

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

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

**TITLE:** Juvenile Justice

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

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

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 114 Y's

0 N's

**GOVERNOR'S ACTION:** Pending

### 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:**

CS/CS/HB 1405 passed as [CS/CS/SB 1344](#).

#### **Department of Juvenile Justice**

The [Department of Juvenile Justice](#) (DJJ) was established in 1996 when the Department of Health and Rehabilitative Services split into multiple state agencies. The 1996 Act also created the Department of Children and Families (DCF).<sup>1</sup> In 1997, the Legislature created chapter 984, "Children and Families in Need of Services," a governing chapter for DJJ.<sup>2</sup> Since that time, there have 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 DJJ.

CS/CS/HB 1405 distinguishes the array of DJJ diversionary services available to status offenders (i.e., truants, runaways, and children who are beyond the control of their parents) and to dually-involved youth, who are delinquent children who have a history of caregiver abandonment, abuse, or neglect and involvement in the child welfare system within DCF. (Section [1](#), [2](#), and [3](#)).

#### **Voluntary Family Services**

The bill authorizes DJJ to enter into agreements with eligible persons for [voluntary family services](#), designed to remediate [status offenses](#) (i.e., school truancy, homelessness, and runaway and ungovernable behavior in children.) (Section [4](#) and [13](#)). The bill authorizes DJJ to provide voluntary family services to a child who received a prearrest delinquency citation, is a recipient of delinquency diversion services, or if DCF refers him or her to DJJ while DCF investigates an allegation of abuse, neglect, or abandonment. If DCF declines to refer a dually-involved youth, the bill requires DCF to notify DJJ. If DCF refers a dually-involved youth who a court already adjudicated

<sup>1</sup> Ch. 96-403, L.O.F.

<sup>2</sup> Ch. 97-238, L.O.F.

dependent or placed under court-ordered DJJ supervision for a delinquent act, the bill prohibits DJJ from offering voluntary family services to that child (and his or her family). (Section [13](#)).

The bill adds the following services to DJJ's voluntary service array: career development, substance abuse assessment referrals, substance abuse treatment referrals, case management, runaway shelter services. The bill obligates a parent whose child receives voluntary family services to use health care insurance, to the extent it is available, for the provision of health services. (Section [13](#)). The bill authorizes a judge to order a juvenile offender to submit to substance abuse evaluation, testing, and treatment. (Section [22](#)).

### Case Staffing Committee

The bill requires a [case staffing committee](#) that is convened to review a DJJ case file for a family or child in need of services to invite the child and the child's caregiver to the meeting. The bill requires the committee to perform the following six tasks at the meeting:

- Identify the family's concerns and the contributing factors which led to open the case file.
- Ask the family and the child to voice their needs and concerns.
- Solicit helpful information from the school district and any other attendees who possess knowledge of the family or the child's situation and concerns.
- Evaluate the efficacy of services already provided to the family or child.
- Decide whether truancy is an outstanding concern and, if so, evaluate the child's plan for school attendance.

The bill authorizes the case staffing committee to recommend that DJJ file a Child in Need of Services petition. The bill authorizes any member of the committee to convene a meeting if it is in the best interests of the child, the child or family rejected voluntary family services, or the child failed to make measurable progress towards service plan goals. The bill requires a case staffing committee to convene within 30 days of a truancy petition. (Section [14](#)).

### **Child in Need of Services**

For a [child in need of services](#) (CINS) proceeding, 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](#)).

The bill requires the clerk of the court to notify the appropriate school when the presiding judge issues one of the following court orders:

- An order requiring the student to attend school.
- An order requiring the student, and an accompanying parent, to attend school.
- An order requiring the student's parent to participate in parent-teacher conferences, Section 504 plan meetings<sup>3</sup>, or individualized education plan meetings to address the student's disability. (Section [19](#)).

The bill authorizes the court to grant a continuance for the child and the caregiver to obtain an attorney. The bill authorizes the court to enter a default judgment in a CINS petition arraignment hearing if a person, properly served with notice, fails to appear.

At the disposition hearing, the bill requires the court to hear the parties' recommendations for court-ordered services, treatment, and conditions designed to remedy the child's truancy, ungovernable behavior, or running-away habits. (Section [23](#)).

The bill requires the court to hold a post-disposition review hearing within 45 days after the disposition hearing to review the family's and the child's compliance with the court order. The bill prohibits the court from letting the intervals between judicial review hearings extend beyond 90 days. An officer of the court must notice the child and the child's caregiver for each review hearing. If the properly noticed child and caregiver fail to make an

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<sup>3</sup> The U.S. Department of Education, through Section 504 of the Rehabilitation Act of 1973, helps students with disabilities have equal access to educational opportunities. U.S. Department of Education, Section 504 (last reviewed Jan. 27, 2025) <https://www.ed.gov/laws-and-policy/individuals-disabilities/section-504> (last visited Apr. 14, 2025).

appearance, the bill authorizes the court to proceed with the review hearing and enter binding orders. The presiding judge may waive the child's personal appearance for good cause. (Section [23](#)).

## **Custody**

The bill authorizes a law enforcement officer or a designated school representative to take a child into [custody](#) if he or she reasonably believes the child is a runaway or is truant. The bill also authorizes a law enforcement officer or designated school representative to take a child into custody pursuant to a court order which declares the child is a child in need of services or is in contempt of the court. The bill preserves the current authorization for law enforcement officers to take a child into custody when the child voluntarily agrees or requests DJJ services. (Section [15](#)).

If a law enforcement officer or a designated school representative takes a child into custody, the bill requires him or her to divert the child according to the following protocols:

- To the parent, if the officer or representative makes a full written report, within three days of the child's diversion, to DJJ's authorized agent for families in need of services.
- To a shelter, if the child's caregiver is unavailable to take immediate custody of his or her child, if the child requested voluntary family services and shelter placement, if a court ordered a shelter placement, or if the child and the child's caregiver voluntarily agree to a necessary temporary shelter placement.
- To a hospital, if the child requires a medically necessary evaluation and treatment.
- To a hospital, addictions receiving facility, or a treatment resource facility, if the officer or representative reasonably believes the child is intoxicated, incapacitated by substance abuse, or threatened, attempted, or inflicted physical harm to self or others.
- To a designated public receiving facility, if the officer or representative reasonably believes the child to be mentally ill, indicated by the child's immediate threat of suicide. (Section [15](#)).

The bill requires a temporary voluntary shelter to provide a safe environment with 24-hour care and supervision, referrals services as needed, education, and counseling services. The bill requires a shelter to 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 bill requires the shelter to contact DCF. (Section [16](#)).

## **Right to Counsel**

In a contempt proceeding or a child in need of services (CINS) proceeding, the bill requires counsel to represent the child at each court appearance. (Section [7](#) and [11](#)). Unless the child is not indigent and has private counsel present, the bill requires the court to appoint counsel for the child. However, the bill does not require counsel to represent the child if the child knowingly and intelligently waives his or her right to legal counsel, which must be demonstrated on the record by clear and convincing evidence. The bill requires the court to advise the child who has waived his or her right to counsel of the right to counsel at every subsequent hearing. (Section [7](#)).

In a truancy proceeding, the bill authorizes the court to appoint counsel 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. The bill requires the court to appoint counsel to a child who is subject to a contempt proceeding unless the child is not indigent and has counsel present, or if the child has voluntarily, knowingly, and intelligently waived appointment of counsel. (Section [7](#)).

## **Shelter Placement**

The bill expressly prohibits DJJ from placing status offenders in a detention facility for juvenile delinquents or adult confinement. (Section [10](#) and [11](#)). The bill authorizes DJJ to place a child adjudicated CINS 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 DJJ exhausts other alternative, less restrictive, remedies the bill authorizes DJJ to place the child in a shelter for up to 90 days if one of three conditions are met:

1. The child is a lockout youth, which means the child's caregiver effectively locks an ungovernable child out of the home by refusing to provide basic necessities and parental support.
2. The child is a persistent runaway, which means the child refuses to remain under his or her caregiver's reasonable care and custody and fails to comply with a court order.
3. The child, if previously sheltered under a CINS court order, is not responsive to a DJJ diversionary treatment program or court-ordered diversionary service.

The bill requires the court to review the child's 90-day shelter placement no less than every 45 days, which includes the following considerations:

- To determine the necessity of a shelter placement extension.
- To determine the caregiver's effort towards reconciliation with his or her child, which means participating in the child's counseling and treatment program.
- To determine the reasonableness of DJJ's efforts to reunify the family.

If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian, the bill requires the court to treat the child as a dependent child; this means the court must transfer jurisdiction of the child's case to DCF and DJJ must coordinate with DCF to accomplish the transfer. The bill requires the clerk of court to notify DCF of any court order of referral. If the child requires residential mental health treatment or residential care for a developmental disability, the bill requires DJJ to refer the child to the Agency for Persons with Disabilities (APD) or DCF for such treatment or care. (Section [26](#)).

The bill requires a shelter who receives a runaway or unsupervised child to immediately attempt to contact the child's caregiver. When the shelter contacts the child's caregiver, the bill requires the shelter to inform the caregiver that the child is at the shelter, to determine if the child can safely return home, and to determine if the caregiver seeks temporary voluntary shelter services until he or she can arrange to take the child home. If the parent, legal guardian, or custodian cannot be located within 24 hours, the bill requires the shelter to contact DCF. (Section [16](#)).

The bill vests the shelter with the responsibility to ensure a child placed at the shelter receives education commensurate with his or her grade level and educational ability. (Section [26](#)).

The bill requires DJJ or its authorized agent to inform the court when it verifies an available shelter bed for the child or, if no shelter beds are vacant, that it must place the child on a shelter bed wait list. The bill establishes the order of priority for the next available shelter bed, and the child that's been on the waitlist the longest gets the first available bed. (Section [26](#)). However, the bill authorizes the court to place a child in need of services who has been held in contempt in a shelter if alternative sections are unavailable or inappropriate, or if an alternative sanction failed. The bill authorizes the court to place a child in a shelter for 5 days for a first offense and 15 days for a second or subsequent offense. (Section [11](#)).

When the juvenile justice system exhausts all other least restrictive placements for a child adjudicated CINS, the bill authorizes the court to place a child in a physically secure shelter. (Section [27](#)). The bill allows the child to 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 the case to the Office of the State Attorney to prosecute the parents. (Section [31](#)).

The district school board must verify each school's reports of truancy and compliance with remediation of truancy and pursue appropriate court intervention. (Section [32](#)). The bill requires that any school that fails to satisfy these requirements to must submit a remediation plan to the school board within 30 days, and follow-up within 90 days to verify that all outstanding 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 actions are 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 DJJ to contact the state attorney to depart from the risk assessment determination to authorize supervised release or [detention](#). However, the bill prohibits the state from adjusting the child's risk assessment beyond one category in either direction within the risk assessment instrument; the bill also prohibits the child's release from detention if the child would need to be moved more than one category within the risk assessment instrument. (Section [37](#)).

## **Canadian Prescription Drug Importation Program**

The bill authorizes DJJ pharmacists and wholesalers to import an in-custody juvenile's [prescription drugs](#) from Canada. This allows DJJ to participate in the Canadian Prescription Drug Importation Program administered by the Agency for Health Care Administration (AHCA) under [s. 381.02035, F.S.](#) This authority will have no impact on the department until AHCA begins drug importation under the program. (Section [33](#)).

## **Possession of a Firearm by a Minor**

The bill clarifies that, for purposes of sentencing a minor who is charged with illegally possessing a firearm, a finding by a court that the minor has previously violated the prohibition against possessing a firearm, regardless of whether the court adjudicated the minor delinquent or whether the court withheld adjudication of delinquency, is considered a prior offense for the purpose of determining whether a minor has committed a second, third, or subsequent offense of unlawfully possessing a firearm under [s. 790.22, F.S.](#) (Section [34](#)).

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2025. (Section [47](#)).

## **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>4</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:

### Department of Juvenile Justice

The [Department of Juvenile Justice](#) (DJJ) administers the juvenile justice system.

### 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>5</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 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

[Voluntary family 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>6</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

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<sup>4</sup> Department of Juvenile Justice, Agency Analysis of 2025 House Bill 1405, p. 19-20 (Feb. 28, 2025).

<sup>5</sup> *Status Offender Literature Review*, Office of Juvenile Justice and Delinquency Prevention, <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/status-offenders.pdf> (last visited Apr. 14, 2025).

<sup>6</sup> S. 984.11(1), F.S.



A family in need of services (FINS) 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 Department of Children and Families (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](#) (CINS) is a child who has no pending petition for delinquency pursuant to ch. 985 or dependency under ch. 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 into [custody](#) by a law enforcement officer who reasonably believes that:

- The child has run away from his or her parent, guardian, or other legal custodian.
- 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>7</sup>

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

### **Shelter Placement**

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<sup>7</sup> Section [984.13, F.S.](#)

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>8</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.

If a student who is subject to compulsory school attendance 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 school principal must refer the case to the school's child study team to determine if early patterns of [truancy](#) are developing. 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, F.S.](#), and may file a truancy petition pursuant to [s. 984.151, F.S.](#) 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>9</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\(1\)\(b\), F.S.](#), or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition.<sup>10</sup>

The petition must be filed in the circuit court in which the student is enrolled in school<sup>11</sup> and, once filed, must be heard by the court within 30 days.<sup>12</sup> The student and the student's parent or guardian must attend the hearing.<sup>13</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>14</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;
- 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 services 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**

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<sup>8</sup> Section [984.09, F.S.](#)

<sup>9</sup> Section [1003.26\(3\), F.S.](#)

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

<sup>11</sup> Section [984.151\(2\), F.S.](#)

<sup>12</sup> Section [984.151\(5\), F.S.](#)

<sup>13</sup> Section [984.151\(6\), F.S.](#)

<sup>14</sup> Section [984.151\(7\), F.S.](#)



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>15</sup>

### **Canadian Prescription Drug Importation Program**

The federal Food and Drug Administration within the U.S. Department of Health and Human Services (HHS) regulates prescription drug approval, manufacturing and distribution under the Federal Food, Drug, and Cosmetic Act (Act). Section 804 of The Act authorizes the HHS Secretary to allow importation of [prescription drugs](#) from Canada by state-licensed pharmacists and federally-licensed wholesalers.<sup>16</sup>

Under this authority, HHS allows a state to sponsor a section 804 importation program (SIP) if the FDA approves the state's proposal to facilitate and supervise prescription drug imports from Canada.<sup>17</sup> Unless the FDA grants a state an exemption, SIP authorization to import prescription drugs from Canada automatically terminates after two years.<sup>18</sup> FDA may extend an authorization period for up to two years at a time.<sup>19</sup>

In 2019, Florida established the Canadian Prescription Drug Importation Program within the Agency for Health Care Administration (AHCA) to create a process by which certain state-funded entities may import prescription drugs from eligible Canadian suppliers at lower cost to the state.<sup>20</sup> While several state agencies and programs are eligible importers, current law does not include the Department of Juvenile Justice.<sup>21</sup>

In November 2020, AHCA submitted a SIP to the FDA for Florida's Canadian Prescription Drug Importation Program.<sup>22</sup> Florida sued the FDA in August 2022 because FDA had yet to render a decision on the proposal.<sup>23</sup> In January 2024, the FDA authorized Florida's Drug Importation Program for a two-year period beginning the date the FDA receives notification of the first imported shipment of drugs. Before Florida imports prescription drugs from Canada, AHCA must fulfill three obligations:

1. Submit additional drug-specific information for the FDA's review and approval,
2. Ensure that the drugs Florida seeks to import have been tested for, among other things, authenticity and compliance with the FDA-approved drugs' specifications and standards, and
3. Relabel the drugs to be consistent with FDA-approved labeling.

Upon importation, AHCA must submit a quarterly report to the FDA that includes information about the imported drugs, costs savings, and any potential safety and quality issues.<sup>24</sup>

The Government of Canada issued a statement in response to the FDA's decision. According to Health Canada, Canada's Food and Drugs Act prohibits certain drugs intended for the Canadian market from being sold for

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<sup>15</sup> Section [985.25\(1\), F.S.](#)

<sup>16</sup> 21 U.S.C. § 834.

<sup>17</sup> 21 C.F.R. §§ 251.2, 251.4. The FDA may authorize a SIP that will significantly reduce costs without imposing additional risk to public health and safety. U.S. Food & Drug Administration, *FDA News Release: FDA Authorizes Florida's Drug Importation Program*, U.S. Department of Health and Human Services (Jan. 5, 2024) <https://www.fda.gov/news-events/press-announcements/fda-authorizes-floridas-drug-importation-program> (last visited Apr. 14, 2025).

<sup>18</sup> 21 C.F.R. § 251.6

<sup>19</sup> 21 C.F.R. § 251.8

<sup>20</sup> Ch. 19-99, Laws of Fla.

<sup>21</sup> Section [381.02035\(7\), F.S.](#)

<sup>22</sup> Herb Scribner, "Florida sues FDA over Canadian Drug Importation Program," *Axios*, (Aug. 31, 2022) <https://www.axios.com/2022/08/31/florida-lawsuit-fda-canada-drug-program> (last visited Apr. 14, 2025).

<sup>23</sup> *Id.*

<sup>24</sup> U.S. Food & Drug Administration, *FDA News Release: FDA Authorizes Florida's Drug Importation Program*, U.S. Department of Health and Human Services (Jan. 5, 2024) <https://www.fda.gov/news-events/press-announcements/fda-authorizes-floridas-drug-importation-program> (last visited Apr. 14, 2025).

consumption outside of Canada if that sale could cause, or worsen, a drug shortage in Canada. This includes all drugs that are eligible for bulk importation into the United States.<sup>25</sup>

As of February 2025, AHCA is still in the process of implementing this program, and the FDA extended AHCA's authorization to implement the SIP to July 6, 2025.<sup>26</sup> To date, no prescription drugs have been imported under the program.

### Possession of a Firearm by a Minor

Section 790.22, F.S., prohibits a minor under 18 years of age from possessing a firearm, other than an unloaded firearm at his or her home, unless he or she is:

- Engaged in a lawful hunting activity and is:
  - At least 16 years of age; or
  - Under 16 years of age and supervised by an adult.
- Engaged in a lawful marksmanship competition or practice or other lawful recreational shooting activity and is:
  - At least 16 years of age; or
  - Under 16 years of age and supervised by an adult who is acting with the consent of the minor's parent or guardian.

A minor who violates the prohibition against possessing a firearm is subject to the following offenses and penalties:

- For a first offense, the minor commits a first degree misdemeanor and must serve up to five days in a secure detention facility and must be required to perform 100 hours of community service or paid work as determined by DJJ.
- For a second offense, the minor commits a third degree felony and must be required to serve up to 21 days in a secure detention facility and must be required to perform at least 100, but not more than 250 hours of community service or paid work as determined by DJJ.
- For a third or subsequent offense, the minor commits a third degree felony and must be adjudicated delinquent and committed to a residential program.

A withhold of adjudication of delinquency is considered a prior offense for the purpose of determining a minor's second, third, or subsequent offense.

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<sup>25</sup> Health Canada, *Statement from Health Canada on FDA decision on Florida bulk drug importation plan*, Government of Canada (Jan. 8, 2024) <https://www.canada.ca/en/health-canada/news/2024/01/statement-from-health-canada-on-fda-decision-on-florida-bulk-drug-importation-plan.html> (last visited Apr. 14, 2025).

<sup>26</sup> Celine Castronuovo, "States eye Canadian Drug Imports Despite Delays, Tariffs," *Bloomberg Law*, (Feb. 5, 2025) <https://news.bloomberglaw.com/health-law-and-business/states-eye-canadian-drug-imports-despite-delays-tariff-threats> (last visited Apr. 14, 2025).