. (Section [23](#)).

### [Shelter Placement](#)

The bill prohibits a court from placing a status offender in any detention intended for juvenile offenders or any facility for the detention or confinement of adults.<sup>1</sup> A child adjudicated as a child in need of services may be placed in a shelter for up to 35 days to enforce the court's orders, ensure the child attends school, receives needed counseling, and to ensure the child adheres to a service plan. After other alternative, least restrictive remedies have been exhausted, the child may be placed in a shelter for up to 90 days if certain conditions are met. The court must

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<sup>1</sup> Section [984.0861, F.S.](#)

review the child's 90-day shelter placement no less than every 45 days to determine if continued placement is necessary and whether the parent, legal guardian, or custodian is working toward reconciliation by reasonably participating in the child's counseling and treatment program and if 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, legal guardian, or custodian, the child shall be handled as a dependent child and jurisdiction shall be transferred to the DCF. The clerk of court shall notify the DCF with any court order of referral and the DJJ shall notify and coordinate the transfer of jurisdiction with the DCF. If the child requires residential mental health treatment or residential care for a developmental disability, the child must be transferred to the custody of the Agency for Persons with Disabilities (APD) or the DCF. The court must serve the APD or the DCF with any order of referral. (Section [26](#)).

A shelter shall immediately attempt to contact the parent, legal guardian, or custodian of a child who has been placed in the shelter as a runaway or due to the parents, legal guardian, or custodian being unavailable. The shelter must determine if the child can safely return home or if 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 DCF must be contacted to assume custody of the child. (Section [16](#))

While in the shelter, the child must receive education commensurate with his or her grade level and educational ability. The DJJ or its authorized agent must verify to the court that a shelter bed is available and if one is not, the child must be placed on a waiting list. The child on the waiting list the longest will receive the next available bed. (Section [26](#)) A child in need of services who has been held in contempt, may only be placed in a shelter if alternative sections are unavailable or inappropriate, or if the alternative sanction has failed. The child may be placed in a shelter for 5 days for a first offense and 15 days for a second or subsequent offense. (Section [11](#)).

When all other least restrictive placements have been exhausted for a child adjudicated as a child in need of services, the court may order the child to be placed in a physically secure shelter if the child has not received appropriate services because the child failed to appear for placement in a shelter or has run away from a 90-day shelter. (Section [27](#)). A child may transition from a physically secure shelter to a shelter if the physically secure setting is no longer necessary for the child's safety or to provide needed services. (Section [27](#)).

### Contempt of Court

The bill limits the contempt power of the court by prohibiting the use of detention facilities and removing the authority of the court to direct the Department of Highway Safety and Motor Vehicles (DHSMV) to withhold issuance of, or suspend, a child's driver license or driving privilege. (Section [11](#)). A child subject to truancy proceedings who has been held in contempt may be placed in a shelter for 5 days for a first offense or 15 days for a second or subsequent offense at which time the court must refer the child to the case staffing committee with a recommendation to file a CINS petition. (Section [11](#)). Any shelter placement for contempt must be given as a cumulative sanction. Separate sanctions may not be imposed for the same act or series of acts within the same episode. (Section [11](#)).

### Truancy

When a child is referred to a child study team, the team may allow the parent to attend the meeting virtually or by telephone if the parent is unable to attend in person. If the parent or child fail to attend the meeting, the team must meet to develop written recommendations to address the truancy and provide those recommendation to the parent within 7 days of the meeting. If the initial meeting does not remedy the truancy, the team may refer the family for voluntary services from DJJ or available scholarship options if the learning environment is a concern. If the parents refuse to cooperate or enroll the child in school within 15 days of referral of the case to the child study team and all reasonable efforts to resolve the nonattendance behavior have been made, the team must notify the superintendent who must make a report to law enforcement and refer to case to the Office of the State Attorney to prosecute the parents. (Section [31](#)).

The district school board must verify each schools report of truancy and compliance with remediation of truancy, and pursuing appropriate court intervention. Any school that fails to satisfy these requirements must submit a remediation plan to the school board within 30 days and follow up within 90 days that all truancy cases have been addressed through regular attendance or referral of the case to the appropriate court or agency for intervention. (Section [31](#)).

The bill clarifies that truancy court action is limited to orders requiring the student to attend school and the student and family to participate in services to encourage regular school attendance. (Section 18). The court must review the case at least every 45 days to evaluate the level of compliance and whether the case should be referred to the case staffing committee. (Section 18). The court retains jurisdiction for up to 180 days until the student has substantially complied with early truancy intervention, is no longer subject to compulsory school attendance, or is adjudicated a child in need of services. (Section 5).

### [Detention Intake](#)

The bill authorizes the DJJ to contact the state attorney to depart from the risk assessment determination to authorize supervised release or detention. However, a child may only be moved one category in either direction within the risk assessment instrument. Release is not authorized if the child would need to be moved more than one category. (Section 37).

### [Canadian Prescription Drug Importation Program](#)

The bill allows pharmacists or wholesalers of the DJJ to import prescription drugs for dispensing to juveniles in the custody of the DJJ. (Section 33).

## **FISCAL OR ECONOMIC IMPACT:**

### STATE GOVERNMENT:

The bill may have an indeterminate fiscal impact on state government expenditures to the extent it redirects additional status offenders to CINS/FINS programs. DJJ has indicated the bill may increase CINS/FINS utilization and associated workload for circuit courts.<sup>2</sup> However, courts and CINS/FINS programs already provide such services to referred youth. DCF has indicated that any impact on administrative workload of the department or to CINS program services delivered by Community Based Care Lead agencies can be absorbed within existing resources. Any initial impacts to DJJ or the courts as a result of the bill can likely also be absorbed within existing resources, and potential future needs could be addressed through the Agency Legislative Budget Request process.

### LOCAL GOVERNMENT:

The bill may have an indeterminate, but likely insignificant impact on local government workload to the extent it requires schools to report more frequently on habitual truancy. Any associated fiscal impact can be absorbed within existing resources.

### PRIVATE SECTOR:

The bill may have an indeterminate positive impact on contracted providers of CINS/FINS programs to the extent it increases program utilization and specifically authorizes families to independently contract for those services.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### [Status Offenders](#)

A status offense is a noncriminal act that is considered a violation of the law solely due to a youth's status as a minor. Offenses typically include truancy, running away from home, violating curfew, underage use of alcohol, and ungovernability. <sup>3</sup> Chapter 984, F.S., establishes the processes for providing status offenders with voluntary and involuntary, through court order, intervention services. Involuntary intervention services to resolve problem

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<sup>2</sup> Department of Juvenile Justice, Agency Analysis of 2025 House Bill 1405, p. 19-20 (Feb. 28, 2025).

<sup>3</sup> *Status Offender Literature Review*, Office of Juvenile Justice and Delinquency Prevention, [https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/status\\_offenders.pdf](https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/status_offenders.pdf), last visited March 9, 2025.

behaviors and strengthen the family unit are provided through a truancy petition or a Child in Need of Services (CINS) or Family in Need of Services (FINS) petition.

### [Voluntary Family Services](#)

Services to families in need of services must be by voluntary agreement of the parent or legal guardian and the child or pursuant to a court order.<sup>4</sup> Services may include, but are not limited to, parent aide services, intensive crisis counseling, parent training, counseling, community mental health services, prevention and diversion services, runaway center services, housekeeper services, special educational, tutorial, or remedial services, vocational or employment services, recreational services, and assessment.

### [Family in Need of Services](#)

A family in need of services is a family that has a child who: is running away, persistently disobeying reasonable and lawful demands and is beyond the control of the parent or custodian, or habitually truant. A family is ineligible for services if there is an open investigation of an allegation of abuse, neglect, or abandonment or if the child is currently under the supervision of the DJJ or the DCF for dependency or delinquency.

A report that a child is from a family in need of services must be investigated by the DJJ to determine if the report is complete. If the report or complaint is incomplete it must be returned to the originator of the report or complaint for additional information. If the DJJ determines that the interests of the family, child, and public would be best served by services and treatment, the DJJ may refer the family or child to an appropriate service or treatment provider. The DJJ must inform the parent or legal guardian in writing of their rights and responsibilities and the services and treatment available to the child and family.

### [Case Staffing Committee](#)

Case staffing committees (committees) review cases of any family or child who the department determines is in need of services. A representative of the department must request a meeting of the family and child with the committee if the family or child are not in agreement with the voluntary services or treatment being offered, will not participate in the services or treatment offered, or if the department needs assistance in developing an appropriate plan for services.

Committees consist of representatives from the child's school district, the DJJ, and may include a supervisor of the department's provider, a representative from the area of health, mental health, substance abuse, social, or educational services; a representative of the state attorney's office; a representative of the alternative sanctions coordinator; and any person recommended by the child, family, or department. The goal of the committee is to create a plan for services which must contain: a statement of the problems, needs of the child, parents, guardian, or legal custodian, measurable objectives that address the problems, and the services and treatment to be provided.

### [Child in Need of Services](#)

A child in need of services is a child who has no pending petition for delinquency pursuant to chapter 985 or dependency under chapter 39 and who is found by a court to:

- Have persistently run away despite the reasonable efforts of the parents or legal guardians and appropriate agencies to remedy the conditions contributing to the behavior.
- Be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation; or
- Have persistently disobeyed reasonable and lawful demands of the parent or legal guardian despite the reasonable efforts of the parents or legal guardians and appropriate agencies to remedy the conditions contributing to the behavior.

### [Custody](#)

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

- The child has run away from his or her parent, guardian, or other legal custodian.

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<sup>4</sup> S. [984.11\(1\), F.S.](#)

- The child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent or legal guardian for the purpose of delivering the child without unreasonable delay to the appropriate school system site.<sup>5</sup>

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

### Shelter Placement

A child may be placed in a secure facility as punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has failed to comply with an alternative sanction. A delinquent child who has been held in contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility. Similarly, a child in need of services may be placed in a staff-secure shelter or staff-secure residential facility solely for children in need of services if placement is available. If placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment.<sup>6</sup>

### Truancy

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

A student who is subject to compulsory school attendance and has 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period the child is referred to the child study team to determine if early patterns of truancy are developing and intervene. If a student does not comply with attempts to enforce attendance, the parent or the district school superintendent or his or her designee shall refer the case to the case staffing committee pursuant to s. 984.12 and may file a truancy petition pursuant to s. 984.151. When a designated school representative finds a truant student, the representative must “return the student to the parent, to the principal or teacher in charge of the school, to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school.”<sup>7</sup>

If a school determines that a student subject to compulsory school attendance has had at least 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b), 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.<sup>8</sup>

The petition must be filed in the circuit court in which the student is enrolled in school<sup>9</sup> and, once filed, must be heard by the court within 30 days.<sup>10</sup> The student and the student’s parent or guardian must attend the hearing.<sup>11</sup>

If the court determines that the student did miss any of the alleged days, the court must order the student to attend school and the parent to ensure that the student attend school. The court may also order any of the following:<sup>12</sup>

- the student to participate in alternative sanctions to include mandatory attendance at alternative classes to be followed by mandatory community services hours for a period up to 6 months;
- the student and the student’s parent or guardian to participate in homemaker or parent aide services;

<sup>5</sup> Section [984.13, F.S.](#)

<sup>6</sup> Section [984.09, F.S.](#)

<sup>7</sup> Section [1003.26\(3\), F.S.](#)

<sup>8</sup> Section [984.151, F.S.](#)

<sup>9</sup> Section [984.151\(2\), F.S.](#)

<sup>10</sup> Section [984.151\(5\), F.S.](#)

<sup>11</sup> Section [984.151\(6\), F.S.](#)

<sup>12</sup> Section [984.151\(7\), F.S.](#)

- the student or the student’s parent or guardian to participate in intensive crisis counseling;
- the student or the student’s parent or guardian to participate in community mental health services if available and applicable;
- the student and the student’s parent or guardian to participate in service provided by voluntary or community agencies as available; and
- the student or the student’s parent or guardian to participate in vocational, job training, or employment services.

[Detention Intake](#)

When a child is taken into custody by law enforcement under ch. 985, the DJJ must conduct a risk assessment to determine if the child should be placed in detention care. If the final score of the risk assessment indicates that detention care is not appropriate, the child may be released. If the final score indicates that detention care is appropriate, but the DJJ otherwise determines the child should be released, the DJJ must contact the state attorney who may authorize release.<sup>13</sup>

[Canadian Prescription Drug Importation Program](#)

In 2019, the Canadian Prescription Drug Importation Program was established within the Agency for Healthcare Administration to supply the state with quality prescription drugs at a lower cost than what may be available in the US market.<sup>14</sup> Eligible importers include pharmacists or wholesalers employed by or under contract with:

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

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Education &amp; Employment Committee</a>	19 Y, 0 N, As CS	3/20/2025	Hassell	Fudge

THE CHANGES ADOPTED BY THE COMMITTEE:

- Added, removed, and clarified definitions.
- Conformed language of the bill to defined terms.
- Clarified provision related to appointment of counsel and the indigent status of the child.
- Required that a student who is responsive to interventions and who has completed the necessary requirements for promotion must be promoted to the next grade.
- Incorporated technical and clarifying changes.

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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<sup>13</sup> Section [985.25\(1\), F.S.](#)

<sup>14</sup> Section [381.02035, F.S.](#)

