

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [CS/CS/HB 1153](#)

**TITLE:** Juvenile Justice

**SPONSOR(S):** Cobb

**COMPANION BILL:** [CS/SB 1734](#) (Martin)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Criminal Justice](#)

14 Y, 0 N



[Justice Budget](#)

14 Y, 0 N, As CS



[Judiciary](#)

20 Y, 0 N, As CS

## SUMMARY

### **Effect of the Bill:**

The bill defines “juvenile detention officer” (JDO) and “juvenile probation officer” (JPO) and includes such officers within multiple statutes related to correctional officers (COs) and correctional probation officers (CPOs) and also revises multiple statutes relating to the Department of Juvenile Justice (DJJ). Specifically, the bill:

- Makes JDOs and JPOs eligible to receive, in the same manner as COs and CPOs:
  - The Medal of Heroism from the Governor;
  - The Medal of Valor, and authorizes specified entities to establish such an award program;
  - Specified commemorative service awards, upon the retirement or death of the officer; and
  - Specified line of duty death benefits.
- Subjects a person to a first degree felony for aggravated manslaughter if he or she causes the death of a JDO or JPO, who is engaged in the performance of his or her duties, through culpable negligence.
- Clarifies that authorized agents of DJJ are exempt from the criminal prohibition against sheltering a minor without obtaining parental consent or otherwise notifying law enforcement.
- Revises the definition of “family in need of services” to include legal guardians, in addition to parents and custodians.
- Authorizes a child subject to shelter placement proceedings to be placed in a shelter under specified conditions, rather than a child who is adjudicated in need of services.
- Specifies a procedure by which DJJ reviews payment from counties related to juvenile detention costs.

### **Fiscal or Economic Impact:**

The bill may have a negative indeterminate impact on state resources by making JDOs and JPOs eligible for specified employment benefits and awards. The bill may have a positive indeterminate impact on prison beds.

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## ANALYSIS

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

#### **Juvenile Detention Officers and Juvenile Probation Officers**

The bill defines “juvenile detention officer” (JDO) and “juvenile probation officer” (JPO) and includes such officers within multiple statutes related to correctional officers, correctional probation officers, and other specified personnel.

Specifically, the bill revises the [definition of “officer”](#) in [s. 943.10\(14\), F.S.](#), to include a JDO and JPO, in addition to the current list of full-time, part-time, and auxiliary law enforcement officers, correctional officers, and correctional probation officers. By doing so, the bill makes JDOs and JPOs eligible to receive, in the same manner as correctional officers and correctional probation officers, the following service related awards and benefits:

- The [Medal of Heroism](#), awarded by the Governor to an officer who has distinguished himself or herself in the line of duty. (Sections [1](#) and [6](#))

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- The [Medal of Valor](#), awarded to an officer whose extraordinary action exposed the officer to peril beyond the call of duty. (Sections [4](#) and [6](#))
- [Commemorative service awards](#), by which an officer may receive his or her uniform and badge upon retirement. (Sections [3](#) and [6](#))
- [Death benefits and other specified benefits](#), including:
  - \$75,000 if an officer is accidentally killed while engaged in the performance of his or her duties or suffers accidental bodily injury which results in his or her death.
  - An additional \$75,000 if the officer's accidental death occurs as a result of the officer's response to fresh pursuit or to another situation reasonably believed to be an emergency, at the scene of a traffic accident, or while enforcing a traffic law or ordinance.
  - \$225,000 if an officer is unlawfully and intentionally killed while engaged in the performance of his or her duties or dies as a result of such unlawful and intentional act.
  - The amount of the entire premium of the employer's health insurance plan for the injured officer or his or her spouse or dependent child if the officer suffers a catastrophic injury as defined in [s. 440.02, F.S.](#), while engaged in the performance of his or her duties or in an official training exercise. (Sections [2](#) and [6](#))
  - Waiver of tuition and registration fees for up to 120 credit hours for a child or spouse of a deceased officer to attend a state career center, a Florida College System institution, or a state university on a full-time or part-time basis. (Section [10](#))

Additionally, by revising the [definition of "officer"](#) in [s. 943.10\(14\), F.S.](#), to include JDOs and JPOs, the bill:

- Subjects a person to a first degree felony for [aggravated manslaughter](#) of an officer if he or she causes, through culpable negligence, the death of a JDO or JPO who is engaged in the performance of his or her duties. (Sections [6](#) and [14](#))
- Authorizes a JDO or JPO to request a person be [screened for specified sexually transmitted diseases](#) if the officer has contact with a person while acting in the scope of his or her employment and such contact results in significant exposure to such a disease. (Sections [6](#) and [11](#))

The bill defines:

- "Juvenile detention officer" to mean an officer who is responsible for the direct supervision of youth who are held in secure detention. The term includes all certified supervisor personnel whose duties include, in whole or in part, the supervision, training, and guidance of juvenile detention officers, but does not include support personnel employed by the employing agency.
- "Juvenile probation officer" to mean an authorized agent of the Department of Juvenile Justice who performs the intake, case management, or supervision functions. The term includes all certified supervisor personnel whose duties include, in whole or in part, the supervision, training, and guidance of juvenile detention officers, but does not include support personnel employed by the employing agency. (Section [6](#))

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

The bill clarifies that authorized agents of the Department of Juvenile Justice (DJJ) are exempt from the criminal prohibition against [sheltering of a minor](#) for a specified time period without obtaining parental consent or otherwise notifying law enforcement. (Section [5](#))

The bill amends the definition of "[family in need of services](#)" to include legal guardians, in addition to parents and custodians. (Section [7](#))

The bill also revises the circumstances under which a child may be [placed in a shelter](#) for purposes of a specified punishment to include a circumstance where a child is subject to shelter placement proceedings, rather than being limited to when the child is adjudicated as a child in need of services. (Section [8](#))

**Juvenile Detention Funding**

The bill requires DJJ to review county juvenile detention payments on a quarterly basis to ensure that counties fulfill their financial obligation under [s. 985.6865, F.S.](#), to pay specified [juvenile detention costs](#). Under the bill, if DJJ determines that a county has not met its financial obligation, DJJ must direct the Department of Revenue (DOR) to deduct the amount the county owes to DJJ from the funds that the state provides to local governments under the revenue sharing provisions of [s. 218.23, F.S.](#), and deposit the withheld funds in the Shared County/State Juvenile Detention Trust Fund. The bill specifies that if a county issues bonds for which distributions of such shared revenue are pledged, the revenue remains subject to any lien or claim by a bondholder. The bill also prohibits DOR from reducing shared revenue payments to a county if the distribution to a county falls below the amount that is necessary for the timely payment of the principal and interest on such bonds. If DOR is unable to reduce a county's distribution to recoup the full amount that the county owes DJJ, the bill requires DOR to notify DJJ of the difference and requires DJJ to send a bill for payment to the county. (Section [9](#))

The effective date of the bill is upon becoming a law. (Section [28](#))

**FISCAL OR ECONOMIC IMPACT:****STATE GOVERNMENT:**

The bill may have a negative indeterminate impact on state resources by making JDOs and JPOs eligible for specified employment benefits and awards. The bill may have an indeterminate positive impact on prison beds by enhancing the penalty for a specified manslaughter offense.

**PRIVATE SECTOR:**

The bill may have a positive indeterminate impact on the surviving spouses and children of JDOs and JPOs who suffer catastrophic injury or who are killed in the line of duty, by making such individuals eligible for specified benefits.

**RELEVANT INFORMATION****SUBJECT OVERVIEW:****Definitions of Law Enforcement Officers and Other Specified Personnel**

Section [943.10, F.S.](#), defines the following terms:

- “Law enforcement officer” means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to [s. 354.01, F.S.](#)<sup>1</sup>
- “Correctional officer” means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.<sup>2</sup>
- “Correctional probation officer” means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers,

<sup>1</sup> [S. 943.10\(1\), F.S.](#)

<sup>2</sup> [S. 943.10\(2\), F.S.](#)

parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.<sup>3</sup>

- **“Officer”** means any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer.<sup>4</sup>

### **Medal of Heroism**

Under [s. 14.33, F.S.](#), the Governor may award a Medal of Heroism of appropriate design, with ribbons and appurtenances, to a:

- Law enforcement, correctional, or correctional probation officer, as defined in [s. 943.10\(14\), F.S.](#);
- Firefighter, as defined in [s. 112.191\(1\)\(b\), F.S.](#);
- Emergency medical technician, as defined in [s. 401.23, F.S.](#); or
- Paramedic, as defined in [s. 401.23, F.S.](#)

A Medal of Heroism recipient must have:

- Distinguished himself or herself conspicuously by gallantry and intrepidity;
- Risked his or her life deliberately above and beyond the call of duty while performing duty in his or her respective position; and
- Engaged in hazardous or perilous activities to preserve lives with the knowledge that such activities might result in great personal harm.<sup>5</sup>

A candidate or person seeking to nominate a candidate for the Medal of Heroism must make written application to the Governor, and the Governor may refer an application to any public or private entity for advice and recommendations regarding the application.<sup>6</sup>

### **Medal of Valor**

Under [s. 112.194, F.S.](#), any state board, commission, department, division, bureau, or agency, or any county or municipality that employs or appoints law enforcement officers or correctional officers may establish an award program to award a Medal of Valor to any such officer whose actions are extraordinary and expose the officer to peril beyond the call of duty.

The Medal of Valor may include, but is not limited to, a medal authorized to be worn on the officer’s uniform during formal occasions and a commendation bar to be worn on the uniform during normal duty.<sup>7</sup> Upon the death of such a law enforcement officer or correctional officer, the employer may present the Medal of Valor posthumously to the officer’s closest living relative.<sup>8</sup>

### **Commemorative Service Awards**

Under [s. 112.193\(2\), F.S.](#), each employer that employs or appoints law enforcement, correctional, or correctional probation officers may present the following items to each such employee who retires under any provision of a state or municipal retirement system, including medical disability retirement, or who is eligible to retire under any such provision but, instead, resigns from one employer to accept an elected public office:

- One complete uniform including the badge worn by that officer;
- The officer’s service handgun, if one was issued as part of the officer’s equipment; and
- An identification card clearly marked “RETIRED.”

<sup>3</sup> [S. 943.10\(3\), F.S.](#)

<sup>4</sup> [S. 943.10\(14\), F.S.](#)

<sup>5</sup> [S. 14.33\(1\), F.S.](#)

<sup>6</sup> [S. 14.33\(2\), F.S.](#)

<sup>7</sup> [S. 112.194\(2\), F.S.](#)

<sup>8</sup> [S. 112.194\(3\), F.S.](#)

Upon the death of a law enforcement, correctional, or correctional probation officer, the employer may present to the spouse or other beneficiary of the officer, upon request, one complete uniform, including the badge worn by the officer. However, if a law enforcement, correctional, or correctional probation officer is killed in the line of duty, the employer may present, upon request, to the spouse or other beneficiary of the officer the officer's service-issued handgun, if one was issued as part of the officer's equipment. If the employer is not in possession of the service-issued handgun, the employer may, within its discretion, and upon written request of the spouse or other beneficiary, present a similar handgun.<sup>9</sup> Each uniform, badge, service handgun, and identification card presented under [s. 112.193, F.S.](#), is to commemorate prior service and must be used only in such manner as the employer prescribes by rule.<sup>10</sup>

### **Death Benefits and Other Specified Benefits**

#### *Catastrophic Injury and Health Insurance Benefits*

Current law requires the employer of a law enforcement, correctional, or correctional probation officer who suffers a catastrophic injury<sup>11</sup> in the line of duty to:

- Pay the full premium of the employer's health insurance plan<sup>12</sup> for the injured officer, their spouse, and dependent children; and
- Continue covering the health insurance premiums for the surviving spouse until he or she remarries and for the dependent children, until they turn 18 or, if they remain financially dependent, until the end of the calendar year in which they turn 25, if the officer later dies from his or her injuries.<sup>13</sup>

In order to qualify for this benefit, the officer's catastrophic injury must have occurred while the officer was in the line of duty or engaged in an official training exercise.<sup>14</sup>

#### *Accidental Death Benefits*

Benefits related to the accidental death of a specified officer include:

- \$75,000, to be paid when a law enforcement, correctional, or correctional probation officer, while engaged in the performance of the officer's law enforcement duties, is accidentally killed or receives accidental bodily injury which results in the loss of the officer's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.<sup>15</sup>
- An additional \$75,000, to be paid if a law enforcement, correctional, or correctional probation officer is accidentally killed and the accidental death occurs:
  - As a result of the officer's response to fresh pursuit;
  - As a result of the officer's response to what is reasonably believed to be an emergency;
  - At the scene of a traffic accident to which the officer has responded; or

<sup>9</sup> [S. 112.193\(3\), F.S.](#)

<sup>10</sup> [S. 112.193\(4\), F.S.](#)

<sup>11</sup> "Catastrophic injury" means a permanent impairment constituted by: spinal cord injury involving severe paralysis of an arm, a leg, or the trunk; amputation of an arm, a hand, a foot, or a leg involving the effective loss of use of that appendage; severe brain or closed-head injury; second-degree or third-degree burns of 25 percent or more of the total body surface or third-degree burns of 5 percent or more to the face and hands; total or industrial blindness; or any other injury of a nature and severity that would qualify an employee to receive disability income benefits under Title II or supplemental security income benefits under Title XVI of the federal Social Security Act as the Social Security Act existed on July 1, 1992. [S. 440.02\(38\), F.S.](#) (2002).

<sup>12</sup> Local governments may provide and fund group insurance, including health, life, accident, and hospitalization coverage, for their employees and dependents, either through private insurers, self-insurance, or risk management consortiums, subject to competitive bidding. [S. 112.08\(2\)\(a\), F.S.](#) The state offers the state group insurance program, which covers health, life, accident, and hospitalization, for eligible state employees, retirees, and their dependents. [S. 110.123, F.S.](#) The term "health insurance plan" does not include supplemental benefits that are not part of the basic group health insurance plan. [S. 112.19\(2\)\(h\)1., F.S.](#)

<sup>13</sup> [S. 112.19\(2\)\(h\)1., F.S.](#)

<sup>14</sup> [S. 112.19\(2\)\(h\)2., F.S.](#)

<sup>15</sup> [S. 112.19\(2\)\(a\), F.S.](#)

- While the officer is enforcing what is reasonably believed to be a traffic law or ordinance.<sup>16</sup>
- \$225,000, to be paid if a law enforcement, correctional, or correctional probation officer, while engaged in the performance of the officer's law enforcement duties, is unlawfully and intentionally killed or dies as a result of such unlawful and intentional act.<sup>17</sup>

The above payments, whether secured by insurance or not, must be made to the beneficiary designated by such law enforcement, correctional, or correctional probation officer in writing, signed by the officer and delivered to the employer during the officer's lifetime. If no such designation is made, then the payments must be paid to the officer's surviving child or children and to the officer's surviving spouse in equal portions, and if there is no surviving child or spouse, then to the officer's parent or parents. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the officer's estate.<sup>18</sup> Additionally, the employer of such an officer is liable for the payment of the sums specified in [s. 112.19, F.S.](#), and is deemed self-insured, unless it procures and maintains, or has already procured and maintained, insurance to secure such payments.<sup>19</sup>

### *Education Benefits*

Under [s. 112.1912, F.S.](#), the state must waive certain educational expenses that the child or spouse of a deceased first responder<sup>20</sup> incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education. Specifically, the:

- Amount waived by the state must be in an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours.
- Child or the spouse may attend a state career center, a Florida College System institution, or a state university on either a full-time or part-time basis.
- Benefits provided to a child must continue until the child turns 25.
- Benefits provided to a spouse must commence within 5 years after the first responder's death occurs and may continue until the 10th anniversary of such death.<sup>21</sup>

Additionally, the following requirements apply to such education benefits:

- Benefits to the child or spouse must be withdrawn upon the failure of any child or spouse to comply with the ordinary and minimum requirements regarding discipline and scholarship of the institution attended, and no further money may be expended for the child's or spouse's benefit so long as such failure or delinquency continues.
- Only a student in good standing in his or her respective institution may receive benefits.
- A child or spouse receiving benefits must be enrolled according to the customary rules and requirements of the institution attended.<sup>22</sup>

<sup>16</sup> [S. 112.19\(2\)\(b\), F.S.](#)

<sup>17</sup> [S. 112.19\(2\)\(c\), F.S.](#)

<sup>18</sup> [S. 112.19\(2\)\(d\), F.S.](#) Such payments are in addition to any workers' compensation or retirement plan benefits and are exempt from the claims and demands of creditors of such law enforcement, correctional, or correctional probation officer. [S. 112.19\(2\)\(e\), F.S.](#)

<sup>19</sup> [S. 112.19\(4\)\(a\), F.S.](#)

<sup>20</sup> Under [s. 112.1912\(1\), F.S.](#), a "first responder" is a:

- Law enforcement, correctional, or correctional probation officer as defined in [s. 112.19\(1\), F.S.](#) who is killed as provided in [s. 112.19\(2\), F.S.](#), on or after July 1, 2019;
- Firefighter as defined in [s. 112.191\(1\), F.S.](#) who is killed as provided in [s. 112.191\(2\), F.S.](#), on or after July 1, 2019; or
- Emergency medical technician or a paramedic, as defined in [s. 112.1911\(1\), F.S.](#), who is killed as provided in [s. 112.1911\(2\), F.S.](#), on or after July 1, 2019.

<sup>21</sup> [S. 112.1912\(2\)\(a\), F.S.](#)

<sup>22</sup> [S. 112.1912\(2\)\(b\)-\(d\), F.S.](#)

### Aggravated Manslaughter

Under [s. 782.07, F.S.](#), manslaughter is the killing of a human being by the act, procurement, or culpable negligence<sup>23</sup> of another, without lawful justification. Generally, manslaughter is punishable as a second degree felony.<sup>24</sup> However, under [s. 782.07\(4\), F.S.](#), manslaughter may be enhanced to a first degree felony<sup>25</sup> if a person causes the death, through culpable negligence, of a law enforcement officer, correctional, or correctional probation officer who is performing duties that are within the course of his or her employment.

### Sexually Transmitted Disease Screening

Under [s. 384.287, F.S.](#), specified personnel, including an officer as defined in [s. 943.10\(14\), F.S.](#), acting within the scope of employment, who comes into contact with a person in such a way that significant exposure<sup>26</sup> has occurred may request that the person be screened for a sexually transmissible disease that can be transmitted through such exposure. If the person will not voluntarily submit to screening, the officer may seek a court order directing the person to do so.<sup>27</sup>

### Unlawful Sheltering of a Minor

Under [s. 787.035, F.S.](#), a person who is not an authorized agent of the department or the Department of Children and Families (DCF) commits a first degree misdemeanor if he or she knowingly:

- Shelters an unmarried minor for more than 24 hours without the consent of the minor’s parent or guardian or without notifying a law enforcement officer of the minor’s name and the fact that the minor is being provided shelter.
- Provides aid to an unmarried minor who has run away from home, including by assisting the minor in obtaining shelter, such as hotel lodgings, without first contacting the minor’s parent or guardian or notifying a law enforcement officer.

<sup>23</sup> “Culpable negligence” is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard for the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights. The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury. Fla. Std. Jury Instr. [7.7\(a\)](#) (Crim).

<sup>24</sup> A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. [Ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.](#)

<sup>25</sup> A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. [Ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.](#)

<sup>26</sup> “Significant exposure” means:

- Exposure to blood or body fluids through needlestick, instruments, or sharps;
- Exposure of mucous membranes to visible blood or body fluids to which universal precautions apply according to the National Centers for Disease Control and Prevention, including, without limitations, the following body fluids:
  - Blood.
  - Semen.
  - Vaginal secretions.
  - Cerebrospinal fluid (CSF).
  - Synovial fluid.
  - Pleural fluid.
  - Peritoneal fluid.
  - Pericardial fluid.
  - Amniotic fluid.
  - Laboratory specimens that contain HIV (e.g., suspensions of concentrated virus); or
- Exposure of skin to visible blood or body fluids, especially when the exposed skin is chapped, abraded, or afflicted with dermatitis or the contact is prolonged or involving an extensive area. [S. 381.004\(1\)\(f\), F.S.](#)

<sup>27</sup> [S. 384.287\(2\), F.S.](#)

### Family in Need of Services

Under [s. 984.03\(15\), F.S.](#), “family in need of services” means a family that has a child who is:

- Running away;
- Ungovernable and persistently disobeying reasonable and lawful demands of the *parent or legal custodian* and is beyond the control of the *parent or legal custodian*;
- A habitual truant; or
- Engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system.

Such a child must be referred to a law enforcement agency, the Department of Juvenile Justice (DJJ), or an agency contracted to provide services to children in need of services. A family is not eligible to receive voluntary family services if, at the time of the referral, the child is currently under court-ordered supervision by DJJ for delinquency under ch. 985, F.S., or DCF under ch. 39, F.S.

### Placement in a Shelter

Under [s. 984.09\(1\), F.S.](#), the court may punish any child for contempt for:

- Interfering with the court or with court administration;
- Violating any provision of ch. 984, F.S.; or
- Violating an order of the court related to ch. 984, F.S.

A child who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a shelter facility by order of the court.

Under [s. 984.09\(2\), F.S.](#), a child *adjudicated as a child in need of services*<sup>28</sup> may only be placed in a shelter for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction. A child who has been held in contempt may be placed in a shelter operated by or contracted with DJJ for:

- Five days for a first offense;
- 15 days for a second or subsequent offense; or
- In a physically secure shelter as provided under [s. 984.226, F.S.](#), subject to specified requirements.<sup>29</sup>

Additionally, if a shelter bed is available, a child who is subject to specified truancy proceedings under [s. 984.151, F.S.](#), and who has been held in contempt, may be placed in a shelter operated by or contracted with DJJ for:

- Five days for a first offense; or

<sup>28</sup> “Child in need of services” means a child for whom there is no pending petition filed with the court alleging the child is delinquent, or no current court-ordered supervision by DJJ for delinquency under ch. 985, F.S., or court-ordered supervision by DCF under ch. 39, F.S. The child must also be found by the court:

- To have persistently run away from the child’s parents, legal guardians, or custodians despite reasonable efforts of the parents, legal guardians, or custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include participation by the child’s parents, legal guardian, or custodians and the child in voluntary services, and treatment offered by the department or through its authorized agent;
- To be a habitual truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to [ss. 1003.26](#) and [1003.27, F.S.](#) and services offered by the department or its authorized agent; or
- To be ungovernable by having persistently disobeyed the reasonable and lawful rules and demands of the child’s parents, legal guardians, or custodians, and to be beyond their control despite the child having the mental and physical capacity to understand and obey lawful rules and demands, and despite efforts by the child’s parents, legal guardians, or custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in voluntary family services or individual services. [S. 984.03\(7\), F.S.](#)

<sup>29</sup> [S. 984.09\(2\)\(a\), F.S.](#)

- 15 days for a second or subsequent offense, and the court must refer such child to the case staffing committee with a recommendation to file a child in need of services petition.<sup>30</sup>

Alternatively, a court may immediately request a circuit alternative sanctions coordinator to recommend the most appropriate available alternative sanction for a child who has committed direct or indirect contempt of court, and order the child to perform up to 50 hours of community service or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a specified contract with DJJ.<sup>31</sup>

**Juvenile Detention Costs**

Generally, the cost of providing juvenile detention care is shared by the state and each county.<sup>32</sup> Annually by July 15, DJJ must calculate and provide the annual percentage share owed by each county that is required to contribute funds to DJJ for providing juvenile detention care.<sup>33</sup> The cost for providing such detention care is determined by dividing the total number of detention days for juveniles residing in each county by the total number of detention days for juveniles in all counties that are not fiscally constrained counties, and then multiplying the total by 50 percent.<sup>34</sup> Each county that is required to contribute to providing juvenile detention care must begin paying its share of detention costs in 12 equal payments, beginning August 1 of each year.<sup>35</sup> DJJ must determine on a quarterly basis whether each county is contributing its share of juvenile detention costs.<sup>36</sup>

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Criminal Justice Subcommittee</a>	14 Y, 0 N	1/28/2026	Hall	Padgett
<a href="#">Justice Budget Subcommittee</a>	14 Y, 0 N, As CS	2/5/2026	Keith	DiCola
THE CHANGES ADOPTED BY THE COMMITTEE:	Made a technical change to include all certified supervisory personnel in the definition of juvenile detention and juvenile probation officers.			
<a href="#">Judiciary Committee</a>	20 Y, 0 N, As CS	2/17/2026	Kramer	Padgett
THE CHANGES ADOPTED BY THE COMMITTEE:	Authorized the Department of Juvenile Justice and the Department of Revenue to recover juvenile detention costs by withholding shared revenue from certain counties.			

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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<sup>30</sup> [S. 984.09\(2\)\(b\), F.S.](#)

<sup>31</sup> [S. 984.09\(3\), F.S.](#)

<sup>32</sup> [S. 985.6865, F.S.](#) The state pays all costs of detention care for juveniles who reside in fiscally constrained counties, juveniles who reside out of state, and juveniles who are housed in state detention centers. [S. 985.6865\(3\), F.S.](#)

<sup>33</sup> [S. 985.6865\(2\), F.S.](#)

<sup>34</sup> *Id.* "Fiscally constrained county" means a county within a rural area of opportunity as designated by the Governor pursuant to [s. 288.0656, F.S.](#), or each county for which the value of a mill will raise no more than five million in revenue, based on the certified school taxable value certified pursuant to [s. 1011.62\(4\)\(a\)1.a., F.S.](#), from the previous July 1. [S. 985.6865\(1\)\(b\), F.S.](#)

<sup>35</sup> *Id.*

<sup>36</sup> [S. 985.6865\(6\), F.S.](#)