

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, 409.2564, 419.001, 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, run away 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 chapter 984 ~~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 with the support of community resources to address the
 323 needs of the child and reduce the risk of harm or risk of the
 324 child engaging in 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 commits 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 children for their futures.

396 The 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 in 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 court-ordered supervision by~~ the Department of Children and
491 | Families under chapter 39 ~~for an adjudication of dependency or~~
492 | ~~delinquency.~~ The child must also, pursuant to this chapter, be
493 | found by the court:

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

501 voluntary services, and treatment offered by the department or
502 through its authorized agent ~~of Juvenile Justice or the~~
503 ~~Department of Children and Families;~~

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

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

522 ~~(10) "Child support" means a court-ordered obligation,~~
523 ~~enforced under chapter 61 and ss. 409.2551-409.2597, for~~
524 ~~monetary support for the care, maintenance, training, and~~
525 ~~education of a child.~~

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

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

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

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

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

549 ~~(d) To have been voluntarily placed with a licensed child-~~
550 ~~placing agency for the purposes of subsequent adoption and a~~

551 ~~natural parent or parents signed a consent pursuant to the~~
552 ~~Florida Rules of Juvenile Procedure.~~

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

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

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

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

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

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

575 ~~(16) "Delinquency program" means any intake, community~~

576 ~~control, or similar program; regional detention center or~~
577 ~~facility; or community-based program, whether owned and operated~~
578 ~~by or contracted by the Department of Juvenile Justice, or~~
579 ~~institution owned and operated by or contracted by the~~
580 ~~Department of Juvenile Justice, which provides intake,~~
581 ~~supervision, or custody and care of children who are alleged to~~
582 ~~be or who have been found to be delinquent pursuant to chapter~~
583 ~~985.~~

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

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

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

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

599 ~~(c)~~ "Home detention" means temporary custody of the child
600 while the child is released to the custody of the parent,

601 ~~guardian, or custodian in a physically nonrestrictive~~
602 ~~environment under the supervision of the Department of Juvenile~~
603 ~~Justice staff pending adjudication, disposition, or placement.~~

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

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

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

618 ~~(22) "Diligent search" means the efforts of a social~~
619 ~~service agency to locate a parent or prospective parent whose~~
620 ~~identity or location is unknown, or a relative made known to the~~
621 ~~social services agency by the parent or custodian of a child.~~
622 ~~When the search is for a parent, prospective parent, or relative~~
623 ~~of a child in the custody of the department, this search must be~~
624 ~~initiated as soon as the agency is made aware of the existence~~
625 ~~of such parent, prospective parent, or relative. A diligent~~

626 ~~search shall include interviews with persons who are likely to~~
627 ~~have information about the identity or location of the person~~
628 ~~being sought, comprehensive database searches, and records~~
629 ~~searches, including searches of employment, residence,~~
630 ~~utilities, Armed Forces, vehicle registration, child support~~
631 ~~enforcement, law enforcement, and corrections records, and any~~
632 ~~other records likely to result in identifying and locating the~~
633 ~~person being sought. The initial diligent search must be~~
634 ~~completed within 90 days after a child is taken into custody.~~
635 ~~After the completion of the initial diligent search, the~~
636 ~~department, unless excused by the court, shall have a continuing~~
637 ~~duty to search for relatives with whom it may be appropriate to~~
638 ~~place the child, until such relatives are found or until the~~
639 ~~child is placed for adoption.~~

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

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

651 its authorized agent pursuant to s. 984.11, and may include
 652 judicial action pursuant to s. 984.151 or s. 1003.27.

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

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

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

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

676 delinquency under chapter 985 or under court-ordered supervision
677 by of Juvenile Justice or the Department of Children and
678 Families under chapter 39 due to an adjudication of dependency
679 or delinquency.

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

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

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

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

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

701 ~~attendance age has 15 unexcused absences within 90 calendar days~~
702 ~~or fails to enroll in school, the State Attorney may, or the~~
703 ~~appropriate jurisdictional agency shall, file a child-in-need-~~
704 ~~of-services petition if recommended by the case staffing~~
705 ~~committee, unless it is determined that another alternative~~
706 ~~action is preferable. The failure or refusal of the parent or~~
707 ~~legal guardian or the child to participate, or make a good faith~~
708 ~~effort to participate, in the activities prescribed to remedy~~
709 ~~the truant behavior, or the failure or refusal of the child to~~
710 ~~return to school after participation in activities required by~~
711 ~~this subsection, or the failure of the child to stop the truant~~
712 ~~behavior after the school administration and the Department of~~
713 ~~Juvenile Justice have worked with the child as described in ss.~~
714 ~~1003.26 and 1003.27(3) shall be handled as prescribed in s.~~
715 ~~1003.27.~~

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

726 best interests of the child, the family, and the community. The
727 emphasis of intake is on diversion and the least restrictive
728 available services. Consequently, intake includes such
729 alternatives as:

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

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

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

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

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

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

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

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

768 ~~(20)~~(33) "Licensed child-caring agency" means an agency
769 licensed by the Department of Children and Families pursuant to
770 s. 409.175 ~~a person, society, association, or agency licensed by~~
771 ~~the Department of Children and Families to care for, receive,~~
772 ~~and board children.~~

773 ~~(21)~~(34) "Licensed health care professional" means a
774 physician licensed under chapter 458, an osteopathic physician
775 licensed under chapter 459, a nurse licensed under part I of

776 chapter 464, a physician assistant licensed under chapter 458 or
777 chapter 459, or a dentist licensed under chapter 466.

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

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

792 (23) "Needs assessment" means the gathering of information
793 for the evaluation of a child's physical, psychological,
794 educational, vocational, and social condition and family
795 environment related to the child's need for services, including
796 substance abuse treatment services, mental health services,
797 developmental services, literacy services, medical services,
798 family services, individual and family counseling, education
799 services, and other specialized services, as appropriate.

800 (24)~~(37)~~ "Neglect" has the same meaning as in s.

801 39.01(53). ~~occurs when the parent or legal custodian of a child~~
802 ~~or, in the absence of a parent or legal custodian, the person~~
803 ~~primarily responsible for the child's welfare deprives a child~~
804 ~~of, or allows a child to be deprived of, necessary food,~~
805 ~~clothing, shelter, or medical treatment or permits a child to~~
806 ~~live in an environment when such deprivation or environment~~
807 ~~causes the child's physical, mental, or emotional health to be~~
808 ~~significantly impaired or to be in danger of being significantly~~
809 ~~impaired. The foregoing circumstances shall not be considered~~
810 ~~neglect if caused primarily by financial inability unless actual~~
811 ~~services for relief have been offered to and rejected by such~~
812 ~~person. A parent or guardian legitimately practicing religious~~
813 ~~beliefs in accordance with a recognized church or religious~~
814 ~~organization who thereby does not provide specific medical~~
815 ~~treatment for a child shall not, for that reason alone, be~~
816 ~~considered a negligent parent or guardian; however, such an~~
817 ~~exception does not preclude a court from ordering the following~~
818 ~~services to be provided, when the health of the child so~~
819 ~~requires:~~

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

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

826 ~~organization.~~

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

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

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

847 (27)~~(41)~~ "Party," for purposes of a ~~shelter~~ proceeding
848 under this chapter, means the parent, legal guardian, or actual
849 custodian of the child, the petitioner, the department, the
850 guardian ad litem when one has been appointed, and the child.

851 The presence of the child may be excused by order of the court
852 when presence would not be in the child's best interest or the
853 child has failed to appear for a proceeding after having been
854 noticed. ~~Notice to the child may be excused by order of the~~
855 ~~court when the age, capacity, or other condition of the child is~~
856 ~~such that the notice would be meaningless or detrimental to the~~
857 ~~child.~~

858 (28) "Physically secure shelter" means a department-
859 approved locked facility or locked unit within a facility for
860 the care of a child adjudicated a child in need of services who
861 is court ordered to be held pursuant to s. 984.226. A physically
862 secure shelter unit shall provide 24-hour, continuous
863 supervision. A physically secure shelter must be licensed by the
864 Department of Children and Families as a licensed child-caring
865 agency.

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

873 (29)~~(43)~~ "Preventive services" means social services and
874 other supportive and evaluation and intervention ~~rehabilitative~~
875 services provided to the child or the parent, ~~of the child, the~~

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

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

897 | ~~(30)(45)~~ "Relative" means a grandparent, great-
898 | grandparent, sibling, first cousin, aunt, uncle, great-aunt,
899 | great-uncle, niece, or nephew, whether related by the whole or
900 | half blood, by affinity, or by adoption. The term does not

901 include a stepparent.

902 ~~(31)(46)~~ "Reunification services" means social services
903 and other supportive ~~and rehabilitative~~ services provided to the
904 child and the parent of the child, the legal guardian of the
905 child, or the custodian of the child, whichever is applicable,~~†~~
906 ~~the child; and, where appropriate, the foster parents of the~~
907 ~~child~~ for the purpose of assisting ~~enabling~~ a child who has been
908 placed in temporary shelter care to return to his or her family
909 at the most appropriate and effective ~~earliest possible~~ time
910 based on the presenting concerns at intake. Social services and
911 other supportive ~~and rehabilitative~~ services shall be consistent
912 with the child's need for a safe, continuous, and stable living
913 environment and shall promote the strengthening of family life
914 whenever possible.

915 ~~(32)(47)~~ "Secure detention center or facility" means a
916 physically restricting facility for the temporary care of
917 children, pending adjudication, disposition, or placement under
918 chapter 985.

919 ~~(33)(48)~~ "Shelter" means a department-approved facility
920 for the temporary care of runaway children; children placed for
921 voluntary shelter respite upon request of the child or the
922 child's parent, legal guardian, or custodian; or for placement
923 of a child who has been adjudicated a child in need of services
924 or who has been found in contempt of court under s. 984.09.
925 Shelters must provide 24-hour continual supervision. A shelter

926 must be licensed by the Department of Children and Families as a
927 licensed child-caring agency ~~a place for the temporary care of a~~
928 ~~child who is alleged to be or who has been found to be~~
929 ~~dependent, a child from a family in need of services, or a child~~
930 ~~in need of services, pending court disposition before or after~~
931 ~~adjudication or after execution of a court order. "Shelter" may~~
932 ~~include a facility which provides 24-hour continual supervision~~
933 ~~for the temporary care of a child who is placed pursuant to s.~~
934 ~~984.14.~~

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

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

946 ~~(34) (51)~~ "Substance abuse" means using, without medical
947 reason, any psychoactive or mood-altering drug, including
948 alcohol, in such a manner as to induce impairment resulting in
949 dysfunctional social behavior.

950 ~~(35) (52)~~ "Taken into custody" means the status of a child

951 immediately when temporary physical control over the child is
952 attained by a person authorized by law, pending the child's
953 release, shelter ~~detention~~, placement, or other disposition as
954 authorized by law.

955 ~~(36)-(53)~~ "Temporary legal custody" means the relationship
956 that a juvenile court creates between a child and an adult
957 relative of the child, adult nonrelative approved by the court,
958 or other person until a more permanent arrangement is ordered.
959 Temporary legal custody confers upon the custodian the right to
960 have temporary physical custody of the child and the right and
961 duty to protect, train, and discipline the child and to provide
962 the child with food, shelter, and education, and ordinary
963 medical, dental, psychiatric, and psychological care, unless
964 these rights and duties are otherwise enlarged or limited by the
965 court order establishing the temporary legal custody
966 relationship.

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

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

985 (39)~~(55)~~ "Violation of law" or "delinquent act" means a
 986 violation of any law of this state, the United States, or any
 987 other state which is a misdemeanor or a felony or a violation of
 988 a county or municipal ordinance which would be punishable by
 989 incarceration if the violation were committed by an adult.

990 (40) "Voluntary family services" means voluntary services
 991 provided by the department or an agency designated by the
 992 department to a family that has a child who is running away; who
 993 is ungovernable by persistently disobeying reasonable and lawful
 994 demands of the parent, legal guardian, or custodian and is
 995 beyond the control of the parent, legal guardian, or custodian;
 996 or who is a habitual truant or engaging in other serious
 997 behaviors that place the child at risk of future abuse, neglect,
 998 abandonment, or entering the juvenile justice system. The child
 999 must be referred to the Department of Juvenile Justice or an
 1000 agency designated by the department to provide voluntary

1001 services to families and children.

1002 **Section 5. Section 984.04, Florida Statutes, is amended to**
1003 **read:**

1004 984.04 Early truancy intervention; families in need of
1005 services and children in need of services; procedures and
1006 jurisdiction.-

1007 ~~(1) It is the intent of the Legislature to address the~~
1008 ~~problems of families in need of services by providing them with~~
1009 ~~an array of services designed to preserve the unity and~~
1010 ~~integrity of the family and to emphasize parental responsibility~~
1011 ~~for the behavior of their children. Services to families in need~~
1012 ~~of services and children in need of services shall be provided~~
1013 ~~on a continuum of increasing intensity and participation by the~~
1014 ~~parent and child. Judicial intervention to resolve the problems~~
1015 ~~and conflicts that exist within a family shall be limited to~~
1016 ~~situations in which a resolution to the problem or conflict has~~
1017 ~~not been achieved through service, treatment, and family~~
1018 ~~intervention after all available less restrictive resources have~~
1019 ~~been exhausted. In creating this chapter, the Legislature~~
1020 ~~recognizes the need to distinguish the problems of truants,~~
1021 ~~runaways, and children beyond the control of their parents, and~~
1022 ~~the services provided to these children, from the problems and~~
1023 ~~services designed to meet the needs of abandoned, abused,~~
1024 ~~neglected, and delinquent children. In achieving this~~
1025 ~~recognition, it shall be the policy of the state to develop~~

1026 ~~short term, temporary services and programs utilizing the least~~
1027 ~~restrictive method for families in need of services and children~~
1028 ~~in need of services.~~

1029 (1)~~(2)~~ The department ~~of Juvenile Justice~~ shall be
1030 responsible for all nonjudicial proceedings involving voluntary
1031 a family in need of services for a family identified as a family
1032 in need of services.

1033 ~~(3) All nonjudicial procedures in family in need of~~
1034 ~~services cases shall be~~ according to rules established by the
1035 department ~~of Juvenile Justice~~ under chapter 120.

1036 (2)~~(4)~~ The circuit court shall have exclusive original
1037 jurisdiction of judicial proceedings involving early truancy
1038 intervention. When the jurisdiction of any child found to be
1039 truant under s. 984.151 is obtained, the court may retain
1040 jurisdiction for up to 180 days. The court must terminate
1041 supervision and relinquish jurisdiction if the child has
1042 substantially complied with the requirements of early truancy
1043 intervention, is no longer subject to compulsory education, or
1044 is adjudicated a child in need of services under s. 984.21
1045 ~~continued placement of a child from a family in need of services~~
1046 ~~in shelter.~~

1047 (3)~~(5)~~ The circuit court shall have exclusive original
1048 jurisdiction of proceedings in which a child is alleged to be a
1049 child in need of services. When the jurisdiction of any child
1050 who has been found to be a child in need of services or the

1051 parent, custodian, or legal guardian of such a child is
1052 obtained, the court shall retain jurisdiction, unless
1053 relinquished by its order or unless the department withdraws its
1054 petition because the child no longer meets the definition of a
1055 child in need of services as defined in s. 984.03, until the
1056 child reaches 18 years of age. This subsection does ~~shall~~ not be
1057 ~~construed to~~ prevent the exercise of jurisdiction by any other
1058 court having jurisdiction of the child ~~if the child commits a~~
1059 ~~violation of law, is the subject of the dependency provisions~~
1060 ~~under this chapter, or is the subject of a pending investigation~~
1061 ~~into an allegation or suspicion of abuse, neglect, or~~
1062 ~~abandonment.~~

1063 (4) Jurisdiction of the circuit court shall attach to the
1064 case and parties to proceedings filed under s. 984.15 or under
1065 s. 984.151 when the summons is served upon the child and a
1066 parent, legal guardian, or custodian, or when the parties
1067 personally appear before the court.

1068 (5) ~~(6)~~ All procedures, including petitions, pleadings,
1069 subpoenas, summonses, and hearings, in proceedings under this
1070 chapter ~~family in need of services cases and child in need of~~
1071 ~~services cases~~ shall be according to the Florida Rules of
1072 Juvenile Procedure unless otherwise provided by law.

1073 ~~(7) The department may contract with a provider to provide~~
1074 ~~services and programs for families in need of services and~~
1075 ~~children in need of services.~~

1076 **Section 6. Subsections (2) and (4) of section 984.06,**
1077 **Florida Statutes, are amended to read:**

1078 984.06 Oaths, records, and confidential information.—

1079 (2) The court shall make and keep records of all cases
1080 brought before it pursuant to this chapter and shall preserve
1081 the records ~~pertaining to a child in need of services~~ until 10
1082 years after the last entry was made or until the child is 18
1083 years of age, whichever date is first reached, and may then
1084 destroy them. The court shall make official records, consisting
1085 of all petitions and orders filed in a case arising pursuant to
1086 this chapter and any other pleadings, certificates, proofs of
1087 publication, summonses, warrants, and other writs which are
1088 filed in the case.

1089 (4) Except as provided in subsection (3), all information
1090 obtained pursuant to this chapter in the discharge of official
1091 duty by any judge, employee of the court, authorized agent of
1092 the department, school employee, district superintendent, school
1093 board employee, or law enforcement agent is confidential and may
1094 not be disclosed to anyone other than the authorized personnel
1095 of the court, the department and its designees, school or school
1096 board personnel, law enforcement agencies, and others entitled
1097 under this chapter to receive that information, except upon
1098 order of the court.

1099 **Section 7. Section 984.07, Florida Statutes, is amended to**
1100 **read:**

1101 984.07 Right to counsel; waiver; appointed counsel;
 1102 compensation.-

1103 (1) When a petition is filed alleging that a child is a
 1104 child in need of services or if the child is subject to contempt
 1105 proceedings under s. 984.09, the child must be represented by
 1106 counsel at each court appearance. The court must appoint counsel
 1107 unless the child is not indigent and has counsel present to
 1108 represent the child or the record in that proceeding
 1109 affirmatively demonstrates by clear and convincing evidence that
 1110 the child knowingly and intelligently waived the right to
 1111 counsel after being fully advised by the court of the nature of
 1112 the proceedings and the dispositional alternatives available to
 1113 the court. If the child waives counsel at any proceeding, the
 1114 court shall advise the child with respect to the right to
 1115 counsel at every subsequent hearing.

1116 (2) A child in proceedings under s. 984.151 may have
 1117 counsel appointed by the court if the court determines it is in
 1118 the best interest of the child.

1119 (3) If the court appoints counsel for a child, and if the
 1120 child and his or her parents or legal guardians are indigent and
 1121 unable to employ counsel, the court must appoint an attorney to
 1122 represent the child under s. 27.511. Determination of indigence
 1123 and costs of representation shall be as provided by s. 57.082.
 1124 Legal counsel representing a child who exercises the right to
 1125 counsel may provide advice and counsel to the child at any time

1126 after appointment.

1127 (4) If the parents or legal guardians of an indigent child
1128 are not indigent but refuse to employ counsel, the court shall
1129 appoint counsel pursuant to s. 27.511 to represent the child
1130 until counsel is provided. Costs of representation must be
1131 imposed as provided by s. 57.082. Thereafter, the court may not
1132 appoint counsel for an indigent child with nonindigent parents
1133 or legal guardians but shall order the parents or legal
1134 guardians to obtain private counsel.

1135 (a) A parent or legal guardian of an indigent child who
1136 has been ordered to obtain private counsel for the child and who
1137 willfully fails to follow the court order shall be punished by
1138 the court in civil contempt proceedings.

1139 (b) An indigent child may have counsel appointed pursuant
1140 to ss. 27.511 and 57.082 if the parents or legal guardians have
1141 willfully refused to obey the court order to obtain counsel for
1142 the child and have been punished by civil contempt. Costs of
1143 representation must be imposed as provided by s. 57.082.

1144 (5) If the court makes a finding that nonindigent parents
1145 have made a good faith effort to participate in services and
1146 remediate the child's behavior, but despite their good faith
1147 efforts, the child's truancy, ungovernable behavior, or runaway
1148 behavior has persisted, the court may appoint counsel to
1149 represent the child as provided in s. 27.511.

1150 (6) If counsel is entitled to receive compensation for

1151 representation pursuant to court appointment in a child in need
 1152 of services proceeding, such compensation may not exceed \$1,000
 1153 at the trial level and \$2,500 at the appellate level.

1154 (7) This section does not preclude the court from
 1155 requesting reimbursement of attorney fees and costs from the
 1156 nonindigent parent or legal guardian.

1157 (8) The court may appoint an attorney to represent a
 1158 parent or legal guardian under this chapter only upon a finding
 1159 that the parent or legal guardian is indigent pursuant to s.
 1160 57.082. If an attorney is appointed, the parent or legal
 1161 guardian shall be enrolled in a payment plan pursuant to s.

1162 ~~28.246 If counsel is entitled to receive compensation for~~
 1163 ~~representation pursuant to court appointment in a child-in-need-~~
 1164 ~~of-services proceeding, such compensation shall not exceed~~
 1165 ~~\$1,000 at the trial level and \$2,500 at the appellate level.~~

1166 **Section 8. Subsection (1) of section 984.071, Florida**
 1167 **Statutes, is amended, and subsection (3) is added to that**
 1168 **section, to read:**

1169 984.071 Resources and information.—

1170 (1) ~~The department of Juvenile Justice, in collaboration~~
 1171 ~~with the Department of Children and Families and the Department~~
 1172 ~~of Education,~~ shall develop and publish an information guide
 1173 ~~packet~~ that explains the current process under this chapter for
 1174 obtaining assistance for a child in need of services or a family
 1175 in need of services and the community services and resources

1176 available to parents. The information guide shall be published
1177 in a written format for distribution and shall also be published
1178 on the department's website ~~of troubled or runaway children. In~~
1179 ~~preparing the information packet, the Department of Juvenile~~
1180 ~~Justice shall work with school district superintendents,~~
1181 ~~juvenile court judges, county sheriffs, and other local law~~
1182 ~~enforcement officials in order to ensure that the information~~
1183 ~~packet lists services and resources that are currently available~~
1184 ~~within the county in which the packet is distributed. Each~~
1185 information guide ~~packet~~ shall be reviewed annually and updated
1186 as appropriate. The school district shall distribute this
1187 information guide ~~packet~~ to parents of truant children, and to
1188 other parents upon request or as deemed appropriate by the
1189 school district. In addition, the department ~~of Juvenile Justice~~
1190 shall distribute the information guide ~~packet~~ to state and local
1191 law enforcement agencies. Any law enforcement officer who has
1192 contact with the parent of a child who is locked out of the
1193 home, who is ungovernable, or who runs away from home shall make
1194 the information guide available to the parent.

1195 (3) The Department of Education and the Department of
1196 Children and Families must each post the department's
1197 information guide on their respective websites.

1198 **Section 9.** Sections 984.08 and 984.085, Florida Statutes,
1199 are repealed.

1200 **Section 10.** **Section 984.0861, Florida Statutes, is created**

1201 **to read:**

1202 984.0861 Prohibited use of detention.—A child under the
 1203 jurisdiction of the court solely pursuant to this chapter may
 1204 not be placed in:

1205 (1) Any form of detention care intended for the use of
 1206 alleged juvenile delinquents as authorized under chapter 985 for
 1207 any purpose.

1208 (2) A secure detention facility authorized for use under
 1209 chapter 985 for any purpose.

1210 (3) Any jail or other similar facility used for the
 1211 purpose of detention or confinement of adults for any purpose.

1212 **Section 11. Section 984.09, Florida Statutes, is amended**

1213 **to read:**

1214 984.09 Punishment for contempt of court; alternative
 1215 sanctions.—

1216 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may
 1217 punish any child for contempt for interfering with the court or
 1218 with court administration, or for violating any provision of
 1219 this chapter or order of the court relative thereto. It is the
 1220 intent of the Legislature that the court restrict and limit the
 1221 use of contempt powers and prohibit the use of detention care
 1222 and secure detention facilities as provided in s. 984.0861 with
 1223 ~~respect to commitment of a child to a secure facility.~~ A child
 1224 who commits direct contempt of court or indirect contempt of a
 1225 valid court order may be taken into custody and ordered to serve

1226 an alternative sanction or placed in a shelter ~~secure~~ facility,
 1227 as authorized in this section, by order of the court.

1228 (2) PLACEMENT IN A SHELTER ~~SECURE FACILITY~~.—A child
 1229 adjudicated as a child in need of services may only be placed in
 1230 a shelter ~~secure~~ facility for purposes of punishment for
 1231 contempt of court if alternative sanctions are unavailable or
 1232 inappropriate, or if the child has already been ordered to serve
 1233 an alternative sanction but failed to comply with the sanction.

1234 ~~(a) A delinquent child who has been held in direct or~~
 1235 ~~indirect contempt may be placed in a secure detention facility~~
 1236 ~~for 5 days for a first offense or 15 days for a second or~~
 1237 ~~subsequent offense, or in a secure residential commitment~~
 1238 ~~facility.~~

1239 (a) ~~(b)~~ A child in need of services who has been held in
 1240 direct contempt or indirect contempt may be placed, for 5 days
 1241 for a first offense or 15 days for a second or subsequent
 1242 offense, in a ~~staff-secure~~ shelter operated by or contracted
 1243 with the department to provide such services ~~or a staff-secure~~
 1244 ~~residential facility solely for children in need of services if~~
 1245 ~~such placement is available, or, if such placement is not~~
 1246 ~~available, the child may be placed in an appropriate mental~~
 1247 ~~health facility or substance abuse facility for assessment. In~~
 1248 addition to disposition under this paragraph, a child in need of
 1249 services who is held in direct contempt or indirect contempt may
 1250 be placed in a physically secure shelter ~~setting~~ as provided

1251 under s. 984.226 if conditions of eligibility are met.

1252 (b) A child subject to proceedings under s. 984.151 who
1253 has been held in direct contempt or indirect contempt may only
1254 be placed, for 5 days for a first offense or 15 days for a
1255 second or subsequent offense, in a shelter operated by or
1256 contracted with the department for such services if a shelter
1257 bed is available. Upon a second or subsequent finding of
1258 contempt under this section, the court must refer the child to
1259 the case staffing committee with a recommendation to file a
1260 child in need of services petition.

1261 (c) Any shelter placement ordered under this section must
1262 be given as a cumulative sanction. Separate sanctions for the
1263 same act or series of acts within the same episode may not be
1264 imposed.

1265 (3) ALTERNATIVE SANCTIONS. ~~Each judicial circuit shall~~
1266 ~~have an alternative sanctions coordinator who shall serve under~~
1267 ~~the chief administrative judge of the juvenile division of the~~
1268 ~~circuit court, and who shall coordinate and maintain a spectrum~~
1269 ~~of contempt sanction alternatives in conjunction with the~~
1270 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~
1271 Upon determining that a child has committed direct contempt of
1272 court or indirect contempt of a valid court order, the court may
1273 immediately request the circuit alternative sanctions
1274 coordinator to recommend the most appropriate available
1275 alternative sanction and shall order the child to perform up to

1276 50 hours of community-service ~~manual labor~~ or a similar
1277 alternative sanction, unless an alternative sanction is
1278 unavailable or inappropriate, or unless the child has failed to
1279 comply with a prior alternative sanction. Alternative contempt
1280 sanctions may be provided by local industry or by any nonprofit
1281 organization or any public or private business or service entity
1282 that has entered into a contract with the department ~~of Juvenile~~
1283 ~~Justice~~ to act as an agent of the state to provide voluntary
1284 supervision of children on behalf of the state in exchange for
1285 the ~~manual~~ labor of children and limited immunity in accordance
1286 with s. 768.28(11).

1287 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
1288 PROCESS.—

1289 (a) If a child subject to proceedings under this chapter
1290 is charged with direct contempt of court, ~~including traffic~~
1291 ~~court~~, the court may impose an authorized sanction immediately.

1292 (b) If a child subject to proceedings under this chapter
1293 is charged with indirect contempt of court, the court must issue
1294 an order to show cause and schedule ~~hold~~ a hearing ~~within 24~~
1295 ~~hours~~ to determine whether the child committed indirect contempt
1296 of a valid court order. The child must be served with the order
1297 to show cause and notice of hearing. At the hearing, the
1298 following due process rights must be provided to the child:

1299 1. Right to a copy of the order to show cause alleging
1300 facts supporting the contempt charge.

- 1301 2. Right to an explanation of the nature and the
- 1302 consequences of the proceedings.
- 1303 3. Right to legal counsel and the right to have legal
- 1304 counsel appointed by the court if the juvenile is indigent,
- 1305 pursuant to s. 984.07 ~~s. 985.033~~.
- 1306 4. Right to confront witnesses.
- 1307 5. Right to present witnesses.
- 1308 6. Right to have a transcript or record of the proceeding.
- 1309 7. Right to appeal to an appropriate court.

1310

1311 The child's parent, legal ~~or~~ guardian, or custodian may address

1312 the court regarding the due process rights of the child. If

1313 after the hearing, the court determines the child has committed

1314 indirect contempt of a valid court order, the court may impose

1315 an alternative sanction or may proceed under subsection (2). If

1316 the court orders shelter placement of a child found in contempt

1317 of court, the court shall review the matter ~~placement of the~~

1318 ~~child~~ every 72 hours to determine whether it is appropriate for

1319 the child to remain in the facility.

1320 (c) The court may not order that a child be placed in a

1321 shelter ~~secure facility~~ for punishment for contempt unless the

1322 court determines that an alternative sanction is inappropriate

1323 or unavailable or that the child was initially ordered to an

1324 alternative sanction and did not comply with the alternative

1325 sanction. The court is encouraged to order a child to perform

1326 community service, up to the maximum number of hours, where
1327 appropriate before ordering that the child be placed in a
1328 shelter ~~secure facility~~ as punishment for contempt of court.

1329 ~~(d) In addition to any other sanction imposed under this~~
1330 ~~section, the court may direct the Department of Highway Safety~~
1331 ~~and Motor Vehicles to withhold issuance of, or suspend, a~~
1332 ~~child's driver license or driving privilege. The court may order~~
1333 ~~that a child's driver license or driving privilege be withheld~~
1334 ~~or suspended for up to 1 year for a first offense of contempt~~
1335 ~~and up to 2 years for a second or subsequent offense. If the~~
1336 ~~child's driver license or driving privilege is suspended or~~
1337 ~~revoked for any reason at the time the sanction for contempt is~~
1338 ~~imposed, the court shall extend the period of suspension or~~
1339 ~~revocation by the additional period ordered under this~~
1340 ~~paragraph. If the child's driver license is being withheld at~~
1341 ~~the time the sanction for contempt is imposed, the period of~~
1342 ~~suspension or revocation ordered under this paragraph shall~~
1343 ~~begin on the date on which the child is otherwise eligible to~~
1344 ~~drive. For a child in need of services whose driver license or~~
1345 ~~driving privilege is suspended under this paragraph, the court~~
1346 ~~may direct the Department of Highway Safety and Motor Vehicles~~
1347 ~~to issue the child a license for driving privileges restricted~~
1348 ~~to business or employment purposes only, as defined in s.~~
1349 ~~322.271, or for the purpose of completing court-ordered~~
1350 ~~community service, if the child is otherwise qualified for a~~

1351 ~~license. However, the department may not issue a restricted~~
 1352 ~~license unless specifically ordered to do so by the court.~~

1353 (5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created
 1354 the position of alternative sanctions coordinator within each
 1355 judicial circuit, ~~pursuant to subsection (3).~~ Each alternative
 1356 sanctions coordinator shall serve under the direction of the
 1357 chief administrative judge of the juvenile division as directed
 1358 by the chief judge of the circuit. The alternative sanctions
 1359 coordinator shall act as the liaison between the judiciary,
 1360 local department officials, district school board employees, and
 1361 local law enforcement agencies. The alternative sanctions
 1362 coordinator shall coordinate within the circuit community-based
 1363 alternative sanctions, including ~~nonsecure detention programs,~~
 1364 ~~community service projects, and other juvenile sanctions, in~~
 1365 ~~conjunction with the circuit plan implemented in accordance with~~
 1366 ~~s. 790.22(4)(c).~~

1367 **Section 12. Section 984.10, Florida Statutes, is amended**
 1368 **to read:**

1369 984.10 Intake.—

1370 (1) Intake shall be performed by the department or the
 1371 department's authorized agent. A report ~~or complaint~~ alleging
 1372 that a child is from a family in need of services shall be made
 1373 to the intake office operating in the county in which the child
 1374 is found or in which the case arose. Any person or agency,
 1375 including, but not limited to, the parent, ~~or~~ legal guardian, or

1376 | custodian, the local school district, a law enforcement agency,
 1377 | or the Department of Children and Families, having knowledge of
 1378 | the facts may make a report ~~or complaint~~.

1379 | (2) A representative of the department shall make a
 1380 | preliminary determination as to whether the report ~~or complaint~~
 1381 | is complete. The criteria for the completeness of a report ~~or~~
 1382 | ~~complaint~~ with respect to a child alleged to be from a family in
 1383 | need of services while subject to compulsory school attendance
 1384 | shall be governed by s. 984.03 ~~s. 984.03(27)~~. In any case in
 1385 | which the representative of the department finds that the report
 1386 | ~~or complaint~~ is incomplete, the representative of the department
 1387 | shall return the report ~~or complaint~~ without delay to the person
 1388 | or agency originating the report ~~or complaint~~ or having
 1389 | knowledge of the facts or to the appropriate law enforcement
 1390 | agency having investigative jurisdiction and request additional
 1391 | information in order to complete the report ~~or complaint~~.

1392 | (3) If the representative of the department determines
 1393 | that in his or her judgment the interests of the family, the
 1394 | child, and the public will be best served by providing the
 1395 | family and child services and treatment voluntarily accepted by
 1396 | the child and the parents, ~~or~~ legal guardians, or custodians,
 1397 | the department's ~~departmental~~ representative may refer the
 1398 | family or child to an appropriate service ~~and treatment~~
 1399 | provider. As part of the intake procedure, the department's
 1400 | ~~departmental~~ representative shall inform the parent, ~~or~~ legal

1401 guardian, or custodian, in writing, of the services currently
1402 ~~and treatment~~ available to the child and family by department
1403 providers and other ~~or~~ community agencies in the county in which
1404 the family is located, and the rights and responsibilities of
1405 the parent, ~~or~~ legal guardian, or custodian under this chapter.
1406 Upon admission, and depending on services, a staff member may be
1407 assigned to the family as deemed appropriate.

1408 (4) If the department reasonably believes ~~has reasonable~~
1409 ~~grounds to believe~~ that the child has been abandoned, abused, or
1410 neglected, it shall proceed pursuant to ~~the provisions of~~
1411 chapter 39 and report immediately to the central abuse hotline.

1412 **Section 13. Section 984.11, Florida Statutes, is amended**
1413 **to read:**

1414 984.11 Services to families ~~in need of services.~~

1415 (1) The department or its authorized agent shall provide
1416 an array of voluntary family services aimed at remediating
1417 school truancy, homelessness, and runaway and ungovernable
1418 behavior by children. ~~Services and treatment~~ to families in need
1419 of services shall be by voluntary agreement of the parent, ~~or~~
1420 legal guardian, or custodian and the child ~~or as directed by a~~
1421 ~~court order pursuant to s. 984.22.~~

1422 (2) A family is not eligible to receive voluntary family
1423 services, if, at the time of the referral, the child is under
1424 court-ordered supervision by the department for delinquency
1425 under chapter 985 or court-ordered supervision by the Department

1426 of Children and Families under chapter 39. A child who has
 1427 received a prearrest delinquency citation, or is receiving
 1428 delinquency diversion services, may receive voluntary family
 1429 services.

1430 (3) If there is a pending investigation into an allegation
 1431 of abuse, neglect, or abandonment, the child may be eligible for
 1432 voluntary family services if the Department of Children and
 1433 Families agrees to the provision of services and makes a
 1434 referral. An interagency agreement between the department and
 1435 the Department of Children and Families shall govern this
 1436 referral process, which is contingent on available funding. The
 1437 department must notify the Department of Children and Families
 1438 if a referral is declined.

1439 (4)~~(2)~~ These services may include, but need not be limited
 1440 to:

- 1441 (a) ~~Homemaker or~~ Parent aide services.
- 1442 (b) Intensive crisis counseling.
- 1443 (c) Parent training.
- 1444 (d) Individual, group, or family counseling.
- 1445 (e) Referral to community mental health services.
- 1446 (f) Prevention and diversion services.
- 1447 (g) Services provided by voluntary or community agencies.
- 1448 (h) Runaway center services.
- 1449 (i) Runaway shelter ~~Housekeeper~~ services.
- 1450 (j) Referral for special educational, tutorial, or

1451 remedial services.

1452 (k) Referral to vocational, career development job
1453 ~~training,~~ or employment services.

1454 (l) Recreational services.

1455 (m) Assessment.

1456 (n) Case management.

1457 (o) Referral for or provision of substance abuse
1458 assessment or treatment.

1459 (5)~~(3)~~ The department shall advise the parents, or ~~or~~ legal
1460 guardian, or custodian that they are responsible for
1461 contributing to the cost of the ~~child or family~~ services and
1462 ~~treatment~~ to the extent of their ability to pay. The parent is
1463 responsible for using health care insurance to the extent it is
1464 available for the provision of health services ~~The department~~
1465 ~~shall set and charge fees for services and treatment provided to~~
1466 ~~clients. The department may employ a collection agency for the~~
1467 ~~purpose of receiving, collecting, and managing the payment of~~
1468 ~~unpaid and delinquent fees. The collection agency must be~~
1469 ~~registered and in good standing under chapter 559. The~~
1470 ~~department may pay to the collection agency a fee from the~~
1471 ~~amount collected under the claim or may authorize the agency to~~
1472 ~~deduct the fee from the amount collected.~~

1473 ~~(4) The department may file a petition with the circuit~~
1474 ~~court to enforce the collection of fees for services and~~
1475 ~~treatment rendered to the child or the parent and other legal~~

1476 ~~eustodians.~~

1477 **Section 14. Section 984.12, Florida Statutes, is amended**
 1478 **to read:**

1479 984.12 Case staffing; services and treatment related to a
 1480 family in need of services.-

1481 (1) The appropriate representative of the department shall
 1482 request a meeting of the family and child with a case staffing
 1483 committee to review the case of any family or child who the
 1484 department determines is in need of services ~~or treatment~~ if:

1485 (a) The family or child is not in agreement with the
 1486 services or treatment offered;

1487 (b) The family or child will not participate in the
 1488 services or treatment selected; or

1489 (c) The representative of the department needs assistance
 1490 in developing an appropriate plan for services. The time and
 1491 place selected for the meeting shall be convenient for the child
 1492 and family.

1493 (2) The composition of the case staffing committee shall
 1494 be based on the needs of the family and child. It shall include
 1495 a representative from the child's school district and a
 1496 representative of the department ~~of Juvenile Justice~~, and may
 1497 include the department's authorized agent and a supervisor of
 1498 the department's contracted provider; a representative from the
 1499 area of health, mental health, substance abuse, or social, ~~or~~
 1500 ~~educational~~ services; a representative of the state attorney; a

1501 representative of law enforcement ~~the alternative sanctions~~
 1502 ~~coordinator~~; and any person recommended by the child, family, or
 1503 department. The child and the child's parent, legal guardian, or
 1504 custodian must be invited to attend the committee meeting.

1505 (3) The case staffing committee shall:

1506 (a) Identify the family's concerns and contributing
 1507 factors.

1508 (b) Request the family and child to identify their needs
 1509 and concerns.

1510 (c) Seek input from the school district and any other
 1511 persons in attendance with knowledge of the family or child's
 1512 situation and concerns.

1513 (d) Consider the voluntary family services or other
 1514 community services that have been offered and the results of
 1515 those services.

1516 (e) Identify whether truancy is a concern and evaluate
 1517 compliance with the remedial strategies provided pursuant to s.
 1518 1003.26.

1519 (f) Reach a timely decision to provide the child or family
 1520 with ~~needed~~ services and recommend any appropriate ~~and~~ treatment
 1521 through the development of a plan for services.

1522 (4) The plan for services shall contain the following:

1523 (a) Statement of the concerns ~~problems~~.

1524 (b) Needs of the child.

1525 (c) Needs of the parents, legal guardian, or ~~legal~~

1526 | custodian.

1527 | (d) Measurable objectives that address the identified

1528 | problems and needs.

1529 | (e) Services and treatment to be provided, to include:

1530 | 1. Type of services or treatment.

1531 | 2. Frequency of services or treatment.

1532 | 3. Location.

1533 | 4. Accountable service providers or staff.

1534 | (f) Timeframes for achieving objectives.

1535 | (5) Upon receipt of the plan, the child and family shall

1536 | acknowledge their position by accepting or rejecting the

1537 | services and provisions in writing. If the plan is accepted, it

1538 | shall be implemented as soon as is practicable.

1539 | (6) The assigned case manager shall have responsibility A

1540 | ~~case manager shall be designated by the case staffing committee~~

1541 | ~~to be responsible~~ for implementing the plan. The department's

1542 | authorized agent ~~case manager~~ shall periodically review the

1543 | progress towards achieving the objectives of the plan in order

1544 | to:

1545 | (a) Advise the case staffing committee of the need to make

1546 | adjustments to the plan; ~~or~~

1547 | (b) Recommend a child in need of services petition be

1548 | filed by the department; or

1549 | (c) ~~(b)~~ Terminate the case as indicated by successful or

1550 | substantial achievement of the objectives of the plan.

1551 (7) The parent, legal guardian, or ~~legal~~ custodian may
1552 convene a meeting of the case staffing committee, ~~and any other~~
1553 ~~member of the committee may convene a meeting if the member~~
1554 ~~finds that doing so is in the best interest of the family or~~
1555 ~~child.~~ A case staffing committee meeting requested by a parent,
1556 legal guardian, or ~~legal~~ custodian must be convened within 7
1557 days, excluding weekends and legal holidays, after the date the
1558 department's representative receives the request in writing.

1559 (8) Any other member of the committee may convene a
1560 meeting if voluntary family services have been offered and the
1561 services have been rejected by the child or family, or the child
1562 has not made measurable progress toward achieving the service
1563 plan goals, and the member finds that doing so is in the best
1564 interest of the family or child.

1565 (9) A case staffing committee meeting must be convened
1566 within 30 days after the date the case is referred by the court
1567 pursuant to s. 984.151.

1568 (10)-(8) Within 7 days after meeting, the case staffing
1569 committee shall provide the parent, legal guardian, or ~~legal~~
1570 custodian with a written report that details the reasons for the
1571 committee's decision to recommend, or decline to recommend, that
1572 the department file a petition alleging that the child is a
1573 child in need of services.

1574 (11) The case staffing committee may reconvene from time
1575 to time as may be necessary to make adjustments to the plan.

1576 **Section 15. Section 984.13, Florida Statutes, is amended**
1577 **to read:**

1578 984.13 Taking a child into custody ~~a child alleged to be~~
1579 ~~from a family in need of services or to be a child in need of~~
1580 ~~services.-~~

1581 (1) A child may be taken into custody:

1582 (a) By a law enforcement officer when the officer
1583 reasonably believes ~~has reasonable grounds to believe~~ that the
1584 child has run away from his or her parents, legal guardian, or
1585 ~~other legal~~ custodian.

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

1601 pursuant to s. 1003.26(3) shall deliver the child to the parent,
 1602 ~~or~~ legal guardian, or custodian, to a location determined by the
 1603 parent, legal ~~or~~ guardian, or custodian, or to a designated
 1604 truancy interdiction site until the parent, legal ~~or~~ guardian,
 1605 or custodian can be located.

1606 (c) Pursuant to an order of the circuit court based upon
 1607 sworn testimony ~~before or~~ after a child in need of services
 1608 petition is filed under s. 984.15.

1609 (d) Pursuant to an order of the circuit court based upon a
 1610 finding of contempt under this chapter for the purpose of
 1611 delivering the child to a designated shelter facility.

1612 (e) ~~(d)~~ By a law enforcement officer when the child
 1613 voluntarily agrees to or requests services pursuant to this
 1614 chapter or placement in a shelter.

1615 (2) The person taking the child into custody shall:

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

1626 ~~release, the person taking the child into custody shall make a~~
1627 ~~full written report to the intake office of the department~~
1628 ~~within 3 days; or~~

1629 (b) Deliver the child to a shelter when: ~~the department,~~
1630 ~~stating the facts by reason of which the child was taken into~~
1631 ~~custody and sufficient information to establish probable cause~~
1632 ~~that the child is from a family in need of services.~~

1633 1. The parent, legal guardian, or custodian is unavailable
1634 to take immediate custody of the child;

1635 2. The child requested voluntary family services and
1636 shelter placement;

1637 3. A court order under this chapter for shelter placement
1638 has been issued; or

1639 4. The child and the parent, legal guardian, or custodian
1640 voluntarily agree the child is in need of temporary shelter
1641 placement and such placement is necessary to provide a safe
1642 place for the child to remain until the parents, legal
1643 guardians, or custodians and the child can agree on conditions
1644 for the child's safe return home.

1645 (c) Deliver the child to a hospital for necessary
1646 evaluation and treatment if the child is reasonably believed to
1647 be suffering from a serious physical condition which requires
1648 either prompt diagnosis or treatment.

1649 (d) Deliver the child to a designated public receiving
1650 facility as defined in s. 394.455 for examination under s.

1651 394.463 if the child is reasonably believed to be mentally ill,
1652 including immediate threat of suicide as provided in s.
1653 394.463(1).

1654 (e) Deliver the child to a hospital, addictions receiving
1655 facility, or treatment resource if the child is reasonably
1656 believed to be intoxicated and has threatened, attempted, or
1657 inflicted physical harm on himself or herself or another, or is
1658 incapacitated by substance abuse.

1659 (3) If the child is taken into custody and ~~by, or is~~
1660 delivered to a shelter, ~~the department,~~ the department's
1661 authorized agent ~~appropriate representative of the department~~
1662 shall review the facts and make such further inquiry as
1663 necessary to determine whether the child shall remain in
1664 shelter, receive voluntary family services that would allow the
1665 child alleged to be from a family in need of services to remain
1666 at home, ~~custody~~ or be released. ~~Unless shelter is required as~~
1667 ~~provided in s. 984.14(1), the department shall:~~

1668 ~~(a) Release the child to his or her parent, guardian, or~~
1669 ~~legal custodian, to a responsible adult relative, to a~~
1670 ~~responsible adult approved by the department, or to a~~
1671 ~~department-approved family-in-need-of-services and child-in-~~
1672 ~~need-of-services provider; or~~

1673 ~~(b) Authorize temporary services and treatment that would~~
1674 ~~allow the child alleged to be from a family in need of services~~
1675 ~~to remain at home.~~

1676 **Section 16. Section 984.14, Florida Statutes, is amended**
1677 **to read:**

1678 984.14 Voluntary shelter services placement;~~hearing.~~-

1679 (1) Temporary voluntary shelter services provided by the
1680 department shall provide a safe environment with 24-hour care
1681 and supervision, referrals for services as needed, and education
1682 at the center or offsite and counseling services for children.
1683 ~~Unless ordered by the court pursuant to the provisions of this~~
1684 ~~chapter, or upon voluntary consent to placement by the child and~~
1685 ~~the child's parent, legal guardian, or custodian, a child taken~~
1686 ~~into custody shall not be placed in a shelter prior to a court~~
1687 ~~hearing unless a determination has been made that the provision~~
1688 ~~of appropriate and available services will not eliminate the~~
1689 ~~need for placement and that such placement is required:~~

1690 ~~(a) To provide an opportunity for the child and family to~~
1691 ~~agree upon conditions for the child's return home, when~~
1692 ~~immediate placement in the home would result in a substantial~~
1693 ~~likelihood that the child and family would not reach an~~
1694 ~~agreement; or~~

1695 ~~(b) Because a parent, custodian, or guardian is~~
1696 ~~unavailable to take immediate custody of the child.~~

1697 (2) If a child is sheltered due to being a runaway, or a
1698 parent, legal guardian, or custodian is unavailable, the shelter
1699 shall immediately attempt to make contact with the parent, legal
1700 guardian, or custodian to advise the family of the child's

1701 whereabouts, determine whether the child can safely return home,
1702 or determine whether the family is seeking temporary voluntary
1703 shelter services until they can arrange to take the child home.

1704 If the parent, legal guardian, or custodian cannot be located
1705 within 24 hours, the Department of Children and Families shall
1706 be contacted ~~If the department determines that placement in a~~
1707 ~~shelter is necessary according to the provisions of subsection~~
1708 ~~(1), the departmental representative shall authorize placement~~
1709 ~~of the child in a shelter provided by the community specifically~~
1710 ~~for runaways and troubled youth who are children in need of~~
1711 ~~services or members of families in need of services and shall~~
1712 ~~immediately notify the parents or legal custodians that the~~
1713 ~~child was taken into custody.~~

1714 ~~(3) A child who is involuntarily placed in a shelter shall~~
1715 ~~be given a shelter hearing within 24 hours after being taken~~
1716 ~~into custody to determine whether shelter placement is required.~~
1717 ~~The shelter petition filed with the court shall address each~~
1718 ~~condition required to be determined in subsection (1).~~

1719 ~~(4) A child may not be held involuntarily in a shelter~~
1720 ~~longer than 24 hours unless an order so directing is made by the~~
1721 ~~court after a shelter hearing finding that placement in a~~
1722 ~~shelter is necessary based on the criteria in subsection (1) and~~
1723 ~~that the department has made reasonable efforts to prevent or~~
1724 ~~eliminate the need for removal of the child from the home.~~

1725 ~~(5) Except as provided under s. 984.225, a child in need~~

1726 ~~of services or a child from a family in need of services may not~~
1727 ~~be placed in a shelter for longer than 35 days.~~

1728 ~~(6) When any child is placed in a shelter pursuant to~~
1729 ~~court order following a shelter hearing, the court shall order~~
1730 ~~the natural or adoptive parents of such child, the natural~~
1731 ~~father of such child born out of wedlock who has acknowledged~~
1732 ~~his paternity in writing before the court, or the guardian of~~
1733 ~~such child's estate, if possessed of assets which under law may~~
1734 ~~be disbursed for the care, support, and maintenance of the~~
1735 ~~child, to pay, to the department, fees as established by the~~
1736 ~~department. When the order affects the guardianship estate, a~~
1737 ~~certified copy of the order shall be delivered to the judge~~
1738 ~~having jurisdiction of the guardianship estate.~~

1739 ~~(7) A child who is adjudicated a child in need of services~~
1740 ~~or alleged to be from a family in need of services or a child in~~
1741 ~~need of services may not be placed in a secure detention~~
1742 ~~facility or jail or any other commitment program for delinquent~~
1743 ~~children under any circumstances.~~

1744 ~~(8) The court may order the placement of a child in need~~
1745 ~~of services into a staff-secure facility for no longer than 5~~
1746 ~~days for the purpose of evaluation and assessment.~~

1747 **Section 17. Section 984.15, Florida Statutes, is amended**
1748 **to read:**

1749 984.15 Petition for a child in need of services.—

1750 (1) All proceedings seeking an adjudication that a child

1751 is a child in need of services shall be initiated by the filing
1752 of a petition by an attorney representing the department or by
1753 the child's parent, legal guardian, or ~~legal~~ custodian. ~~If a~~
1754 ~~child in need of services has been placed in a shelter pursuant~~
1755 ~~to s. 984.14, the department shall file the petition~~
1756 ~~immediately, including in the petition notice of arraignment~~
1757 ~~pursuant to s. 984.20.~~

1758 (2) (a) The department shall file a petition for a child in
1759 need of services if the child meets the definition of a child in
1760 need of services, the case ~~manager or~~ staffing committee
1761 recommends requests that a petition be filed, and:

1762 1. The family and child have in good faith, but
1763 unsuccessfully, used the services and process described in ss.
1764 984.11 and 984.12; or

1765 2. The family or child have refused ~~all~~ services described
1766 in ss. 984.11 and 984.12 after reasonable efforts by the
1767 department to involve the family and child in voluntary family
1768 ~~services and treatment.~~

1769 (b) Once the requirements in paragraph (a) have been met,
1770 the department shall file a petition for a child in need of
1771 services as soon as practicable ~~within 45 days.~~

1772 (c) The petition shall be in writing, shall state the
1773 specific grounds ~~under s. 984.03(9)~~ by which the child is
1774 designated a child in need of services, and shall certify that
1775 the conditions prescribed in paragraph (a) have been met. The

1776 petition shall be signed by the petitioner under oath stating
1777 good faith in filing the petition and shall be signed by an
1778 attorney for the department.

1779 (3) (a) The parent, legal guardian, or ~~legal~~ custodian may
1780 file a petition alleging that a child is a child in need of
1781 services if:

1782 1. The department waives the requirement for a case
1783 staffing committee.

1784 2. The department fails to convene a meeting of the case
1785 staffing committee within 7 days, excluding weekends and legal
1786 holidays, after receiving a written request for such a meeting
1787 from the child's parent, legal guardian, or ~~legal~~ custodian.

1788 3. The parent, legal guardian, or ~~legal~~ custodian does not
1789 agree with the plan for services offered by the case staffing
1790 committee.

1791 4. The department fails to provide a written report within
1792 7 days after the case staffing committee meets, as required
1793 under s. 984.12(10) ~~s. 984.12(8)~~.

1794 (b) The parent, legal guardian, or ~~legal~~ custodian must
1795 give the department prior written notice of intent to file the
1796 petition. If, at the arraignment hearing, the court finds that
1797 such written notice of intent to file the petition was not
1798 provided to the department, the court shall dismiss the
1799 petition, postpone the hearing until such written notice is
1800 given, or, if the department agrees, proceed with the

1801 arraignment hearing. The petition must be served on the
 1802 department's office of general counsel.

1803 (c) The petition must be in writing and must set forth
 1804 specific facts alleging that the child is a child in need of
 1805 services ~~as defined in s. 984.03(9)~~. The petition must also
 1806 demonstrate that the parent, legal guardian, or ~~legal~~ custodian
 1807 has in good faith, but unsuccessfully, participated in the
 1808 services and processes described in ss. 984.11 and 984.12.

1809 (4)~~(d)~~ The petition must be signed by the petitioner under
 1810 oath.

1811 (5)~~(e)~~ The court, on its own motion or the motion of any
 1812 party or the department, shall determine the legal sufficiency
 1813 of a petition filed under ~~this~~ subsection (3) and may dismiss
 1814 any petition that lacks sufficient grounds. In addition, the
 1815 court shall verify that the child is not:

1816 (a)~~1.~~ The subject of a pending investigation into an
 1817 allegation or suspicion of abuse, neglect, or abandonment;

1818 (b)~~2.~~ The subject of a pending petition ~~referral~~ alleging
 1819 that the child is delinquent; or

1820 (c)~~3.~~ Under the current supervision of the department or
 1821 the Department of Children and Families for an adjudication or
 1822 withholding of adjudication of delinquency or dependency.

1823 (6)~~(4)~~ The form of the petition and any additional
 1824 contents shall be determined by rules of procedure adopted by
 1825 the Supreme Court.

1826 ~~(7)(5)~~ The petitioner ~~department or the parent, guardian,~~
1827 ~~or legal custodian~~ may withdraw a petition at any time before
1828 ~~prior to~~ the child is ~~being~~ adjudicated a child in need of
1829 services.

1830 **Section 18. Section 984.151, Florida Statutes, is amended**
1831 **to read:**

1832 984.151 Early truancy intervention; truancy petition;
1833 judgment prosecution; disposition.-

1834 (1) If the school determines that a student subject to
1835 compulsory school attendance has had at least five unexcused
1836 absences, or absences for which the reasons are unknown, within
1837 a calendar month or 10 unexcused absences, or absences for which
1838 the reasons are unknown, within a 90-calendar-day period
1839 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused
1840 absences in a 90-calendar-day period, the superintendent of
1841 schools or his or her designee may file a truancy petition
1842 seeking early truancy intervention.

1843 (2) The petition shall be filed in the circuit in which
1844 the student is enrolled in school.

1845 (3) Original jurisdiction to hear a truancy petition shall
1846 be in the circuit court; however, the circuit court may use a
1847 general or special magistrate ~~master~~ pursuant to Supreme Court
1848 rules. Upon the filing of the petition, the clerk shall issue a
1849 summons to the parent, legal guardian, or ~~legal~~ custodian of the
1850 student, directing that person and the student to appear for a

1851 hearing at a time and place specified.

1852 (4) The petition must contain the following: the name,
1853 age, and address of the student; the name and address of the
1854 student's parent or guardian; the school where the student is
1855 enrolled; the efforts the school has made to get the student to
1856 attend school in compliance with s. 1003.26; the number of out-
1857 of-school contacts between the school system and student's
1858 parent or guardian; and the number of days and dates of days the
1859 student has missed school. The petition shall be sworn to by the
1860 superintendent or his or her designee.

1861 (5) Once the petition is filed, the court shall hear the
1862 petition within 30 days.

1863 (6) The student and the student's parent or guardian shall
1864 attend the hearing.

1865 (7) If the court determines that the student did miss any
1866 of the alleged days, the court shall enter an order finding the
1867 child to be a truant status offender and the court shall order
1868 the student to attend school and order the parent, legal
1869 guardian, or custodian to ensure that the student attends
1870 school. The court's power under this subsection is limited to
1871 entering orders to require the student to attend school and
1872 require the student and family to participate in services to
1873 encourage regular school attendance. The court,~~and~~ may order
1874 any of the following services:

1875 (a) The student to participate in alternative sanctions to

1876 ~~include mandatory attendance at alternative classes; to be~~
1877 ~~followed by mandatory community services hours for a period up~~
1878 ~~to 6 months; the student and~~

1879 (b) The student's parent, legal or guardian, or custodian
1880 to participate in parenting classes homemaker or parent aide
1881 services;

1882 (c) The student or the student's parent, legal or guardian
1883 or custodian to participate in individual, group, or family
1884 intensive crisis counseling;

1885 (d) The student or the student's parent, legal or guardian
1886 or custodian to participate in community mental health services
1887 or substance abuse treatment services if available and
1888 applicable;

1889 (e) The student and the student's parent, legal or
1890 guardian, or custodian to participate in services service
1891 provided by state or community voluntary or community agencies,
1892 if appropriate, including services for families in need of
1893 services as provided in s. 984.11 as available;

1894 (f) The student and the student's parent, legal guardian,
1895 or custodian to attend meetings with school officials to address
1896 the child's educational needs, classroom assignment, class
1897 schedule, and other barriers to school attendance identified by
1898 the child's school, the child, or his or her family;

1899 (g) The student and the student's parent, legal guardian,
1900 or custodian to engage in learning activities provided by the

1901 school board as to why education is important and the potential
 1902 impact on the child's future employment and education options if
 1903 the attendance problem persists; or

1904 (h) and The student or the student's parent, legal or
 1905 guardian, or custodian to participate in vocational or, job
 1906 training, or employment services.

1907 (8) If the student does not substantially comply with
 1908 compulsory school attendance and court-ordered services required
 1909 under ~~successfully complete the sanctions ordered in~~ subsection
 1910 (7), and the child meets the definition of a child in need of
 1911 services, the case shall be referred by the court to the
 1912 department's authorized agent for review by the case staffing
 1913 committee under s. 984.12 with a recommendation to file a
 1914 petition for child in need of services ~~child in need of services~~
 1915 ~~petition~~ under s. 984.15. The court shall review the case not
 1916 less than every 45 days to determine whether the child is in
 1917 substantial compliance with compulsory education or if the case
 1918 should be referred to the case staffing committee in accord with
 1919 this subsection.

1920 (9) If the student substantially complies with compulsory
 1921 school attendance the court shall close the truancy case.

1922 (10) If the child is adjudicated a child in need of
 1923 services pursuant to s. 984.21, the truancy case shall be closed
 1924 and jurisdiction relinquished in accordance with s. 984.04.

1925 (11) The court may retain jurisdiction of any case in

1926 which the child is noncompliant with compulsory education and
 1927 the child does not meet the definition of a child in need of
 1928 services under this chapter until jurisdiction lapses pursuant
 1929 to s. 984.04.

1930 (12) The court may not order a child placed in shelter
 1931 pursuant to this section unless the court has found the child to
 1932 be in contempt for violation of a court order under s. 984.09.

1933 (13)-(9) The parent, legal guardian, or ~~legal~~ custodian and
 1934 the student shall participate, as required by court order, in
 1935 any sanctions or services required by the court under this
 1936 section, and the court shall enforce such participation through
 1937 its contempt power.

1938 (14) Any truant student that meets the definition of a
 1939 child in need of services and who has been found in contempt for
 1940 violation of a court order under s. 984.09 two or more times
 1941 shall be referred to the case staffing committee under s. 984.12
 1942 with a recommendation to file a petition for a child in need of
 1943 services.

1944 (15) The clerk of court must serve any court order
 1945 referring the case to voluntary family services or the case
 1946 staffing committee to the department's office of general counsel
 1947 and to the department's authorized agent.

1948 **Section 19. Subsections (3) and (5) of section 984.16,**
 1949 **Florida Statutes, are amended, and subsection (11) is added to**
 1950 **that section, to read:**

1951 984.16 Process and service for child in need of services
 1952 petitions.—

1953 (3) The summons shall require the person on whom it is
 1954 served to appear for a hearing at a time, and place, and manner
 1955 specified. ~~Except in cases of medical emergency, the time shall~~
 1956 ~~not be less than 24 hours after service of the summons.~~ The
 1957 summons must ~~may~~ require the custodian to bring the child to
 1958 court ~~if the court determines that the child's presence is~~
 1959 ~~necessary.~~ A copy of the petition shall be attached to the
 1960 summons.

1961 (5) The jurisdiction of the court shall attach to the
 1962 child and the parent, legal guardian, or custodian, ~~or legal~~
 1963 ~~guardian~~ of the child and the case when the summons is served
 1964 upon the child or a parent, or legal guardian, or actual
 1965 custodian of the child; ~~or~~ when the child is taken into custody
 1966 with or without service of summons and after filing of a
 1967 petition for a child in need of services; or when a party
 1968 personally appears before the court whichever occurs first, and
 1969 thereafter the court may control the child and case in
 1970 accordance with this chapter.

1971 (11) If a court takes action that directly involves a
 1972 student's school, including, but not limited to, an order that a
 1973 student attend school, attend school with his or her parent,
 1974 legal guardian, or custodian, requiring the parent, legal
 1975 guardian, or custodian to participate in meetings, including

1976 parent-teacher conferences, Section 504 plan meetings or
 1977 individualized education plan meetings to address the student's
 1978 disability, the office of the clerk of the court shall provide
 1979 notice to the school of the court's order.

1980 **Section 20. Section 984.17, Florida Statutes, is amended**
 1981 **to read:**

1982 984.17 Response to petition and representation of
 1983 parties.-

1984 (1) At the time a child in need of services petition is
 1985 filed, the court may appoint a guardian ad litem for the child.

1986 (2) No answer to the petition or any other pleading need
 1987 be filed by any child, parent, ~~or~~ legal guardian, or custodian,
 1988 but any matters which might be set forth in an answer or other
 1989 pleading may be pleaded orally before the court or filed in
 1990 writing as any such person may choose. Notwithstanding the
 1991 filing of an answer or any pleading, the child and ~~or~~ parent,
 1992 legal guardian, or custodian shall, before ~~prior to~~ an
 1993 adjudicatory hearing, be advised by the court of the right to
 1994 counsel.

1995 (3) When a petition for a child in need of services has
 1996 been filed and the parents, legal guardian, or ~~legal~~ custodian
 1997 of the child and the child have advised the department that the
 1998 truth of the allegations is acknowledged and that no contest is
 1999 to be made of the adjudication, the attorney representing the
 2000 department may set the case before the court for a disposition

2001 hearing. If there is a change in the plea at this hearing, the
 2002 court shall continue the hearing to permit the attorney
 2003 representing the department to prepare and present the case.

2004 (4) An attorney representing the department shall
 2005 represent the state in any proceeding in which the petition
 2006 alleges that a child is a child in need of services ~~and in which~~
 2007 ~~a party denies the allegations of the petition and contests the~~
 2008 ~~adjudication.~~

2009 **Section 21.** Section 984.18, Florida Statutes, is repealed.

2010 **Section 22. Section 984.19, Florida Statutes, is amended**
 2011 **to read:**

2012 984.19 Medical screening and treatment of child;
 2013 examination of parent, legal guardian, or person requesting
 2014 custody.—

2015 (1) When any child is to be placed in shelter care, the
 2016 department or its authorized agent may ~~is authorized to~~ have a
 2017 medical screening provided for ~~performed on~~ the child without
 2018 authorization from the court and without consent from a parent,
 2019 legal ~~or~~ guardian, or custodian. Such medical screening shall be
 2020 provided ~~performed~~ by a licensed health care professional and
 2021 shall be to screen ~~examine~~ the child for injury, illness, and
 2022 communicable diseases. In no case does this subsection authorize
 2023 the department to consent to medical treatment for such
 2024 children.

2025 (2) When ~~the department has performed~~ the medical

2026 screening authorized by subsection (1) or when it is otherwise
 2027 determined by a licensed health care professional that a child
 2028 is in need of medical treatment, consent for medical treatment
 2029 shall be obtained in the following manner:

2030 (a)1. Consent to medical treatment shall be obtained from
 2031 a parent, legal ~~or~~ guardian, or custodian of the child; or

2032 2. A court order for such treatment shall be obtained.

2033 (b) If a parent, legal ~~or~~ guardian, or custodian of the
 2034 child is unavailable and his or her whereabouts cannot be
 2035 reasonably ascertained, and it is after normal working hours so
 2036 that a court order cannot reasonably be obtained, an authorized
 2037 agent of the department or its provider has the authority to
 2038 consent to necessary medical treatment for the child. The
 2039 authority of the department to consent to medical treatment in
 2040 this circumstance is limited to the time reasonably necessary to
 2041 obtain court authorization.

2042 (c) If a parent, legal ~~or~~ guardian, or custodian of the
 2043 child is available but refuses to consent to the necessary
 2044 treatment, a court order is required, unless the situation meets
 2045 the definition of an emergency in s. 743.064 or the treatment
 2046 needed is related to suspected abuse or neglect of the child by
 2047 the parent or guardian. In such case, the department's
 2048 authorized agent may ~~department has the authority to~~ consent to
 2049 necessary medical treatment. This authority is limited to the
 2050 time reasonably necessary to obtain court authorization.

2051

2052 In no case may the department consent to sterilization,
2053 abortion, or termination of life support.

2054 (3) A judge may order that a child alleged to be or
2055 adjudicated a child in need of services be examined by a
2056 licensed health care professional. The judge may also order such
2057 child to be evaluated by a psychiatrist or a psychologist, by a
2058 district school board educational needs assessment team, or, if
2059 a developmental disability is suspected or alleged, by the
2060 developmental disability diagnostic and evaluation team of the
2061 Department of Children and Families or Agency for Persons with
2062 Disabilities. The judge may order a family assessment if that
2063 assessment was not completed at an earlier time. If it is
2064 necessary to place a child in a residential facility for such
2065 evaluation, then the criteria and procedure established in s.
2066 394.463(2) or chapter 393 shall be used, whichever is
2067 applicable. The educational needs assessment provided by the
2068 district school board educational needs assessment team shall
2069 include, but not be limited to, reports of intelligence and
2070 achievement tests, screening for learning disabilities and other
2071 handicaps, and screening for the need for alternative education
2072 pursuant to s. 1003.53.

2073 (4) A judge may order that a child alleged to be or
2074 adjudicated a child in need of services be treated by a licensed
2075 health care professional. The judge may also order such child to

2076 receive mental health or intellectual disability services from a
 2077 psychiatrist, psychologist, or other appropriate service
 2078 provider. If it is necessary to place the child in a residential
 2079 facility for such services, the procedures and criteria
 2080 established in s. 394.467 or chapter 393 shall be used, as
 2081 applicable. A child may be provided services in emergency
 2082 situations pursuant to the procedures and criteria contained in
 2083 s. 394.463(1) or chapter 393, as applicable.

2084 (5) When there are indications of physical injury or
 2085 illness, a licensed health care professional shall be
 2086 immediately contacted ~~called~~ or the child shall be taken to the
 2087 nearest available hospital for emergency care.

2088 (6) Except as otherwise provided herein, ~~nothing in this~~
 2089 section does not ~~shall be deemed to~~ eliminate the right of a
 2090 parent, legal ~~a~~ guardian, or custodian, or the child to consent
 2091 to examination or treatment for the child.

2092 (7) Except as otherwise provided herein, ~~nothing in this~~
 2093 section does not ~~shall be deemed to~~ alter the provisions of s.
 2094 743.064.

2095 (8) A court may order ~~shall not be precluded from ordering~~
 2096 services or treatment to be provided to the child by a duly
 2097 accredited practitioner who relies solely on spiritual means for
 2098 healing in accordance with the tenets and practices of a church
 2099 or religious organization, when required by the child's health
 2100 and when requested by the child.

2101 (9) ~~Nothing in~~ This section does not ~~shall be construed to~~
 2102 authorize the permanent sterilization of the child, unless such
 2103 sterilization is the result of or incidental to medically
 2104 necessary treatment to protect or preserve the life of the
 2105 child.

2106 (10) For the purpose of obtaining an evaluation or
 2107 examination or receiving treatment as authorized pursuant to
 2108 this section, no child ~~alleged to be or found to be a child from~~
 2109 ~~a family in need of services or a child in need of services~~
 2110 shall be placed in a detention facility or other program used
 2111 primarily for the care and custody of children alleged or found
 2112 to have committed delinquent acts.

2113 (11) The parents, legal guardian, or custodian ~~guardian~~ of
 2114 a child alleged to be or adjudicated a child in need of services
 2115 remain financially responsible for the cost of medical treatment
 2116 provided to the child even if one or both of the parents or if
 2117 the legal guardian, or custodian did not consent to the medical
 2118 treatment. After a hearing, the court may order the parents,
 2119 legal ~~or~~ guardian, or custodian, if found able to do so, to
 2120 reimburse the department or other provider of medical services
 2121 for treatment provided.

2122 (12) A judge may order a child under its jurisdiction to
 2123 submit to substance abuse evaluation, testing, and treatment in
 2124 accordance with s. 397.706 ~~Nothing in this section alters the~~
 2125 ~~authority of the department to consent to medical treatment for~~

2126 ~~a child who has been committed to the department pursuant to s.~~
2127 ~~984.22(3) and of whom the department has become the legal~~
2128 ~~eustodian.~~

2129 (13) At any time after the filing of a petition for a
2130 child in need of services, when the mental or physical
2131 condition, including the blood group, of a parent, guardian, or
2132 other person requesting custody of a child is in controversy,
2133 the court may order the person to submit to a physical or mental
2134 examination by a qualified professional. The order may be made
2135 only upon good cause shown and pursuant to notice and procedures
2136 as set forth by the Florida Rules of Juvenile Procedure.

2137 **Section 23. Section 984.20, Florida Statutes, is amended**
2138 **to read:**

2139 984.20 Hearings for child in need of services ~~child in-~~
2140 ~~need of services~~ cases.—

2141 (1) ARRAIGNMENT HEARING.—

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

2151 findings that a child is in need of services as alleged in the
2152 petition. If the child and the parent, legal guardian, or
2153 custodian admit or consent to the findings in the petition, the
2154 court shall adjudicate the child a child in need of services and
2155 proceed as set forth in the Florida Rules of Juvenile Procedure.
2156 However, if either the child or the parent, legal guardian, or
2157 custodian denies any of the allegations of the petition, the
2158 court shall hold an adjudicatory hearing within a reasonable
2159 time after the date of the arraignment hearing ~~7 days after the~~
2160 ~~date of the arraignment hearing.~~

2161 (b) The court may grant a continuance of the arraignment
2162 hearing ~~When a child is in the custody of the parent, guardian,~~
2163 ~~or custodian, upon the filing of a petition, the clerk shall set~~
2164 ~~a date for an arraignment hearing within a reasonable time from~~
2165 ~~the date of the filing of the petition. if the child or and the~~
2166 ~~parent, legal guardian, or custodian request a continuance to~~
2167 ~~obtain an attorney. The case shall be rescheduled for an~~
2168 ~~arraignment hearing within a reasonable period of time to allow~~
2169 ~~for consultation admit or consent to an adjudication, the court~~
2170 ~~shall proceed as set forth in the Florida Rules of Juvenile~~
2171 ~~Procedure. However, if either the child or the parent, guardian,~~
2172 ~~or custodian denies any of the allegations of child in need of~~
2173 ~~services, the court shall hold an adjudicatory hearing within a~~
2174 ~~reasonable time from the date of the arraignment hearing.~~

2175 (c) If at the arraignment hearing the child and the

2176 parent, legal guardian, or custodian consents or admits to the
2177 allegations in the petition and the court determines that the
2178 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(c)~~,
2179 the court shall proceed to hold a disposition hearing at the
2180 earliest practicable time that will allow for the completion of
2181 a predisposition study.

2182 (d) Failure of a person served with notice to appear at
2183 the arraignment hearing constitutes the person's consent to the
2184 adjudication of the child as a child in need of services. The
2185 document containing the notice to respond or appear must
2186 contain, in type as large as the balance of the document, the
2187 following or substantially similar language:

2188
2189 FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING
2190 CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD
2191 AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE
2192 COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE
2193 CHILD INTO SHELTER.

2194
2195 If a person appears for the arraignment hearing and the court
2196 orders that person to appear, either physically or through
2197 audio-video communication technology, at the adjudicatory
2198 hearing for the child in need of services case, stating the
2199 date, time, place, and, if applicable, the instructions for
2200 appearance through audio-video communication technology, of the

2201 adjudicatory hearing, that person's failure to appear for the
2202 scheduled adjudicatory hearing constitutes consent to
2203 adjudication of the child as a child in need of services.

2204 (2) ADJUDICATORY HEARING.—

2205 (a) The adjudicatory hearing shall be held as soon as
2206 practicable after the petition for a child in need of services
2207 is filed and in accordance with the Florida Rules of Juvenile
2208 Procedure, but reasonable delay for the purpose of
2209 investigation, discovery, or procuring counsel or witnesses
2210 shall, whenever practicable, be granted. ~~If the child is in~~
2211 ~~custody, the adjudicatory hearing shall be held within 14 days~~
2212 ~~after the date the child was taken into custody.~~

2213 (b) Adjudicatory hearings shall be conducted by the judge
2214 without a jury, applying the rules of evidence in use in civil
2215 cases and adjourning the hearings from time to time as
2216 necessary. In an adjudicatory ~~a hearing on a petition in which~~
2217 ~~it is alleged that the child is a child in need of services, a~~
2218 ~~preponderance of evidence shall be required to establish that~~
2219 ~~the child is in need of services. If the court finds the~~
2220 allegations are proven by a preponderance of evidence and the
2221 child is a child in need of services, the court shall enter an
2222 order of adjudication.

2223 (c) All hearings, except as hereinafter provided, shall be
2224 open to the public, and no person shall be excluded therefrom
2225 except on special order of the judge who, in his or her

2226 discretion, may close any hearing to the public when the public
 2227 interest or the welfare of the child, in his or her opinion, is
 2228 best served by so doing. Hearings involving more than one child
 2229 may be held simultaneously when the several children involved
 2230 are related to each other or were involved in the same case. The
 2231 child and the parent, legal guardian, or custodian of the child
 2232 may be examined separately and apart from each other.

2233 (3) DISPOSITION HEARING.—

2234 (a) At the disposition hearing, ~~if the court finds that~~
 2235 ~~the facts alleged in the petition of a child in need of services~~
 2236 ~~were proven in the adjudicatory hearing,~~ the court shall receive
 2237 and consider a predisposition study, which shall be in writing
 2238 and be presented by an authorized agent of the department or its
 2239 provider.

2240 ~~(a)~~ The predisposition study shall cover:

2241 1. All treatment and services that the parent, legal
 2242 guardian, or custodian and child received.

2243 2. The love, affection, and other emotional ties existing
 2244 between the family ~~parents~~ and the child.

2245 3. The capacity and disposition of the parents, legal
 2246 guardian, or custodian to provide the child with food, clothing,
 2247 medical care or other remedial care recognized and permitted
 2248 under the laws of this state in lieu of medical care, and other
 2249 material needs.

2250 4. The length of time that the child has lived in a

2251 | stable, satisfactory environment and the desirability of
 2252 | maintaining continuity.

2253 | 5. The permanence, as a family unit, of the existing or
 2254 | proposed custodial home.

2255 | 6. The moral fitness of the parents, legal guardian, or
 2256 | custodian.

2257 | 7. The mental and physical health of the family.

2258 | 8. The home, school, and community record of the child.

2259 | 9. The reasonable preference of the child, if the court
 2260 | deems the child to be of sufficient intelligence, understanding,
 2261 | and experience to express a preference.

2262 | 10. Any other factor considered by the court to be
 2263 | relevant.

2264 | (b) The predisposition study also shall provide the court
 2265 | with documentation regarding:

2266 | 1. The availability of appropriate prevention, services,
 2267 | and treatment for the parent, legal guardian, custodian, and
 2268 | child to prevent the removal of the child from the home or to
 2269 | reunify the child with the parent, legal guardian, or custodian
 2270 | after removal or to reconcile the problems between the family
 2271 | ~~parent, guardian, or custodian~~ and the child.†

2272 | 2. The inappropriateness of other prevention, treatment,
 2273 | and services that were available.†

2274 | 3. The efforts by the department to prevent shelter out-
 2275 | ~~of-home~~ placement of the child or, when applicable, to reunify

2276 | the parent, legal guardian, or custodian if appropriate services
 2277 | were available.~~†~~

2278 | 4. Whether voluntary family ~~the~~ services were provided.~~†~~

2279 | 5. If the voluntary family services and treatment were
 2280 | provided, whether they were sufficient to meet the needs of the
 2281 | child and the family and to enable the child to remain at home
 2282 | or to be returned home.~~†~~

2283 | 6. If the voluntary family services and treatment were not
 2284 | provided, the reasons for such lack of provision.~~†~~ ~~and~~

2285 | 7. The need for, or appropriateness of, continuing such
 2286 | treatment and services if the child remains in the custody of
 2287 | the parent, legal guardian, or custodian or if the child is
 2288 | placed outside the home.

2289 | (c) If placement of the child with anyone other than the
 2290 | child's parent, legal guardian, or custodian is being
 2291 | considered, the study shall include the designation of a
 2292 | specific length of time as to when custody by the parent, legal
 2293 | guardian, or custodian shall be reconsidered.

2294 | (d) A copy of this predisposition study shall be furnished
 2295 | to the person having custody of the child at the time such
 2296 | person is notified of the disposition hearing.

2297 | (e) After review of the predisposition study and other
 2298 | relevant materials, the court shall hear from the parties and
 2299 | consider all recommendations for court-ordered services,
 2300 | evaluations, treatment and required actions designed to remedy

2301 the child's truancy, ungovernable behavior, or running away. The
 2302 court shall enter an order of disposition.

2303
 2304 Any other relevant and material evidence, including other
 2305 written or oral reports, may be received by the court in its
 2306 effort to determine the action to be taken with regard to the
 2307 child and may be relied upon to the extent of its probative
 2308 value, even though not competent in an adjudicatory hearing.
 2309 Except as provided in paragraph (2) (c), ~~nothing in~~ this section
 2310 does not shall prohibit the publication of proceedings in a
 2311 hearing.

2312 (4) REVIEW HEARINGS.—

2313 (a) The court shall hold a review hearing within 45 days
 2314 after the disposition hearing. Additional review hearings may be
 2315 held as necessary, allowing sufficient time for the child and
 2316 family to work toward compliance with the court orders and
 2317 monitoring by the case manager. No longer than 90 days may
 2318 elapse between judicial review hearings ~~but no less than 45 days~~
 2319 ~~after the date of the last review hearing.~~

2320 (b) The parent, legal guardian, or custodian and the child
 2321 shall be noticed to appear for the review hearing. The
 2322 department must appear at the review hearing. If the parent,
 2323 legal guardian, or custodian does not appear at a review
 2324 hearing, or if the court finds good cause to waive the child's
 2325 presence, the court may proceed with the hearing and enter

2326 orders that affect the child and family accordingly.

2327 (c) ~~(b)~~ At the review hearings, the court shall consider
 2328 the department's judicial review summary. The court shall close
 2329 the case if the child has substantially complied with the case
 2330 plans and court orders and no longer requires continued court
 2331 supervision, subject to the case being reopened. Upon request of
 2332 the petitioner, the court may close the case and relinquish
 2333 jurisdiction. If the child has significantly failed to comply
 2334 with the case plan or court orders, the child shall continue to
 2335 be a child in need of services and reviewed by the court as
 2336 needed. At review hearings, the court may enter further orders
 2337 to adjust the services case plan to address the family needs and
 2338 compliance with court orders, including, but not limited to,
 2339 ordering the child placed in shelter, but no less than 45 days
 2340 after the date of the last review hearing.

2341 **Section 24. Section 984.21, Florida Statutes, is amended**
 2342 **to read:**

2343 984.21 Orders of adjudication.—

2344 (1) ~~(4)~~ An order of adjudication by a court that a child is
 2345 a child in need of services is a civil adjudication, and is
 2346 ~~services shall~~ not be deemed a conviction, nor shall the child
 2347 be deemed to have been found guilty or to be a delinquent or
 2348 criminal by reason of ~~that~~ adjudication, nor shall that
 2349 adjudication operate to impose upon the child any of the civil
 2350 disabilities ordinarily imposed by or resulting from conviction

2351 or disqualify or prejudice the child in any civil service
 2352 application or appointment.

2353 (2)~~(1)~~ If the court finds that the child named in a
 2354 petition is not a child in need of services, it shall enter an
 2355 order so finding and dismiss ~~dismissing~~ the case.

2356 ~~(2) If the court finds that the child named in the
 2357 petition is a child in need of services, but finds that no
 2358 action other than supervision in the home is required, it may
 2359 enter an order briefly stating the facts upon which its finding
 2360 is based, but withholding an order of adjudication and placing
 2361 the child and family under the supervision of the department. If
 2362 the court later finds that the parent, guardian, or custodian of
 2363 the child have not complied with the conditions of supervision
 2364 imposed, the court may, after a hearing to establish the
 2365 noncompliance, but without further evidence of the state of the
 2366 child in need of services, enter an order of adjudication and
 2367 shall thereafter have full authority under this chapter to
 2368 provide for the child as adjudicated.~~

2369 (3) If the court finds by a preponderance of evidence that
 2370 the child named in a petition is a child in need of services,
 2371 ~~but elects not to proceed under subsection (2),~~ it shall
 2372 incorporate that finding in an order of adjudication entered in
 2373 the case, briefly stating the facts upon which the finding is
 2374 made, and the court shall thereafter have full authority under
 2375 this chapter to provide for the child as adjudicated.

2376 **Section 25. Section 984.22, Florida Statutes, is amended**
 2377 **to read:**

2378 984.22 Powers of disposition.—

2379 (1) If the court finds that services and treatment have
 2380 not been provided or used ~~utilized~~ by a child or family, the
 2381 court having jurisdiction of the child in need of services shall
 2382 have the power to direct the least intrusive and least
 2383 restrictive disposition, as follows:

2384 (a) Order the parent, legal guardian, or custodian and the
 2385 child to participate in treatment, services, and any other
 2386 alternative identified as necessary.

2387 (b) Order the parent, legal guardian, or custodian to pay
 2388 a fine or fee based on the recommendations of the department.

2389 (2) When any child is adjudicated by the court to be a
 2390 child in need of services, the court having jurisdiction of the
 2391 child and parent, legal guardian, or custodian shall have the
 2392 power, by order, to:

2393 (a) Place the child under the supervision of the
 2394 department's authorized agent ~~contracted~~ provider of programs
 2395 and services for children in need of services and families in
 2396 need of services. The term "supervision," for the purposes of
 2397 this section, means services as defined by the contract between
 2398 the department and the provider.

2399 (b) Place the child in the temporary legal custody of an
 2400 adult willing to care for the child.

2401 (c) Commit the child to a licensed child-caring agency
 2402 willing to receive the child and to provide services without
 2403 compensation from the department.

2404 (d) Order the child, and, if the court finds it
 2405 appropriate, the parent, legal guardian, or custodian of the
 2406 child, to render community service in a public service program.

2407 (e) Order the child placed in shelter pursuant to s.
 2408 984.225 or s. 984.226.

2409 (3) When any child is adjudicated by the court to be a
 2410 child in need of services and temporary legal custody of the
 2411 child has been placed with an adult willing to care for the
 2412 child, or a licensed child-caring agency, ~~the Department of~~
 2413 ~~Juvenile Justice, or the Department of Children and Families,~~
 2414 the court shall order the natural or adoptive parents of such
 2415 child, including the natural father of such child born out of
 2416 wedlock who has acknowledged his paternity in writing before the
 2417 court, or the guardian of such child's estate if possessed of
 2418 assets which under law may be disbursed for the care, support,
 2419 and maintenance of such child, to pay child support to the adult
 2420 relative caring for the child, the licensed child-caring agency,
 2421 the department ~~of Juvenile Justice,~~ or the Department of
 2422 Children and Families. When such order affects the guardianship
 2423 estate, a certified copy of such order shall be delivered to the
 2424 judge having jurisdiction of such guardianship estate. If the
 2425 court determines that the parent is unable to pay support,

2426 placement of the child shall not be contingent upon issuance of
2427 a support order. The department may employ a collection agency
2428 to receive, collect, and manage ~~for the purpose of receiving,~~
2429 ~~collecting, and managing~~ the payment of unpaid and delinquent
2430 fees. The collection agency must be registered and in good
2431 standing under chapter 559. The department may pay to the
2432 collection agency a fee from the amount collected under the
2433 claim or may authorize the agency to deduct the fee from the
2434 amount collected.

2435 ~~(4) All payments of fees made to the department under this~~
2436 ~~chapter, or child support payments made to the department~~
2437 ~~pursuant to subsection (3), shall be deposited in the General~~
2438 ~~Revenue Fund.~~

2439 ~~(4)-(5)~~ In carrying out the provisions of this chapter, the
2440 court shall order the child, family, parent, legal guardian, or
2441 custodian of a child who is found to be a child in need of
2442 services to participate in family counseling and other
2443 professional counseling activities or other alternatives deemed
2444 necessary to address the needs ~~for the rehabilitation~~ of the
2445 child and family.

2446 ~~(5)-(6)~~ The participation and cooperation of the family,
2447 parent, legal guardian, or custodian, and the child with court-
2448 ordered services, treatment, or community service are mandatory,
2449 not merely voluntary. The court may use its contempt powers to
2450 enforce its orders ~~order~~.

2451 **Section 26. Section 984.225, Florida Statutes, is amended**
2452 **to read:**

2453 984.225 Powers of disposition; placement in a ~~staff-secure~~
2454 shelter.—

2455 (1) ~~Subject to specific legislative appropriation,~~ The
2456 court may order that a child adjudicated as a child in need of
2457 services be placed in shelter to enforce the court's orders, to
2458 ensure the child attends school, to ensure the child receives
2459 needed counseling, and to ensure the child adheres to a service
2460 plan. While a child is in a shelter, the child shall receive
2461 education commensurate with his or her grade level and
2462 educational ability. The department, or the department's
2463 authorized agent, must verify to the court that a shelter bed is
2464 available for the child. If the department or the department's
2465 authorized agent verifies that a bed is not available, the
2466 department shall place the child's name on a waiting list. The
2467 child who has been on the waiting list the longest shall get the
2468 next available bed. ~~for up to 90 days in a staff-secure shelter~~
2469 ~~if:~~

2470 (2) The court shall order the parent, legal guardian, or
2471 custodian to cooperate with reunification efforts and
2472 participate in counseling. If a parent, legal guardian, or
2473 custodian prefers to arrange counseling or other services with a
2474 private provider in lieu of using services provided by the
2475 department, the family shall pay all costs associated with those

2476 services.

2477 (3) Placement of a child under this section is designed to
2478 provide residential care on a temporary basis. Such placement
2479 does not abrogate the legal responsibilities of the parent,
2480 legal guardian, or custodian with respect to the child, except
2481 to the extent that those responsibilities are temporarily
2482 altered by court order.

2483 (a) The court may order any child adjudicated a child in
2484 need of services to be placed in shelter for up to 35 days.

2485 (b) After other alternative, less restrictive, remedies
2486 have been exhausted, the child may be placed in shelter for up
2487 to 90 days if:

2488 1.(a) The child's parent, legal guardian, or legal
2489 custodian refuses to provide food, clothing, shelter, and
2490 necessary parental support for the child and the refusal is a
2491 direct result of an established pattern of significant
2492 disruptive behavior of the child in the home of the parent,
2493 legal guardian, or legal custodian;

2494 2.(b) The child refuses to remain under the reasonable
2495 care and custody of the his or her parent, legal guardian, or
2496 legal custodian, as evidenced by repeatedly running away and
2497 failing to comply with a court order; or

2498 3.(e) The child has failed to successfully complete an
2499 alternative treatment program or to comply with a court-ordered
2500 services sanction and the child has been placed in a shelter

2501 ~~residential program~~ on at least one prior occasion pursuant to a
2502 court order after the child has been adjudicated a child in need
2503 of services under this chapter.

2504 (4) The court shall review the child's 90-day shelter
2505 placement within 45 days after the child's placement and
2506 determine whether continued shelter is deemed necessary. The
2507 court shall also determine whether the parent, legal guardian,
2508 or custodian has reasonably participated in the child's
2509 counseling and treatment program, and is following the
2510 recommendations of the program to work toward reunification. The
2511 court shall also determine whether the department's
2512 reunification efforts have been reasonable. If the court finds
2513 an inadequate level of support or participation by the parent,
2514 legal guardian, or custodian before the end of the shelter
2515 commitment period, the court shall direct a staffing to take
2516 place with the Department of Children and Families.

2517 ~~(2) This section applies after other alternative, less-~~
2518 ~~restrictive remedies have been exhausted. The court may order~~
2519 ~~that a child be placed in a staff-secure shelter. The~~
2520 ~~department, or an authorized representative of the department,~~
2521 ~~must verify to the court that a bed is available for the child.~~
2522 ~~If the department or an authorized representative of the~~
2523 ~~department verifies that a bed is not available, the department~~
2524 ~~will place the child's name on a waiting list. The child who has~~
2525 ~~been on the waiting list the longest will get the next available~~

2526 bed.

2527 ~~(3) The court shall order the parent, guardian, or legal~~
2528 ~~eustodian to cooperate with efforts to reunite the child with~~
2529 ~~the family, participate in counseling, and pay all costs~~
2530 ~~associated with the care and counseling provided to the child~~
2531 ~~and family, in accordance with the family's ability to pay as~~
2532 ~~determined by the court. Commitment of a child under this~~
2533 ~~section is designed to provide residential care on a temporary~~
2534 ~~basis. Such commitment does not abrogate the legal~~
2535 ~~responsibilities of the parent, guardian, or legal custodian~~
2536 ~~with respect to the child, except to the extent that those~~
2537 ~~responsibilities are temporarily altered by court order.~~

2538 ~~(4) While a child is in a staff-secure shelter, the child~~
2539 ~~shall receive education commensurate with his or her grade level~~
2540 ~~and educational ability.~~

2541 (5) If a child has not been reunited with his or her
2542 parent, legal guardian, or ~~legal~~ custodian at the expiration of
2543 the 90-day commitment period, the court may order that the child
2544 remain in the ~~staff-secure~~ shelter for an additional 30 days if
2545 the court finds that reunification could be achieved within that
2546 period.

2547 ~~(6)~~ The department is deemed to have exhausted the
2548 reasonable remedies offered under this chapter if, at the end of
2549 the 90-day shelter ~~commitment~~ period, the parent, legal
2550 guardian, or ~~legal~~ custodian continues to refuse to allow the

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

2567 ~~(7) The court shall review the child's commitment once~~
2568 ~~every 45 days as provided in s. 984.20. The court shall~~
2569 ~~determine whether the parent, guardian, or custodian has~~
2570 ~~reasonably participated in and financially contributed to the~~
2571 ~~child's counseling and treatment program. The court shall also~~
2572 ~~determine whether the department's efforts to reunite the family~~
2573 ~~have been reasonable. If the court finds an inadequate level of~~
2574 ~~support or participation by the parent, guardian, or custodian~~
2575 ~~prior to the end of the commitment period, the court shall~~

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

2580 (6)~~(8)~~ If the child requires residential mental health
2581 treatment or residential care for a developmental disability,
2582 the court shall refer the child to the Agency for Persons with
2583 Disabilities or to the Department of Children and Families for
2584 the provision of necessary services.

2585 **Section 27. Section 984.226, Florida Statutes, is amended**
2586 **to read:**

2587 984.226 Physically secure shelter ~~setting~~.-

2588 (1) Subject to specific legislative appropriation, the
2589 department ~~of Juvenile Justice~~ shall establish or contract for
2590 physically secure shelters ~~settings~~ designated exclusively for
2591 the placement of children in need of services who meet the
2592 criteria provided in this section.

2593 ~~(2) When a petition is filed alleging that a child is a~~
2594 ~~child in need of services, the child must be represented by~~
2595 ~~counsel at each court appearance unless the record in that~~
2596 ~~proceeding affirmatively demonstrates by clear and convincing~~
2597 ~~evidence that the child knowingly and intelligently waived the~~
2598 ~~right to counsel after being fully advised by the court of the~~
2599 ~~nature of the proceedings and the dispositional alternatives~~
2600 ~~available to the court under this section. If the court decides~~

2601 ~~to appoint counsel for the child and if the child is indigent,~~
2602 ~~the court shall appoint an attorney to represent the child as~~
2603 ~~provided under s. 985.033. Nothing precludes the court from~~
2604 ~~requesting reimbursement of attorney's fees and costs from the~~
2605 ~~nonindigent parent or legal guardian.~~

2606 (2) ~~(3)~~ When a child is adjudicated as a child in need of
2607 services by a court and all other less restrictive placements
2608 have been exhausted, the court may order the child to be placed
2609 in a physically secure shelter ~~setting authorized in this~~
2610 ~~section~~ if the child has:

2611 (a) Failed to appear for placement in a ~~staff-secure~~
2612 shelter for up to 90 days as ordered under s. 984.225, or failed
2613 to comply with any other provision of a valid court order
2614 relating to such placement and, as a result of such failure, has
2615 been found to be in direct or indirect contempt of court; or

2616 (b) Run away from a 90-day ~~staff-secure~~ shelter following
2617 placement under s. 984.225 ~~or s. 984.09~~.

2618
2619 The department or an authorized agent ~~representative~~ of the
2620 department must verify to the court that a bed is available for
2621 the child in a physically secure shelter. If a bed is not
2622 available in a physically secure shelter, the court must stay
2623 the placement until such a bed is available, and the department
2624 must place the child's name on a waiting list. The child who has
2625 been on the waiting list the longest has first priority for

2626 placement in the physically secure shelter. Physically secure
 2627 shelter placement may only be used when the child cannot receive
 2628 appropriate and available services due to the child running away
 2629 or refusing to cooperate with attempts to provide services in
 2630 other less restrictive placements ~~setting~~.

2631 ~~(3)-(4)~~ A child may be placed in a physically secure
 2632 shelter ~~setting~~ for up to 90 days by order of the court. If a
 2633 child has not been reunited with his or her parent, legal
 2634 guardian, or ~~legal~~ custodian at the expiration of the placement
 2635 in a physically secure shelter ~~setting~~, the court may order that
 2636 the child remain in the physically secure shelter ~~setting~~ for an
 2637 additional 30 days if the court finds that reunification could
 2638 be achieved within that period.

2639 ~~(4)-(5)~~(a) The court shall review the child's placement
 2640 once within every 45 days to determine whether the child can be
 2641 returned home with the provision of ongoing services ~~as provided~~
 2642 ~~in s. 984.20~~.

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

- 2647 1. That the child has received all of the services
- 2648 available from the physically secure shelter ~~setting~~ and is
- 2649 ready for reunification with a parent or guardian; or
- 2650 2. That the child is unlikely to benefit from continued

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

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

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

2669 (e) If the child requires long-term residential mental
2670 health treatment or residential care for a developmental
2671 disability, the court shall refer the child to the Department of
2672 Children and Families or the Agency for Persons with
2673 Disabilities for the provision of necessary services. The clerk
2674 of court shall serve the Agency for Persons with Disabilities or
2675 the Department of Children and Families with any court order of

2676 referral.

2677 ~~(5)(6)~~ Prior to being ordered to a physically secure
 2678 shelter setting, the child must be afforded all rights of due
 2679 process required under s. 984.07 ~~985.037~~.

2680 (6) While in the physically secure shelter setting, the
 2681 child shall receive appropriate assessment, intervention,
 2682 treatment, and educational services that are designed to
 2683 eliminate or reduce the child's truant, ungovernable, or runaway
 2684 behavior. The child and family shall be provided with individual
 2685 and family counseling and other support services necessary for
 2686 reunification.

2687 (7) The court shall order the parent, legal guardian, or
 2688 ~~legal~~ custodian to cooperate with efforts to reunite the child
 2689 with the family, participate in counseling, and pay all costs
 2690 associated with the care and counseling provided to the child
 2691 and family, in accordance with the child's insurance and the
 2692 family's ability to pay as determined by the court. Placement of
 2693 a child under this section is designed to provide residential
 2694 care on a temporary basis. Such placement does not abrogate the
 2695 legal responsibilities of the parent, legal guardian, or ~~legal~~
 2696 custodian with respect to the child, except to the extent that
 2697 those responsibilities are temporarily altered by court order.

2698 **Section 28.** Section 985.731, Florida Statutes, is
 2699 transferred and renumbered as section 787.035, Florida Statutes.

2700 **Section 29. Subsection (9) of section 985.03, Florida**

2701 **Statutes, is amended to read:**

2702 985.03 Definitions.—As used in this chapter, the term:

2703 (9) "Child who has been found to have committed a
2704 delinquent act" means a child who, under this chapter, is found
2705 by a court to have committed a violation of law or to be in
2706 direct or indirect contempt of court, except that this
2707 definition does not include an act constituting contempt of
2708 court arising out of a ~~dependency~~ proceeding under chapter 39 or
2709 chapter 984 ~~or a proceeding concerning a child or family in need~~
2710 ~~of services.~~

2711 **Section 30. Subsection (4) of section 985.24, Florida**

2712 **Statutes, is amended to read:**

2713 985.24 Use of detention; prohibitions.—

2714 (4) A child who is alleged to be dependent under chapter
2715 39, or any child subject to proceedings under chapter 984, ~~but~~
2716 who is not alleged to have committed a delinquent act or
2717 violation of law, may not, under any circumstances, be placed
2718 into secure detention care.

2719 **Section 31. Section 1003.26, Florida Statutes, is amended**
2720 **to read:**

2721 1003.26 Enforcement of school attendance.—The Legislature
2722 finds that poor academic performance is associated with
2723 nonattendance and that school districts must take an active role
2724 in promoting and enforcing attendance as a means of improving
2725 student performance. It is the policy of the state that each

2726 district school superintendent be responsible for enforcing
2727 school attendance of all students subject to the compulsory
2728 school age in the school district and supporting enforcement of
2729 school attendance by local law enforcement agencies. The
2730 responsibility includes recommending policies and procedures to
2731 the district school board that require public schools to respond
2732 in a timely manner to every unexcused absence, and every absence
2733 for which the reason is unknown, of students enrolled in the
2734 schools. District school board policies shall require the parent
2735 of a student to justify each absence of the student, and that
2736 justification will be evaluated based on adopted district school
2737 board policies that define excused and unexcused absences. The
2738 policies must provide that public schools track excused and
2739 unexcused absences and contact the home in the case of an
2740 unexcused absence from school, or an absence from school for
2741 which the reason is unknown, to prevent the development of
2742 patterns of nonattendance. The Legislature finds that early
2743 intervention in school attendance is the most effective way of
2744 producing good attendance habits that will lead to improved
2745 student learning and achievement. Each public school is required
2746 to ~~shall~~ implement the following steps to promote and enforce
2747 regular school attendance:

2748 (1) CONTACT, REFER, AND ENFORCE.—

2749 (a) Upon each unexcused absence, or absence for which the
2750 reason is unknown, the school principal or his or her designee

2751 must ~~shall~~ contact the student's parent to determine the reason
2752 for the absence. If the absence is an excused absence, as
2753 defined by district school board policy, the school shall
2754 provide opportunities for the student to make up assigned work
2755 and not receive an academic penalty unless the work is not made
2756 up within a reasonable time.

2757 (b) If a student has had at least five unexcused absences,
2758 or absences for which the reasons are unknown, within a calendar
2759 month or 10 unexcused absences, or absences for which the
2760 reasons are unknown, within a 90-calendar-day period, the
2761 student's primary teacher must ~~shall~~ report to the school
2762 principal or his or her designee that the student may be
2763 exhibiting a pattern of nonattendance. ~~The principal shall,~~
2764 Unless there is clear evidence that the absences are not a
2765 pattern of nonattendance, the principal must refer the case to
2766 the school's child study team to determine if early patterns of
2767 truancy are developing. If the child study team finds that a
2768 pattern of nonattendance is developing, whether the absences are
2769 excused or not, a meeting with the parent must be scheduled to
2770 identify potential remedies, and the principal must ~~shall~~ notify
2771 the district school superintendent and the school district
2772 contact for home education programs that the referred student is
2773 exhibiting a pattern of nonattendance. The child study team may
2774 allow the parent to attend the meeting virtually or by telephone
2775 if the parent is unable to attend the meeting in person.

2776 (c) If the parent or child fails to attend the child study
 2777 team meeting, the meeting shall be held in his or her absence,
 2778 and the child study team shall make written recommendations to
 2779 remediate the truancy based upon the information available to
 2780 the school. The recommendations shall be provided to the parent
 2781 within 7 days after the child study team meeting. If the ~~an~~
 2782 initial meeting does not resolve the problem, the child study
 2783 team shall implement the following:

2784 1. Frequent attempts at communication between the teacher
 2785 and the family.

2786 2. Attempt to determine the reasons the child is truant
 2787 from school and provide remedies if available or refer the
 2788 family to services, including referring the family for available
 2789 scholarship options if the learning environment is an issue of
 2790 concern.

2791 ~~3.2.~~ Evaluation for alternative education programs.

2792 ~~4.3.~~ Attendance contracts.

2793
 2794 The child study team may, but is not required to, implement
 2795 other interventions, including referral to the Department of
 2796 Juvenile Justice's designated provider for voluntary family
 2797 services, or to other agencies for family services or recommend
 2798 ~~recommendation for~~ filing a truancy petition pursuant to s.
 2799 984.151.

2800 (d) The child study team must ~~shall~~ be diligent in

2801 facilitating intervention services and shall report the case to
2802 the district school superintendent only when all reasonable
2803 efforts to resolve the nonattendance behavior are exhausted.

2804 (e) If the parent refuses to participate in the remedial
2805 strategies because he or she believes that those strategies are
2806 unnecessary or inappropriate, the parent may appeal to the
2807 district school board. The district school board may provide a
2808 hearing officer, and the hearing officer shall make a
2809 recommendation for final action to the district school board. If
2810 the district school board's final determination is that the
2811 strategies of the child study team are appropriate, and the
2812 parent still refuses to participate or cooperate, the district
2813 school superintendent may seek criminal prosecution for
2814 noncompliance with compulsory school attendance.

2815 (f)1. If the parent of a child who has been identified as
2816 exhibiting a pattern of nonattendance enrolls the child in a
2817 home education program pursuant to chapter 1002, the district
2818 school superintendent shall provide the parent a copy of s.
2819 1002.41 and the accountability requirements of this paragraph.
2820 The district school superintendent shall also refer the parent
2821 to a home education review committee composed of the district
2822 contact for home education programs and at least two home
2823 educators selected by the parent from a district list of all
2824 home educators who have conducted a home education program for
2825 at least 3 years and who have indicated a willingness to serve

2826 on the committee. The home education review committee shall
2827 review the portfolio of the student, as defined by s. 1002.41,
2828 every 30 days during the district's regular school terms until
2829 the committee is satisfied that the home education program is in
2830 compliance with s. 1002.41(1)(d). The first portfolio review
2831 must occur within the first 30 calendar days after ~~of~~ the
2832 establishment of the program. The provisions of subparagraph 2.
2833 do not apply once the committee determines the home education
2834 program is in compliance with s. 1002.41(1)(d).

2835 2. If the parent fails to provide a portfolio to the
2836 committee, the committee shall notify the district school
2837 superintendent. The district school superintendent shall then
2838 terminate the home education program and require the parent to
2839 enroll the child in an attendance option that meets the
2840 definition of the term "regular school attendance" under s.
2841 1003.01(16)(a), (b), (c), or (e), within 3 days. Upon
2842 termination of a home education program pursuant to this
2843 subparagraph, the parent shall not be eligible to reenroll the
2844 child in a home education program for 180 calendar days. Failure
2845 of a parent to enroll the child in an attendance option as
2846 required by this subparagraph after termination of the home
2847 education program pursuant to this subparagraph shall constitute
2848 noncompliance with the compulsory attendance requirements of s.
2849 1003.21 and may result in criminal prosecution under s.
2850 1003.27(2). Nothing contained herein shall restrict the ability

2851 of the district school superintendent, or the ability of his or
2852 her designee, to review the portfolio pursuant to s.
2853 1002.41(1)(e).

2854 (g) If a student subject to compulsory school attendance
2855 will not comply with attempts to enforce school attendance, the
2856 parent or the district school superintendent or his or her
2857 designee must ~~shall~~ refer the case to the Department of Juvenile
2858 Justice's authorized agent, which shall then offer voluntary
2859 family services, and schedule a meeting of the case staffing
2860 committee pursuant to s. 984.12 if the services do not remediate
2861 the child's truancy, and the district school superintendent or
2862 his or her designee may file a truancy petition pursuant to the
2863 procedures in s. 984.151.

2864 (h) If a student subject to compulsory school attendance
2865 is responsive to the interventions described in this section and
2866 has completed the necessary requirements to pass the current
2867 grade as indicated in the district pupil progression plan, the
2868 student may not be determined to be a habitual truant and shall
2869 be promoted.

2870 (2) GIVE WRITTEN NOTICE.—

2871 (a) Under the direction of the district school
2872 superintendent, a designated school representative must provide
2873 ~~shall give~~ written notice in person or by return-receipt mail to
2874 the parent, requiring the child's that requires enrollment or
2875 attendance within 3 days after the date of notice, ~~in person or~~

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

2901 (b) Subsequent to referring the case to the Office of the
2902 State Attorney ~~the activities required under subsection (1),~~ the
2903 district school superintendent or his or her designee must ~~shall~~
2904 give written notice in person or by return-receipt mail to the
2905 parent that criminal prosecution is being sought for
2906 nonattendance. The district school superintendent may file a
2907 truancy petition, as defined in s. 984.03, following the
2908 procedures outlined in s. 984.151.

2909 (3) RETURN STUDENT TO PARENT.— A designated school
2910 representative may visit the home or place of residence of a
2911 student and any other place in which he or she is likely to find
2912 any student who is required to attend school when the student is
2913 not enrolled or is absent from school during school hours
2914 without an excuse, and, when the student is found, shall return
2915 the student to his or her parent or to the principal or teacher
2916 in charge of the school, or to the private tutor from whom
2917 absent. If the parent cannot be located or is unavailable to
2918 take custody of the child, and the child is not to be presented
2919 to the child's school or tutor, the youth shall be referred to
2920 the Department of Juvenile Justice's shelter, to another
2921 facility, or to the juvenile assessment center or other location
2922 established by the district school board to receive students who
2923 are absent from school. Upon receipt of the student, the parent
2924 shall be immediately notified.

2925 (4) REPORT TO APPROPRIATE AUTHORITY.—A designated school

2926 representative shall report to the appropriate authority
 2927 designated by law to receive such notices, all violations of the
 2928 Child Labor Law that may come to his or her knowledge.

2929 (5) RIGHT TO INSPECT.—A designated school representative
 2930 shall have the right of access to, and inspection of,
 2931 establishments where minors may be employed or detained only for
 2932 the purpose of ascertaining whether students of compulsory
 2933 school age are actually employed there and are actually working
 2934 there regularly. The designated school representative shall, if
 2935 he or she finds unsatisfactory working conditions or violations
 2936 of the Child Labor Law, report his or her findings to the
 2937 appropriate authority.

2938 **Section 32. Subsections (2), (3), (4), (6), and (7) of**
 2939 **section 1003.27, Florida Statutes, are amended to read:**

2940 1003.27 Court procedure and penalties.—The court procedure
 2941 and penalties for the enforcement of the provisions of this
 2942 part, relating to compulsory school attendance, shall be as
 2943 follows:

2944 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2945 (a) ~~In each case of nonenrollment or of nonattendance upon~~
 2946 ~~the part of a student who is required to attend some school,~~
 2947 ~~when no valid reason for such nonenrollment or nonattendance is~~
 2948 ~~found,~~ The district school superintendent shall institute a
 2949 criminal prosecution against the student's parent, in each case
 2950 of nonenrollment or of nonattendance of a student who is

2951 required to attend school, when no valid reason for the
2952 nonenrollment or nonattendance is found. ~~However,~~ Criminal
2953 prosecution may not be instituted against the student's parent
2954 until the school and school district have complied with s.
2955 1003.26.

2956 (b) Each public school principal or the principal's
2957 designee must ~~shall~~ notify the district school board of each
2958 minor student under its jurisdiction who accumulates 15
2959 unexcused absences in a period of 90 calendar days. Reports
2960 shall be made to the district school board at the end of each
2961 school quarter. The calculation of 15 absences within 90 days
2962 are determined based on calendar days and are not limited to the
2963 span of one school quarter during which the nonattendance begins
2964 or ends. The district school board shall verify the schools
2965 reporting 15 or more unexcused absences within a 90-day period
2966 have complied with the requirements of remediating truancy at
2967 the school level or pursuing appropriate court intervention as
2968 provided in this section. Any school not meeting the
2969 requirements in this paragraph shall provide a remedial action
2970 plan to the school board within 30 days, and followup within 90
2971 days to confirm all truancy cases have been addressed either
2972 through the child's enrollment and regular attendance or
2973 referral of the case to the appropriate court or agency to
2974 pursue court intervention.

2975 (c) The district school superintendent must provide the

2976 Department of Highway Safety and Motor Vehicles the legal name,
 2977 sex, date of birth, and social security number of each minor
 2978 student who has been reported under ~~this~~ paragraph (b) and who
 2979 fails to otherwise satisfy the requirements of s. 322.091. The
 2980 Department of Highway Safety and Motor Vehicles may not issue a
 2981 driver license or learner's driver license to, and shall suspend
 2982 any previously issued driver license or learner's driver license
 2983 of, any such minor student, pursuant ~~to the provisions of~~ s.
 2984 322.091.

2985 (d) ~~(e)~~ Each designee of the governing body of each private
 2986 school and each parent whose child is enrolled in a home
 2987 education program or personalized education program may provide
 2988 the Department of Highway Safety and Motor Vehicles with the
 2989 legal name, sex, date of birth, and social security number of
 2990 each minor student under his or her jurisdiction who fails to
 2991 satisfy relevant attendance requirements and who fails to
 2992 otherwise satisfy the requirements of s. 322.091. The Department
 2993 of Highway Safety and Motor Vehicles may not issue a driver
 2994 license or learner's driver license to, and shall suspend any
 2995 previously issued driver license or learner's driver license of,
 2996 any such minor student pursuant to s. 322.091.

2997 (3) HABITUAL TRUANCY CASES.— The district school
 2998 superintendent may ~~is authorized to~~ file a truancy petition
 2999 seeking early truancy intervention, as defined in s. 984.03,
 3000 following the procedures outlined in s. 984.151. If the district

3001 school superintendent chooses not to file a truancy petition,
 3002 the case must be referred to the Department of Juvenile
 3003 Justice's authorized agent for families in need of services. The
 3004 procedures for filing a child in need of services ~~child in need~~
 3005 ~~of services~~ petition must ~~shall~~ be commenced pursuant to this
 3006 subsection and chapter 984 if voluntary family services do not
 3007 remediate the child's truancy. The. ~~In accordance with~~
 3008 ~~procedures established by the district school board, the~~
 3009 designated school representative must ~~shall~~ refer a student who
 3010 is a habitual ~~habitually~~ truant and the student's family to the
 3011 Department of Juvenile Justice's designated children in need of
 3012 services provider for provision of voluntary services, and may
 3013 refer the case to ~~children in need of services and families in~~
 3014 ~~need of services provider or the case staffing committee,~~
 3015 established pursuant to s. 984.12, following the referral
 3016 process established by the cooperative interagency agreement as
 3017 ~~determined by the cooperative agreement required in this~~
 3018 ~~section.~~ The case staffing committee may request the Department
 3019 of Juvenile Justice or its designee to file a petition for child
 3020 in need of services ~~child in need of services~~ petition based
 3021 upon the report and efforts of the district school board or
 3022 other community agency, and early truancy intervention by the
 3023 circuit court, after review and an initial meeting, or may seek
 3024 to resolve the truant behavior through the school or community-
 3025 based organizations or other state or local agencies. Prior to

3026 ~~and subsequent to the filing of a child in need of services~~
3027 petition for a child in need of services due to habitual
3028 truancy, the appropriate governmental agencies must allow a
3029 reasonable time to complete actions required by this section and
3030 ss. 984.11 and s. 1003.26 to remedy the conditions leading to
3031 the truant behavior. Prior to the filing of a petition, the
3032 district school board must have complied with the requirements
3033 of s. 1003.26, and those efforts must have been unsuccessful.

3034 (4) COOPERATIVE AGREEMENTS.—~~The circuit manager of the~~
3035 Department of Juvenile Justice's authorized agent ~~Justice or his~~
3036 or her designee, the circuit manager's designee, the district
3037 ~~administrator of the Department of Children and Families or the~~
3038 ~~district administrator's designee,~~ and the district school
3039 superintendent or his or her ~~the superintendent's~~ designee must
3040 develop a cooperative interagency agreement that:

3041 (a) Clearly defines each department's role,
3042 responsibility, and function in working with ~~habitual~~ truants
3043 and their families.

3044 (b) Identifies and implements measures to quickly resolve
3045 and reduce truant behavior.

3046 (c) Addresses issues of streamlining service delivery, the
3047 appropriateness of legal intervention, case management, the role
3048 and responsibility of the case staffing committee, student and
3049 parental intervention and involvement, and community action
3050 plans.

3051 (d) Delineates timeframes for implementation and
 3052 identifies a mechanism for reporting results by the Department
 3053 of Juvenile Justice or its authorized agent ~~circuit juvenile~~
 3054 ~~justice manager or the circuit manager's designee~~ and the
 3055 district school superintendent or the superintendent's designee
 3056 to the Department of Juvenile Justice and the Department of
 3057 Education and other governmental entities as needed.

3058 (e) Designates which agency is responsible for each of the
 3059 intervention steps in this section, to yield more effective and
 3060 efficient intervention services.

3061 (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—
 3062 Proceedings or prosecutions under this chapter may be commenced
 3063 by the district school superintendent or his or her designee, ~~by~~
 3064 ~~a designated school representative, by the probation officer of~~
 3065 ~~the county, by the executive officer of any court of competent~~
 3066 ~~jurisdiction, by an officer of any court of competent~~
 3067 ~~jurisdiction, or~~ by a duly authorized agent of the Department of
 3068 Education or the Department of Juvenile Justice, by a parent, or
 3069 in the case of a criminal prosecution, by the Office of the
 3070 State Attorney. If a proceeding has been commenced against both
 3071 a parent and a child pursuant to this chapter, the presiding
 3072 courts shall make every effort to coordinate services or
 3073 sanctions against the child and parent, including ordering the
 3074 child and parent to perform community service hours or attend
 3075 counseling together.

3076 (7) PENALTIES.—The penalties for refusing or failing to
 3077 comply with this chapter shall be as follows:

3078 (a) *The parent.*—

3079 1. A parent who refuses or fails to have a minor student
 3080 who is under his or her control attend school regularly, or who
 3081 refuses or fails to comply with the requirements in subsection
 3082 (3), commits a misdemeanor of the second degree, punishable as
 3083 provided in s. 775.082 or s. 775.083.

3084 2. The continued or habitual absence of a minor student
 3085 without the consent of the principal or teacher in charge of the
 3086 school he or she attends or should attend, or of the tutor who
 3087 instructs or should instruct him or her, is prima facie evidence
 3088 of a violation of this chapter; however, a showing that the
 3089 parent has made a bona fide and diligent effort to control and
 3090 keep the student in school shall be an affirmative defense to
 3091 any criminal or other liability under this subsection and the
 3092 court shall refer the parent and child for counseling, guidance,
 3093 or other needed services.

3094 3. In addition to any other sanctions authorized under s.
 3095 984.151 ~~punishment~~, the court shall order a parent who has
 3096 violated this section to send the minor student to school, and
 3097 may also order the parent to participate in an approved parent
 3098 training class, attend school with the student unless this would
 3099 cause undue hardship or is prohibited by rules or policy of the
 3100 school board, perform community service hours ~~at the school~~, or

3101 participate in counseling or other services, as appropriate. If
 3102 a parent is ordered to attend school with a student, the school
 3103 shall provide for programming to educate the parent and student
 3104 on the importance of school attendance. It shall be unlawful to
 3105 terminate any employee solely because he or she is attending
 3106 school with his or her child pursuant to a court order.

3107 (b) *The principal or teacher.*—A principal or teacher in
 3108 any public, parochial, religious, denominational, or private
 3109 school, or a private tutor who willfully violates any provision
 3110 of this chapter may, upon satisfactory proof of such violation,
 3111 have his or her certificate revoked by the Department of
 3112 Education.

3113 (c) *The employer.*—

3114 1. An employer who fails to notify the district school
 3115 superintendent when he or she ceases to employ a student commits
 3116 a misdemeanor of the second degree, punishable as provided in s.
 3117 775.082 or s. 775.083.

3118 2. An employer who terminates any employee solely because
 3119 he or she is attending school with a student pursuant to court
 3120 order commits a misdemeanor of the second degree, punishable as
 3121 provided in s. 775.082 or s. 775.083.

3122 (d) *The student.*—

3123 ~~4.~~ In addition to any other sanctions authorized under s.
 3124 984.151 ~~sanctions~~, the court shall order a student found to be a
 3125 ~~habitual~~ truant to make up all school work missed and attend

3126 school daily with no unexcused absences or tardiness, and may
3127 order the child to and may order the student to pay a civil
3128 ~~penalty of up to \$2, based on the student's ability to pay, for~~
3129 ~~each day of school missed, perform up to 25 community service~~
3130 ~~hours at the school, or participate in counseling or other~~
3131 ~~services, as appropriate.~~

3132 ~~2. Upon a second or subsequent finding that a student is a~~
3133 ~~habitual truant, the court, in addition to any other authorized~~
3134 ~~sanctions, shall order the student to make up all school work~~
3135 ~~missed and may order the student to pay a civil penalty of up to~~
3136 ~~\$5, based on the student's ability to pay, for each day of~~
3137 ~~school missed, perform up to 50 community service hours at the~~
3138 ~~school, or participate in counseling or other services, as~~
3139 ~~appropriate.~~

3140 **Section 33. Paragraph (g) is added to subsection (7) of**
3141 **section 381.02035, Florida Statutes, to read:**

3142 381.02035 Canadian Prescription Drug Importation Program.—
3143 (7) ELIGIBLE IMPORTERS.—The following entities may import
3144 prescription drugs from an eligible Canadian supplier under the
3145 program:

3146 (g) A pharmacist or wholesaler employed by or under
3147 contract with the Department of Juvenile Justice, for dispensing
3148 to juveniles in the custody of the Department of Juvenile
3149 Justice.

3150 **Section 34. Paragraph (a) of subsection (5) of section**

3151 **790.22, Florida Statutes, is amended to read:**

3152 790.22 Use of BB guns, air or gas-operated guns, or
3153 electric weapons or devices by minor under 16; limitation;
3154 possession of firearms by minor under 18 prohibited; penalties.—

3155 (5) (a) A minor who violates subsection (3):

3156 1. For a first offense, commits a misdemeanor of the first
3157 degree; shall serve a period of detention of up to 5 days in a
3158 secure detention facility, with credit for time served in secure
3159 detention prior to disposition; and shall be required to perform
3160 100 hours of community service or paid work as determined by the
3161 department.

3162 2. For a second or subsequent offense, commits a felony of
3163 the third degree. For a second offense, the minor shall serve a
3164 period of detention of up to 21 days in a secure detention
3165 facility, with credit for time served in secure detention prior
3166 to disposition, and shall be required to perform not less than
3167 100 nor more than 250 hours of community service or paid work as
3168 determined by the department. For a third or subsequent offense,
3169 the minor shall be adjudicated delinquent and committed to a
3170 residential program. A finding by a court that a minor committed
3171 a violation of this section, regardless of whether the court
3172 adjudicates the minor delinquent or withholds adjudication of
3173 delinquency, withhold of adjudication of delinquency shall be
3174 considered a prior offense for the purpose of determining a
3175 second, third, or subsequent offense.

3176
3177 For the purposes of this subsection, community service shall be
3178 performed, if possible, in a manner involving a hospital
3179 emergency room or other medical environment that deals on a
3180 regular basis with trauma patients and gunshot wounds.

3181 **Section 35. Paragraph (a) of subsection (2) of section**
3182 **985.12, Florida Statutes, is amended to read:**

3183 985.12 Prearrest delinquency citation programs.—

3184 (2) JUDICIAL CIRCUIT DELINQUENCY CITATION PROGRAM
3185 DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

3186 (a) A prearrest delinquency citation program for
3187 misdemeanor offenses shall be established in each judicial
3188 circuit in the state. The state attorney and public defender of
3189 each circuit, the clerk of the court for each county in the
3190 circuit, and representatives of participating law enforcement
3191 agencies in the circuit shall create a prearrest delinquency
3192 citation program and develop its policies and procedures. In
3193 developing the program's policies and procedures, input from
3194 other interested stakeholders may be solicited. ~~The department~~
3195 ~~shall annually develop and provide guidelines on best practice~~
3196 ~~models for prearrest delinquency citation programs to the~~
3197 ~~judicial circuits as a resource.~~

3198 **Section 36. Subsection (5) of section 985.126, Florida**
3199 **Statutes, is amended to read:**

3200 985.126 Prearrest and postarrest diversion programs; data

3201 collection; denial of participation or expunged record.—

3202 (5) The department shall provide a quarterly report to be
 3203 published on its website and distributed to the Governor,
 3204 President of the Senate, and Speaker of the House of
 3205 Representatives listing the entities that use prearrest
 3206 delinquency citations for less than 80 ~~70~~ percent of first-time
 3207 misdemeanor offenses.

3208 **Section 37. Paragraph (c) of subsection (1) of section**
 3209 **985.25, Florida Statutes, is amended to read:**

3210 985.25 Detention intake.—

3211 (1) The department shall receive custody of a child who
 3212 has been taken into custody from the law enforcement agency or
 3213 court and shall review the facts in the law enforcement report
 3214 or probable cause affidavit and make such further inquiry as may
 3215 be necessary to determine whether detention care is appropriate.

3216 (c) If the final score on the child's risk assessment
 3217 instrument indicates detention care is appropriate, but the
 3218 department otherwise determines the child should be released,
 3219 the department shall contact the state attorney, who may
 3220 authorize release. If the final score on the child's risk
 3221 assessment instrument indicates release or supervised release is
 3222 appropriate, but the department otherwise determines that there
 3223 should be supervised release or detention, the department shall
 3224 contact the state attorney, who may authorize an upward
 3225 departure. Notwithstanding any other provision of this

3226 paragraph, a child may only be moved one category in either
3227 direction within the risk assessment instrument and release is
3228 not authorized if it would cause the child to be moved more than
3229 one category.

3230

3231 Under no circumstances shall the department or the state
3232 attorney or law enforcement officer authorize the detention of
3233 any child in a jail or other facility intended or used for the
3234 detention of adults, without an order of the court.

3235 **Section 38. Paragraph (c) of subsection (7) of section**
3236 **985.433, Florida Statutes, is amended to read:**

3237 985.433 Disposition hearings in delinquency cases.—When a
3238 child has been found to have committed a delinquent act, the
3239 following procedures shall be applicable to the disposition of
3240 the case:

3241 (7) If the court determines that the child should be
3242 adjudicated as having committed a delinquent act and should be
3243 committed to the department, such determination shall be in
3244 writing or on the record of the hearing. The determination shall
3245 include a specific finding of the reasons for the decision to
3246 adjudicate and to commit the child to the department, including
3247 any determination that the child was a member of a criminal
3248 gang.

3249 (c) The court may also require that the child be placed on
3250 conditional release ~~in a probation program~~ following the child's

3251 discharge from commitment. Community-based sanctions under
3252 subsection (8) may be imposed by the court at the disposition
3253 hearing or at any time prior to the child's release from
3254 commitment.

3255 **Section 39.** Section 985.625, Florida Statutes, is
3256 repealed.

3257 **Section 40. Subsection (4) of section 985.632, Florida**
3258 **Statutes, is amended to read:**

3259 985.632 Quality improvement and cost-effectiveness;
3260 Comprehensive Accountability Report.—

3261 ~~(4) COST-EFFECTIVENESS MODEL. The department, in~~
3262 ~~consultation with the Office of Economic and Demographic~~
3263 ~~Research and contract service providers, shall develop a cost-~~
3264 ~~effectiveness model and apply the model to each commitment~~
3265 ~~program.~~

3266 ~~(a) The cost-effectiveness model shall compare program~~
3267 ~~costs to expected and actual child recidivism rates. It is the~~
3268 ~~intent of the Legislature that continual development efforts~~
3269 ~~take place to improve the validity and reliability of the cost-~~
3270 ~~effectiveness model.~~

3271 ~~(b) The department shall rank commitment programs based on~~
3272 ~~the cost-effectiveness model, performance measures, and~~
3273 ~~adherence to quality improvement standards and shall report this~~
3274 ~~data in the annual Comprehensive Accountability Report.~~

3275 ~~(c) Based on reports of the department on child outcomes~~

3276 ~~and program outputs and on the department's most recent cost-~~
3277 ~~effectiveness rankings, the department may terminate a program~~
3278 ~~operated by the department or a provider if the program has~~
3279 ~~failed to achieve a minimum standard of program effectiveness.~~
3280 ~~This paragraph does not preclude the department from terminating~~
3281 ~~a contract as provided under this section or as otherwise~~
3282 ~~provided by law or contract, and does not limit the department's~~
3283 ~~authority to enter into or terminate a contract.~~

3284 ~~(d) In collaboration with the Office of Economic and~~
3285 ~~Demographic Research, and contract service providers, the~~
3286 ~~department shall develop a work plan to refine the cost-~~
3287 ~~effectiveness model so that the model is consistent with the~~
3288 ~~performance-based program budgeting measures approved by the~~
3289 ~~Legislature to the extent the department deems appropriate. The~~
3290 ~~department shall notify the Office of Program Policy Analysis~~
3291 ~~and Government Accountability of any meetings to refine the~~
3292 ~~model.~~

3293 ~~(e) Contingent upon specific appropriation, the~~
3294 ~~department, in consultation with the Office of Economic and~~
3295 ~~Demographic Research, and contract service providers, shall:~~

3296 ~~1. Construct a profile of each commitment program that~~
3297 ~~uses the results of the quality improvement data portion of the~~
3298 ~~Comprehensive Accountability Report required by this section,~~
3299 ~~the cost-effectiveness data portion of the Comprehensive~~
3300 ~~Accountability Report required in this subsection, and other~~

3301 ~~reports available to the department.~~

3302 ~~2. Target, for a more comprehensive evaluation, any~~
 3303 ~~commitment program that has achieved consistently high, low, or~~
 3304 ~~disparate ratings in the reports required under subparagraph 1.~~
 3305 ~~and target, for technical assistance, any commitment program~~
 3306 ~~that has achieved low or disparate ratings in the reports~~
 3307 ~~required under subparagraph 1.~~

3308 ~~3. Identify the essential factors that contribute to the~~
 3309 ~~high, low, or disparate program ratings.~~

3310 ~~4. Use the results of these evaluations in developing or~~
 3311 ~~refining juvenile justice programs or program models, child~~
 3312 ~~outcomes and program outputs, provider contracts, quality~~
 3313 ~~improvement standards, and the cost-effectiveness model.~~

3314 **Section 41. Subsection (8) of section 95.11, Florida**
 3315 **Statutes, is amended to read:**

3316 95.11 Limitations other than for the recovery of real
 3317 property.—Actions other than for recovery of real property shall
 3318 be commenced as follows:

3319 (8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action
 3320 founded on alleged abuse, as defined in s. 39.01 or s. 415.102~~r~~
 3321 ~~or s. 984.03~~; incest, as defined in s. 826.04; or an action
 3322 brought pursuant to s. 787.061 may be commenced at any time
 3323 within 7 years after the age of majority, or within 4 years
 3324 after the injured person leaves the dependency of the abuser, or
 3325 within 4 years from the time of discovery by the injured party

3326 of both the injury and the causal relationship between the
 3327 injury and the abuse, whichever occurs later.

3328 **Section 42. Subsection (1) of section 409.2564, Florida**
 3329 **Statutes, is amended to read:**

3330 409.2564 Actions for support.—

3331 (1) In each case in which regular support payments are not
 3332 being made as provided herein, the department shall institute,
 3333 within 30 days after determination of the obligor's reasonable
 3334 ability to pay, action as is necessary to secure the obligor's
 3335 payment of current support, any arrearage that may have accrued
 3336 under an existing order of support, and, if a parenting time
 3337 plan was not incorporated into the existing order of support,
 3338 include either a signed, agreed-upon parenting time plan or a
 3339 signed Title IV-D Standard Parenting Time Plan, if appropriate.
 3340 The department shall notify the program attorney in the judicial
 3341 circuit in which the recipient resides setting forth the facts
 3342 in the case, including the obligor's address, if known, and the
 3343 public assistance case number. Whenever applicable, the
 3344 procedures established under chapter 88, Uniform Interstate
 3345 Family Support Act, chapter 61, Dissolution of Marriage;
 3346 Support; Time-sharing, chapter 39, Proceedings Relating to
 3347 Children, chapter 984, Children and Families in Need of
 3348 Services; Prevention and Intervention for School Truancy and
 3349 Ungovernable and Runaway Children, and chapter 985, Delinquency;
 3350 Interstate Compact on Juveniles, may govern actions instituted

3351 under this act, except that actions for support under chapter
 3352 39, chapter 984, or chapter 985 brought pursuant to this act
 3353 shall not require any additional investigation or supervision by
 3354 the department.

3355 **Section 43. Paragraph (e) of subsection (1) of section**
 3356 **419.001, Florida Statutes, is amended to read:**

3357 419.001 Site selection of community residential homes.—

3358 (1) For the purposes of this section, the term:

3359 (e) "Resident" means any of the following: a frail elder
 3360 as defined in s. 429.65; a person who has a disability as
 3361 defined in s. 760.22(3)(a); a person who has a developmental
 3362 disability as defined in s. 393.063; a nondangerous person who
 3363 has a mental illness as defined in s. 394.455; or a child who is
 3364 found to be dependent as defined in s. 39.01 ~~or s. 984.03~~, or a
 3365 child in need of services as defined in s. 984.03 ~~or s. 985.03~~.

3366 **Section 44. Subsection (3) of section 744.309, Florida**
 3367 **Statutes, is amended to read:**

3368 744.309 Who may be appointed guardian of a resident ward.—

3369 (3) DISQUALIFIED PERSONS.—No person who has been convicted
 3370 of a felony or who, from any incapacity or illness, is incapable
 3371 of discharging the duties of a guardian, or who is otherwise
 3372 unsuitable to perform the duties of a guardian, shall be
 3373 appointed to act as guardian. Further, no person who has been
 3374 judicially determined to have committed abuse, abandonment, or
 3375 neglect against a child as defined in s. 39.01 or s. 984.03(1),

3376 (2), and (24) ~~(37)~~, or who has been found guilty of, regardless
3377 of adjudication, or entered a plea of nolo contendere or guilty
3378 to, any offense prohibited under s. 435.04 or similar statute of
3379 another jurisdiction, shall be appointed to act as a guardian.
3380 Except as provided in subsection (5) or subsection (6), a person
3381 who provides substantial services to the proposed ward in a
3382 professional or business capacity, or a creditor of the proposed
3383 ward, may not be appointed guardian and retain that previous
3384 professional or business relationship. A person may not be
3385 appointed a guardian if he or she is in the employ of any
3386 person, agency, government, or corporation that provides service
3387 to the proposed ward in a professional or business capacity,
3388 except that a person so employed may be appointed if he or she
3389 is the spouse, adult child, parent, or sibling of the proposed
3390 ward or the court determines that the potential conflict of
3391 interest is insubstantial and that the appointment would clearly
3392 be in the proposed ward's best interest. The court may not
3393 appoint a guardian in any other circumstance in which a conflict
3394 of interest may occur.

3395 **Section 45. Section 784.075, Florida Statutes, is amended**
3396 **to read:**

3397 784.075 Battery on detention or commitment facility staff
3398 or a juvenile probation officer.—A person who commits a battery
3399 on a juvenile probation officer, as defined in ~~s. 984.03~~ or s.
3400 985.03, on other staff of a detention center or facility as

3401 defined in s. 984.03 ~~s. 984.03(19)~~ or s. 985.03, or on a staff
3402 member of a commitment facility as defined in s. 985.03, commits
3403 a felony of the third degree, punishable as provided in s.
3404 775.082, s. 775.083, or s. 775.084. For purposes of this
3405 section, a staff member of the facilities listed includes
3406 persons employed by the Department of Juvenile Justice, persons
3407 employed at facilities licensed by the Department of Juvenile
3408 Justice, and persons employed at facilities operated under a
3409 contract with the Department of Juvenile Justice.

3410 **Section 46. Paragraph (b) of subsection (4) of section**
3411 **985.618, Florida Statutes, is amended to read:**

3412 985.618 Educational and career-related programs.—

3413 (4)

3414 (b) Evaluations of juvenile educational and career-related
3415 programs shall be conducted according to the following
3416 guidelines:

3417 1. Systematic evaluations and quality assurance monitoring
3418 shall be implemented, in accordance with s. 985.632(1), (2), and
3419 (4) ~~(5)~~, to determine whether the programs are related to
3420 successful postrelease adjustments.

3421 2. Operations and policies of the programs shall be
3422 reevaluated to determine if they are consistent with their
3423 primary objectives.

3424 **Section 47.** This act shall take effect July 1, 2025.