1989

**Session Law 89-020**

Florida Senate & House of Representatives

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H 1395  GENERAL BILL/CS by Children & Youth; Hafner and others
(Identical CS/S 670)
Truant Children/Custody: authorizes law enforcement officers to take truant
children into custody for delivery to school system. Amends 39.421. Effective
Date: 05/22/89.
03/24/89 HOUSE Prefiled
03/28/89 HOUSE Referred to Children & Youth
04/04/89 HOUSE Introduced, referred to Children & Youth -HJ 133
04/05/89 HOUSE On subcommittee agenda—Children & Youth, 04/07/89,
10:15 am, 212-HOB
04/07/89 HOUSE Subcommittee Recommendation: Favorable with 2 amend­
ments; On Committee agenda—Children & Youth, 04/11/89, 3:30 pm, 212-HOB
04/11/89 HOUSE Preliminary Committee Action by Children & Youth: Fa­
vorable as a CS
04/17/89 HOUSE Comm. Report: CS by Children & Youth, placed on Calend­
ar—HJ 232; CS read first time—HJ 232
04/25/89 HOUSE Placed on Special Order Calendar; Read second time —HJ 270
04/27/89 HOUSE Read third time; CS failed to pass; YEAS 37 NAYS 74
—HJ 281; Reconsidered; CS passed; YEAS 114 NAYS 0
—HJ 282
04/28/89 SENATE In Messages
05/05/89 SENATE Received, referred to Health and Rehabilitative Services
—SJ 270
05/10/89 SENATE Withdrawn from Health and Rehabilitative Services; Sub­
stituted for CS/SB 670; CS passed; YEAS 34 NAYS 0
—SJ 306
06/11/89 Ordered enrolled
06/16/89 Signed by Officers and presented to Governor —HJ 504
05/22/89 Approved by Governor; Chapter No. 89-20—HJ 600

NOTES: Above bill history from Division of Legislative Information's FINAL LEGISLATIVE BILL
INFORMATION, 1989 SESSIONS. Staff Analyses for bills amended beyond final committee action
may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily
Journals and may not be the same as final bound Journals.
I. SUMMARY:

This bill allows law enforcement officers to take truant children into custody for delivery to the school system.

A. PRESENT SITUATION:

Currently, law enforcement officers can take a child into custody when the officer has reasonable grounds to believe that the child is absent from school without authorization. The officer can release the child to a parent, guardian, legal custodian, or responsible adult relative or to a runaway shelter approved by the Department of Health and Rehabilitative Services if there is reason to believe the child is a runaway. This requires a law enforcement officer to leave the municipality he serves in some cases.

B. EFFECT OF PROPOSED CHANGES:

This bill would allow a law enforcement officer to return a child believed to be a truant to an approved education center for the purpose of counseling students and referring them back to the school system.

C. SECTION-BY-SECTION ANALYSIS:

Section 1.

Allows a law enforcement officer, when he has reasonable grounds to believe that a child is a truant, to take the child to a center approved by the superintendent of schools for the purpose of counseling students and referring them back to the school system.

STANDARD FORM 1/89
system.

Section 2.

Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   None.

3. Long Run Effects Other Than Normal Growth:
   None. This could help keep children in school, and reduce dropout rates or the repeating a grade.

4. Appropriations Consequences:
   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   Some counties may want to make modifications to existing buildings they choose to use for centers.

2. Recurring or Annualized Continuation Effects:
   None. There should be no additional cost for local law enforcement.

3. Long Run Effects Other Than Normal Growth:
   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   None.
2. Direct Private Sector Benefits:

This could help prevent criminal activities that truant children may become involved in.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

This bill is consistent with the State Comprehensive Plan s.187.201(1)(b)16.f., F.S., to implement drop-out prevention programs in all school districts.

The bill is also consistent with the House Policy Statement to encourage community involvement in public schools, to provide more coordination between human resource agencies and the schools and to provide services such as crisis counseling and individualized diagnostic and assessment services for children.

This bill is consistent with the Children and Youth Committee's mission to develop strategies to reduce alcohol and drug abuse, teenage pregnancy, and dropout rates.

IV. COMMENTS:

The St. Petersburg Police Department has a system similar to the one proposed in this bill. It can exist only because they make the Pinellas County School Athletic League facility a school site.

That department believes that officers from various municipalities do not apprehend truant students because the current law may require them to transport a student to his home or school in another municipality.

The Pinellas County Police Department requested that the Pinellas County School Board support this issue.
V. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Brenda Johnson
Staff Director: Richard Herring

SECOND COMMITTEE OF REFERENCE:
Prepared by:

APPROPRIATIONS:
Prepared by:
Staff Director:
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST
1. Morton
2. 
3. 
4. 

STAFF DIRECTOR
1. Whiddon
2. 
3. 
4. 

REFERENCE
1. HRS
2. 
3. 
4. 

ACTION
Fav/CS

SUBJECT: BILL NO. AND SPONSOR:
Juvenile Proceedings/Truant Children
CS/SB 670 by Committee on HRS and Senator Malchon

I. SUMMARY:
A. Present Situation:
Section 39.421(1)(b), F.S., authorizes law enforcement officers to return children to the "school system", when they are believed to be absent from school without authorization, or truant. Children taken into custody for transportation to school are to be delivered without unreasonable delay.

B. Effect of Proposed Changes:
Committee Substitute for Senate Bill 670 adds language defining "school system", for the purposes of delivery of truant children, to include an educational center whose purpose is to counsel students and refer them back to the school system. These centers must be approved by the superintendent. This will enable law enforcement officers, exercising their current authority, to take truant children to such approved counseling centers rather than back to the school system they are enrolled in, which may be miles away in another municipality.

II. ECONOMIC IMPACT AND FISCAL NOTE:
A. Public:
None.

B. Government:
None.

III. COMMENTS:
None.

IV. AMENDMENTS:
None.