

1 A bill to be entitled
2 An act relating to juvenile justice; renaming chapter
3 984, F.S.; amending s. 984.01, F.S.; revising the
4 purpose and intent of ch. 984, F.S.; amending s.
5 984.02, F.S.; revising the legislative intent for
6 prevention and intervention; amending s. 984.03, F.S.;
7 providing and revising definitions; amending s.
8 984.04, F.S.; providing for early truancy
9 intervention; amending s. 984.06, F.S.; revising
10 provisions concerning preservation of records and
11 confidential information; amending s. 984.07, F.S.;
12 providing for appointment of counsel in certain
13 circumstances; providing for payment of counsel;
14 providing for imposition of costs of appointed counsel
15 on nonindigent parents in certain circumstances;
16 providing for appointment of counsel to represent a
17 parent or guardian in certain circumstances; amending
18 s. 984.071, F.S.; revising provisions concerning
19 production of an information guide concerning juvenile
20 procedures; requiring specified departments to make
21 information available on their websites; repealing s.
22 984.08, F.S., relating to attorney fees; repealing s.
23 984.085, F.S., relating to sheltering and aiding
24 unmarried minors; creating s. 984.0861, F.S.;
25 prohibiting the use of detention for specified

26 | purposes; amending s. 984.09, F.S.; revising
27 | provisions for punishment for contempt of court;
28 | limiting periods for placement for direct contempt or
29 | indirect contempt; revising procedures for procedure
30 | and due process; amending s. 984.10, F.S.; authorizing
31 | an authorized agent of the Department of Juvenile
32 | Justice to perform intake; revising provisions
33 | concerning referrals for service; requiring the abuse
34 | hotline to be contacted in certain circumstances;
35 | authorizing a child to remain in custody in certain
36 | circumstances; amending s. 984.11, F.S.; requiring
37 | that an array of voluntary family services be
38 | available to remediate specified problems; providing
39 | that certain families are not eligible for voluntary
40 | family services; providing eligibility for children in
41 | certain circumstances if the Department of Children
42 | and Families agrees; providing for an interagency
43 | agreement to govern such referrals; amending s.
44 | 984.12, F.S.; requiring parents to use health care
45 | insurance to the extent that it is available; deleting
46 | provisions concerning collection of fees; amending s.
47 | 984.13, F.S.; authorizing a child to be taken into
48 | custody pursuant to a finding of contempt; specifying
49 | placement a child taken into custody in specified
50 | circumstances; revising the duties of a person taking

51 a child into custody; amending s. 984.14, F.S.;

52 revising provisions concerning voluntary shelter

53 services and placement of children in such services;

54 deleting provisions concerning involuntary placement

55 in a shelter; amending s. 984.15, F.S.; revising

56 requirements for petitions for a child in need of

57 services; amending s. 984.151, F.S.; providing for

58 early truancy intervention; providing for additional

59 services to be ordered if a student is found to be a

60 truant status offender; revising provisions concerning

61 compliance; providing for applicability in cases in

62 which a student is found to be a child in need of

63 services; providing for retention of jurisdiction by

64 courts; providing an exception; providing for service

65 of court orders on specified entities; amending s.

66 984.16, F.S.; requiring that a student's school

67 receive notice of certain actions by courts; amending

68 s. 984.17, F.S.; specifying when a guardian ad litem

69 may be appointed; revising provisions concerning

70 representation of the Department of Juvenile Justice

71 in cases in which a child is alleged to be in need of

72 services; repealing s. 984.18, F.S., relating to

73 referral of child-in-need-of-services cases to

74 mediation; amending s. 984.19, F.S.; providing that an

75 authorized agent of the department may have a medical

76 screening performed on a child placed in shelter care;
77 revising provisions concerning consent for medical
78 care for a child in the care of the department;
79 amending s. 984.20, F.S.; revising provisions for
80 hearings in child in need of services cases; providing
81 that the failure of a person served with notice to
82 appear at the arraignment hearing constitutes the
83 person's consent to the child in need of services
84 petition; requiring a specified notice in such
85 petitions; amending s. 984.21, F.S.; specifying that
86 an order of adjudication by a court that a child is a
87 child in need of services is a civil adjudication and
88 not a conviction; deleting provisions allowing a court
89 to withhold an adjudication that a is child in need of
90 services in certain cases; amending s. 984.22, F.S.;
91 conforming provisions to changes made by the act;
92 deleting provisions on the deposit of fees received;
93 amending s. 984.225, F.S.; revising when a child in
94 need of services may be placed in a shelter; revising
95 placement procedures; providing for counseling orders;
96 specifying the effect of a placement the legal
97 responsibilities of a parent, guardian, or custodian;
98 providing limits for shelter stays; deleting
99 provisions concerning exhaustion of less restrictive
100 alternatives; providing for periodic review of

101 placements; providing for transfer of a child to the
102 Department of Children and Families in certain
103 circumstances; authorizing transfer to the custody of
104 the Agency for Persons with Disabilities in certain
105 circumstances; amending s. 984.226, F.S.; authorizing
106 contracting for physically secure shelters; deleting
107 provisions on representation in certain proceedings;
108 requiring exhaustion of less restrictive placements
109 before a child may be placed in a physically secure
110 shelter; providing a time limit on secure shelter
111 orders; proving legislative intent; revising
112 provisions concerning review of secure shelter
113 placements; providing for transfer to shelter
114 placements in certain circumstances; requiring a child
115 to be transferred to the Department of Children and
116 Families in certain circumstances; providing for the
117 transfer of a child to the Agency for Persons with
118 Disabilities in certain circumstances; transferring
119 and renumbering s. 985.731, F.S. as s. 787.035, F.S.,
120 relating to offenses concerning providing sheltering
121 unmarried minors and aiding unmarried minor runaways;
122 providing criminal penalties; amending s. 985.03,
123 F.S.; revising the definition of the term "child who
124 has been found to have committed a delinquent act";
125 amending s. 985.24, F.S.; prohibiting placement of a

126 child subject to certain proceedings into secure
127 detention care; amending s. 1003.26, F.S.; authorizing
128 that certain meetings with parents may be conducted
129 virtually or by telephone; providing for child study
130 team meetings in the absence of a parent, legal
131 guardian, or custodian or child; revising
132 interventions by such team; providing for promotion of
133 a child who is responsive to intervention and meets
134 specified requirements; revising provisions concerning
135 required notice of a child's enrollment or attendance
136 issues; revising provisions concerning returning a
137 student to a parent or other party in certain
138 circumstances; amending s. 1003.27, F.S.; revising
139 reporting requirements for reports by school
140 principals to school boards concerning minor students
141 who accumulate more than a specified number of
142 absences; requiring actions by schools boards;
143 providing for remedial actions for failure to comply;
144 revising provisions concerning habitual truancy cases;
145 revising provisions concerning cooperative agreements;
146 revising who may begin certain proceedings and
147 prosecutions; deleting a provision concerning a civil
148 penalty for students; revising provisions concerning
149 truant students; amending s. 381.02035, F.S.;

150 authorizing pharmacists employed by the Department of

151 Juvenile Justice to import drugs from Canada under a
152 specified program; amending s. 790.22, F.S.; revising
153 provisions concerning the treatment of a finding that
154 a minor violated specified provisions, regardless of
155 whether adjudication was withheld, for the purposes of
156 determining whether a prior offense was committed;
157 amending s. 985.12, F.S.; deleting a requirement that
158 the Department of Juvenile Justice annually develop
159 and produce best practice models for prearrest
160 delinquency citation programs; amending s. 985.126,
161 F.S.; revising the requirements for a quarterly report
162 on prearrest citation programs; amending s. 985.25,
163 F.S.; providing for supervised release or detention of
164 a child despite the child's risk assessment score in
165 certain circumstances; limiting the number of
166 categories that a child may be moved; amending s.
167 985.433, F.S.; requiring that a child be placed on
168 conditional release rather than probation following
169 discharge from commitment; repealing s. 985.625, F.S.,
170 relating to literacy programs for juvenile offenders;
171 amending s. 985.632, F.S.; deleting provision for
172 development of a cost-effectiveness model and
173 application of the model to each commitment program;
174 amending ss. 95.11, 419.001, 409.2564, 744.309,
175 784.075, 985.618, F.S.; conforming provisions to

176 changes made by the act; providing an effective date.

177

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

179

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

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

187 984.01 Purposes and intent; personnel standards and
 188 screening.—

189 (1) The purposes of this chapter are:

190 (a) To provide judicial, nonjudicial, and other procedures
 191 to address the status offenses of children who are truant from
 192 school, runaway from their caregivers, or exhibit ungovernable
 193 behavior by refusing to follow the household rules of their
 194 caregivers and engage in behavior that places the child at risk
 195 of harm; and to ensure ~~assure~~ due process through which children
 196 and other interested parties are assured fair hearings by a
 197 respectful and respected court ~~or other tribunal~~ and the
 198 recognition, protection, and enforcement of their constitutional
 199 and other legal rights, ~~while ensuring that public safety~~
 200 ~~interests and the authority and dignity of the courts are~~

201 ~~adequately protected.~~

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

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

220 (d) To preserve and strengthen the child's family ties
221 whenever possible; provide for temporary shelter placement of
222 the child only when necessary for the child's education, safety,
223 and welfare and when other less restrictive alternatives have
224 been exhausted; provide, ~~by providing for removal of the child~~
225 ~~from parental custody only when his or her welfare or the safety~~

226 ~~and protection of the public cannot be adequately safeguarded~~
227 ~~without such removal; and, when the child is removed from his or~~
228 ~~her own family, to secure custody, care, and education;~~
229 encourage self-discipline; and increase protective factors when
230 the child is in temporary shelter placement discipline for the
231 ~~child as nearly as possible equivalent to that which should have~~
232 ~~been given by the parents; and to assure, in all cases in which~~
233 ~~a child must be permanently removed from parental custody, that~~
234 ~~the child be placed in an approved family home, adoptive home,~~
235 ~~independent living program, or other placement that provides the~~
236 ~~most stable and permanent living arrangement for the child, as~~
237 ~~determined by the court.~~

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

246 ~~2.~~ ~~To assure that the sentencing and placement of a child~~
247 ~~tried as an adult be appropriate and in keeping with the~~
248 ~~seriousness of the offense and the child's need for~~
249 ~~rehabilitative services, and that the proceedings and procedures~~
250 ~~applicable to such sentencing and placement be applied within~~

251 ~~the full framework of constitutional standards of fundamental~~
252 ~~fairness and due process.~~

253 (f) To provide a court process through which school boards
254 are able to access the court for the limited purpose of early
255 truancy intervention for children, subject to compulsory
256 education, who are not engaging in regular school attendance,
257 and encourage school attendance by educating children and their
258 families on the importance of regular school attendance and
259 provide services to families to prevent the child's pattern of
260 truancy from becoming habitual ~~children committed to the~~
261 ~~Department of Juvenile Justice with training in life skills,~~
262 ~~including career education.~~

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

270 (a) If the department contracts with a provider for any
271 program for children, all personnel, including owners,
272 operators, employees, and volunteers, in the facility must be of
273 good moral character. The ~~Each contract entered into by either~~
274 ~~department and any agency providing services for the department~~
275 must require that each contract entered into for services

276 delivered on an appointment or intermittent basis by a provider
277 that does or does not have regular custodial responsibility for
278 children and each contract with a school for before or aftercare
279 services must ensure that the owners, operators, and all
280 personnel who have direct contact with children are of good
281 moral character and must meet level 2 screening requirements as
282 described in s. 435.04. A volunteer who assists on an
283 intermittent basis for less than 10 hours per month need not be
284 screened if a person who meets the screening requirement of this
285 section is always present and has the volunteer in his or her
286 line of sight.

287 ~~(b) The department of Juvenile Justice and the Department~~
288 ~~of Children and Families shall require employment screening~~
289 ~~pursuant to chapter 435, using the level 2 standards set forth~~
290 ~~in that chapter for personnel in programs for children or~~
291 ~~youths.~~

292 (b)(c) ~~The department of Juvenile Justice or the~~
293 ~~Department of Children and Families~~ may grant exemptions from
294 disqualification from working with children as provided in s.
295 435.07.

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

299 ~~(3) It is the intent of the Legislature that This chapter~~
300 is to be liberally interpreted and construed in conformity with

301 its declared purposes.

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

304 984.02 Legislative intent for prevention and intervention
305 under this chapter ~~the juvenile justice system.~~

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

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

310 (b) A permanent and stable home.

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

313 (d) Adequate nutrition, shelter, and clothing.

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

317 (f) Equal opportunity and access to quality and effective
318 education which will meet the individual needs of each child and
319 prepare the child for future employment, and to recreation and
320 other community resources to develop individual abilities.

321 (g) Access to preventive services to provide the child and
322 family the support of community resources to address the needs
323 of the child and reduce the risk of harm or engaging in
324 delinquent behavior.

325 (h) Court ~~An independent, trained advocate when~~

326 intervention only when is necessary to address at-risk behavior
 327 before the behavior escalates into harm to the child or to the
 328 community through delinquent behavior.

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

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

335 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that
 336 children in the care of the state's juvenile justice and
 337 intervention ~~dependency and delinquency~~ systems need appropriate
 338 health care services and, that the impact of substance abuse on
 339 health requires ~~indicates~~ the need for health care services to
 340 include substance abuse services when ~~where~~ appropriate., ~~and~~
 341 ~~that~~ It is in the state's best interest that ~~such~~ children be
 342 provided the services they need to enable them to become and
 343 remain independent of state care. In order to provide these
 344 services, the state's juvenile justice and intervention
 345 ~~dependency and delinquency~~ systems must have the ability to
 346 identify and make referrals to experts capable of providing
 347 ~~provide appropriate~~ intervention and treatment for children with
 348 personal or family-related substance abuse problems. It is
 349 therefore the purpose of the Legislature to provide authority
 350 for the state to contract with community substance abuse

351 treatment providers for the development and operation of
352 specialized support and overlay services for the juvenile
353 justice and intervention ~~dependency and delinquency~~ systems,
354 subject to legislative appropriation, which will be fully
355 implemented and utilized as resources permit. This section does
356 not prevent agencies from referring children and families to
357 privately operated community service providers to the extent the
358 families have funding or insurance to provide care.

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

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

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

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

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

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

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

384
385 The Legislature intends that temporary shelter ~~detention~~ care,
386 in addition to providing safe care ~~secure and safe custody~~, will
387 promote the health and well-being of the children placed therein
388 ~~committed thereto~~ and provide an environment that fosters their
389 social, emotional, intellectual, and physical development.

390 (4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
391 Parents, custodians, and guardians are deemed by the state to be
392 responsible for providing their children with sufficient
393 support, guidance, and supervision to deter their participation
394 in delinquent acts, and ensure their children attend school and
395 engage in education to prepare their child for their future. The
396 state further recognizes that the ability of parents,
397 custodians, and guardians to fulfill those responsibilities can
398 be greatly impaired by economic, social, behavioral, emotional,
399 and related problems. It is therefore the policy of the
400 Legislature that it is the state's responsibility to ensure that

401 factors impeding the ability of caretakers to fulfill their
402 responsibilities are identified and appropriate recommendations
403 are provided to address those impediments through the provision
404 of nonjudicial voluntary family services for families in need of
405 services and through the child in need of services court
406 processes ~~delinquency intake process and that appropriate~~
407 ~~recommendations to address those problems are considered in any~~
408 ~~judicial or nonjudicial proceeding.~~

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

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

428 984.03 Definitions.—When used in this chapter, the term:

429 (1) "Abandoned" or "abandonment" have the same meaning as
430 s. 39.01(1) ~~means a situation in which the parent or legal~~
431 ~~custodian of a child or, in the absence of a parent or legal~~
432 ~~custodian, the person responsible for the child's welfare, while~~
433 ~~being able, makes no provision for the child's support and makes~~
434 ~~no effort to communicate with the child, which situation is~~
435 ~~sufficient to evince a willful rejection of parental~~
436 ~~obligations. If the efforts of such parent or legal custodian,~~
437 ~~or person primarily responsible for the child's welfare to~~
438 ~~support and communicate with the child are, in the opinion of~~
439 ~~the court, only marginal efforts that do not evince a settled~~
440 ~~purpose to assume all parental duties, the court may declare the~~
441 ~~child to be abandoned. The term "abandoned" does not include a~~
442 ~~"child in need of services" as defined in subsection (9) or a~~
443 ~~"family in need of services" as defined in subsection (25). The~~
444 ~~incarceration of a parent, legal custodian, or person~~
445 ~~responsible for a child's welfare does not constitute a bar to a~~
446 ~~finding of abandonment.~~

447 (2) "Abuse" has the same meaning as in s. 39.01(2) ~~means~~
448 ~~any willful act that results in any physical, mental, or sexual~~
449 ~~injury that causes or is likely to cause the child's physical,~~
450 ~~mental, or emotional health to be significantly impaired.~~

451 ~~Corporal discipline of a child by a parent or guardian for~~
452 ~~disciplinary purposes does not in itself constitute abuse when~~
453 ~~it does not result in harm to the child as defined in s. 39.01.~~

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

456 (3) ~~(4)~~ "Adjudicatory hearing" means a hearing for the
457 court to determine whether or not the facts support the
458 allegations stated in the petition as is provided for under s.
459 984.20(2) in child in need of services ~~child in need of services~~
460 cases.

461 (4) ~~(5)~~ "Adult" means any natural person other than a
462 child.

463 (5) ~~(6)~~ "Authorized agent" or "designee" of the department
464 means a person or agency assigned or designated by the
465 Department of Juvenile Justice ~~or the Department of Children and~~
466 ~~Families, as appropriate,~~ to perform duties or exercise powers
467 pursuant to this chapter and includes contract providers and
468 subcontracted providers and their employees for purposes of
469 providing voluntary family services, and providing court-ordered
470 services ~~to~~ and managing cases of children in need of services
471 and families in need of services.

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

476 | ~~and agrees to assume charge of the child.~~

477 | ~~(6)-(8)~~ "Child" or "juvenile" or "youth" means any
478 | unmarried person under the age of 18 who has not been
479 | emancipated by order of the court ~~and who has been found or~~
480 | ~~alleged to be dependent, in need of services, or from a family~~
481 | ~~in need of services; or any married or unmarried person who is~~
482 | ~~charged with a violation of law occurring prior to the time that~~
483 | ~~person reached the age of 18 years.~~

484 | ~~(7)-(9)~~ "Child in need of services" means a child for whom
485 | there is no pending petition filed with the court investigation
486 | ~~into an allegation or suspicion of abuse, neglect, or~~
487 | ~~abandonment; no pending referral~~ alleging the child is
488 | delinquent; ~~or no current~~ court ordered supervision by the
489 | department for delinquency under chapter 985 of Juvenile Justice
490 | or the Department of Children and Families for ~~an adjudication~~
491 | ~~of dependency under chapter 39 or delinquency.~~ The child must
492 | also, pursuant to this chapter, be found by the court:

493 | (a) To have persistently run away from the child's
494 | parents, ~~or~~ legal guardians, or custodians despite reasonable
495 | efforts of ~~the child, the parents, or~~ legal guardians, or
496 | custodians, and appropriate agencies to remedy the conditions
497 | contributing to the behavior. Reasonable efforts shall include
498 | ~~voluntary~~ participation by the child's parents ~~or~~ legal
499 | guardian, or custodians and the child in ~~family mediation,~~
500 | voluntary services, and treatment offered by the Department or

501 ~~through its authorized agent of Juvenile Justice or the~~
502 ~~Department of 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~~
523 ~~monetary support for the care, maintenance, training, and~~
524 ~~education of a child.~~

525 ~~(11) "Child who has been found to have committed a~~

526 ~~delinquent act" means a child who, pursuant to the provisions of~~
527 ~~chapter 985, is found by a court to have committed a violation~~
528 ~~of law or to be in direct or indirect contempt of court, except~~
529 ~~that this definition shall not include an act constituting~~
530 ~~contempt of court arising out of a dependency proceeding or a~~
531 ~~proceeding pursuant to this chapter.~~

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

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

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

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

548 ~~(d) To have been voluntarily placed with a licensed child-~~
549 ~~placing agency for the purposes of subsequent adoption and a~~
550 ~~natural parent or parents signed a consent pursuant to the~~

551 ~~Florida Rules of Juvenile Procedure.~~

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

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

556 (8) ~~(13)~~ "Circuit" means any of the 20 judicial circuits as
557 set forth in s. 26.021.

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

567 (9) ~~(15)~~ "Court," unless otherwise expressly stated, means
568 the circuit court assigned to exercise jurisdiction under this
569 chapter.

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

574 ~~(16) "Delinquency program" means any intake, community~~
575 ~~control, or similar program; regional detention center or~~

576 ~~facility; or community-based program, whether owned and operated~~
577 ~~by or contracted by the Department of Juvenile Justice, or~~
578 ~~institution owned and operated by or contracted by the~~
579 ~~Department of Juvenile Justice, which provides intake,~~
580 ~~supervision, or custody and care of children who are alleged to~~
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~~
590 ~~child while the child is under the physical restriction of a~~
591 ~~detention center or facility pending adjudication, disposition,~~
592 ~~or 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.~~

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.~~

639 ~~(12)-(23)~~ "Disposition hearing" means a hearing in which
640 the court determines the most appropriate dispositional services
641 in 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, the department or its
650 authorized agent pursuant to s. 984.11, and may include judicial

651 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;
 656 or

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

660 ~~(15)(25)~~ "Family in need of services" means a family that
 661 has a child who is running away; who is ungovernable and
 662 persistently disobeying reasonable and lawful demands of the
 663 parent or legal custodian and is beyond the control of the
 664 parent or legal custodian; or who is a habitual ~~habitually~~
 665 truant ~~from school~~ or engaging in other serious behaviors that
 666 place the child at risk of future abuse, neglect, or abandonment
 667 or at risk of entering the juvenile justice system. The child
 668 must be referred to a law enforcement agency, the department ~~of~~
 669 ~~Juvenile Justice~~, or an agency contracted to provide services to
 670 children in need of services. A family is not eligible to
 671 receive voluntary family services if, at the time of the
 672 referral, ~~there is an open investigation into an allegation of~~
 673 ~~abuse, neglect, or abandonment or if the child is currently~~
 674 under court-ordered supervision by the department for
 675 delinquency under chapter 985 ~~of Juvenile Justice~~ or the

676 Department of Children and Families due to a finding of
677 dependency under chapter 39 ~~an adjudication of dependency or~~
678 ~~delinquency.~~

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

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

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

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

693
694 ~~If a child who is subject to compulsory school attendance is~~
695 ~~responsive to the interventions described in ss. 1003.26 and~~
696 ~~1003.27(3) and has completed the necessary requirements to pass~~
697 ~~the current grade as indicated in the district pupil progression~~
698 ~~plan, the child shall not be determined to be habitually truant~~
699 ~~and shall be passed. If a child within the compulsory school~~
700 ~~attendance age has 15 unexcused absences within 90 calendar days~~

701 ~~or fails to enroll in school, the State Attorney may, or the~~
702 ~~appropriate jurisdictional agency shall, file a child in need-~~
703 ~~of-services petition if recommended by the case staffing~~
704 ~~committee, unless it is determined that another alternative~~
705 ~~action is preferable. The failure or refusal of the parent or~~
706 ~~legal guardian or the child to participate, or make a good faith~~
707 ~~effort to participate, in the activities prescribed to remedy~~
708 ~~the truant behavior, or the failure or refusal of the child to~~
709 ~~return to school after participation in activities required by~~
710 ~~this subsection, or the failure of the child to stop the truant~~
711 ~~behavior after the school administration and the Department of~~
712 ~~Juvenile Justice have worked with the child as described in ss.~~
713 ~~1003.26 and 1003.27(3) shall be handled as prescribed in s.~~
714 ~~1003.27.~~

715 (17)~~(28)~~ "Intake" means the initial acceptance and
716 screening by the department or its authorized agent of a
717 referral from early truancy intervention court, a school board,
718 or school requesting services; a request for assistance from a
719 parent or child; or a complaint, of Juvenile Justice of a
720 complaint or a law enforcement report, or probable cause
721 affidavit of a child's truancy, ungovernable behavior, or
722 running away, on behalf of a family delinquency, family in need
723 of services, or child in need of services to determine the most
724 appropriate course of action recommendation to be taken in the
725 best interests of the child, the family, and the community. The

726 emphasis of intake is on diversion and the least restrictive
727 available services. Consequently, intake includes such
728 alternatives as:

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

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

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

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

739 ~~(30)~~ "Juvenile justice continuum" includes, but is not
740 limited to, ~~delinquency prevention programs and services~~
741 ~~designed for the purpose of preventing or reducing delinquent~~
742 ~~acts, including criminal activity by criminal gangs and juvenile~~
743 ~~arrests, as well as programs and services targeted at children~~
744 ~~who have committed delinquent acts, and children who have~~
745 ~~previously been committed to residential treatment programs for~~
746 ~~delinquents. The term includes children-in-need-of-services and~~
747 ~~families-in-need-of-services programs; conditional release;~~
748 ~~substance abuse and mental health programs; educational and~~
749 ~~vocational programs; recreational programs; community services~~
750 ~~programs; community service work programs; and alternative~~

751 ~~dispute resolution programs serving children at risk of~~
752 ~~delinquency and their families, whether offered or delivered by~~
753 ~~state or local governmental entities, public or private for-~~
754 ~~profit or not-for-profit organizations, or religious or~~
755 ~~charitable organizations.~~

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

760 (19)~~(32)~~ "Legal custody" means a legal status created by
761 court order or letter of guardianship which vests in a custodian
762 of the person or guardian, whether an agency or an individual,
763 the right to have physical custody of the child and the right
764 and duty to protect, train, and discipline the child and to
765 provide him or her with food, shelter, education, and ordinary
766 medical, dental, psychiatric, and psychological care.

767 (20)~~(33)~~ "Licensed child-caring agency" means a person,
768 society, association, or agency licensed by the Department of
769 Children and Families to care for, receive, and board children,
770 and includes shelters under this chapter.

771 (21)~~(34)~~ "Licensed health care professional" means a
772 physician licensed under chapter 458, an osteopathic physician
773 licensed under chapter 459, a nurse licensed under part I of
774 chapter 464, a physician assistant licensed under chapter 458 or
775 chapter 459, or a dentist licensed under chapter 466.

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

786 (22)~~(36)~~ "Necessary medical treatment" means care that is
787 necessary within a reasonable degree of medical certainty to
788 prevent the deterioration of a child's condition or to alleviate
789 immediate pain of a child.

790 (23)~~(37)~~ "Neglect" has the same meaning as in s.
791 39.01(53). ~~occurs when the parent or legal custodian of a child~~
792 ~~or, in the absence of a parent or legal custodian, the person~~
793 ~~primarily responsible for the child's welfare deprives a child~~
794 ~~of, or allows a child to be deprived of, necessary food,~~
795 ~~clothing, shelter, or medical treatment or permits a child to~~
796 ~~live in an environment when such deprivation or environment~~
797 ~~causes the child's physical, mental, or emotional health to be~~
798 ~~significantly impaired or to be in danger of being significantly~~
799 ~~impaired. The foregoing circumstances shall not be considered~~
800 ~~neglect if caused primarily by financial inability unless actual~~

801 ~~services for relief have been offered to and rejected by such~~
802 ~~person. A parent or guardian legitimately practicing religious~~
803 ~~beliefs in accordance with a recognized church or religious~~
804 ~~organization who thereby does not provide specific medical~~
805 ~~treatment for a child shall not, for that reason alone, be~~
806 ~~considered a negligent parent or guardian; however, such an~~
807 ~~exception does not preclude a court from ordering the following~~
808 ~~services to be provided, when the health of the child so~~
809 ~~requires:~~

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

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

817 (24) "Needs assessment" means the gathering of information
818 for the evaluation of a child's physical, psychological,
819 educational, vocational, and social condition and family
820 environment related to the child's need for services, including
821 substance abuse treatment services, mental health services,
822 developmental services, literacy services, medical services,
823 family services, individual and family counseling, education
824 services, and other specialized services, as appropriate.

825 ~~(38) "Next of kin" means an adult relative of a child who~~

826 ~~is the child's brother, sister, grandparent, aunt, uncle, or~~
827 ~~first cousin.~~

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

836 (26)~~(40)~~ "Participant," for purposes of a ~~shelter~~
837 proceeding under this chapter, means any person who is not a
838 party but who should receive notice of hearings involving the
839 child, including foster parents, identified prospective parents,
840 grandparents entitled to priority for adoption consideration
841 under s. 63.0425, actual custodians of the child, and any other
842 person whose participation may be in the best interest of the
843 child. Participants may be granted leave by the court to be
844 heard without the necessity of filing a motion to intervene.

845 (27)~~(41)~~ "Party," for purposes of a ~~shelter~~ proceeding
846 under this chapter, means the parent, legal guardian, or actual
847 custodian of the child, the petitioner, the department, the
848 guardian ad litem when one has been appointed, and the child.
849 The presence of the child may be excused by order of the court
850 when presence would not be in the child's best interest or the

851 child has failed to appear for a proceeding after having been
852 noticed. ~~Notice to the child may be excused by order of the~~
853 ~~court when the age, capacity, or other condition of the child is~~
854 ~~such that the notice would be meaningless or detrimental to the~~
855 ~~child.~~

856 (28) "Physically secure shelter" means a department-
857 approved locked facility or locked unit within a facility for
858 the care of a child adjudicated a child in need of services who
859 is court ordered to be held pursuant to s. 984.226. A physically
860 secure shelter unit shall provide 24-hour, continuous
861 supervision.

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

869 (29)~~(43)~~ "Preventive services" means social services and
870 other supportive and evaluation and intervention rehabilitative
871 services provided to the child or the parent, ~~of the child, the~~
872 legal guardian ~~of the child,~~ or the custodian of the child and
873 ~~to the child~~ for the purpose of averting the removal of the
874 child from the home or disruption of a family which will or
875 could result in an adjudication that orders the placement of a

876 child under dependency supervision ~~into foster care~~ or into the
877 delinquency system ~~or that will or could result in the child~~
878 ~~living on the street~~. Social services and other supportive and
879 ~~rehabilitative~~ services may include the provision of assessment
880 and screening services; individual, group, or family counseling;
881 specialized educational and vocational services; temporary
882 voluntary shelter for the child; outreach services for children
883 living on the street; ~~independent living services to assist~~
884 ~~adolescents in achieving a successful transition to adulthood;~~
885 and other specialized services.

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

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

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

901 child, or the custodian of the child, whichever is applicable,~~+~~
902 ~~the child; and, where appropriate, the foster parents of the~~
903 ~~child~~ for the purpose of assisting ~~enabling~~ a child who has been
904 placed in temporary shelter care to return to his or her family
905 at the most appropriate and effective ~~earliest possible~~ time
906 based on the presenting concerns at intake. Social services and
907 other supportive ~~and rehabilitative~~ services shall be consistent
908 with the child's need for a safe, continuous, and stable living
909 environment and shall promote the strengthening of family life
910 whenever possible.

911 (32) ~~(47)~~ "Secure detention center or facility" means a
912 physically restricting facility for the temporary care of
913 children, pending adjudication, disposition, or placement under
914 chapter 985.

915 (33) ~~(48)~~ "Shelter" means a department-approved shelter
916 facility for the temporary care of runaway children; children
917 placed for voluntary shelter respite upon request of the child
918 or the child's parent, legal guardian, or custodian; or for
919 placement of a child who has been adjudicated a child in need of
920 services or who has been found in contempt of court under s.
921 984.09. Shelters must provide 24-hour continual supervision a
922 ~~place for the temporary care of a child who is alleged to be or~~
923 ~~who has been found to be dependent, a child from a family in~~
924 ~~need of services, or a child in need of services, pending court~~
925 ~~disposition before or after adjudication or after execution of a~~

926 ~~court order. "Shelter" may include a facility which provides 24-~~
927 ~~hour continual supervision for the temporary care of a child who~~
928 ~~is placed pursuant to s. 984.14.~~

929 ~~(49) "Shelter hearing" means a hearing provided for under~~
930 ~~s. 984.14 in family-in-need-of-services cases or child-in-need-~~
931 ~~of-services cases.~~

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

940 ~~(34)-(51)~~ (34) "Substance abuse" means using, without medical
941 reason, any psychoactive or mood-altering drug, including
942 alcohol, in such a manner as to induce impairment resulting in
943 dysfunctional social behavior.

944 ~~(35)-(52)~~ (35) "Taken into custody" means the status of a child
945 immediately when temporary physical control over the child is
946 attained by a person authorized by law, pending the child's
947 release, shelter detention, placement, or other disposition as
948 authorized by law.

949 ~~(36)-(53)~~ (36) "Temporary legal custody" means the relationship
950 that a juvenile court creates between a child and an adult

951 relative of the child, adult nonrelative approved by the court,
952 or other person until a more permanent arrangement is ordered.
953 Temporary legal custody confers upon the custodian the right to
954 have temporary physical custody of the child and the right and
955 duty to protect, train, and discipline the child and to provide
956 the child with food, shelter, and education, and ordinary
957 medical, dental, psychiatric, and psychological care, unless
958 these rights and duties are otherwise enlarged or limited by the
959 court order establishing the temporary legal custody
960 relationship.

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

970 (38) "Truant status offender" means a child subject to the
971 jurisdiction of the court under s. 984.151, who has been found
972 by the court to be truant while subject to compulsory education.
973 The court's jurisdiction is limited to entering orders to
974 require the child to attend school and participate in services
975 to encourage regular school attendance. A truant status offender

976 is not a delinquent child and shall not be deemed to have
 977 committed a criminal or delinquent act solely due to failure to
 978 attend school.

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

984 (40) "Voluntary family services" means voluntary services
 985 provided by the department or an agency designated by the
 986 department to a family that has a child who is running away; who
 987 is ungovernable by persistently disobeying reasonable and lawful
 988 demands of the parent, legal guardian, or custodian and is
 989 beyond the control of the parent, legal guardian, or custodian;
 990 or who is a habitual truant or engaging in other serious
 991 behaviors that place the child at risk of future abuse, neglect,
 992 abandonment, or entering the juvenile justice system. The child
 993 must be referred to the Department of Juvenile Justice or an
 994 agency designated by the department to provide voluntary
 995 services to families and children.

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

998 984.04 Early truancy intervention; families in need of
 999 services and children in need of services; procedures and
 1000 jurisdiction.-

1001 ~~(1) It is the intent of the Legislature to address the~~
1002 ~~problems of families in need of services by providing them with~~
1003 ~~an array of services designed to preserve the unity and~~
1004 ~~integrity of the family and to emphasize parental responsibility~~
1005 ~~for the behavior of their children. Services to families in need~~
1006 ~~of services and children in need of services shall be provided~~
1007 ~~on a continuum of increasing intensity and participation by the~~
1008 ~~parent and child. Judicial intervention to resolve the problems~~
1009 ~~and conflicts that exist within a family shall be limited to~~
1010 ~~situations in which a resolution to the problem or conflict has~~
1011 ~~not been achieved through service, treatment, and family~~
1012 ~~intervention after all available less restrictive resources have~~
1013 ~~been exhausted. In creating this chapter, the Legislature~~
1014 ~~recognizes the need to distinguish the problems of truants,~~
1015 ~~runaways, and children beyond the control of their parents, and~~
1016 ~~the services provided to these children, from the problems and~~
1017 ~~services designed to meet the needs of abandoned, abused,~~
1018 ~~neglected, and delinquent children. In achieving this~~
1019 ~~recognition, it shall be the policy of the state to develop~~
1020 ~~short-term, temporary services and programs utilizing the least~~
1021 ~~restrictive method for families in need of services and children~~
1022 ~~in need of services.~~

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

1026 in need of services.

1027 ~~(3) All nonjudicial procedures in family in need of~~
1028 ~~services cases shall be~~ according to rules established by the
1029 department ~~of Juvenile Justice~~ under chapter 120.

1030 (2)(4) The circuit court shall have exclusive original
1031 jurisdiction of judicial proceedings involving early truancy
1032 intervention. When the jurisdiction of any child found to be
1033 truant under s. 984.151 is obtained, the court may retain
1034 jurisdiction for up to 180 days. The court must terminate
1035 supervision and relinquish jurisdiction if the child has
1036 substantially complied with the requirements of early truancy
1037 intervention, is no longer subject to compulsory education, or
1038 is adjudicated a child in need of services under s. 984.21
1039 ~~continued placement of a child from a family in need of services~~
1040 ~~in shelter.~~

1041 (3)(5) The circuit court shall have exclusive original
1042 jurisdiction of proceedings in which a child is alleged to be a
1043 child in need of services. When the jurisdiction of any child
1044 who has been found to be a child in need of services or the
1045 parent, custodian, or legal guardian of such a child is
1046 obtained, the court shall retain jurisdiction, unless
1047 relinquished by its order or unless the department withdraws its
1048 petition because the child no longer meets the definition of a
1049 child in need of services as defined in s. 984.03, until the
1050 child reaches 18 years of age. This subsection does ~~shall~~ not be

1051 ~~construed to prevent the exercise of jurisdiction by any other~~
1052 ~~court having jurisdiction of the child if the child commits a~~
1053 ~~violation of law, is the subject of the dependency provisions~~
1054 ~~under this chapter, or is the subject of a pending investigation~~
1055 ~~into an allegation or suspicion of abuse, neglect, or~~
1056 ~~abandonment.~~

1057 (4) Jurisdiction of the circuit court shall attach to the
1058 case and parties to proceedings filed under s. 984.15 or under
1059 s. 984.151 when the summons is served upon the child and a
1060 parent, legal guardian, or custodian, or when the parties
1061 personally appear before the court.

1062 ~~(5)(6)~~ All procedures, including petitions, pleadings,
1063 subpoenas, summonses, and hearings, in proceedings under this
1064 ~~chapter family in need of services cases and child in need of~~
1065 ~~services cases~~ shall be according to the Florida Rules of
1066 Juvenile Procedure unless otherwise provided by law.

1067 ~~(7) The department may contract with a provider to provide~~
1068 ~~services and programs for families in need of services and~~
1069 ~~children in need of services.~~

1070 **Section 6. Subsections (2) and (4) of section 984.06,**
1071 **Florida Statutes, are amended to read:**

1072 984.06 Oaths, records, and confidential information.—

1073 (2) The court shall make and keep records of all cases
1074 brought before it pursuant to this chapter and shall preserve
1075 the records ~~pertaining to a child in need of services~~ until 10

1076 | years after the last entry was made or until the child is 18
1077 | years of age, whichever date is first reached, and may then
1078 | destroy them. The court shall make official records, consisting
1079 | of all petitions and orders filed in a case arising pursuant to
1080 | this chapter and any other pleadings, certificates, proofs of
1081 | publication, summonses, warrants, and other writs which are
1082 | filed in the case.

1083 | (4) Except as provided in subsection (3), all information
1084 | obtained pursuant to this chapter in the discharge of official
1085 | duty by any judge, employee of the court, authorized agent of
1086 | the department, school employee, district superintendent, school
1087 | board employee, or law enforcement agent is confidential and may
1088 | not be disclosed to anyone other than the authorized personnel
1089 | of the court, the department and its designees, school or school
1090 | board personnel, law enforcement agencies, and others entitled
1091 | under this chapter to receive that information, except upon
1092 | order of the court.

1093 | **Section 7. Section 984.07, Florida Statutes, is amended to**
1094 | **read:**

1095 | 984.07 Right to counsel; waiver; appointed counsel;
1096 | compensation.—

1097 | (1) When a petition is filed alleging that a child is a
1098 | child in need of services or if the child is subject to contempt
1099 | proceedings under s. 984.09, the child must be represented by
1100 | counsel at each court appearance. The court must appoint counsel

1101 unless the child is not indigent and has counsel present to
1102 represent the child or the record in that proceeding
1103 affirmatively demonstrates by clear and convincing evidence that
1104 the child knowingly and intelligently waived the right to
1105 counsel after being fully advised by the court of the nature of
1106 the proceedings and the dispositional alternatives available to
1107 the court. If the child waives counsel at any proceeding, the
1108 court shall advise the child with respect to the right to
1109 counsel at every subsequent hearing.

1110 (2) A child in proceedings under s. 984.151 may have
1111 counsel appointed by the court if the court determines it is in
1112 the best interest of the child.

1113 (3) If the court appoints counsel for a child, and if the
1114 child and his or her parents or legal guardians are indigent and
1115 unable to employ counsel, the court shall appoint an attorney to
1116 represent the child under s. 27.511. Determination of indigence
1117 and costs of representation shall be as provided by s. 57.082.
1118 Legal counsel representing a child who exercises the right to
1119 counsel may provide advice and counsel to the child at any time
1120 after appointment.

1121 (4) If the parents or legal guardians of an indigent child
1122 are not indigent but refuse to employ counsel, the court shall
1123 appoint counsel pursuant to s. 27.511 to represent the child
1124 until counsel is provided. Costs of representation must be
1125 imposed as provided by s. 57.082. Thereafter, the court may not

1126 appoint counsel for an indigent child with nonindigent parents
1127 or legal guardian but shall order the parents or legal guardian
1128 to obtain private counsel.

1129 (a) A parent or legal guardian of an indigent child who
1130 has been ordered to obtain private counsel for the child and who
1131 willfully fails to follow the court order shall be punished by
1132 the court in civil contempt proceedings.

1133 (b) An indigent child may have counsel appointed pursuant
1134 to ss. 27.511 and 57.082 if the parents or legal guardian have
1135 willfully refused to obey the court order to obtain counsel for
1136 the child and have been punished by civil contempt. Costs of
1137 representation must be imposed as provided by s. 57.082.

1138 (5) If the court makes a finding that nonindigent parents
1139 have made a good faith effort to participate in services and
1140 remediate the child's behavior, but despite their good faith
1141 efforts, the child's truancy, ungovernable behavior or runaway
1142 behavior has persisted, the court may appoint counsel to
1143 represent the child as provided in s 27.511.

1144 (6) If counsel is entitled to receive compensation for
1145 representation pursuant to court appointment in a child in need
1146 of services proceeding, such compensation shall not exceed
1147 \$1,000 at the trial level and \$2,500 at the appellate level.

1148 (7) This section does not preclude the court from
1149 requesting reimbursement of attorney fees and costs from the
1150 nonindigent parent or legal guardian.

1151 (8) The court may appoint an attorney to represent a
1152 parent or legal guardian under this chapter only upon a finding
1153 that the parent or legal guardian is indigent pursuant to s.
1154 57.082. If an attorney is appointed, the parent or legal
1155 guardian shall be enrolled in a payment plan pursuant to s.
1156 ~~28.246 If counsel is entitled to receive compensation for~~
1157 ~~representation pursuant to court appointment in a child-in-need-~~
1158 ~~of-services proceeding, such compensation shall not exceed~~
1159 ~~\$1,000 at the trial level and \$2,500 at the appellate level.~~

1160 **Section 8. Subsection (1) of section 984.071, Florida**
1161 **Statutes, is amended, and subsection (3) is added to that**
1162 **section, to read:**

1163 984.071 Resources and information.—

1164 (1) The department ~~of Juvenile Justice, in collaboration~~
1165 ~~with the Department of Children and Families and the Department~~
1166 ~~of Education,~~ shall develop and publish an information guide
1167 ~~packet~~ that explains the current process under this chapter for
1168 obtaining assistance for a child in need of services or a family
1169 in need of services and the community services and resources
1170 available to parents ~~of troubled or runaway children.~~ The
1171 information guide shall be published in a written format for
1172 distribution and shall also be published on the department's
1173 website. ~~In preparing the information packet, the Department of~~
1174 ~~Juvenile Justice shall work with school district~~
1175 ~~superintendents, juvenile court judges, county sheriffs, and~~

1176 ~~other local law enforcement officials in order to ensure that~~
1177 ~~the information packet lists services and resources that are~~
1178 ~~currently available within the county in which the packet is~~
1179 ~~distributed.~~ Each information guide ~~packet~~ shall be reviewed
1180 annually and updated as appropriate. The school district shall
1181 distribute this information guide ~~packet~~ to parents of truant
1182 children, and to other parents upon request or as deemed
1183 appropriate by the school district. In addition, the department
1184 ~~of Juvenile Justice~~ shall distribute the information guide
1185 ~~packet~~ to state and local law enforcement agencies. Any law
1186 enforcement officer who has contact with the parent of a child
1187 who is locked out of the home, is ungovernable, or who runs away
1188 from home shall make the information guide available to the
1189 parent.

1190 (3) The Department of Education and the Department of
1191 Children and Families must each post the department's
1192 information guide on their respective websites.

1193 **Section 9.** Sections 984.08 and 984.085, Florida Statutes,
1194 are repealed.

1195 **Section 10.** **Section 984.0861, Florida Statutes, is created**
1196 **to read:**

1197 984.0861 Prohibited use of detention.—A child under the
1198 jurisdiction of the court solely pursuant to this chapter may
1199 not be placed in:

1200 (1) Any form of detention care intended for the use of

1201 alleged juvenile delinquents as authorized under chapter 985 for
 1202 any purpose.

1203 (2) A secure detention facility authorized for use under
 1204 chapter 985 for any purpose.

1205 (3) Any jail or other similar facility used for the
 1206 purpose of detention or confinement of adults for any purpose.

1207 **Section 11. Section 984.09, Florida Statutes, is amended**
 1208 **to read:**

1209 984.09 Punishment for contempt of court; alternative
 1210 sanctions.—

1211 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may
 1212 punish any child for contempt for interfering with the court or
 1213 with court administration, or for violating any provision of
 1214 this chapter or order of the court relative thereto. It is the
 1215 intent of the Legislature that the court restrict and limit the
 1216 use of contempt powers and prohibit the use of detention care
 1217 and secure detention facilities as provided s. 984.0861 with
 1218 ~~respect to commitment of a child to a secure facility.~~ A child
 1219 who commits direct contempt of court or indirect contempt of a
 1220 valid court order may be taken into custody and ordered to serve
 1221 an alternative sanction or placed in a shelter ~~secure~~ facility,
 1222 as authorized in this section, by order of the court.

1223 (2) PLACEMENT IN A SHELTER ~~SECURE FACILITY~~.—A child
 1224 adjudicated as a child in need of services may only be placed in
 1225 a shelter ~~secure~~ facility for purposes of punishment for

1226 contempt of court if alternative sanctions are unavailable or
1227 inappropriate, or if the child has already been ordered to serve
1228 an alternative sanction but failed to comply with the sanction.

1229 ~~(a) A delinquent child who has been held in direct or~~
1230 ~~indirect contempt may be placed in a secure detention facility~~
1231 ~~for 5 days for a first offense or 15 days for a second or~~
1232 ~~subsequent offense, or in a secure residential commitment~~
1233 ~~facility.~~

1234 (a) ~~(b)~~ A child in need of services who has been held in
1235 direct contempt or indirect contempt may be placed, for 5 days
1236 for a first offense or 15 days for a second or subsequent
1237 offense, in a ~~staff-secure~~ shelter operated by or contracted
1238 with the department to provide such services ~~or a staff-secure~~
1239 ~~residential facility solely for children in need of services if~~
1240 ~~such placement is available, or, if such placement is not~~
1241 ~~available, the child may be placed in an appropriate mental~~
1242 ~~health facility or substance abuse facility for assessment. In~~
1243 addition to disposition under this paragraph, a child in need of
1244 services who is held in direct contempt or indirect contempt may
1245 be placed in a physically secure shelter ~~setting~~ as provided
1246 under s. 984.226 if conditions of eligibility are met.

1247 (b) A child subject to proceedings under s. 984.151 who
1248 has been held in direct contempt or indirect contempt may only
1249 be placed, for 5 days for a first offense or 15 days for a
1250 second or subsequent offense in a shelter operated by or

1251 contracted with the department for such services if a shelter
1252 bed is available. Upon a second or subsequent finding of
1253 contempt under this section, the court must refer the child to
1254 the case staffing committee with a recommendation to file a
1255 child in need of services petition.

1256 (c) Any shelter placement ordered under this section must
1257 be given as a cumulative sanction. Separate sanctions for the
1258 same act or series of acts within the same episode may not be
1259 imposed.

1260 (3) ALTERNATIVE SANCTIONS. ~~Each judicial circuit shall~~
1261 ~~have an alternative sanctions coordinator who shall serve under~~
1262 ~~the chief administrative judge of the juvenile division of the~~
1263 ~~circuit court, and who shall coordinate and maintain a spectrum~~
1264 ~~of contempt sanction alternatives in conjunction with the~~
1265 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~
1266 Upon determining that a child has committed direct contempt of
1267 court or indirect contempt of a valid court order, the court may
1268 immediately request the circuit alternative sanctions
1269 coordinator to recommend the most appropriate available
1270 alternative sanction and shall order the child to perform up to
1271 50 hours of community-service ~~manual labor~~ or a similar
1272 alternative sanction, unless an alternative sanction is
1273 unavailable or inappropriate, or unless the child has failed to
1274 comply with a prior alternative sanction. Alternative contempt
1275 sanctions may be provided by local industry or by any nonprofit

1276 organization or any public or private business or service entity
1277 that has entered into a contract with the department ~~of Juvenile~~
1278 ~~Justice~~ to act as an agent of the state to provide voluntary
1279 supervision of children on behalf of the state in exchange for
1280 the ~~manual~~ labor of children and limited immunity in accordance
1281 with s. 768.28(11).

1282 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
1283 PROCESS.—

1284 (a) If a child subject to proceedings under this chapter
1285 is charged with direct contempt of court, ~~including traffic~~
1286 ~~court~~, the court may impose an authorized sanction immediately.

1287 (b) If a child subject to proceedings under this chapter
1288 is charged with indirect contempt of court, the court must issue
1289 an order to show cause and schedule ~~hold~~ a hearing ~~within 24~~
1290 ~~hours~~ to determine whether the child committed indirect contempt
1291 of a valid court order. The child must be served with the order
1292 to show cause and notice of hearing. At the hearing, the
1293 following due process rights must be provided to the child:

1294 1. Right to a copy of the order to show cause alleging
1295 facts supporting the contempt charge.

1296 2. Right to an explanation of the nature and the
1297 consequences of the proceedings.

1298 3. Right to legal counsel and the right to have legal
1299 counsel appointed by the court if the juvenile is indigent,
1300 pursuant to s. 984.07 ~~985.033~~.

- 1301 4. Right to confront witnesses.
- 1302 5. Right to present witnesses.
- 1303 6. Right to have a transcript or record of the proceeding.
- 1304 7. Right to appeal to an appropriate court.

1305

1306 The child's parent, legal ~~or~~ guardian, or custodian may address
 1307 the court regarding the due process rights of the child. If
 1308 after the hearing, the court determines the child has committed
 1309 indirect contempt of a valid court order, the court may impose
 1310 an alternative sanction or may proceed under subsection (2). If
 1311 the court orders shelter placement of a child found in contempt
 1312 of court, the court shall review the matter ~~placement of the~~
 1313 ~~child~~ every 72 hours to determine whether it is appropriate for
 1314 the child to remain in the facility.

1315 (c) The court may not order that a child be placed in a
 1316 shelter ~~secure~~ facility for punishment for contempt unless the
 1317 court determines that an alternative sanction is inappropriate
 1318 or unavailable or that the child was initially ordered to an
 1319 alternative sanction and did not comply with the alternative
 1320 sanction. The court is encouraged to order a child to perform
 1321 community service, up to the maximum number of hours, where
 1322 appropriate before ordering that the child be placed in a
 1323 shelter ~~secure~~ facility as punishment for contempt of court.

1324 ~~(d) In addition to any other sanction imposed under this~~
 1325 ~~section, the court may direct the Department of Highway Safety~~

1326 ~~and Motor Vehicles to withhold issuance of, or suspend, a~~
1327 ~~child's driver license or driving privilege. The court may order~~
1328 ~~that a child's driver license or driving privilege be withheld~~
1329 ~~or suspended for up to 1 year for a first offense of contempt~~
1330 ~~and up to 2 years for a second or subsequent offense. If the~~
1331 ~~child's driver license or driving privilege is suspended or~~
1332 ~~revoked for any reason at the time the sanction for contempt is~~
1333 ~~imposed, the court shall extend the period of suspension or~~
1334 ~~revocation by the additional period ordered under this~~
1335 ~~paragraph. If the child's driver license is being withheld at~~
1336 ~~the time the sanction for contempt is imposed, the period of~~
1337 ~~suspension or revocation ordered under this paragraph shall~~
1338 ~~begin on the date on which the child is otherwise eligible to~~
1339 ~~drive. For a child in need of services whose driver license or~~
1340 ~~driving privilege is suspended under this paragraph, the court~~
1341 ~~may direct the Department of Highway Safety and Motor Vehicles~~
1342 ~~to issue the child a license for driving privileges restricted~~
1343 ~~to business or employment purposes only, as defined in s.~~
1344 ~~322.271, or for the purpose of completing court-ordered~~
1345 ~~community service, if the child is otherwise qualified for a~~
1346 ~~license. However, the department may not issue a restricted~~
1347 ~~license unless specifically ordered to do so by the court.~~

1348 (5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created
1349 the position of alternative sanctions coordinator within each
1350 judicial circuit, ~~pursuant to subsection (3)~~. Each alternative

1351 sanctions coordinator shall serve under the direction of the
1352 chief administrative judge of the juvenile division as directed
1353 by the chief judge of the circuit. The alternative sanctions
1354 coordinator shall act as the liaison between the judiciary,
1355 local department officials, district school board employees, and
1356 local law enforcement agencies. The alternative sanctions
1357 coordinator shall coordinate within the circuit community-based
1358 alternative sanctions, including ~~nonsecure detention programs,~~
1359 community service projects, ~~and other juvenile sanctions,~~ in
1360 conjunction with the circuit plan implemented in accordance with
1361 ~~s. 790.22(4)(c).~~

1362 **Section 12. Section 984.10, Florida Statutes, is amended**
1363 **to read:**

1364 984.10 Intake.—

1365 (1) Intake shall be performed by the department or the
1366 department's authorized agent. A report ~~or complaint~~ alleging
1367 that a child is from a family in need of services shall be made
1368 to the intake office operating in the county in which the child
1369 is found or in which the case arose. Any person or agency,
1370 including, but not limited to, the parent, ~~or~~ legal guardian, or
1371 custodian, the local school district, a law enforcement agency,
1372 or the Department of Children and Families, having knowledge of
1373 the facts may make a report ~~or complaint~~.

1374 (2) A representative of the department shall make a
1375 preliminary determination as to whether the report ~~or complaint~~

1376 is complete. The criteria for the completeness of a report ~~or~~
1377 ~~complaint~~ with respect to a child alleged to be from a family in
1378 need of services while subject to compulsory school attendance
1379 shall be governed by s. 984.03 ~~s. 984.03(27)~~. In any case in
1380 which the representative of the department finds that the report
1381 ~~or complaint~~ is incomplete, the representative of the department
1382 shall return the report ~~or complaint~~ without delay to the person
1383 or agency originating the report ~~or complaint~~ or having
1384 knowledge of the facts or to the appropriate law enforcement
1385 agency having investigative jurisdiction and request additional
1386 information in order to complete the report ~~or complaint~~.

1387 (3) If the representative of the department determines
1388 that in his or her judgment the interests of the family, the
1389 child, and the public will be best served by providing the
1390 family and child services and treatment voluntarily accepted by
1391 the child and the parents, ~~or~~ legal guardians, or custodians,
1392 the department's ~~departmental~~ representative may refer the
1393 family or child to an appropriate service ~~and treatment~~
1394 provider. As part of the intake procedure, the department's
1395 ~~departmental~~ representative shall inform the parent, ~~or~~ legal
1396 ~~eustodian~~ guardian, or custodian, in writing, of the services
1397 currently ~~and treatment~~ available to the child and family by
1398 department providers and other ~~or~~ community agencies in the
1399 county in which the family is located, and the rights and
1400 responsibilities of the parent, ~~or~~ legal guardian, or custodian

1401 under this chapter. Upon admission, and depending on services, a
 1402 staff member may be assigned to the family as deemed
 1403 appropriate.

1404 (4) If the department reasonably believes ~~has reasonable~~
 1405 ~~grounds to believe~~ that the child has been abandoned, abused, or
 1406 neglected, it shall proceed pursuant ~~to the provisions of~~
 1407 chapter 39 and reported immediately to the central abuse
 1408 hotline.

1409 **Section 13. Section 984.11, Florida Statutes, is amended**
 1410 **to read:**

1411 984.11 Services to families ~~in need of services.~~

1412 (1) The department or its authorized agent shall provide
 1413 an array of voluntary family services aimed toward remediating
 1414 school truancy, homelessness, and runaway and ungovernable
 1415 behavior by children. ~~Services and treatment~~ to families in need
 1416 of services shall be by voluntary agreement of the parent, ~~or~~
 1417 legal guardian, or custodian and the child ~~or as directed by a~~
 1418 ~~court order pursuant to s. 984.22.~~

1419 (2) A family is not eligible to receive voluntary family
 1420 services, if, at the time of the referral, the child is under
 1421 court-ordered supervision by the department for delinquency
 1422 under chapter 985 or by the Department of Children and Families
 1423 due to a finding of dependency under chapter 39. A child who had
 1424 received a prearrest delinquency citation, or is receiving
 1425 delinquency diversion services, may receive voluntary family

1426 services.

1427 (3) If there is a pending investigation into an allegation

1428 of abuse, neglect or abandonment, the child may be eligible for

1429 voluntary family services if the Department of Children and

1430 Families agrees to the provision of services and makes a

1431 referral. An interagency agreement between the department and

1432 the Department of Children and Families shall govern this

1433 referral process, which is contingent on available funding. The

1434 department must notify the Department of Children and Families

1435 if a referral is declined.

1436 (4)-(2) These services may include, but need not be limited

1437 to:

1438 (a) ~~Homemaker or~~ Parent aide services.

1439 (b) Intensive crisis counseling.

1440 (c) Parent training.

1441 (d) Individual, group, or family counseling.

1442 (e) Referral to community mental health services.

1443 (f) Prevention and diversion services.

1444 (g) Services provided by voluntary or community agencies.

1445 (h) Runaway center services.

1446 (i) Runaway shelter ~~Housekeeper~~ services.

1447 (j) Referral for special educational, tutorial, or

1448 remedial services.

1449 (k) Referral to vocational, career development ~~job~~

1450 ~~training,~~ or employment services.

1451 (1) Recreational services.

1452 (m) Assessment.

1453 (n) Case management.

1454 (o) Referral for or provision of substance abuse

1455 assessment or treatment.

1456 (5)~~(3)~~ The department shall advise the parents, ~~or~~ legal

1457 guardian, or custodian that they are responsible for

1458 contributing to the cost of the ~~child or family~~ services and

1459 ~~treatment~~ to the extent of their ability to pay. The parent is

1460 responsible for using health care insurance to the extent it is

1461 available for the provision of health services ~~The department~~

1462 ~~shall set and charge fees for services and treatment provided to~~

1463 ~~clients. The department may employ a collection agency for the~~

1464 ~~purpose of receiving, collecting, and managing the payment of~~

1465 ~~unpaid and delinquent fees. The collection agency must be~~

1466 ~~registered and in good standing under chapter 559. The~~

1467 ~~department may pay to the collection agency a fee from the~~

1468 ~~amount collected under the claim or may authorize the agency to~~

1469 ~~deduct the fee from the amount collected.~~

1470 ~~(4) The department may file a petition with the circuit~~

1471 ~~court to enforce the collection of fees for services and~~

1472 ~~treatment rendered to the child or the parent and other legal~~

1473 ~~eustodians.~~

1474 **Section 14. Section 984.12, Florida Statutes, is amended**

1475 **to read:**

1476 984.12 Case staffing; services and treatment related to a
 1477 family in need of services.—

1478 (1) The appropriate representative of the department shall
 1479 request a meeting of the family and child with a case staffing
 1480 committee to review the case of any family or child who the
 1481 department determines is in need of services ~~or treatment~~ if:

1482 (a) The family or child is not in agreement with the
 1483 services or treatment offered;

1484 (b) The family or child will not participate in the
 1485 services or treatment selected; or

1486 (c) The representative of the department needs assistance
 1487 in developing an appropriate plan for services. The time and
 1488 place selected for the meeting shall be convenient for the child
 1489 and family.

1490 (2) The composition of the case staffing committee shall
 1491 be based on the needs of the family and child. It shall include
 1492 a representative from the child's school district and a
 1493 representative of the department ~~of Juvenile Justice~~, and may
 1494 include the department's authorized agent and a supervisor of
 1495 the department's contracted provider; a representative from the
 1496 area of health, mental health, substance abuse, social, or
 1497 ~~educational~~ services; a representative of the state attorney; a
 1498 representative of law enforcement ~~the alternative sanctions~~
 1499 ~~coordinator~~; and any person recommended by the child, family, or
 1500 department. The child and the child's parent, legal guardian, or

1501 custodian must be invited to attend the committee meeting.

1502 (3) The case staffing committee shall:

1503 (a) Identify the family's concerns and contributing

1504 factors.

1505 (b) Request the family and child to identify their needs

1506 and concerns.

1507 (c) Seek input from the school district and any other

1508 persons in attendance with knowledge of the family or child's

1509 situation and concerns.

1510 (d) Consider the voluntary family services or other

1511 community services that have been offered and the results of

1512 those services.

1513 (e) Identify whether truancy is a concern and evaluate

1514 compliance with the remedial strategies provided pursuant to s.

1515 1003.26.

1516 (f) Reach a timely decision to provide the child or family

1517 with ~~needed~~ services and recommend any appropriate and treatment

1518 through the development of a plan for services.

1519 (4) The plan for services shall contain the following:

1520 (a) Statement of the concerns ~~problems~~.

1521 (b) Needs of the child.

1522 (c) Needs of the parents, legal guardian, or ~~legal~~

1523 ~~custodian~~.

1524 (d) Measurable objectives that address the identified

1525 problems and needs.

1526 (e) Services and treatment to be provided, to include:

1527 1. Type of services or treatment.

1528 2. Frequency of services or treatment.

1529 3. Location.

1530 4. Accountable service providers or staff.

1531 (f) Timeframes for achieving objectives.

1532 (5) Upon receipt of the plan, the child and family shall
 1533 acknowledge their position by accepting or rejecting the
 1534 services and provisions in writing. If the plan is accepted, it
 1535 shall be implemented as soon as is practicable.

1536 (6) The assigned case manager shall have responsibility A
 1537 ~~case manager shall be designated by the case staffing committee~~
 1538 ~~to be responsible~~ for implementing the plan. The department's
 1539 authorized agent ~~case manager~~ shall periodically review the
 1540 progress towards achieving the objectives of the plan in order
 1541 to:

1542 (a) Advise the case staffing committee of the need to make
 1543 adjustments to the plan; ~~or~~

1544 (b) Recommend a child in need of services petition be
 1545 filed by the department; or

1546 (c) ~~(b)~~ Terminate the case as indicated by successful or
 1547 substantial achievement of the objectives of the plan.

1548 (7) The parent, legal guardian, or ~~legal~~ custodian may
 1549 convene a meeting of the case staffing committee, ~~and any other~~
 1550 ~~member of the committee may convene a meeting if the member~~

1551 ~~finds that doing so is in the best interest of the family or~~
1552 ~~child.~~ A case staffing committee meeting requested by a parent,
1553 guardian, or legal custodian must be convened within 7 days,
1554 excluding weekends and legal holidays, after the date the
1555 department's representative receives the request in writing.

1556 (8) Any other member of the committee may convene a
1557 meeting if voluntary family services have been offered and the
1558 services have been rejected by the child or family, or the child
1559 has not made measurable progress toward achieving the service
1560 plan goals, and the member finds that doing so is in the best
1561 interest of the family or child.

1562 (9) A case staffing committee meeting must be convened
1563 within 30 days after the date the case is referred by the court
1564 pursuant to s. 984.151.

1565 (10)-(8) Within 7 days after meeting, the case staffing
1566 committee shall provide the parent, legal guardian, or ~~legal~~
1567 custodian with a written report that details the reasons for the
1568 committee's decision to recommend, or decline to recommend, that
1569 the department file a petition alleging that the child is a
1570 child in need of services.

1571 (11) The case staffing committee may reconvene from time
1572 to time as may be necessary to make adjustments to the plan.

1573 **Section 15. Section 984.13, Florida Statutes, is amended**
1574 **to read:**

1575 984.13 Taking a child into custody ~~a child alleged to be~~

1576 ~~from a family in need of services or to be a child in need of~~
 1577 ~~services.-~~

1578 (1) A child may be taken into custody:

1579 (a) By a law enforcement officer when the officer
 1580 reasonably believes ~~has reasonable grounds to believe~~ that the
 1581 child has run away from his or her parents, legal guardian, or
 1582 ~~other legal~~ custodian.

1583 (b) By a designated school representative pursuant to s.
 1584 1003.26(3) or a law enforcement officer when the officer
 1585 reasonably believes ~~has reasonable grounds to believe~~ that the
 1586 child is absent from school without authorization or is
 1587 suspended or expelled and is not in the presence of his or her
 1588 parent, ~~or~~ legal guardian, or custodian, for the purpose of
 1589 delivering the child without unreasonable delay to the
 1590 appropriate school system site. For the purpose of this
 1591 paragraph, "school system site" includes, but is not limited to,
 1592 a center approved by the superintendent of schools for the
 1593 purpose of counseling students and referring them back to the
 1594 school system or an approved alternative to a suspension or
 1595 expulsion program. If a student is suspended or expelled from
 1596 school without assignment to an alternative school placement,
 1597 the law enforcement officer or designated school representative
 1598 pursuant to s. 1003.26(3) shall deliver the child to the parent,
 1599 ~~or~~ legal guardian, or custodian, to a location determined by the
 1600 parent, legal ~~or~~ guardian, or custodian, or to a designated

1601 truancy interdiction site until the parent or guardian can be
1602 located.

1603 (c) Pursuant to an order of the circuit court based upon
1604 sworn testimony ~~before or~~ after a child in need of services
1605 petition is filed under s. 984.15.

1606 (d) Pursuant to an order of the circuit court based upon a
1607 finding of contempt under this chapter for the purpose of
1608 delivering the child to a designated shelter facility.

1609 (e) ~~(d)~~ By a law enforcement officer when the child
1610 voluntarily agrees to or requests services pursuant to this
1611 chapter or placement in a shelter.

1612 (2) The person taking the child into custody shall:

1613 (a) Release the child to a parent, legal guardian, ~~legal~~
1614 ~~custodian~~, or responsible adult relative and make a full written
1615 report to the department's authorized agent for families in need
1616 of services within 3 days after release ~~or to a department-~~
1617 ~~approved family in need of services and child in need of~~
1618 ~~services provider~~ if the person taking the child into custody
1619 reasonably believes ~~has reasonable grounds to believe~~ the child
1620 has run away from a parent, legal guardian, or ~~legal~~ custodian;
1621 is truant; or is ungovernable and beyond the control of the
1622 parent, guardian, or legal custodian; ~~following such release,~~
1623 ~~the person taking the child into custody shall make a full~~
1624 ~~written report to the intake office of the department within 3~~
1625 ~~days; or~~

1626 (b) Deliver the child to a shelter when: ~~the department,~~
1627 ~~stating the facts by reason of which the child was taken into~~
1628 ~~custody and sufficient information to establish probable cause~~
1629 ~~that the child is from a family in need of services.~~

1630 1. The parent, legal guardian, or custodian is unavailable
1631 to take immediate custody of the child;

1632 2. The child requested voluntary family services and
1633 shelter placement;

1634 3. A court order under this chapter for shelter placement
1635 has been issued; or

1636 4. The child and parent, legal guardian, or custodian
1637 voluntarily agree the child is in need of temporary shelter
1638 placement and such placement is necessary to provide a safe
1639 place for the child to remain until the parents and child can
1640 agree on conditions for the child's safe return home.

1641 (c) Deliver the child to a hospital for necessary
1642 evaluation and treatment if the child is reasonably believed to
1643 be suffering from a serious physical condition which requires
1644 either prompt diagnosis or treatment.

1645 (d) Deliver the child to a designated public receiving
1646 facility as defined in s. 394.455 for examination under s.
1647 394.463 if the child is reasonably believed to be mentally ill,
1648 including immediate threat of suicide as provided in s.
1649 394.463(1).

1650 (e) Deliver the child to a hospital, addictions receiving

1651 facility, or treatment resource if the child is reasonably
1652 believed to be intoxicated and has threatened, attempted, or
1653 inflicted physical harm on himself or herself or another, or is
1654 incapacitated by substance abuse.

1655 (3) If the child is taken into custody and by, ~~or is~~
1656 delivered to a shelter, ~~the department,~~ the department's
1657 authorized agent ~~appropriate representative of the department~~
1658 shall review the facts and make such further inquiry as
1659 necessary to determine whether the child shall remain in
1660 shelter, receive voluntary family services that would allow the
1661 child alleged to be from a family in need of services to remain
1662 at home, ~~custody or be released. Unless shelter is required as~~
1663 ~~provided in s. 984.14(1), the department shall:~~

1664 ~~(a) Release the child to his or her parent, guardian, or~~
1665 ~~legal custodian, to a responsible adult relative, to a~~
1666 ~~responsible adult approved by the department, or to a~~
1667 ~~department approved family in need of services and child in-~~
1668 ~~need-of-services provider; or~~

1669 ~~(b) Authorize temporary services and treatment that would~~
1670 ~~allow the child alleged to be from a family in need of services~~
1671 ~~to remain at home.~~

1672 **Section 16. Section 984.14, Florida Statutes, is amended**
1673 **to read:**

1674 984.14 Voluntary shelter services placement; hearing.—

1675 (1) Temporary voluntary shelter services provided by the

1676 department shall provide a safe environment with 24-hour care
1677 and supervision, referrals for services as needed, and education
1678 at the center or offsite and counseling services for children.
1679 ~~Unless ordered by the court pursuant to the provisions of this~~
1680 ~~chapter, or upon voluntary consent to placement by the child and~~
1681 ~~the child's parent, legal guardian, or custodian, a child taken~~
1682 ~~into custody shall not be placed in a shelter prior to a court~~
1683 ~~hearing unless a determination has been made that the provision~~
1684 ~~of appropriate and available services will not eliminate the~~
1685 ~~need for placement and that such placement is required:~~
1686 ~~(a) To provide an opportunity for the child and family to~~
1687 ~~agree upon conditions for the child's return home, when~~
1688 ~~immediate placement in the home would result in a substantial~~
1689 ~~likelihood that the child and family would not reach an~~
1690 ~~agreement; or~~
1691 ~~(b) Because a parent, custodian, or guardian is~~
1692 ~~unavailable to take immediate custody of the child.~~
1693 (2) If a child is sheltered due to being a runaway or a
1694 parent, legal guardian, or custodian is unavailable, the shelter
1695 shall immediately attempt to make contact with the parent, legal
1696 guardian, or custodian to advise the family of the child's
1697 whereabouts, determine if the child can safely return home, or
1698 determine if the family is seeking temporary voluntary shelter
1699 services until they can arrange to take the child home. If the
1700 parent, legal guardian, or custodian cannot be located within 24

1701 hours, the Department of Children and Families shall be
1702 contacted to assume custody of the child ~~If the department~~
1703 ~~determines that placement in a shelter is necessary according to~~
1704 ~~the provisions of subsection (1), the departmental~~
1705 ~~representative shall authorize placement of the child in a~~
1706 ~~shelter provided by the community specifically for runaways and~~
1707 ~~troubled youth who are children in need of services or members~~
1708 ~~of families in need of services and shall immediately notify the~~
1709 ~~parents or legal custodians that the child was taken into~~
1710 ~~custody.~~

1711 ~~(3) A child who is involuntarily placed in a shelter shall~~
1712 ~~be given a shelter hearing within 24 hours after being taken~~
1713 ~~into custody to determine whether shelter placement is required.~~
1714 ~~The shelter petition filed with the court shall address each~~
1715 ~~condition required to be determined in subsection (1).~~

1716 ~~(4) A child may not be held involuntarily in a shelter~~
1717 ~~longer than 24 hours unless an order so directing is made by the~~
1718 ~~court after a shelter hearing finding that placement in a~~
1719 ~~shelter is necessary based on the criteria in subsection (1) and~~
1720 ~~that the department has made reasonable efforts to prevent or~~
1721 ~~eliminate the need for removal of the child from the home.~~

1722 ~~(5) Except as provided under s. 984.225, a child in need~~
1723 ~~of services or a child from a family in need of services may not~~
1724 ~~be placed in a shelter for longer than 35 days.~~

1725 ~~(6) When any child is placed in a shelter pursuant to~~

1726 ~~court order following a shelter hearing, the court shall order~~
 1727 ~~the natural or adoptive parents of such child, the natural~~
 1728 ~~father of such child born out of wedlock who has acknowledged~~
 1729 ~~his paternity in writing before the court, or the guardian of~~
 1730 ~~such child's estate, if possessed of assets which under law may~~
 1731 ~~be disbursed for the care, support, and maintenance of the~~
 1732 ~~child, to pay, to the department, fees as established by the~~
 1733 ~~department. When the order affects the guardianship estate, a~~
 1734 ~~certified copy of the order shall be delivered to the judge~~
 1735 ~~having jurisdiction of the guardianship estate.~~

1736 ~~(7) A child who is adjudicated a child in need of services~~
 1737 ~~or alleged to be from a family in need of services or a child in~~
 1738 ~~need of services may not be placed in a secure detention~~
 1739 ~~facility or jail or any other commitment program for delinquent~~
 1740 ~~children under any circumstances.~~

1741 ~~(8) The court may order the placement of a child in need~~
 1742 ~~of services into a staff secure facility for no longer than 5~~
 1743 ~~days for the purpose of evaluation and assessment.~~

1744 **Section 17. Section 984.15, Florida Statutes, is amended**
 1745 **to read:**

1746 984.15 Petition for a child in need of services.—

1747 (1) All proceedings seeking an adjudication that a child
 1748 is a child in need of services shall be initiated by the filing
 1749 of a petition by an attorney representing the department or by
 1750 the child's parent, legal guardian, or ~~legal~~ custodian. ~~If a~~

1751 ~~child in need of services has been placed in a shelter pursuant~~
1752 ~~to s. 984.14, the department shall file the petition~~
1753 ~~immediately, including in the petition notice of arraignment~~
1754 ~~pursuant to s. 984.20.~~

1755 (2) (a) The department shall file a petition for a child in
1756 need of services if the child meets the definition of a child in
1757 need of services, and the case ~~manager or~~ staffing committee
1758 recommends ~~requests~~ that a petition be filed and:

1759 1. The family and child have in good faith, but
1760 unsuccessfully, used the services and process described in ss.
1761 984.11 and 984.12; or

1762 2. The family or child have refused ~~all~~ services described
1763 in ss. 984.11 and 984.12 after reasonable efforts by the
1764 department to involve the family and child in voluntary family
1765 ~~services and treatment.~~

1766 (b) Once the requirements in paragraph (a) have been met,
1767 the department shall file a petition for a child in need of
1768 services as soon as practicable ~~within 45 days.~~

1769 (c) The petition shall be in writing, shall state the
1770 specific grounds ~~under s. 984.03(9)~~ by which the child is
1771 designated a child in need of services, and shall certify that
1772 the conditions prescribed in paragraph (a) have been met. The
1773 petition shall be signed by the petitioner under oath stating
1774 good faith in filing the petition and shall be signed by an
1775 attorney for the department.

1776 (3) (a) The parent, legal guardian, or ~~legal~~ custodian may
 1777 file a petition alleging that a child is a child in need of
 1778 services if:

1779 1. The department waives the requirement for a case
 1780 staffing committee.

1781 2. The department fails to convene a meeting of the case
 1782 staffing committee within 7 days, excluding weekends and legal
 1783 holidays, after receiving a written request for such a meeting
 1784 from the child's parent, legal guardian, or ~~legal~~ custodian.

1785 3. The parent, legal guardian, or ~~legal~~ custodian does not
 1786 agree with the plan for services offered by the case staffing
 1787 committee.

1788 4. The department fails to provide a written report within
 1789 7 days after the case staffing committee meets, as required
 1790 under s. 984.12(10) ~~s. 984.12(8)~~.

1791 (b) The parent, legal guardian, or ~~legal~~ custodian must
 1792 give the department prior written notice of intent to file the
 1793 petition. If, at the arraignment hearing, the court finds that
 1794 such written notice of intent to file the petition was not
 1795 provided to the department, the court shall dismiss the
 1796 petition, postpone the hearing until such written notice is
 1797 given, or, if the department agrees, proceed with the
 1798 arraignment hearing. The petition must be served on the
 1799 department's office of general counsel.

1800 (c) The petition must be in writing and must set forth

1801 specific facts alleging that the child is a child in need of
1802 services ~~as defined in s. 984.03(9)~~. The petition must also
1803 demonstrate that the parent, legal guardian, or ~~legal~~ custodian
1804 has in good faith, but unsuccessfully, participated in the
1805 services and processes described in ss. 984.11 and 984.12.

1806 (4)~~(d)~~ The petition must be signed by the petitioner under
1807 oath.

1808 (5)~~(e)~~ The court, on its own motion or the motion of any
1809 party or the department, shall determine the legal sufficiency
1810 of a petition filed under this subsection and may dismiss any
1811 petition that lacks sufficient grounds. In addition, the court
1812 shall verify that the child is not:

1813 (a)~~1.~~ The subject of a pending investigation into an
1814 allegation or suspicion of abuse, neglect, or abandonment;

1815 (b)~~2.~~ The subject of a pending petition ~~referral~~ alleging
1816 that the child is delinquent; or

1817 (c)~~3.~~ Under the current supervision of the department or
1818 the Department of Children and Families for an adjudication or
1819 withholding of adjudication of delinquency or dependency.

1820 (6)~~(4)~~ The form of the petition and any additional
1821 contents shall be determined by rules of procedure adopted by
1822 the Supreme Court.

1823 (7)~~(5)~~ The petitioner ~~department or the parent, guardian,~~
1824 ~~or legal custodian~~ may withdraw a petition at any time before
1825 ~~prior to~~ the child is ~~being~~ adjudicated a child in need of

1826 services.

1827 **Section 18. Section 984.151, Florida Statutes, is amended**
 1828 **to read:**

1829 984.151 Early truancy intervention; truancy petition;
 1830 judgment ~~prosecution; disposition.~~-

1831 (1) If the school determines that a student subject to
 1832 compulsory school attendance has had at least five unexcused
 1833 absences, or absences for which the reasons are unknown, within
 1834 a calendar month or 10 unexcused absences, or absences for which
 1835 the reasons are unknown, within a 90-calendar-day period
 1836 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused
 1837 absences in a 90-calendar-day period, the superintendent of
 1838 schools or his or her designee may file a truancy petition
 1839 seeking early truancy intervention.

1840 (2) The petition shall be filed in the circuit in which
 1841 the student is enrolled in school.

1842 (3) Original jurisdiction to hear a truancy petition shall
 1843 be in the circuit court; however, the circuit court may use a
 1844 general or special magistrate ~~master~~ pursuant to Supreme Court
 1845 rules. Upon the filing of the petition, the clerk shall issue a
 1846 summons to the parent, legal guardian, or ~~legal~~ custodian of the
 1847 student, directing that person and the student to appear for a
 1848 hearing at a time and place specified.

1849 (4) The petition must contain the following: the name,
 1850 age, and address of the student; the name and address of the

1851 student's parent or guardian; the school where the student is
1852 enrolled; the efforts the school has made to get the student to
1853 attend school in compliance with s. 1003.26; the number of out-
1854 of-school contacts between the school system and student's
1855 parent or guardian; and the number of days and dates of days the
1856 student has missed school. The petition shall be sworn to by the
1857 superintendent or his or her designee.

1858 (5) Once the petition is filed, the court shall hear the
1859 petition within 30 days.

1860 (6) The student and the student's parent or guardian shall
1861 attend the hearing.

1862 (7) If the court determines that the student did miss any
1863 of the alleged days, the court shall enter an order finding the
1864 child to be a truant status offender and the court shall order
1865 the student to attend school and order the parent, legal
1866 guardian, or custodian to ensure that the student attends
1867 school. The court's power under this subsection is limited to
1868 entering orders to require the student to attend school and
1869 require the student and family to participate in services to
1870 encourage regular school attendance. The court, and may order
1871 any of the following services:

1872 (a) The student to participate in alternative sanctions to
1873 include mandatory attendance at alternative classes; to be
1874 followed by mandatory community services hours for a period up
1875 to 6 months; the student and

1876 (b) The student's parent, legal ~~or~~ guardian, or custodian
1877 to participate in parenting classes ~~homemaker or parent aide~~
1878 services;

1879 (c) The student or the student's parent, legal ~~or~~ guardian
1880 or custodian to participate in individual, group, or family
1881 ~~intensive crisis~~ counseling;

1882 (d) The student or the student's parent, legal ~~or~~ guardian
1883 or custodian to participate in community mental health services
1884 or substance abuse treatment services if available and
1885 applicable;

1886 (e) The student and the student's parent, legal ~~or~~
1887 guardian, or custodian to participate in services ~~service~~
1888 provided by state or community ~~voluntary or community~~ agencies,
1889 if appropriate ~~as available~~, including services for families in
1890 need of services as provided in s. 984.11;

1891 (f) The student and the student's parent, legal guardian,
1892 or custodian to attend meetings with school officials to address
1893 the child's educational needs, classroom assignment, class
1894 schedule, and other barriers to school attendance identified by
1895 the child's school, child or family;

1896 (g) The student and the student's parent, legal guardian,
1897 or custodian to engage in learning activities provided by the
1898 school board as to why education is important and the potential
1899 impact on the child's future employment and education options if
1900 the attendance problem persists; or

1901 (h) and The student or the student's parent, legal or
1902 guardian, or custodian to participate in vocational or job
1903 training, or employment services.

1904 (8) If the student does not substantially comply with
1905 compulsory school attendance and court ordered services required
1906 under ~~successfully complete the sanctions ordered in~~ subsection
1907 (7), and the child meets the definition of a child in need of
1908 services, the case shall be referred by the court to the
1909 department's authorized agent for review by the case staffing
1910 committee under s. 984.12 with a recommendation to file a
1911 petition for child in need of services ~~child-in-need-of-services~~
1912 ~~petition~~ under s. 984.15. The court shall review the case not
1913 less than every 45 days to determine if the child is in
1914 substantial compliance with compulsory education or if the case
1915 should be referred to the case staffing committee in accord with
1916 this subsection.

1917 (9) If the student substantially complies with compulsory
1918 school attendance the court shall close the truancy case.

1919 (10) If the child is adjudicated a child in need of
1920 services pursuant to s. 984.21, the truancy case shall be closed
1921 and jurisdiction relinquished in accordance with s. 984.04.

1922 (11) The court may retain jurisdiction of any case in
1923 which the child is noncompliant with compulsory education and
1924 the child does not meet the definition of a child in need of
1925 services under this chapter until jurisdiction lapses pursuant

1926 | to s. 984.04.

1927 | (12) The court may not order a child placed in shelter
 1928 | pursuant to this section unless the court has found the child to
 1929 | be in contempt for violation of a court order under s. 984.09.

1930 | (13)-(9) The parent, legal guardian, or legal custodian and
 1931 | the student shall participate, as required by court order, in
 1932 | any sanctions or services required by the court under this
 1933 | section, and the court shall enforce such participation through
 1934 | its contempt power.

1935 | (14) Any truant student that meets the definition of a
 1936 | child in need of services and who has been found in contempt for
 1937 | violation of a court order under s. 984.09 two or more times
 1938 | shall be referred to the case staffing committee under s. 984.12
 1939 | with a recommendation to file a petition for a child in need of
 1940 | services.

1941 | (15) The clerk of court must serve any court order
 1942 | referring the case to voluntary family services or the case
 1943 | staffing committee to the department's office of general counsel
 1944 | and to the department's authorized agent.

1945 | **Section 19. Subsections (3) and (5) of section 984.16,**
 1946 | **Florida Statutes, are amended, and subsection (11) is added to**
 1947 | **that section, to read:**

1948 | 984.16 Process and service for child in need of services
 1949 | petitions.-

1950 | (3) The summons shall require the person on whom it is

1951 served to appear for a hearing at a time, ~~and~~ place, and manner
1952 ~~specified. Except in cases of medical emergency, the time shall~~
1953 ~~not be less than 24 hours after service of the summons.~~ The
1954 summons must ~~may~~ require the custodian to bring the child to
1955 court ~~if the court determines that the child's presence is~~
1956 ~~necessary.~~ A copy of the petition shall be attached to the
1957 summons.

1958 (5) The jurisdiction of the court shall attach to the
1959 child and the parent, legal guardian, or custodian, ~~or legal~~
1960 ~~guardian~~ of the child and the case when the summons is served
1961 upon the child or a parent, ~~or~~ legal guardian, or ~~actual~~
1962 custodian of the child; ~~or~~ when the child is taken into custody
1963 with or without service of summons and after filing of a
1964 petition for a child in need of services; or when a party
1965 personally appears before the court whichever occurs first, and
1966 thereafter the court may control the child and case in
1967 accordance with this chapter.

1968 (11) If a court takes action that directly involves a
1969 student's school, including, but not limited to, an order that a
1970 student attend school, attend school with his or her parent,
1971 requiring the parent to participate in meetings, including
1972 parent-teacher conferences, Section 504 plan meetings or
1973 individualized education plan meetings to address the student's
1974 disability, the office of the clerk of the court shall provide
1975 notice to the school of the court's order.

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

984.17 Response to petition and representation of parties.—

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

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

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

(4) An attorney representing the department shall

2001 represent the state in any proceeding in which the petition
2002 alleges that a child is a child in need of services ~~and in which~~
2003 ~~a party denies the allegations of the petition and contests the~~
2004 ~~adjudication.~~

2005 **Section 21.** Section 984.18, Florida Statutes, is repealed.

2006 **Section 22. Section 984.19, Florida Statutes, is amended**
2007 **to read:**

2008 984.19 Medical screening and treatment of child;
2009 examination of parent, legal guardian, or person requesting
2010 custody.—

2011 (1) When any child is to be placed in shelter care, the
2012 department or its authorized agent may ~~is authorized to~~ have a
2013 medical screening provided for ~~performed on~~ the child without
2014 authorization from the court and without consent from a parent,
2015 legal ~~or~~ guardian, or custodian. Such medical screening shall be
2016 provided ~~performed~~ by a licensed health care professional and
2017 shall be to screen ~~examine~~ the child for injury, illness, and
2018 communicable diseases. In no case does this subsection authorize
2019 the department to consent to medical treatment for such
2020 children.

2021 (2) When ~~the department has performed~~ the medical
2022 screening authorized by subsection (1) or when it is otherwise
2023 determined by a licensed health care professional that a child
2024 is in need of medical treatment, consent for medical treatment
2025 shall be obtained in the following manner:

2026 (a)1. Consent to medical treatment shall be obtained from
 2027 a parent, legal ~~or~~ guardian, or custodian of the child; or

2028 2. A court order for such treatment shall be obtained.

2029 (b) If a parent, legal ~~or~~ guardian, or custodian of the
 2030 child is unavailable and his or her whereabouts cannot be
 2031 reasonably ascertained, and it is after normal working hours so
 2032 that a court order cannot reasonably be obtained, an authorized
 2033 agent of the department or its provider has the authority to
 2034 consent to necessary medical treatment for the child. The
 2035 authority of the department to consent to medical treatment in
 2036 this circumstance is limited to the time reasonably necessary to
 2037 obtain court authorization.

2038 (c) If a parent, legal ~~or~~ guardian, or custodian of the
 2039 child is available but refuses to consent to the necessary
 2040 treatment, a court order is required, unless the situation meets
 2041 the definition of an emergency in s. 743.064 or the treatment
 2042 needed is related to suspected abuse or neglect of the child by
 2043 the parent or guardian. In such case, the department's
 2044 authorized agent may ~~department has the authority to~~ consent to
 2045 necessary medical treatment. This authority is limited to the
 2046 time reasonably necessary to obtain court authorization.

2047
 2048 In no case may the department consent to sterilization,
 2049 abortion, or termination of life support.

2050 (3) A judge may order that a child alleged to be or

2051 adjudicated a child in need of services be examined by a
2052 licensed health care professional. The judge may also order such
2053 child to be evaluated by a psychiatrist or a psychologist, by a
2054 district school board educational needs assessment team, or, if
2055 a developmental disability is suspected or alleged, by the
2056 developmental disability diagnostic and evaluation team of the
2057 Department of Children and Families or Agency for Persons with
2058 Disabilities. The judge may order a family assessment if that
2059 assessment was not completed at an earlier time. If it is
2060 necessary to place a child in a residential facility for such
2061 evaluation, then the criteria and procedure established in s.
2062 394.463(2) or chapter 393 shall be used, whichever is
2063 applicable. The educational needs assessment provided by the
2064 district school board educational needs assessment team shall
2065 include, but not be limited to, reports of intelligence and
2066 achievement tests, screening for learning disabilities and other
2067 handicaps, and screening for the need for alternative education
2068 pursuant to s. 1003.53.

2069 (4) A judge may order that a child alleged to be or
2070 adjudicated a child in need of services be treated by a licensed
2071 health care professional. The judge may also order such child to
2072 receive mental health or intellectual disability services from a
2073 psychiatrist, psychologist, or other appropriate service
2074 provider. If it is necessary to place the child in a residential
2075 facility for such services, the procedures and criteria

2076 established in s. 394.467 or chapter 393 shall be used, as
 2077 applicable. A child may be provided services in emergency
 2078 situations pursuant to the procedures and criteria contained in
 2079 s. 394.463(1) or chapter 393, as applicable.

2080 (5) When there are indications of physical injury or
 2081 illness, a licensed health care professional shall be
 2082 immediately contacted ~~called~~ or the child shall be taken to the
 2083 nearest available hospital for emergency care.

2084 (6) Except as otherwise provided herein, ~~nothing in this~~
 2085 section does not ~~shall be deemed to~~ eliminate the right of a
 2086 parent, legal ~~a~~ guardian, or custodian, or the child to consent
 2087 to examination or treatment for the child.

2088 (7) Except as otherwise provided herein, ~~nothing in this~~
 2089 section does not ~~shall be deemed to~~ alter the provisions of s.
 2090 743.064.

2091 (8) A court may order ~~shall not be precluded from ordering~~
 2092 services or treatment to be provided to the child by a duly
 2093 accredited practitioner who relies solely on spiritual means for
 2094 healing in accordance with the tenets and practices of a church
 2095 or religious organization, when required by the child's health
 2096 and when requested by the child.

2097 (9) ~~Nothing in This section~~ does not ~~shall be construed to~~
 2098 authorize the permanent sterilization of the child, unless such
 2099 sterilization is the result of or incidental to medically
 2100 necessary treatment to protect or preserve the life of the

2101 child.

2102 (10) For the purpose of obtaining an evaluation or
 2103 examination or receiving treatment as authorized pursuant to
 2104 this section, ~~no child alleged to be or found to be a child from~~
 2105 ~~a family in need of services or a child in need of services~~
 2106 shall be placed in a detention facility or other program used
 2107 primarily for the care and custody of children alleged or found
 2108 to have committed delinquent acts.

2109 (11) The parents, legal guardian, or custodian ~~guardian~~ of
 2110 a child alleged to be or adjudicated a child in need of services
 2111 remain financially responsible for the cost of medical treatment
 2112 provided to the child even if one or both of the parents or if
 2113 the legal guardian, or custodian did not consent to the medical
 2114 treatment. After a hearing, the court may order the parents,
 2115 legal ~~or~~ guardian, or custodian, if found able to do so, to
 2116 reimburse the department or other provider of medical services
 2117 for treatment provided.

2118 (12) A judge may order a child under its jurisdiction to
 2119 submit to substance abuse evaluation, testing, and treatment in
 2120 accordance with s. 397.706 ~~Nothing in this section alters the~~
 2121 ~~authority of the department to consent to medical treatment for~~
 2122 ~~a child who has been committed to the department pursuant to s.~~
 2123 ~~984.22(3) and of whom the department has become the legal~~
 2124 ~~eustodian.~~

2125 (13) At any time after the filing of a petition for a

2126 | child in need of services, when the mental or physical
 2127 | condition, including the blood group, of a parent, guardian, or
 2128 | other person requesting custody of a child is in controversy,
 2129 | the court may order the person to submit to a physical or mental
 2130 | examination by a qualified professional. The order may be made
 2131 | only upon good cause shown and pursuant to notice and procedures
 2132 | as set forth by the Florida Rules of Juvenile Procedure.

2133 | **Section 23. Section 984.20, Florida Statutes, is amended**
 2134 | **to read:**

2135 | 984.20 Hearings for child in need of services ~~child in~~
 2136 | ~~need of services~~ cases.—

2137 | (1) ARRAIGNMENT HEARING.—

2138 | (a) The clerk shall set a date for an arraignment hearing
 2139 | within a reasonable time after the date of the filing of the
 2140 | child in need of services petition. The court shall advise the
 2141 | child and the parent, legal guardian, or custodian of the right
 2142 | to counsel as provided in s. 984.07. ~~When a child has been taken~~
 2143 | ~~into custody by order of the court, an arraignment hearing shall~~
 2144 | ~~be held within 7 days after the date the child is taken into~~
 2145 | ~~eustody.~~ The hearing shall be held for the child and the parent,
 2146 | legal guardian, or custodian to admit, deny, or consent to
 2147 | findings that a child is in need of services as alleged in the
 2148 | petition. If the child and the parent, legal guardian, or
 2149 | custodian admit or consent to the findings in the petition, the
 2150 | court shall adjudicate the child a child in need of services and

2151 proceed as set forth in the Florida Rules of Juvenile Procedure.
2152 However, if either the child or the parent, legal guardian, or
2153 custodian denies any of the allegations of the petition, the
2154 court shall hold an adjudicatory hearing within a reasonable
2155 time after the date of the arraignment hearing ~~7 days after the~~
2156 ~~date of the arraignment hearing.~~

2157 (b) The court may grant a continuance of the arraignment
2158 hearing ~~When a child is in the custody of the parent, guardian,~~
2159 ~~or custodian, upon the filing of a petition, the clerk shall set~~
2160 ~~a date for an arraignment hearing within a reasonable time from~~
2161 ~~the date of the filing of the petition. if the child or and the~~
2162 ~~parent, legal guardian, or custodian request a continuance to~~
2163 ~~obtain an attorney. The case shall be rescheduled for an~~
2164 ~~arraignment hearing within a reasonable period of time to allow~~
2165 ~~for consultation admit or consent to an adjudication, the court~~
2166 ~~shall proceed as set forth in the Florida Rules of Juvenile~~
2167 ~~Procedure. However, if either the child or the parent, guardian,~~
2168 ~~or custodian denies any of the allegations of child in need of~~
2169 ~~services, the court shall hold an adjudicatory hearing within a~~
2170 ~~reasonable time from the date of the arraignment hearing.~~

2171 (c) If at the arraignment hearing the child and the
2172 parent, legal guardian, or custodian consents or admits to the
2173 allegations in the petition and the court determines that the
2174 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(e)~~,
2175 the court shall proceed to hold a disposition hearing at the

2176 earliest practicable time that will allow for the completion of
 2177 a predisposition study.

2178 (d) Failure of a person served with notice to appear at
 2179 the arraignment hearing constitutes the person's consent to the
 2180 adjudication of the child as a child in need of services. The
 2181 document containing the notice to respond or appear must
 2182 contain, in type as large as the balance of the document, the
 2183 following or substantially similar language:

2184
 2185 FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING CONSTITUTES
 2186 CONSENT TO THE ADJUDICATION OF THIS CHILD AS A CHILD IN
 2187 NEED OF SERVICES AND MAY RESULT IN THE COURT ENTERING AN
 2188 ORDER OF DISPOSITION AND PLACE THE CHILD INTO SHELTER.

2189
 2190 If a person appears for the arraignment hearing and the court
 2191 orders that person to appear, either physically or through
 2192 audio-video communication technology, at the adjudicatory
 2193 hearing for the child in need of services case, stating the
 2194 date, time, place, and, if applicable, the instructions for
 2195 appearance through audio-video communication technology, of the
 2196 adjudicatory hearing, then that person's failure to appear for
 2197 the scheduled adjudicatory hearing constitutes consent to
 2198 adjudication of the child as a child in need of services.

2199 (2) ADJUDICATORY HEARING.—

2200 (a) The adjudicatory hearing shall be held as soon as

2201 practicable after the petition for a child in need of services
 2202 is filed and in accordance with the Florida Rules of Juvenile
 2203 Procedure, but reasonable delay for the purpose of
 2204 investigation, discovery, or procuring counsel or witnesses
 2205 shall, whenever practicable, be granted. ~~If the child is in~~
 2206 ~~custody, the adjudicatory hearing shall be held within 14 days~~
 2207 ~~after the date the child was taken into custody.~~

2208 (b) Adjudicatory hearings shall be conducted by the judge
 2209 without a jury, applying the rules of evidence in use in civil
 2210 cases and adjourning the hearings from time to time as
 2211 necessary. In an adjudicatory hearing ~~on a petition in which it~~
 2212 ~~is alleged that the child is a child in need of services,~~ a
 2213 preponderance of evidence shall be required to establish that
 2214 the child is in need of services. If the court finds the
 2215 allegations are proven by a preponderance of evidence and the
 2216 child is a child in need of services, the court shall enter an
 2217 order of adjudication.

2218 (c) All hearings, except as hereinafter provided, shall be
 2219 open to the public, and no person shall be excluded therefrom
 2220 except on special order of the judge who, in his or her
 2221 discretion, may close any hearing to the public when the public
 2222 interest or the welfare of the child, in his or her opinion, is
 2223 best served by so doing. Hearings involving more than one child
 2224 may be held simultaneously when the several children involved
 2225 are related to each other or were involved in the same case. The

2226 child and the parent, legal guardian, or custodian of the child
 2227 may be examined separately and apart from each other.

2228 (3) DISPOSITION HEARING.—

2229 (a) At the disposition hearing, ~~if the court finds that~~
 2230 ~~the facts alleged in the petition of a child in need of services~~
 2231 ~~were proven in the adjudicatory hearing,~~ the court shall receive
 2232 and consider a predisposition study, which shall be in writing
 2233 and be presented by an authorized agent of the department or its
 2234 provider.

2235 ~~(a)~~ The predisposition study shall cover:

2236 1. All treatment and services that the parent, legal
 2237 guardian, or custodian and child received.

2238 2. The love, affection, and other emotional ties existing
 2239 between the family ~~parents~~ and the child.

2240 3. The capacity and disposition of the parents, legal
 2241 guardian, or custodian to provide the child with food, clothing,
 2242 medical care or other remedial care recognized and permitted
 2243 under the laws of this state in lieu of medical care, and other
 2244 material needs.

2245 4. The length of time that the child has lived in a
 2246 stable, satisfactory environment and the desirability of
 2247 maintaining continuity.

2248 5. The permanence, as a family unit, of the existing or
 2249 proposed custodial home.

2250 6. The moral fitness of the parents, legal guardian, or

2251 custodian.

2252 7. The mental and physical health of the family.

2253 8. The home, school, and community record of the child.

2254 9. The reasonable preference of the child, if the court

2255 deems the child to be of sufficient intelligence, understanding,

2256 and experience to express a preference.

2257 10. Any other factor considered by the court to be

2258 relevant.

2259 (b) The predisposition study also shall provide the court

2260 with documentation regarding:

2261 1. The availability of appropriate prevention, services,

2262 and treatment for the parent, legal guardian, custodian, and

2263 child to prevent the removal of the child from the home or to

2264 reunify the child with the parent, legal guardian, or custodian

2265 after removal or to reconcile the problems between the family

2266 ~~parent, guardian, or custodian~~ and the child.†

2267 2. The inappropriateness of other prevention, treatment,

2268 and services that were available.†

2269 3. The efforts by the department to prevent shelter out-

2270 ~~of-home~~ placement of the child or, when applicable, to reunify

2271 the parent, legal guardian, or custodian if appropriate services

2272 were available.†

2273 4. Whether voluntary family ~~the~~ services were provided.†

2274 5. If the voluntary family services and treatment were

2275 provided, whether they were sufficient to meet the needs of the

2276 child and the family and to enable the child to remain at home
2277 or to be returned home.~~†~~

2278 6. If the voluntary family services and treatment were not
2279 provided, the reasons for such lack of provision.~~†~~ ~~and~~

2280 7. The need for, or appropriateness of, continuing such
2281 treatment and services if the child remains in the custody of
2282 the parent, legal guardian, or custodian or if the child is
2283 placed outside the home.

2284 (c) If placement of the child with anyone other than the
2285 child's parent, guardian, or custodian is being considered, the
2286 study shall include the designation of a specific length of time
2287 as to when custody by the parent, guardian, or custodian shall
2288 be reconsidered.

2289 (d) A copy of this predisposition study shall be furnished
2290 to the person having custody of the child at the time such
2291 person is notified of the disposition hearing.

2292 (e) After review of the predisposition study and other
2293 relevant materials, the court shall hear from the parties and
2294 consider all recommendations for court-ordered services,
2295 evaluations, treatment and required actions designed to remedy
2296 the child's truancy, ungovernable behavior, or running away. The
2297 court shall enter an order of disposition.

2298
2299 Any other relevant and material evidence, including other
2300 written or oral reports, may be received by the court in its

2301 effort to determine the action to be taken with regard to the
2302 child and may be relied upon to the extent of its probative
2303 value, even though not competent in an adjudicatory hearing.
2304 Except as provided in paragraph (2) (c), ~~nothing in~~ this section
2305 does not shall prohibit the publication of proceedings in a
2306 hearing.

2307 (4) REVIEW HEARINGS.—

2308 (a) The court shall hold a review hearing within 45 days
2309 after the disposition hearing. Additional review hearings may be
2310 held as necessary, allowing sufficient time for the child and
2311 family to work toward compliance with the court orders and
2312 monitoring by the case manager. No longer than 90 days may
2313 elapse between judicial review hearings ~~but no less than 45 days~~
2314 ~~after the date of the last review hearing.~~

2315 (b) The parent, legal guardian, or custodian and the child
2316 shall be noticed to appear for the review hearing. The
2317 department must appear at the review hearing. If the parent,
2318 legal guardian, or custodian does not appear at a review
2319 hearing, or if the court finds good cause to waive the child's
2320 presence, the court may proceed with the hearing and enter
2321 orders that affect the child and family accordingly.

2322 (c) ~~(b)~~ At the review hearings, the court shall consider
2323 the department's judicial review summary. The court shall close
2324 the case if the child has substantially complied with the case
2325 plans and court orders and no longer requires continued court

2326 supervision, subject to the case being reopened. Upon request of
2327 the petitioner, the court may close the case and relinquish
2328 jurisdiction. If the child has significantly failed to comply
2329 with the case plan or court orders, the child shall continue to
2330 be a child in need of services and reviewed by the court as
2331 needed. At review hearings, the court may enter further orders
2332 to adjust the services case plan to address the family needs and
2333 compliance with court orders, including, but not limited to,
2334 ordering the child placed in shelter, ~~but no less than 45 days~~
2335 ~~after the date of the last review hearing.~~

2336 **Section 24. Section 984.21, Florida Statutes, is amended**
2337 **to read:**

2338 984.21 Orders of adjudication.—

2339 (1) ~~(4)~~ An order of adjudication by a court that a child is
2340 a child in need of services is a civil adjudication, and is
2341 ~~services shall~~ not be deemed a conviction, nor shall the child
2342 be deemed to have been found guilty or to be a delinquent or
2343 criminal by reason of ~~that~~ adjudication, nor shall that
2344 adjudication operate to impose upon the child any of the civil
2345 disabilities ordinarily imposed by or resulting from conviction
2346 or disqualify or prejudice the child in any civil service
2347 application or appointment.

2348 (2) ~~(1)~~ If the court finds that the child named in a
2349 petition is not a child in need of services, it shall enter an
2350 order so finding and dismiss ~~dismissing~~ the case.

2351 ~~(2) If the court finds that the child named in the~~
 2352 ~~petition is a child in need of services, but finds that no~~
 2353 ~~action other than supervision in the home is required, it may~~
 2354 ~~enter an order briefly stating the facts upon which its finding~~
 2355 ~~is based, but withholding an order of adjudication and placing~~
 2356 ~~the child and family under the supervision of the department. If~~
 2357 ~~the court later finds that the parent, guardian, or custodian of~~
 2358 ~~the child have not complied with the conditions of supervision~~
 2359 ~~imposed, the court may, after a hearing to establish the~~
 2360 ~~noncompliance, but without further evidence of the state of the~~
 2361 ~~child in need of services, enter an order of adjudication and~~
 2362 ~~shall thereafter have full authority under this chapter to~~
 2363 ~~provide for the child as adjudicated.~~

2364 (3) If the court finds by a preponderance of evidence that
 2365 the child named in a petition is a child in need of services,
 2366 ~~but elects not to proceed under subsection (2),~~ it shall
 2367 incorporate that finding in an order of adjudication entered in
 2368 the case, briefly stating the facts upon which the finding is
 2369 made, and the court shall thereafter have full authority under
 2370 this chapter to provide for the child as adjudicated.

2371 **Section 25. Section 984.22, Florida Statutes, is amended**
 2372 **to read:**

2373 984.22 Powers of disposition.—

2374 (1) If the court finds that services and treatment have
 2375 not been provided or used ~~utilized~~ by a child or family, the

2376 court having jurisdiction of the child in need of services shall
 2377 have the power to direct the least intrusive and least
 2378 restrictive disposition, as follows:

2379 (a) Order the parent, legal guardian, or custodian and the
 2380 child to participate in treatment, services, and any other
 2381 alternative identified as necessary.

2382 (b) Order the parent, legal guardian, or custodian to pay
 2383 a fine or fee based on the recommendations of the department.

2384 (2) When any child is adjudicated by the court to be a
 2385 child in need of services, the court having jurisdiction of the
 2386 child and parent, legal guardian, or custodian shall have the
 2387 power, by order, to:

2388 (a) Place the child under the supervision of the
 2389 department's authorized agent ~~contracted~~ provider of programs
 2390 and services for children in need of services and families in
 2391 need of services. "Supervision," for the purposes of this
 2392 section, means services as defined by the contract between the
 2393 department and the provider.

2394 (b) Place the child in the temporary legal custody of an
 2395 adult willing to care for the child.

2396 (c) Commit the child to a licensed child-caring agency
 2397 willing to receive the child and to provide services without
 2398 compensation from the department.

2399 (d) Order the child, and, if the court finds it
 2400 appropriate, the parent, legal guardian, or custodian of the

2401 child, to render community service in a public service program.

2402 (e) Order the child placed in shelter pursuant to s.
2403 984.225 or s. 984.226.

2404 (3) When any child is adjudicated by the court to be a
2405 child in need of services and temporary legal custody of the
2406 child has been placed with an adult willing to care for the
2407 child, or a licensed child-caring agency, ~~the Department of~~
2408 ~~Juvenile Justice, or the Department of Children and Families,~~
2409 the court shall order the natural or adoptive parents of such
2410 child, including the natural father of such child born out of
2411 wedlock who has acknowledged his paternity in writing before the
2412 court, or the guardian of such child's estate if possessed of
2413 assets which under law may be disbursed for the care, support,
2414 and maintenance of such child, to pay child support to the adult
2415 relative caring for the child, the licensed child-caring agency,
2416 the department ~~of Juvenile Justice,~~ or the Department of
2417 Children and Families. When such order affects the guardianship
2418 estate, a certified copy of such order shall be delivered to the
2419 judge having jurisdiction of such guardianship estate. If the
2420 court determines that the parent is unable to pay support,
2421 placement of the child shall not be contingent upon issuance of
2422 a support order. The department may employ a collection agency
2423 to receive, collect, and manage ~~for the purpose of receiving,~~
2424 ~~collecting, and managing~~ the payment of unpaid and delinquent
2425 fees. The collection agency must be registered and in good

2426 standing under chapter 559. The department may pay to the
 2427 collection agency a fee from the amount collected under the
 2428 claim or may authorize the agency to deduct the fee from the
 2429 amount collected.

2430 ~~(4) All payments of fees made to the department under this~~
 2431 ~~chapter, or child support payments made to the department~~
 2432 ~~pursuant to subsection (3), shall be deposited in the General~~
 2433 ~~Revenue Fund.~~

2434 (4)~~(5)~~ In carrying out the provisions of this chapter, the
 2435 court shall order the child, family, parent, legal guardian, or
 2436 custodian of a child who is found to be a child in need of
 2437 services to participate in family counseling and other
 2438 professional counseling activities or other alternatives deemed
 2439 necessary to address the needs ~~for the rehabilitation~~ of the
 2440 child and family.

2441 (5)~~(6)~~ The participation and cooperation of the family,
 2442 parent, legal guardian, or custodian, and the child with court-
 2443 ordered services, treatment, or community service are mandatory,
 2444 not merely voluntary. The court may use its contempt powers to
 2445 enforce its orders ~~order~~.

2446 **Section 26. Section 984.225, Florida Statutes, is amended**
 2447 **to read:**

2448 984.225 Powers of disposition; placement in a ~~staff-secure~~
 2449 shelter.-

2450 (1) ~~Subject to specific legislative appropriation,~~ The

2451 court may order that a child adjudicated as a child in need of
2452 services be placed in shelter to enforce the court's orders, to
2453 ensure the child attends school, to ensure the child receives
2454 needed counseling, and to ensure the child adheres to a service
2455 plan. While a child is in a shelter, the child shall receive
2456 education commensurate with his or her grade level and
2457 educational ability. The department, or the department's
2458 authorized agent, must verify to the court that a shelter bed is
2459 available for the child. If the department or the department's
2460 authorized agent verifies that a bed is not available, the
2461 department shall place the child's name on a waiting list. The
2462 child who has been on the waiting list the longest shall get the
2463 next available bed. ~~for up to 90 days in a staff-secure shelter~~
2464 ~~if:~~

2465 (2) The court shall order the parent, legal guardian, or
2466 custodian to cooperate with reunification efforts and
2467 participate in counseling. If a parent, legal guardian, or
2468 custodian prefers to arrange counseling or other services with a
2469 private provider in lieu of using services provided by the
2470 department, the family shall pay all costs associated with those
2471 services.

2472 (3) Placement of a child under this section is designed to
2473 provide residential care on a temporary basis. Such placement
2474 does not abrogate the legal responsibilities of the parent,
2475 legal guardian, or custodian with respect to the child, except

2476 to the extent that those responsibilities are temporarily
2477 altered by court order.

2478 (a) The court may order any child adjudicated a child in
2479 need of services to be placed in shelter for up to 35 days.

2480 (b) After other alternative, less restrictive remedies
2481 have been exhausted, the child may be placed in shelter for up
2482 to 90 days if:

2483 1.(a) The child's parent, legal guardian, or legal
2484 custodian refuses to provide food, clothing, shelter, and
2485 necessary parental support for the child and the refusal is a
2486 direct result of an established pattern of significant
2487 disruptive behavior of the child in the home of the parent,
2488 legal guardian, or legal custodian;

2489 2.(b) The child refuses to remain under the reasonable
2490 care and custody of the his or her parent, legal guardian, or
2491 legal custodian, as evidenced by repeatedly running away and
2492 failing to comply with a court order; or

2493 3.(c) The child has failed to successfully complete an
2494 alternative treatment program or to comply with a court-ordered
2495 services sanction and the child has been placed in a shelter
2496 residential program on at least one prior occasion pursuant to a
2497 court order after the child has been adjudicated a child in need
2498 of services under this chapter.

2499 (4) The court shall review the child's 90-day shelter
2500 placement within 45 days after the child's placement and

2501 determine if continued shelter is deemed necessary. The court
2502 also shall determine whether the parent, legal guardian, or
2503 custodian has reasonably participated in the child's counseling
2504 and treatment program, and is following the recommendations of
2505 the program to work toward reunification. The court shall also
2506 determine whether the department's reunification efforts have
2507 been reasonable. If the court finds an inadequate level of
2508 support or participation by the parent, legal guardian, or
2509 custodian before the end of the shelter commitment period, the
2510 court shall direct that the child be handled in every respect as
2511 a dependent child. Jurisdiction shall be transferred to the
2512 Department of Children and Families, and the child's care shall
2513 be governed under the relevant provisions of chapter 39. The
2514 department shall notify and coordinate with the Department of
2515 Children and Families for the transfer of jurisdiction. The
2516 clerk of court shall serve the Department of Children and
2517 Families with any court order of referral.

2518 ~~(2) This section applies after other alternative, less-~~
2519 ~~restrictive remedies have been exhausted. The court may order~~
2520 ~~that a child be placed in a staff-secure shelter. The~~
2521 ~~department, or an authorized representative of the department,~~
2522 ~~must verify to the court that a bed is available for the child.~~
2523 ~~If the department or an authorized representative of the~~
2524 ~~department verifies that a bed is not available, the department~~
2525 ~~will place the child's name on a waiting list. The child who has~~

2526 ~~been on the waiting list the longest will get the next available~~
2527 ~~bed.~~

2528 ~~(3) The court shall order the parent, guardian, or legal~~
2529 ~~eustodian to cooperate with efforts to reunite the child with~~
2530 ~~the family, participate in counseling, and pay all costs~~
2531 ~~associated with the care and counseling provided to the child~~
2532 ~~and family, in accordance with the family's ability to pay as~~
2533 ~~determined by the court. Commitment of a child under this~~
2534 ~~section is designed to provide residential care on a temporary~~
2535 ~~basis. Such commitment does not abrogate the legal~~
2536 ~~responsibilities of the parent, guardian, or legal custodian~~
2537 ~~with respect to the child, except to the extent that those~~
2538 ~~responsibilities are temporarily altered by court order.~~

2539 ~~(4) While a child is in a staff-secure shelter, the child~~
2540 ~~shall receive education commensurate with his or her grade level~~
2541 ~~and educational ability.~~

2542 (5) If a child has not been reunited with his or her
2543 parent, legal guardian, or ~~legal~~ custodian at the expiration of
2544 the 90-day commitment period, the court may order that the child
2545 remain in the ~~staff-secure~~ shelter for an additional 30 days if
2546 the court finds that reunification could be achieved within that
2547 period.

2548 ~~(6)~~ The department is deemed to have exhausted the
2549 reasonable remedies offered under this chapter if, at the end of
2550 the 90-day shelter ~~commitment~~ period, the parent, legal

2551 guardian, or ~~legal~~ custodian continues to refuse to allow the
2552 child to remain at home or creates unreasonable conditions for
2553 the child's return. If, at the end of the 90-day shelter
2554 ~~commitment~~ period, the child is not reunited with his or her
2555 parent, legal guardian, or custodian due solely to the continued
2556 refusal of the parent, legal guardian, or custodian to provide
2557 food, clothing, shelter, and parental support, the child is
2558 considered to be threatened with harm as a result of such acts
2559 or omissions, and the court shall direct that the child be
2560 handled in every respect as a dependent child. Jurisdiction
2561 shall be transferred to the custody of the Department of
2562 Children and Families, and the child's care shall be governed
2563 under the relevant provisions of chapter 39. The department
2564 shall coordinate with the Department of Children and Families as
2565 provided in s. 984.086. The clerk of court shall serve the
2566 Department of Children and Families with any court order of
2567 referral.

2568 ~~(7) The court shall review the child's commitment once~~
2569 ~~every 45 days as provided in s. 984.20. The court shall~~
2570 ~~determine whether the parent, guardian, or custodian has~~
2571 ~~reasonably participated in and financially contributed to the~~
2572 ~~child's counseling and treatment program. The court shall also~~
2573 ~~determine whether the department's efforts to reunite the family~~
2574 ~~have been reasonable. If the court finds an inadequate level of~~
2575 ~~support or participation by the parent, guardian, or custodian~~

2576 ~~prior to the end of the commitment period, the court shall~~
 2577 ~~direct that the child be handled in every respect as a dependent~~
 2578 ~~child. Jurisdiction shall be transferred to the Department of~~
 2579 ~~Children and Families, and the child's care shall be governed~~
 2580 ~~under the relevant provisions of chapter 39.~~

2581 (6) ~~(8)~~ If the child requires residential mental health
 2582 treatment or residential care for a developmental disability,
 2583 the court shall order ~~refer~~ the child transferred to the custody
 2584 of the Agency for Persons with Disabilities or to the Department
 2585 of Children and Families for the provision of necessary
 2586 services. The clerk of court shall serve the Agency for Persons
 2587 with Disabilities or the Department of Children and Families
 2588 with any court order of referral.

2589 **Section 27. Section 984.226, Florida Statutes, is amended**
 2590 **to read:**

2591 984.226 Physically secure shelter ~~setting~~.—

2592 (1) Subject to specific legislative appropriation, the
 2593 department ~~of Juvenile Justice~~ shall establish or contract for
 2594 physically secure shelters ~~settings~~ ~~designated exclusively~~ for
 2595 the placement of children in need of services who meet the
 2596 criteria provided in this section.

2597 ~~(2) When a petition is filed alleging that a child is a~~
 2598 ~~child in need of services, the child must be represented by~~
 2599 ~~counsel at each court appearance unless the record in that~~
 2600 ~~proceeding affirmatively demonstrates by clear and convincing~~

2601 ~~evidence that the child knowingly and intelligently waived the~~
2602 ~~right to counsel after being fully advised by the court of the~~
2603 ~~nature of the proceedings and the dispositional alternatives~~
2604 ~~available to the court under this section. If the court decides~~
2605 ~~to appoint counsel for the child and if the child is indigent,~~
2606 ~~the court shall appoint an attorney to represent the child as~~
2607 ~~provided under s. 985.033. Nothing precludes the court from~~
2608 ~~requesting reimbursement of attorney's fees and costs from the~~
2609 ~~nonindigent parent or legal guardian.~~

2610 (2)(3) When a child is adjudicated as a child in need of
2611 services by a court and all other less restrictive placements
2612 have been exhausted, the court may order the child to be placed
2613 in a physically secure shelter ~~setting authorized in this~~
2614 ~~section~~ if the child has:

2615 (a) Failed to appear for placement in a ~~staff-secure~~
2616 shelter for up to 90 days ordered under s. 984.225, or failed to
2617 comply with any other provision of a valid court order relating
2618 to such placement and, as a result of such failure, has been
2619 found to be in direct or indirect contempt of court; or

2620 (b) Run away from a 90-day ~~staff-secure~~ shelter following
2621 placement under s. 984.225 ~~or s. 984.09~~.

2622
2623 The department or an authorized agent ~~representative~~ of the
2624 department must verify to the court that a bed is available for
2625 the child in a physically secure shelter. If a bed is not

2626 available in a physically secure shelter, the court must stay
2627 the placement until such a bed is available, and the department
2628 must place the child's name on a waiting list. The child who has
2629 been on the waiting list the longest has first priority for
2630 placement in the physically secure shelter. Physically secure
2631 shelter placement may only be used when the child cannot receive
2632 appropriate and available services due to the child running away
2633 or refusing to cooperate with attempts to provide services in
2634 other less restrictive placements ~~setting~~.

2635 ~~(3)(4)~~ A child may be placed in a physically secure
2636 shelter ~~setting~~ for up to 90 days by order of the court. If a
2637 child has not been reunited with his or her parent, guardian, or
2638 legal custodian at the expiration of the placement in a
2639 physically secure shelter ~~setting~~, the court may order that the
2640 child remain in the physically secure shelter ~~setting~~ for an
2641 additional 30 days if the court finds that reunification could
2642 be achieved within that period.

2643 ~~(4)(5)~~(a) The court shall review the child's placement
2644 once within every 45 days to determine if the child can be
2645 returned home with the provision of ongoing services ~~as provided~~
2646 ~~in s. 984.20~~.

2647 (b) At any time during the placement of a child in need of
2648 services in a physically secure shelter ~~setting~~, the department
2649 or an authorized agent ~~representative~~ of the department may
2650 submit to the court a report that recommends:

2651 1. That the child has received all of the services
2652 available from the physically secure shelter ~~setting~~ and is
2653 ready for reunification with a parent or guardian; or

2654 2. That the child is unlikely to benefit from continued
2655 placement in the physically secure shelter ~~setting~~ and is more
2656 likely to have his or her needs met in a different type of
2657 placement. The court may order that the child be transitioned
2658 from a physically secure shelter to a shelter placement as
2659 provided in s. 984.225 upon a finding that the physically secure
2660 shelter is no longer necessary for the child's safety and to
2661 provide needed services.

2662 (c) The court shall determine if the parent, legal
2663 guardian, or custodian has reasonably participated in and has
2664 ~~financially~~ contributed to or participated in the child's
2665 counseling and treatment program.

2666 (d) If the court finds an inadequate level of support or
2667 participation by the parent, legal guardian, or custodian before
2668 the end of the placement, the court shall direct that the child
2669 be handled as a dependent child, jurisdiction shall be
2670 transferred to the Department of Children and Families, and the
2671 child's care shall be governed by chapter 39. The department
2672 shall notify and coordinate with the Department of Children and
2673 Families for provision of services to the child. The clerk of
2674 court shall serve the Department of Children and Families with
2675 any court order of referral.

2676 (e) If the child requires long-term residential mental
2677 health treatment or residential care for a developmental
2678 disability, the court shall transfer custody of ~~refer~~ the child
2679 to the Department of Children and Families or the Agency for
2680 Persons with Disabilities for the provision of necessary
2681 services. The clerk of court shall serve the Agency for Persons
2682 with Disabilities or the Department of Children and Families
2683 with any court order of referral.

2684 (5)~~(6)~~ Prior to being ordered to a physically secure
2685 shelter ~~setting~~, the child must be afforded all rights of due
2686 process required under s. 984.07 ~~985.037~~.

2687 (6) While in the physically secure shelter ~~setting~~, the
2688 child shall receive appropriate assessment, intervention,
2689 treatment, and educational services that are designed to
2690 eliminate or reduce the child's truant, ungovernable, or runaway
2691 behavior. The child and family shall be provided with individual
2692 and family counseling and other support services necessary for
2693 reunification.

2694 (7) The court shall order the parent, legal guardian, or
2695 ~~legal~~ custodian to cooperate with efforts to reunite the child
2696 with the family, participate in counseling, and pay all costs
2697 associated with the care and counseling provided to the child
2698 and family, in accordance with the child's insurance and the
2699 family's ability to pay as determined by the court. Placement of
2700 a child under this section is designed to provide residential

2701 care on a temporary basis. Such placement does not abrogate the
 2702 legal responsibilities of the parent, legal guardian, or ~~legal~~
 2703 custodian with respect to the child, except to the extent that
 2704 those responsibilities are temporarily altered by court order.

2705 **Section 28.** Section 985.731, Florida Statutes, is
 2706 transferred and renumbered as section 787.035, Florida Statutes.

2707 **Section 29. Subsection (9) of section 985.03, Florida**
 2708 **Statutes, is amended to read:**

2709 985.03 Definitions.—As used in this chapter, the term:

2710 (9) "Child who has been found to have committed a
 2711 delinquent act" means a child who, under this chapter, is found
 2712 by a court to have committed a violation of law or to be in
 2713 direct or indirect contempt of court, except that this
 2714 definition does not include an act constituting contempt of
 2715 court arising out of a ~~dependency~~ proceeding under chapter 39 or
 2716 chapter 984 ~~or a proceeding concerning a child or family in need~~
 2717 ~~of services.~~

2718 **Section 30. Subsection (4) of section 985.24, Florida**
 2719 **Statutes, is amended to read:**

2720 985.24 Use of detention; prohibitions.—

2721 (4) A child who is alleged to be dependent under chapter
 2722 39, or any child subject to proceedings under chapter 984, ~~but~~
 2723 who is not alleged to have committed a delinquent act or
 2724 violation of law, may not, under any circumstances, be placed
 2725 into secure detention care.

2726 **Section 31. Section 1003.26, Florida Statutes, is amended**
2727 **to read:**

2728 1003.26 Enforcement of school attendance.—The Legislature
2729 finds that poor academic performance is associated with
2730 nonattendance and that school districts must take an active role
2731 in promoting and enforcing attendance as a means of improving
2732 student performance. It is the policy of the state that each
2733 district school superintendent be responsible for enforcing
2734 school attendance of all students subject to the compulsory
2735 school age in the school district and supporting enforcement of
2736 school attendance by local law enforcement agencies. The
2737 responsibility includes recommending policies and procedures to
2738 the district school board that require public schools to respond
2739 in a timely manner to every unexcused absence, and every absence
2740 for which the reason is unknown, of students enrolled in the
2741 schools. District school board policies shall require the parent
2742 of a student to justify each absence of the student, and that
2743 justification will be evaluated based on adopted district school
2744 board policies that define excused and unexcused absences. The
2745 policies must provide that public schools track excused and
2746 unexcused absences and contact the home in the case of an
2747 unexcused absence from school, or an absence from school for
2748 which the reason is unknown, to prevent the development of
2749 patterns of nonattendance. The Legislature finds that early
2750 intervention in school attendance is the most effective way of

2751 producing good attendance habits that will lead to improved
2752 student learning and achievement. Each public school is required
2753 to ~~shall~~ implement the following steps to promote and enforce
2754 regular school attendance:

2755 (1) CONTACT, REFER, AND ENFORCE.—

2756 (a) Upon each unexcused absence, or absence for which the
2757 reason is unknown, the school principal or his or her designee
2758 must ~~shall~~ contact the student's parent to determine the reason
2759 for the absence. If the absence is an excused absence, as
2760 defined by district school board policy, the school shall
2761 provide opportunities for the student to make up assigned work
2762 and not receive an academic penalty unless the work is not made
2763 up within a reasonable time.

2764 (b) If a student has had at least five unexcused absences,
2765 or absences for which the reasons are unknown, within a calendar
2766 month or 10 unexcused absences, or absences for which the
2767 reasons are unknown, within a 90-calendar-day period, the
2768 student's primary teacher must ~~shall~~ report to the school
2769 principal or his or her designee that the student may be
2770 exhibiting a pattern of nonattendance. ~~The principal shall,~~
2771 Unless there is clear evidence that the absences are not a
2772 pattern of nonattendance, the principal must refer the case to
2773 the school's child study team to determine if early patterns of
2774 truancy are developing. If the child study team finds that a
2775 pattern of nonattendance is developing, whether the absences are

2776 | excused or not, a meeting with the parent must be scheduled to
2777 | identify potential remedies, and the principal must ~~shall~~ notify
2778 | the district school superintendent and the school district
2779 | contact for home education programs that the referred student is
2780 | exhibiting a pattern of nonattendance. The child study team may
2781 | allow the parent to attend the meeting virtually or by telephone
2782 | if the parent is unable to attend the meeting in person.

2783 | (c) If the parent or child fails to attend the child study
2784 | team meeting, the meeting shall be held in his or her absence,
2785 | and the child study team shall make written recommendations to
2786 | remediate the truancy based upon the information available to
2787 | the school. The recommendations shall be provided to the parent
2788 | within 7 days after the child study team meeting. If the ~~an~~
2789 | initial meeting does not resolve the problem, the child study
2790 | team shall implement the following:

2791 | 1. Frequent attempts at communication between the teacher
2792 | and the family.

2793 | 2. Attempt to determine the reasons the child is truant
2794 | from school and provide remedies if available or refer the
2795 | family to services, including referring the family for available
2796 | scholarship options if the learning environment is an issue of
2797 | concern.

2798 | ~~3.2.~~ Evaluation for alternative education programs.

2799 | ~~4.3.~~ Attendance contracts.

2800 |

2801 The child study team may, but is not required to, implement
2802 other interventions, including referral to the Department of
2803 Juvenile Justice's designated provider for voluntary family
2804 services, or to other agencies for family services or recommend
2805 recommendation ~~for~~ filing a truancy petition pursuant to s.
2806 984.151.

2807 (d) The child study team must ~~shall~~ be diligent in
2808 facilitating intervention services and shall report the case to
2809 the district school superintendent only when all reasonable
2810 efforts to resolve the nonattendance behavior are exhausted.

2811 (e) If the parent refuses to participate in the remedial
2812 strategies because he or she believes that those strategies are
2813 unnecessary or inappropriate, the parent may appeal to the
2814 district school board. The district school board may provide a
2815 hearing officer, and the hearing officer shall make a
2816 recommendation for final action to the district school board. If
2817 the district school board's final determination is that the
2818 strategies of the child study team are appropriate, and the
2819 parent still refuses to participate or cooperate, the district
2820 school superintendent may seek criminal prosecution for
2821 noncompliance with compulsory school attendance.

2822 (f)1. If the parent of a child who has been identified as
2823 exhibiting a pattern of nonattendance enrolls the child in a
2824 home education program pursuant to chapter 1002, the district
2825 school superintendent shall provide the parent a copy of s.

2826 1002.41 and the accountability requirements of this paragraph.
2827 The district school superintendent shall also refer the parent
2828 to a home education review committee composed of the district
2829 contact for home education programs and at least two home
2830 educators selected by the parent from a district list of all
2831 home educators who have conducted a home education program for
2832 at least 3 years and who have indicated a willingness to serve
2833 on the committee. The home education review committee shall
2834 review the portfolio of the student, as defined by s. 1002.41,
2835 every 30 days during the district's regular school terms until
2836 the committee is satisfied that the home education program is in
2837 compliance with s. 1002.41(1)(d). The first portfolio review
2838 must occur within the first 30 calendar days after ~~of~~ the
2839 establishment of the program. The provisions of subparagraph 2.
2840 do not apply once the committee determines the home education
2841 program is in compliance with s. 1002.41(1)(d).

2842 2. If the parent fails to provide a portfolio to the
2843 committee, the committee shall notify the district school
2844 superintendent. The district school superintendent shall then
2845 terminate the home education program and require the parent to
2846 enroll the child in an attendance option that meets the
2847 definition of "regular school attendance" under s.
2848 1003.01(16)(a), (b), (c), or (e), within 3 days. Upon
2849 termination of a home education program pursuant to this
2850 subparagraph, the parent shall not be eligible to reenroll the

2851 child in a home education program for 180 calendar days. Failure
2852 of a parent to enroll the child in an attendance option as
2853 required by this subparagraph after termination of the home
2854 education program pursuant to this subparagraph shall constitute
2855 noncompliance with the compulsory attendance requirements of s.
2856 1003.21 and may result in criminal prosecution under s.
2857 1003.27(2). Nothing contained herein shall restrict the ability
2858 of the district school superintendent, or the ability of his or
2859 her designee, to review the portfolio pursuant to s.
2860 1002.41(1)(e).

2861 (g) If a student subject to compulsory school attendance
2862 will not comply with attempts to enforce school attendance, the
2863 parent or the district school superintendent or his or her
2864 designee must ~~shall~~ refer the case to the Department of Juvenile
2865 Justice's authorized agent, which shall then offer voluntary
2866 family services, and schedule a meeting of the case staffing
2867 committee pursuant to s. 984.12 if the services do not remediate
2868 the child's truancy, and the district school superintendent or
2869 his or her designee may file a truancy petition pursuant to the
2870 procedures in s. 984.151.

2871 (h) If a student subject to compulsory school attendance
2872 is responsive to the interventions described in this section and
2873 has completed the necessary requirements to pass the current
2874 grade as indicated in the district pupil progression plan, the
2875 student shall not be determined to be a habitual truant and

2876 shall be promoted.

2877 (2) GIVE WRITTEN NOTICE.—

2878 (a) Under the direction of the district school

2879 superintendent, a designated school representative must provide

2880 ~~shall give~~ written notice in person or by return-receipt mail to

2881 the parent, requiring the child's ~~that requires~~ enrollment or

2882 attendance within 3 days after the date of notice, ~~in person or~~

2883 ~~by return-receipt mail, to the parent~~ when no valid reason is

2884 found for a student's nonenrollment in school if the child is

2885 under compulsory education requirements, and is not exempt. If

2886 the child is not enrolled or in attendance in school within 3

2887 days after the notice being provided ~~and requirement are~~

2888 ~~ignored~~, the designated school representative must ~~shall~~ report

2889 the case to the district school superintendent, who must ~~may~~

2890 refer the case to the child study team in paragraph (1) (b) at

2891 the school the student would be assigned according to district

2892 school board attendance area policies. In addition, the

2893 designated school representative may refer the case to the

2894 Department of Juvenile Justice's authorized agent for families

2895 in need of services ~~or to the case staffing committee,~~

2896 ~~established pursuant to s. 984.12.~~ The child study team must

2897 ~~shall~~ diligently facilitate intervention services and ~~shall~~

2898 report the case back to the district school superintendent

2899 within 15 days after referral of the case if only when all

2900 reasonable efforts to resolve the nonenrollment behavior have

2901 been made, and the child is still not attending school ~~are~~
2902 ~~exhausted~~. If the parent ~~still~~ refuses to cooperate or enroll
2903 the child in school within 15 days after referral of the case to
2904 the child study team, the district school superintendent must
2905 make a report to law enforcement and refer the case to the
2906 Office of the State Attorney ~~shall take such steps as are~~
2907 ~~necessary~~ to bring criminal prosecution against the parent.

2908 (b) Subsequent to referring the case to the Office of the
2909 State Attorney ~~the activities required under subsection (1)~~, the
2910 district school superintendent or his or her designee must ~~shall~~
2911 give written notice in person or by return-receipt mail to the
2912 parent that criminal prosecution is being sought for
2913 nonattendance. The district school superintendent may file a
2914 truancy petition, as defined in s. 984.03, following the
2915 procedures outlined in s. 984.151.

2916 (3) RETURN STUDENT TO PARENT.— A designated school
2917 representative may visit the home or place of residence of a
2918 student and any other place in which he or she is likely to find
2919 any student who is required to attend school when the student is
2920 not enrolled or is absent from school during school hours
2921 without an excuse, and, when the student is found, shall return
2922 the student to his or her parent or to the principal or teacher
2923 in charge of the school, or to the private tutor from whom
2924 absent. If the parent cannot be located or is unavailable to
2925 take custody of the child and the child is not to be presented

2926 | to the child's school or tutor, the youth shall be referred to
 2927 | the Department of Juvenile Justice's shelter, to another
 2928 | facility, ~~or to the juvenile assessment center~~ or other location
 2929 | established by the district school board to receive students who
 2930 | are absent from school. Upon receipt of the student, the parent
 2931 | shall be immediately notified.

2932 | (4) REPORT TO APPROPRIATE AUTHORITY.—A designated school
 2933 | representative shall report to the appropriate authority
 2934 | designated by law to receive such notices, all violations of the
 2935 | Child Labor Law that may come to his or her knowledge.

2936 | (5) RIGHT TO INSPECT.—A designated school representative
 2937 | shall have the right of access to, and inspection of,
 2938 | establishments where minors may be employed or detained only for
 2939 | the purpose of ascertaining whether students of compulsory
 2940 | school age are actually employed there and are actually working
 2941 | there regularly. The designated school representative shall, if
 2942 | he or she finds unsatisfactory working conditions or violations
 2943 | of the Child Labor Law, report his or her findings to the
 2944 | appropriate authority.

2945 | **Section 32. Subsections (2), (3), (4), (6), and (7) of**
 2946 | **section 1003.27, Florida Statutes, are amended to read:**

2947 | 1003.27 Court procedure and penalties.—The court procedure
 2948 | and penalties for the enforcement of the provisions of this
 2949 | part, relating to compulsory school attendance, shall be as
 2950 | follows:

2951 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2952 (a) ~~In each case of nonenrollment or of nonattendance upon~~
2953 ~~the part of a student who is required to attend some school,~~
2954 ~~when no valid reason for such nonenrollment or nonattendance is~~
2955 ~~found,~~ The district school superintendent shall institute a
2956 criminal prosecution against the student's parent, in each case
2957 of nonenrollment or of nonattendance of a student who is
2958 required to attend school, when no valid reason for the
2959 nonenrollment or nonattendance is found. ~~However,~~ Criminal
2960 prosecution may not be instituted against the student's parent
2961 until the school and school district have complied with s.
2962 1003.26.

2963 (b) Each public school principal or the principal's
2964 designee must ~~shall~~ notify the district school board of each
2965 minor student under its jurisdiction who accumulates 15
2966 unexcused absences in a period of 90 calendar days. Reports
2967 shall be made to the district school board at the end of each
2968 school quarter. The calculation of 15 absences within 90 days
2969 are determined based on calendar days and are not limited to the
2970 span of one school quarter during which the nonattendance begins
2971 or ends. The district school board shall verify the schools
2972 reporting 15 or more unexcused absences within a 90-day period
2973 have complied with the requirements of remediating truancy at
2974 the school level or pursuing appropriate court intervention as
2975 provided in this section. Any school not meeting the

2976 requirements in this paragraph shall provide a remedial action
 2977 plan to the school board within 30 days, and follow up within 90
 2978 days to confirm all truancy cases have been addressed either
 2979 through the child's enrollment and regular attendance or
 2980 referral of the case to the appropriate court or agency to
 2981 pursue court intervention.

2982 (c) The district school superintendent must provide the
 2983 Department of Highway Safety and Motor Vehicles the legal name,
 2984 sex, date of birth, and social security number of each minor
 2985 student who has been reported under this paragraph and who fails
 2986 to otherwise satisfy the requirements of s. 322.091. The
 2987 Department of Highway Safety and Motor Vehicles may not issue a
 2988 driver license or learner's driver license to, and shall suspend
 2989 any previously issued driver license or learner's driver license
 2990 of, any such minor student, pursuant ~~to the provisions of s.~~
 2991 322.091.

2992 (d)~~(e)~~ Each designee of the governing body of each private
 2993 school and each parent whose child is enrolled in a home
 2994 education program or personalized education program may provide
 2995 the Department of Highway Safety and Motor Vehicles with the
 2996 legal name, sex, date of birth, and social security number of
 2997 each minor student under his or her jurisdiction who fails to
 2998 satisfy relevant attendance requirements and who fails to
 2999 otherwise satisfy the requirements of s. 322.091. The Department
 3000 of Highway Safety and Motor Vehicles may not issue a driver

3001 license or learner's driver license to, and shall suspend any
3002 previously issued driver license or learner's driver license of,
3003 any such minor student pursuant to s. 322.091.

3004 (3) HABITUAL TRUANCY CASES.— The district school
3005 superintendent may ~~is authorized to~~ file a truancy petition
3006 seeking early truancy intervention, as defined in s. 984.03,
3007 following the procedures outlined in s. 984.151. If the district
3008 school superintendent chooses not to file a truancy petition,
3009 the case must be referred to the Department of Juvenile
3010 Justice's authorized agent for families in need of services. The
3011 procedures for filing a child in need of services ~~child-in-need-~~
3012 ~~of-services~~ petition must ~~shall~~ be commenced pursuant to this
3013 subsection and chapter 984 if voluntary family services do not
3014 remediate the child's truancy. The. ~~In accordance with~~
3015 ~~procedures established by the district school board, the~~
3016 designated school representative must ~~shall~~ refer a student who
3017 is a habitual ~~habitually~~ truant and the student's family to the
3018 Department of Juvenile Justice's designated children in need of
3019 services provider for provision of voluntary services, and may
3020 refer the case to ~~children-in-need-of-services and families in-~~
3021 ~~need-of-services provider or the case staffing committee,~~
3022 established pursuant to s. 984.12, following the referral
3023 process established by the cooperative interagency agreement, ~~as~~
3024 ~~determined by the cooperative agreement required in this~~
3025 ~~section.~~ The case staffing committee may request the Department

3026 of Juvenile Justice or its designee to file a petition for child
 3027 in need of services ~~child in need of services~~ petition based
 3028 upon the report and efforts of the district school board or
 3029 other community agency, and early truancy intervention by the
 3030 circuit court, after review and an initial meeting, or may seek
 3031 to resolve the truant behavior through the school or community-
 3032 based organizations or other state or local agencies. Prior to
 3033 ~~and subsequent to~~ the filing of a ~~child in need of services~~
 3034 petition for a child in need of services due to habitual
 3035 truancy, the appropriate governmental agencies must allow a
 3036 reasonable time to complete actions required by this section and
 3037 ss. 984.11 and ~~s.~~ 1003.26 to remedy the conditions leading to
 3038 the truant behavior. Prior to the filing of a petition, the
 3039 district school board must have complied with the requirements
 3040 of s. 1003.26, and those efforts must have been unsuccessful.

3041 (4) COOPERATIVE AGREEMENTS.—The ~~circuit manager of the~~
 3042 Department of Juvenile Justice's authorized agent ~~Justice~~ or his
 3043 or her designee, ~~the circuit manager's designee, the district~~
 3044 ~~administrator of the Department of Children and Families or the~~
 3045 ~~district administrator's designee,~~ and the district school
 3046 superintendent or his or her ~~the superintendent's~~ designee must
 3047 develop a cooperative interagency agreement that:

3048 (a) Clearly defines each department's role,
 3049 responsibility, and function in working with ~~habitual~~ truants
 3050 and their families.

3051 (b) Identifies and implements measures to quickly resolve
 3052 and reduce truant behavior.

3053 (c) Addresses issues of streamlining service delivery, the
 3054 appropriateness of legal intervention, case management, the role
 3055 and responsibility of the case staffing committee, student and
 3056 parental intervention and involvement, and community action
 3057 plans.

3058 (d) Delineates timeframes for implementation and
 3059 identifies a mechanism for reporting results by the Department
 3060 of Juvenile Justice or its authorized agent ~~circuit juvenile~~
 3061 ~~justice manager or the circuit manager's designee~~ and the
 3062 district school superintendent or the superintendent's designee
 3063 to the Department of Juvenile Justice and the Department of
 3064 Education and other governmental entities as needed.

3065 (e) Designates which agency is responsible for each of the
 3066 intervention steps in this section, to yield more effective and
 3067 efficient intervention services.

3068 (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—
 3069 Proceedings or prosecutions under this chapter may be commenced
 3070 by the district school superintendent or his or her designee, ~~by~~
 3071 ~~a designated school representative, by the probation officer of~~
 3072 ~~the county, by the executive officer of any court of competent~~
 3073 ~~jurisdiction, by an officer of any court of competent~~
 3074 ~~jurisdiction, or~~ by a duly authorized agent of the Department of
 3075 Education or the Department of Juvenile Justice, by a parent, or

3076 in the case of a criminal prosecution, by the Office of the
3077 State Attorney. If a proceeding has been commenced against both
3078 a parent and a child pursuant to this chapter, the presiding
3079 courts shall make every effort to coordinate services or
3080 sanctions against the child and parent, including ordering the
3081 child and parent to perform community service hours or attend
3082 counseling together.

3083 (7) PENALTIES.—The penalties for refusing or failing to
3084 comply with this chapter shall be as follows:

3085 (a) The parent.—

3086 1. A parent who refuses or fails to have a minor student
3087 who is under his or her control attend school regularly, or who
3088 refuses or fails to comply with the requirements in subsection
3089 (3), commits a misdemeanor of the second degree, punishable as
3090 provided in s. 775.082 or s. 775.083.

3091 2. The continued or habitual absence of a minor student
3092 without the consent of the principal or teacher in charge of the
3093 school he or she attends or should attend, or of the tutor who
3094 instructs or should instruct him or her, is prima facie evidence
3095 of a violation of this chapter; however, a showing that the
3096 parent has made a bona fide and diligent effort to control and
3097 keep the student in school shall be an affirmative defense to
3098 any criminal or other liability under this subsection and the
3099 court shall refer the parent and child for counseling, guidance,
3100 or other needed services.

3101 3. In addition to any other sanctions authorized under s.
 3102 984.151 ~~punishment~~, the court shall order a parent who has
 3103 violated this section to send the minor student to school, and
 3104 may also order the parent to participate in an approved parent
 3105 training class, attend school with the student unless this would
 3106 cause undue hardship or is prohibited by rules or policy of the
 3107 school board, perform community service hours ~~at the school~~, or
 3108 participate in counseling or other services, as appropriate. If
 3109 a parent is ordered to attend school with a student, the school
 3110 shall provide for programming to educate the parent and student
 3111 on the importance of school attendance. It shall be unlawful to
 3112 terminate any employee solely because he or she is attending
 3113 school with his or her child pursuant to a court order.

3114 (b) The principal or teacher.—A principal or teacher in
 3115 any public, parochial, religious, denominational, or private
 3116 school, or a private tutor who willfully violates any provision
 3117 of this chapter may, upon satisfactory proof of such violation,
 3118 have his or her certificate revoked by the Department of
 3119 Education.

3120 (c) The employer.—

3121 1. An employer who fails to notify the district school
 3122 superintendent when he or she ceases to employ a student commits
 3123 a misdemeanor of the second degree, punishable as provided in s.
 3124 775.082 or s. 775.083.

3125 2. An employer who terminates any employee solely because

3126 he or she is attending school with a student pursuant to court
3127 order commits a misdemeanor of the second degree, punishable as
3128 provided in s. 775.082 or s. 775.083.

3129 (d) The student.—

3130 ~~1.~~ In addition to any other sanctions authorized under s.
3131 984.151 ~~sanctions~~, the court shall order a student found to be a
3132 ~~habitual~~ truant to make up all school work missed and attend
3133 school daily with no unexcused absences or tardiness, and may
3134 order the child to ~~and may order the student to pay a civil~~
3135 ~~penalty of up to \$2, based on the student's ability to pay, for~~
3136 ~~each day of school missed, perform up to 25 community service~~
3137 ~~hours at the school, or participate in counseling or other~~
3138 services, as appropriate.

3139 ~~2.~~ ~~Upon a second or subsequent finding that a student is a~~
3140 ~~habitual truant, the court, in addition to any other authorized~~
3141 ~~sanctions, shall order the student to make up all school work~~
3142 ~~missed and may order the student to pay a civil penalty of up to~~
3143 ~~\$5, based on the student's ability to pay, for each day of~~
3144 ~~school missed, perform up to 50 community service hours at the~~
3145 ~~school, or participate in counseling or other services, as~~
3146 ~~appropriate.~~

3147 **Section 33. Paragraph (g) is added to subsection (7) of**
3148 **section 381.02035, Florida Statutes, to read:**

3149 381.02035 Canadian Prescription Drug Importation Program.—

3150 (7) ELIGIBLE IMPORTERS.—The following entities may import

3151 prescription drugs from an eligible Canadian supplier under the
3152 program:

3153 (g) A pharmacist or wholesaler employed by or under
3154 contract with the Department of Juvenile Justice, for dispensing
3155 to juveniles in the custody of the Department of Juvenile
3156 Justice.

3157 **Section 34. Paragraph (a) of subsection (5) of section**
3158 **790.22, Florida Statutes, is amended to read:**

3159 790.22 Use of BB guns, air or gas-operated guns, or
3160 electric weapons or devices by minor under 16; limitation;
3161 possession of firearms by minor under 18 prohibited; penalties.—

3162 (5) (a) A minor who violates subsection (3):

3163 1. For a first offense, commits a misdemeanor of the first
3164 degree; shall serve a period of detention of up to 5 days in a
3165 secure detention facility, with credit for time served in secure
3166 detention prior to disposition; and shall be required to perform
3167 100 hours of community service or paid work as determined by the
3168 department.

3169 2. For a second or subsequent offense, commits a felony of
3170 the third degree. For a second offense, the minor shall serve a
3171 period of detention of up to 21 days in a secure detention
3172 facility, with credit for time served in secure detention prior
3173 to disposition, and shall be required to perform not less than
3174 100 nor more than 250 hours of community service or paid work as
3175 determined by the department. For a third or subsequent offense,

3176 the minor shall be adjudicated delinquent and committed to a
 3177 residential program. A finding by a court that a minor committed
 3178 a violation of this section, regardless of whether the court
 3179 adjudicates the minor delinquent or withholds adjudication of
 3180 delinquency, withhold of adjudication of delinquency shall be
 3181 considered a prior offense for the purpose of determining a
 3182 second, third, or subsequent offense.

3183
 3184 For the purposes of this subsection, community service shall be
 3185 performed, if possible, in a manner involving a hospital
 3186 emergency room or other medical environment that deals on a
 3187 regular basis with trauma patients and gunshot wounds.

3188 **Section 35. Paragraph (a) of subsection (2) of section**
 3189 **985.12, Florida Statutes, is amended to read:**

3190 985.12 Prearrest delinquency citation programs.—

3191 (2) JUDICIAL CIRCUIT DELINQUENCY CITATION PROGRAM
 3192 DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

3193 (a) A prearrest delinquency citation program for
 3194 misdemeanor offenses shall be established in each judicial
 3195 circuit in the state. The state attorney and public defender of
 3196 each circuit, the clerk of the court for each county in the
 3197 circuit, and representatives of participating law enforcement
 3198 agencies in the circuit shall create a prearrest delinquency
 3199 citation program and develop its policies and procedures. In
 3200 developing the program's policies and procedures, input from

3201 other interested stakeholders may be solicited. ~~The department~~
3202 ~~shall annually develop and provide guidelines on best practice~~
3203 ~~models for prearrest delinquency citation programs to the~~
3204 ~~judicial circuits as a resource.~~

3205 **Section 36. Subsection (5) of section 985.126, Florida**
3206 **Statutes, is amended to read:**

3207 985.126 Prearrest and postarrest diversion programs; data
3208 collection; denial of participation or expunged record.—

3209 (5) The department shall provide a quarterly report to be
3210 published on its website and distributed to the Governor,
3211 President of the Senate, and Speaker of the House of
3212 Representatives listing the entities that use prearrest
3213 delinquency citations for less than 80 ~~70~~ percent of first-time
3214 misdemeanor offenses.

3215 **Section 37. Paragraph (c) of subsection (1) of section**
3216 **985.25, Florida Statutes, is amended to read:**

3217 985.25 Detention intake.—

3218 (1) The department shall receive custody of a child who
3219 has been taken into custody from the law enforcement agency or
3220 court and shall review the facts in the law enforcement report
3221 or probable cause affidavit and make such further inquiry as may
3222 be necessary to determine whether detention care is appropriate.

3223 (c) If the final score on the child's risk assessment
3224 instrument indicates detention care is appropriate, but the
3225 department otherwise determines the child should be released,

3226 the department shall contact the state attorney, who may
3227 authorize release. If the final score on the child's risk
3228 assessment instrument indicates release or supervised release is
3229 appropriate, but the department otherwise determines that there
3230 should be supervised release or detention, the department shall
3231 contact the state attorney, who may authorize an upward
3232 departure. Notwithstanding any other provision of this
3233 paragraph, a child may only be moved one category in either
3234 direction within the risk assessment instrument and release is
3235 not authorized if it would cause the child to be moved more than
3236 one category.

3237
3238 Under no circumstances shall the department or the state
3239 attorney or law enforcement officer authorize the detention of
3240 any child in a jail or other facility intended or used for the
3241 detention of adults, without an order of the court.

3242 **Section 38. Paragraph (c) of subsection (7) of section**
3243 **985.433, Florida Statutes, is amended to read:**

3244 985.433 Disposition hearings in delinquency cases.—When a
3245 child has been found to have committed a delinquent act, the
3246 following procedures shall be applicable to the disposition of
3247 the case:

3248 (7) If the court determines that the child should be
3249 adjudicated as having committed a delinquent act and should be
3250 committed to the department, such determination shall be in

3251 writing or on the record of the hearing. The determination shall
3252 include a specific finding of the reasons for the decision to
3253 adjudicate and to commit the child to the department, including
3254 any determination that the child was a member of a criminal
3255 gang.

3256 (c) The court may also require that the child be placed on
3257 conditional release ~~in a probation program~~ following the child's
3258 discharge from commitment. Community-based sanctions under
3259 subsection (8) may be imposed by the court at the disposition
3260 hearing or at any time prior to the child's release from
3261 commitment.

3262 **Section 39.** Section 985.625, Florida Statutes, is
3263 repealed.

3264 **Section 40. Subsection (4) of section 985.632, Florida**
3265 **Statutes, is amended to read:**

3266 985.632 Quality improvement and cost-effectiveness;
3267 Comprehensive Accountability Report.—

3268 ~~(4) COST-EFFECTIVENESS MODEL.—The department, in~~
3269 ~~consultation with the Office of Economic and Demographic~~
3270 ~~Research and contract service providers, shall develop a cost-~~
3271 ~~effectiveness model and apply the model to each commitment~~
3272 ~~program.~~

3273 ~~(a) The cost-effectiveness model shall compare program~~
3274 ~~costs to expected and actual child recidivism rates. It is the~~
3275 ~~intent of the Legislature that continual development efforts~~

3276 ~~take place to improve the validity and reliability of the cost-~~
3277 ~~effectiveness model.~~

3278 ~~(b) The department shall rank commitment programs based on~~
3279 ~~the cost-effectiveness model, performance measures, and~~
3280 ~~adherence to quality improvement standards and shall report this~~
3281 ~~data in the annual Comprehensive Accountability Report.~~

3282 ~~(c) Based on reports of the department on child outcomes~~
3283 ~~and program outputs and on the department's most recent cost-~~
3284 ~~effectiveness rankings, the department may terminate a program~~
3285 ~~operated by the department or a provider if the program has~~
3286 ~~failed to achieve a minimum standard of program effectiveness.~~
3287 ~~This paragraph does not preclude the department from terminating~~
3288 ~~a contract as provided under this section or as otherwise~~
3289 ~~provided by law or contract, and does not limit the department's~~
3290 ~~authority to enter into or terminate a contract.~~

3291 ~~(d) In collaboration with the Office of Economic and~~
3292 ~~Demographic Research, and contract service providers, the~~
3293 ~~department shall develop a work plan to refine the cost-~~
3294 ~~effectiveness model so that the model is consistent with the~~
3295 ~~performance-based program budgeting measures approved by the~~
3296 ~~Legislature to the extent the department deems appropriate. The~~
3297 ~~department shall notify the Office of Program Policy Analysis~~
3298 ~~and Government Accountability of any meetings to refine the~~
3299 ~~model.~~

3300 ~~(e) Contingent upon specific appropriation, the~~

3301 ~~department, in consultation with the Office of Economic and~~
3302 ~~Demographic Research, and contract service providers, shall:~~

3303 ~~1. Construct a profile of each commitment program that~~
3304 ~~uses the results of the quality improvement data portion of the~~
3305 ~~Comprehensive Accountability Report required by this section,~~
3306 ~~the cost-effectiveness data portion of the Comprehensive~~
3307 ~~Accountability Report required in this subsection, and other~~
3308 ~~reports available to the department.~~

3309 ~~2. Target, for a more comprehensive evaluation, any~~
3310 ~~commitment program that has achieved consistently high, low, or~~
3311 ~~disparate ratings in the reports required under subparagraph 1.~~
3312 ~~and target, for technical assistance, any commitment program~~
3313 ~~that has achieved low or disparate ratings in the reports~~
3314 ~~required under subparagraph 1.~~

3315 ~~3. Identify the essential factors that contribute to the~~
3316 ~~high, low, or disparate program ratings.~~

3317 ~~4. Use the results of these evaluations in developing or~~
3318 ~~refining juvenile justice programs or program models, child~~
3319 ~~outcomes and program outputs, provider contracts, quality~~
3320 ~~improvement standards, and the cost-effectiveness model.~~

3321 **Section 41. Subsection (1) of section 409.2564, Florida**
3322 **Statutes, is amended to read:**

3323 409.2564 Actions for support.—

3324 (1) In each case in which regular support payments are not
3325 being made as provided herein, the department shall institute,

3326 within 30 days after determination of the obligor's reasonable
 3327 ability to pay, action as is necessary to secure the obligor's
 3328 payment of current support, any arrearage that may have accrued
 3329 under an existing order of support, and, if a parenting time
 3330 plan was not incorporated into the existing order of support,
 3331 include either a signed, agreed-upon parenting time plan or a
 3332 signed Title IV-D Standard Parenting Time Plan, if appropriate.
 3333 The department shall notify the program attorney in the judicial
 3334 circuit in which the recipient resides setting forth the facts
 3335 in the case, including the obligor's address, if known, and the
 3336 public assistance case number. Whenever applicable, the
 3337 procedures established under chapter 88, Uniform Interstate
 3338 Family Support Act, chapter 61, Dissolution of Marriage;
 3339 Support; Time-sharing, chapter 39, Proceedings Relating to
 3340 Children, chapter 984, Children and Families in Need of
 3341 Services; Prevention and Intervention for School Truancy and
 3342 Ungovernable and Runaway Children, and chapter 985, Delinquency;
 3343 Interstate Compact on Juveniles, may govern actions instituted
 3344 under this act, except that actions for support under chapter
 3345 39, chapter 984, or chapter 985 brought pursuant to this act
 3346 shall not require any additional investigation or supervision by
 3347 the department.

3348 **Section 42. Subsection (8) of section 95.11, Florida**
 3349 **Statutes, is amended to read:**

3350 95.11 Limitations other than for the recovery of real

3351 property.—Actions other than for recovery of real property shall
 3352 be commenced as follows:

3353 (8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action
 3354 founded on alleged abuse, as defined in s. 39.01 or s. 415.102
 3355 ~~or s. 984.03~~; incest, as defined in s. 826.04; or an action
 3356 brought pursuant to s. 787.061 may be commenced at any time
 3357 within 7 years after the age of majority, or within 4 years
 3358 after the injured person leaves the dependency of the abuser, or
 3359 within 4 years from the time of discovery by the injured party
 3360 of both the injury and the causal relationship between the
 3361 injury and the abuse, whichever occurs later.

3362 **Section 43. Paragraph (e) of subsection (1) of section**
 3363 **419.001, Florida Statutes, is amended to read:**

3364 419.001 Site selection of community residential homes.—

3365 (1) For the purposes of this section, the term:

3366 (e) "Resident" means any of the following: a frail elder
 3367 as defined in s. 429.65; a person who has a disability as
 3368 defined in s. 760.22(3)(a); a person who has a developmental
 3369 disability as defined in s. 393.063; a nondangerous person who
 3370 has a mental illness as defined in s. 394.455; or a child who is
 3371 found to be dependent as defined in s. 39.01 ~~or s. 984.03~~, or a
 3372 child in need of services as defined in s. 984.03 ~~or s. 985.03~~.

3373 **Section 44. Subsection (3) of section 744.309, Florida**
 3374 **Statutes, is amended to read:**

3375 744.309 Who may be appointed guardian of a resident ward.—

3376 (3) DISQUALIFIED PERSONS.—No person who has been convicted
3377 of a felony or who, from any incapacity or illness, is incapable
3378 of discharging the duties of a guardian, or who is otherwise
3379 unsuitable to perform the duties of a guardian, shall be
3380 appointed to act as guardian. Further, no person who has been
3381 judicially determined to have committed abuse, abandonment, or
3382 neglect against a child as defined in s. 39.01 or s. 984.03(1),
3383 (2), and (23) ~~(37)~~, or who has been found guilty of, regardless
3384 of adjudication, or entered a plea of nolo contendere or guilty
3385 to, any offense prohibited under s. 435.04 or similar statute of
3386 another jurisdiction, shall be appointed to act as a guardian.
3387 Except as provided in subsection (5) or subsection (6), a person
3388 who provides substantial services to the proposed ward in a
3389 professional or business capacity, or a creditor of the proposed
3390 ward, may not be appointed guardian and retain that previous
3391 professional or business relationship. A person may not be
3392 appointed a guardian if he or she is in the employ of any
3393 person, agency, government, or corporation that provides service
3394 to the proposed ward in a professional or business capacity,
3395 except that a person so employed may be appointed if he or she
3396 is the spouse, adult child, parent, or sibling of the proposed
3397 ward or the court determines that the potential conflict of
3398 interest is insubstantial and that the appointment would clearly
3399 be in the proposed ward's best interest. The court may not
3400 appoint a guardian in any other circumstance in which a conflict

3401 of interest may occur.

3402 **Section 45. Section 784.075, Florida Statutes, is amended**
 3403 **to read:**

3404 784.075 Battery on detention or commitment facility staff
 3405 or a juvenile probation officer.—A person who commits a battery
 3406 on a juvenile probation officer, as defined in ~~s. 984.03~~ or s.
 3407 985.03, on other staff of a detention center or facility as
 3408 defined in s. 984.03 ~~s. 984.03(19)~~ or s. 985.03, or on a staff
 3409 member of a commitment facility as defined in s. 985.03, commits
 3410 a felony of the third degree, punishable as provided in s.
 3411 775.082, s. 775.083, or s. 775.084. For purposes of this
 3412 section, a staff member of the facilities listed includes
 3413 persons employed by the Department of Juvenile Justice, persons
 3414 employed at facilities licensed by the Department of Juvenile
 3415 Justice, and persons employed at facilities operated under a
 3416 contract with the Department of Juvenile Justice.

3417 **Section 46. Paragraph (b) of subsection (4) of section**
 3418 **985.618, Florida Statutes, is amended to read:**

3419 985.618 Educational and career-related programs.—

3420 (4)

3421 (b) Evaluations of juvenile educational and career-related
 3422 programs shall be conducted according to the following
 3423 guidelines:

3424 1. Systematic evaluations and quality assurance monitoring
 3425 shall be implemented, in accordance with s. 985.632(1), (2), and

3426 | (4) ~~(5)~~, to determine whether the programs are related to
3427 | successful postrelease adjustments.

3428 | 2. Operations and policies of the programs shall be
3429 | reevaluated to determine if they are consistent with their
3430 | primary objectives.

3431 | **Section 47.** This act shall take effect July 1, 2025.