

CHAPTER 97-281

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 278

An act relating to juveniles; amending s. 39.0145, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license if the child is held in contempt; authorizing the court to order that a child in need of services who is held in contempt be issued a restricted license; amending ss. 39.044, 39.054, F.S.; authorizing the Department of Juvenile Justice to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part II, ch. 39, F.S.; amending s. 39.422, F.S.; revising limitations on placing a child adjudicated in need of services in a shelter; amending s. 39.423, F.S.; clarifying that a child's parent or legal custodian may make a complaint alleging that the family is in need of services; revising provisions to conform to the creation of the Department of Children and Family Services by the Legislature; requiring the Department of Juvenile Justice to provide certain information to the parent or custodian during the intake process pursuant to a complaint that a child is from a family in need of services; amending s. 39.424, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; amending s. 39.426, F.S.; providing for the state attorney to be represented on a case-staffing committee; authorizing a parent and any other member of the committee to convene a meeting of the committee; providing a timeframe; requiring that the committee make a written report to the parent within 7 days; amending s. 39.436, F.S.; authorizing a child's parent or custodian to file a petition alleging that a child is a child in need of services; requiring notice to the department; requiring that such a petition allege certain facts; authorizing the court to determine the sufficiency of the petition and verify that the child meets certain qualifications; amending ss. 39.438, 39.44, F.S., relating to the response to a petition and hearings; conforming provisions to changes made by the act; amending s. 39.442, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; creating s. 39.4421, F.S.; specifying circumstances under which a child in need of services may be placed into a staff-secure shelter for an extended period; providing requirements for the child's parent or custodian; requiring that the child receive education while in the shelter; authorizing the court to extend the term of commitment; requiring that the court review a child's commitment and make certain determinations; specifying circumstances under which a child must be treated as a dependent child; creating s. 39.4422, F.S.; requiring the Department of Juvenile Justice to establish a pilot program for operating one or more physically secure

facilities designated exclusively for children in need of services who are found in contempt of court; requiring that a child alleged to be a child in need of services within the judicial circuit in which the pilot program is established be represented by counsel; providing for an attorney to be appointed to represent an indigent child; requiring that the child be afforded the rights of due process; requiring that a child receive certain services while in the physically secure facility; providing requirements for the child's parent or custodian; requiring the Juvenile Justice Advisory Board and the department to make certain reports to the Legislature with respect to the pilot program; providing that it is a first-degree misdemeanor for a person to knowingly shelter a minor for longer than a specified period without the consent of the minor's parent or guardian or without notifying a law enforcement officer; providing that it is a first-degree misdemeanor for a person to knowingly provide aid to a minor who has run away from home without notifying the minor's parent or guardian or a law enforcement officer; requiring the Department of Juvenile Justice and the Department of Children and Family Services to coordinate services provided to children who are locked out of the home and to the families of those children; requiring the departments to establish a joint work group to develop proposals for coordinating services and report to the Legislature; requiring the Department of Juvenile Justice to develop information that details the services and resources that are available for parents of troubled or runaway children; requiring school districts and law enforcement agencies to distribute the information; requiring the Department of Education to analyze data collection and assist school districts in identifying habitual truants; requiring the Department of Education to report to the Legislature on the implementation of programs designed to prevent truancy and make recommendations; providing an effective date.

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

Section 1. Section 39.0145, Florida Statutes, is amended to read:

39.0145 Punishment for contempt of court; alternative sanctions.—

(1) **CONTEMPT OF COURT; LEGISLATIVE INTENT.**—The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the use of contempt powers with respect to commitment of a child to a secure facility. 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 secure facility, as authorized in this section, by order of the court.

(2) **PLACEMENT IN A SECURE FACILITY.**—A child may be placed in a secure facility 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) A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility.

(b) A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a staff-secure shelter or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment. In addition to disposition under this paragraph, a child in need of services who is held in direct contempt or indirect contempt may be placed in a physically secure facility as provided under s. 39.4422 if conditions of eligibility are met.

(3) ALTERNATIVE SANCTIONS.—Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c). Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service manual labor 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 contract with the Department of Juvenile Justice to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the manual labor of children and limited immunity in accordance with s. 768.28(11).

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

(a) If a child is charged with direct contempt of court, including traffic court, the court may impose an authorized sanction immediately.

(b) If a child is charged with indirect contempt of court, the court must hold a hearing within 24 hours to determine whether the child committed indirect contempt of a valid court order. At the hearing, the following due process rights must be provided to the child:

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

2. Right to an explanation of the nature and the consequences of the proceedings.
3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 39.041.
4. Right to confront witnesses.
5. Right to present witnesses.
6. Right to have a transcript or record of the proceeding.
7. Right to appeal to an appropriate court.

The child's parent or guardian may address the court regarding the due process rights of the child. The court shall review the placement of the child every 72 hours to determine whether it is appropriate for the child to remain in the facility.

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

(d) In addition to any other sanction imposed under this section, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license or driving privilege. The court may order that a child's driver's license or driving privilege be withheld or suspended for up to 1 year for a first offense of contempt and up to 2 years for a second or subsequent offense. If the child's driver's license or driving privilege is suspended or revoked for any reason at the time the sanction for contempt is imposed, the court shall extend the period of suspension or revocation by the additional period ordered under this paragraph. If the child's driver's license is being withheld at the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive. For a child in need of services whose driver's license or driving privilege is suspended under this paragraph, the court may direct the Department of Highway Safety and Motor Vehicles to issue the child a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, or for the purpose of completing court-ordered community service, if the child is otherwise qualified for a license. However, the department may not issue a restricted license unless specifically ordered to do so by the court.

(5) ~~ALTERNATIVE SANCTIONS COORDINATOR.—Effective July 1, 1995,~~ There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative

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

Section 2. Subsection (6) of section 39.044, Florida Statutes, 1996 Supplement, is amended to read:

39.044 Detention.—

(6) When any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the Department of Juvenile Justice, or institution having custody of the child, fees equal to the actual cost of the care, support, and maintenance of the child, as established by the Department of Juvenile Justice, unless the court determines that the parent or guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. With respect to a child who has been found to have committed a delinquent act or violation of law, whether or not adjudication is withheld, and whose parent or guardian receives public assistance for any portion of that child's care, the department must seek a federal waiver to garnish or otherwise order the payments of the portion of the public assistance relating to that child to offset the costs of providing care, custody, maintenance, rehabilitation, intervention, or corrective services to the child. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

Section 3. Subsection (2) of section 39.054, Florida Statutes, is amended to read:

39.054 Powers of disposition.—

(2) When any child is adjudicated by the court to have committed a delinquent act and temporary legal custody of the child has been placed with a licensed child-caring agency or the Department of Juvenile Justice, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets that under law may be disbursed for the care, support, and maintenance of the child, to pay fees to the licensed child-caring agency or the Department of Juvenile Justice equal to the actual cost of the care, support, and maintenance of the child, unless the court determines that the parent or guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

Section 4. Subsection (5) of section 39.422, Florida Statutes, 1996 Supplement, is amended to read:

39.422 Placement of a child from a family in need of services or a child in need of services in a shelter.—

(5) Except as provided under s. 39.4421, Under the provisions of this part, placement in a shelter of a child in need of services or a child from a family in need of services may not be placed in a shelter for shall be for no longer than 35 days.

Section 5. Subsections (1) and (3) of section 39.423, Florida Statutes, 1996 Supplement, are amended to read:

39.423 Intake.—

(1) Intake shall be performed by the department. A report or complaint alleging that a child is from a family in need of services shall be made to the intake office operating in the county in which the child is found or in which the case arose. Any person or agency, including, but not limited to, the parent or legal custodian, the local school district, a law enforcement agency, or the Department of Children and Family Health and Rehabilitative Services, having knowledge of the facts may make a report or complaint.

(3) If the representative of the department determines that in his or her judgment the interests of the family, the child, and the public will be best served by providing the family and child services and treatment voluntarily

accepted by the child and the parents or legal custodians, the departmental representative may refer the family or child to an appropriate service and treatment provider. As part of the intake procedure, the departmental representative shall inform the parent or legal custodian, in writing, of the services and treatment available to the child and family by department providers or community agencies and the rights and responsibilities of the parent or legal guardian under this part.

Section 6. Subsection (3) of section 39.424, Florida Statutes, 1996 Supplement, is amended to read:

39.424 Services to families in need of services.—

(3) The department shall advise the parents or legal guardian that they are responsible for contributing to the cost of the child or family services and treatment to the extent of their ability to pay. The department shall set and charge fees for services and treatment provided to clients. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

Section 7. Section 39.426, Florida Statutes, 1996 Supplement, is amended to read:

39.426 Case staffing; services and treatment to a family in need of services.—

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

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

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

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

(2) The composition of the case staffing committee shall be based on the needs of the family and child. It shall include a representative from the child's school district and a representative of the Department of Juvenile Justice, and may include a supervisor of the department's contracted provider;[;] a representative from the area of health, mental health, substance abuse, social, or educational services; a representative of the state attorney;[;] the alternative sanctions coordinator;[;] and any person recommended by the child, ~~or~~ family, ~~or~~ department.

(3) The case staffing committee shall reach a timely decision to provide the child or family with needed services and treatment through the development of a plan for services.

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

- (a) Statement of the problems.
- (b) Needs of the child.
- (c) Needs of the parents, guardian, or legal custodian.
- (d) Measurable objectives that address the identified problems and needs.

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

- 1. Type of services or treatment.
- 2. Frequency of services or treatment.
- 3. Location.
- 4. Accountable service providers or staff.

(f) Timeframes for achieving objectives.

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

(6) A case manager shall be designated by the case staffing committee to be responsible for implementing the plan. The case manager shall periodically review the progress towards achieving the objectives of the plan in order to:

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

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

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

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

Section 8. Section 39.436, Florida Statutes, 1996 Supplement, is amended to read:

39.436 Petition for a child in need of services.—

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney representing the department or by the child's parent, guardian, or legal custodian. If a child in need of services has been placed in a shelter pursuant to s. 39.422, the department shall file the petition shall be filed immediately, including in the petition and contain notice of arraignment pursuant to s. 39.44.

(2)(a) The department shall file a petition for a child in need of services if the case manager or staffing committee requests that a petition be filed and:

1.(a) The family and child have in good faith, but unsuccessfully, used the services and process described in ss. 39.424 and 39.426; or

2.(b) The family or child have refused all services described in ss. 39.424 and 39.426 after reasonable efforts by the department to involve the family and child in services and treatment.

(b)(3) Effective January 1, 1997, Once the requirements in paragraph (a) subsection (2) have been met, the department shall file a petition for a child in need of services within 45 days.

(c)(4) The petition shall be in writing, shall state the specific grounds under s. 39.01(12) by which the child is designated a child in need of services, and shall certify that the conditions prescribed in paragraph (a) subsection (2) have been met. The petition shall be signed by the petitioner under oath stating good faith in filing the petition and shall be signed by an attorney for the department.

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

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

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

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

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. 39.426(8).

(b) The parent, guardian, or legal custodian must give the department prior written notice of intent to file the petition. If, at the arraignment hearing, the court finds that such written notice of intent to file the petition

was not provided to the department, the court shall dismiss the petition, postpone the hearing until such written notice is given, or, if the department agrees, proceed with the arraignment hearing. The petition must be served on the department's office of general counsel.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services as defined in s. 39.01. The petition must also demonstrate that the parent, guardian, or legal custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. 39.424 and 39.426.

(d) The petition must be signed by the petitioner under oath.

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

1. The subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;

2. The subject of a pending referral alleging that the child is delinquent;
or

3. Under the current supervision of the department or the Department of Children and Family Services for an adjudication of delinquency or dependency.

(4)(5) The form of the petition and any additional its contents shall be determined by rules of procedure adopted by the Supreme Court.

(5)(6) The department or the parent, guardian, or legal custodian may withdraw a petition at any time prior to the child being adjudicated a child in need of services.

Section 9. Subsection (3) of section 39.438, Florida Statutes, 1996 Supplement, is amended to read:

39.438 Response to petition and representation of parties.—

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

Section 10. Paragraph (c) of subsection (1) of section 39.44, Florida Statutes, 1996 Supplement, is amended to read:

39.44 Hearings for child-in-need-of-services cases.—

(1) ARRAIGNMENT HEARING.—

(c) If at the arraignment hearing the child and the, parent, guardian, or custodian consents or admits to the allegations in the petition and the court determines that the petition meets the requirements of s. 39.436(3)(e), the court shall proceed to hold a disposition ~~an adjudicatory~~ hearing at the earliest practicable time that will allow for the completion of a predisposition study.

Section 11. Subsections (3) and (4) of section 39.442, Florida Statutes, 1996 Supplement, are amended to read:

39.442 Powers of disposition.—

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the child has been placed with an adult willing to care for the child, a licensed child-caring agency, the Department of Juvenile Justice, or the Department of Children and Family Health and Rehabilitative Services, the court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of such child, to pay child support to the adult relative caring for the child, the licensed child-caring agency, the Department of Juvenile Justice, or the Department of Children and Family Health and Rehabilitative Services. When such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. If the court determines that the parent is unable to pay support, placement of the child shall not be contingent upon issuance of a support order. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

(4) All payments of fees made to the department pursuant to this part, or child support payments made to the department pursuant to subsection (3) ~~subsection (5)~~, shall be deposited in the General Revenue Fund. In cases in which the child is placed in foster care with the Department of Children and Family Health and Rehabilitative Services, such child support payments shall be deposited in the Foster Care, Group Home, Developmental Training, and Supported Employment Programs Trust Fund.

Section 12. Section 39.4421, Florida Statutes, is created to read:

39.4421 Powers of disposition; placement in a staff-secure shelter.—

(1) Subject to specific legislative appropriation, the court may order that a child adjudicated as a child in need of services be placed for up to 90 days in a staff-secure shelter if:

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

(b) The child refuses to remain under the reasonable care and custody of his or her parent, guardian, or legal custodian, as evidenced by repeatedly running away from home. The court may not order that a child be placed in a staff-secure facility unless:

1. The child has failed to successfully complete an alternative treatment program or to comply with a court-ordered sanction; and

2. The child has been placed in a residential program on at least one prior occasion pursuant to a court order under this part.

This subsection applies after other alternative, less-restrictive remedies have been exhausted. The court may order that a child be placed in a staff-secure shelter. The department, or an authorized representative of the department, must verify to the court that a bed is available for the child. If the department or an authorized representative of the department verifies that a bed is not available, the court shall stay the placement until a bed is available. The department will place the child's name on a waiting list. The child who has been on the waiting list the longest will get the next available bed.

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

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

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

(5) The department is deemed to have exhausted the reasonable remedies offered under this part if, at the end of the commitment period, the parent, guardian, or legal custodian continues to refuse to allow the child to remain at home or creates unreasonable conditions for the child's return. If, at the end of the commitment period, the child is not reunited with his or her parent, guardian, or custodian due solely to the continued refusal of

the parent, guardian, or custodian to provide food, clothing, shelter, and parental support, the child is considered to be threatened with harm as a result of such acts or omissions and the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Family Services and the child's care shall be governed under parts III and V.

(6) The court shall review the child's commitment once every 45 days as provided in s. 39.44. The court shall determine if the parent, guardian, or custodian has reasonably participated in and financially contributed to the child's counseling and treatment program. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, guardian, or custodian prior to the end of the commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Family Services and the child's care shall be governed under parts III and V.

(7) If the child requires residential mental health treatment or residential care for a developmental disability, the court shall refer the child to the Department of Children and Family Services for the provision of necessary services.

Section 13. Section 39.4422, Florida Statutes, is created to read:

39.4422 Pilot program for a physically secure facility; contempt of court.—

(1) Subject to specific legislative appropriation, the Department of Juvenile Justice shall establish a pilot program within a single judicial circuit for the purpose of operating one or more physically secure facilities designated exclusively for the placement of children in need of services who are found in direct contempt or indirect contempt of a valid court order. If any party files a petition that a child is a child in need of services within such judicial circuit, the child must be represented by counsel at each court appearance. If the child is indigent, the court shall appoint an attorney to represent the child as provided under s. 39.041. Nothing precludes the court from requesting reimbursement of attorney's fees and costs from the non-indigent parent or legal guardian.

(2) If a child adjudicated as a child in need of services is held in direct contempt or indirect contempt of a valid court order, as an alternative to placing the child in a staff-secure facility as provided under s. 39.0145 or s. 39.4421, the court may order that the child be placed within the circuit in a physically secure facility operated under the pilot program. A child may be committed to the facility only if the department, or an authorized representative of the department, verifies to the court that a bed is available for the child at the physically secure facility and the child has:

(a) Run away from a staff-secure shelter following placement under s. 39.0145 or s. 39.4421; or

(b) Committed at least two prior acts of direct or indirect contempt.

(3) A child may be placed in a physically secure facility for up to 5 days for the first commitment and up to 15 days for a second or subsequent commitment.

(4) Prior to being committed to a physically secure facility, the child must be afforded all rights of due process required under s. 39.0145. While in the physically secure facility, the child shall receive appropriate assessment, treatment, and educational services that are designed to eliminate or reduce the child's truant, ungovernable, or runaway behavior. The child and family shall be provided with family counseling and other support services necessary for reunification.

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

(6) The Juvenile Justice Advisory Board shall monitor the operation of the pilot program and issue a preliminary evaluation report to the Legislature by December 1, 1998. The Department of Juvenile Justice and the Juvenile Justice Advisory Board shall issue a joint final report to the Legislature, including any proposed legislation, by December 1, 1999.

Section 14. (1)(a) A person who is not an authorized agent of the Department of Juvenile Justice or the Department of Children and Family Services may not knowingly shelter 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.

(b) A person may not knowingly provide aid to an unmarried minor who has run away from home without first contacting the minor's parent or guardian or notifying a law enforcement officer. The aid prohibited under this paragraph includes assisting the minor in obtaining shelter, such as hotel lodgings.

(2) A person who violates this section commits a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

Section 15. The Department of Juvenile Justice and the Department of Children and Family Services shall encourage interagency cooperation within each district and shall develop comprehensive agreements between the staff and providers for each department in order to coordinate the services provided to children who are locked out of the home and the families of those children.

Section 16. The Department of Juvenile Justice and the Department of Children and Family Services shall establish a joint work group to develop a proposal for legislative consideration which would eliminate or minimize the duplication of services and jurisdictional conflicts that occur under the current system by which services are provided to children who are locked out of the home and to families of those children. The Secretary of Juvenile Justice and the Secretary of Children and Family Services shall appoint the members of the work group, which must be composed of appropriate personnel from state and local governmental agencies, representatives of private-sector organizations that provide services to children who are locked out of the home and their families, and children and parents from families who are or have been involved in lockout situations. The proposal submitted by the work group must be based on an analysis of service needs and must address strategies by which the Legislature can improve the ability of the Department of Juvenile Justice and the Department of Children and Family Services to work with locked-out children and their families through coordinating services, revising the allocation of funds and available resources, and eliminating other barriers that inhibit the effective delivery of services. The Department of Juvenile Justice and the Department of Children and Family Services shall provide administrative support for the work group from existing resources, and the group need not have statewide representation. The work group shall submit its proposal to the President of the Senate and the Speaker of the House of Representatives by January 15, 1998.

Section 17. The Department of Juvenile Justice, in collaboration with the Department of Children and Family Services and the Department of Education, shall develop and publish an information packet that explains the current process under part IV of chapter 39, Florida Statutes, for obtaining assistance for a child in need of services or a family in need of services and the community services and resources available to parents of troubled or runaway children. In preparing the information packet, the Department of Juvenile Justice shall work with school district superintendents, juvenile court judges, county sheriffs, and other local law enforcement officials in order to ensure that the information packet lists services and resources that are currently available within the county in which the packet is distributed. Each information packet shall be annually updated and shall be available for distribution by January 1, 1998. The school district shall distribute this information packet to parents of truant children and to other parents upon request or as deemed appropriate by the school district. In addition, the Department of Juvenile Justice shall distribute the information packet to state and local law enforcement agencies. Any law enforcement officer who has contact with the parent of a child who is locked out of the home or who runs away from home shall make the information available to the parent.

Section 18. The Department of Education shall analyze the current methods of collecting data on student attendance and shall develop improved methods of identifying children who are habitually truant. The department shall provide technical assistance to school districts in order to allow each district to accurately identify students whose chronic absence from school may not otherwise be readily apparent to school personnel.

Section 19. The Department of Education shall report to the Legislature on the implementation of programs designed to eliminate habitual truancy which were enacted in chapter 96-369, Laws of Florida. The department shall include in its report any statutory changes that are necessary to further reduce the incidence of truancy, including intervention strategies that may be implemented by elementary schools.

Section 20. This act shall take effect July 1, 1997.

Became a law without the Governor's approval May 31, 1997.

Filed in Office Secretary of State May 30, 1997.