

By Senator Campbell

33-1196-98

See HB

1 A bill to be entitled
2 An act relating to juvenile and criminal
3 justice; amending s. 985.216, F.S., relating to
4 punishment of a delinquent child for contempt
5 of court and alternative sanctions; removing
6 certain time limitations upon placement of a
7 delinquent child held in contempt in a secure
8 detention facility or secure residential
9 commitment facility; amending s. 985.414, F.S.,
10 relating to county juvenile justice councils;
11 requiring that specified entities participate
12 in the interagency agreement developed by the
13 county juvenile justice council; specifying
14 information to be included in the agreement;
15 amending s. 985.415, F.S.; clarifying the
16 minimum requirements to be included in an
17 application for a community juvenile justice
18 partnership grant; revising requirements for
19 application for a community juvenile justice
20 partnership grant to remove a requirement for
21 participation by specified entities; amending
22 s. 985.215, F.S., relating to detention;
23 providing for continued detention of a child
24 who has failed to appear in court on two
25 separate occasions in the same case; providing
26 for extension up to 30 days of the time limits
27 upon detention of a child, under specified
28 circumstances; amending ss. 790.22(8),
29 985.213(2)(b), F.S., and reenacting ss.
30 985.208(1), 985.211(2),(4), 985.219(5), F.S.,
31 relating to release or delivery from custody,

1 use of detention, juvenile domestic violence
2 offenders, process and service, detention of a
3 furloughed or escaped child, and weapons or
4 firearms offenses by minors to incorporate the
5 amendment of s. 985.219, F.S., in references;
6 amending s. 985.209, F.S.; authorizing
7 establishment of truancy programs by juvenile
8 justice assessment centers; defining "truant
9 student" to include enrolled students between 6
10 years of age and 18 years of age; amending s.
11 230.23161, F.S., relating to educational
12 services in Department of Juvenile Justice
13 programs; providing a maximum limitation on
14 administrative costs under certain contracts by
15 school districts for such programs; amending s.
16 806.13, F.S., relating to criminal mischief;
17 redefining the first-degree misdemeanor
18 criminal mischief offense to include damage to
19 property greater than \$200 but less than \$500
20 and providing penalties therefor; redefining
21 third-degree felony criminal mischief to
22 include certain damages of \$500 or greater and
23 providing penalties therefor; amending s.
24 921.0022, F.S., relating to the criminal
25 punishment code, to conform to the amendment of
26 s. 806.13, F.S.; amending s. 812.014, F.S.,
27 relating to theft; providing
28 second-degree-felony penalties for a person who
29 commits grand theft of a motor vehicle and who
30 has previously been convicted two or more times
31 of motor vehicle theft; reenacting s.

1 538.23(2), F.S., relating to offenses by
2 secondary metal recyclers, to incorporate said
3 amendment in references; requiring cooperative
4 agreements between the Department of Juvenile
5 Justice and the Department of Children and
6 Family Services for the provision of mental
7 health and substance abuse treatment services
8 to youth in the juvenile justice system;
9 requiring the Office of Program Policy Analysis
10 and Government Accountability to conduct a
11 performance review of the provision of mental
12 health and substance abuse treatment services
13 to youth in the juvenile justice system;
14 requiring a report; amending s. 985.234, F.S.;
15 providing for appeal by the state of an order
16 denying restitution, under certain
17 circumstances when the order affects a party to
18 a case involving delinquency; providing
19 effective dates.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (a) of subsection (2) of section
24 985.216, Florida Statutes, is amended to read:

25 985.216 Punishment for contempt of court; alternative
26 sanctions.--

27 (2) PLACEMENT IN A SECURE FACILITY.--A child may be
28 placed in a secure facility for purposes of punishment for
29 contempt of court if alternative sanctions are unavailable or
30 inappropriate, or if the child has already been ordered to
31

1 serve an alternative sanction but failed to comply with the
2 sanction.

3 (a) A delinquent child who has been held in direct or
4 indirect contempt may be placed in a secure detention facility
5 ~~for 5 days for a first offense or 15 days for a second or~~
6 ~~subsequent offense,~~ or in a secure residential commitment
7 facility.

8 Section 2. Paragraph (b) of subsection (2) of section
9 985.414, Florida Statutes, is amended to read:

10 985.414 County juvenile justice councils.--

11 (2)

12 (b) The duties and responsibilities of a county
13 juvenile justice council include, but are not limited to:

14 1. Developing a county juvenile justice plan based
15 upon utilization of the resources of law enforcement, the
16 school system, the Department of Juvenile Justice, the
17 Department of Children and Family Services, and others in a
18 cooperative and collaborative manner to prevent or discourage
19 juvenile crime and develop meaningful alternatives to school
20 suspensions and expulsions.

21 2. Entering into a written county interagency
22 agreement specifying the nature and extent of contributions
23 each signatory agency will make in achieving the goals of the
24 county juvenile justice plan and their commitment to the
25 sharing of information useful in carrying out the goals of the
26 interagency agreement to the extent authorized by law. The
27 interagency agreement must include at least the following
28 participants: the local school authorities, local law
29 enforcement, and local representatives of the Department of
30 Juvenile Justice and the Department of Children and Family
31 Services. The interagency agreement must specify how community

1 entities will cooperate, collaborate, and share information in
2 furtherance of the goals of the district and county juvenile
3 justice plan.

4 3. Applying for and receiving public or private
5 grants, to be administered by one of the community partners,
6 that support one or more components of the county juvenile
7 justice plan.

8 4. Designating the county representatives to the
9 district juvenile justice board pursuant to s. 985.413.

10 5. Providing a forum for the presentation of
11 interagency recommendations and the resolution of
12 disagreements relating to the contents of the county
13 interagency agreement or the performance by the parties of
14 their respective obligations under the agreement.

15 6. Assisting and directing the efforts of local
16 community support organizations and volunteer groups in
17 providing enrichment programs and other support services for
18 clients of local juvenile detention centers.

19 7. Providing an annual report and recommendations to
20 the district juvenile justice board, the Juvenile Justice
21 Advisory Board, and the district juvenile justice manager.

22 Section 3. Subsection (1) of section 985.415, Florida
23 Statutes, is amended to read:

24 985.415 Community Juvenile Justice Partnership
25 Grants.--

26 (1) GRANTS; CRITERIA.--

27 (a) In order to encourage the development of county
28 and district juvenile justice plans, as required in ss.
29 985.413(3)(d) 2. and (4) and 985.414(2)(b) 1., and the
30 development and implementation of county and district
31 interagency agreements, as required in ss. 985.413(3)(d) 3.

1 and 985.414(2)(b) 2., among representatives of the Department
2 of Juvenile Justice, the Department of Children and Family
3 Services, law enforcement, and school authorities, the
4 community juvenile justice partnership grant program is
5 established, which program shall be administered by the
6 Department of Juvenile Justice.

7 (b) The department shall ~~only~~ consider only
8 applications that ~~which~~ at a minimum provide for the
9 following:

10 1. The participation and cooperation of the agencies
11 or programs that are needed to implement the project or
12 program for which the applicant is applying ~~of the local~~
13 ~~school authorities, local law enforcement, and local~~
14 ~~representatives of the Department of Juvenile Justice and the~~
15 ~~Department of Children and Family Services pursuant to a~~
16 ~~written interagency partnership agreement. Such agreement must~~
17 ~~specify how community entities will cooperate, collaborate,~~
18 ~~and share information in furtherance of the goals of the~~
19 ~~district and county juvenile justice plan; and~~

20 2. The reduction of truancy and in-school and
21 out-of-school suspensions and expulsions, and the enhancement
22 of school safety.

23 (c) In addition, the department may consider the
24 following criteria in awarding grants:

25 1. The district juvenile justice plan and any county
26 juvenile justice plans that are referred to or incorporated
27 into the district plan, including a list of individuals,
28 groups, and public and private entities that participated in
29 the development of the plan.

30 2. The diversity of community entities participating
31 in the development of the district juvenile justice plan.

1 3. The number of community partners who will be
2 actively involved in the operation of the grant program.

3 4. The number of students or youths to be served by
4 the grant and the criteria by which they will be selected.

5 5. The criteria by which the grant program will be
6 evaluated and, if deemed successful, the feasibility of
7 implementation in other communities.

8 Section 4. Paragraph (h) is added to subsection (2) of
9 section 985.215, Florida Statutes, and paragraph (d) of
10 subsection (5) of that section is amended, to read:

11 985.215 Detention.--

12 (2) Subject to the provisions of subsection (1), a
13 child taken into custody and placed into nonsecure or home
14 detention care or detained in secure detention care prior to a
15 detention hearing may continue to be detained by the court if:

16 (h) The child has failed to appear in court on two
17 separate occasions in the same case.

18
19 A child who meets any of these criteria and who is ordered to
20 be detained pursuant to this subsection shall be given a
21 hearing within 24 hours after being taken into custody. The
22 purpose of the detention hearing is to determine the existence
23 of probable cause that the child has committed the delinquent
24 act or violation of law with which he or she is charged and
25 the need for continued detention. Unless a child is detained
26 under paragraph (d), the court shall utilize the results of
27 the risk assessment performed by the intake counselor or case
28 manager and, based on the criteria in this subsection, shall
29 determine the need for continued detention. A child placed
30 into secure, nonsecure, or home detention care may continue to
31 be so detained by the court pursuant to this subsection. If

1 the court orders a placement more restrictive than indicated
2 by the results of the risk assessment instrument, the court
3 shall state, in writing, clear and convincing reasons for such
4 placement. Except as provided in s. 790.22(8) or in
5 subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c),
6 or paragraph (10)(d), when a child is placed into secure or
7 nonsecure detention care, or into a respite home or other
8 placement pursuant to a court order following a hearing, the
9 court order must include specific instructions that direct the
10 release of the child from such placement no later than 5 p.m.
11 on the last day of the detention period specified in paragraph
12 (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1.,
13 whichever is applicable, unless the requirements of such
14 applicable provision have been met or an order of continuance
15 has been granted pursuant to paragraph (5)(d).

16 (5)

17 (d) The time limits in paragraphs (b) and (c) do not
18 include periods of delay resulting from a continuance granted
19 by the court for cause on motion of the child or his or her
20 counsel or of the state. Cause may be found and the time limit
21 for detention may be extended if the child is charged with a
22 capital felony, life felony, or felony of the first degree and
23 the nature of the charge requires additional time for the
24 prosecution or defense of the case, but in no event shall the
25 time limit be extended beyond 30 days. Upon the issuance of an
26 order granting a continuance for cause on a motion by either
27 the child, the child's counsel, or the state, the court shall
28 conduct a hearing at the end of each 72-hour period, excluding
29 Saturdays, Sundays, and legal holidays, to determine the need
30 for continued detention of the child and the need for further
31 continuance of proceedings for the child or the state.

1 Section 5. For the purpose of incorporating the
2 amendments to section 985.215, Florida Statutes, in references
3 thereto, subsection (8) of section 790.22, Florida Statutes,
4 is amended to read:

5 790.22 Use of BB guns, air or gas-operated guns, or
6 electric weapons or devices by minor under 16; limitation;
7 possession of firearms by minor under 18 prohibited;
8 penalties.--

9 (8) Notwithstanding s. 985.213 ~~s. 39.042~~ or s.
10 985.215(1) ~~s. 39.044(1)~~, if a minor under 18 years of age is
11 charged with an offense that involves the use or possession of
12 a firearm, as defined in s. 790.001, other than a violation of
13 subsection (3), or is charged for any offense during the
14 commission of which the minor possessed a firearm, the minor
15 shall be detained in secure detention, unless the state
16 attorney authorizes the release of the minor, and shall be
17 given a hearing within 24 hours after being taken into
18 custody. Effective April 15, 1994, at the hearing, the court
19 may order that the minor continue to be held in secure
20 detention in accordance with the applicable time periods
21 specified in s. 985.215(5) ~~s. 39.044(5)~~, if the court finds
22 that the minor meets the criteria specified in s. 985.215(2)
23 ~~s. 39.044(2)~~, or if the court finds by clear and convincing
24 evidence that the minor is a clear and present danger to
25 himself or herself or the community. The Department of
26 Juvenile Justice shall prepare a form for all minors charged
27 under this subsection that states the period of detention and
28 the relevant demographic information, including, but not
29 limited to, the sex, age, and race of the minor; whether or
30 not the minor was represented by private counsel or a public
31 defender; the current offense; and the minor's complete prior

1 record, including any pending cases. The form shall be
2 provided to the judge to be considered when determining
3 whether the minor should be continued in secure detention
4 under this subsection. An order placing a minor in secure
5 detention because the minor is a clear and present danger to
6 himself or herself or the community must be in writing, must
7 specify the need for detention and the benefits derived by the
8 minor or the community by placing the minor in secure
9 detention, and must include a copy of the form provided by the
10 department. The Department of Juvenile Justice must send the
11 form, including a copy of any order, without
12 client-identifying information, to the Division of Economic
13 and Demographic Research of the Joint Legislative Management
14 Committee.

15 Section 6. For the purpose of incorporating the
16 amendments to section 985.215, Florida Statutes, in references
17 thereto, paragraph (b) of subsection (2) of section 985.213,
18 Florida Statutes, is amended to read:

19 985.213 Use of detention.--

20 (2)

21 (b)1. The risk assessment instrument for detention
22 care placement determinations and orders shall be developed by
23 the Department of Juvenile Justice in agreement with
24 representatives appointed by the following associations: the
25 Conference of Circuit Judges of Florida, the Prosecuting
26 Attorneys Association, and the Public Defenders Association.
27 Each association shall appoint two individuals, one
28 representing an urban area and one representing a rural area.
29 The parties involved shall evaluate and revise the risk
30 assessment instrument as is considered necessary using the
31 method for revision as agreed by the parties. The risk

1 assessment instrument shall take into consideration, but need
2 not be limited to, prior history of failure to appear, prior
3 offenses, offenses committed pending adjudication, any
4 unlawful possession of a firearm, theft of a motor vehicle or
5 possession of a stolen motor vehicle, and community control
6 status at the time the child is taken into custody. The risk
7 assessment instrument shall also take into consideration
8 appropriate aggravating and mitigating circumstances, and
9 shall be designed to target a narrower population of children
10 than s. 985.215(2). The risk assessment instrument shall also
11 include any information concerning the child's history of
12 abuse and neglect. The risk assessment shall indicate whether
13 detention care is warranted, and, if detention care is
14 warranted, whether the child should be placed into secure,
15 nonsecure, or home detention care.

16 2. If, at the detention hearing, the court finds a
17 material error in the scoring of the risk assessment
18 instrument, the court may amend the score to reflect factual
19 accuracy.

20 3. A child who is charged with committing an offense
21 of domestic violence as defined in s. 741.28(1) and who does
22 not meet detention criteria may be held in secure detention if
23 the court makes specific written findings that:

24 a. The offense of domestic violence which the child is
25 charged with committing caused physical injury to the victim;

26 b. Respite care for the child is not available; and

27 c. It is necessary to place the child in secure
28 detention in order to protect the victim from further injury.

29

30 The child may not be held in secure detention under this
31 subparagraph for more than 48 hours unless ordered by the

1 court. After 48 hours, the court shall hold a hearing if the
2 state attorney or victim requests that secure detention be
3 continued. The child may continue to be held in secure
4 detention if the court makes a specific, written finding that
5 secure detention is necessary to protect the victim from
6 further injury. However, the child may not be held in secure
7 detention beyond the time limits set forth in s. 985.215 ~~s.~~
8 ~~39.044~~.

9 Section 7. For the purpose of incorporating the
10 amendments to section 985.215, Florida Statutes, in references
11 thereto, subsection (1) of section 985.208, Florida Statutes,
12 is reenacted to read:

13 985.208 Detention of furloughed child or escapee on
14 authority of the department.--

15 (1) If an authorized agent of the department has
16 reasonable grounds to believe that any delinquent child
17 committed to the department has escaped from a facility of the
18 department or from being lawfully transported thereto or
19 therefrom, the agent may take the child into active custody
20 and may deliver the child to the facility or, if it is closer,
21 to a detention center for return to the facility. However, a
22 child may not be held in detention longer than 24 hours,
23 excluding Saturdays, Sundays, and legal holidays, unless a
24 special order so directing is made by the judge after a
25 detention hearing resulting in a finding that detention is
26 required based on the criteria in s. 985.215(2). The order
27 shall state the reasons for such finding. The reasons shall be
28 reviewable by appeal or in habeas corpus proceedings in the
29 district court of appeal.

30 Section 8. For the purpose of incorporating the
31 amendments to section 985.215, Florida Statutes, in references

1 thereto, subsections (2) and (4) of section 985.211, Florida
2 Statutes, are reenacted to read:

3 985.211 Release or delivery from custody.--

4 (2) Unless otherwise ordered by the court pursuant to
5 s. 985.215, and unless there is a need to hold the child, a
6 person taking a child into custody shall attempt to release
7 the child as follows:

8 (a) To the child's parent, guardian, or legal
9 custodian or, if the child's parent, guardian, or legal
10 custodian is unavailable, unwilling, or unable to provide
11 supervision for the child, to any responsible adult. Prior to
12 releasing the child to a responsible adult, other than the
13 parent, guardian, or legal custodian, the person taking the
14 child into custody may conduct a criminal history background
15 check of the person to whom the child is to be released. If
16 the person has a prior felony conviction, or a conviction for
17 child abuse, drug trafficking, or prostitution, that person is
18 not a responsible adult for the purposes of this section. The
19 person to whom the child is released shall agree to inform the
20 department or the person releasing the child of the child's
21 subsequent change of address and to produce the child in court
22 at such time as the court may direct, and the child shall join
23 in the agreement.

24 (b) Contingent upon specific appropriation, to a
25 shelter approved by the department or to an authorized agent
26 pursuant to s. 39.401(2)(b).

27 (c) If the child is believed to be suffering from a
28 serious physical condition which requires either prompt
29 diagnosis or prompt treatment, to a law enforcement officer
30 who shall deliver the child to a hospital for necessary
31 evaluation and treatment.

1 (d) If the child is believed to be mentally ill as
2 defined in s. 394.463(1), to a law enforcement officer who
3 shall take the child to a designated public receiving facility
4 as defined in s. 394.455 for examination pursuant to the
5 provisions of s. 394.463.

6 (e) If the child appears to be intoxicated and has
7 threatened, attempted, or inflicted physical harm on himself
8 or herself or another, or is incapacitated by substance abuse,
9 to a law enforcement officer who shall deliver the child to a
10 hospital, addictions receiving facility, or treatment
11 resource.

12 (f) If available, to a juvenile assessment center
13 equipped and staffed to assume custody of the child for the
14 purpose of assessing the needs of the child in custody. The
15 center may then release or deliver the child pursuant to this
16 section with a copy of the assessment.

17 (4) A person taking a child into custody who
18 determines, pursuant to s. 985.215, that the child should be
19 detained or released to a shelter designated by the
20 department, shall make a reasonable effort to immediately
21 notify the parent, guardian, or legal custodian of the child
22 and shall, without unreasonable delay, deliver the child to
23 the appropriate intake counselor or case manager or, if the
24 court has so ordered pursuant to s. 985.215, to a detention
25 center or facility. Upon delivery of the child, the person
26 taking the child into custody shall make a written report or
27 probable cause affidavit to the appropriate intake counselor
28 or case manager. Such written report or probable cause
29 affidavit must:

30 (a) Identify the child and, if known, the parents,
31 guardian, or legal custodian.

1 (b) Establish that the child was legally taken into
2 custody, with sufficient information to establish the
3 jurisdiction of the court and to make a prima facie showing
4 that the child has committed a violation of law.

5 Section 9. For the purpose of incorporating the
6 amendments to section 985.215, Florida Statutes, in references
7 thereto, subsection (5) of section 985.219, Florida Statutes,
8 is reenacted to read:

9 985.219 Process and service.--

10 (5) If the petition alleges that the child has
11 committed a delinquent act or violation of law and the judge
12 deems it advisable to do so, pursuant to the criteria of s.
13 985.215, the judge may, by endorsement upon the summons and
14 after the entry of an order in which valid reasons are
15 specified, order the child to be taken into custody
16 immediately, and in such case the person serving the summons
17 shall immediately take the child into custody.

18 Section 10. Section 985.209, Florida Statutes, is
19 amended to read:

20 985.209 Juvenile justice assessment centers.--

21 (1) The department shall work cooperatively with
22 substance abuse facilities, mental health providers, law
23 enforcement agencies, schools, health services providers, and
24 other entities involved with children to establish a juvenile
25 justice assessment center in each service district. The
26 assessment center shall serve as central intake and screening
27 for children referred to the department. Each juvenile justice
28 assessment center shall provide services needed to facilitate
29 initial screening of children, including intake and needs
30 assessment, substance abuse screening, physical and mental
31 health screening, and diagnostic testing, as appropriate. The

1 entities involved in the assessment center shall make the
2 resources for the provision of these services available at the
3 same level to which they are available to the general public.

4 (2) Juvenile justice assessment centers are authorized
5 and encouraged to establish truancy programs. A truancy
6 program may serve to provide the central intake and screening
7 of truant children for a specific geographic area based upon
8 written agreements between the assessment center, affected law
9 enforcement agencies, and affected school boards. The
10 assessment center may work cooperatively with any truancy
11 program operating in the area served by the assessment center.

12 (3) When a law enforcement officer takes into custody
13 a truant student, the officer may transport or refer the
14 truant student to a truancy program operating in the officer's
15 jurisdiction. For the purpose of this section, a truant
16 student is defined as any student between the ages of 6 and 18
17 who is enrolled in public or private school and is absent from
18 school without excuse as defined in s. 232.19(3), even if that
19 student is not subject to compulsory school attendance under
20 s. 232.01.

21 Section 11. Subsection (7) of section 230.23161,
22 Florida Statutes, is amended to read:

23 230.23161 Educational services in Department of
24 Juvenile Justice programs.--

25 (7) A school district may contract with a private
26 provider for the provision of educational programs to youths
27 placed with the Department of Juvenile Justice and may
28 generate local, state, and federal funding, including funding
29 through the Florida Education Finance Program for such
30 students. Unless written justification otherwise is provided
31 to and agreed to by the Department of Juvenile Justice and the

1 Department of Education, administrative costs under any
2 contract awarded for such educational programs may not exceed
3 10 percent of the total contract amount.

4 Section 12. Paragraph (b) of subsection (1) of section
5 806.13, Florida Statutes, is amended to read:

6 806.13 Criminal mischief; penalties; penalty for
7 minor.--

8 (1)

9 (b)1. If the damage to such property is \$200 or less,
10 it is a misdemeanor of the second degree, punishable as
11 provided in s. 775.082 or s. 775.083.

12 2. If the damage to such property is greater than \$200
13 but less than ~~\$500~~~~\$1,000~~, it is a misdemeanor of the first
14 degree, punishable as provided in s. 775.082 or s. 775.083.

15 3. If the damage is ~~\$500~~~~\$1,000~~ or greater, or if
16 there is interruption or impairment of a business operation or
17 public communication, transportation, supply of water, gas or
18 power, or other public service which costs ~~\$500~~~~\$1,000~~ or more
19 in labor and supplies to restore, it is a felony of the third
20 degree, punishable as provided in s. 775.082, s. 775.083, or
21 s. 775.084.

22 Section 13. Paragraph (b) of subsection (3) of section
23 921.0022, Florida Statutes, is amended to read:

24 921.0022 Criminal Punishment Code; offense severity
25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

27
28 Florida Felony
29 Statute Degree Description
30
31

1			(b) LEVEL 2
2	403.413(5)(c)	3rd	Dumps waste litter exceeding 500
3			lbs. in weight or 100 cubic feet
4			in volume or any quantity for
5			commercial purposes, or hazardous
6			waste.
7	517.07	3rd	Registration of securities and
8			furnishing of prospectus
9			required.
10	590.28(1)	3rd	Willful, malicious, or
11			intentional burning.
12	784.05(3)	3rd	Storing or leaving a loaded
13			firearm within reach of minor who
14			uses it to inflict injury or
15			death.
16	787.04(1)	3rd	In violation of court order,
17			take, entice, etc., minor beyond
18			state limits.
19	806.13(1)(b)3.	3rd	Criminal mischief; damage <u>\$500</u>
20			\$1,000 or more to public
21			communication or any other public
22			service.
23	810.09(2)(e)	3rd	Trespassing on posted commercial
24			horticulture property.
25	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
26			more but less than \$5,000.
27	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
28			more but less than \$300, taken
29			from unenclosed curtilage of
30			dwelling.
31			

1	817.234(1)(a)2.	3rd	False statement in support of
2			insurance claim.
3	817.481(3)(a)	3rd	Obtain credit or purchase with
4			false, expired, counterfeit,
5			etc., credit card, value over
6			\$300.
7	817.52(3)	3rd	Failure to redeliver hired
8			vehicle.
9	817.54	3rd	With intent to defraud, obtain
10			mortgage note, etc., by false
11			representation.
12	817.60(5)	3rd	Dealing in credit cards of
13			another.
14	817.60(6)(a)	3rd	Forgery; purchase goods, services
15			with false card.
16	817.61	3rd	Fraudulent use of credit cards
17			over \$100 or more within 6
18			months.
19	826.04	3rd	Knowingly marries or has sexual
20			intercourse with person to whom
21			related.
22	831.01	3rd	Forgery.
23	831.02	3rd	Uttering forged instrument;
24			utters or publishes alteration
25			with intent to defraud.
26	831.07	3rd	Forging bank bills or promissory
27			note.
28	831.08	3rd	Possession of 10 or more forged
29			notes.
30	831.09	3rd	Uttering forged bills; passes as
31			bank bill or promissory note.

1 832.05(3)(a) 3rd Cashing or depositing item with
2 intent to defraud.
3 843.08 3rd Falsely impersonating an officer.
4 893.13(2)(a)2. 3rd Purchase of any s. 893.03(1)(c),
5 (2)(c), (3), or (4) drugs other
6 than cannabis.
7 893.147(2) 3rd Manufacture or delivery of drug
8 paraphernalia.
9 Section 14. Paragraph (c) of subsection (2) of section
10 812.014, Florida Statutes, is amended to read:
11 812.014 Theft.--
12 (2)
13 (c) It is grand theft of the third degree and a felony
14 of the third degree, punishable as provided in s. 775.082, s.
15 775.083, or s. 775.084, if the property stolen is:
16 1. Valued at \$300 or more, but less than \$5,000.
17 2. Valued at \$5,000 or more, but less than \$10,000.
18 3. Valued at \$10,000 or more, but less than \$20,000.
19 4. A will, codicil, or other testamentary instrument.
20 5. A firearm.
21 6. A motor vehicle, except as provided in subparagraph
22 (2)(a). However, a person who commits grand theft of a motor
23 vehicle and who has previously been convicted two or more
24 times of any theft of a motor vehicle commits a felony of the
25 second degree, punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084.
27 7. Any commercially farmed animal, including any
28 animal of the equine, bovine, or swine class, or other grazing
29 animal, and including aquaculture species raised at a
30 certified aquaculture facility. If the property stolen is
31

1 aquaculture species raised at a certified aquaculture
2 facility, then a \$10,000 fine shall be imposed.

3 8. Any fire extinguisher.

4 9. Any amount of citrus fruit consisting of 2,000 or
5 more individual pieces of fruit.

6 10. Taken from a designated construction site
7 identified by the posting of a sign as provided for in s.
8 810.09(2)(d).

9 Section 15. For the purpose of incorporating the
10 amendments to section 812.14, Florida Statutes, in references
11 thereto, subsection (2) of section 538.23, Florida Statutes,
12 is reenacted to read:

13 538.23 Violations and penalties.--

14 (2) A secondary metals recycler is presumed to know
15 upon receipt of stolen regulated metals property in a purchase
16 transaction that the regulated metals property has been stolen
17 from another if the secondary metals recycler knowingly and
18 intentionally fails to maintain the information required in s.
19 538.19 and shall, upon conviction of a violation of s.
20 812.015, be punished as provided in s. 812.014(2) or (3).

21 Section 16. (1) The Department of Juvenile Justice
22 and the Department of Children and Family Services shall
23 develop a cooperative agreement on the delivery of mental
24 health and substance abuse treatment services to youth in the
25 juvenile justice system. A district-specific cooperative
26 agreement shall be negotiated between and agreed upon by the
27 Department of Juvenile Justice's district juvenile justice
28 manager and the Department of Children and Family Services'
29 district administrator which addresses funding levels, access
30 to services, and accounting for the use of mental health and
31 substance abuse treatment funding designated for youth in the

1 juvenile justice system. These cooperative agreements shall
2 be reviewed and updated annually.

3 (2) The Office of Program Policy Analysis and
4 Government Accountability shall conduct a performance review
5 of the provision of mental health and substance abuse
6 treatment services to children and youth in the juvenile
7 justice system. Issues addressed in this performance review
8 shall include, but are not limited to, the following: the
9 apportionment of funds to the Department of Children and
10 Family Services and the Department of Juvenile Justice for
11 mental health and substance abuse services for children and
12 youth in the juvenile justice system; what barriers to either
13 the provision or accessing of such services may be identified;
14 and whether there exists an adequate and valid monitoring
15 system for the use of mental health and substance abuse
16 funding and the provision of such services designated for
17 children and youth in the juvenile justice system. The Office
18 of Program Policy Analysis and Government Accountability shall
19 submit its report with findings and recommendations to the
20 President of the Senate and the Speaker of the House of
21 Representatives by December 1, 1998.

22 Section 17. Effective July 1, 1998, paragraph (b) of
23 subsection (1) of section 985.234, Florida Statutes, is
24 amended to read:

25 985.234 Appeal.--

26 (1) An appeal from an order of the court affecting a
27 party to a case involving a child pursuant to this part may be
28 taken to the appropriate district court of appeal within the
29 time and in the manner prescribed by the Florida Rules of
30 Appellate Procedure by:

31 (b) The state, which may appeal from:

- 1 1. An order dismissing a petition or any section
- 2 thereof;
- 3 2. An order granting a new adjudicatory hearing;
- 4 3. An order arresting judgment;
- 5 4. A ruling on a question of law when the child is
- 6 adjudicated delinquent and appeals from the judgment;
- 7 5. The disposition, on the ground that it is illegal;
- 8 6. A judgment discharging a child on habeas corpus;
- 9 7. An order adjudicating a child insane under the
- 10 Florida Rules of Juvenile Procedure; ~~and~~
- 11 8. All other preadjudicatory hearings, except that the
- 12 state may not take more than one appeal under this subsection
- 13 in any case; and-
- 14 9. An order denying restitution.

15
16 In the case of an appeal by the state, the notice of appeal
17 shall be filed by the appropriate state attorney or his or her
18 authorized assistant pursuant to the provisions of s. 27.18.
19 Such an appeal shall embody all assignments of error in each
20 preadjudicatory hearing order that the state seeks to have
21 reviewed. The state shall pay all costs of the appeal except
22 for the child's attorney's fee.

23 Section 18. Except as otherwise provided in this act,
24 this act shall take effect October 1, 1999.

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SENATE SUMMARY

Amends a variety of statutes relating to criminal justice, both generally and as it concerns juveniles. Provisions include those relating to punishment of a delinquent child for contempt; interagency agreements developed by county juvenile justice councils; community juvenile justice partnership grants; detention of certain children; truancy programs established by juvenile justice assessment centers; educational services in Department of Juvenile Justice programs; threshold amounts for enhanced penalties for criminal mischief; enhanced penalties for certain persons convicted of grand theft of a motor vehicle; agreements relating to provision of mental health and substance abuse services to youths in the juvenile justice system; and appeals by the state of orders denying restitution. (See bill for details.)