

By the Committee on Criminal Justice and Senator Campbell

307-2116-98

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 district juvenile justice boards;
11 conforming provisions to reflect the creation
12 of the Department of Children and Family
13 Services; requiring that specified entities
14 participate in the interagency agreement
15 developed by the county juvenile justice
16 council; specifying information to be included
17 in the agreement; amending s. 985.415, F.S.,
18 relating to Community Juvenile Justice
19 Partnership Grants; clarifying the minimum
20 requirements to be included in an application
21 for a community juvenile justice partnership
22 grant; revising requirements for application
23 for a community juvenile justice partnership
24 grant to remove a requirement for the
25 participation of the Department of Health and
26 Rehabilitative Services; amending s. 985.215,
27 F.S., relating to detention; providing for
28 continued detention of a child who has failed
29 to appear in court on two separate occasions on
30 the same case; providing for an extension of
31 the time limits upon detention of a child under

1 specified circumstances; reenacting ss.
2 985.211(4), 985.213(2)(b), 985.219(5),
3 985.208(1), F.S., relating to release or
4 delivery from custody, use of detention,
5 process and service, and detention of a
6 furloughed or escaped child, to incorporate the
7 amendment in references thereto; amending s.
8 985.209, F.S.; authorizing establishment of
9 truancy programs by juvenile justice assessment
10 centers; defining the term "truant student" to
11 include enrolled students between specified
12 years of age; amending s. 230.23161, F.S.,
13 relating to educational services in programs of
14 the Department of Juvenile Justice; providing a
15 maximum limitation on administrative costs
16 under certain contracts by school districts for
17 such programs; amending s. 806.13, F.S.,
18 relating to criminal mischief; redefining a
19 first-degree misdemeanor criminal mischief
20 offense to include damage to property greater
21 than \$200 but less than \$500, and providing
22 penalties therefor; redefining third-degree
23 felony criminal mischief to include certain
24 damages of \$500 or greater, and providing
25 penalties therefor; amending s. 921.0022, F.S.,
26 relating to the Criminal Punishment Code
27 offense severity ranking chart, to conform a
28 cross-reference; amending s. 812.014, F.S.,
29 relating to theft; providing second-degree
30 felony penalties for a person who commits grand
31 theft of a motor vehicle and who has previously

1 been convicted two or more times of motor
2 vehicle theft; reenacting ss. 538.23(2),
3 985.227(2)(c), F.S., relating to offenses by
4 secondary metal recyclers and transfer of a
5 child for prosecution, to incorporate the
6 amendment in references thereto; requiring
7 cooperative agreements between the Department
8 of Juvenile Justice and the Department of
9 Children and Family Services for the provision
10 of mental health and substance abuse treatment
11 services to youth in the juvenile justice
12 system; requiring the Office of Program Policy
13 Analysis and Government Accountability to
14 conduct a performance review of the provision
15 of mental health and substance-abuse-treatment
16 services to youth in the juvenile justice
17 system; requiring a report; amending s.
18 985.234, F.S.; providing for appeal by the
19 state of an order denying restitution, under
20 certain circumstances when the order affects a
21 party to a case involving delinquency;
22 providing effective dates.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraph (a) of subsection (2) of section
27 985.216, Florida Statutes, is amended to read:

28 985.216 Punishment for contempt of court; alternative
29 sanctions.--

30 (2) PLACEMENT IN A SECURE FACILITY.--A child may be
31 placed in a secure facility for purposes of punishment for

1 contempt of court if alternative sanctions are unavailable or
2 inappropriate, or if the child has already been ordered to
3 serve an alternative sanction but failed to comply with the
4 sanction.

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

10 Section 2. Paragraph (b) of subsection (2) of section
11 985.414, Florida Statutes, is amended to read:

12 985.414 County juvenile justice councils.--

13 (2)

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

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

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

1 Juvenile Justice and the Department of Children and Family
2 Services. The interagency agreement must specify how
3 community entities will cooperate, collaborate, and share
4 information in furtherance of the goals of the district and
5 county juvenile justice plan.

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

10 4. Designating the county representatives to the
11 district juvenile justice board pursuant to s. 985.413.

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

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

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

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

26 985.415 Community Juvenile Justice Partnership
27 Grants.--

28 (1) GRANTS; CRITERIA.--

29 (a) In order to encourage the development of county
30 and district juvenile justice plans, as required in s.
31 985.414(2)(b)1. and s. 985.413(4), and the development and

1 implementation of county and district interagency agreements,
2 as required in s. 985.414(2)(b)2. and s. 985.413(3)(d)3. among
3 representatives of the Department of Juvenile Justice, the
4 Department of Children and Family Services, law enforcement,
5 and school authorities, the community juvenile justice
6 partnership grant program is established, which program shall
7 be administered by the Department of Juvenile Justice.

8 (b) The department shall only consider applications
9 which at a minimum provide for the 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 ~~local school~~
13 ~~authorities, local law enforcement, and local representatives~~
14 ~~of the Department of Juvenile Justice and the Department of~~
15 ~~Children and Family Services pursuant to a written interagency~~
16 ~~partnership agreement. Such agreement must specify how~~
17 ~~community entities will cooperate, collaborate, and share~~
18 ~~information in furtherance of the goals of the district and~~
19 ~~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 on 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
21 limits for detention may be extended 9 days if the child is
22 charged with a capital felony, life felony, or felony of the
23 first degree and the nature of the charge requires additional
24 time for the prosecution or defense of the case, but in no
25 event shall be extended beyond 30 days. Upon the issuance of
26 an order granting a continuance for cause on a motion by
27 either the child, the child's counsel, or the state, the court
28 shall conduct a hearing at the end of each 72-hour period,
29 excluding Saturdays, Sundays, and legal holidays, to determine
30 the need for continued detention of the child and the need for
31 further 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 (4) of section 985.211, Florida Statutes,
4 is reenacted to read:

5 985.211 Release or delivery from custody.--

6 (4) A person taking a child into custody who
7 determines, pursuant to s. 985.215, that the child should be
8 detained or released to a shelter designated by the
9 department, shall make a reasonable effort to immediately
10 notify the parent, guardian, or legal custodian of the child
11 and shall, without unreasonable delay, deliver the child to
12 the appropriate intake counselor or case manager or, if the
13 court has so ordered pursuant to s. 985.215, to a detention
14 center or facility. Upon delivery of the child, the person
15 taking the child into custody shall make a written report or
16 probable cause affidavit to the appropriate intake counselor
17 or case manager. Such written report or probable cause
18 affidavit must:

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

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

25 Section 6. For the purpose of incorporating the
26 amendments to section 985.215, Florida Statutes, in references
27 thereto, paragraph (b) of subsection (2) of section 985.213,
28 Florida Statutes, is reenacted to read:

29 985.213 Use of detention.--

30 (2)

31

1 (b)1. The risk assessment instrument for detention
2 care placement determinations and orders shall be developed by
3 the Department of Juvenile Justice in agreement with
4 representatives appointed by the following associations: the
5 Conference of Circuit Judges of Florida, the Prosecuting
6 Attorneys Association, and the Public Defenders Association.
7 Each association shall appoint two individuals, one
8 representing an urban area and one representing a rural area.
9 The parties involved shall evaluate and revise the risk
10 assessment instrument as is considered necessary using the
11 method for revision as agreed by the parties. The risk
12 assessment instrument shall take into consideration, but need
13 not be limited to, prior history of failure to appear, prior
14 offenses, offenses committed pending adjudication, any
15 unlawful possession of a firearm, theft of a motor vehicle or
16 possession of a stolen motor vehicle, and community control
17 status at the time the child is taken into custody. The risk
18 assessment instrument shall also take into consideration
19 appropriate aggravating and mitigating circumstances, and
20 shall be designed to target a narrower population of children
21 than s. 985.215(2). The risk assessment instrument shall also
22 include any information concerning the child's history of
23 abuse and neglect. The risk assessment shall indicate whether
24 detention care is warranted, and, if detention care is
25 warranted, whether the child should be placed into secure,
26 nonsecure, or home detention care.

27 2. If, at the detention hearing, the court finds a
28 material error in the scoring of the risk assessment
29 instrument, the court may amend the score to reflect factual
30 accuracy.

31

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

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

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

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

10

11 The child may not be held in secure detention under this
12 subparagraph for more than 48 hours unless ordered by the
13 court. After 48 hours, the court shall hold a hearing if the
14 state attorney or victim requests that secure detention be
15 continued. The child may continue to be held in secure
16 detention if the court makes a specific, written finding that
17 secure detention is necessary to protect the victim from
18 further injury. However, the child may not be held in secure
19 detention beyond the time limits set forth in s. 39.044.

20

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

24

985.219 Process and service.--

25

26 (5) If the petition alleges that the child has
27 committed a delinquent act or violation of law and the judge
28 deems it advisable to do so, pursuant to the criteria of s.
29 985.215, the judge may, by endorsement upon the summons and
30 after the entry of an order in which valid reasons are
specified, order the child to be taken into custody

31

1 immediately, and in such case the person serving the summons
2 shall immediately take the child into custody.

3 Section 8. For the purpose of incorporating the
4 amendments to section 985.215, Florida Statutes, in references
5 thereto, subsection (1) of section 985.208, Florida Statutes,
6 is reenacted to read:

7 985.208 Detention of furloughed child or escapee on
8 authority of the department.--

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

24 Section 9. Section 985.209, Florida Statutes, is
25 amended to read:

26 985.209 Juvenile justice assessment centers.--

27 (1) The department shall work cooperatively with
28 substance abuse facilities, mental health providers, law
29 enforcement agencies, schools, health services providers, and
30 other entities involved with children to establish a juvenile
31 justice assessment center in each service district. The

1 assessment center shall serve as central intake and screening
2 for children referred to the department. Each juvenile justice
3 assessment center shall provide services needed to facilitate
4 initial screening of children, including intake and needs
5 assessment, substance abuse screening, physical and mental
6 health screening, and diagnostic testing, as appropriate. The
7 entities involved in the assessment center shall make the
8 resources for the provision of these services available at the
9 same level to which they are available to the general public.

10 (2) Juvenile justice assessment centers are authorized
11 and encouraged to establish truancy programs. A truancy
12 program may serve as providing the central intake and
13 screening of truant children for a specific geographic area
14 that is based upon written agreements between the assessment
15 center, affected law enforcement agencies, and affected school
16 boards. The assessment center may work cooperatively with any
17 truancy program operating in the area served by the assessment
18 center.

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

28 Section 10. Subsection (7) of section 230.23161,
29 Florida Statutes, is amended to read:

30 230.23161 Educational services in Department of
31 Juvenile Justice programs.--

1 (7) A school district may contract with a private
2 provider for the provision of educational programs to youths
3 placed with the Department of Juvenile Justice and may
4 generate local, state, and federal funding, including funding
5 through the Florida Education Finance Program for such
6 students. Unless written justification otherwise is provided
7 to and agreed to by the Department of Juvenile Justice and the
8 Department of Education, administrative costs under any
9 contract awarded for such educational programs shall not
10 exceed 10 percent of the total contract amount.

11 Section 11. Paragraph (b) of subsection (1) of section
12 806.13, Florida Statutes, is amended to read:

13 806.13 Criminal mischief; penalties; penalty for
14 minor.--

15 (1)

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

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

22 3. If the damage is ~~\$500~~~~\$1,000~~ or greater, or if
23 there is interruption or impairment of a business operation or
24 public communication, transportation, supply of water, gas or
25 power, or other public service which costs ~~\$500~~~~\$1,000~~ or more
26 in labor and supplies to restore, it is a felony of the third
27 degree, punishable as provided in s. 775.082, s. 775.083, or
28 s. 775.084.

29 Section 12. Paragraph (b) of subsection (3) of section
30 921.0022, Florida Statutes, is amended to read:

31

1 921.0022 Criminal Punishment Code; offense severity
2 ranking chart.--
3 (3) OFFENSE SEVERITY RANKING CHART
4
5 Florida Felony
6 Statute Degree Description
7
8 (b) LEVEL 2
9 403.413(5)(c) 3rd Dumps waste litter exceeding 500
10 lbs. in weight or 100 cubic feet
11 in volume or any quantity for
12 commercial purposes, or hazardous
13 waste.
14 517.07 3rd Registration of securities and
15 furnishing of prospectus
16 required.
17 590.28(1) 3rd Willful, malicious, or
18 intentional burning.
19 784.05(3) 3rd Storing or leaving a loaded
20 firearm within reach of minor who
21 uses it to inflict injury or
22 death.
23 787.04(1) 3rd In violation of court order,
24 take, entice, etc., minor beyond
25 state limits.
26 806.13(1)(b)3. 3rd Criminal mischief; damage\$500
27 ~~\$1,000~~ or more to public
28 communication or any other public
29 service.
30 810.09(2)(e) 3rd Trespassing on posted commerical
31 horticulture property.

1	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
2			more but less than \$5,000.
3	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
4			more but less than \$300, taken
5			from unenclosed curtilage of
6			dwelling.
7	817.234(1)(a)2.	3rd	False statement in support of
8			insurance claim.
9	817.481(3)(a)	3rd	Obtain credit or purchase with
10			false, expired, counterfeit,
11			etc., credit card, value over
12			\$300.
13	817.52(3)	3rd	Failure to redeliver hired
14			vehicle.
15	817.54	3rd	With intent to defraud, obtain
16			mortgage note, etc., by false
17			representation.
18	817.60(5)	3rd	Dealing in credit cards of
19			another.
20	817.60(6)(a)	3rd	Forgery; purchase goods, services
21			with false card.
22	817.61	3rd	Fraudulent use of credit cards
23			over \$100 or more within 6
24			months.
25	826.04	3rd	Knowingly marries or has sexual
26			intercourse with person to whom
27			related.
28	831.01	3rd	Forgery.
29	831.02	3rd	Uttering forged instrument;
30			utters or publishes alteration
31			with intent to defraud.

1	831.07	3rd	Forging bank bills or promissory
2			note.
3	831.08	3rd	Possession of 10 or more forged
4			notes.
5	831.09	3rd	Uttering forged bills; passes as
6			bank bill or promissory note.
7	832.05(3)(a)	3rd	Cashing or depositing item with
8			intent to defraud.
9	843.08	3rd	Falsely impersonating an officer.
10	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
11			(2)(c), (3), or (4) drugs other
12			than cannabis.
13	893.147(2)	3rd	Manufacture or delivery of drug
14			paraphernalia.

15 Section 13. Paragraph (c) of subsection (2) of section
16 812.014, Florida Statutes, is amended to read:

17 812.014 Theft.--

18 (2)

19 (c) It is grand theft of the third degree and a felony
20 of the third degree, punishable as provided in s. 775.082, s.
21 775.083, or s. 775.084, if the property stolen is:

- 22 1. Valued at \$300 or more, but less than \$5,000.
- 23 2. Valued at \$5,000 or more, but less than \$10,000.
- 24 3. Valued at \$10,000 or more, but less than \$20,000.
- 25 4. A will, codicil, or other testamentary instrument.
- 26 5. A firearm.
- 27 6. A motor vehicle, except as provided in subparagraph
- 28 (2)(a). However, a person who commits grand theft of a motor
- 29 vehicle and who has previously been convicted two or more
- 30 times of any theft of a motor vehicle commits a felony of the

31

1 second degree, punishable as provided in s. 775.082, s.
2 775.083, or s. 775.084.

3 7. Any commercially farmed animal, including any
4 animal of the equine, bovine, or swine class, or other grazing
5 animal, and including aquaculture species raised at a
6 certified aquaculture facility. If the property stolen is
7 aquaculture species raised at a certified aquaculture
8 facility, then a \$10,000 fine shall be imposed.

9 8. Any fire extinguisher.

10 9. Any amount of citrus fruit consisting of 2,000 or
11 more individual pieces of fruit.

12 10. Taken from a designated construction site
13 identified by the posting of a sign as provided for in s.
14 810.09(2)(d).

15 Section 14. For the purpose of incorporating the
16 amendments to section 812.014, Florida Statutes, in references
17 thereto, subsection (2) of section 538.23, Florida Statutes,
18 is reenacted to read:

19 538.23 Violations and penalties.--

20 (2) A secondary metals recycler is presumed to know
21 upon receipt of stolen regulated metals property in a purchase
22 transaction that the regulated metals property has been stolen
23 from another if the secondary metals recycler knowingly and
24 intentionally fails to maintain the information required in s.
25 538.19 and shall, upon conviction of a violation of s.
26 812.015, be punished as provided in s. 812.014(2) or (3).

27 Section 15. For the purpose of incorporating the
28 amendments to section 812.014, Florida Statutes, in references
29 thereto, paragraph (c) of subsection (2) of section 985.227,
30 Florida Statutes, is reenacted to read:

31

1 985.227 Prosecution of juveniles as adults by the
2 direct filing of an information in the criminal division of
3 the circuit court; discretionary criteria; mandatory
4 criteria.--

5 (2) MANDATORY DIRECT FILE.--

6 (c) The state attorney must file an information if a
7 child, regardless of the child's age at the time the alleged
8 offense was committed, is alleged to have committed an act
9 that would be a violation of law if the child were an adult,
10 that involves stealing a motor vehicle, including, but not
11 limited to, a violation of s. 812.133, relating to carjacking,
12 or s. 812.014(2)(c)6., relating to grand theft of a motor
13 vehicle, and while the child was in possession of the stolen
14 motor vehicle the child caused serious bodily injury to or the
15 death of a person who was not involved in the underlying
16 offense. For purposes of this section, the driver and all
17 willing passengers in the stolen motor vehicle at the time
18 such serious bodily injury or death is inflicted shall also be
19 subject to mandatory transfer to adult court. "Stolen motor
20 vehicle," for the purposes of this section, means a motor
21 vehicle that has been the subject of any criminal wrongful
22 taking. For purposes of this section, "willing passengers"
23 means all willing passengers who have participated in the
24 underlying offense.

25 Section 16. (1) The Department of Juvenile Justice
26 and the Department of Children and Family Services shall
27 develop a cooperative agreement on the delivery of mental
28 health and substance-abuse-treatment services to youth in the
29 juvenile justice system. A district-specific cooperative
30 agreement shall be negotiated between and agreed upon by the
31 Department of Juvenile Justice's district juvenile justice

1 manager and the Department of Children and Family Services'
2 district administrator addressing funding levels, access to
3 services, and accounting for the use of mental health and
4 substance-abuse-treatment funding designated for youth in the
5 juvenile justice system. These cooperative agreements shall
6 be reviewed and updated annually.

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

27 Section 17. Effective July 1, 1998, paragraph (b) of
28 subsection (1) of section 985.234, Florida Statutes, is
29 amended to read:

30 985.234 Appeal.--
31

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

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

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

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

29 Section 18. This act shall take effect October 1,
30 1998, except that this section and section 17 of this act
31 shall take effect July 1, 1998.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1734

Clarifies that the current detention time limit can be extended an additional nine days when a continuance is granted in certain cases.