

By the Committee on Juvenile Justice and Representative
Bainter

1 A bill to be entitled
2 An act relating to juvenile justice; creating
3 chapter 985, F.S., relating to certain juvenile
4 proceedings; creating s. 985.01, F.S.;
5 providing purposes and intent; providing
6 certain contracting authority of the Department
7 of Juvenile Justice or Department of Children
8 and Family Services; providing for both
9 departments to require employment screening of
10 personnel in programs for children or youths,
11 including certain volunteers and other
12 personnel of contracted-for programs; providing
13 for both departments to grant exemptions from
14 disqualification for working with children;
15 creating s. 985.02, F.S.; providing legislative
16 intent and findings for the juvenile justice
17 system; creating s. 985.03, F.S.; providing
18 definitions; renumbering and amending s.
19 39.045, F.S., relating to oaths, records, and
20 confidential information; removing specified
21 provisions; prohibiting release to outside
22 party of certain information gained by victim
23 regarding juvenile court case, except under
24 specified circumstances; creating s. 985.05,
25 F.S.; providing for court records; renumbering
26 and amending s. 39.0573, F.S., relating to
27 statewide information sharing; renumbering s.
28 39.0574, F.S., relating to school district and
29 law enforcement information sharing;
30 renumbering and amending s. 39.0585, F.S.,
31 relating to information systems; substituting

1 reference to the Department of Children and
2 Family Services for reference to the Department
3 of Health and Rehabilitative Services to
4 conform to departmental reorganization and
5 renaming; renumbering and amending s. 39.022,
6 F.S., relating to court jurisdiction;
7 conforming references; renumbering and amending
8 s. 39.014, F.S.; providing for legal
9 representation for delinquency cases;
10 renumbering and amending s. 39.041, F.S.,
11 relating to the right to counsel; providing for
12 liability of nonindigent or
13 indigent-but-able-to-contribute parent or legal
14 guardian for certain legal fees and costs under
15 specified circumstances when child is
16 transferred for criminal prosecution;
17 renumbering s. 39.0476, F.S., relating to
18 powers with respect to certain children;
19 creating s. 985.205, F.S.; providing that
20 hearings are open to the public; providing for
21 the court to close hearings under specified
22 circumstances; renumbering and amending s.
23 39.0515, F.S., relating to rights of victims;
24 conforming reference; renumbering and amending
25 s. 39.037, F.S., relating to taking a child
26 into custody; conforming references;
27 renumbering and amending s. 39.064, F.S.,
28 relating to detention of furloughed children or
29 escapees; conforming references; renumbering s.
30 39.0471, F.S., relating to juvenile justice
31 assessment centers; renumbering and amending s.

1 39.047, F.S., relating to intake and case
2 management; conforming references and
3 departmental name; renumbering and amending s.
4 39.038, F.S., relating to release or delivery
5 from custody; conforming references;
6 renumbering and amending s. 39.039, F.S.,
7 relating to fingerprinting and photographing a
8 minor; conforming departmental name;
9 renumbering and amending s. 39.042, F.S.,
10 relating to the use of detention; conforming
11 reference; renumbering s. 39.043, F.S.,
12 relating to prohibited uses of detention;
13 renumbering and amending s. 39.044, F.S.,
14 relating to detention; conforming references;
15 transferring and renumbering s. 39.0145, F.S.,
16 relating to punishment for contempt of court;
17 conforming reference; renumbering and amending
18 s. 39.0445, F.S., relating to juvenile domestic
19 violence offender; conforming reference;
20 renumbering s. 39.048, F.S., relating to
21 petitions for delinquency; renumbering and
22 amending s. 39.049, F.S., relating to process
23 and service; conforming reference; renumbering
24 and amending s. 39.0495, F.S., relating to
25 threatening or dismissing employees; conforming
26 references; renumbering s. 39.073, F.S.,
27 relating to court and witness fees; renumbering
28 s. 39.051, F.S., relating to answers to
29 petitions; renumbering and amending s. 39.0517,
30 F.S., relating to incompetency in juvenile
31 delinquency cases; conforming departmental

1 name; renumbering and amending s. 39.046, F.S.,
2 relating to medical, psychiatric,
3 psychological, substance abuse, and educational
4 examinations and treatment; conforming
5 departmental name; creating s. 985.225, F.S.;
6 providing for indictment of a juvenile,
7 including indictment of child of any age who is
8 charged with a violation of state law
9 punishable by death or life imprisonment;
10 providing for adjudicatory hearing; providing
11 for sentencing of child as adult under certain
12 circumstances; providing for sentencing;
13 creating s. 985.226, F.S.; providing criteria
14 for waiver of juvenile court jurisdiction;
15 providing guidelines and time limits with
16 respect to waiver hearing; specifying effect of
17 order waiving jurisdiction; creating s.
18 985.227, F.S.; providing for prosecution of
19 juveniles as adults; requiring the state
20 attorney to develop policies and guidelines
21 with respect to determination for filing
22 information on juvenile, and requiring annual
23 report of same by the state attorney to the
24 Legislature and Juvenile Justice Advisory
25 Board; creating s. 985.228, F.S.; providing for
26 adjudicatory hearings, withheld adjudications,
27 and orders of adjudication; creating s.
28 985.229, F.S.; providing for predisposition
29 reports and additional evaluations; providing
30 for imposition of sanctions; providing for
31 certain notification of victims; providing

1 legislative intent; creating s. 985.23, F.S.;
2 providing for disposition hearings in
3 delinquency cases; creating s. 985.231, F.S.;
4 providing powers of disposition in delinquency
5 cases; providing for court-ordered payment of
6 certain fees by parent or guardian, or
7 participation in counseling by parent,
8 custodian, or guardian, under specified
9 circumstances; providing for enforcement
10 through contempt powers; renumbering s. 39.078,
11 F.S., relating to commitment forms; creating s.
12 985.233, F.S.; providing dispositional powers
13 and procedures and alternatives for juveniles
14 prosecuted as adults; providing for
15 court-ordered payment of certain fees by parent
16 or guardian for cost of care in juvenile
17 justice facilities; providing legislative
18 intent; renumbering s. 39.069, F.S., relating
19 to appeals; renumbering s. 39.0711, F.S.,
20 relating to additional grounds for appeals by
21 the state; renumbering s. 39.072, F.S.,
22 relating to orders or decisions when the state
23 appeals; renumbering and amending s. 39.0255,
24 F.S., relating to civil citations; conforming a
25 reference; renumbering s. 39.019, F.S.,
26 relating to teen courts; renumbering and
27 amending s. 39.0361, F.S., relating to the
28 Neighborhood Restorative Justice Act; removing
29 short title designation; conforming reference
30 and departmental name; renumbering and amending
31 s. 39.026, F.S., relating to community

1 arbitration; providing for establishment of
2 programs; selection of community arbitrators,
3 procedures, hearings, disposition, review, and
4 funding; renumbering and amending s. 39.055,
5 F.S., relating to early delinquency
6 intervention; conforming departmental name;
7 providing procedures and criteria for
8 determination by Department of Juvenile Justice
9 of whether certain children are likely to
10 exhibit further significant delinquent
11 behavior, under specified circumstances;
12 providing for program placement; providing for
13 certain reports to the Legislature by the
14 department on program development and
15 implementation; renumbering s. 39.0475, F.S.,
16 relating to delinquency pretrial intervention;
17 renumbering s. 39.0551, F.S., relating to
18 juvenile assignment centers; renumbering s.
19 39.0571, F.S., relating to juvenile sexual
20 offender commitment programs; renumbering and
21 amending s. 39.057, F.S., relating to boot
22 camps for children; conforming a reference;
23 renumbering and amending s. 39.058, F.S.,
24 relating to serious or habitual juvenile
25 offenders; conforming references; renumbering
26 and amending s. 39.0582, F.S., relating to
27 intensive residential treatment; conforming
28 references; renumbering and amending s.
29 39.0583, F.S., relating to intensive
30 residential treatment programs; conforming
31 references; renumbering s. 39.0581, F.S.,

1 relating to maximum-risk residential programs;
2 renumbering and amending s. 39.0584, F.S.,
3 relating to commitment programs for juvenile
4 felony offenders; conforming references;
5 renumbering and amending s. 39.05841, F.S.,
6 relating to vocational work training programs;
7 providing that Department of Juvenile Justice
8 may require participation by certain juveniles
9 in vocational work programs; providing for
10 establishment of guidelines and specifying
11 procedures; providing for an agricultural and
12 industrial production and marketing program;
13 providing for contracts with respect to a
14 juvenile industry program including the
15 operation of a direct private sector business
16 within a juvenile facility; providing for
17 workers' compensation coverage; renumbering s.
18 39.067, F.S., relating to furlough and
19 intensive aftercare; renumbering and amending
20 s. 39.003, F.S., relating to the Juvenile
21 Justice Advisory Board; conforming references
22 and departmental name; renumbering s. 39.085,
23 F.S., relating to the Alternative Education
24 Institute; renumbering s. 39.0572, F.S.,
25 relating to the Task Force on Juvenile Sexual
26 Offenders and their Victims; renumbering and
27 amending s. 39.021, F.S., relating to
28 administering the juvenile justice continuum;
29 conforming departmental name; removing
30 specified provisions; creating s. 985.405,
31 F.S.; requiring the Department of Juvenile

1 Justice to adopt certain rules relating to
2 program management; renumbering s. 39.024,
3 F.S., relating to juvenile justice training
4 academies, the Juvenile Justice Standards and
5 Training Commission, and the Juvenile Justice
6 Training Trust Fund; renumbering s. 39.076,
7 F.S., relating to contracting and personnel;
8 renumbering s. 39.075, F.S., relating to
9 consultants; creating s. 985.409, F.S.;
10 providing for participation in the Florida
11 Casualty Insurance Risk Management Trust Fund;
12 renumbering s. 39.074, F.S., relating to
13 facilities siting; renumbering and amending s.
14 39.0215, F.S., relating to county and municipal
15 delinquency programs and facilities; creating
16 s. 985.412, F.S.; providing for quality
17 assurance; providing for an annual report to
18 the Legislature and Governor with respect to
19 program quality; renumbering and amending s.
20 39.025, F.S., relating to district juvenile
21 justice boards; removing short title
22 designation; conforming references and
23 departmental name; removing specified
24 provisions; creating s. 985.414, F.S.;
25 providing for county juvenile justice councils;
26 providing purpose, duties, and
27 responsibilities; providing for an annual
28 report; creating s. 985.415, F.S.; providing
29 for county juvenile justice partnership grants;
30 creating s. 985.416, F.S.; providing for
31 innovation zones; renumbering s. 39.062, F.S.,

1 relating to transferring children from the
2 Department of Corrections to the Department of
3 Juvenile Justice; renumbering s. 39.063, F.S.,
4 relating to transferring children to other
5 treatment services; renumbering s. 39.065,
6 F.S., relating to contracts for the transfer of
7 children under federal custody; renumbering s.
8 39.51, F.S., relating to the Interstate Compact
9 on Juveniles; renumbering s. 39.511, F.S.,
10 relating to execution of the compact;
11 renumbering s. 39.512, F.S., relating to the
12 juvenile compact administrator; renumbering s.
13 39.513, F.S., relating to supplementary
14 agreements; renumbering s. 39.514, F.S.,
15 relating to financial arrangements; renumbering
16 s. 39.515, F.S., relating to responsibility of
17 state departments, agencies, and officers;
18 renumbering s. 39.516, F.S., relating to
19 additional procedures with respect to the
20 compact; creating s. 984.01, F.S.; providing
21 purposes and intent with respect to children
22 and families in need of services; providing
23 certain contracting authority of the Department
24 of Juvenile Justice or Department of Children
25 and Family Services; providing for both
26 departments to require employment screening of
27 personnel in programs for children or youths,
28 including certain volunteers or other personnel
29 of contracted-for programs; providing for both
30 departments to grant exemptions from
31 disqualification for working with children;

1 creating s. 984.02, F.S.; providing legislative
2 intent; creating s. 984.03, F.S.; providing
3 definitions; renumbering and amending s. 39.42,
4 F.S., relating to children in need of services
5 and families in need of services; conforming
6 reference; renumbering and amending s. 39.015,
7 F.S., relating to rules relating to habitual
8 truants; conforming references; renumbering and
9 amending s. 39.4451, F.S., relating to oaths,
10 records, and confidential information; removing
11 a reference; renumbering s. 39.447, F.S.,
12 relating to appointed counsel; renumbering and
13 amending s. 39.017, F.S., relating to
14 attorney's fees; conforming references;
15 creating s. 984.09, F.S.; providing for
16 punishment for contempt of court; providing for
17 an alternative sanctions coordinator position
18 within each judicial circuit; renumbering and
19 amending s. 39.423, F.S., relating to intake of
20 children; conforming reference and departmental
21 name; renumbering and amending s. 39.424, F.S.,
22 relating to services to families in need of
23 services; conforming reference; renumbering s.
24 39.426, F.S., relating to staffing for
25 treatment and services to families in need of
26 services; renumbering and amending s. 39.421,
27 F.S., relating to taking certain children into
28 custody; conforming references; renumbering and
29 amending s. 39.422, F.S., relating to shelter
30 placement of certain children; revising
31 catchline; renumbering and amending s. 39.436,

1 F.S., relating to petitions for children in
2 need of services; conforming references;
3 renumbering s. 39.437, F.S., relating to
4 process and service; renumbering s. 39.438,
5 F.S., relating to response to petition and
6 representation of parties; renumbering s.
7 39.4431, F.S., relating to referral of
8 children-in-need-of-services cases to
9 mediation; renumbering and amending s. 39.446,
10 F.S., relating to examination and treatment of
11 certain children; conforming references and
12 departmental name; renumbering s. 39.44, F.S.,
13 relating to hearings for
14 children-in-need-of-services cases; renumbering
15 s. 39.441, F.S., relating to orders of
16 adjudication; renumbering and amending s.
17 39.442, F.S., relating to powers of
18 disposition; conforming departmental name;
19 renumbering s. 39.4375, F.S., relating to court
20 and witness fees; renumbering s. 39.4441, F.S.,
21 relating to appeals; amending s. 39.01, F.S.;
22 conforming references, departmental name;
23 removing specified provisions; defining
24 "district administrator," "circuit," and
25 "health and human services board"; revising
26 definitions applicable to ch. 39, F.S.;
27 repealing ss. 39.0205, 39.0206, F.S., relating
28 to a short title and a definition; renumbering
29 s. 39.061, F.S., relating to escapes from
30 detention or residential commitment facilities;
31 repealing s. 39.419, F.S., relating to a

1 definition; repealing ss. 39.027, 39.028,
2 39.029, 39.033, 39.034, 39.035, 39.036, F.S.,
3 relating to community arbitration, which
4 provisions are otherwise incorporated into this
5 act; repealing ss. 39.052, 39.053, 39.054,
6 39.059, F.S., relating to adjudicatory
7 hearings, adjudication, powers of disposition,
8 and community control or commitment of children
9 prosecuted as adults, which provisions are
10 otherwise incorporated into this act; repealing
11 ss. 39.05842, 39.05843, 39.05844, 39.05845,
12 F.S., relating to vocational/work programs,
13 which provisions are otherwise incorporated
14 into this act; repealing s. 39.056, F.S.,
15 relating to early delinquency intervention,
16 which provision is otherwise incorporated into
17 this act; amending s. 39.002, F.S.; providing
18 legislative intent for the juvenile justice
19 system; removing specified provisions; amending
20 s. 39.012, F.S.; providing for the Department
21 of Children and Family Services to adopt
22 certain rules relating to program management;
23 removing specified provisions; designating and
24 naming parts of ch. 985, F.S.; providing
25 legislative intent with respect to reservation
26 of certain statutory chapters for sections of
27 statute relating to specified subjects and with
28 respect to construction and statutory
29 assignment of certain other acts; providing a
30 directive to the Division of Statutory
31 Revision; providing an effective date.

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

2

3 Section 1. Section 985.01, Florida Statutes, is
4 created to read:

5 985.01 Purposes and intent; personnel standards and
6 screening.--

7 (1) The purposes of this chapter are:

8 (a) To provide judicial and other procedures to assure
9 due process through which children and other interested
10 parties are assured fair hearings by a respectful and
11 respected court or other tribunal and the recognition,
12 protection, and enforcement of their constitutional and other
13 legal rights, while ensuring that public safety interests and
14 the authority and dignity of the courts are adequately
15 protected.

16 (b) To provide for the care, safety, and protection of
17 children in an environment that fosters healthy social,
18 emotional, intellectual, and physical development; to ensure
19 secure and safe custody; and to promote the health and
20 well-being of all children under the state's care.

21 (c) To ensure the protection of society, by providing
22 for a comprehensive standardized assessment of the child's
23 needs so that the most appropriate control, discipline,
24 punishment, and treatment can be administered consistent with
25 the seriousness of the act committed, the community's
26 long-term need for public safety, the prior record of the
27 child, and the specific rehabilitation needs of the child,
28 while also providing whenever possible restitution to the
29 victim of the offense.

30 (d) To preserve and strengthen the child's family ties
31 whenever possible, by providing for removal of the child from

1 parental custody only when his or her welfare or the safety
2 and protection of the public cannot be adequately safeguarded
3 without such removal; and, when the child is removed from his
4 or her own family, to secure custody, care, and discipline for
5 the child as nearly as possible equivalent to that which
6 should have been given by the parents; and to assure, in all
7 cases in which a child must be permanently removed from
8 parental custody, that the child be placed in an approved
9 family home, adoptive home, independent living program, or
10 other placement that provides the most stable and permanent
11 living arrangement for the child, as determined by the court.

12 (e)1. To assure that the adjudication and disposition
13 of a child alleged or found to have committed a violation of
14 Florida law be exercised with appropriate discretion and in
15 keeping with the seriousness of the offense and the need for
16 treatment services, and that all findings made under this
17 chapter be based upon facts presented at a hearing that meets
18 the constitutional standards of fundamental fairness and due
19 process.

20 2. To assure that the sentencing and placement of a
21 child tried as an adult be appropriate and in keeping with the
22 seriousness of the offense and the child's need for
23 rehabilitative services, and that the proceedings and
24 procedures applicable to such sentencing and placement be
25 applied within the full framework of constitutional standards
26 of fundamental fairness and due process.

27 (f) To provide children committed to the Department of
28 Juvenile Justice with training in life skills, including
29 career education.

30 (2) The Department of Juvenile Justice or the
31 Department of Children and Family Services, as appropriate,

1 may contract with the Federal Government, other state
2 departments and agencies, county and municipal governments and
3 agencies, public and private agencies, and private individuals
4 and corporations in carrying out the purposes of, and the
5 responsibilities established in, this chapter.

6 (a) When the Department of Juvenile Justice or the
7 Department of Children and Family Services contracts with a
8 provider for any program for children, all personnel,
9 including owners, operators, employees, and volunteers, in the
10 facility must be of good moral character. A volunteer who
11 assists on an intermittent basis for less than 40 hours per
12 month need not be screened if the volunteer is under direct
13 and constant supervision by persons who meet the screening
14 requirements.

15 (b) The Department of Juvenile Justice and the
16 Department of Children and Family Services shall require
17 employment screening pursuant to chapter 435, using the level
18 2 standards set forth in that chapter for personnel in
19 programs for children or youths.

20 (c) The Department of Juvenile Justice or the
21 Department of Children and Family Services may grant
22 exemptions from disqualification from working with children as
23 provided in s. 435.07.

24 (3) It is the intent of the Legislature that this
25 chapter be liberally interpreted and construed in conformity
26 with its declared purposes.

27 Section 2. Section 985.02, Florida Statutes, is
28 created to read:

29 985.02 Legislative intent for the juvenile justice
30 system.--

31

1 (1) GENERAL PROTECTIONS FOR CHILDREN.--It is a purpose
2 of the Legislature that the children of this state be provided
3 with the following protections:

4 (a) Protection from abuse, neglect, and exploitation.

5 (b) A permanent and stable home.

6 (c) A safe and nurturing environment which will
7 preserve a sense of personal dignity and integrity.

8 (d) Adequate nutrition, shelter, and clothing.

9 (e) Effective treatment to address physical, social,
10 and emotional needs, regardless of geographical location.

11 (f) Equal opportunity and access to quality and
12 effective education, which will meet the individual needs of
13 each child, and to recreation and other community resources to
14 develop individual abilities.

15 (g) Access to preventive services.

16 (h) An independent, trained advocate, when
17 intervention is necessary, and a skilled guardian or caretaker
18 in a safe environment when alternative placement is necessary.

19 (2) SUBSTANCE ABUSE SERVICES.--The Legislature finds
20 that children in the care of the state's dependency and
21 delinquency systems need appropriate health care services,
22 that the impact of substance abuse on health indicates the
23 need for health care services to include substance abuse
24 services where appropriate, and that it is in the state's best
25 interest that such children be provided the services they need
26 to enable them to become and remain independent of state care.
27 In order to provide these services, the state's dependency and
28 delinquency systems must have the ability to identify and
29 provide appropriate intervention and treatment for children
30 with personal or family-related substance abuse problems. It
31 is therefore the purpose of the Legislature to provide

1 authority for the state to contract with community substance
2 abuse treatment providers for the development and operation of
3 specialized support and overlay services for the dependency
4 and delinquency systems, which will be fully implemented and
5 utilized as resources permit.

6 (3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.--It
7 is the policy of the state with respect to juvenile justice
8 and delinquency prevention to first protect the public from
9 acts of delinquency. In addition, it is the policy of the
10 state to:

11 (a) Develop and implement effective methods of
12 preventing and reducing acts of delinquency, with a focus on
13 maintaining and strengthening the family as a whole so that
14 children may remain in their homes or communities.

15 (b) Develop and implement effective programs to
16 prevent delinquency, to divert children from the traditional
17 juvenile justice system, to intervene at an early stage of
18 delinquency, and to provide critically needed alternatives to
19 institutionalization and deep-end commitment.

20 (c) Provide well-trained personnel, high-quality
21 services, and cost-effective programs within the juvenile
22 justice system.

23 (d) Increase the capacity of local governments and
24 public and private agencies to conduct rehabilitative
25 treatment programs and to provide research, evaluation, and
26 training services in the field of juvenile delinquency
27 prevention.

28
29 The Legislature intends that detention care, in addition to
30 providing secure and safe custody, will promote the health and
31 well-being of the children committed thereto and provide an

1 environment that fosters their social, emotional,
2 intellectual, and physical development.

3 (4) DETENTION.--

4 (a) The Legislature finds that there is a need for a
5 secure placement for certain children alleged to have
6 committed a delinquent act. The Legislature finds that
7 detention under part II should be used only when less
8 restrictive interim placement alternatives prior to
9 adjudication and disposition are not appropriate. The
10 Legislature further finds that decisions to detain should be
11 based in part on a prudent assessment of risk and be limited
12 to situations where there is clear and convincing evidence
13 that a child presents a risk of failing to appear or presents
14 a substantial risk of inflicting bodily harm on others as
15 evidenced by recent behavior; presents a history of committing
16 a serious property offense prior to adjudication, disposition,
17 or placement; has acted in direct or indirect contempt of
18 court; or requests protection from imminent bodily harm.

19 (b) The Legislature intends that a juvenile found to
20 have committed a delinquent act understands the consequences
21 and the serious nature of such behavior. Therefore, the
22 Legislature finds that secure detention is appropriate to
23 provide punishment that discourages further delinquent
24 behavior. The Legislature also finds that certain juveniles
25 have committed a sufficient number of criminal acts, including
26 acts involving violence to persons, to represent sufficient
27 danger to the community to warrant sentencing and placement
28 within the adult system. It is the intent of the Legislature
29 to establish clear criteria in order to identify these
30 juveniles and remove them from the juvenile justice system.

31

1 (5) SERIOUS OR HABITUAL JUVENILE OFFENDERS.--The
2 Legislature finds that fighting crime effectively requires a
3 multipronged effort focusing on particular classes of
4 delinquent children and the development of particular
5 programs. This state's juvenile justice system has an
6 inadequate number of beds for serious or habitual juvenile
7 offenders and an inadequate number of community and
8 residential programs for a significant number of children
9 whose delinquent behavior is due to or connected with illicit
10 substance abuse. In addition, a significant number of children
11 have been adjudicated in adult criminal court and placed in
12 this state's prisons where programs are inadequate to meet
13 their rehabilitative needs and where space is needed for adult
14 offenders. Recidivism rates for each of these classes of
15 offenders exceed those tolerated by the Legislature and by the
16 citizens of this state.

17 (6) SITING OF FACILITIES.--

18 (a) The Legislature finds that timely siting and
19 development of needed residential facilities for juvenile
20 offenders is critical to the public safety of the citizens of
21 this state and to the effective rehabilitation of juvenile
22 offenders.

23 (b) It is the purpose of the Legislature to guarantee
24 that such facilities are sited and developed within reasonable
25 timeframes after they are legislatively authorized and
26 appropriated.

27 (c) The Legislature further finds that such facilities
28 must be located in areas of the state close to the home
29 communities of the children they house in order to ensure the
30 most effective rehabilitation efforts and the most intensive
31 postrelease supervision and case management.

1 (d) It is the intent of the Legislature that all other
2 departments and agencies of the state shall cooperate fully
3 with the Department of Juvenile Justice to accomplish the
4 siting of facilities for juvenile offenders.

5
6 The supervision, counseling, rehabilitative treatment, and
7 punitive efforts of the juvenile justice system should avoid
8 the inappropriate use of correctional programs and large
9 institutions. The Legislature finds that detention services
10 should exceed the primary goal of providing safe and secure
11 custody pending adjudication and disposition.

12 (7) PARENTAL, CUSTODIAL, AND GUARDIAN
13 RESPONSIBILITIES.--Parents, custodians, and guardians are
14 deemed by the state to be responsible for providing their
15 children with sufficient support, guidance, and supervision to
16 deter their participation in delinquent acts. The state
17 further recognizes that the ability of parents, custodians,
18 and guardians to fulfill those responsibilities can be greatly
19 impaired by economic, social, behavioral, emotional, and
20 related problems. It is therefore the policy of the
21 Legislature that it is the state's responsibility to ensure
22 that factors impeding the ability of caretakers to fulfill
23 their responsibilities are identified through the delinquency
24 intake process and that appropriate recommendations to address
25 those problems are considered in any judicial or nonjudicial
26 proceeding.

27 Section 3. Section 985.03, Florida Statutes, is
28 created to read:

29 985.03 Definitions.--When used in this chapter, the
30 term:

31

1 (1) "Addictions receiving facility" means a substance
2 abuse service provider as defined in chapter 397.

3 (2) "Adjudicatory hearing" means a hearing for the
4 court to determine whether or not the facts support the
5 allegations stated in the petition, as is provided for under
6 s. 985.228 in delinquency cases.

7 (3) "Adult" means any natural person other than a
8 child.

9 (4) "Arbitration" means a process whereby a neutral
10 third person or panel, called an arbitrator or an arbitration
11 panel, considers the facts and arguments presented by the
12 parties and renders a decision which may be binding or
13 nonbinding.

14 (5) "Authorized agent" or "designee" of the department
15 means a person or agency assigned or designated by the
16 Department of Juvenile Justice or the Department of Children
17 and Family Services, as appropriate, to perform duties or
18 exercise powers pursuant to this chapter and includes contract
19 providers and their employees for purposes of providing
20 services to and managing cases of children in need of services
21 and families in need of services.

22 (6) "Child" or "juvenile" or "youth" means any
23 unmarried person under the age of 18 who has not been
24 emancipated by order of the court and who has been found or
25 alleged to be dependent, in need of services, or from a family
26 in need of services; or any married or unmarried person who is
27 charged with a violation of law occurring prior to the time
28 that person reached the age of 18 years.

29 (7) "Child eligible for an intensive residential
30 treatment program for offenders less than 13 years of age"
31 means a child who has been found to have committed a

1 delinquent act or a violation of law in the case currently
2 before the court and who meets at least one of the following
3 criteria:

4 (a) The child is less than 13 years of age at the time
5 of the disposition for the current offense and has been
6 adjudicated on the current offense for:

- 7 1. Arson;
- 8 2. Sexual battery;
- 9 3. Robbery;
- 10 4. Kidnapping;
- 11 5. Aggravated child abuse;
- 12 6. Aggravated assault;
- 13 7. Aggravated stalking;
- 14 8. Murder;
- 15 9. Manslaughter;
- 16 10. Unlawful throwing, placing, or discharging of a
17 destructive device or bomb;
- 18 11. Armed burglary;
- 19 12. Aggravated battery;
- 20 13. Lewd or lascivious assault or act in the presence
21 of a child; or
- 22 14. Carrying, displaying, using, threatening, or
23 attempting to use a weapon or firearm during the commission of
24 a felony.

25 (b) The child is less than 13 years of age at the time
26 of the disposition, the current offense is a felony, and the
27 child has previously been committed at least once to a
28 delinquency commitment program.

29 (c) The child is less than 13 years of age and is
30 currently committed for a felony offense and transferred from
31 a moderate-risk or high-risk residential commitment placement.

1 (8) "Child in need of services" means a child for whom
2 there is no pending investigation into an allegation or
3 suspicion of abuse, neglect, or abandonment; no pending
4 referral alleging the child is delinquent; or no current
5 supervision by the Department of Juvenile Justice or the
6 Department of Children and Family Services for an adjudication
7 of dependency or delinquency. The child must also, pursuant to
8 this chapter, be found by the court:

9 (a) To have persistently run away from the child's
10 parents or legal custodians despite reasonable efforts of the
11 child, the parents or legal custodians, and appropriate
12 agencies to remedy the conditions contributing to the
13 behavior. Reasonable efforts shall include voluntary
14 participation by the child's parents or legal custodians and
15 the child in family mediation, services, and treatment offered
16 by the Department of Juvenile Justice or the Department of
17 Children and Family Services;

18 (b) To be habitually truant from school, while subject
19 to compulsory school attendance, despite reasonable efforts to
20 remedy the situation pursuant to s. 232.19 and through
21 voluntary participation by the child's parents or legal
22 custodians and by the child in family mediation, services, and
23 treatment offered by the Department of Juvenile Justice or the
24 Department of Children and Family Services; or

25 (c) To have persistently disobeyed the reasonable and
26 lawful demands of the child's parents or legal custodians, and
27 to be beyond their control despite efforts by the child's
28 parents or legal custodians and appropriate agencies to remedy
29 the conditions contributing to the behavior. Reasonable
30 efforts may include such things as good faith participation in
31 family or individual counseling.

1 (9) "Child who has been found to have committed a
2 delinquent act" means a child who, pursuant to the provisions
3 of this chapter, is found by a court to have committed a
4 violation of law or to be in direct or indirect contempt of
5 court, except that this definition shall not include an act
6 constituting contempt of court arising out of a dependency
7 proceeding or a proceeding pursuant to part III of this
8 chapter.

9 (10) "Child support" means a court-ordered obligation,
10 enforced under chapter 61 and ss. 409.2551-409.2597, for
11 monetary support for the care, maintenance, training, and
12 education of a child.

13 (11) "Circuit" means any of the 20 judicial circuits
14 as set forth in s. 26.021.

15 (12) "Community control" means the legal status of
16 probation created by law and court order in cases involving a
17 child who has been found to have committed a delinquent act.
18 Community control is an individualized program in which the
19 freedom of the child is limited and the child is restricted to
20 noninstitutional quarters or restricted to the child's home in
21 lieu of commitment to the custody of the Department of
22 Juvenile Justice.

23 (13) "Comprehensive assessment" or "assessment" means
24 the gathering of information for the evaluation of a juvenile
25 offender's or a child's physical, psychological, educational,
26 vocational, and social condition and family environment as
27 they relate to the child's need for rehabilitative and
28 treatment services, including substance abuse treatment
29 services, mental health services, developmental services,
30 literacy services, medical services, family services, and
31 other specialized services, as appropriate.

1 (14) "Court," unless otherwise expressly stated, means
2 the circuit court assigned to exercise jurisdiction under this
3 chapter.

4 (15)(a) "Delinquency program" means any intake,
5 community control and furlough, or similar program; regional
6 detention center or facility; or community-based program,
7 whether owned and operated by or contracted by the Department
8 of Juvenile Justice, or institution owned and operated by or
9 contracted by the Department of Juvenile Justice, which
10 provides intake, supervision, or custody and care of children
11 who are alleged to be or who have been found to be delinquent
12 pursuant to part II.

13 (b) "Delinquency program staff" means supervisory and
14 direct care staff of a delinquency program as well as support
15 staff who have direct contact with children in a delinquency
16 program.

17 (c) "Delinquency prevention programs" means programs
18 designed for the purpose of reducing the occurrence of
19 delinquency, including youth and street gang activity, and
20 juvenile arrests. The term excludes arbitration, diversionary
21 or mediation programs, and community service work or other
22 treatment available subsequent to a child committing a
23 delinquent act.

24 (16) "Department" means the Department of Juvenile
25 Justice.

26 (17) "Designated facility" or "designated treatment
27 facility" means any facility designated by the Department of
28 Juvenile Justice to provide treatment to juvenile offenders.

29 (18) "Detention care" means the temporary care of a
30 child in secure, nonsecure, or home detention, pending a court
31

1 adjudication or disposition or execution of a court order.

2 There are three types of detention care, as follows:

3 (a) "Secure detention" means temporary custody of the
4 child while the child is under the physical restriction of a
5 detention center or facility pending adjudication,
6 disposition, or placement.

7 (b) "Nonsecure detention" means temporary custody of
8 the child while the child is in a residential home in the
9 community in a physically nonrestrictive environment under the
10 supervision of the Department of Juvenile Justice pending
11 adjudication, disposition, or placement.

12 (c) "Home detention" means temporary custody of the
13 child while the child is released to the custody of the
14 parent, guardian, or custodian in a physically nonrestrictive
15 environment under the supervision of the Department of
16 Juvenile Justice staff pending adjudication, disposition, or
17 placement.

18 (19) "Detention center or facility" means a facility
19 used pending court adjudication or disposition or execution of
20 court order for the temporary care of a child alleged or found
21 to have committed a violation of law. A detention center or
22 facility may provide secure or nonsecure custody. A facility
23 used for the commitment of adjudicated delinquents shall not
24 be considered a detention center or facility.

25 (20) "Detention hearing" means a hearing for the court
26 to determine if a child should be placed in temporary custody,
27 as provided for under ss. 985.213 and 985.215 in delinquency
28 cases.

29 (21) "Disposition hearing" means a hearing in which
30 the court determines the most appropriate dispositional
31

1 services in the least restrictive available setting provided
2 for under s. 985.231, in delinquency cases.

3 (22) "District" means a service district of the
4 Department of Juvenile Justice.

5 (23) "District juvenile justice manager" means the
6 person appointed by the Secretary of Juvenile Justice,
7 responsible for planning, managing, and evaluating all
8 juvenile justice continuum programs and services delivered or
9 funded by the Department of Juvenile Justice within the
10 district.

11 (24) "Family" means a collective body of persons,
12 consisting of a child and a parent, guardian, adult custodian,
13 or adult relative, in which:

14 (a) The persons reside in the same house or living
15 unit; or

16 (b) The parent, guardian, adult custodian, or adult
17 relative has a legal responsibility by blood, marriage, or
18 court order to support or care for the child.

19 (25) "Family in need of services" means a family that
20 has a child for whom there is no pending investigation into an
21 allegation of abuse, neglect, or abandonment or no current
22 supervision by the Department of Juvenile Justice or the
23 Department of Children and Family Services for an adjudication
24 of dependency or delinquency. The child must also have been
25 referred to a law enforcement agency or the Department of
26 Juvenile Justice for:

27 (a) Running away from parents or legal custodians;

28 (b) Persistently disobeying reasonable and lawful
29 demands of parents or legal custodians, and being beyond their
30 control; or

31 (c) Habitual truancy from school.

1 (26) "Foster care" means care provided a child in a
2 foster family or boarding home, group home, agency boarding
3 home, child care institution, or any combination thereof.

4 (27) "Habitually truant" means that:

5 (a) The child has 15 unexcused absences within 90 days
6 with or without the knowledge or justifiable consent of the
7 child's parent or legal guardian and is not exempt from
8 attendance by virtue of being over the age of compulsory
9 school attendance or by meeting the criteria in s. 232.06, s.
10 232.09, or any other exemptions specified by law or the rules
11 of the State Board of Education;

12 (b) In addition to the actions described in s. 232.17,
13 the school administration has completed the following
14 escalating activities to determine the cause, and to attempt
15 the remediation, of the child's truant behavior:

16 1. After a minimum of 3 and prior to 15 unexcused
17 absences within 90 days, one or more meetings have been held,
18 either in person or by phone, between a school attendance
19 assistant or school social worker, the child's parent or
20 guardian, and the child, if necessary, to report and to
21 attempt to solve the truancy problem. However, if the school
22 attendance assistant or school social worker has documented
23 the refusal of the parent or guardian to participate in the
24 meetings, then this requirement has been met;

25 2. Educational counseling has been provided to
26 determine whether curriculum changes would help solve the
27 truancy problem, and, if any changes were indicated, such
28 changes were instituted but proved unsuccessful in remedying
29 the truant behavior. Such curriculum changes may include
30 enrollment of the child in an alternative education program
31 that meets the specific educational and behavioral needs of

1 the child, including a second chance school, as provided for
2 in s. 230.2316, designed to resolve truant behavior;

3 3. Educational evaluation, pursuant to the
4 requirements of s. 232.19(3)(b)3., has been provided; and

5 4. The school social worker, the attendance assistant,
6 or the school superintendent's designee if there is no school
7 social worker or attendance assistant has referred the student
8 and family to the children-in-need-of-services and
9 families-in-need-of-services provider or the case staffing
10 committee, established pursuant to s. 984.12, as determined by
11 the cooperative agreement required in s. 232.19(3). The case
12 staffing committee may request the department or its designee
13 to file a child-in-need-of-services petition based upon the
14 report and efforts of the school district or other community
15 agency or may seek to resolve the truancy behavior through the
16 school or community-based organizations or agencies.

17
18 If a child within the compulsory school attendance age is
19 responsive to the interventions described in this paragraph
20 and has completed the necessary requirements to pass the
21 current grade as indicated in the district pupil progression
22 plan, the child shall not be determined to be habitually
23 truant. If a child within the compulsory school attendance age
24 has 15 unexcused absences or fails to enroll in school, the
25 state attorney may file a child-in-need-of-services petition.
26 Prior to filing a petition, the child must be referred to the
27 appropriate agency for evaluation. After consulting with the
28 evaluating agency, the state attorney may elect to file a
29 child-in-need-of-services petition.

30 (c) A school social worker or other person designated
31 by the school administration, if the school does not have a

1 school social worker, and an intake counselor or case manager
2 of the Department of Juvenile Justice have jointly
3 investigated the truancy problem or, if that was not feasible,
4 have performed separate investigations to identify conditions
5 which may be contributing to the truant behavior; and if,
6 after a joint staffing of the case to determine the necessity
7 for services, such services were determined to be needed, the
8 persons who performed the investigations met jointly with the
9 family and child to discuss any referral to appropriate
10 community agencies for economic services, family or individual
11 counseling, or other services required to remedy the
12 conditions that are contributing to the truant behavior; and
13 (d) The failure or refusal of the parent or legal
14 guardian or the child to participate, or make a good faith
15 effort to participate, in the activities prescribed to remedy
16 the truant behavior, or the failure or refusal of the child to
17 return to school after participation in activities required by
18 this subsection, or the failure of the child to stop the
19 truant behavior after the school administration and the
20 Department of Juvenile Justice have worked with the child as
21 described in s. 232.19(3) shall be handled as prescribed in s.
22 232.19.

23 (28) "Halfway house" means a community-based
24 residential program for 10 or more committed delinquents at
25 the moderate-risk restrictiveness level that is operated or
26 contracted by the Department of Juvenile Justice.

27 (29) "Intake" means the initial acceptance and
28 screening by the Department of Juvenile Justice of a complaint
29 or a law enforcement report or probable cause affidavit of
30 delinquency, family in need of services, or child in need of
31 services to determine the recommendation to be taken in the

1 best interests of the child, the family, and the community.
2 The emphasis of intake is on diversion and the least
3 restrictive available services. Consequently, intake includes
4 such alternatives as:
5 (a) The disposition of the complaint, report, or
6 probable cause affidavit without court or public agency action
7 or judicial handling when appropriate.
8 (b) The referral of the child to another public or
9 private agency when appropriate.
10 (c) The recommendation by the intake counselor or case
11 manager of judicial handling when appropriate and warranted.
12 (30) "Intake counselor" or "case manager" means the
13 authorized agent of the Department of Juvenile Justice
14 performing the intake or case management function for a child
15 alleged to be delinquent.
16 (31) "Judge" means the circuit judge exercising
17 jurisdiction pursuant to this chapter.
18 (32) "Juvenile justice continuum" includes, but is not
19 limited to, delinquency prevention programs and services
20 designed for the purpose of preventing or reducing delinquent
21 acts, including criminal activity by youth gangs, and juvenile
22 arrests, as well as programs and services targeted at children
23 who have committed delinquent acts, and children who have
24 previously been committed to residential treatment programs
25 for delinquents. The term includes
26 children-in-need-of-services and families-in-need-of-services
27 programs; aftercare and reentry services; substance abuse and
28 mental health programs; educational and vocational programs;
29 recreational programs; community services programs; community
30 service work programs; and alternative dispute resolution
31 programs serving children at risk of delinquency and their

1 families, whether offered or delivered by state or local
2 governmental entities, public or private for-profit or
3 not-for-profit organizations, or religious or charitable
4 organizations.

5 (33) "Juvenile sexual offender" means:

6 (a) A juvenile who has been found by the court
7 pursuant to s. 985.228 to have committed a violation of
8 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
9 847.0133;

10 (b) A juvenile found to have committed any violation
11 of law or delinquent act involving juvenile sexual abuse.

12 "Juvenile sexual abuse" means any sexual behavior which occurs
13 without consent, without equality, or as a result of coercion.
14 For purposes of this subsection, the following definitions
15 apply:

16 1. "Coercion" means the exploitation of authority, use
17 of bribes, threats of force, or intimidation to gain
18 cooperation or compliance.

19 2. "Equality" means two participants operating with
20 the same level of power in a relationship, neither being
21 controlled nor coerced by the other.

22 3. "Consent" means an agreement including all of the
23 following:

24 a. Understanding what is proposed based on age,
25 maturity, developmental level, functioning, and experience.

26 b. Knowledge of societal standards for what is being
27 proposed.

28 c. Awareness of potential consequences and
29 alternatives.

30 d. Assumption that agreement or disagreement will be
31 accepted equally.

1 e. Voluntary decision.

2 f. Mental competence.

3
4 Juvenile sexual offender behavior ranges from noncontact
5 sexual behavior such as making obscene phone calls,
6 exhibitionism, voyeurism, and the showing or taking of lewd
7 photographs to varying degrees of direct sexual contact, such
8 as frottage, fondling, digital penetration, rape, fellatio,
9 sodomy, and various other sexually aggressive acts.

10 (34) "Legal custody" means a legal status created by
11 court order or letter of guardianship which vests in a
12 custodian of the person or guardian, whether an agency or an
13 individual, the right to have physical custody of the child
14 and the right and duty to protect, train, and discipline the
15 child and to provide him or her with food, shelter, education,
16 and ordinary medical, dental, psychiatric, and psychological
17 care.

18 (35) "Licensed child-caring agency" means a person,
19 society, association, or agency licensed by the Department of
20 Children and Family Services to care for, receive, and board
21 children.

22 (36) "Licensed health care professional" means a
23 physician licensed under chapter 458, an osteopathic physician
24 licensed under chapter 459, a nurse licensed under chapter
25 464, a physician assistant certified under chapter 458, or a
26 dentist licensed under chapter 466.

27 (37) "Likely to injure oneself" means that, as
28 evidenced by violent or other actively self-destructive
29 behavior, it is more likely than not that within a 24-hour
30 period the child will attempt to commit suicide or inflict
31 serious bodily harm on himself or herself.

1 (38) "Likely to injure others" means that it is more
2 likely than not that within a 24-hour period the child will
3 inflict serious and unjustified bodily harm on another person.

4 (39) "Mediation" means a process whereby a neutral
5 third person called a mediator acts to encourage and
6 facilitate the resolution of a dispute between two or more
7 parties. It is an informal and nonadversarial process with
8 the objective of helping the disputing parties reach a
9 mutually acceptable and voluntary agreement. In mediation,
10 decisionmaking authority rests with the parties. The role of
11 the mediator includes, but is not limited to, assisting the
12 parties in identifying issues, fostering joint problem
13 solving, and exploring settlement alternatives.

14 (40) "Necessary medical treatment" means care which is
15 necessary within a reasonable degree of medical certainty to
16 prevent the deterioration of a child's condition or to
17 alleviate immediate pain of a child.

18 (41) "Parent" means a woman who gives birth to a child
19 and a man whose consent to the adoption of the child would be
20 required under s. 63.062(1)(b). If a child has been legally
21 adopted, the term "parent" means the adoptive mother or father
22 of the child. The term does not include an individual whose
23 parental relationship to the child has been legally
24 terminated, or an alleged or prospective parent, unless the
25 parental status falls within the terms of either s. 39.4051(7)
26 or s. 63.062(1)(b).

27 (42) "Preliminary screening" means the gathering of
28 preliminary information to be used in determining a child's
29 need for further evaluation or assessment or for referral for
30 other substance abuse services through means such as
31 psychosocial interviews; urine and breathalyzer screenings;

1 and reviews of available educational, delinquency, and
2 dependency records of the child.

3 (43) "Preventive services" means social services and
4 other supportive and rehabilitative services provided to the
5 parent of the child, the legal guardian of the child, or the
6 custodian of the child and to the child for the purpose of
7 averting the removal of the child from the home or disruption
8 of a family which will or could result in the placement of a
9 child in foster care. Social services and other supportive
10 and rehabilitative services shall promote the child's need for
11 a safe, continuous, stable living environment and shall
12 promote family autonomy and shall strengthen family life as
13 the first priority whenever possible.

14 (44) "Relative" means a grandparent,
15 great-grandparent, sibling, first cousin, aunt, uncle,
16 great-aunt, great-uncle, niece, or nephew, whether related by
17 the whole or half blood, by affinity, or by adoption. The term
18 does not include a stepparent.

19 (45) "Restrictiveness level" means the level of
20 custody provided by programs that service the custody and care
21 needs of committed children. There shall be five
22 restrictiveness levels:

23 (a) Minimum-risk nonresidential.--Youth assessed and
24 classified for placement in programs at this restrictiveness
25 level represent a minimum risk to themselves and public safety
26 and do not require placement and services in residential
27 settings. Programs or program models in this restrictiveness
28 level include: community counselor supervision programs,
29 special intensive group programs, nonresidential marine
30 programs, nonresidential training and rehabilitation centers,
31 and other local community nonresidential programs.

1 (b) Low-risk residential.--Youth assessed and
2 classified for placement in programs at this level represent a
3 low risk to themselves and public safety and do require
4 placement and services in residential settings. Programs or
5 program models in this restrictiveness level include: Short
6 Term Offender Programs (STOP), group treatment homes, family
7 group homes, proctor homes, and Short Term Environmental
8 Programs (STEP).

9 (c) Moderate-risk residential.--Youth assessed and
10 classified for placement in programs in this restrictiveness
11 level represent a moderate risk to public safety. Programs
12 are designed for children who require close supervision but do
13 not need placement in facilities that are physically secure.
14 Programs in the moderate-risk residential restrictiveness
15 level provide 24-hour awake supervision, custody, care, and
16 treatment. Upon specific appropriation, a facility at this
17 restrictiveness level may have a security fence around the
18 perimeter of the grounds of the facility and may be
19 hardware-secure or staff-secure. The staff at a facility at
20 this restrictiveness level may seclude a child who is a
21 physical threat to himself or others. Mechanical restraint
22 may also be used when necessary. Programs or program models in
23 this restrictiveness level include: halfway houses, START
24 Centers, the Dade Intensive Control Program, licensed
25 substance abuse residential programs, and moderate-term
26 wilderness programs designed for committed delinquent youth
27 that are operated or contracted by the Department of Juvenile
28 Justice. Section 944.401 applies to children in moderate-risk
29 residential programs.

30 (d) High-risk residential.--Youth assessed and
31 classified for this level of placement require close

1 supervision in a structured residential setting that provides
2 24-hour-per-day secure custody, care, and supervision.
3 Placement in programs in this level is prompted by a concern
4 for public safety that outweighs placement in programs at
5 lower restrictiveness levels. Programs or program models in
6 this level are staff-secure or physically secure residential
7 commitment facilities and include: training schools, intensive
8 halfway houses, residential sex offender programs, long-term
9 wilderness programs designed exclusively for committed
10 delinquent youth, boot camps, secure halfway house programs,
11 and the Broward Control Treatment Center. Section 944.401
12 applies to children placed in programs in this restrictiveness
13 level.

14 (e) Maximum-risk residential.--Youth assessed and
15 classified for this level of placement require close
16 supervision in a maximum security residential setting that
17 provides 24-hour-per-day secure custody, care, and
18 supervision. Placement in a program in this level is prompted
19 by a demonstrated need to protect the public. Programs or
20 program models in this level are maximum-secure-custody,
21 long-term residential commitment facilities that are intended
22 to provide a moderate overlay of educational, vocational, and
23 behavioral-modification services and include programs for
24 serious and habitual juvenile offenders and other
25 maximum-security program models authorized by the Legislature
26 and established by rule.

27 (46) "Secure detention center or facility" means a
28 physically restricting facility for the temporary care of
29 children, pending adjudication, disposition, or placement.

30 (47) "Serious or habitual juvenile offender," for
31 purposes of commitment to a residential facility and for

1 purposes of records retention, means a child who has been
2 found to have committed a delinquent act or a violation of
3 law, in the case currently before the court, and who meets at
4 least one of the following criteria:

5 (a) The youth is at least 13 years of age at the time
6 of the disposition for the current offense and has been
7 adjudicated on the current offense for:

- 8 1. Arson;
- 9 2. Sexual battery;
- 10 3. Robbery;
- 11 4. Kidnapping;
- 12 5. Aggravated child abuse;
- 13 6. Aggravated assault;
- 14 7. Aggravated stalking;
- 15 8. Murder;
- 16 9. Manslaughter;
- 17 10. Unlawful throwing, placing, or discharging of a
18 destructive device or bomb;
- 19 11. Armed burglary;
- 20 12. Aggravated battery;
- 21 13. Lewd or lascivious assault or act in the presence
22 of a child; or
- 23 14. Carrying, displaying, using, threatening, or
24 attempting to use a weapon or firearm during the commission of
25 a felony.

26 (b) The youth is at least 13 years of age at the time
27 of the disposition, the current offense is a felony, and the
28 child has previously been committed at least two times to a
29 delinquency commitment program.

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1 (c) The youth is at least 13 years of age and is
2 currently committed for a felony offense and transferred from
3 a moderate-risk or high-risk residential commitment placement.

4 (48) "Serious or habitual juvenile offender program"
5 means the program established in s. 985.31.

6 (49) "Shelter" means a place for the temporary care of
7 a child who is alleged to be or who has been found to be
8 delinquent.

9 (50) "Shelter hearing" means a hearing provided for
10 under s. 984.14 in family-in-need-of-services cases or
11 child-in-need-of-services cases.

12 (51) "Staff-secure shelter" means a facility in which
13 a child is supervised 24 hours a day by staff members who are
14 awake while on duty. The facility is for the temporary care
15 and assessment of a child who has been found to be dependent,
16 who has violated a court order and been found in contempt of
17 court, or whom the Department of Children and Family Services
18 is unable to properly assess or place for assistance within
19 the continuum of services provided for dependent children.

20 (52) "Substance abuse" means using, without medical
21 reason, any psychoactive or mood-altering drug, including
22 alcohol, in such a manner as to induce impairment resulting in
23 dysfunctional social behavior.

24 (53) "Taken into custody" means the status of a child
25 immediately when temporary physical control over the child is
26 attained by a person authorized by law, pending the child's
27 release, detention, placement, or other disposition as
28 authorized by law.

29 (54) "Temporary legal custody" means the relationship
30 that a juvenile court creates between a child and an adult
31 relative of the child, adult nonrelative approved by the

1 court, or other person until a more permanent arrangement is
2 ordered. Temporary legal custody confers upon the custodian
3 the right to have temporary physical custody of the child and
4 the right and duty to protect, train, and discipline the child
5 and to provide the child with food, shelter, and education,
6 and ordinary medical, dental, psychiatric, and psychological
7 care, unless these rights and duties are otherwise enlarged or
8 limited by the court order establishing the temporary legal
9 custody relationship.

10 (55) "Temporary release" means the terms and
11 conditions under which a child is temporarily released from a
12 commitment facility or allowed home visits. If the temporary
13 release is from a moderate-risk residential facility, a
14 high-risk residential facility, or a maximum-risk residential
15 facility, the terms and conditions of the temporary release
16 must be approved by the child, the court, and the facility.
17 The term includes periods during which the child is supervised
18 pursuant to a reentry program or an aftercare program or a
19 period during which the child is supervised by a case manager
20 or other nonresidential staff of the department or staff
21 employed by an entity under contract with the department. A
22 child placed in a postcommitment community control program by
23 order of the court is not considered to be on temporary
24 release and is not subject to the terms and conditions of
25 temporary release.

26 (56) "Training school" means one of the following
27 facilities: the Arthur G. Dozier School or the Eckerd Youth
28 Development Center.

29 (57) "Violation of law" or "delinquent act" means a
30 violation of any law of this state, the United States, or any
31 other state which is a misdemeanor or a felony or a violation

1 of a county or municipal ordinance which would be punishable
2 by incarceration if the violation were committed by an adult.

3 (58) "Waiver hearing" means a hearing provided for
4 under s. 985.226(3).

5 Section 4. Section 39.045, Florida Statutes, 1996
6 Supplement, is transferred, renumbered as section 985.04,
7 Florida Statutes, and amended to read:

8 985.04 ~~39.045~~ Oaths; records; confidential
9 information.--

10 (1) Authorized agents of the Department of Juvenile
11 Justice may administer oaths and affirmations.

12 ~~(2) The clerk of the court shall make and keep records~~
13 ~~of all cases brought before it pursuant to this part. The~~
14 ~~court shall preserve the records pertaining to a child charged~~
15 ~~with committing a delinquent act or violation of law until the~~
16 ~~child reaches 24 years of age or reaches 26 years of age if he~~
17 ~~or she is a serious or habitual delinquent child, until 5~~
18 ~~years after the last entry was made, or until 3 years after~~
19 ~~the death of the child, whichever is earlier, and may then~~
20 ~~destroy them, except that records made of traffic offenses in~~
21 ~~which there is no allegation of delinquency may be destroyed~~
22 ~~as soon as this can be reasonably accomplished. The court~~
23 ~~shall make official records of all petitions and orders filed~~
24 ~~in a case arising pursuant to this part and of any other~~
25 ~~pleadings, certificates, proofs of publication, summonses,~~
26 ~~warrants, and writs that are filed pursuant to the case.~~

27 (2)(3) Records maintained by the Department of
28 Juvenile Justice, including copies of records maintained by
29 the court, which pertain to a child found to have committed a
30 delinquent act which, if committed by an adult, would be a
31 crime specified in ss. 110.1127, 393.0655, 394.457, 397.451,

1 402.305(2), 409.175, and 409.176 may not be destroyed pursuant
2 to this section, except in cases of the death of the child.
3 Such records, however, shall be sealed by the court for use
4 only in meeting the screening requirements for personnel in s.
5 402.3055 and the other sections cited above, or pursuant to
6 departmental rule; however, current criminal history
7 information must be obtained from the Department of Law
8 Enforcement in accordance with s. 943.053. The information
9 shall be released to those persons specified in the above
10 cited sections for the purposes of complying with those
11 sections. The court may punish by contempt any person who
12 releases or uses the records for any unauthorized purpose.

13 ~~(4) The clerk shall keep all official records required~~
14 ~~by this section separate from other records of the circuit~~
15 ~~court, except those records pertaining to motor vehicle~~
16 ~~violations, which shall be forwarded to the Department of~~
17 ~~Highway Safety and Motor Vehicles. Except as provided in~~
18 ~~subsection (9) and s. 943.053, official records required by~~
19 ~~this part are not open to inspection by the public, but may be~~
20 ~~inspected only upon order of the court by persons deemed by~~
21 ~~the court to have a proper interest therein, except that a~~
22 ~~child and the parents, guardians, or legal custodians of the~~
23 ~~child and their attorneys, law enforcement agencies, the~~
24 ~~Department of Juvenile Justice and its designees, the Parole~~
25 ~~Commission, and the Department of Corrections shall always~~
26 ~~have the right to inspect and copy any official record~~
27 ~~pertaining to the child. The court may permit authorized~~
28 ~~representatives of recognized organizations compiling~~
29 ~~statistics for proper purposes to inspect, and make abstracts~~
30 ~~from, official records under whatever conditions upon the use~~
31 ~~and disposition of such records the court may deem proper and~~

1 ~~may punish by contempt proceedings any violation of those~~
2 ~~conditions.~~
3 (3)~~(5)~~ Except as provided in subsections(2), (4),
4 (5), and (6)~~(3)~~, ~~(8)~~, ~~(9)~~, and ~~(10)~~, and s. 943.053, all
5 information obtained under this part in the discharge of
6 official duty by any judge, any employee of the court, any
7 authorized agent of the Department of Juvenile Justice, the
8 Parole Commission, the Juvenile Justice Advisory Board, the
9 Department of Corrections, the district juvenile justice
10 boards, any law enforcement agent, or any licensed
11 professional or licensed community agency representative
12 participating in the assessment or treatment of a juvenile is
13 confidential and may be disclosed only to the authorized
14 personnel of the court, the Department of Juvenile Justice and
15 its designees, the Department of Corrections, the Parole
16 Commission, the Juvenile Justice Advisory Board, law
17 enforcement agents, school superintendents and their
18 designees, any licensed professional or licensed community
19 agency representative participating in the assessment or
20 treatment of a juvenile, and others entitled under this
21 chapter part to receive that information, or upon order of the
22 court. Within each county, the sheriff, the chiefs of police,
23 the district school superintendent, and the department shall
24 enter into an interagency agreement for the purpose of sharing
25 information about juvenile offenders among all parties. The
26 agreement must specify the conditions under which summary
27 criminal history information is to be made available to
28 appropriate school personnel, and the conditions under which
29 school records are to be made available to appropriate
30 department personnel. The agencies entering into such
31 agreement must comply with s. 943.0525, and must maintain the

1 confidentiality of information that is otherwise exempt from
2 s. 119.07(1), as provided by law.

3 ~~(6) All orders of the court entered pursuant to this~~
4 ~~part must be in writing and signed by the judge, except that~~
5 ~~the clerk or deputy clerk may sign a summons or notice to~~
6 ~~appear.~~

7 ~~(7) A court record of proceedings under this part is~~
8 ~~not admissible in evidence in any other civil or criminal~~
9 ~~proceeding, except that:~~

10 ~~(a) Orders transferring a child for trial as an adult~~
11 ~~are admissible in evidence in the court in which he or she is~~
12 ~~tried, but create no presumption as to the guilt of the child;~~
13 ~~nor may such orders be read to, or commented upon in the~~
14 ~~presence of, the jury in any trial.~~

15 ~~(b) Orders binding an adult over for trial on a~~
16 ~~criminal charge, made by the judge as a committing magistrate,~~
17 ~~are admissible in evidence in the court to which the adult is~~
18 ~~bound over.~~

19 ~~(c) Records of proceedings under this part forming a~~
20 ~~part of the record on appeal must be used in the appellate~~
21 ~~court in the manner provided in s. 39.069(4).~~

22 ~~(d) Records are admissible in evidence in any case in~~
23 ~~which a person is being tried upon a charge of having~~
24 ~~committed perjury, to the extent such records are necessary to~~
25 ~~prove the charge.~~

26 ~~(e) Records of proceedings under this part may be used~~
27 ~~to prove disqualification pursuant to ss. 39.076, 110.1127,~~
28 ~~393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, and~~
29 ~~409.176, and for proof in a chapter 120 proceeding pursuant to~~
30 ~~s. 415.1075.~~

31

1 (4)~~(8)~~(a) Records in the custody of the Department of
2 Juvenile Justice regarding children are not open to inspection
3 by the public. Such records may be inspected only upon order
4 of the Secretary of Juvenile Justice or his or her authorized
5 agent by persons who have sufficient reason and upon such
6 conditions for their use and disposition as the secretary or
7 his or her authorized agent deems proper. The information in
8 such records may be disclosed only to other employees of the
9 Department of Juvenile Justice who have a need therefor in
10 order to perform their official duty; to other persons as
11 authorized by rule of the Department of Juvenile Justice; and,
12 upon request, to the Juvenile Justice Advisory Board and the
13 Department of Corrections. The secretary or his or her
14 authorized agent may permit properly qualified persons to
15 inspect and make abstracts from records for statistical
16 purposes under whatever conditions upon their use and
17 disposition the secretary or his or her authorized agent deems
18 proper, provided adequate assurances are given that children's
19 names and other identifying information will not be disclosed
20 by the applicant.

21 (b) The destruction of records pertaining to children
22 committed to or supervised by the Department of Juvenile
23 Justice pursuant to a court order, which records are retained
24 until a child reaches the age of 24 years or until a serious
25 or habitual delinquent child reaches the age of 26 years,
26 shall be subject to chapter 943.

27 (5)~~(9)~~ Notwithstanding any other provisions of this
28 part, the name, photograph, address, and crime or arrest
29 report of a child:

30
31

1 (a) Taken into custody if the child has been taken
2 into custody by a law enforcement officer for a violation of
3 law which, if committed by an adult, would be a felony; or

4 (b) Found by a court to have committed three or more
5 violations of law which, if committed by an adult, would be
6 misdemeanors

7
8 shall not be considered confidential and exempt from the
9 provisions of s. 119.07(1) solely because of the child's age.

10 (6)~~(10)~~ This part does not prohibit the release of the
11 juvenile offense report by a law enforcement agency to the
12 victim of the offense. However, information gained by the
13 victim pursuant to this chapter, including the next of kin of
14 a homicide victim, regarding any case handled in juvenile
15 court, must not be revealed to any outside party, except as is
16 reasonably necessary in pursuit of legal remedies.

17 (7)~~(11)~~(a) Notwithstanding any other provision of this
18 section, when a child of any age is taken into custody by a
19 law enforcement officer for an offense that would have been a
20 felony if committed by an adult, or a crime of violence, the
21 law enforcement agency must notify the superintendent of
22 schools that the child is alleged to have committed the
23 delinquent act.

24 (b) Notwithstanding paragraph (a) or any other
25 provision of this section, when a child of any age is formally
26 charged by a state attorney with a felony or a delinquent act
27 that would be a felony if committed by an adult, the state
28 attorney shall notify the superintendent of the child's school
29 that the child has been charged with such felony or delinquent
30 act. The information obtained by the superintendent of schools
31 pursuant to this section must be released within 48 hours

1 after receipt to appropriate school personnel, including the
2 principal of the school of the child. The principal must
3 immediately notify the child's immediate classroom teachers.
4 Upon notification, the principal is authorized to begin
5 disciplinary actions pursuant to s. 232.26.

6 ~~(8)(12)~~ Criminal history information made available to
7 governmental agencies by the Department of Law Enforcement or
8 other criminal justice agencies shall not be used for any
9 purpose other than that specified in the provision authorizing
10 the releases.

11 Section 5. Section 985.05, Florida Statutes, is
12 created to read:

13 985.05 Court records.--

14 (1) The clerk of the court shall make and keep records
15 of all cases brought before it pursuant to this part. The
16 court shall preserve the records pertaining to a child charged
17 with committing a delinquent act or violation of law until the
18 child reaches 24 years of age or reaches 26 years of age if he
19 or she is a serious or habitual delinquent child, until 5
20 years after the last entry was made, or until 3 years after
21 the death of the child, whichever is earlier, and may then
22 destroy them, except that records made of traffic offenses in
23 which there is no allegation of delinquency may be destroyed
24 as soon as this can be reasonably accomplished. The court
25 shall make official records of all petitions and orders filed
26 in a case arising pursuant to this part and of any other
27 pleadings, certificates, proofs of publication, summonses,
28 warrants, and writs that are filed pursuant to the case.

29 (2) The clerk shall keep all official records required
30 by this section separate from other records of the circuit
31 court, except those records pertaining to motor vehicle

1 violations, which shall be forwarded to the Department of
2 Highway Safety and Motor Vehicles. Except as provided in ss.
3 943.053 and 985.04(4), official records required by this part
4 are not open to inspection by the public, but may be inspected
5 only upon order of the court by persons deemed by the court to
6 have a proper interest therein, except that a child and the
7 parents, guardians, or legal custodians of the child and their
8 attorneys, law enforcement agencies, the Department of
9 Juvenile Justice and its designees, the Parole Commission, and
10 the Department of Corrections shall always have the right to
11 inspect and copy any official record pertaining to the child.
12 The court may permit authorized representatives of recognized
13 organizations compiling statistics for proper purposes to
14 inspect, and make abstracts from, official records under
15 whatever conditions upon the use and disposition of such
16 records the court may deem proper and may punish by contempt
17 proceedings any violation of those conditions.

18 (3) All orders of the court entered pursuant to this
19 part must be in writing and signed by the judge, except that
20 the clerk or deputy clerk may sign a summons or notice to
21 appear.

22 (4) A court record of proceedings under this part is
23 not admissible in evidence in any other civil or criminal
24 proceeding, except that:

25 (a) Orders transferring a child for trial as an adult
26 are admissible in evidence in the court in which he or she is
27 tried, but create no presumption as to the guilt of the child;
28 nor may such orders be read to, or commented upon in the
29 presence of, the jury in any trial.

30 (b) Orders binding an adult over for trial on a
31 criminal charge, made by the judge as a committing magistrate,

1 are admissible in evidence in the court to which the adult is
2 bound over.

3 (c) Records of proceedings under this part forming a
4 part of the record on appeal must be used in the appellate
5 court in the manner provided in s. 985.234.

6 (d) Records are admissible in evidence in any case in
7 which a person is being tried upon a charge of having
8 committed perjury, to the extent such records are necessary to
9 prove the charge.

10 (e) Records of proceedings under this part may be used
11 to prove disqualification pursuant to ss. 110.1127, 393.0655,
12 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and
13 985.407, and for proof in a chapter 120 proceeding pursuant to
14 s. 415.1075.

15 Section 6. Section 39.0573, Florida Statutes, is
16 transferred, renumbered as section 985.06, Florida Statutes,
17 and amended to read:

18 985.06 ~~39.0573~~ Statewide information sharing system;
19 interagency workgroup.--

20 (1) The Department of Education, the Department of
21 Juvenile Justice, and the Department of Law Enforcement shall
22 create an information-sharing workgroup for the purpose of
23 developing and implementing a workable statewide system of
24 sharing information among school districts, state and local
25 law enforcement agencies, providers, the Department of
26 Juvenile Justice, and the Department of Education. The system
27 shall build on processes previously authorized in statute and
28 on any revisions to federal statutes on confidentiality. The
29 information to be shared shall focus on youth who are involved
30 in the juvenile justice system, youth who have been tried as
31 adults and found guilty of felonies, and students who have

1 | been serious discipline problems in schools. The participating
2 | agencies shall implement improvements that maximize the
3 | sharing of information within applicable state and federal
4 | statutes and rules and that utilize statewide databases and
5 | data delivery systems to streamline access to the information
6 | needed to provide joint services to disruptive, violent, and
7 | delinquent youth.

8 | (2) The interagency workgroup shall be coordinated
9 | through the Department of Education and shall include
10 | representatives from the state agencies specified in
11 | subsection (1), school superintendents, school district
12 | information system directors, principals, teachers, juvenile
13 | court judges, police chiefs, county sheriffs, clerks of the
14 | circuit court, the Department of Children and Family Health
15 | ~~and Rehabilitative~~ Services, providers of juvenile services
16 | including a provider from a juvenile substance abuse program,
17 | and district juvenile justice managers.

18 | (3) The interagency workgroup shall, at a minimum,
19 | address the following:

20 | (a) The use of the Florida Information Resource
21 | Network and other statewide information access systems as
22 | means of delivering information to school personnel or
23 | providing an initial screening for purposes of determining
24 | whether further access to information is warranted.

25 | (b) A statewide information delivery system that will
26 | provide local access by participating agencies and schools.

27 | (c) The need for cooperative agreements among agencies
28 | which may access information.

29 | (d) Legal considerations and the need for legislative
30 | action necessary for accessing information by participating
31 | agencies.

1 (e) Guidelines for how the information shall be
2 accessed, used, and disseminated.

3 (f) The organizational level at which information may
4 be accessed and shared.

5 (g) The specific information to be maintained and
6 shared through the system.

7 (h) The cost implications of an improved system.

8 (4) The Department of Education, the Department of
9 Juvenile Justice, and the Department of Law Enforcement shall
10 implement improvements leading to the statewide information
11 access and delivery system, to the extent feasible, and shall
12 develop a cooperative agreement specifying their roles in such
13 a system.

14 (5) By December 31, 1995, the interagency workgroup
15 shall make an interim report to the President of the Senate,
16 the Speaker of the House of Representatives, the Governor, and
17 the Cabinet on its progress toward designing and implementing
18 improvements in the access and delivery of information.

19 (6) Members of the interagency workgroup shall serve
20 without added compensation and each participating agency shall
21 support the travel, per diem, and other expenses of its
22 representatives.

23 Section 7. Section 39.0574, Florida Statutes, is
24 transferred and renumbered as section 985.07, Florida
25 Statutes.

26 Section 8. Section 39.0585, Florida Statutes, 1996
27 Supplement, is transferred, renumbered as section 985.08,
28 Florida Statutes, and amended to read:

29 985.08 ~~39-0585~~ Information systems.--

30 (1)(a) For the purpose of assisting in law enforcement
31 administration and decisionmaking, such as juvenile diversion

1 from continued involvement with the law enforcement and
2 judicial systems, the sheriff of the county in which juveniles
3 are taken into custody is encouraged to maintain a central
4 identification file on serious habitual juvenile offenders and
5 on juveniles who are at risk of becoming serious habitual
6 juvenile offenders by virtue of having an arrest record.

7 (b) The central identification file shall contain, but
8 not be limited to, pertinent dependency record information
9 maintained by the Department of Children and Family Health and
10 ~~Rehabilitative~~ Services and delinquency record information
11 maintained by the Department of Juvenile Justice; pertinent
12 school records, including information on behavior, attendance,
13 and achievement; pertinent information on delinquency and
14 dependency maintained by law enforcement agencies and the
15 state attorney; and pertinent information on delinquency and
16 dependency maintained by those agencies charged with
17 screening, assessment, planning, and treatment
18 responsibilities. The information obtained shall be used to
19 develop a multiagency information sheet on serious habitual
20 juvenile offenders or juveniles who are at risk of becoming
21 serious habitual juvenile offenders. The agencies and persons
22 specified in this paragraph shall cooperate with the law
23 enforcement agency or county in providing needed information
24 and in developing the multiagency information sheet to the
25 greatest extent possible.

26 (c) As used in this section, "a juvenile who is at
27 risk of becoming a serious habitual juvenile offender" means a
28 juvenile who has been adjudicated delinquent and who meets one
29 or more of the following criteria:

30 1. Is arrested for a capital, life, or first degree
31 felony offense or sexual battery.

1 2. Has five or more arrests, at least three of which
2 are for felony offenses. Three of such arrests must have
3 occurred within the preceding 12-month period.

4 3. Has 10 or more arrests, at least 2 of which are for
5 felony offenses. Three of such arrests must have occurred
6 within the preceding 12-month period.

7 4. Has four or more arrests, at least one of which is
8 for a felony offense and occurred within the preceding
9 12-month period.

10 5. Has 10 or more arrests, at least 8 of which are for
11 any of the following offenses:

12 a. Petit theft;

13 b. Misdemeanor assault;

14 c. Possession of a controlled substance;

15 d. Weapon or firearm violation; or

16 e. Substance abuse.

17
18 Four of such arrests must have occurred within the preceding
19 12-month period.

20 6. Meets at least one of the criteria for youth and
21 street gang membership.

22 (2)(a) Notwithstanding any provision of law to the
23 contrary, confidentiality of records information does not
24 apply to juveniles who have been arrested for an offense that
25 would be a crime if committed by an adult, regarding the
26 sharing of the information on the juvenile with the law
27 enforcement agency or county and any agency or person
28 providing information for the development of the multiagency
29 information sheet as well as the courts, the child, the
30 parents or legal custodians of the child, their attorneys, or
31 any other person authorized by the court to have access. A

1 public or private educational agency shall provide pertinent
2 records to and cooperate with the law enforcement agency or
3 county in providing needed information and developing the
4 multiagency information sheet to the greatest extent possible.
5 Neither these records provided to the law enforcement agency
6 or county nor the records developed from these records for
7 serious habitual juvenile offenders nor the records provided
8 or developed from records provided to the law enforcement
9 agency or county on juveniles at risk of becoming serious
10 habitual juvenile offenders shall be available for public
11 disclosure and inspection under s. 119.07.

12 (b) The department shall notify the sheriffs of both
13 the prior county of residence and the new county of residence
14 immediately upon learning of the move or other relocation of a
15 juvenile offender who has been adjudicated or had adjudication
16 withheld for a violent misdemeanor or violent felony.

17 (3) In order to assist in the integration of the
18 information to be shared, the sharing of information obtained,
19 the joint planning on diversion and early intervention
20 strategies for juveniles at risk of becoming serious habitual
21 juvenile offenders, and the intervention strategies for
22 serious habitual juvenile offenders, a multiagency task force
23 should be organized and utilized by the law enforcement agency
24 or county in conjunction with the initiation of the
25 information system described in subsections (1) and (2). The
26 multiagency task force shall be composed of representatives of
27 those agencies and persons providing information for the
28 central identification file and the multiagency information
29 sheet.

30 (4) This multiagency task force shall develop a plan
31 for the information system that includes measures which

1 identify and address any disproportionate representation of
2 ethnic or racial minorities in the information systems and
3 shall develop strategies that address the protection of
4 individual constitutional rights.

5 (5) Any law enforcement agency, or county which
6 implements a juvenile offender information system and the
7 multiagency task force which maintain the information system
8 must annually provide any information gathered during the
9 previous year to the delinquency and gang prevention council
10 of the judicial circuit in which the county is located. This
11 information shall include the number, types, and patterns of
12 delinquency tracked by the juvenile offender information
13 system.

14 Section 9. Section 39.022, Florida Statutes, is
15 transferred, renumbered as section 985.201, Florida Statutes,
16 and amended to read:

17 985.201 ~~39.022~~ Jurisdiction.--

18 (1) The circuit court has exclusive original
19 jurisdiction of proceedings in which a child is alleged to
20 have committed a delinquent act or violation of law.

21 (2) During the prosecution of any violation of law
22 against any person who has been presumed to be an adult, if it
23 is shown that the person was a child at the time the offense
24 was committed and that the person does not meet the criteria
25 for prosecution and sentencing as an adult, the court shall
26 immediately transfer the case, together with the physical
27 custody of the person and all physical evidence, papers,
28 documents, and testimony, original and duplicate, connected
29 therewith, to the appropriate court for proceedings under this
30 chapter. The circuit court is exclusively authorized to assume
31 jurisdiction over any juvenile offender who is arrested and

1 charged with violating a federal law or a law of the District
2 of Columbia, who is found or is living or domiciled in a
3 county in which the circuit court is established, and who is
4 surrendered to the circuit court as provided in 18 U.S.C. s.
5 5001.

6 (3)(a) Petitions filed under this part shall be filed
7 in the county where the delinquent act or violation of law
8 occurred, but the circuit court for that county may transfer
9 the case to the circuit court of the circuit in which the
10 child resides or will reside at the time of detention or
11 placement for dispositional purposes. A child who has been
12 detained shall be transferred to the appropriate detention
13 center or facility or other placement directed by the
14 receiving court.

15 (b) The jurisdiction to be exercised by the court when
16 a child is taken into custody before the filing of a petition
17 under s. 985.219(7)~~39-049(7)~~ shall be exercised by the
18 circuit court for the county in which the child is taken into
19 custody, which court shall have personal jurisdiction of the
20 child and the child's parent or legal guardian. Upon the
21 filing of a petition in the appropriate circuit court, the
22 court that is exercising initial jurisdiction of the person of
23 the child shall, if the child has been detained, immediately
24 order the child to be transferred to the detention center or
25 facility or other placement as ordered by the court having
26 subject matter jurisdiction of the case.

27 (4)(a) Notwithstanding ss. 985.229, 985.23, 985.231,
28 ~~39-054(4)~~ and 743.07, and except as provided in ss. 985.31 and
29 985.313 ~~39-058 and 39-0581~~, when the jurisdiction of any child
30 who is alleged to have committed a delinquent act or violation
31 of law is obtained, the court shall retain jurisdiction,

1 unless relinquished by its order, until the child reaches 19
2 years of age, with the same power over the child that the
3 court had prior to the child becoming an adult.

4 (b) The court may retain jurisdiction over a child
5 committed to the department for placement in an intensive
6 residential treatment program for 10-year-old to 13-year-old
7 offenders or in a program for serious or habitual juvenile
8 offenders as provided in s. 985.311 or s. 985.31 ~~s. 39.0582~~ or
9 ~~s. 39.058~~ until the child reaches the age of 21. If the court
10 exercises this jurisdiction retention, it shall do so solely
11 for the purpose of the child completing the intensive
12 residential treatment program for 10-year-old to 13-year-old
13 offenders or the program for serious or habitual juvenile
14 offenders. Such jurisdiction retention does not apply for
15 other programs, other purposes, or new offenses.

16 (c) The court may retain jurisdiction over a child and
17 the child's parent or legal guardian whom the court has
18 ordered to pay restitution until the restitution order is
19 satisfied or until the court orders otherwise. If the court
20 retains such jurisdiction after the date upon which the
21 court's jurisdiction would cease under this section, it shall
22 do so solely for the purpose of enforcing the restitution
23 order. The terms of the restitution order are subject to the
24 provisions of s. 775.089(6).

25 (d) This subsection does not prevent the exercise of
26 jurisdiction by any court having jurisdiction of the child if
27 the child, after becoming an adult, commits a violation of
28 law.

29 Section 10. Section 39.014, Florida Statutes, is
30 transferred, renumbered as section 985.202, Florida Statutes,
31 and amended to read:

1 985.202 ~~39.014~~ Legal representation for delinquency
2 cases ~~under this chapter.~~--For cases arising under ~~part II of~~
3 this chapter, the state attorney shall represent the state.
4 ~~For cases arising under parts III, V, and VI of this chapter,~~
5 ~~an attorney for the Department of Health and Rehabilitative~~
6 ~~Services shall represent the state. For cases arising under~~
7 ~~part IV of this chapter, an attorney for the Department of~~
8 ~~Juvenile Justice shall represent the state. The Department of~~
9 ~~Health and Rehabilitative Services may contract with outside~~
10 ~~counsel or the state attorney, pursuant to s. 287.059, for~~
11 ~~legal representation for cases arising under parts III, V, and~~
12 ~~VI of this chapter, and the Department of Juvenile Justice may~~
13 ~~contract with outside counsel or the state attorney, pursuant~~
14 ~~to s. 287.059, for legal representation for cases arising~~
15 ~~under part IV of this chapter. The Attorney General shall~~
16 ~~exercise general oversight of legal services provided to the~~
17 ~~Department of Juvenile Justice and the Department of Health~~
18 ~~and Rehabilitative Services under this chapter. This oversight~~
19 ~~responsibility shall require the Attorney General to assess,~~
20 ~~on a periodic basis, the extent to which the Department of~~
21 ~~Juvenile Justice or the Department of Health and~~
22 ~~Rehabilitative Services, as appropriate, is complying with the~~
23 ~~mandates of the Florida Supreme Court in cases arising under~~
24 ~~parts III, IV, V, and VI of this chapter. If at any time the~~
25 ~~Attorney General determines that the Department of Juvenile~~
26 ~~Justice or the Department of Health and Rehabilitative~~
27 ~~Services is not complying with the mandates of the Supreme~~
28 ~~Court, the Attorney General shall notify the Legislature.~~
29 ~~Notwithstanding the provisions of this chapter or chapter 415~~
30 ~~to the contrary, the Attorney General shall have access to~~
31 ~~confidential information necessary to carry out the oversight~~

1 ~~responsibility. However, public disclosure of information by~~
2 ~~the Attorney General may not contain information that~~
3 ~~identifies a client of the Department of Juvenile Justice or~~
4 ~~the Department of Health and Rehabilitative Services.~~

5 Section 11. Section 39.041, Florida Statutes, 1996
6 Supplement, is transferred, renumbered as section 985.203,
7 Florida Statutes, and amended to read:

8 985.203 ~~39.041~~ Right to counsel.--

9 (1) A child is entitled to representation by legal
10 counsel at all stages of any proceedings under this part. If
11 the child and the parents or other legal guardian are indigent
12 and unable to employ counsel for the child, the court shall
13 appoint counsel pursuant to s. 27.52. Determination of
14 indigency and costs of representation shall be as provided by
15 ss. 27.52 and 27.56. Legal counsel representing a child who
16 exercises the right to counsel shall be allowed to provide
17 advice and counsel to the child at any time subsequent to the
18 child's arrest, including prior to a detention hearing while
19 in secure detention care. A child shall be represented by
20 legal counsel at all stages of all court proceedings unless
21 the right to counsel is freely, knowingly, and intelligently
22 waived by the child. If the child appears without counsel,
23 the court shall advise the child of his or her rights with
24 respect to representation of court-appointed counsel.

25 (2) If the parents or legal guardian of an indigent
26 child are not indigent but refuse to employ counsel, the court
27 shall appoint counsel pursuant to s. 27.52(2)(e)~~(d)~~ to
28 represent the child at the detention hearing and until counsel
29 is provided. Costs of representation shall be assessed as
30 provided by ss. 27.52(2)(e)~~(d)~~ and 27.56. Thereafter, the
31 court shall not appoint counsel for an indigent child with

1 nonindigent parents or legal guardian but shall order the
2 parents or legal guardian to obtain private counsel. A parent
3 or legal guardian of an indigent child who has been ordered to
4 obtain private counsel for the child and who willfully fails
5 to follow the court order shall be punished by the court in
6 civil contempt proceedings.

7 (3) An indigent child with nonindigent parents or
8 legal guardian may have counsel appointed pursuant to s.
9 27.52(2)(e)~~(d)~~ if the parents or legal guardian have willfully
10 refused to obey the court order to obtain counsel for the
11 child and have been punished by civil contempt and then still
12 have willfully refused to obey the court order. Costs of
13 representation shall be assessed as provided by ss.
14 27.52(2)(e)~~(d)~~ and 27.56.

15 (4) Notwithstanding any provision of this section or
16 any other law to the contrary, if a child is transferred for
17 criminal prosecution pursuant to this chapter, a nonindigent
18 or indigent-but-able-to-contribute parent or legal guardian of
19 the child pursuant to s. 27.52 is liable for necessary legal
20 fees and costs incident to the criminal prosecution of the
21 child as an adult.

22 Section 12. Section 39.0476, Florida Statutes, is
23 transferred and renumbered as section 985.204, Florida
24 Statutes.

25 Section 13. Section 985.205, Florida Statutes, is
26 created to read:

27 985.205 Opening hearings.--

28 (1) All hearings, except as provided in this section,
29 must be open to the public, and no person may be excluded
30 except on special order of the court. The court, in its
31 discretion, may close any hearing to the public when the

1 public interest and the welfare of the child are best served
2 by so doing. Hearings involving more than one child may be
3 held simultaneously when the children were involved in the
4 same transactions.

5 (2) Except as provided in subsection (1), nothing in
6 this section shall prohibit the publication of proceedings in
7 a hearing.

8 Section 14. Section 39.0515, Florida Statutes, is
9 transferred, renumbered as section 985.206, Florida Statutes,
10 and amended to read:

11 985.206 ~~39.0515~~ Rights of victims; juvenile
12 proceedings.--Nothing in this chapter ~~part~~ prohibits:

13 (1) The victim of the offense;

14 (2) The victim's parent or guardian if the victim is a
15 minor;

16 (3) The lawful representative of the victim or of the
17 victim's parent or guardian if the victim is a minor; or

18 (4) The next of kin if the victim is a homicide
19 victim,

20
21 from the right to be informed of, to be present during, and to
22 be heard when relevant at, all crucial stages of the
23 proceedings involving the juvenile offender, to the extent
24 that such rights do not interfere with the constitutional
25 rights of the juvenile offender. A person enumerated in this
26 section may not reveal to any outside party any confidential
27 information obtained pursuant to this paragraph regarding a
28 case involving a juvenile offense, except as is reasonably
29 necessary to pursue legal remedies.

30
31

1 Section 15. Section 39.037, Florida Statutes, is
2 transferred, renumbered as section 985.207, Florida Statutes,
3 and amended to read:

4 985.207 ~~39.037~~ Taking a child into custody.--

5 (1) A child may be taken into custody under the
6 following circumstances:

7 (a) Pursuant to an order of the circuit court issued
8 under this part, based upon sworn testimony, either before or
9 after a petition is filed.

10 (b) For a delinquent act or violation of law, pursuant
11 to Florida law pertaining to a lawful arrest. If such
12 delinquent act or violation of law would be a felony if
13 committed by an adult or involves a crime of violence, the
14 arresting authority shall immediately notify the district
15 school superintendent, or the superintendent's designee, of
16 the school district with educational jurisdiction of the
17 child. Such notification shall include other education
18 providers such as the Florida School for the Deaf and the
19 Blind, university developmental research schools, and private
20 elementary and secondary schools. The information obtained by
21 the superintendent of schools pursuant to this section must be
22 released within 48 hours after receipt to appropriate school
23 personnel, including the principal of the child's school, or
24 as otherwise provided by law. The principal must immediately
25 notify the child's immediate classroom teachers. Information
26 provided by an arresting authority pursuant to this paragraph
27 may not be placed in the student's permanent record and shall
28 be removed from all school records no later than 9 months
29 after the date of the arrest.

30 (c) For failing to appear at a court hearing after
31 being properly noticed.

1
2 Nothing in this subsection shall be construed to allow the
3 detention of a child who does not meet the detention criteria
4 in s. 985.215 ~~39.044~~.

5 (2) When a child is taken into custody as provided in
6 this section, the person taking the child into custody shall
7 attempt to notify the parent, guardian, or legal custodian of
8 the child. The person taking the child into custody shall
9 continue such attempt until the parent, guardian, or legal
10 custodian of the child is notified or the child is delivered
11 to an intake counselor pursuant to s. 985.21 ~~39.047~~, whichever
12 occurs first. If the child is delivered to an intake
13 counselor before the parent, guardian, or legal custodian is
14 notified, the intake counselor or case manager shall continue
15 the attempt to notify until the parent, guardian, or legal
16 custodian of the child is notified.

17 (3) Taking a child into custody is not an arrest
18 except for the purpose of determining whether the taking into
19 custody or the obtaining of any evidence in conjunction
20 therewith is lawful.

21 Section 16. Section 39.064, Florida Statutes, is
22 transferred, renumbered as section 985.208, Florida Statutes,
23 and amended to read:

24 985.208 ~~39.064~~ Detention of furloughed child or
25 escapee on authority of the department.--

26 (1) If an authorized agent of the department has
27 reasonable grounds to believe that any delinquent child
28 committed to the department has escaped from a facility of the
29 department or from being lawfully transported thereto or
30 therefrom, the agent may take the child into active custody
31 and may deliver the child to the facility or, if it is closer,

1 to a detention center for return to the facility. However, a
2 child may not be held in detention longer than 24 hours,
3 excluding Saturdays, Sundays, and legal holidays, unless a
4 special order so directing is made by the judge after a
5 detention hearing resulting in a finding that detention is
6 required based on the criteria in s. 985.215(2) ~~39.044(2)~~. The
7 order shall state the reasons for such finding. The reasons
8 shall be reviewable by appeal or in habeas corpus proceedings
9 in the district court of appeal.

10 (2) Any sheriff or other law enforcement officer, upon
11 the request of the secretary of the department or duly
12 authorized agent, shall take a child who has escaped or
13 absconded from a department facility for committed delinquent
14 children, or from being lawfully transported thereto or
15 therefrom, into custody and deliver the child to the
16 appropriate intake counselor or case manager of the
17 department.

18 Section 17. Section 39.0471, Florida Statutes, is
19 transferred and renumbered as section 985.209, Florida
20 Statutes.

21 Section 18. Section 39.047, Florida Statutes, 1996
22 Supplement, is transferred, renumbered as section 985.21,
23 Florida Statutes, and amended to read:

24 985.21 ~~39.047~~ Intake and case management.--

25 (1)(a) During the intake process, the intake counselor
26 shall screen each child to determine:

27 1. Appropriateness for release, referral to a
28 diversionary program including, but not limited to, a
29 teen-court program, referral for community arbitration, or
30 referral to some other program or agency for the purpose of
31 nonofficial or nonjudicial handling.

1 2. The presence of medical, psychiatric,
2 psychological, substance abuse, educational problems, or other
3 conditions that may have caused the child to come to the
4 attention of law enforcement or the Department of Juvenile
5 Justice. In cases where such conditions are identified, and a
6 nonjudicial handling of the case is chosen, the intake
7 counselor shall attempt to refer the child to a program or
8 agency, together with all available and relevant assessment
9 information concerning the child's precipitating condition.

10 3. The Department of Juvenile Justice shall develop a
11 case management system whereby a child brought into intake is
12 assigned a case manager if the child was not released,
13 referred to a diversionary program, referred for community
14 arbitration, or referred to some other program or agency for
15 the purpose of nonofficial or nonjudicial handling, and shall
16 make every reasonable effort to provide continuity of case
17 management for the child; provided, however, that case
18 management for children committed to residential programs may
19 be transferred as provided in s. 985.316 ~~39-067~~.

20 4. In addition to duties specified in other sections
21 and through departmental rules, the assigned case manager
22 shall be responsible for the following:

23 a. Ensuring that a risk assessment instrument
24 establishing the child's eligibility for detention has been
25 accurately completed and that the appropriate recommendation
26 was made to the court.

27 b. Inquiring as to whether the child understands his
28 or her rights to counsel and against self-incrimination.

29 c. Performing the preliminary screening and making
30 referrals for comprehensive assessment regarding the child's
31 need for substance abuse treatment services, mental health

1 services, retardation services, literacy services, or other
2 educational or treatment services.

3 d. Coordinating the multidisciplinary assessment when
4 required, which includes the classification and placement
5 process that determines the child's priority needs, risk
6 classification, and treatment plan. When sufficient evidence
7 exists to warrant a comprehensive assessment and the child
8 fails to voluntarily participate in the assessment efforts, it
9 is the responsibility of the case manager to inform the court
10 of the need for the assessment and the refusal of the child to
11 participate in such assessment. This assessment,
12 classification, and placement process shall develop into the
13 predisposition report.

14 e. Making recommendations for services and
15 facilitating the delivery of those services to the child,
16 including any mental health services, educational services,
17 family counseling services, family assistance services, and
18 substance abuse services. The delinquency case manager shall
19 serve as the primary case manager for the purpose of managing,
20 coordinating, and monitoring the services provided to the
21 child. Each program administrator within the Department of
22 Children and Family Health and Rehabilitative Services shall
23 cooperate with the primary case manager in carrying out the
24 duties and responsibilities described in this section.

25
26 The Department of Juvenile Justice shall annually advise the
27 Legislature and the Executive Office of the Governor of the
28 resources needed in order for the case management system to
29 maintain a staff-to-client ratio that is consistent with
30 accepted standards and allows the necessary supervision and
31 services for each child. The intake process and case

1 management system shall provide a comprehensive approach to
2 assessing the child's needs, relative risks, and most
3 appropriate handling, and shall be based on an individualized
4 treatment plan.

5 (b) The intake and case management system shall
6 facilitate consistency in the recommended placement of each
7 child, and in the assessment, classification, and placement
8 process, with the following purposes:

9 1. An individualized, multidisciplinary assessment
10 process that identifies the priority needs of each individual
11 child for rehabilitation and treatment and identifies any
12 needs of the child's parents or guardians for services that
13 would enhance their ability to provide adequate support,
14 guidance, and supervision for the child. This process shall
15 begin with the detention risk assessment instrument and
16 decision, shall include the intake preliminary screening and
17 comprehensive assessment for substance abuse treatment
18 services, mental health services, retardation services,
19 literacy services, and other educational and treatment
20 services as components, additional assessment of the child's
21 treatment needs, and classification regarding the child's
22 risks to the community and, for a serious or habitual
23 delinquent child, shall include the assessment for placement
24 in a serious or habitual delinquent children program pursuant
25 to s. 985.31 ~~39-058~~. The completed multidisciplinary
26 assessment process shall result in the predisposition report.

27 2. A classification system that assigns a relative
28 risk to the child and the community based upon assessments
29 including the detention risk assessment results when available
30 to classify the child's risk as it relates to placement and
31 supervision alternatives.

1 3. An admissions process that facilitates for each
2 child the utilization of the treatment plan and setting most
3 appropriate to meet the child's programmatic needs and provide
4 the minimum program security needed to ensure public safety.

5 (2) The intake process shall be performed by the
6 department through a case management system. The purpose of
7 the intake process is to assess the child's needs and risks
8 and to determine the most appropriate treatment plan and
9 setting for the child's programmatic needs and risks. The
10 intake process shall result in choosing the most appropriate
11 services through a balancing of the interests and needs of the
12 child with those of the family and the public. The intake
13 counselor or case manager is responsible for making informed
14 decisions and recommendations to other agencies, the state
15 attorney, and the courts so that the child and family may
16 receive the least intrusive service alternative throughout the
17 judicial process. The department shall establish uniform
18 procedures for the intake counselor or case manager to
19 provide, prior to the filing of a petition or as soon as
20 possible thereafter and prior to a disposition hearing, a
21 preliminary screening of the child and family for substance
22 abuse and mental health services.

23 (3) A report, affidavit, or complaint alleging that a
24 child has committed a delinquent act or violation of law shall
25 be made to the intake office operating in the county in which
26 the child is found or in which the delinquent act or violation
27 of law occurred. Any person or agency having knowledge of the
28 facts may make such a written report, affidavit, or complaint
29 and shall furnish to the intake office facts sufficient to
30 establish the jurisdiction of the court and to support a
31

1 finding by the court that the child has committed a delinquent
2 act or violation of law.

3 (4) The intake counselor or case manager shall make a
4 preliminary determination as to whether the report, affidavit,
5 or complaint is complete, consulting with the state attorney
6 as may be necessary. In any case where the intake counselor or
7 case manager or the state attorney finds that the report,
8 affidavit, or complaint is insufficient by the standards for a
9 probable cause affidavit, the intake counselor or case manager
10 or state attorney shall return the report, affidavit, or
11 complaint, without delay, to the person or agency originating
12 the report, affidavit, or complaint or having knowledge of the
13 facts or to the appropriate law enforcement agency having
14 investigative jurisdiction of the offense, and shall request,
15 and the person or agency shall promptly furnish, additional
16 information in order to comply with the standards for a
17 probable cause affidavit.

18 (a) The intake counselor or case manager, upon
19 determining that the report, affidavit, or complaint is
20 complete, may, in the case of a child who is alleged to have
21 committed a delinquent act or violation of law, recommend that
22 the state attorney file a petition of delinquency or an
23 information or seek an indictment by the grand jury. However,
24 such a recommendation is not a prerequisite for any action
25 taken by the state attorney.

26 (b) The intake counselor or case manager, upon
27 determining that the report, affidavit, or complaint is
28 complete, pursuant to uniform procedures established by the
29 department, shall:

30 1. When indicated by the preliminary screening,
31 provide for a comprehensive assessment of the child and family

1 for substance abuse problems, using community-based licensed
2 programs with clinical expertise and experience in the
3 assessment of substance abuse problems.

4 2. When indicated by the preliminary screening,
5 provide for a comprehensive assessment of the child and family
6 for mental health problems, using community-based
7 psychologists, psychiatrists, or other licensed mental health
8 professionals with clinical expertise and experience in the
9 assessment of mental health problems.

10

11 When indicated by the comprehensive assessment, the department
12 is authorized to contract within appropriated funds for
13 services with a local nonprofit community mental health or
14 substance abuse agency licensed or authorized under chapter
15 394, or chapter 397, or other authorized nonprofit social
16 service agency providing related services. The determination
17 of mental health or substance abuse services shall be
18 conducted in coordination with existing programs providing
19 mental health or substance abuse services in conjunction with
20 the intake office. Client information resulting from the
21 screening and evaluation shall be documented pursuant to rules
22 established by the department and shall serve to assist the
23 intake counselor or case manager in providing the most
24 appropriate services and recommendations in the least
25 intrusive manner. Such client information shall be used in the
26 multidisciplinary assessment and classification of the child,
27 but such information, and any information obtained directly or
28 indirectly through the assessment process, is inadmissible in
29 court prior to the disposition hearing, unless the child's
30 written consent is obtained. At the disposition hearing,
31 documented client information shall serve to assist the court

1 in making the most appropriate custody, adjudicatory, and
2 dispositional decision. If the screening and assessment
3 indicate that the interest of the child and the public will be
4 best served thereby, the intake counselor or case manager,
5 with the approval of the state attorney, may refer the child
6 for care, diagnostic and evaluation services, substance abuse
7 treatment services, mental health services, retardation
8 services, a diversionary or arbitration or mediation program,
9 community service work, or other programs or treatment
10 services voluntarily accepted by the child and the child's
11 parents or legal guardians. The victim, if any, and the law
12 enforcement agency which investigated the offense shall be
13 notified immediately by the state attorney of the action taken
14 under this paragraph. Whenever a child volunteers to
15 participate in any work program under this chapter or
16 volunteers to work in a specified state, county, municipal, or
17 community service organization supervised work program or to
18 work for the victim, the child shall be considered an employee
19 of the state for the purposes of liability. In determining the
20 child's average weekly wage, unless otherwise determined by a
21 specific funding program, all remuneration received from the
22 employer is considered a gratuity, and the child is not
23 entitled to any benefits otherwise payable under s. 440.15,
24 regardless of whether the child may be receiving wages and
25 remuneration from other employment with another employer and
26 regardless of the child's future wage-earning capacity.

27 (c) The intake counselor or case manager, upon
28 determining that the report, affidavit, or complaint complies
29 with the standards of a probable cause affidavit and that the
30 interest of the child and the public will be best served, may
31 recommend that a delinquency petition not be filed. If such a

1 recommendation is made, the intake counselor or case manager
2 shall advise in writing the person or agency making the
3 report, affidavit, or complaint, the victim, if any, and the
4 law enforcement agency having investigative jurisdiction of
5 the offense of the recommendation and the reasons therefor;
6 and that the person or agency may submit, within 10 days after
7 the receipt of such notice, the report, affidavit, or
8 complaint to the state attorney for special review. The state
9 attorney, upon receiving a request for special review, shall
10 consider the facts presented by the report, affidavit, or
11 complaint, and by the intake counselor or case manager who
12 made the recommendation that no petition be filed, before
13 making a final decision as to whether a petition or
14 information should or should not be filed.

15 (d) In all cases in which the child is alleged to have
16 committed a violation of law or delinquent act and is not
17 detained, the intake counselor or case manager shall submit a
18 written report to the state attorney, including the original
19 report, complaint, or affidavit, or a copy thereof, including
20 a copy of the child's prior juvenile record, within 20 days
21 after the date the child is taken into custody. In cases in
22 which the child is in detention, the intake office report must
23 be submitted within 24 hours after the child is placed into
24 detention. The intake office report must recommend either that
25 a petition or information be filed or that no petition or
26 information be filed, and must set forth reasons for the
27 recommendation.

28 (e) The state attorney may in all cases take action
29 independent of the action or lack of action of the intake
30 counselor or case manager, and shall determine the action
31 which is in the best interest of the public and the child. If

1 the child meets the criteria requiring prosecution as an adult
2 pursuant to s. 985.226 ~~39-052~~, the state attorney shall
3 request the court to transfer and certify the child for
4 prosecution as an adult or shall provide written reasons to
5 the court for not making such request. In all other cases, the
6 state attorney may:

- 7 1. File a petition for dependency;
- 8 2. File a petition pursuant to chapter 984 ~~part IV~~;
- 9 3. File a petition for delinquency;
- 10 4. File a petition for delinquency with a motion to
11 transfer and certify the child for prosecution as an adult;
- 12 5. File an information pursuant to s. 985.227
13 ~~39-052(3)~~;
- 14 6. Refer the case to a grand jury;
- 15 7. Refer the child to a diversionary, pretrial
16 intervention, arbitration, or mediation program, or to some
17 other treatment or care program if such program commitment is
18 voluntarily accepted by the child or the child's parents or
19 legal guardians; or
- 20 8. Decline to file.

21 (f) In cases in which a delinquency report, affidavit,
22 or complaint is filed by a law enforcement agency and the
23 state attorney determines not to file a petition, the state
24 attorney shall advise the clerk of the circuit court in
25 writing that no petition will be filed thereon.

26 (5) Prior to requesting that a delinquency petition be
27 filed or prior to filing a dependency petition, the intake
28 officer may request the parent or legal guardian of the child
29 to attend a course of instruction in parenting skills,
30 training in conflict resolution, and the practice of
31 nonviolence; to accept counseling; or to receive other

1 assistance from any agency in the community which notifies the
2 clerk of the court of the availability of its services. Where
3 appropriate, the intake officer shall request both parents or
4 guardians to receive such parental assistance. The intake
5 officer may, in determining whether to request that a
6 delinquency petition be filed, take into consideration the
7 willingness of the parent or legal guardian to comply with
8 such request.

9 Section 19. Section 39.038, Florida Statutes, is
10 transferred, renumbered as section 985.211, Florida Statutes,
11 and amended to read:

12 985.211 ~~39.038~~ Release or delivery from custody.--

13 (1) A child taken into custody shall be released from
14 custody as soon as is reasonably possible.

15 (2) Unless otherwise ordered by the court pursuant to
16 s. 985.215 ~~39.044~~, and unless there is a need to hold the
17 child, a person taking a child into custody shall attempt to
18 release the child as follows:

19 (a) To the child's parent, guardian, or legal
20 custodian or, if the child's parent, guardian, or legal
21 custodian is unavailable, unwilling, or unable to provide
22 supervision for the child, to any responsible adult. Prior to
23 releasing the child to a responsible adult, other than the
24 parent, guardian, or legal custodian, the person taking the
25 child into custody may conduct a criminal history background
26 check of the person to whom the child is to be released. If
27 the person has a prior felony conviction, or a conviction for
28 child abuse, drug trafficking, or prostitution, that person is
29 not a responsible adult for the purposes of this section. The
30 person to whom the child is released shall agree to inform the
31 department or the person releasing the child of the child's

1 subsequent change of address and to produce the child in court
2 at such time as the court may direct, and the child shall join
3 in the agreement.

4 (b) Contingent upon specific appropriation, to a
5 shelter approved by the department or to an authorized agent ~~a~~
6 ~~protective investigator~~ pursuant to s. 39.401(2)(b).

7 (c) If the child is believed to be suffering from a
8 serious physical condition which requires either prompt
9 diagnosis or prompt treatment, to a law enforcement officer
10 who shall deliver the child to a hospital for necessary
11 evaluation and treatment.

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

17 (e) If the child appears to be intoxicated and has
18 threatened, attempted, or inflicted physical harm on himself
19 or herself or another, or is incapacitated by substance abuse,
20 to a law enforcement officer who shall deliver the child to a
21 hospital, addictions receiving facility, or treatment
22 resource.

23 (f) If available, to a juvenile assessment center
24 equipped and staffed to assume custody of the child for the
25 purpose of assessing the needs of the child in custody. The
26 center may then release or deliver the child pursuant to this
27 section with a copy of the assessment.

28 (3) If the child is released, the person taking the
29 child into custody shall make a written report or probable
30 cause affidavit to the appropriate intake counselor or case
31 manager within 3 days, stating the facts and the reason for

1 taking the child into custody. Such written report or
2 probable cause affidavit shall:

3 (a) Identify the child, the parents, guardian, or
4 legal custodian, and the person to whom the child was
5 released.

6 (b) Contain sufficient information to establish the
7 jurisdiction of the court and to make a prima facie showing
8 that the child has committed a violation of law or a
9 delinquent act.

10 (4) A person taking a child into custody who
11 determines, pursuant to s. 985.215 ~~39-044~~, that the child
12 should be detained or released to a shelter designated by the
13 department, shall make a reasonable effort to immediately
14 notify the parent, guardian, or legal custodian of the child
15 and shall, without unreasonable delay, deliver the child to
16 the appropriate intake counselor or case manager or, if the
17 court has so ordered pursuant to s. 985.215 ~~39-044~~, to a
18 detention center or facility. Upon delivery of the child, the
19 person taking the child into custody shall make a written
20 report or probable cause affidavit to the appropriate intake
21 counselor or case manager. Such written report or probable
22 cause affidavit must:

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

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

29 (5) Upon taking a child into custody, a law
30 enforcement officer may deliver the child, for temporary
31 custody not to exceed 6 hours, to a secure booking area of a

1 jail or other facility intended or used for the detention of
2 adults, for the purpose of fingerprinting or photographing the
3 child or awaiting appropriate transport to the department or
4 as provided in subsection (4), provided no regular sight and
5 sound contact between the child and adult inmates or trustees
6 is permitted and the receiving facility has adequate staff to
7 supervise and monitor the child's activities at all times.

8 (6)(a) A copy of the probable cause affidavit or
9 written report by a law enforcement agency shall be filed, by
10 the law enforcement agency making such affidavit or written
11 report, with the clerk of the circuit court for the county in
12 which the child is taken into custody or in which the
13 affidavit or report is made within 24 hours after the child is
14 taken into custody and detained, within 1 week after the child
15 is taken into custody and released, or within 1 week after the
16 affidavit or report is made, excluding Saturdays, Sundays, and
17 legal holidays. Such affidavit or report is a case for the
18 purpose of assigning a uniform case number pursuant to this
19 subsection.

20 (b) Upon the filing of a copy of a probable cause
21 affidavit or written report by a law enforcement agency with
22 the clerk of the circuit court, the clerk shall immediately
23 assign a uniform case number to the affidavit or report,
24 forward a copy to the state attorney, and forward a copy to
25 the intake office of the department which serves the county in
26 which the case arose.

27 (c) Each letter of recommendation, written notice,
28 report, or other paper required by law pertaining to the case
29 shall bear the uniform case number of the case, and a copy
30 shall be filed with the clerk of the circuit court by the
31

1 issuing agency. The issuing agency shall furnish copies to
2 the intake counselor or case manager and the state attorney.

3 (d) Upon the filing of a petition based on the
4 allegations of a previously filed probable cause affidavit or
5 written report, the agency filing the petition shall include
6 the appropriate uniform case number on the petition.

7 (7) Nothing in this section shall prohibit the proper
8 use of law enforcement diversion programs. Law enforcement
9 agencies may initiate and conduct diversion programs designed
10 to divert a child from the need for department custody or
11 judicial handling. Such programs may be cooperative projects
12 with local community service agencies.

13 Section 20. Section 39.039, Florida Statutes, 1996
14 Supplement, is transferred, renumbered as section 985.212,
15 Florida Statutes, and amended to read:

16 985.212 ~~39.039~~ Fingerprinting and photographing.--

17 (1)(a) A child who is charged with or found to have
18 committed an offense that would be a felony if committed by an
19 adult shall be fingerprinted and the fingerprints must be
20 submitted to the Department of Law Enforcement as provided in
21 s. 943.051(3)(a).

22 (b) A child who is charged with or found to have
23 committed one of the following misdemeanors shall be
24 fingerprinted and the fingerprints shall be submitted to the
25 Department of Law Enforcement as provided in s. 943.051(3)(b):

26 1. Assault, as defined in s. 784.011.

27 2. Battery, as defined in s. 784.03.

28 3. Carrying a concealed weapon, as defined in s.
29 790.01(1).

30 4. Unlawful use of destructive devices or bombs, as
31 defined in s. 790.1615(1).

- 1 5. Negligent treatment of children, as defined in
2 former s. 827.05.
- 3 6. Assault on a law enforcement officer, a
4 firefighter, or other specified officers, as defined in s.
5 784.07(2)(a).
- 6 7. Open carrying of a weapon, as defined in s.
7 790.053.
- 8 8. Exposure of sexual organs, as defined in s. 800.03.
- 9 9. Unlawful possession of a firearm, as defined in s.
10 790.22(5).
- 11 10. Petit theft, as defined in s. 812.014.
- 12 11. Cruelty to animals, as defined in s. 828.12(1).
- 13 12. Arson, resulting in bodily harm to a firefighter,
14 as defined in s. 806.031(1).

15
16 A law enforcement agency may fingerprint and photograph a
17 child taken into custody upon probable cause that such child
18 has committed any other violation of law, as the agency deems
19 appropriate. Such fingerprint records and photographs shall be
20 retained by the law enforcement agency in a separate file, and
21 these records and all copies thereof must be marked "Juvenile
22 Confidential." These records shall not be available for public
23 disclosure and inspection under s. 119.07(1) except as
24 provided in ss. ~~39.045(9)~~ and 943.053 and 985.04(5), but shall
25 be available to other law enforcement agencies, criminal
26 justice agencies, state attorneys, the courts, the child, the
27 parents or legal custodians of the child, their attorneys, and
28 any other person authorized by the court to have access to
29 such records. These records may, in the discretion of the
30 court, be open to inspection by anyone upon a showing of
31 cause. The fingerprint and photograph records shall be

1 produced in the court whenever directed by the court. Any
2 photograph taken pursuant to this section may be shown by a
3 law enforcement officer to any victim or witness of a crime
4 for the purpose of identifying the person who committed such
5 crime.

6 (c) The court shall be responsible for the
7 fingerprinting of any child at the disposition hearing if the
8 child has been adjudicated or had adjudication withheld for
9 any felony in the case currently before the court.

10 (2) If the child is not referred to the court, or if
11 the child is found not to have committed a violation of law,
12 the court may, after notice to the law enforcement agency
13 involved, order the originals and copies of the fingerprints
14 and photographs destroyed. Unless otherwise ordered by the
15 court, if the child is found to have committed an offense
16 which would be a felony if it had been committed by an adult,
17 then the law enforcement agency having custody of the
18 fingerprint and photograph records shall retain the originals
19 and immediately thereafter forward adequate duplicate copies
20 to the court along with the written offense report relating to
21 the matter for which the child was taken into custody. Except
22 as otherwise provided by this subsection, the clerk of the
23 court, after the disposition hearing on the case, shall
24 forward duplicate copies of the fingerprints and photographs,
25 together with the child's name, address, date of birth, age,
26 and sex, to:

27 (a) The sheriff of the county in which the child was
28 taken into custody, in order to maintain a central child
29 identification file in that county.

30 (b) The law enforcement agency of each municipality
31 having a population in excess of 50,000 persons and located in

1 the county of arrest, if so requested specifically or by a
2 general request by that agency.

3 (3) This section does not prohibit the fingerprinting
4 or photographing of child traffic violators. All records of
5 such traffic violations shall be kept in the full name of the
6 violator and shall be open to inspection and publication in
7 the same manner as adult traffic violations. This section does
8 not apply to the photographing of children by the Department
9 of Juvenile Justice or the Department of Children and Family
10 ~~Health and Rehabilitative~~ Services.

11 Section 21. Section 39.042, Florida Statutes, is
12 transferred, renumbered as section 985.213, Florida Statutes,
13 and amended to read:

14 985.213 ~~39.042~~ Use of detention.--

15 (1) All determinations and court orders regarding the
16 use of secure, nonsecure, or home detention shall be based
17 primarily upon findings that the child:

18 (a) Presents a substantial risk of not appearing at a
19 subsequent hearing;

20 (b) Presents a substantial risk of inflicting bodily
21 harm on others as evidenced by recent behavior;

22 (c) Presents a history of committing a property
23 offense prior to adjudication, disposition, or placement;

24 (d) Has committed contempt of court by:

25 1. Intentionally disrupting the administration of the
26 court;

27 2. Intentionally disobeying a court order; or

28 3. Engaging in a punishable act or speech in the
29 court's presence which shows disrespect for the authority and
30 dignity of the court; or

31 (e) Requests protection from imminent bodily harm.

1 (2)(a) All determinations and court orders regarding
2 placement of a child into detention care shall comply with all
3 requirements and criteria provided in this part and shall be
4 based on a risk assessment of the child, unless the child is
5 placed into detention care as provided in subparagraph (b)3.

6 (b)1. The risk assessment instrument for detention
7 care placement determinations and orders shall be developed by
8 the Department of Juvenile Justice in agreement with
9 representatives appointed by the following associations: the
10 Conference of Circuit Judges of Florida, the Prosecuting
11 Attorneys Association, and the Public Defenders Association.
12 Each association shall appoint two individuals, one
13 representing an urban area and one representing a rural area.
14 The parties involved shall evaluate and revise the risk
15 assessment instrument as is considered necessary using the
16 method for revision as agreed by the parties. The risk
17 assessment instrument shall take into consideration, but need
18 not be limited to, prior history of failure to appear, prior
19 offenses, offenses committed pending adjudication, any
20 unlawful possession of a firearm, theft of a motor vehicle or
21 possession of a stolen motor vehicle, and community control
22 status at the time the child is taken into custody. The risk
23 assessment instrument shall also take into consideration
24 appropriate aggravating and mitigating circumstances, and
25 shall be designed to target a narrower population of children
26 than s. 985.215(2)~~39-044(2)~~. The risk assessment instrument
27 shall also include any information concerning the child's
28 history of abuse and neglect. The risk assessment shall
29 indicate whether detention care is warranted, and, if
30 detention care is warranted, whether the child should be
31 placed into secure, nonsecure, or home detention care.

1 2. If, at the detention hearing, the court finds a
2 material error in the scoring of the risk assessment
3 instrument, the court may amend the score to reflect factual
4 accuracy.

5 3. A child who is charged with committing an offense
6 of domestic violence as defined in s. 741.28(1) and who does
7 not meet detention criteria may be held in secure detention
8 for up to 48 hours if a respite home or similar authorized
9 residential facility is not available. The court may order
10 that the child continue to be held in secure detention
11 provided that a hearing is held at the end of each 48-hour
12 period, excluding Saturdays, Sundays, and legal holidays, in
13 which the state attorney and the department may recommend to
14 the court that the child continue to be held in secure
15 detention.

16 (3)(a) While a child who is currently enrolled in
17 school is in nonsecure or home detention care, the child shall
18 continue to attend school unless otherwise ordered by the
19 court.

20 (b) While a child is in secure detention care, the
21 child shall receive education commensurate with his or her
22 grade level and educational ability.

23 (4) The Department of Juvenile Justice shall continue
24 to identify alternatives to secure detention care and shall
25 develop such alternatives and annually submit them to the
26 Legislature for authorization and appropriation.

27 Section 22. Section 39.043, Florida Statutes, is
28 transferred and renumbered as section 985.214, Florida
29 Statutes.

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31

1 Section 23. Section 39.044, Florida Statutes, 1996
2 Supplement, is transferred, renumbered as section 985.215,
3 Florida Statutes, and amended to read:

4 985.215 ~~39.044~~ Detention.--

5 (1) The intake counselor or case manager shall receive
6 custody of a child who has been taken into custody from the
7 law enforcement agency and shall review the facts in the law
8 enforcement report or probable cause affidavit and make such
9 further inquiry as may be necessary to determine whether
10 detention care is required.

11 (a) During the period of time from the taking of the
12 child into custody to the date of the detention hearing, the
13 initial decision as to the child's placement into secure
14 detention care, nonsecure detention care, or home detention
15 care shall be made by the intake counselor or case manager
16 pursuant to ss. 985.213 and 985.214 ~~39.042~~ and ~~39.043~~.

17 (b) The intake counselor or case manager shall base
18 the decision whether or not to place the child into secure
19 detention care, home detention care, or nonsecure detention
20 care on an assessment of risk in accordance with the risk
21 assessment instrument and procedures developed by the
22 Department of Juvenile Justice under s. 985.213 ~~39.042~~.

23 (c) If the intake counselor or case manager determines
24 that a child who is eligible for detention based upon the
25 results of the risk assessment instrument should be released,
26 the intake counselor or case manager shall contact the state
27 attorney, who may authorize release. If detention is not
28 authorized, the child may be released by the intake counselor
29 or case manager in accordance with s. 985.211 ~~39.038~~.

30
31

1 Under no circumstances shall the intake counselor or case
2 manager or the state attorney or law enforcement officer
3 authorize the detention of any child in a jail or other
4 facility intended or used for the detention of adults, without
5 an order of the court.

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

10 (a) The child is alleged to be an escapee or an
11 absconder from a commitment program, a community control
12 program, furlough, or aftercare supervision, or is alleged to
13 have escaped while being lawfully transported to or from such
14 program or supervision;

15 (b) The child is wanted in another jurisdiction for an
16 offense which, if committed by an adult, would be a felony;

17 (c) The child is charged with a delinquent act or
18 violation of law and requests in writing through legal counsel
19 to be detained for protection from an imminent physical threat
20 to his or her personal safety;

21 (d) The child is charged with committing an offense of
22 domestic violence as defined in s. 741.28(1) and is detained
23 as provided in s. 985.213(2)(b)~~3.39-042(2)(b)3~~;

24 (e) The child is charged with a capital felony, a life
25 felony, a felony of the first degree, a felony of the second
26 degree that does not involve a violation of chapter 893, or a
27 felony of the third degree that is also a crime of violence,
28 including any such offense involving the use or possession of
29 a firearm; or

30 (f) The child is charged with any second degree or
31 third degree felony involving a violation of chapter 893 or

1 any third degree felony that is not also a crime of violence,
2 and the child:

3 1. Has a record of failure to appear at court hearings
4 after being properly notified in accordance with the Rules of
5 Juvenile Procedure;

6 2. Has a record of law violations prior to court
7 hearings;

8 3. Has already been detained or has been released and
9 is awaiting final disposition of the case;

10 4. Has a record of violent conduct resulting in
11 physical injury to others; or

12 5. Is found to have been in possession of a firearm.
13

14 A child who meets any of these criteria and who is ordered to
15 be detained pursuant to this subsection shall be given a
16 hearing within 24 hours after being taken into custody. The
17 purpose of the detention hearing is to determine the existence
18 of probable cause that the child has committed the delinquent
19 act or violation of law with which he or she is charged and
20 the need for continued detention. Unless a child is detained
21 under paragraph (d), the court shall utilize the results of
22 the risk assessment performed by the intake counselor or case
23 manager and, based on the criteria in this subsection, shall
24 determine the need for continued detention. A child placed
25 into secure, nonsecure, or home detention care may continue to
26 be so detained by the court pursuant to this subsection. If
27 the court orders a placement more restrictive than indicated
28 by the results of the risk assessment instrument, the court
29 shall state, in writing, clear and convincing reasons for such
30 placement. Except as provided in s. 790.22(8) or in
31 subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c),

1 or paragraph (10)(d), when a child is placed into secure or
2 nonsecure detention care, or into a respite home or other
3 placement pursuant to a court order following a hearing, the
4 court order must include specific instructions that direct the
5 release of the child from such placement no later than 5 p.m.
6 on the last day of the detention period specified in paragraph
7 (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1.,
8 whichever is applicable, unless the requirements of such
9 applicable provision have been met or an order of continuance
10 has been granted pursuant to paragraph (5)(d).

11 (3) Except in emergency situations, a child may not be
12 placed into or transported in any police car or similar
13 vehicle that at the same time contains an adult under arrest,
14 unless the adult is alleged or believed to be involved in the
15 same offense or transaction as the child.

16 (4) The court shall order the delivery of a child to a
17 jail or other facility intended or used for the detention of
18 adults:

19 (a) When the child has been transferred or indicted
20 for criminal prosecution as an adult pursuant to this part,
21 except that the court may not order or allow a child alleged
22 to have committed a misdemeanor who is being transferred for
23 criminal prosecution pursuant to either s. 985.226 or s.
24 985.227 ~~s. 39.059~~ to be detained or held in a jail or other
25 facility intended or used for the detention of adults;
26 however, such child may be held temporarily in a detention
27 facility; or

28 (b) When a child taken into custody in this state is
29 wanted by another jurisdiction for prosecution as an adult.

30
31

1 The child shall be housed separately from adult inmates to
2 prohibit a child from having regular contact with incarcerated
3 adults, including trustees. "Regular contact" means sight and
4 sound contact. Separation of children from adults shall permit
5 no more than haphazard or accidental contact. The receiving
6 jail or other facility shall contain a separate section for
7 children and shall have an adequate staff to supervise and
8 monitor the child's activities at all times. Supervision and
9 monitoring of children includes physical observation and
10 documented checks by jail or receiving facility supervisory
11 personnel at intervals not to exceed 15 minutes. This
12 paragraph does not prohibit placing two or more children in
13 the same cell. Under no circumstances shall a child be placed
14 in the same cell with an adult.

15 (5)(a) A child may not be placed into or held in
16 secure, nonsecure, or home detention care for longer than 24
17 hours unless the court orders such detention care, and the
18 order includes specific instructions that direct the release
19 of the child from such detention care, in accordance with
20 subsection (2). The order shall be a final order, reviewable
21 by appeal pursuant to s. 985.234 ~~39.069~~ and the Florida Rules
22 of Appellate Procedure. Appeals of such orders shall take
23 precedence over other appeals and other pending matters.

24 (b) A child may not be held in secure, nonsecure, or
25 home detention care under a special detention order for more
26 than 21 days unless an adjudicatory hearing for the case has
27 been commenced by the court.

28 (c) A child may not be held in secure, nonsecure, or
29 home detention care for more than 15 days following the entry
30 of an order of adjudication.

31

1 (d) The time limits in paragraphs (b) and (c) do not
2 include periods of delay resulting from a continuance granted
3 by the court for cause on motion of the child or his or her
4 counsel or of the state. Upon the issuance of an order
5 granting a continuance for cause on a motion by either the
6 child, the child's counsel, or the state, the court shall
7 conduct a hearing at the end of each 72-hour period, excluding
8 Saturdays, Sundays, and legal holidays, to determine the need
9 for continued detention of the child and the need for further
10 continuance of proceedings for the child or the state.

11 (6) When any child is placed into secure, nonsecure,
12 or home detention care or into other placement pursuant to a
13 court order following a detention hearing, the court shall
14 order the natural or adoptive parents of such child, the
15 natural father of such child born out of wedlock who has
16 acknowledged his paternity in writing before the court, or the
17 guardian of such child's estate, if possessed of assets which
18 under law may be disbursed for the care, support, and
19 maintenance of the child, to pay to the Department of Juvenile
20 Justice, or institution having custody of the child, fees
21 equal to the actual cost of the care, support, and maintenance
22 of the child, as established by the Department of Juvenile
23 Justice, unless the court determines that the parent or
24 guardian of the child is indigent. The court may reduce the
25 fees or waive the fees upon a showing by the parent or
26 guardian of an inability to pay the full cost of the care,
27 support, and maintenance of the child. In addition, the court
28 may waive the fees if it finds that the child's parent or
29 guardian was the victim of the child's delinquent act or
30 violation of law or if the court finds that the parent or
31 guardian has made a diligent and good faith effort to prevent

1 the child from engaging in the delinquent act or violation of
2 law. With respect to a child who has been found to have
3 committed a delinquent act or violation of law, whether or not
4 adjudication is withheld, and whose parent or guardian
5 receives public assistance for any portion of that child's
6 care, the department must seek a federal waiver to garnish or
7 otherwise order the payments of the portion of the public
8 assistance relating to that child to offset the costs of
9 providing care, custody, maintenance, rehabilitation,
10 intervention, or corrective services to the child. When the
11 order affects the guardianship estate, a certified copy of the
12 order shall be delivered to the judge having jurisdiction of
13 the guardianship estate.

14 (7) If a child is detained and a petition for
15 delinquency is filed, the child shall be arraigned in
16 accordance with the Florida Rules of Juvenile Procedure within
17 48 hours after the filing of the petition for delinquency.

18 (8) If a child is detained pursuant to this section,
19 the Department of Juvenile Justice may transfer the child from
20 nonsecure or home detention care to secure detention care only
21 if significantly changed circumstances warrant such transfer.

22 (9) If a child is on release status and not detained
23 pursuant to this section, the child may be placed into secure,
24 nonsecure, or home detention care only pursuant to a court
25 hearing in which the original risk assessment instrument,
26 rescored based on newly discovered evidence or changed
27 circumstances with the results recommending detention, is
28 introduced into evidence.

29 (10)(a)1. When a child is committed to the Department
30 of Juvenile Justice awaiting dispositional placement, removal
31 of the child from detention care shall occur within 5 days,

1 excluding Saturdays, Sundays, and legal holidays. If the child
2 is committed to a low-risk residential program or a
3 moderate-risk residential program, the department may seek an
4 order from the court authorizing continued detention for a
5 specific period of time necessary for the appropriate
6 residential placement of the child. However, such continued
7 detention in secure detention care may not exceed 15 days
8 after commitment, excluding Saturdays, Sundays, and legal
9 holidays, and except as otherwise provided in this subsection.

10 2. The court must place all children who are
11 adjudicated and awaiting placement in a residential commitment
12 program in detention care. Children who are in home detention
13 care or nonsecure detention care may be placed on electronic
14 monitoring. A child committed to a moderate-risk residential
15 program may be held in a juvenile assignment center pursuant
16 to s. 985.307 ~~39-0551~~ until placement or commitment is
17 accomplished.

18 (b) A child who is placed in home detention care,
19 nonsecure detention care, or home or nonsecure detention care
20 with electronic monitoring, while awaiting placement in a
21 low-risk or moderate-risk program, may be held in secure
22 detention care for 5 days, if the child violates the
23 conditions of the home detention care, the nonsecure detention
24 care, or the electronic monitoring agreement. For any
25 subsequent violation, the court may impose an additional 5
26 days in secure detention care.

27 (c) If the child is committed to a high-risk
28 residential program, the child must be held in detention care
29 or in a juvenile assignment center pursuant to s. 985.307
30 ~~39-0551~~ until placement or commitment is accomplished.

31

1 (d) If the child is committed to a maximum-risk
2 residential program, the child must be held in detention care
3 or in an assignment center pursuant to s. 985.307 ~~39-0551~~
4 until placement or commitment is accomplished.

5 (e) Upon specific appropriation, the department may
6 obtain comprehensive evaluations, including, but not limited
7 to, medical, academic, psychological, behavioral,
8 sociological, and vocational needs of a youth with multiple
9 arrests for all level criminal acts or a youth committed to a
10 minimum-risk or low-risk commitment program.

11 (11)(a) When a juvenile sexual offender is placed in
12 detention, detention staff shall provide appropriate
13 monitoring and supervision to ensure the safety of other
14 children in the facility.

15 (b) When a juvenile sexual offender, pursuant to this
16 subsection, is released from detention or transferred to home
17 detention or nonsecure detention, detention staff shall
18 immediately notify the appropriate law enforcement agency and
19 school personnel.

20 Section 24. Section 39.0145, Florida Statutes, is
21 transferred, renumbered as section 985.216, Florida Statutes,
22 and amended to read:

23 985.216 ~~39-0145~~ Punishment for contempt of court;
24 alternative sanctions.--

25 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.--The court
26 may punish any child for contempt for interfering with the
27 court or with court administration, or for violating any
28 provision of this chapter or order of the court relative
29 thereto. It is the intent of the Legislature that the court
30 restrict and limit the use of contempt powers with respect to
31 commitment of a child to a secure facility. A child who

1 commits direct contempt of court or indirect contempt of a
2 valid court order may be taken into custody and ordered to
3 serve an alternative sanction or placed in a secure facility,
4 as authorized in this section, by order of the court.

5 (2) PLACEMENT IN A SECURE FACILITY.--A child may be
6 placed in a secure facility for purposes of punishment for
7 contempt of court if alternative sanctions are unavailable or
8 inappropriate, or if the child has already been ordered to
9 serve an alternative sanction but failed to comply with the
10 sanction.

11 (a) A delinquent child who has been held in direct or
12 indirect contempt may be placed in a secure detention facility
13 for 5 days for a first offense or 15 days for a second or
14 subsequent offense, or in a secure residential commitment
15 facility.

16 (b) A child in need of services who has been held in
17 direct contempt or indirect contempt may be placed, for 5 days
18 for a first offense or 15 days for a second or subsequent
19 offense, in a staff-secure shelter or a staff-secure
20 residential facility solely for children in need of services
21 if such placement is available, or, if such placement is not
22 available, the child may be placed in an appropriate mental
23 health facility or substance abuse facility for assessment.

24 (3) ALTERNATIVE SANCTIONS.--Each judicial circuit
25 shall have an alternative sanctions coordinator who shall
26 serve under the chief administrative judge of the juvenile
27 division of the circuit court, and who shall coordinate and
28 maintain a spectrum of contempt sanction alternatives in
29 conjunction with the circuit plan implemented in accordance
30 with s. 790.22(4)(c). Upon determining that a child has
31 committed direct contempt of court or indirect contempt of a

1 valid court order, the court may immediately request the
2 alternative sanctions coordinator to recommend the most
3 appropriate available alternative sanction and shall order the
4 child to perform up to 50 hours of community-service manual
5 labor or a similar alternative sanction, unless an alternative
6 sanction is unavailable or inappropriate, or unless the child
7 has failed to comply with a prior alternative sanction.
8 Alternative contempt sanctions may be provided by local
9 industry or by any nonprofit organization or any public or
10 private business or service entity that has entered into a
11 contract with the Department of Juvenile Justice to act as an
12 agent of the state to provide voluntary supervision of
13 children on behalf of the state in exchange for the manual
14 labor of children and limited immunity in accordance with s.
15 768.28(11).

16 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
17 PROCESS.--

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

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

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

28 2. Right to an explanation of the nature and the
29 consequences of the proceedings.
30
31

1 3. Right to legal counsel and the right to have legal
2 counsel appointed by the court if the juvenile is indigent,
3 pursuant to s. 985.203 ~~39-041~~.

4 4. Right to confront witnesses.

5 5. Right to present witnesses.

6 6. Right to have a transcript or record of the
7 proceeding.

8 7. Right to appeal to an appropriate court.

9

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

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

23 (5) ALTERNATIVE SANCTIONS COORDINATOR.--Effective July
24 1, 1995, there is created the position of alternative
25 sanctions coordinator within each judicial circuit, pursuant
26 to subsection (3). Each alternative sanctions coordinator
27 shall serve under the direction of the chief administrative
28 judge of the juvenile division as directed by the chief judge
29 of the circuit. The alternative sanctions coordinator shall
30 act as the liaison between the judiciary and county juvenile
31 justice councils, the local department officials, district

1 school board employees, and local law enforcement agencies.
2 The alternative sanctions coordinator shall coordinate within
3 the circuit community-based alternative sanctions, including
4 nonsecure detention programs, community service projects, and
5 other juvenile sanctions, in conjunction with the circuit plan
6 implemented in accordance with s. 790.22(4)(c).

7 Section 25. Section 39.0445, Florida Statutes, is
8 transferred, renumbered as section 985.217, Florida Statutes,
9 and amended to read:

10 985.217 ~~39.0445~~ Juvenile domestic violence
11 offenders.--If a child is charged with the commission of a
12 domestic violence offense as defined in s. 741.28(1) and does
13 not meet the detention criteria established in s. 985.215
14 ~~39.044~~, the court may order that the child be placed in a
15 respite home or any similar residential facility, if
16 available, authorized by the department for the placement of
17 juvenile domestic violence offenders or, if not available, in
18 a secure detention center.

19 Section 26. Section 39.048, Florida Statutes, is
20 transferred and renumbered as section 985.218, Florida
21 Statutes.

22 Section 27. Section 39.049, Florida Statutes, is
23 transferred, renumbered as section 985.219, Florida Statutes,
24 and amended to read:

25 985.219 ~~39.049~~ Process and service.--

26 (1) Personal appearance of any person in a hearing
27 before the court obviates the necessity of serving process on
28 that person.

29 (2) Upon the filing of a petition containing
30 allegations of facts which, if true, would establish that the
31 child committed a delinquent act or violation of law, and upon

1 the request of the petitioner, the clerk or deputy clerk shall
2 issue a summons.

3 (3) The summons shall have a copy of the petition
4 attached and shall require the person on whom it is served to
5 appear for a hearing at a time and place specified. Except in
6 cases of medical emergency, the time may not be less than 24
7 hours after service of the summons. If the child is not
8 detained by an order of the court, the summons shall require
9 the custodian of the child to produce the child at the said
10 time and place.

11 (4) The summons shall be directed to, and shall be
12 served upon, the following persons:

13 (a) The child, in the same manner as an adult;

14 (b) The parents of the child; and

15 (c) Any legal custodians, actual custodians,
16 guardians, and guardians ad litem of the child.

17 (5) If the petition alleges that the child has
18 committed a delinquent act or violation of law and the judge
19 deems it advisable to do so, pursuant to the criteria of s.
20 985.215 ~~39.044~~, the judge may, by endorsement upon the summons
21 and after the entry of an order in which valid reasons are
22 specified, order the child to be taken into custody
23 immediately, and in such case the person serving the summons
24 shall immediately take the child into custody.

25 (6) If the identity or residence of the parents,
26 custodians, or guardians of the child is unknown after a
27 diligent search and inquiry, if the parents, custodians, or
28 guardians are residents of a state other than Florida, or if
29 the parents, custodians, or guardians evade service, the
30 person who made the search and inquiry shall file in the case
31 a certificate of those facts, and the court shall appoint a

1 guardian ad litem for the child, if appropriate. If the
2 parent, custodian, or guardian of the child fails to obey a
3 summons, the court may, by endorsement upon the summons and
4 after the entry of an order in which valid reasons are
5 specified, order the parent, custodian, or guardian to be
6 taken into custody immediately to show cause why the parent,
7 guardian, or custodian should not be held in contempt for
8 failing to obey the summons. The court may appoint a guardian
9 ad litem for the child, if appropriate.

10 (7) The jurisdiction of the court shall attach to the
11 child and the case when the summons is served upon the child
12 and a parent or legal or actual custodian or guardian of the
13 child, or when the child is taken into custody with or without
14 service of summons and before or after the filing of a
15 petition, whichever first occurs, and thereafter the court may
16 control the child and the case in accordance with this part.

17 (8) Upon the application of the child or the state
18 attorney, the clerk or deputy clerk shall issue, and the court
19 on its own motion may issue, subpoenas requiring attendance
20 and testimony of witnesses and production of records,
21 documents, or other tangible objects at any hearing.

22 (9) All process and orders issued by the court shall
23 be served or executed as other process and orders of the
24 circuit court and, in addition, may be served or executed by
25 authorized agents of the Department of Juvenile Justice at the
26 department's discretion.

27 (10) Subpoenas may be served within the state by any
28 person over 18 years of age who is not a party to the
29 proceeding.

30 (11) No fee shall be paid for service of any process
31 or other papers by an agent of the department. If any process,

1 orders, or other papers are served or executed by any sheriff,
2 the sheriff's fees shall be paid by the county.

3 Section 28. Section 39.0495, Florida Statutes, is
4 transferred, renumbered as section 985.22, Florida Statutes,
5 and amended to read:

6 985.22 ~~39.0495~~ Threatening or dismissing an employee
7 prohibited.--

8 (1) An employer, or the employer's agent, may not
9 dismiss from employment an employee who is summoned to appear
10 before the court under s. 985.219 ~~39.049~~ solely because of the
11 nature of the summons or because the employee complies with
12 the summons.

13 (2) If an employer, or the employer's agent, threatens
14 an employee with dismissal, or dismisses an employee, who is
15 summoned to appear under s. 985.219 ~~39.049~~, the court may hold
16 the employer in contempt.

17 Section 29. Section 39.073, Florida Statutes, is
18 transferred and renumbered as section 985.221, Florida
19 Statutes.

20 Section 30. Section 39.051, Florida Statutes, is
21 transferred and renumbered as section 985.222, Florida
22 Statutes.

23 Section 31. Section 39.0517, Florida Statutes, 1996
24 Supplement, is transferred, renumbered as section 985.223,
25 Florida Statutes, and amended to read:

26 985.223 ~~39.0517~~ Incompetency in juvenile delinquency
27 cases.--

28 (1) If, at any time prior to or during a delinquency
29 case involving a delinquent act or violation of law that would
30 be a felony if committed by an adult, the court has reason to
31 believe that the child named in the petition may be

1 incompetent to proceed with the hearing, the court on its own
2 motion may, or on the motion of the child's attorney or state
3 attorney must, stay all proceedings and order an evaluation of
4 the child's mental condition.

5 (a) All determinations of competency shall be made at
6 a hearing, with findings of fact based on an evaluation of the
7 child's mental condition by not less than two nor more than
8 three experts appointed by the court. If the determination of
9 incompetency is based on the presence of a mental illness or
10 mental retardation, this must be stated in the evaluation. In
11 addition, a recommendation as to whether residential or
12 nonresidential treatment or training is required must be
13 included in the evaluation. All court orders determining
14 incompetency must include specific findings by the court as to
15 the nature of the incompetency.

16 (b) For incompetency evaluations related to mental
17 illness, the Department of Children and Family ~~Health and~~
18 ~~Rehabilitative~~ Services shall annually provide the courts with
19 a list of mental health professionals who have completed a
20 training program approved by the Department of Children and
21 Family ~~Health and Rehabilitative~~ Services to perform the
22 evaluations.

23 (c) For incompetency evaluations related to mental
24 retardation, the court shall order the Developmental Services
25 Program Office within the Department of Children and Family
26 ~~Health and Rehabilitative~~ Services to examine the child to
27 determine if the child meets the definition of "retardation"
28 in s. 393.063 and, if so, whether the child is competent to
29 proceed with delinquency proceedings.

30 (d) A child is competent to proceed if the child has
31 sufficient present ability to consult with counsel with a

1 reasonable degree of rational understanding and the child has
2 a rational and factual understanding of the present
3 proceedings. The report must address the child's capacity to:
4 1. Appreciate the charges or allegations against the
5 child.
6 2. Appreciate the range and nature of possible
7 penalties that may be imposed in the proceedings against the
8 child, if applicable.
9 3. Understand the adversarial nature of the legal
10 process.
11 4. Disclose to counsel facts pertinent to the
12 proceedings at issue.
13 5. Display appropriate courtroom behavior.
14 6. Testify relevantly.
15 (2) Every child who is adjudicated incompetent to
16 proceed may be involuntarily committed to the Department of
17 Children and Family Health and Rehabilitative Services for
18 treatment upon a finding by the court of clear and convincing
19 evidence that:
20 (a) The child is mentally ill and because of the
21 mental illness; or the child is mentally retarded and because
22 of the mental retardation:
23 1. The child is manifestly incapable of surviving with
24 the help of willing and responsible family or friends,
25 including available alternative services, and without
26 treatment the child is likely to either suffer from neglect or
27 refuse to care for self, and such neglect or refusal poses a
28 real and present threat of substantial harm to the child's
29 well-being; or
30 2. There is a substantial likelihood that in the near
31 future the child will inflict serious bodily harm on self or

1 others, as evidenced by recent behavior causing, attempting,
2 or threatening such harm; and

3 (b) All available less restrictive alternatives,
4 including treatment in community residential facilities or
5 community inpatient or outpatient settings which would offer
6 an opportunity for improvement of the child's condition, are
7 inappropriate.

8 (3) Each child who has been adjudicated incompetent to
9 proceed and who meets the criteria for commitment in
10 subsection (2), must be committed to the Department of
11 Children and Family ~~Health and Rehabilitative~~ Services, and
12 that department may retain, and if it retains must treat, the
13 child in the least restrictive alternative consistent with
14 public safety. Any commitment of a child to a residential
15 program must be separate from adult forensic programs. If the
16 child attains competency, case management and supervision of
17 the child will be transferred to the department in order to
18 continue delinquency proceedings; however, the court retains
19 authority to order the Department of Children and Family
20 ~~Health and Rehabilitative~~ Services to provide continued
21 treatment to maintain competency.

22 (a) A child adjudicated incompetent due to mental
23 retardation may be ordered into a program designated by the
24 Department of Children and Family ~~Health and Rehabilitative~~
25 Services for retarded children.

26 (b) A child adjudicated incompetent due to mental
27 illness may be ordered into a program designated by the
28 Department of Children and Family ~~Health and Rehabilitative~~
29 Services for mentally ill children.

30 (c) Not later than 6 months after the date of
31 commitment, or at the end of any period of extended treatment

1 or training, or at any time the service provider determines
2 the child has attained competency or no longer meets the
3 criteria for commitment, the service provider must file a
4 report with the court pursuant to the applicable Rules of
5 Juvenile Procedure.

6 (4) If a child is determined to be incompetent to
7 proceed, the court shall retain jurisdiction of the child for
8 up to 2 years after the date of the order of incompetency,
9 with reviews at least every 6 months to determine competency.
10 If the court determines at any time that the child will never
11 become competent to proceed, the court may dismiss the
12 delinquency petition. If, at the end of the 2-year period
13 following the date of the order of incompetency, the child has
14 not attained competency and there is no evidence that the
15 child will attain competency within a year, the court must
16 dismiss the delinquency petition. If necessary, the court may
17 order that proceedings under chapter 393 or chapter 394 be
18 instituted. Such proceedings must be instituted not less than
19 60 days prior to the dismissal of the delinquency petition.

20 (5) If a child who is found to be incompetent does not
21 meet the commitment criteria of subsection (2), the court may
22 order the Department of Children and Family Health and
23 ~~Rehabilitative~~ Services to provide appropriate treatment and
24 training in the community. All court-ordered treatment or
25 training must be the least restrictive alternative that is
26 consistent with public safety. Any commitment to a
27 residential program must be separate from adult forensic
28 programs. If a child is ordered to receive such services, the
29 services shall be provided by the Department of Children and
30 Family Health and ~~Rehabilitative~~ Services. The department
31 shall continue to provide case management services to the

1 child and receive notice of the competency status of the
2 child. The competency determination must be reviewed at least
3 every 6 months by the service provider, and a copy of a
4 written report evaluating the child's competency must be filed
5 by the provider with the court and with the Department of
6 Children and Family Health and Rehabilitative Services and the
7 department.

8 (6) The provisions of this section shall be
9 implemented only subject to specific appropriation.

10 ~~(7) The Department of Health and Rehabilitative~~
11 ~~Services and the department must report to the Governor, the~~
12 ~~President of the Senate, and the Speaker of the House of~~
13 ~~Representatives by December 15, 1996, on the issue of children~~
14 ~~who are incompetent for the purposes of juvenile delinquency~~
15 ~~proceedings. The report must contain the findings of a study~~
16 ~~group that includes five representatives, one each appointed~~
17 ~~by the President of the Senate, the Speaker of the House of~~
18 ~~Representatives, the Florida Conference of Circuit Court~~
19 ~~Judges, the Florida Prosecuting Attorneys Association, and the~~
20 ~~Florida Public Defenders Association. The report shall include~~
21 ~~recommendations concerning the implementation of this act and~~
22 ~~recommendations for changes to this act.~~

23 Section 32. Section 39.046, Florida Statutes, is
24 transferred, renumbered as section 985.224, Florida Statutes,
25 and amended to read:

26 985.224 ~~39.046~~ Medical, psychiatric, psychological,
27 substance abuse, and educational examination and treatment.--

28 (1) After a detention petition or a petition for
29 delinquency has been filed, the court may order the child
30 named in the petition to be examined by a physician. The court
31 may also order the child to be evaluated by a psychiatrist or

1 a psychologist, by a district school board educational needs
2 assessment team, or, if a developmental disability is
3 suspected or alleged, by the developmental disabilities
4 diagnostic and evaluation team of the Department of Children
5 and Family ~~Health and Rehabilitative~~ Services. If it is
6 necessary to place a child in a residential facility for such
7 evaluation, the criteria and procedures established in chapter
8 393, chapter 394, or chapter 397, whichever is applicable,
9 shall be used.

10 (2) Whenever a child has been found to have committed
11 a delinquent act, or before such finding with the consent of
12 any parent or legal custodian of the child, the court may
13 order the child to be treated by a physician. The court may
14 also order the child to receive mental health, substance
15 abuse, or retardation services from a psychiatrist,
16 psychologist, or other appropriate service provider. If it is
17 necessary to place the child in a residential facility for
18 such services, the procedures and criteria established in
19 chapter 393, chapter 394, or chapter 397, whichever is
20 applicable, shall be used. After a child has been adjudicated
21 delinquent, if an educational needs assessment by the district
22 school board or the Department of Children and Family ~~Health~~
23 ~~and Rehabilitative~~ Services has been previously conducted, the
24 court shall order the report of such needs assessment included
25 in the child's court record in lieu of a new assessment. For
26 purposes of this section, an educational needs assessment
27 includes, but is not limited to, reports of intelligence and
28 achievement tests, screening for learning disabilities and
29 other handicaps, and screening for the need for alternative
30 education.

31

1 (3) When any child is detained pending a hearing, the
2 person in charge of the detention center or facility or his or
3 her designated representative may authorize a triage
4 examination as a preliminary screening device to determine if
5 the child is in need of medical care or isolation or provide
6 or cause to be provided such medical or surgical services as
7 may be deemed necessary by a physician.

8 (4) Whenever a child found to have committed a
9 delinquent act is placed by order of the court within the care
10 and custody or under the supervision of the Department of
11 Juvenile Justice and it appears to the court that there is no
12 parent, guardian, or person standing in loco parentis who is
13 capable of authorizing or willing to authorize medical,
14 surgical, dental, or other remedial care or treatment for the
15 child, the court may, after due notice to the parent,
16 guardian, or person standing in loco parentis, if any, order
17 that a representative of the Department of Juvenile Justice
18 may authorize such medical, surgical, dental, or other
19 remedial care for the child by licensed practitioners as may
20 from time to time appear necessary.

21 (5) A physician shall be immediately notified by the
22 person taking the child into custody or the person having
23 custody if there are indications of physical injury or
24 illness, or the child shall be taken to the nearest available
25 hospital for emergency care. A child may be provided mental
26 health, substance abuse, or retardation services, in emergency
27 situations, pursuant to chapter 393, chapter 394, or chapter
28 397, whichever is applicable. After a hearing, the court may
29 order the custodial parent or parents, guardian, or other
30 custodian, if found able to do so, to reimburse the county or
31

1 state for the expense involved in such emergency treatment or
2 care.

3 (6) Nothing in this section shall be deemed to
4 eliminate the right of the parents or the child to consent to
5 examination or treatment for the child, except that consent of
6 a parent shall not be required if the physician determines
7 there is an injury or illness requiring immediate treatment
8 and the child consents to such treatment or an ex parte court
9 order is obtained authorizing treatment.

10 (7) Nothing in this section shall be construed to
11 authorize the permanent sterilization of any child unless such
12 sterilization is the result of or incidental to medically
13 necessary treatment to protect or preserve the life of the
14 child.

15 (8) Except as provided in this section, nothing in
16 this section shall be deemed to preclude a court from ordering
17 services or treatment to be provided to a child by a duly
18 accredited practitioner who relies solely on spiritual means
19 for healing in accordance with the tenets and practices of a
20 church or religious organization, when requested by the child.

21 Section 33. Section 985.225, Florida Statutes, is
22 created to read:

23 985.225 Indictment of a juvenile.--

24 (1) A child of any age who is charged with a violation
25 of state law punishable by death or by life imprisonment is
26 subject to the jurisdiction of the court as set forth in s.
27 985.219(7) unless and until an indictment on the charge is
28 returned by the grand jury. When such indictment is returned,
29 the petition for delinquency, if any, must be dismissed and
30 the child must be tried and handled in every respect as an
31 adult:

1 (a) On the offense punishable by death or by life
2 imprisonment; and

3 (b) On all other felonies or misdemeanors charged in
4 the indictment which are based on the same act or transaction
5 as the offense punishable by death or by life imprisonment or
6 on one or more acts or transactions connected with the offense
7 punishable by death or by life imprisonment.

8 (2) An adjudicatory hearing may not be held until 21
9 days after the child is taken into custody and charged with
10 having committed an offense punishable by death or by life
11 imprisonment, unless the state attorney advises the court in
12 writing that he or she does not intend to present the case to
13 the grand jury, or has presented the case to the grand jury
14 and the grand jury has not returned an indictment. If the
15 court receives such a notice from the state attorney, or if
16 the grand jury fails to act within the 21-day period, the
17 court may proceed as otherwise authorized under this part.

18 (3) If the child is found to have committed the
19 offense punishable by death or by life imprisonment, the child
20 shall be sentenced as an adult. If the juvenile is not found
21 to have committed the indictable offense but is found to have
22 committed a lesser included offense or any other offense for
23 which he or she was indicted as a part of the criminal
24 episode, the court may sentence pursuant to s. 985.233.

25 (4) Once a child has been indicted pursuant to this
26 subsection and has been found to have committed any offense
27 for which he or she was indicted as a part of the criminal
28 episode, the child shall be handled thereafter in every
29 respect as if an adult for any subsequent violation of state
30 law, unless the court imposes juvenile sanctions under s.
31 985.233.

1 Section 34. Section 985.226, Florida Statutes, is
2 created to read:

3 985.226 Criteria for waiver of juvenile court
4 jurisdiction; hearing on motion to transfer for prosecution as
5 an adult.--

6 (1) VOLUNTARY WAIVER.--The court shall transfer and
7 certify a child's criminal case for trial as an adult if the
8 child is alleged to have committed a violation of law and,
9 prior to the commencement of an adjudicatory hearing, the
10 child, joined by a parent or, in the absence of a parent, by
11 the guardian or guardian ad litem, demands in writing to be
12 tried as an adult. Once a child has been transferred for
13 criminal prosecution pursuant to a voluntary waiver hearing
14 and has been found to have committed the presenting offense or
15 a lesser included offense, the child shall be handled
16 thereafter in every respect as an adult for any subsequent
17 violation of state law, unless the court imposes juvenile
18 sanctions under s. 985.233(4)(b).

19 (2) INVOLUNTARY WAIVER.--

20 (a) Discretionary involuntary waiver.--The state
21 attorney may file a motion requesting the court to transfer
22 the child for criminal prosecution if the child was 14 years
23 of age or older at the time the alleged delinquent act or
24 violation of law was committed. If the child has been
25 previously adjudicated delinquent for murder, sexual battery,
26 armed or strong-armed robbery, carjacking, home-invasion
27 robbery, aggravated battery, or aggravated assault, and is
28 currently charged with a second or subsequent violent crime
29 against a person, the state attorney shall file a motion
30 requesting the court to transfer and certify the juvenile for
31 prosecution as an adult, or proceed pursuant to s. 985.227(1).

1 (b) Mandatory involuntary waiver.--If the child was 14
2 years of age or older at the time of commission of a fourth or
3 subsequent alleged felony offense and the child was previously
4 adjudicated delinquent or had adjudication withheld for or was
5 found to have committed, or to have attempted or conspired to
6 commit, three offenses that are felony offenses if committed
7 by an adult, and one or more of such felony offenses involved
8 the use or possession of a firearm or violence against a
9 person, the state attorney shall request the court to transfer
10 and certify the child for prosecution as an adult or shall
11 provide written reasons to the court for not making such
12 request, or proceed pursuant to s. 985.227(1). Upon the state
13 attorney's request, the court shall either enter an order
14 transferring the case and certifying the case for trial as if
15 the child were an adult or provide written reasons for not
16 issuing such an order.

17 (3) WAIVER HEARING.--

18 (a) Within 7 days, excluding Saturdays, Sundays, and
19 legal holidays, after the date a petition alleging that a
20 child has committed a delinquent act or violation of law has
21 been filed, or later with the approval of the court, but
22 before an adjudicatory hearing and after considering the
23 recommendation of the intake counselor or case manager, the
24 state attorney may file a motion requesting the court to
25 transfer the child for criminal prosecution.

26 (b) After the filing of the motion of the state
27 attorney, summonses must be issued and served in conformity
28 with s. 985.219. A copy of the motion and a copy of the
29 delinquency petition, if not already served, must be attached
30 to each summons.

31

1 (c) The court shall conduct a hearing on all transfer
2 request motions for the purpose of determining whether a child
3 should be transferred. In making its determination, the court
4 shall consider:

5 1. The seriousness of the alleged offense to the
6 community and whether the protection of the community is best
7 served by transferring the child for adult sanctions.

8 2. Whether the alleged offense was committed in an
9 aggressive, violent, premeditated, or willful manner.

10 3. Whether the alleged offense was against persons or
11 against property, greater weight being given to offenses
12 against persons, especially if personal injury resulted.

13 4. The probable cause as found in the report,
14 affidavit, or complaint.

15 5. The desirability of trial and disposition of the
16 entire offense in one court when the child's associates in the
17 alleged crime are adults or children who are to be tried as
18 adults.

19 6. The sophistication and maturity of the child.

20 7. The record and previous history of the child,
21 including:

22 a. Previous contacts with the department, the
23 Department of Corrections, the former Department of Health and
24 Rehabilitative Services, the Department of Children and Family
25 Services, other law enforcement agencies, and courts;

26 b. Prior periods of probation or community control;

27 c. Prior adjudications that the child committed a
28 delinquent act or violation of law, greater weight being given
29 if the child has previously been found by a court to have
30 committed a delinquent act or violation of law involving an
31 offense classified as a felony or has twice previously been

1 found to have committed a delinquent act or violation of law
2 involving an offense classified as a misdemeanor; and

3 d. Prior commitments to institutions.

4 8. The prospects for adequate protection of the public
5 and the likelihood of reasonable rehabilitation of the child,
6 if the child is found to have committed the alleged offense,
7 by the use of procedures, services, and facilities currently
8 available to the court.

9 (d) Prior to a hearing on the transfer request motion
10 by the state attorney, a study and report to the court
11 relevant to the factors in paragraph (c) must be made in
12 writing by an authorized agent of the department. The child
13 and the child's parents or legal guardians and counsel and the
14 state attorney shall have the right to examine these reports
15 and to question the parties responsible for them at the
16 hearing.

17 (e) Any decision to transfer a child for criminal
18 prosecution must be in writing and include consideration of,
19 and findings of fact with respect to, all criteria in
20 paragraph (c). The court shall render an order including a
21 specific finding of fact and the reasons for a decision to
22 impose adult sanctions. The order shall be reviewable on
23 appeal under s. 985.234 and the Florida Rules of Appellate
24 Procedure.

25 (4) EFFECT OF ORDER WAIVING JURISDICTION.--If the
26 court finds, after a waiver hearing under subsection (3), that
27 a juvenile who was 14 years of age or older at the time the
28 alleged violation of state law was committed should be charged
29 and tried as an adult, the court shall enter an order
30 transferring the case and certifying the case for trial as if
31 the child were an adult. The child shall thereafter be subject

1 to prosecution, trial, and sentencing as if the child were an
2 adult but subject to the provisions of s. 985.233. Once a
3 child has been transferred for criminal prosecution pursuant
4 to an involuntary waiver hearing and has been found to have
5 committed the presenting offense or a lesser included offense,
6 the child shall thereafter be handled in every respect as an
7 adult for any subsequent violation of state law, unless the
8 court imposes juvenile sanctions under s. 985.233.

9 Section 35. Section 985.227, Florida Statutes, is
10 created to read:

11 985.227 Prosecution of juveniles as adults by the
12 direct filing of an information in the criminal division of
13 the circuit court; discretionary criteria; mandatory
14 criteria.--

15 (1) DISCRETIONARY DIRECT FILE; CRITERIA.--

16 (a) With respect to any child who was 14 or 15 years
17 of age at the time the alleged offense was committed, the
18 state attorney may file an information when in the state
19 attorney's judgment and discretion the public interest
20 requires that adult sanctions be considered or imposed and
21 when the offense charged is:

- 22 1. Arson;
- 23 2. Sexual battery;
- 24 3. Robbery;
- 25 4. Kidnapping;
- 26 5. Aggravated child abuse;
- 27 6. Aggravated assault;
- 28 7. Aggravated stalking;
- 29 8. Murder;
- 30 9. Manslaughter;

31

1 10. Unlawful throwing, placing, or discharging of a
2 destructive device or bomb;

3 11. Armed burglary in violation of s. 810.02(2)(b) or
4 specified burglary of a dwelling or structure in violation of
5 s. 810.02(2)(c);

6 12. Aggravated battery;

7 13. Lewd or lascivious assault or act in the presence
8 of a child;

9 14. Carrying, displaying, using, threatening, or
10 attempting to use a weapon or firearm during the commission of
11 a felony; or

12 15. Grand theft in violation of s. 812.014(2)(a).

13 (b) With respect to any child who was 16 or 17 years
14 of age at the time the alleged offense was committed, the
15 state attorney may file an information when in the state
16 attorney's judgment and discretion the public interest
17 requires that adult sanctions be considered or imposed.
18 However, the state attorney may not file an information on a
19 child charged with a misdemeanor, unless the child has had at
20 least two previous adjudications or adjudications withheld for
21 delinquent acts, one of which involved an offense classified
22 as a felony under state law.

23 (2) MANDATORY DIRECT FILE.--

24 (a) With respect to any child who was 16 or 17 years
25 of age at the time the alleged offense was committed, the
26 state attorney shall file an information if the child has been
27 previously adjudicated delinquent for murder, sexual battery,
28 armed or strong-armed robbery, carjacking, home-invasion
29 robbery, aggravated battery, or aggravated assault, and is
30 currently charged with a second or subsequent violent crime
31 against a person.

1 (b) Notwithstanding subsection (1), regardless of the
2 child's age at the time the alleged offense was committed, the
3 state attorney must file an information with respect to any
4 child who previously has been adjudicated for offenses which,
5 if committed by an adult, would be felonies and such
6 adjudications occurred at three or more separate delinquency
7 adjudicatory hearings, and three of which resulted in
8 residential commitments as defined in s. 985.03(45).

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

28 (3) EFFECT OF DIRECT FILE.--

29 (a) Once a child has been transferred for criminal
30 prosecution pursuant to information and has been found to have
31 committed the presenting offense or a lesser included offense,

1 the child shall be handled thereafter in every respect as if
2 an adult for any subsequent violation of state law, unless the
3 court imposes juvenile sanctions under s. 985.233.

4 (b) When a child has been transferred for criminal
5 prosecution as an adult and has been found to have committed a
6 violation of state law, the disposition of the case may be
7 made under s. 985.233 and may include the enforcement of any
8 restitution ordered in any juvenile proceeding.

9 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
10 attorney shall develop and annually update written policies
11 and guidelines to govern determinations for filing an
12 information on a juvenile, to be submitted to the Executive
13 Office of the Governor, the President of the Senate, the
14 Speaker of the House of Representatives, and the Juvenile
15 Justice Advisory Board not later than January 1 of each year.

16 Section 36. Section 985.228, Florida Statutes, is
17 created to read:

18 985.228 Adjudicatory hearings; withheld adjudications;
19 orders of adjudication.--

20 (1) The adjudicatory hearing must be held as soon as
21 practicable after the petition alleging that a child has
22 committed a delinquent act or violation of law is filed and in
23 accordance with the Florida Rules of Juvenile Procedure; but
24 reasonable delay for the purpose of investigation, discovery,
25 or procuring counsel or witnesses shall be granted. If the
26 child is being detained, the time limitations provided for in
27 s. 985.215(5)(b) and (c) apply.

28 (2) Adjudicatory hearings shall be conducted without a
29 jury by the court, applying in delinquency cases the rules of
30 evidence in use in criminal cases; adjourning the hearings
31 from time to time as necessary; and conducting a fundamentally

1 fair hearing in language understandable, to the fullest extent
2 practicable, to the child before the court.

3 (a) In a hearing on a petition alleging that a child
4 has committed a delinquent act or violation of law, the
5 evidence must establish the findings beyond a reasonable
6 doubt.

7 (b) The child is entitled to the opportunity to
8 introduce evidence and otherwise be heard in the child's own
9 behalf and to cross-examine witnesses.

10 (c) A child charged with a delinquent act or violation
11 of law must be afforded all rights against self-incrimination.
12 Evidence illegally seized or obtained may not be received to
13 establish the allegations against the child.

14 (3) If the court finds that the child named in a
15 petition has not committed a delinquent act or violation of
16 law, it shall enter an order so finding and dismissing the
17 case.

18 (4) If the court finds that the child named in the
19 petition has committed a delinquent act or violation of law,
20 it may, in its discretion, enter an order stating the facts
21 upon which its finding is based but withholding adjudication
22 of delinquency and placing the child in a community control
23 program under the supervision of the department or under the
24 supervision of any other person or agency specifically
25 authorized and appointed by the court. The court may, as a
26 condition of the program, impose as a penalty component
27 restitution in money or in kind, community service, a curfew,
28 urine monitoring, revocation or suspension of the driver's
29 license of the child, or other nonresidential punishment
30 appropriate to the offense, and may impose as a rehabilitative
31 component a requirement of participation in substance abuse

1 treatment, or school or other educational program attendance.
2 If the court later finds that the child has not complied with
3 the rules, restrictions, or conditions of the community-based
4 program, the court may, after a hearing to establish the lack
5 of compliance, but without further evidence of the state of
6 delinquency, enter an adjudication of delinquency and shall
7 thereafter have full authority under this chapter to deal with
8 the child as adjudicated.

9 (5) If the court finds that the child named in a
10 petition has committed a delinquent act or violation of law,
11 but elects not to proceed under subsection (4), it shall
12 incorporate that finding in an order of adjudication of
13 delinquency entered in the case, briefly stating the facts
14 upon which the finding is made, and the court shall thereafter
15 have full authority under this chapter to deal with the child
16 as adjudicated.

17 (6) Except as the term "conviction" is used in chapter
18 322, and except for use in a subsequent proceeding under this
19 chapter, an adjudication of delinquency by a court with
20 respect to any child who has committed a delinquent act or
21 violation of law shall not be deemed a conviction; nor shall
22 the child be deemed to have been found guilty or to be a
23 criminal by reason of that adjudication; nor shall that
24 adjudication operate to impose upon the child any of the civil
25 disabilities ordinarily imposed by or resulting from
26 conviction or to disqualify or prejudice the child in any
27 civil service application or appointment, with the exception
28 of the use of records of proceedings under this part as
29 provided in s. 985.05(4).

30 Section 37. Section 985.229, Florida Statutes, is
31 created to read:

1 985.229 Predisposition report; other evaluations.--
2 (1) At the disposition hearing, the court shall order
3 a predisposition report regarding the eligibility of the child
4 for disposition other than by adjudication and commitment to
5 the department. The predisposition report shall be the result
6 of the multidisciplinary assessment when such assessment is
7 needed, and of the classification and placement process, and
8 it shall indicate and report the child's priority needs,
9 recommendations as to a classification of risk for the child
10 in the context of his or her program and supervision needs,
11 and a plan for treatment that recommends the most appropriate
12 placement setting to meet the child's needs with the minimum
13 program security that reasonably ensures public safety. The
14 report shall be submitted to the court prior to the
15 disposition hearing, but shall not be reviewed by the court
16 without the consent of the child and his or her legal counsel
17 until the child has been found to have committed a delinquent
18 act.
19 (2) The court shall consider the child's entire
20 assessment and predisposition report and shall review the
21 records of earlier judicial proceedings prior to making a
22 final disposition of the case. The court may, by order,
23 require additional evaluations and studies to be performed by
24 the department, by the county school system, or by any social,
25 psychological, or psychiatric agencies of the state. The
26 court shall order the educational needs assessment completed
27 pursuant to s. 985.224(2) to be included in the assessment and
28 predisposition report.
29 (3) The predisposition report shall be made available
30 to the child's legal counsel and the state attorney upon
31

1 completion of the report and at a reasonable time prior to the
2 disposition hearing.

3 Section 38. Section 985.23, Florida Statutes, is
4 created to read:

5 985.23 Disposition hearings in delinquency
6 cases.--When a child has been found to have committed a
7 delinquent act, the following procedures shall be applicable
8 to the disposition of the case:

9 (1) Before the court determines and announces the
10 disposition to be imposed, it shall:

11 (a) State clearly, using common terminology, the
12 purpose of the hearing and the right of persons present as
13 parties to comment at the appropriate time on the issues
14 before the court;

15 (b) Discuss with the child his or her compliance with
16 any home release plan or other plan imposed since the date of
17 the offense;

18 (c) Discuss with the child his or her feelings about
19 the offense committed, the harm caused to the victim or
20 others, and what penalty he or she should be required to pay
21 for such transgression; and

22 (d) Give all parties present at the hearing an
23 opportunity to comment on the issue of disposition and any
24 proposed rehabilitative plan. Parties to the case shall
25 include the parents, legal custodians, or guardians of the
26 child; the child's counsel; the state attorney;
27 representatives of the department; the victim if any, or his
28 or her representative; representatives of the school system;
29 and the law enforcement officers involved in the case.

30 (2) The first determination to be made by the court is
31 a determination of the suitability or unsuitability for

1 adjudication and commitment of the child to the department.
2 This determination shall be based upon the predisposition
3 report which shall include, whether as part of the child's
4 multidisciplinary assessment, classification, and placement
5 process components or separately, evaluation of the following
6 criteria:
7 (a) The seriousness of the offense to the community.
8 If the court determines that the child was a member of a
9 criminal street gang at the time of the commission of the
10 offense, which determination shall be made pursuant to chapter
11 874, the seriousness of the offense to the community shall be
12 given great weight.
13 (b) Whether the protection of the community requires
14 adjudication and commitment to the department.
15 (c) Whether the offense was committed in an
16 aggressive, violent, premeditated, or willful manner.
17 (d) Whether the offense was against persons or against
18 property, greater weight being given to offenses against
19 persons, especially if personal injury resulted.
20 (e) The sophistication and maturity of the child.
21 (f) The record and previous criminal history of the
22 child, including without limitations:
23 1. Previous contacts with the department, the former
24 Department of Health and Rehabilitative Services, the
25 Department of Children and Family Services, the Department of
26 Corrections, other law enforcement agencies, and courts;
27 2. Prior periods of probation or community control;
28 3. Prior adjudications of delinquency; and
29 4. Prior commitments to institutions.
30 (g) The prospects for adequate protection of the
31 public and the likelihood of reasonable rehabilitation of the

1 child if committed to a community services program or
2 facility.

3 (3)(a) If the court determines that the child should
4 be adjudicated as having committed a delinquent act and should
5 be committed to the department, such determination shall be in
6 writing or on the record of the hearing. The determination
7 shall include a specific finding of the reasons for the
8 decision to adjudicate and to commit the child to the
9 department, including any determination that the child was a
10 member of a criminal street gang.

11 (b) If the court determines that commitment to the
12 department is appropriate, the intake counselor or case
13 manager shall recommend to the court the most appropriate
14 placement and treatment plan, specifically identifying the
15 restrictiveness level most appropriate for the child. If the
16 court has determined that the child was a member of a criminal
17 street gang, that determination shall be given great weight in
18 identifying the most appropriate restrictiveness level for the
19 child. The court shall consider the department's
20 recommendation in making its commitment decision.

21 (c) The court shall commit the child to the department
22 at the restrictiveness level identified or may order placement
23 at a different restrictiveness level. The court shall state
24 for the record the reasons which establish by a preponderance
25 of the evidence why the court is disregarding the assessment
26 of the child and the restrictiveness level recommended by the
27 department. Any party may appeal the court's findings
28 resulting in a modified level of restrictiveness pursuant to
29 this paragraph.

30 (d) The court may also require that the child be
31 placed in a community control program following the child's

1 discharge from commitment. Community-based sanctions pursuant
2 to subsection (4) may be imposed by the court at the
3 disposition hearing or at any time prior to the child's
4 release from commitment.

5 (e) The court shall be responsible for the
6 fingerprinting of any child at the disposition hearing if the
7 child has been adjudicated or had adjudication withheld for
8 any felony in the case currently before the court.

9 (4) If the court determines not to adjudicate and
10 commit to the department, then the court shall determine what
11 community-based sanctions it will impose in a community
12 control program for the child. Community-based sanctions may
13 include, but are not limited to, participation in substance
14 abuse treatment, restitution in money or in kind, a curfew,
15 revocation or suspension of the driver's license of the child,
16 community service, and appropriate educational programs as
17 determined by the district school board.

18 (5) After appropriate sanctions for the offense are
19 determined, the court shall develop, approve, and order a plan
20 of community control which will contain rules, requirements,
21 conditions, and rehabilitative programs that are designed to
22 encourage responsible and acceptable behavior and to promote
23 both the rehabilitation of the child and the protection of the
24 community.

25 (6) The court may receive and consider any other
26 relevant and material evidence, including other written or
27 oral reports or statements, in its effort to determine the
28 appropriate disposition to be made with regard to the child.
29 The court may rely upon such evidence to the extent of its
30 probative value, even though such evidence may not be
31 technically competent in an adjudicatory hearing.

1 (7) The court shall notify any victim of the offense,
2 if such person is known and within the jurisdiction of the
3 court, of the hearing and shall notify and summon or subpoena,
4 if necessary, the parents, legal custodians, or guardians of
5 the child to attend the disposition hearing if they reside in
6 the state.

7
8 It is the intent of the Legislature that the criteria set
9 forth in subsection (2) are general guidelines to be followed
10 at the discretion of the court and not mandatory requirements
11 of procedure. It is not the intent of the Legislature to
12 provide for the appeal of the disposition made pursuant to
13 this subsection.

14 Section 39. Section 985.231, Florida Statutes, is
15 created to read:

16 985.231 Powers of disposition in delinquency cases.--

17 (1)(a) The court that has jurisdiction of an
18 adjudicated delinquent child may, by an order stating the
19 facts upon which a determination of a sanction and
20 rehabilitative program was made at the disposition hearing:

21 1. Place the child in a community control program
22 under the supervision of an authorized agent of the Department
23 of Juvenile Justice or of any other person or agency
24 specifically authorized and appointed by the court, whether in
25 the child's own home, in the home of a relative of the child,
26 or in some other suitable place under such reasonable
27 conditions as the court may direct. A community control
28 program for an adjudicated delinquent child must include a
29 penalty component such as restitution in money or in kind,
30 community service, a curfew, revocation or suspension of the
31 driver's license of the child, or other nonresidential

1 punishment appropriate to the offense and must also include a
2 rehabilitative program component such as a requirement of
3 participation in substance abuse treatment or in school or
4 other educational program.

5 a. A restrictiveness level classification scale for
6 levels of supervision shall be provided by the department,
7 taking into account the child's needs and risks relative to
8 community control supervision requirements to reasonably
9 ensure the public safety. Community control programs for
10 children shall be supervised by the department or by any other
11 person or agency specifically authorized by the court. These
12 programs must include, but are not limited to, structured or
13 restricted activities as described in this subparagraph, and
14 shall be designed to encourage the child toward acceptable and
15 functional social behavior. If supervision or a program of
16 community service is ordered by the court, the duration of
17 such supervision or program must be consistent with any
18 treatment and rehabilitation needs identified for the child
19 and may not exceed the term for which sentence could be
20 imposed if the child were committed for the offense, except
21 that the duration of such supervision or program for an
22 offense that is a misdemeanor of the second degree, or is
23 equivalent to a misdemeanor of the second degree, may be for a
24 period not to exceed 6 months. When restitution is ordered by
25 the court, the amount of restitution may not exceed an amount
26 the child and the parent or guardian could reasonably be
27 expected to pay or make. A child who participates in any work
28 program under this part is considered an employee of the state
29 for purposes of liability, unless otherwise provided by law.

30 b. The court may conduct judicial review hearings for
31 a child placed on community control for the purpose of

1 fostering accountability to the judge and compliance with
2 other requirements, such as restitution and community service.
3 The court may allow early termination of community control for
4 a child who has substantially complied with the terms and
5 conditions of community control.

6 c. If the conditions of the community control program
7 are violated, the agent supervising the community control
8 program as it relates to the child involved, or the state
9 attorney, may bring the child before the court on a petition
10 alleging a violation of the program. If the child denies
11 violating the conditions of his or her program, the court
12 shall give him or her an opportunity to be heard in person or
13 through counsel, or both. Upon the child's admission or after
14 such hearing, if the court finds that the conditions of the
15 community control program have been violated, the court shall
16 enter an order revoking, modifying, or continuing the program.
17 In all cases after a revocation, the court shall enter a new
18 disposition order and may make any disposition it could have
19 made at the original disposition hearing.

20 d. Notwithstanding s. 743.07 and paragraph (d), and
21 except as provided in s. 985.31, the term of any order placing
22 a child in a community control program must be until the
23 child's 19th birthday unless he or she is released by the
24 court, on the motion of an interested party or on its own
25 motion.

26 2. Commit the child to a licensed child-caring agency
27 willing to receive the child, but the court may not commit the
28 child to a jail or to a facility used primarily as a detention
29 center or facility or shelter.

30 3. Commit the child to the Department of Juvenile
31 Justice at a restrictiveness level defined in s. 985.03(45).

1 Such commitment must be for the purpose of exercising active
2 control over the child, including, but not limited to,
3 custody, care, training, urine monitoring, and treatment of
4 the child and furlough of the child into the community.
5 Notwithstanding s. 743.07 and paragraph (d), and except as
6 provided in s. 985.31, the term of the commitment must be
7 until the child is discharged by the department or until he or
8 she reaches the age of 21.

9 4. Revoke or suspend the driver's license of the
10 child.

11 5. Require the child and, if the court finds it
12 appropriate, the child's parent or guardian together with the
13 child, to render community service in a public service
14 program.

15 6. As part of the community control program to be
16 implemented by the Department of Juvenile Justice, or, in the
17 case of a committed child, as part of the community-based
18 sanctions ordered by the court at the disposition hearing or
19 before the child's release from commitment, order the child to
20 make restitution in money, through a promissory note cosigned
21 by the child's parent or guardian, or in kind for any damage
22 or loss caused by the child's offense in a reasonable amount
23 or manner to be determined by the court. The clerk of the
24 circuit court shall be the receiving and dispensing agent. In
25 such case, the court shall order the child or the child's
26 parent or guardian to pay to the office of the clerk of the
27 circuit court an amount not to exceed the actual cost incurred
28 by the clerk as a result of receiving and dispensing
29 restitution payments. A finding by the court, after a
30 hearing, that the parent or guardian has made diligent and
31 good faith efforts to prevent the child from engaging in

1 delinquent acts absolves the parent or guardian of liability
2 for restitution under this subparagraph.

3 7. Order the child and, if the court finds it
4 appropriate, the child's parent or guardian together with the
5 child, to participate in a community work project, either as
6 an alternative to monetary restitution or as part of the
7 rehabilitative or community control program.

8 8. Commit the child to the Department of Juvenile
9 Justice for placement in a program or facility for serious or
10 habitual juvenile offenders in accordance with s. 985.31. Any
11 commitment of a child to a program or facility for serious or
12 habitual juvenile offenders must be for an indeterminate
13 period of time, but the time may not exceed the maximum term
14 of imprisonment that an adult may serve for the same offense.
15 The court may retain jurisdiction over such child until the
16 child reaches the age of 21, specifically for the purpose of
17 the child completing the program.

18 9. In addition to the sanctions imposed on the child,
19 order the parent or guardian of the child to perform community
20 service if the court finds that the parent or guardian did not
21 make a diligent and good faith effort to prevent the child
22 from engaging in delinquent acts.

23 10. Subject to specific appropriation, commit the
24 juvenile sexual offender to the Department of Juvenile Justice
25 for placement in a program or facility for juvenile sexual
26 offenders in accordance with s. 985.308. Any commitment of a
27 juvenile sexual offender to a program or facility for juvenile
28 sexual offenders must be for an indeterminate period of time,
29 but the time may not exceed the maximum term of imprisonment
30 that an adult may serve for the same offense. The court may
31 retain jurisdiction over a juvenile sexual offender until the

1 juvenile sexual offender reaches the age of 21, specifically
2 for the purpose of completing the program.

3 (b) When any child is adjudicated by the court to have
4 committed a delinquent act and temporary legal custody of the
5 child has been placed with a licensed child-caring agency or
6 the Department of Juvenile Justice, the court shall order the
7 natural or adoptive parents of such child, the natural father
8 of such child born out of wedlock who has acknowledged his
9 paternity in writing before the court, or the guardian of such
10 child's estate, if possessed of assets that under law may be
11 disbursed for the care, support, and maintenance of the child,
12 to pay fees to the licensed child-caring agency or the
13 Department of Juvenile Justice equal to the actual cost of the
14 care, support, and maintenance of the child, unless the court
15 determines that the parent or guardian of the child is
16 indigent. The court may reduce the fees or waive the fees upon
17 a showing by the parent or guardian of an inability to pay the
18 full cost of the care, support, and maintenance of the child.
19 In addition, the court may waive the fees if it finds that the
20 child's parent or guardian was the victim of the child's
21 delinquent act or violation of law or if the court finds that
22 the parent or guardian has made a diligent and good faith
23 effort to prevent the child from engaging in the delinquent
24 act or violation of law. When the order affects the
25 guardianship estate, a certified copy of the order shall be
26 delivered to the judge having jurisdiction of the guardianship
27 estate.

28 (c) Any order made pursuant to paragraph (a) may
29 thereafter be modified or set aside by the court.

30 (d) Any commitment of a delinquent child to the
31 Department of Juvenile Justice must be for an indeterminate

1 period of time, which may include periods of temporary
2 release, but the time may not exceed the maximum term of
3 imprisonment that an adult may serve for the same offense. Any
4 temporary release for a period greater than 3 days must be
5 approved by the court. Any child so committed may be
6 discharged from institutional confinement or a program upon
7 the direction of the department with the concurrence of the
8 court. Notwithstanding s. 743.07 and this subsection, and
9 except as provided in s. 985.31, a child may not be held under
10 a commitment from a court pursuant to this section after
11 becoming 21 years of age. The department shall give the court
12 that committed the child to the department reasonable notice,
13 in writing, of its desire to discharge the child from a
14 commitment facility. The court that committed the child may
15 thereafter accept or reject the request. If the court does not
16 respond within 10 days after receipt of the notice, the
17 request of the department shall be deemed granted. This
18 section does not limit the department's authority to revoke a
19 child's temporary release status and return the child to a
20 commitment facility for any violation of the terms and
21 conditions of the temporary release.

22 (e) In carrying out the provisions of this part, the
23 court may order the natural parents or legal custodian or
24 guardian of a child who is found to have committed a
25 delinquent act to participate in family counseling and other
26 professional counseling activities deemed necessary for the
27 rehabilitation of the child or to enhance their ability to
28 provide the child with adequate support, guidance, and
29 supervision. The court may also order that the parent,
30 custodian, or guardian support the child and participate with
31 the child in fulfilling a court-imposed sanction. In addition,

1 the court may use its contempt powers to enforce a
2 court-imposed sanction.

3 (f) The court may at any time enter an order ending
4 its jurisdiction over any child.

5 (g) Whenever a child is required by the court to
6 participate in any work program under this part or whenever a
7 child volunteers to work in a specified state, county,
8 municipal, or community service organization supervised work
9 program or to work for the victim, either as an alternative to
10 monetary restitution or as a part of the rehabilitative or
11 community control program, the child is an employee of the
12 state for the purposes of liability. In determining the
13 child's average weekly wage unless otherwise determined by a
14 specific funding program, all remuneration received from the
15 employer is a gratuity, and the child is not entitled to any
16 benefits otherwise payable under s. 440.15, regardless of
17 whether the child may be receiving wages and remuneration from
18 other employment with another employer and regardless of the
19 child's future wage-earning capacity.

20 (h) The court may, upon motion of the child or upon
21 its own motion, within 60 days after imposition of a
22 disposition of commitment, suspend the further execution of
23 the disposition and place the child on probation in a
24 community control program upon such terms and conditions as
25 the court may require. The department shall forward to the
26 court all relevant material on the child's progress while in
27 custody not later than 3 working days prior to the hearing on
28 the motion to suspend the disposition.

29 (i) The nonconsent of the child to commitment or
30 treatment in a substance abuse treatment program in no way
31

1 precludes the court from ordering such commitment or
2 treatment.

3 (j) If the offense committed by the child was grand
4 theft of a motor vehicle, the court:

5 1. Upon a first adjudication for a grand theft of a
6 motor vehicle, may place the youth in a boot camp, unless the
7 child is ineligible pursuant to s. 985.309, and shall order
8 the youth to complete a minimum of 50 hours of community
9 service.

10 2. Upon a second adjudication for grand theft of a
11 motor vehicle which is separate and unrelated to the previous
12 adjudication, may place the youth in a boot camp, unless the
13 child is ineligible pursuant to s. 985.309, and shall order
14 the youth to complete a minimum of 100 hours of community
15 service.

16 3. Upon a third adjudication for grand theft of a
17 motor vehicle which is separate and unrelated to the previous
18 adjudications, shall place the youth in a boot camp or other
19 treatment program, unless the child is ineligible pursuant to
20 s. 985.309, and shall order the youth to complete a minimum of
21 250 hours of community service.

22 (2) Following a delinquency adjudicatory hearing
23 pursuant to s. 985.228 and a delinquency disposition hearing
24 pursuant to section 985.23 which results in a commitment
25 determination, the court shall, on its own or upon request by
26 the state or the department, determine whether the protection
27 of the public requires that the child be placed in a program
28 for serious or habitual juvenile offenders and whether the
29 particular needs of the child would be best served by a
30 program for serious or habitual juvenile offenders as provided
31

1 in s. 985.31. The determination shall be made pursuant to ss.
2 985.03(47) and 985.23(3).

3 (3) Following a delinquency adjudicatory hearing
4 pursuant to s. 985.228, the court may on its own or upon
5 request by the state or the department and subject to specific
6 appropriation, determine whether a juvenile sexual offender
7 placement is required for the protection of the public and
8 what would be the best approach to address the treatment needs
9 of the juvenile sexual offender. When the court determines
10 that a juvenile has no history of a recent comprehensive
11 assessment focused on sexually deviant behavior, the court
12 may, subject to specific appropriation, order the department
13 to conduct or arrange for an examination to determine whether
14 the juvenile sexual offender is amenable to community-based
15 treatment.

16 (a) The report of the examination shall include, at a
17 minimum, the following:

18 1. The juvenile sexual offender's account of the
19 incident and the official report of the investigation.

20 2. The juvenile sexual offender's offense history.

21 3. A multidisciplinary assessment of the sexually
22 deviant behaviors, including an assessment by a certified
23 psychologist, therapist, or psychiatrist.

24 4. An assessment of the juvenile sexual offender's
25 family, social, educational, and employment situation. The
26 report shall set forth the sources of the evaluator's
27 information.

28 (b) The report shall assess the juvenile sexual
29 offender's amenability to treatment and relative risk to the
30 victim and the community.

31

1 (c) The department shall provide a proposed plan to
2 the court that shall include, at a minimum:

3 1. The frequency and type of contact between the
4 offender and therapist.

5 2. The specific issues and behaviors to be addressed
6 in the treatment and description of planned treatment methods.

7 3. Monitoring plans, including any requirements
8 regarding living conditions, school attendance and
9 participation, lifestyle, and monitoring by family members,
10 legal guardians, or others.

11 4. Anticipated length of treatment.

12 5. Recommended crime-related prohibitions and curfew.

13 6. Reasonable restrictions on the contact between the
14 juvenile sexual offender and either the victim or alleged
15 victim.

16 (d) After receipt of the report on the proposed plan
17 of treatment, the court shall consider whether the community
18 and the offender will benefit from use of juvenile sexual
19 offender community-based treatment alternative disposition and
20 consider the opinion of the victim or the victim's family as
21 to whether the offender should receive a community-based
22 treatment alternative disposition under this subsection.

23 (e) If the court determines that this juvenile sexual
24 offender community-based treatment alternative is appropriate,
25 the court may place the offender on community supervision for
26 up to 3 years. As a condition of community treatment and
27 supervision, the court may order the offender to:

28 1. Undergo available outpatient juvenile sexual
29 offender treatment for up to 3 years. A program or provider
30 may not be used for such treatment unless it has an
31 appropriate program designed for sexual offender treatment.

1 The department shall not change the treatment provider without
2 first notifying the state attorney's office.

3 2. Remain within described geographical boundaries and
4 notify the court or the department counselor prior to any
5 change in the offender's address, educational program, or
6 employment.

7 3. Comply with all requirements of the treatment plan.
8 (f) The juvenile sexual offender treatment provider
9 shall submit quarterly reports on the respondent's progress in
10 treatment to the court and the parties to the proceedings.
11 The juvenile sexual offender reports shall reference the
12 treatment plan and include, at a minimum, the following:

13 1. Dates of attendance.
14 2. The juvenile sexual offender's compliance with the
15 requirements of treatment.
16 3. A description of the treatment activities.
17 4. The sexual offender's relative progress in
18 treatment.
19 5. The offender's family support of the treatment
20 objectives.
21 6. Any other material specified by the court at the
22 time of the disposition.

23 (g) At the disposition hearing, the court may set case
24 review hearings as the court considers appropriate.

25 (h) If the juvenile sexual offender violates any
26 condition of the disposition or the court finds that the
27 juvenile sexual offender is failing to make satisfactory
28 progress in treatment, the court may revoke the
29 community-based treatment alternative and order commitment to
30 the department pursuant to subsection (1).
31

1 (i) If the court determines that the juvenile sexual
2 offender is not amenable to community-based treatment, the
3 court shall proceed with a juvenile sexual offender
4 disposition hearing pursuant to subsection (1).

5 Section 40. Section 39.078, Florida Statutes, is
6 transferred and renumbered as section 985.232, Florida
7 Statutes.

8 Section 41. Section 985.233, Florida Statutes, is
9 created to read:

10 985.233 Sentencing powers; procedures; alternatives
11 for juveniles prosecuted as adults.--

12 (1) POWERS OF DISPOSITION.--

13 (a) A child who is found to have committed a
14 delinquent act or violation of law may, as an alternative to
15 other adult dispositions, be committed to the department for
16 treatment in an appropriate program for children outside the
17 adult correctional system, be placed in a community control
18 program, be classified as a youthful offender, or be
19 classified as a serious or habitual juvenile offender pursuant
20 to s. 985.31. If the court determines that the child meets
21 the criteria of a serious or habitual delinquent child, the
22 intake counselor or case manager shall consult with designated
23 staff from a serious or habitual juvenile offender program to
24 further assess the appropriateness of placing the child in
25 such program.

26 (b) In determining whether to impose youthful offender
27 or juvenile sanctions instead of adult sanctions, the court
28 shall consider the following criteria:

29 1. The seriousness of the offense to the community and
30 whether the community would best be protected by juvenile,
31 youthful offender, or adult sanctions.

1 2. Whether the offense was committed in an aggressive,
2 violent, premeditated, or willful manner.

3 3. Whether the offense was against persons or against
4 property, with greater weight being given to offenses against
5 persons, especially if personal injury resulted.

6 4. The sophistication and maturity of the offender.

7 5. The record and previous history of the offender,
8 including:

9 a. Previous contacts with the Department of
10 Corrections, the Department of Juvenile Justice, the former
11 Department of Health and Rehabilitative Services, the
12 Department of Children and Family Services, law enforcement
13 agencies, and the courts.

14 b. Prior periods of probation or community control.

15 c. Prior adjudications that the offender committed a
16 delinquent act or violation of law as a child.

17 d. Prior commitments to the Department of Juvenile
18 Justice, the former Department of Health and Rehabilitative
19 Services, the Department of Children and Family Services, or
20 other facilities or institutions.

21 6. The prospects for adequate protection of the public
22 and the likelihood of deterrence and reasonable rehabilitation
23 of the offender if assigned to services and facilities of the
24 Department of Juvenile Justice.

25 7. Whether the Department of Juvenile Justice has
26 appropriate programs, facilities, and services immediately
27 available.

28 8. Whether youthful offender or adult sanctions would
29 provide more appropriate punishment and deterrence to further
30 violations of law than the imposition of juvenile sanctions.

31 (2) PRESENTENCE INVESTIGATION REPORT.--

1 (a) Upon a plea of guilty or a finding of guilt, the
2 court may refer the case to the department for investigation
3 and recommendation as to the suitability of its programs for
4 the child.

5 (b) Upon completion of the presentence investigation
6 report, it must be made available to the child's counsel and
7 the state attorney by the department prior to the disposition
8 hearing.

9 (3) SENTENCING HEARING.--

10 (a) At the sentencing hearing the court shall receive
11 and consider a presentence investigation report by the
12 Department of Corrections regarding the suitability of the
13 offender for disposition as an adult, a juvenile, or a
14 youthful offender. The presentence investigation report must
15 include a comments section prepared by the Department of
16 Juvenile Justice, with its recommendations as to disposition.
17 This report requirement may be waived by the offender.

18 (b) After considering the presentence investigation
19 report, the court shall give all parties present at the
20 hearing an opportunity to comment on the issue of sentence and
21 any proposed rehabilitative plan. Parties to the case include
22 the parent, guardian, or legal custodian of the offender; the
23 offender's counsel; the state attorney; representatives of the
24 Department of Corrections and the Department of Juvenile
25 Justice; the victim or victim's representative;
26 representatives of the school system; and the law enforcement
27 officers involved in the case.

28 (c) The court may receive and consider any other
29 relevant and material evidence, including other reports,
30 written or oral, in its effort to determine the action to be
31 taken with regard to the child, and may rely upon such

1 evidence to the extent of its probative value even if the
2 evidence would not be competent in an adjudicatory hearing.

3 (d) The court shall notify any victim of the offense
4 of the hearing and shall notify, or subpoena if appropriate,
5 the parents, guardians, or legal custodians of the child to
6 attend the disposition hearing.

7 (4) SENTENCING ALTERNATIVES.--

8 (a) Sentencing to adult sanctions.--

9 1. Cases prosecuted on indictment.--If the child is
10 found to have committed the offense punishable by death or
11 life imprisonment, the child shall be sentenced as an adult.
12 If the juvenile is not found to have committed the indictable
13 offense but is found to have committed a lesser included
14 offense or any other offense for which he or she was indicted
15 as a part of the criminal episode, the court may sentence as
16 follows:

17 a. As an adult pursuant to this section;

18 b. Pursuant to chapter 958, notwithstanding any other
19 provision of that chapter to the contrary; or

20 c. As a juvenile pursuant to this section.

21 2. Other cases.--If a child who has been transferred
22 for criminal prosecution pursuant to information or waiver of
23 juvenile court jurisdiction is found to have committed a
24 violation of state law or a lesser included offense for which
25 he or she was charged as a part of the criminal episode, the
26 court may sentence as follows:

27 a. As an adult pursuant to this section;

28 b. Pursuant to chapter 958, notwithstanding any other
29 provision of that chapter to the contrary; or

30 c. As a juvenile pursuant to this section.

31

1 3. Any decision to impose adult sanctions must be in
2 writing, but is presumed appropriate, and the court is not
3 required to set forth specific findings or enumerate the
4 criteria in this subsection as any basis for its decision to
5 impose adult sanctions.

6 4. When a child has been transferred for criminal
7 prosecution as an adult and has been found to have committed a
8 violation of state law, the disposition of the case may
9 include the enforcement of any restitution ordered in any
10 juvenile proceeding.

11 (b) Sentencing to juvenile sanctions.--In order to use
12 this paragraph, the court shall stay and withhold adjudication
13 of guilt and instead shall adjudge the child to have committed
14 a delinquent act. Adjudication of delinquency shall not be
15 deemed a conviction, nor shall it operate to impose any of the
16 civil disabilities ordinarily resulting from a conviction. The
17 court shall have the power by order to:

18 1. Place the child in a community control program
19 under the supervision of the department for an indeterminate
20 period of time until the child reaches the age of 19 years or
21 sooner if discharged by order of the court.

22 2. Commit the child to the department for treatment in
23 an appropriate program for children for an indeterminate
24 period of time until the child is 19 or sooner if discharged
25 by the department. The department shall notify the court of
26 its intent to discharge no later than 14 days prior to
27 discharge. Failure of the court to timely respond to the
28 department's notice shall be considered approval for
29 discharge.

30 3. Commit the child to the department for placement in
31 a serious or habitual delinquent children program for an

1 indeterminate period of time until the child is 21 or sooner
2 if discharged by the treatment provider and the department.
3 The department shall notify the court of its intent to
4 discharge no later than 14 days prior to discharge. Failure
5 of the court to timely respond to the department's notice
6 shall be considered approval for discharge.

7 4. Order disposition pursuant to s. 985.231 as an
8 alternative to youthful offender or adult sentencing if the
9 court determines not to impose youthful offender or adult
10 sanctions.

11 5. Develop, approve, and order a plan of community
12 control after appropriate sanctions for the offense are
13 determined. The community control plan shall contain rules,
14 requirements, conditions, and programs designed to encourage
15 responsible and acceptable behavior and to promote the
16 rehabilitation of the child and the protection of the
17 community.

18 (c) Imposition of adult sanctions upon failure of
19 juvenile sanctions.--If a child proves not to be suitable to a
20 community control program or for a treatment program under the
21 provisions of subparagraph (4)(b)2. or a serious or habitual
22 delinquent children program under the provisions of
23 subparagraph (4)(b)3., the court may revoke the previous
24 adjudication, impose an adjudication of guilt, classify the
25 child as a youthful offender when appropriate, and impose any
26 sentence which it may lawfully impose, giving credit for all
27 time spent by the child in the department.

28 (d) Recoupment of cost of care in juvenile justice
29 facilities.--When the court orders commitment of a child to
30 the Department of Juvenile Justice for treatment in any of the
31 department's programs for children, the court shall order the

1 natural or adoptive parents of such child, the natural father
2 of such child born out of wedlock who has acknowledged his
3 paternity in writing before the court, or guardian of such
4 child's estate, if possessed of assets which under law may be
5 disbursed for the care, support, and maintenance of the child,
6 to pay fees to the department equal to the actual cost of the
7 care, support, and maintenance of the child, unless the court
8 determines that the parent or legal guardian of the child is
9 indigent. The court may reduce the fees or waive the fees upon
10 a showing by the parent or guardian of an inability to pay the
11 full cost of the care, support, and maintenance of the child.
12 In addition, the court may waive the fees if it finds that the
13 child's parent or guardian was the victim of the child's
14 delinquent act or violation of law or if the court finds that
15 the parent or guardian has made a diligent and good faith
16 effort to prevent the child from engaging in the delinquent
17 act or violation of law. When the order affects the
18 guardianship estate, a certified copy of the order shall be
19 delivered to the judge having jurisdiction of the guardianship
20 estate.

21
22 It is the intent of the Legislature that the criteria and
23 guidelines in this subsection are mandatory and that a
24 determination of disposition under this subsection is subject
25 to the right of the child to appellate review under s.
26 985.234.

27 Section 42. Section 39.069, Florida Statutes, is
28 transferred and renumbered as section 985.234, Florida
29 Statutes.

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1 Section 43. Section 39.0711, Florida Statutes, is
2 transferred and renumbered as section 985.235, Florida
3 Statutes.

4 Section 44. Section 39.072, Florida Statutes, is
5 transferred and renumbered as section 985.236, Florida
6 Statutes.

7 Section 45. Section 39.0255, Florida Statutes, is
8 transferred, renumbered as section 985.301, Florida Statutes,
9 and amended to read:

10 985.301 ~~39.0255~~ Civil citation.--

11 (1) There is established a juvenile civil citation
12 process for the purpose of providing an efficient and
13 innovative alternative to custody by the Department of
14 Juvenile Justice of children who commit nonserious delinquent
15 acts and to ensure swift and appropriate consequences. The
16 civil citation program may be established at the local level
17 with the concurrence of the chief judge of the circuit, state
18 attorney, public defender, and the head of each local law
19 enforcement agency involved. Under such a juvenile civil
20 citation program, any law enforcement officer upon making
21 contact with a juvenile who admits having committed a
22 misdemeanor, may issue a civil citation assessing not more
23 than 50 community service hours, and may require participation
24 in intervention services appropriate to identified needs of
25 the juvenile, including family counseling, urinalysis
26 monitoring, and substance abuse and mental health treatment
27 services. A copy of each citation issued under this section
28 shall be provided to the department, and the department shall
29 enter appropriate information into the juvenile offender
30 information system.

31

1 (2) Upon issuing such citation, the law enforcement
2 officer shall send a copy to the county sheriff, state
3 attorney, the appropriate intake office of the department, the
4 community service performance monitor designated by the
5 department, the parent or guardian of the child, and the
6 victim.

7 (3) The child shall report to the community service
8 performance monitor within 7 working days after the date of
9 issuance of the citation. The work assignment shall be
10 accomplished at a rate of not less than 5 hours per week. The
11 monitor shall advise the intake office immediately upon
12 reporting by the child to the monitor, that the child has in
13 fact reported and the expected date upon which completion of
14 the work assignment will be accomplished.

15 (4) If the juvenile fails to report timely for a work
16 assignment, complete a work assignment, or comply with
17 assigned intervention services within the prescribed time, or
18 if the juvenile commits a third or subsequent misdemeanor, the
19 law enforcement officer shall issue a report alleging the
20 child has committed a delinquent act, at which point an intake
21 counselor or case manager shall perform a preliminary
22 determination as provided under s. 985.21(4) ~~39.047(4)~~.

23 (5) At the time of issuance of the citation by the law
24 enforcement officer, such officer shall advise the child that
25 the child has the option to refuse the citation and to be
26 referred to the intake office of the department. That option
27 may be exercised at any time prior to completion of the work
28 assignment.

29 Section 46. Section 39.019, Florida Statutes, 1996
30 Supplement, is transferred and renumbered as section 985.302,
31 Florida Statutes.

1 Section 47. Section 39.0361, Florida Statutes, 1996
2 Supplement, is transferred, renumbered as section 985.303,
3 Florida Statutes, and amended to read:

4 985.303 ~~39.0361~~ Neighborhood Restorative Justice
5 Act.--

6 ~~(1) SHORT TITLE.--This section shall be known and may~~
7 ~~be cited as the "Neighborhood Restorative Justice Act."~~

8 (1)~~(2)~~ DEFINITIONS.--For purposes of this section act,
9 the term:

10 (a) "Board" means a Restorative Justice Board
11 established by the state attorney pursuant to subsection (3)
12 ~~(4)~~.

13 (b) "Center" means a Neighborhood Restorative Justice
14 Center established by the state attorney pursuant to
15 subsection(2)~~(3)~~.

16 (c) "First-time, nonviolent juvenile offender" means a
17 minor who allegedly has committed a delinquent act or
18 violation of law that would not be a crime of violence
19 providing grounds for detention or incarceration and who does
20 not have a previous record of being found to have committed a
21 criminal or delinquent act or other violation of law.

22 (2)~~(3)~~ NEIGHBORHOOD RESTORATIVE JUSTICE CENTER.--

23 (a) The state attorney may establish at least one
24 Neighborhood Restorative Justice Center in designated
25 geographical areas in the county for the purposes of operating
26 a deferred prosecution program for first-time, nonviolent
27 juvenile offenders.

28 (b) The state attorney may refer any first-time,
29 nonviolent juvenile offender accused of committing a
30 delinquent act to a Neighborhood Restorative Justice Center.

31 (3)~~(4)~~ RESTORATIVE JUSTICE BOARD.--

1 (a) The state attorney may establish Restorative
2 Justice Boards consisting of five volunteer members, of which:
3 two are appointed by the state attorney; two are appointed by
4 the public defender; and one is appointed by the chief judge
5 of the circuit. The state attorney shall appoint a chairman
6 for each board.

7 (b) The board has jurisdiction to hear all matters
8 involving first-time, nonviolent juvenile offenders who are
9 alleged to have committed a delinquent act within the
10 geographical area covered by the board.

11 (4)~~(5)~~ DEFERRED PROSECUTION PROGRAM; PROCEDURES.--

12 (a) The participation by a juvenile in the deferred
13 prosecution program through a Neighborhood Restorative Justice
14 Center is voluntary. To participate in the deferred
15 prosecution program, the juvenile who is referred to a
16 Neighborhood Restorative Justice Center must take
17 responsibility for the actions which led to the current
18 accusation. The juvenile and the juvenile's parent or legal
19 guardian must waive the juvenile's right to a speedy trial and
20 the right to be represented by a public defender while in the
21 Neighborhood Restorative Justice program. This waiver and
22 acknowledgement of responsibility shall not be construed as an
23 admission of guilt in future proceedings. The board or the
24 board's representative must inform the juvenile and the parent
25 or legal guardian of the juvenile's legal rights prior to the
26 signing of the waiver.

27 (b) If the state attorney refers a juvenile matter to
28 a Neighborhood Restorative Justice Center, the board shall
29 convene a meeting within 15 days after receiving the referral.

30 (c) The board shall require the parent or legal
31 guardian of the juvenile who is referred to a Neighborhood

1 Restorative Justice Center to appear with the juvenile before
2 the board at the time set by the board. In scheduling board
3 meetings, the board shall be cognizant of a parent's or legal
4 guardian's other obligations. The failure of a parent or
5 legal guardian to appear at the scheduled board meeting with
6 his or her child or ward may be considered by the juvenile
7 court as an act of child neglect as defined by s. 415.503(3),
8 and the board may refer the matter to the Department of
9 Children and Family ~~Health and Rehabilitative~~ Services for
10 investigation under the provisions of chapter 415.

11 (d) The board shall serve notice of a board meeting on
12 the juvenile referred to the Neighborhood Restorative Justice
13 Center, the juvenile's parent or guardian, and the victim or
14 family of the victim of the alleged offense. These persons and
15 their representatives have the right to appear and participate
16 in any meeting conducted by the board relative to the alleged
17 offense in which they were the alleged juvenile offender or
18 parent or guardian of the alleged juvenile offender, or victim
19 or family of the victim of the alleged juvenile offender. The
20 victim or a person representing the victim may vote with the
21 board.

22 (5)~~(6)~~ SANCTIONS.--After holding a meeting pursuant to
23 paragraph(4)~~(d)~~(5)~~(d)~~, the board may impose any of the
24 following sanctions alone or in any combination:

25 (a) Require the juvenile to make restitution to the
26 victim.

27 (b) Require the juvenile to perform work for the
28 victim.

29 (c) Require the juvenile to make restitution to the
30 community.

31

1 (d) Require the juvenile to perform work for the
2 community.

3 (e) Recommend that the juvenile participate in
4 counseling, education, or treatment services that are
5 coordinated by the state attorney.

6 (f) Require the juvenile to surrender the juvenile's
7 driver's license and forward a copy of the board's resolution
8 to the Department of Highway Safety and Motor Vehicles. The
9 department, upon receipt of the license, shall suspend the
10 driving privileges of the juvenile, or the juvenile may be
11 restricted to travel between the juvenile's home, school, and
12 place of employment during specified periods of time according
13 to the juvenile's school and employment schedule.

14 (g) Refer the matter to the state attorney for the
15 filing of a petition with the juvenile court.

16 (h) Impose any other sanction except detention that
17 the board determines is necessary to fully and fairly resolve
18 the matter.

19 ~~(6)~~(7) WRITTEN CONTRACT.--

20 (a) The board, on behalf of the community, and the
21 juvenile, the juvenile's parent or guardian, and the victim or
22 representative of the victim, shall sign a written contract in
23 which the parties agree to the board's resolution of the
24 matter and in which the juvenile's parent or guardian agrees
25 to ensure that the juvenile complies with the contract. The
26 contract may provide that the parent or guardian shall post a
27 bond payable to this state to secure the performance of any
28 sanction imposed upon the juvenile pursuant to subsection (5)
29 ~~(6)~~.

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1 (b) A breach of the contract by any party may be
2 sanctioned by the juvenile court as it deems appropriate upon
3 motion by any party.

4 (c) If the juvenile disagrees with the resolution of
5 the board, the juvenile may file a notice with the board
6 within 3 working days after the board makes its resolution
7 that the juvenile has rejected the board's resolution. After
8 receiving notice of the juvenile's rejection, the state
9 attorney shall file a petition in juvenile court.

10 (7)~~(8)~~ COMPLETION OF SANCTIONS.--

11 (a) If the juvenile accepts the resolution of the
12 board and successfully completes the sanctions imposed by the
13 board, the state attorney shall not file a petition in
14 juvenile court and the board's resolution shall not be used
15 against the juvenile in any further proceeding and is not an
16 adjudication of delinquency. The resolution of the board is
17 not a conviction of a crime, does not impose any civil
18 disabilities ordinarily resulting from a conviction, and does
19 not disqualify the juvenile in any civil service application
20 or appointment.

21 (b) If the juvenile accepts the resolution reached by
22 the board but fails to successfully complete the sanctions
23 imposed by it, the state attorney may file the matter with the
24 juvenile court.

25 (c) Upon successful completion of the sanctions
26 imposed by the board, the juvenile shall submit to the board
27 proof of completion. The board shall determine the form and
28 manner in which a juvenile presents proof of completion.

29 (8)~~(9)~~ CONSTRUCTION.--This section shall not be
30 construed to diminish, impair, or otherwise affect any rights
31

1 conferred on victims of crimes under chapter 960, relating to
2 victim assistance, or any other provisions of law.

3 (9)~~(10)~~ SEVERABILITY.--If any provision of this
4 section or the application thereof to any person or
5 circumstance is held invalid, the invalidity shall not affect
6 other provisions or applications of the section which can be
7 given effect without the invalid provision or application, and
8 to this end the provisions of this section are declared
9 severable.

10 Section 48. Section 39.026, Florida Statutes, is
11 transferred, renumbered as section 985.304, Florida Statutes,
12 and amended to read:

13 985.304 ~~39.026~~ Community arbitration; ~~purpose~~.--

14 (1) PURPOSE.--The purpose of community arbitration is
15 to provide a system by which children who commit delinquent
16 acts may be dealt with in a speedy and informal manner at the
17 community or neighborhood level, in an attempt to reduce the
18 ever-increasing instances of delinquent acts and permit the
19 judicial system to deal effectively with cases which are more
20 serious in nature.

21 (2) PROGRAMS.--

22 (a) Each county may establish community arbitration
23 programs designed to complement the department's intake
24 process provided in this chapter. Community arbitration
25 programs shall provide one or more community arbitrators or
26 community arbitration panels to hear informally cases which
27 involve alleged commissions of certain delinquent acts by
28 children.

29 (b) Cases which may be referred to a community
30 arbitrator or community arbitration panel are limited to those
31 which involve violations of local ordinances, those which

1 involve misdemeanors, and those which involve third degree
2 felonies, exclusive of third degree felonies involving
3 personal violence, grand theft auto, or the use of a weapon.

4 (c) A child who has been the subject of at least one
5 prior adjudication or adjudication withheld for any first or
6 second degree felony offense, any third degree felony offense
7 involving personal violence, grand theft auto, or the use of a
8 weapon, or any other offense not eligible for arbitration,
9 shall not be eligible for resolution of any current offense
10 through community arbitration.

11 (d) Cases resolved through community arbitration shall
12 be limited pursuant to this subsection.

13 1. For each child referred to community arbitration,
14 the primary offense shall be assigned a point value.

15 a. Misdemeanor offenses shall be assigned two points
16 for a misdemeanor of the second degree, four points for a
17 nonviolent misdemeanor of the first degree, and six points for
18 a misdemeanor of the first degree involving violence.

19 b. Eligible third degree felony offenses shall be
20 assigned eight points.

21 2. There is not a restriction on the limit of separate
22 incidents for which a law enforcement officer may refer a
23 child to community arbitration, but a child who has accrued a
24 point value of 12 or more points through community arbitration
25 prior to the current offense shall no longer be eligible for
26 community arbitration.

27 3. The point values provided in this paragraph shall
28 also be assigned to a child's prior adjudications or
29 adjudications withheld on eligible offenses for cases not
30 referred to community arbitration.

31

1 (3) COMMUNITY ARBITRATORS.--The chief judge of each
2 judicial circuit shall maintain a list of qualified persons
3 who have agreed to serve as community arbitrators for the
4 purpose of carrying out the provisions of this part.
5 Community arbitrators shall meet the qualification and
6 training requirements adopted in rule by the Supreme Court.
7 Whenever possible, qualified volunteers shall be used as
8 community arbitrators.

9 (a) Each community arbitrator or member of a community
10 arbitration panel shall be selected by the chief judge of the
11 circuit, the senior circuit court judge assigned to juvenile
12 cases in the circuit, and the state attorney. A community
13 arbitrator or, in the case of a panel, the chief arbitrator
14 shall have such powers as are necessary to conduct the
15 proceedings in a fair and expeditious manner.

16 (b) A community arbitrator or member of a community
17 arbitration panel shall be trained or experienced in juvenile
18 causes and shall be:

19 1. Either a graduate of an accredited law school or of
20 an accredited school with a degree in behavioral social work
21 or trained in conflict resolution techniques; and

22 2. A person of the temperament necessary to deal
23 properly with cases involving children and with the family
24 crises likely to be presented to him or her.

25 (4) PROCEDURE FOR INITIATING CASES FOR COMMUNITY
26 ARBITRATION.--

27 (a) Any law enforcement officer may issue a complaint,
28 along with a recommendation for community arbitration, against
29 any child who such officer has reason to believe has committed
30 any offense that is eligible for community arbitration. The
31 complaint shall specify the offense and the reasons why the

1 law enforcement officer feels that the offense should be
2 handled by community arbitration. Any intake counselor or case
3 manager or, at the request of the child's parent or legal
4 custodian or guardian, the state attorney or the court having
5 jurisdiction, with the concurrence of the state attorney, may
6 refer a complaint to be handled by community arbitration when
7 appropriate. A copy of the complaint shall be forwarded to the
8 appropriate intake counselor or case manager and the parent or
9 legal custodian or guardian of the child within 48 hours after
10 issuance of the complaint. In addition to the complaint, the
11 child and the parent or legal custodian or guardian shall be
12 informed of the objectives of the community arbitration
13 process; the conditions, procedures, and timeframes under
14 which it will be conducted; and the fact that it is not
15 obligatory. The intake counselor shall contact the child and
16 the parent or legal custodian or guardian within 2 days after
17 the date on which the complaint was received. At this time,
18 the child or the parent or legal custodian or guardian shall
19 inform the intake counselor of the decision to approve or
20 reject the handling of the complaint through community
21 arbitration.

22 (b) The intake counselor shall verify accurate
23 identification of the child and determine whether or not the
24 child has any prior adjudications or adjudications withheld
25 for an offense eligible for community arbitration for
26 consideration in the point value structure. If the child has
27 at least one prior adjudication or adjudication withheld for
28 an offense which is not eligible for community arbitration, or
29 if the child has already surpassed the accepted level of
30 points on prior community arbitration resolutions, the intake
31

1 counselor or case manager shall consult with the state
2 attorney regarding the filing of formal juvenile proceedings.

3 (c) If the child or the parent or legal custodian or
4 guardian rejects the handling of the complaint through
5 community arbitration, the intake counselor shall consult with
6 the state attorney for the filing of formal juvenile
7 proceedings.

8 (d) If the child or the parent or legal custodian or
9 guardian accepts the handling of the complaint through
10 community arbitration, the intake counselor shall provide
11 copies of the complaint to the arbitrator or panel within 24
12 hours.

13 (e) The community arbitrator or community arbitration
14 panel shall, upon receipt of the complaint, set a time and
15 date for a hearing within 7 days and shall inform the child's
16 parent or legal custodian or guardian, the complaining
17 witness, and any victims of the time, date, and place of the
18 hearing.

19 (5) HEARINGS.--

20 (a) The law enforcement officer who issued the
21 complaint need not appear at the scheduled hearing. However,
22 prior to the hearing, the officer shall file with the
23 community arbitrator or the community arbitration panel a
24 comprehensive report setting forth the facts and circumstances
25 surrounding the allegation.

26 (b) Records and reports submitted by interested
27 agencies and parties, including, but not limited to,
28 complaining witnesses and victims, may be received in evidence
29 before the community arbitrator or the community arbitration
30 panel without the necessity of formal proof.

31

1 (c) The testimony of the complaining witness and any
2 alleged victim may be received when available.

3 (d) Any statement or admission made by the child
4 appearing before the community arbitrator or the community
5 arbitration panel relating to the offense for which he or she
6 was cited is privileged and may not be used as evidence
7 against the child either in a subsequent juvenile proceeding
8 or in any subsequent civil or criminal action.

9 (e) If a child fails to appear on the original hearing
10 date, the matter shall be referred back to the intake
11 counselor who shall consult with the state attorney regarding
12 the filing of formal juvenile proceedings.

13 (6) DISPOSITION OF CASES.--

14 (a) Subsequent to any hearing held as provided in
15 subsection (5), the community arbitrator or community
16 arbitration panel may:

17 1. Recommend that the state attorney decline to
18 prosecute the child.

19 2. Issue a warning to the child or the child's family
20 and recommend that the state attorney decline to prosecute the
21 child.

22 3. Refer the child for placement in a community-based
23 nonresidential program.

24 4. Refer the child or the family to community
25 counseling.

26 5. Refer the child to a safety and education program
27 related to delinquent children.

28 6. Refer the child to a work program related to
29 delinquent children and require up to 100 hours of work by the
30 child.

31

1 7. Refer the child to a nonprofit organization for
2 volunteer work in the community and require up to 100 hours of
3 work by the child.

4 8. Order restitution in money or in kind in a case
5 involving property damage; however, the amount of restitution
6 shall not exceed the amount of actual damage to property.

7 9. Continue the case for further investigation.

8 10. Require the child to undergo urinalysis
9 monitoring.

10 11. Impose any other restrictions or sanctions that
11 are designed to encourage responsible and acceptable behavior
12 and are agreed upon by the participants of the community
13 arbitration proceedings.

14
15 The community arbitrator or community arbitration panel shall
16 determine an appropriate timeframe in which the disposition
17 must be completed. The community arbitrator or community
18 arbitration panel shall report the disposition of the case to
19 the intake counselor or case manager.

20 (b) Any person or agency to whom a child is referred
21 pursuant to this section shall periodically report the
22 progress of the child to the referring community arbitrator or
23 community arbitration panel in the manner prescribed by such
24 arbitrator or panel.

25 (c) Any child who is referred by the community
26 arbitrator or community arbitration panel to a work program
27 related to delinquent children or to a nonprofit organization
28 for volunteer work in the community, and who is also ordered
29 to pay restitution to the victim, may be paid a reasonable
30 hourly wage for work, to the extent that funds are
31 specifically appropriated or authorized for this purpose;

1 provided, however, that such payments shall not, in total,
2 exceed the amount of restitution ordered and that such
3 payments shall be turned over by the child to the victim.

4 (d) If a child consents to an informal resolution and,
5 in the presence of the parent or legal custodian or guardian
6 and the community arbitrator or community arbitration panel,
7 agrees to comply with any disposition suggested or ordered by
8 such arbitrator or panel and subsequently fails to abide by
9 the terms of such agreement, the community arbitrator or
10 community arbitration panel may, after a careful review of the
11 circumstances, forward the case back to the intake counselor,
12 who shall consult with the state attorney regarding the filing
13 of formal juvenile proceedings.

14 (7) REVIEW.--Any child or his or her parent or legal
15 custodian or guardian who is dissatisfied with the disposition
16 provided by the community arbitrator or the community
17 arbitration panel may request a review of the disposition to
18 the appropriate intake counselor within 15 days after the
19 community arbitration hearing. Upon receipt of the request
20 for review, the intake counselor shall consult with the state
21 attorney who shall consider the request for review and may
22 file formal juvenile proceedings or take such other action as
23 may be warranted.

24 (8) FUNDING.--Funding for the provisions of community
25 arbitration may be provided through appropriations from the
26 state or from local governments, through federal or other
27 public or private grants, through any appropriations as
28 authorized by the county participating in the community
29 arbitration program, and through donations.

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1 Section 49. Section 39.055, Florida Statutes, is
2 transferred, renumbered as section 985.305, Florida Statutes,
3 and amended to read:

4 985.305 ~~39.055~~ Early delinquency intervention program;
5 criteria.--

6 (1) The Department of Juvenile Justice shall,
7 contingent upon specific appropriation and with the
8 cooperation of local law enforcement agencies, the judiciary,
9 district school board personnel, the office of the state
10 attorney, the office of the public defender, the Department of
11 Children and Family ~~Health and Rehabilitative~~ Services, and
12 community service agencies that work with children, establish
13 an early delinquency intervention program, the components of
14 which shall include, but not be limited to:

15 (a) Case management services.

16 (b) Treatment modalities, including substance abuse
17 treatment services, mental health services, and retardation
18 services.

19 (c) Prevocational education and career education
20 services.

21 (d) Diagnostic evaluation services.

22 (e) Educational services.

23 (f) Self-sufficiency planning.

24 (g) Independent living skills.

25 (h) Parenting skills.

26 (i) Recreational and leisure time activities.

27 (j) Program evaluation.

28 (k) Medical screening.

29 (2) The early delinquency intervention program shall
30 consist of intensive residential treatment in a secure
31 facility for 7 days to 6 weeks, followed by 6 to 9 months of

1 aftercare. An early delinquency intervention program facility
2 shall be designed to accommodate the placement of a maximum of
3 10 children, except that the facility may accommodate up to 2
4 children in excess of that maximum if the additional children
5 have previously been released from the residential portion of
6 the program and are later found to need additional residential
7 treatment.

8 (3) A copy of the arrest report of any child 15 years
9 of age or younger who is taken into custody for committing a
10 delinquent act or any violation of law shall be forwarded to
11 the local service district office of the Department of
12 Juvenile Justice. Upon receiving the second arrest report of
13 any such child from the judicial circuit in which the program
14 is located, the Department of Juvenile Justice shall initiate
15 an intensive review of the child's social and educational
16 history to determine the likelihood of further significant
17 delinquent behavior. In making this determination, the
18 Department of Juvenile Justice shall consider, without
19 limitation, the following factors:

20 (a) Any prior allegation that the child is dependent
21 or a child in need of services.

22 (b) The physical, emotional, and intellectual status
23 and developmental level of the child.

24 (c) The child's academic history, including school
25 attendance, school achievements, grade level, and involvement
26 in school-sponsored activities.

27 (d) The nature and quality of the child's peer group
28 relationships.

29 (e) The child's history of substance abuse or
30 behavioral problems.

31

1 (f) The child's family status, including the
2 capability of the child's family members to participate in a
3 family-centered intervention program.

4 (g) The child's family history of substance abuse or
5 criminal activity.

6 (h) The supervision that is available in the child's
7 home.

8 (i) The nature of the relationship between the parents
9 and the child and any siblings and the child.

10 (4) Upon determination that a child is likely to
11 continue to exhibit significant delinquent behavior, the
12 department may recommend to the court that the child be placed
13 in an early delinquency intervention program, and the court
14 may order the program as the dispositional placement for the
15 child. At the discretion of the department or its designee,
16 or upon order of the court, a child who is 11 years of age or
17 younger may be excused from the residential portion of
18 treatment.

19 (5) Not later than 18 months after the initiation of
20 an early delinquency intervention program, the department
21 shall prepare and submit a progress report to the chairs of
22 the appropriate House and Senate fiscal committees and the
23 appropriate House and Senate substantive committees on the
24 development and implementation of the program, including:

25 (a) Factors determining placement of a child in the
26 program.

27 (b) Services provided in each component of the
28 program.

29 (c) Costs associated with each component of the
30 program.

31

1 (d) Problems or difficulties encountered in the
2 implementation and operation of the program.

3 Section 50. Section 39.0475, Florida Statutes, is
4 transferred and renumbered as section 985.306, Florida
5 Statutes.

6 Section 51. Section 39.0551, Florida Statutes, is
7 transferred and renumbered as section 985.307, Florida
8 Statutes.

9 Section 52. Section 39.0571, Florida Statutes, is
10 transferred and renumbered as section 985.308, Florida
11 Statutes.

12 Section 53. Section 39.057, Florida Statutes, is
13 transferred, renumbered as section 985.309, Florida Statutes,
14 and amended to read:

15 985.309 ~~39.057~~ Boot camp for children.--

16 (1) Contingent upon specific appropriation, the
17 department shall implement and operate a boot camp program to
18 provide an intensive educational and physical training and
19 rehabilitative program for appropriate children.

20 (2) Contingent upon local funding, a county or
21 municipal government may implement and operate a boot camp
22 program to provide an intensive educational and physical
23 training and rehabilitative program for appropriate children.

24 (3) A child may be placed in a boot camp program if he
25 or she is at least 14 years of age but less than 18 years of
26 age at the time of adjudication and has been committed to the
27 department for any offense that, if committed by an adult,
28 would be a felony, other than a capital felony, a life felony,
29 or a violent felony of the first degree.

30 (4) The department, county, or municipality operating
31 the boot camp program shall screen children sent to the boot

1 camp program, so that only those children who have medical and
2 psychological profiles conducive to successfully completing an
3 intensive work, educational, and disciplinary program may be
4 admitted to the program. The department shall adopt rules for
5 use by the department, county, or municipality operating the
6 boot camp program for screening such admissions.

7 (5) The program shall include educational assignments,
8 work assignments, and physical training exercises. Children
9 shall be required to participate in educational, vocational,
10 and substance abuse programs and to receive additional
11 training in techniques of appropriate decisionmaking, as well
12 as in life skills and job skills. The program shall include
13 counseling that is directed at replacing the criminal
14 thinking, beliefs, and values of the child with moral
15 thinking, beliefs, and values.

16 (6) A boot camp operated by the department, a county,
17 or a municipality must provide for the following minimum
18 periods of participation:

19 (a) A participant in a low-risk residential program
20 must spend 2 months in the boot camp component of the program
21 and 2 months in aftercare.

22 (b) A participant in a moderate-risk residential
23 program or a high-risk residential program must spend 4 months
24 in the boot camp component of the program and 4 months in
25 aftercare.

26
27 This subsection does not preclude the operation of a program
28 that requires the participants to spend more than 4 months in
29 the boot camp component of the program or that requires the
30 participants to complete two sequential programs of 4 months
31 each in the boot camp component of the program.

1 (7) The department shall adopt rules for use by the
2 department, county, or municipality operating the boot camp
3 program which provide for disciplinary sanctions and
4 restrictions on the privileges of the general population of
5 children in the program.

6 (8) The department shall conduct quarterly inspections
7 and evaluations of each county or municipal government boot
8 camp program to determine whether the program complies with
9 department rules for continued operation of the program. The
10 department shall charge, and the county or municipal
11 government shall pay, a monitoring fee equal to 0.5 percent of
12 the direct operating costs of the boot camp program. The
13 operation of a boot camp program that fails to pass the
14 department's quarterly inspection and evaluation, if the
15 deficiency causing the failure is material, must be terminated
16 if the deficiency is not corrected by the next quarterly
17 inspection.

18 (9) The department shall keep records and monitor
19 criminal activity, educational progress, and employment
20 placement of all boot camp program participants in department,
21 county, and municipal boot camp programs after their release
22 from the program. The department must publish an outcome
23 evaluation study of each boot camp program within 18 months
24 after the program becomes operational, which includes a
25 comparison of criminal activity, educational progress, and
26 employment placements of children completing the program with
27 the criminal activity, educational progress, and employment
28 records of children completing other types of programs.

29 (10) A child in any boot camp program who becomes
30 unmanageable or medically or psychologically ineligible must
31 be removed from the program.

1 (11)(a) The department may contract with private
2 organizations for the operation of its boot camp program and
3 aftercare.

4 (b) A county or municipality may contract with private
5 organizations for the operation of its boot camp program and
6 aftercare.

7 (12)(a) The Juvenile Justice Standards and Training
8 Commission shall either establish criteria for training all
9 contract staff or provide a special training program for
10 department, county, and municipal boot camp program staff,
11 which shall include appropriate methods of dealing with
12 children who have been placed in such a stringent program.

13 (b) Administrative staff must successfully complete a
14 minimum of 120 contact hours of commission-approved training.
15 Staff who have direct contact with children must successfully
16 complete a minimum of 200 contact hours of commission-approved
17 training, which must include training in the counseling
18 techniques that are used in the boot camp program, basic
19 cardiopulmonary resuscitation and choke-relief, and the
20 control of aggression.

21 (c) All training courses must be taught by persons who
22 are certified as instructors by the Division of Criminal
23 Justice Standards and Training of the Department of Law
24 Enforcement and who have prior experience in a juvenile boot
25 camp program. A training course in counseling techniques need
26 not be taught by a certified instructor but must be taught by
27 a person who has at least a bachelor's degree in social work,
28 counseling, psychology, or a related field.

29 (d) A person may not have direct contact with a child
30 in the boot camp program until he or she has successfully
31 completed the training requirements specified in paragraph

1 (b), unless he or she is under the direct supervision of a
2 certified drill instructor or camp commander.

3 (13)(a) The department may institute injunctive
4 proceedings in a court of competent jurisdiction against a
5 county or a municipality to:

6 1. Enforce the provisions of this chapter or a minimum
7 standard, rule, regulation, or order issued or entered
8 pursuant thereto; or

9 2. Terminate the operation of a facility operated
10 pursuant to this section.

11 (b) The department may institute proceedings against a
12 county or a municipality to terminate the operation of a
13 facility when any of the following conditions exist:

14 1. The facility fails to take preventive or corrective
15 measures in accordance with any order of the department.

16 2. The facility fails to abide by any final order of
17 the department once it has become effective and binding.

18 3. The facility commits any violation of this section
19 constituting an emergency requiring immediate action as
20 provided in this chapter.

21 4. The facility has willfully and knowingly refused to
22 comply with the screening requirement for personnel pursuant
23 to s. 985.01 ~~39.001~~ or has refused to dismiss personnel found
24 to be in noncompliance with the requirements for good moral
25 character.

26 (c) Injunctive relief may include temporary and
27 permanent injunctions.

28 Section 54. Section 39.058, Florida Statutes, 1996
29 Supplement, is transferred, renumbered as section 985.31,
30 Florida Statutes, and amended to read:

31 985.31 ~~39.058~~ Serious or habitual juvenile offender.--

1 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to
2 the provisions of this chapter and the establishment of
3 appropriate program guidelines and standards, contractual
4 instruments, which shall include safeguards of all
5 constitutional rights, shall be developed as follows:

6 (a) The department shall provide for:

7 1. The oversight of implementation of assessment and
8 treatment approaches.

9 2. The identification and prequalification of
10 appropriate individuals or not-for-profit organizations,
11 including minority individuals or organizations when possible,
12 to provide assessment and treatment services to serious or
13 habitual delinquent children.

14 3. The monitoring and evaluation of assessment and
15 treatment services for compliance with the provisions of this
16 chapter and all applicable rules and guidelines pursuant
17 thereto.

18 4. The development of an annual report on the
19 performance of assessment and treatment to be presented to the
20 Governor, the Attorney General, the President of the Senate,
21 the Speaker of the House of Representatives, and the Auditor
22 General no later than January 1 of each year.

23 (b) Assessment shall generally comprise the first 30
24 days of treatment and be provided by the same provider as
25 treatment, but assessment and treatment services may be
26 provided by separate providers, where warranted. Providers
27 shall be selected who have the capacity to assess and treat
28 the unique problems presented by children with different
29 racial and ethnic backgrounds. The department shall retain
30 contractual authority to reject any assessment or treatment
31 provider for lack of qualification.

- 1 (2) SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.--
2 (a) There is created the serious or habitual juvenile
3 offender program. The program shall combine 9 to 12 months of
4 intensive secure residential treatment followed by a minimum
5 of 9 months of aftercare. The components of the program shall
6 include, but not be limited to:
- 7 1. Diagnostic evaluation services.
 - 8 2. Appropriate treatment modalities, including
9 substance abuse intervention, mental health services, and
10 sexual behavior dysfunction interventions and gang-related
11 behavior interventions.
 - 12 3. Prevocational and vocational services.
 - 13 4. Job training, job placement, and
14 employability-skills training.
 - 15 5. Case management services.
 - 16 6. Educational services, including special education
17 and pre-GED literacy.
 - 18 7. Self-sufficiency planning.
 - 19 8. Independent living skills.
 - 20 9. Parenting skills.
 - 21 10. Recreational and leisure time activities.
 - 22 11. Community involvement opportunities commencing,
23 where appropriate, with the direct and timely payment of
24 restitution to the victim.
 - 25 12. Intensive aftercare.
 - 26 13. Graduated reentry into the community.
 - 27 14. A diversity of forms of individual and family
28 treatment appropriate to and consistent with the child's
29 needs.
 - 30 15. Consistent and clear consequences for misconduct.
 - 31

1 (b) The department is authorized to contract with
2 private companies to provide some or all of the components
3 indicated in paragraph (a).

4 (c) The department shall involve local law enforcement
5 agencies, the judiciary, school board personnel, the office of
6 the state attorney, the office of the public defender, and
7 community service agencies interested in or currently working
8 with juveniles, in planning and developing this program.

9 (d) The department is authorized to accept funds or
10 in-kind contributions from public or private sources to be
11 used for the purposes of this section.

12 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
13 TREATMENT.--

14 (a) Assessment and treatment shall be conducted by
15 treatment professionals with expertise in specific treatment
16 procedures, which professionals shall exercise all
17 professional judgment independently of the department.

18 (b) Treatment provided to children in designated
19 facilities shall be suited to the assessed needs of each
20 individual child and shall be administered safely and
21 humanely, with respect for human dignity.

22 (c) The department may promulgate rules for the
23 implementation and operation of programs and facilities for
24 serious or habitual juvenile offenders.

25 (d) Any provider who acts in good faith is immune from
26 civil or criminal liability for his or her actions in
27 connection with the assessment, treatment, or transportation
28 of a serious or habitual juvenile offender under the
29 provisions of this chapter.

30 (e) After a child has been adjudicated delinquent
31 pursuant to s. 985.228 ~~39-053(3)~~, the court shall determine

1 whether the child meets the criteria for a serious or habitual
2 juvenile offender pursuant to s. 985.03(47)~~39-01(62)~~. If the
3 court determines that the child does not meet such criteria,
4 the provisions of s. 985.321(1)~~39-054~~ shall apply.

5 (f) After a child has been transferred for criminal
6 prosecution, a circuit court judge may direct an intake
7 counselor or case manager to consult with designated staff
8 from an appropriate serious or habitual juvenile offender
9 program for the purpose of making recommendations to the court
10 regarding the child's placement in such program.

11 (g) Recommendations as to a child's placement in a
12 serious or habitual juvenile offender program shall be
13 presented to the court within 72 hours after the adjudication
14 or conviction, and may be based on a preliminary screening of
15 the child at appropriate sites, considering the child's
16 location while court action is pending, which may include the
17 nearest regional detention center or facility or jail.

18 (h) Based on the recommendations of the
19 multidisciplinary assessment, the intake counselor or case
20 manager shall make the following recommendations to the court:

21 1. For each child who has not been transferred for
22 criminal prosecution, the intake counselor or case manager
23 shall recommend whether placement in such program is
24 appropriate and needed.

25 2. For each child who has been transferred for
26 criminal prosecution, the intake counselor or case manager
27 shall recommend whether the most appropriate placement for the
28 child is a juvenile justice system program, including a
29 serious or habitual juvenile offender program or facility, or
30 placement in the adult correctional system.

31

1 If treatment provided by a serious or habitual juvenile
2 offender program or facility is determined to be appropriate
3 and needed and placement is available, the intake counselor or
4 case manager and the court shall identify the appropriate
5 serious or habitual juvenile offender program or facility best
6 suited to the needs of the child.

7 (i) The treatment and placement recommendations shall
8 be submitted to the court for further action pursuant to this
9 paragraph:

10 1. If it is recommended that placement in a serious or
11 habitual juvenile offender program or facility is
12 inappropriate, the court shall make an alternative disposition
13 pursuant to s. 985.309 ~~39-057~~ or other alternative sentencing
14 as applicable, utilizing the recommendation as a guide.

15 2. If it is recommended that placement in a serious or
16 habitual juvenile offender program or facility is appropriate,
17 the court may commit the child to the department for placement
18 in the restrictiveness level designated for serious or
19 habitual delinquent children programs.

20 (j) The following provisions shall apply to children
21 in serious or habitual juvenile offender programs and
22 facilities:

23 1. A child shall begin participation in the reentry
24 component of the program based upon a determination made by
25 the treatment provider and approved by the department.

26 2. A child shall begin participation in the community
27 supervision component of aftercare based upon a determination
28 made by the treatment provider and approved by the department.
29 The treatment provider shall give written notice of the
30 determination to the circuit court having jurisdiction over
31 the child. If the court does not respond with a written

1 objection within 10 days, the child shall begin the aftercare
2 component.

3 3. A child shall be discharged from the program based
4 upon a determination made by the treatment provider with the
5 approval of the department.

6 4. In situations where the department does not agree
7 with the decision of the treatment provider, a reassessment
8 shall be performed, and the department shall utilize the
9 reassessment determination to resolve the disagreement and
10 make a final decision.

11 (k) Any commitment of a child to the department for
12 placement in a serious or habitual juvenile offender program
13 or facility shall be for an indeterminate period of time, but
14 the time shall not exceed the maximum term of imprisonment
15 which an adult may serve for the same offense. Notwithstanding
16 the provisions of ss. ~~39.054(4)~~ and 743.07 and 985.231(1)(d),
17 a serious or habitual juvenile offender shall not be held
18 under commitment from a court pursuant to this section, s.
19 985.231 ~~39.054~~, or s. 985.233 ~~39.059~~ after becoming 21 years
20 of age. This provision shall apply only for the purpose of
21 completing the serious or habitual juvenile offender program
22 pursuant to this chapter and shall be used solely for the
23 purpose of treatment.

24 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

25 (a) Pursuant to the provisions of this section, the
26 department shall implement the comprehensive assessment
27 instrument for the treatment needs of serious or habitual
28 juvenile offenders and for the assessment, which assessment
29 shall include the criteria under s. 985.03(47) ~~39.01(62)~~ and
30 shall also include, but not be limited to, evaluation of the
31 child's:

- 1 1. Amenability to treatment.
 - 2 2. Proclivity toward violence.
 - 3 3. Tendency toward gang involvement.
 - 4 4. Substance abuse or addiction and the level thereof.
 - 5 5. History of being a victim of child abuse or sexual
 - 6 abuse, or indication of sexual behavior dysfunction.
 - 7 6. Number and type of previous adjudications, findings
 - 8 of guilt, and convictions.
 - 9 7. Potential for rehabilitation.
- 10 (b) The department shall contract with multiple
- 11 individuals or not-for-profit organizations to perform the
- 12 assessments and treatment, and shall ensure that the staff of
- 13 each provider are appropriately trained.
- 14 (c) Assessment and treatment providers shall have a
- 15 written procedure developed, in consultation with licensed
- 16 treatment professionals, establishing conditions under which a
- 17 child's blood and urine samples will be tested for substance
- 18 abuse indications. It is not unlawful for the person receiving
- 19 the test results to divulge the test results to the relevant
- 20 facility staff and department personnel. However, such
- 21 information is exempt from the provisions of ss. 119.01 and
- 22 119.07(1) and s. 24(a), Art. I of the State Constitution.
- 23 (d) Serologic blood test and urinalysis results
- 24 obtained pursuant to paragraph (c) are confidential, except
- 25 that they may be shared with employees or officers of the
- 26 department, the court, and any assessment or treatment
- 27 provider and designated facility treating the child. No
- 28 person to whom the results of a test have been disclosed under
- 29 this section may disclose the test results to another person
- 30 not authorized under this section.
- 31

1 (e) The results of any serologic blood or urine test
2 on a serious or habitual juvenile offender shall become a part
3 of that child's permanent medical file. Upon transfer of the
4 child to any other designated treatment facility, such file
5 shall be transferred in an envelope marked confidential. The
6 results of any test designed to identify the human
7 immunodeficiency virus, or its antigen or antibody, shall be
8 accessible only to persons designated by rule of the
9 department. The provisions of such rule shall be consistent
10 with the guidelines established by the Centers for Disease
11 Control.

12 (f) A record of the assessment and treatment of each
13 serious or habitual juvenile offender shall be maintained by
14 the provider, which shall include data pertaining to the
15 child's treatment and such other information as may be
16 required under rules of the department. Unless waived by
17 express and informed consent by the child or the guardian or,
18 if the child is deceased, by the child's personal
19 representative or by the person who stands next in line of
20 intestate succession, the privileged and confidential status
21 of the clinical assessment and treatment record shall not be
22 lost by either authorized or unauthorized disclosure to any
23 person, organization, or agency.

24 (g) The assessment and treatment record shall not be a
25 public record, and no part of it shall be released, except
26 that:

27 1. The record shall be released to such persons and
28 agencies as are designated by the child or the guardian.

29 2. The record shall be released to persons authorized
30 by order of court, excluding matters privileged by other
31 provisions of law.

1 3. The record or any part thereof shall be disclosed
2 to a qualified researcher, as defined by rule; a staff member
3 of the designated treatment facility; or an employee of the
4 department when the administrator of the facility or the
5 Secretary of Juvenile Justice deems it necessary for treatment
6 of the child, maintenance of adequate records, compilation of
7 treatment data, or evaluation of programs.

8 4. Information from the assessment and treatment
9 record may be used for statistical and research purposes if
10 the information is abstracted in such a way as to protect the
11 identity of individuals.

12 (h) Notwithstanding other provisions of this section,
13 the department may request, receive, and provide assessment
14 and treatment information to facilitate treatment,
15 rehabilitation, and continuity of care of any serious or
16 habitual juvenile offender from any of the following:

17 1. The Social Security Administration and the United
18 States Department of Veterans Affairs.

19 2. Law enforcement agencies, state attorneys, defense
20 attorneys, and judges in regard to the child's status.

21 3. Personnel in any facility in which the child may be
22 placed.

23 4. Community agencies and others expected to provide
24 services to the child upon his or her return to the community.

25 (i) Any law enforcement agency, designated treatment
26 facility, governmental or community agency, or other entity
27 that receives information pursuant to this section shall
28 maintain such information as a nonpublic record as otherwise
29 provided herein.

30 (j) Any agency, not-for-profit organization, or
31 treatment professional who acts in good faith in releasing

1 information pursuant to this subsection shall not be subject
2 to civil or criminal liability for such release.

3 (k) Assessment and treatment records are confidential
4 as described in this paragraph and exempt from the provisions
5 of s. 119.07(1) and s. 24(a), Art. I of the State
6 Constitution.

7 1. The department shall have full access to the
8 assessment and treatment records to ensure coordination of
9 services to the child.

10 2. The principles of confidentiality of records as
11 provided in s. 985.04 ~~39-045~~ shall apply to the assessment and
12 treatment records of serious or habitual juvenile offenders.

13 (l) For purposes of effective administration, accurate
14 tracking and recordkeeping, and optimal treatment decisions,
15 each assessment and treatment provider shall maintain a
16 central identification file on the serious or habitual
17 juvenile offenders it treats.

18 (m) The file of each serious or habitual juvenile
19 offender shall contain, but is not limited to, pertinent
20 children-in-need-of-services and delinquency record
21 information maintained by the department; pertinent school
22 records information on behavior, attendance, and achievement;
23 and pertinent information on delinquency or children in need
24 of services maintained by law enforcement agencies and the
25 state attorney.

26 (n) All providers under this section shall, as part of
27 their contractual duties, collect, maintain, and report to the
28 department all information necessary to comply with mandatory
29 reporting pursuant to the promulgation of rules by the
30 department for the implementation of serious or habitual
31

1 juvenile offender programs and the monitoring and evaluation
2 thereof.

3 (o) The department is responsible for the development
4 and maintenance of a statewide automated tracking system for
5 serious or habitual juvenile offenders.

6 (5) DESIGNATED TREATMENT FACILITIES.--

7 (a) Designated facilities shall be sited and
8 constructed by the department, directly or by contract,
9 pursuant to departmental rules, to ensure that facility design
10 is compatible with treatment. The department is authorized to
11 contract for the construction of the facilities and may also
12 lease facilities. The number of beds per facility shall not
13 exceed 25. An assessment of need for additional facilities
14 shall be conducted prior to the siting or construction of more
15 than one facility in any judicial circuit.

16 (b) Designated facilities for serious or habitual
17 juvenile offenders shall be separate and secure facilities
18 established under the authority of the department for the
19 treatment of such children.

20 (c) Security for designated facilities for serious or
21 habitual juvenile offenders shall be determined by the
22 department. The department is authorized to contract for the
23 provision of security.

24 (d) With respect to the treatment of serious or
25 habitual juvenile offenders under this section, designated
26 facilities shall be immune from liability for civil damages
27 except in instances when the failure to act in good faith
28 results in serious injury or death, in which case liability
29 shall be governed by s. 768.28.

30
31

1 (e) Minimum standards and requirements for designated
2 treatment facilities shall be contractually prescribed
3 pursuant to subsection (1).

4 Section 55. Section 39.0582, Florida Statutes, 1996
5 Supplement, is transferred, renumbered as section 985.311,
6 Florida Statutes, and amended to read:

7 985.311 ~~39.0582~~ Intensive residential treatment
8 program for offenders less than 13 years of age.--

9 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to
10 the provisions of this chapter and the establishment of
11 appropriate program guidelines and standards, contractual
12 instruments, which shall include safeguards of all
13 constitutional rights, shall be developed for intensive
14 residential treatment programs for offenders less than 13
15 years of age as follows:

16 (a) The department shall provide for:

17 1. The oversight of implementation of assessment and
18 treatment approaches.

19 2. The identification and prequalification of
20 appropriate individuals or not-for-profit organizations,
21 including minority individuals or organizations when possible,
22 to provide assessment and treatment services to intensive
23 offenders less than 13 years of age.

24 3. The monitoring and evaluation of assessment and
25 treatment services for compliance with the provisions of this
26 chapter and all applicable rules and guidelines pursuant
27 thereto.

28 4. The development of an annual report on the
29 performance of assessment and treatment to be presented to the
30 Governor, the Attorney General, the President of the Senate,
31

1 the Speaker of the House of Representatives, and the Auditor
2 General no later than January 1 of each year.

3 (b) Assessment shall generally comprise the first 30
4 days of treatment and be provided by the same provider as
5 treatment, but assessment and treatment services may be
6 provided by separate providers, where warranted. Providers
7 shall be selected who have the capacity to assess and treat
8 the unique problems presented by children with different
9 racial and ethnic backgrounds. The department shall retain
10 contractual authority to reject any assessment or treatment
11 provider for lack of qualification.

12 (2) INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR
13 OFFENDERS LESS THAN 13 YEARS OF AGE.--

14 (a) There is created the intensive residential
15 treatment program for offenders less than 13 years of age.
16 The program shall combine 9 to 12 months of intensive secure
17 residential treatment followed by a minimum of 9 months of
18 aftercare. The components of the program shall include, but
19 not be limited to:

- 20 1. Diagnostic evaluation services.
- 21 2. Appropriate treatment modalities, including
22 substance abuse intervention, mental health services, and
23 sexual behavior dysfunction interventions and gang-related
24 behavior interventions.
- 25 3. Life skills.
- 26 4. Values clarification.
- 27 5. Case management services.
- 28 6. Educational services, including special and
29 remedial education.
- 30 7. Recreational and leisure time activities.

31

1 8. Community involvement opportunities commencing,
2 where appropriate, with the direct and timely payment of
3 restitution to the victim.

4 9. Intensive aftercare.

5 10. Graduated reentry into the community.

6 11. A diversity of forms of individual and family
7 treatment appropriate to and consistent with the child's
8 needs.

9 12. Consistent and clear consequences for misconduct.

10 (b) The department is authorized to contract with
11 private companies to provide some or all of the components
12 indicated in paragraph (a).

13 (c) The department shall involve local law enforcement
14 agencies, the judiciary, school board personnel, the office of
15 the state attorney, the office of the public defender, and
16 community service agencies interested in or currently working
17 with juveniles, in planning and developing this program.

18 (d) The department is authorized to accept funds or
19 in-kind contributions from public or private sources to be
20 used for the purposes of this section.

21 (e) The department shall establish quality assurance
22 standards to ensure the quality and substance of mental health
23 services provided to children with mental, nervous, or
24 emotional disorders who may be committed to intensive
25 residential treatment programs. The quality assurance
26 standards shall address the possession of credentials by the
27 mental health service providers.

28 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
29 TREATMENT.--

30 (a) Assessment and treatment shall be conducted by
31 treatment professionals with expertise in specific treatment

1 procedures, which professionals shall exercise all
2 professional judgment independently of the department.

3 (b) Treatment provided to children in designated
4 facilities shall be suited to the assessed needs of each
5 individual child and shall be administered safely and
6 humanely, with respect for human dignity.

7 (c) The department may promulgate rules for the
8 implementation and operation of programs and facilities for
9 children who are eligible for an intensive residential
10 treatment program for offenders less than 13 years of age.
11 The department must involve the following groups in the
12 promulgation of rules for services for this population: local
13 law enforcement agencies, the judiciary, school board
14 personnel, the office of the state attorney, the office of the
15 public defender, and community service agencies interested in
16 or currently working with juveniles. When promulgating these
17 rules, the department must consider program principles,
18 components, standards, procedures for intake, diagnostic and
19 assessment activities, treatment modalities, and case
20 management.

21 (d) Any provider who acts in good faith is immune from
22 civil or criminal liability for his or her actions in
23 connection with the assessment, treatment, or transportation
24 of an intensive offender less than 13 years of age under the
25 provisions of this chapter.

26 (e) After a child has been adjudicated delinquent
27 pursuant to s. 985.228(5)~~39-053(3)~~, the court shall determine
28 whether the child is eligible for an intensive residential
29 treatment program for offenders less than 13 years of age
30 pursuant to s. 985.03(7)~~39-01(11)~~. If the court determines
31

1 that the child does not meet the criteria, the provisions of
2 s. 985.231(1)~~39-054~~ shall apply.

3 (f) After a child has been transferred for criminal
4 prosecution, a circuit court judge may direct an intake
5 counselor or case manager to consult with designated staff
6 from an appropriate intensive residential treatment program
7 for offenders less than 13 years of age for the purpose of
8 making recommendations to the court regarding the child's
9 placement in such program.

10 (g) Recommendations as to a child's placement in an
11 intensive residential treatment program for offenders less
12 than 13 years of age may be based on a preliminary screening
13 of the child at appropriate sites, considering the child's
14 location while court action is pending, which may include the
15 nearest regional detention center or facility or jail.

16 (h) Based on the recommendations of the
17 multidisciplinary assessment, the intake counselor or case
18 manager shall make the following recommendations to the court:

19 1. For each child who has not been transferred for
20 criminal prosecution, the intake counselor or case manager
21 shall recommend whether placement in such program is
22 appropriate and needed.

23 2. For each child who has been transferred for
24 criminal prosecution, the intake counselor or case manager
25 shall recommend whether the most appropriate placement for the
26 child is a juvenile justice system program, including a child
27 who is eligible for an intensive residential treatment program
28 for offenders less than 13 years of age, or placement in the
29 adult correctional system.

30
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1 If treatment provided by an intensive residential treatment
2 program for offenders less than 13 years of age is determined
3 to be appropriate and needed and placement is available, the
4 intake counselor or case manager and the court shall identify
5 the appropriate intensive residential treatment program for
6 offenders less than 13 years of age best suited to the needs
7 of the child.

8 (i) The treatment and placement recommendations shall
9 be submitted to the court for further action pursuant to this
10 paragraph:

11 1. If it is recommended that placement in an intensive
12 residential treatment program for offenders less than 13 years
13 of age is inappropriate, the court shall make an alternative
14 disposition pursuant to s. 985.309 ~~39.057~~ or other alternative
15 sentencing as applicable, utilizing the recommendation as a
16 guide.

17 2. If it is recommended that placement in an intensive
18 residential treatment program for offenders less than 13 years
19 of age is appropriate, the court may commit the child to the
20 department for placement in the restrictiveness level
21 designated for intensive residential treatment program for
22 offenders less than 13 years of age.

23 (j) The following provisions shall apply to children
24 in an intensive residential treatment program for offenders
25 less than 13 years of age:

26 1. A child shall begin participation in the reentry
27 component of the program based upon a determination made by
28 the treatment provider and approved by the department.

29 2. A child shall begin participation in the community
30 supervision component of aftercare based upon a determination
31 made by the treatment provider and approved by the department.

1 The treatment provider shall give written notice of the
2 determination to the circuit court having jurisdiction over
3 the child. If the court does not respond with a written
4 objection within 10 days, the child shall begin the aftercare
5 component.

6 3. A child shall be discharged from the program based
7 upon a determination made by the treatment provider with the
8 approval of the department.

9 4. In situations where the department does not agree
10 with the decision of the treatment provider, a reassessment
11 shall be performed, and the department shall utilize the
12 reassessment determination to resolve the disagreement and
13 make a final decision.

14 (k) Any commitment of a child to the department for
15 placement in an intensive residential treatment program for
16 offenders less than 13 years of age shall be for an
17 indeterminate period of time, but the time shall not exceed
18 the maximum term of imprisonment which an adult may serve for
19 the same offense. Any child who has not completed the
20 residential portion of the intensive residential treatment
21 program for offenders less than 13 years of age by his or her
22 fourteenth birthday may be transferred to another program for
23 committed delinquent offenders.

24 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

25 (a) Pursuant to the provisions of this section, the
26 department shall implement the comprehensive assessment
27 instrument for the treatment needs of children who are
28 eligible for an intensive residential treatment program for
29 offenders less than 13 years of age and for the assessment,
30 which assessment shall include the criteria under s. 985.03(7)
31

1 ~~39.01(11)~~and shall also include, but not be limited to,
2 evaluation of the child's:
3 1. Amenability to treatment.
4 2. Proclivity toward violence.
5 3. Tendency toward gang involvement.
6 4. Substance abuse or addiction and the level thereof.
7 5. History of being a victim of child abuse or sexual
8 abuse, or indication of sexual behavior dysfunction.
9 6. Number and type of previous adjudications, findings
10 of guilt, and convictions.
11 7. Potential for rehabilitation.
12 (b) The department shall contract with multiple
13 individuals or not-for-profit organizations to perform the
14 assessments and treatment, and shall ensure that the staff of
15 each provider are appropriately trained.
16 (c) Assessment and treatment providers shall have a
17 written procedure developed, in consultation with licensed
18 treatment professionals, establishing conditions under which a
19 child's blood and urine samples will be tested for substance
20 abuse indications. It is not unlawful for the person receiving
21 the test results to divulge the test results to the relevant
22 facility staff and department personnel. However, such
23 information is exempt from the provisions of ss. 119.01 and
24 119.07(1) and s. 24(a), Art. I of the State Constitution.
25 (d) Serologic blood test and urinalysis results
26 obtained pursuant to paragraph (c) are confidential, except
27 that they may be shared with employees or officers of the
28 department, the court, and any assessment or treatment
29 provider and designated facility treating the child. No
30 person to whom the results of a test have been disclosed under
31

1 this section may disclose the test results to another person
2 not authorized under this section.

3 (e) The results of any serologic blood or urine test
4 on a child who is eligible for an intensive residential
5 treatment program for offenders less than 13 years of age
6 shall become a part of that child's permanent medical file.
7 Upon transfer of the child to any other designated treatment
8 facility, such file shall be transferred in an envelope marked
9 confidential. The results of any test designed to identify the
10 human immunodeficiency virus, or its antigen or antibody,
11 shall be accessible only to persons designated by rule of the
12 department. The provisions of such rule shall be consistent
13 with the guidelines established by the Centers for Disease
14 Control.

15 (f) A record of the assessment and treatment of each
16 child who is eligible for an intensive residential treatment
17 program for offenders less than 13 years of age shall be
18 maintained by the provider, which shall include data
19 pertaining to the child's treatment and such other information
20 as may be required under rules of the department. Unless
21 waived by express and informed consent by the child or the
22 guardian or, if the child is deceased, by the child's personal
23 representative or by the person who stands next in line of
24 intestate succession, the privileged and confidential status
25 of the clinical assessment and treatment record shall not be
26 lost by either authorized or unauthorized disclosure to any
27 person, organization, or agency.

28 (g) The assessment and treatment record shall not be a
29 public record, and no part of it shall be released, except
30 that:

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- 1 1. The record shall be released to such persons and
2 agencies as are designated by the child or the guardian.
- 3 2. The record shall be released to persons authorized
4 by order of court, excluding matters privileged by other
5 provisions of law.
- 6 3. The record or any part thereof shall be disclosed
7 to a qualified researcher, as defined by rule; a staff member
8 of the designated treatment facility; or an employee of the
9 department when the administrator of the facility or the
10 Secretary of Juvenile Justice deems it necessary for treatment
11 of the child, maintenance of adequate records, compilation of
12 treatment data, or evaluation of programs.
- 13 4. Information from the assessment and treatment
14 record may be used for statistical and research purposes if
15 the information is abstracted in such a way as to protect the
16 identity of individuals.
- 17 (h) Notwithstanding other provisions of this section,
18 the department may request, receive, and provide assessment
19 and treatment information to facilitate treatment,
20 rehabilitation, and continuity of care of any child who is
21 eligible for an intensive residential treatment program for
22 offenders less than 13 years of age from any of the following:
- 23 1. The Social Security Administration and the United
24 States Department of Veterans Affairs.
- 25 2. Law enforcement agencies, state attorneys, defense
26 attorneys, and judges in regard to the child's status.
- 27 3. Personnel in any facility in which the child may be
28 placed.
- 29 4. Community agencies and others expected to provide
30 services to the child upon his or her return to the community.
31

1 (i) Any law enforcement agency, designated treatment
2 facility, governmental or community agency, or other entity
3 that receives information pursuant to this section shall
4 maintain such information as a nonpublic record as otherwise
5 provided herein.

6 (j) Any agency, not-for-profit organization, or
7 treatment professional who acts in good faith in releasing
8 information pursuant to this subsection shall not be subject
9 to civil or criminal liability for such release.

10 (k) Assessment and treatment records are confidential
11 as described in this paragraph and exempt from the provisions
12 of s. 119.07(1) and s. 24(a), Art. I of the State
13 Constitution.

14 1. The department shall have full access to the
15 assessment and treatment records to ensure coordination of
16 services to the child.

17 2. The principles of confidentiality of records as
18 provided in s. 985.05 ~~39-045~~ shall apply to the assessment and
19 treatment records of children who are eligible for an
20 intensive residential treatment program for offenders less
21 than 13 years of age.

22 (1) For purposes of effective administration, accurate
23 tracking and recordkeeping, and optimal treatment decisions,
24 each assessment and treatment provider shall maintain a
25 central identification file on each child it treats in the
26 intensive residential treatment program for offenders less
27 than 13 years of age.

28 (m) The file of each child treated in the intensive
29 residential treatment program for offenders less than 13 years
30 of age shall contain, but is not limited to, pertinent
31 children-in-need-of-services and delinquency record

1 information maintained by the department; pertinent school
2 records information on behavior, attendance, and achievement;
3 and pertinent information on delinquency or children in need
4 of services maintained by law enforcement agencies and the
5 state attorney.

6 (n) All providers under this section shall, as part of
7 their contractual duties, collect, maintain, and report to the
8 department all information necessary to comply with mandatory
9 reporting pursuant to the promulgation of rules by the
10 department for the implementation of intensive residential
11 treatment programs for offenders less than 13 years of age and
12 the monitoring and evaluation thereof.

13 (o) The department is responsible for the development
14 and maintenance of a statewide automated tracking system for
15 children who are treated in an intensive residential treatment
16 program for offenders less than 13 years of age.

17 (5) DESIGNATED TREATMENT FACILITIES.--

18 (a) Designated facilities shall be sited and
19 constructed by the department, directly or by contract,
20 pursuant to departmental rules, to ensure that facility design
21 is compatible with treatment. The department is authorized to
22 contract for the construction of the facilities and may also
23 lease facilities. The number of beds per facility shall not
24 exceed 25. An assessment of need for additional facilities
25 shall be conducted prior to the siting or construction of more
26 than one facility in any judicial circuit.

27 (b) Designated facilities for an intensive residential
28 treatment program for offenders less than 13 years of age
29 shall be separate and secure facilities established under the
30 authority of the department for the treatment of such
31 children.

1 (c) Security for designated facilities for children
2 who are eligible for an intensive residential treatment
3 program for offenders less than 13 years of age shall be
4 determined by the department. The department is authorized to
5 contract for the provision of security.

6 (d) With respect to the treatment of children who are
7 eligible for an intensive residential treatment program for
8 offenders less than 13 years of age under this section,
9 designated facilities shall be immune from liability for civil
10 damages except in instances when the failure to act in good
11 faith results in serious injury or death, in which case
12 liability shall be governed by s. 768.28.

13 (e) Minimum standards and requirements for designated
14 treatment facilities shall be contractually prescribed
15 pursuant to subsection (1).

16 Section 56. Section 39.0583, Florida Statutes, 1996
17 Supplement, is transferred, renumbered as section 985.312,
18 Florida Statutes, and amended to read:

19 985.312 ~~39.0583~~ Intensive residential treatment
20 programs for offenders less than 13 years of age; prerequisite
21 for commitment.--No child who is eligible for commitment to an
22 intensive residential treatment program for offenders less
23 than 13 years of age as established in s. 985.03(7) ~~39.01(11)~~,
24 may be committed to any intensive residential treatment
25 program for offenders less than 13 years of age as established
26 in s. 985.311 ~~39.0582~~, unless such program has been
27 established by the department through existing resources or
28 specific appropriation, for such program.

29 Section 57. Section 39.0581, Florida Statutes, 1996
30 Supplement, is transferred and renumbered as section 985.313,
31 Florida Statutes.

1 Section 58. Section 39.0584, Florida Statutes, 1996
2 Supplement, is transferred, renumbered as section 985.314,
3 Florida Statutes, and amended to read:

4 985.314 ~~39.0584~~ Commitment programs for juvenile
5 felony offenders.--

6 (1) Notwithstanding any other law and regardless of
7 the child's age, a child who is adjudicated delinquent, or for
8 whom adjudication is withheld, for an act that would be a
9 felony if committed by an adult, shall be committed to:

10 (a) A boot camp program under s. 985.309 ~~39.057~~ if the
11 child has participated in an early delinquency intervention
12 program as provided in s. 985.305 ~~39.055~~.

13 (b) A program for serious or habitual juvenile
14 offenders under s. 985.31 ~~39.058~~ or an intensive residential
15 treatment program for offenders less than 13 years of age
16 under s. 985.311 ~~39.0582~~, if the child has participated in an
17 early delinquency intervention program and has completed a
18 boot camp program.

19 (c) A maximum-risk residential program, if the child
20 has participated in an early delinquency intervention program,
21 has completed a boot camp program, and has completed a program
22 for serious or habitual juvenile offenders or an intensive
23 residential treatment program for offenders less than 13 years
24 of age. The commitment of a child to a maximum-risk
25 residential program must be for an indeterminate period, but
26 may not exceed the maximum term of imprisonment that an adult
27 may serve for the same offense.

28 (2) In committing a child to the appropriate program,
29 the court may consider an equivalent program of similar
30 intensity as being comparable to a program required under
31 subsection (1).

1 Section 59. Section 39.05841, Florida Statutes, 1996
2 Supplement, is transferred, renumbered as section 985.315,
3 Florida Statutes, and amended to read:

4 985.315 ~~39.05841~~ Findings of fact: Vocational/work
5 training programs.--

6 (1)(a) It is the finding of the Legislature that
7 vocational work programs of the Department of Juvenile Justice
8 are uniquely different from other programs operated or
9 conducted by other departments in that it is essential to the
10 state that the work programs provide juveniles with useful
11 activities that can lead to meaningful employment after
12 release in order to assist in reducing the return of juveniles
13 to the system.

14 ~~(b)(2)~~ It is further the finding of the Legislature
15 that the mission of a juvenile vocational work program is, in
16 order of priority:

17 1.(a) To provide a joint effort between the
18 department, the juvenile work programs, and other vocational
19 training programs to reinforce relevant education, training,
20 and postrelease job placement, and help reduce recommitment.

21 2.(b) To serve the security goals of the state through
22 the reduction of idleness of juveniles and the provision of an
23 incentive for good behavior in residential commitment
24 facilities.

25 ~~(c)(3)~~ It is further the finding of the Legislature
26 that a program which duplicates as closely as possible
27 free-work production and service operations in order to aid
28 juveniles in adjustment after release and to prepare juveniles
29 for gainful employment is in the best interest of the state,
30 juveniles, and the general public.

31

1 (2)(a) The department may require juveniles placed in
2 a high-risk residential, maximum-risk residential, or a
3 serious/habitual offender program to participate in a
4 vocational work program. All policies developed by the
5 department relating to this requirement must be consistent
6 with applicable federal, state, and local labor laws and
7 standards, including all laws relating to child labor.

8 (b) Nothing in this subsection is intended to restore,
9 in whole or in part, the civil rights of any juvenile. No
10 juvenile compensated under this subsection shall be considered
11 as an employee of the state or the department, nor shall such
12 juvenile come within any other provision of the Workers'
13 Compensation Law.

14 (3) In adopting or modifying master plans for juvenile
15 work programs, and in the administration of the Department of
16 Juvenile Justice, it shall be the objective of the department
17 to develop:

18 (a) Attitudes favorable to work, the work situation,
19 and a law-abiding life in each juvenile employed in the
20 juvenile work program.

21 (b) Training opportunities that are reasonably broad,
22 but which develop specific work skills.

23 (c) Programs that motivate juveniles to use their
24 abilities. Juveniles who do not adjust to these programs shall
25 be reassigned.

26 (d) Training programs that will be of mutual benefit
27 to all governmental jurisdictions of the state by reducing the
28 costs of government to the taxpayers and which integrate all
29 instructional programs into a unified curriculum suitable for
30 all juveniles, but taking account of the different abilities
31 of each juvenile.

1 (e) A logical sequence of vocational training,
2 employment by the juvenile vocational work programs, and
3 postrelease job placement for juveniles participating in
4 juvenile work programs.

5 (4)(a) The Department of Juvenile Justice shall
6 establish guidelines for the operation of juvenile vocational
7 work programs, which shall include the following procedures:

8 1. The education, work experience, emotional and
9 mental abilities, and physical capabilities of the juvenile
10 and the duration of the term of placement imposed on the
11 juvenile are to be analyzed before assignment of the inmate
12 into the various processes best suited for training.

13 2. When feasible, the department shall attempt to
14 obtain training credit for a juvenile seeking apprenticeship
15 status or a high school diploma or its equivalent.

16 3. The juvenile may begin in a general work skills
17 program and progress to a specific work skills training
18 program, depending upon the ability, desire, and work record
19 of the juvenile.

20 4. Modernization and upgrading of equipment and
21 facilities should include greater automation and improved
22 production techniques to expose juveniles to the latest
23 technological procedures to facilitate their adjustment to
24 real work situations.

25 (b) Evaluations of juvenile work programs shall be
26 conducted according to the following guidelines:

27 1. Systematic evaluations and quality assurance
28 monitoring shall be implemented, in accordance with ss.
29 985.401(4) and 985.412(1), to determine whether the juvenile
30 vocational work programs are related to successful postrelease
31 adjustments.

1 2. Operations and policies of work programs shall be
2 reevaluated to determine if they are consistent with their
3 primary objectives.

4 (c) The department shall seek the advice of private
5 labor and management to:

6 1. Assist its work programs in the development of
7 statewide policies aimed at innovation and organizational
8 change.

9 2. Obtain technical and practical assistance,
10 information, and guidance.

11 3. Encourage the cooperation and involvement of the
12 private sector.

13 (5)(a) The Department of Juvenile Justice may adopt
14 and put into effect an agricultural and industrial production
15 and marketing program to provide training facilities for
16 persons placed in serious/habitual offender, high-risk
17 residential, and maximum-risk residential programs and
18 facilities under the control and supervision of the
19 department. The emphasis of this program shall be to provide
20 juveniles with useful work experience and appropriate job
21 skills that will facilitate their reentry into society and
22 provide an economic benefit to the public and the department
23 through effective utilization of juveniles.

24 (b) The department is authorized to contract with the
25 private sector for substantial involvement in a juvenile
26 industry program which includes the operation of a direct
27 private sector business within a juvenile facility and the
28 hiring of juvenile workers. The purposes and objectives of
29 this program shall be to:

30
31

1 1. Increase benefits to the general public by
2 reimbursement to the state for a portion of the costs of
3 juvenile residential care.

4 2. Provide purposeful work for juveniles as a means of
5 reducing tensions caused by confinement.

6 3. Increase job skills.

7 4. Provide additional opportunities for rehabilitation
8 of juveniles who are otherwise ineligible to work outside the
9 facilities, such as maximum security juveniles.

10 5. Develop and establish new models for juvenile
11 facility-based businesses which create jobs approximating
12 conditions of private sector employment.

13 6. Draw upon the economic base of operations for
14 disposition to the Crimes Compensation Trust Fund.

15 7. Substantially involve the private sector with its
16 capital, management skills, and expertise in the design,
17 development, and operation of businesses.

18 (c) Notwithstanding any other law to the contrary,
19 including s. 440.15(9), private sector employers shall provide
20 juveniles participating in juvenile work programs under
21 paragraph (b) with workers' compensation coverage, and
22 juveniles shall be entitled to the benefits of such coverage.
23 Nothing in this subsection shall be construed to allow
24 juveniles to participate in unemployment compensation
25 benefits.

26 Section 60. Section 39.067, Florida Statutes, is
27 transferred and renumbered as section 985.316, Florida
28 Statutes.

29 Section 61. Section 39.003, Florida Statutes, 1996
30 Supplement, is transferred, renumbered as section 985.401,
31 Florida Statutes, and amended to read:

1 985.401 ~~39.003~~ Juvenile Justice Advisory Board.--

2 (1) The Juvenile Justice Advisory Board shall be
3 composed of nine members. Members of the board shall have
4 direct experience and a strong interest in juvenile justice
5 issues. The authority to appoint the board is allocated as
6 follows:

7 (a) Three members appointed by the Governor.

8 (b) Three members appointed by the President of the
9 Senate.

10 (c) Three members appointed by the Speaker of the
11 House of Representatives.

12 (2)(a) A full term shall be 3 years, and the term for
13 each seat on the board commences on October 1 and expires on
14 September 30, without regard to the date of appointment. Each
15 appointing authority shall appoint a member to fill one of the
16 three vacancies that occurs with the expiration of terms on
17 September 30 of each year. A member is not eligible for
18 appointment to more than two full, consecutive terms. A
19 vacancy on the board shall be filled within 60 days after the
20 date on which the vacancy occurs. The appointing authority
21 that made the original appointment shall make the appointment
22 to fill a vacancy that occurs for any reason other than the
23 expiration of a term, and the appointment shall be for the
24 remainder of the unexpired term.

25 (b) The board shall annually select a chairperson from
26 among its members.

27 (c) The board shall meet at least once each quarter. A
28 member may not authorize a designee to attend a meeting of the
29 board in place of the member. A member who fails to attend two
30 consecutive regularly scheduled meetings of the board, unless
31 the member is excused by the chairperson, shall be deemed to

1 have abandoned the position, and the position shall be
2 declared vacant by the board.

3 (3)(a) The board members shall serve without
4 compensation, but are entitled to reimbursement for per diem
5 and travel expenses pursuant to s. 112.061.

6 (b) The board shall appoint an executive director and
7 other personnel who are exempt from part II of chapter 110,
8 relating to the Career Service System.

9 (c) The board is assigned, for the purpose of general
10 oversight, to the Joint Legislative Auditing Committee. The
11 board shall develop a budget pursuant to procedures
12 established by the Joint Legislative Auditing Committee.

13 (d) The composition of the board shall be broadly
14 reflective of the public and shall include minorities and
15 women. The term "minorities" as used in this paragraph means a
16 member of a socially or economically disadvantaged group that
17 includes African Americans, Hispanics, and American Indians.
18 Members of the board shall have direct experience and a strong
19 interest in juvenile justice issues.

20 (4) The board shall:

21 (a) Review and recommend programmatic and fiscal
22 policies governing the operation of programs, services, and
23 facilities for which the Department of Juvenile Justice is
24 responsible.

25 (b) Monitor the development and implementation of
26 long-range juvenile justice policies, including prevention,
27 early intervention, diversion, adjudication, and commitment.

28 (c) Monitor all activities of the executive and
29 judicial branch and their effectiveness in implementing
30 policies pursuant to ~~parts II and IV of this chapter.~~

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1 (d) Establish and operate a comprehensive system to
2 annually measure and report program outcome and effectiveness
3 for each program operated by the Department of Juvenile
4 Justice or operated by a provider under contract with the
5 department. The board shall use its evaluation research to
6 make advisory recommendations to the Legislature, the
7 Governor, and the department concerning the effectiveness and
8 future funding priorities of juvenile justice programs.

9 (e) Advise the President of the Senate, the Speaker of
10 the House of Representatives, the Governor, and the department
11 on matters relating to ~~parts II and IV~~ of this chapter.

12 (f) Serve as a clearinghouse to provide information
13 and assistance to the district juvenile justice boards and
14 county juvenile justice councils.

15 (g) Hold public hearings and inform the public of
16 activities of the board and of the Department of Juvenile
17 Justice, as appropriate.

18 (h) Monitor the delivery and use of services,
19 programs, or facilities operated, funded, regulated, or
20 licensed by the Department of Juvenile Justice for juvenile
21 offenders or alleged juvenile offenders, and for prevention,
22 diversion, or early intervention of delinquency, and to
23 develop programs to educate the citizenry about such services,
24 programs, and facilities and about the need and procedure for
25 siting new facilities.

26 (i) Contract for consultants as necessary and
27 appropriate. The board may apply for and receive grants for
28 the purposes of conducting research and evaluation activities.

29 (j) Conduct such other activities as the board may
30 determine are necessary and appropriate to monitor the
31

1 effectiveness of the delivery of juvenile justice programs and
2 services under ~~parts II and IV~~ of this chapter.

3 (k) The board shall submit an annual report to the
4 President of the Senate, the Speaker of the House of
5 Representatives, the Governor, and the secretary of the
6 department not later than February 15 of each calendar year,
7 summarizing the activities and reports of the board for the
8 preceding year, and any recommendations of the board for the
9 following year.

10 (5) Each state agency shall provide assistance when
11 requested by the board. The board shall have access to all
12 records, files, and reports that are material to its duties
13 and that are in the custody of a school board, a law
14 enforcement agency, a state attorney, a public defender, the
15 court, the Department of Children and Family ~~Health and~~
16 ~~Rehabilitative~~ Services, and the department.

17 Section 62. Section 39.085, Florida Statutes, is
18 transferred and renumbered as section 985.402, Florida
19 Statutes.

20 Section 63. Section 39.0572, Florida Statutes, is
21 transferred and renumbered as section 985.403, Florida
22 Statutes.

23 Section 64. Section 39.021, Florida Statutes, 1996
24 Supplement, is transferred, renumbered as section 985.404,
25 Florida Statutes, and amended to read:

26 985.404 ~~39.021~~ Administering the juvenile justice
27 continuum.--

28 (1) The Department of Juvenile Justice shall plan,
29 develop, and coordinate comprehensive services and programs
30 statewide for the prevention, early intervention, control, and
31 rehabilitative treatment of delinquent behavior.

1 (2) The department shall develop and implement an
2 appropriate continuum of care that provides individualized,
3 multidisciplinary assessments, objective evaluations of
4 relative risks, and the matching of needs with placements for
5 all children under its care, and that uses a system of case
6 management to facilitate each child being appropriately
7 assessed, provided with services, and placed in a program that
8 meets the child's needs.

9 (3) The department shall develop or contract for
10 diversified and innovative programs to provide rehabilitative
11 treatment, including early intervention and prevention,
12 diversion, comprehensive intake, case management, diagnostic
13 and classification assessments, individual and family
14 counseling, shelter care, diversified detention care
15 emphasizing alternatives to secure detention, diversified
16 community control, halfway houses, foster homes,
17 community-based substance abuse treatment services,
18 community-based mental health treatment services,
19 community-based residential and nonresidential programs,
20 environmental programs, and programs for serious or habitual
21 juvenile offenders. Each program shall place particular
22 emphasis on reintegration and aftercare for all children in
23 the program.

24 (4) The department may transfer a child, when
25 necessary to appropriately administer the child's commitment,
26 from one facility or program to another facility or program
27 operated, contracted, subcontracted, or designated by the
28 department. The department shall notify the court that
29 committed the child to the department, in writing, of its
30 transfer of the child from a commitment facility or program to
31 another facility or program of a higher or lower

1 restrictiveness level. The court that committed the child may
2 agree to the transfer or may set a hearing to review the
3 transfer. If the court does not respond within 10 days after
4 receipt of the notice, the transfer of the child shall be
5 deemed granted.

6 (5) The department shall maintain continuing
7 cooperation with the Department of Education, the Department
8 of Children and Family ~~Health and Rehabilitative~~ Services, the
9 Department of Labor and Employment Security, and the
10 Department of Corrections for the purpose of participating in
11 agreements with respect to dropout prevention and the
12 reduction of suspensions, expulsions, and truancy; increased
13 access to and participation in GED, vocational, and
14 alternative education programs; and employment training and
15 placement assistance. The cooperative agreements between the
16 departments shall include an interdepartmental plan to
17 cooperate in accomplishing the reduction of inappropriate
18 transfers of children into the adult criminal justice and
19 correctional systems.

20 (6) The department may provide consulting services and
21 technical assistance to courts, law enforcement agencies, and
22 other state agencies, local governments, and public and
23 private organizations, and may develop or assist in developing
24 community interest and action programs relating to
25 intervention against, diversion from, and prevention and
26 treatment of, delinquent behavior.

27 (7) In view of the importance of the basic values of
28 work, responsibility, and self-reliance to a child's return to
29 his or her community, the department may pay a child a
30 reasonable sum of money for work performed while employed in
31 any of the department's work programs. The work programs shall

1 be designed so that the work benefits the department or the
2 state, their properties, or the child's community. Funds for
3 payments shall be provided specifically for salaries pursuant
4 to this subsection, and payments shall be made pursuant to a
5 plan approved or rules adopted by the department.

6 (8) The department shall administer programs and
7 services for children in need of services and families in need
8 of services and shall coordinate its efforts with those of the
9 Federal Government, state agencies, county and municipal
10 governments, private agencies, and child advocacy groups. The
11 department shall establish standards for, providing technical
12 assistance to, and exercising the requisite supervision of,
13 services and programs for children in all state-supported
14 facilities and programs.

15 (9) The department shall ensure that personnel
16 responsible for the care, supervision, and individualized
17 treatment of children are appropriately apprised of the
18 requirements of this part and trained in the specialized areas
19 required to comply with standards established by rule.

20 ~~(10)(a) It is the intent of the Legislature to:~~
21 ~~1. Ensure that information be provided to~~
22 ~~decisionmakers so that resources are allocated to programs of~~
23 ~~the department which achieve desired performance levels.~~
24 ~~2. Provide information about the cost of such programs~~
25 ~~and their differential effectiveness so that the quality of~~
26 ~~such programs can be compared and improvements made~~
27 ~~continually.~~
28 ~~3. Provide information to aid in developing related~~
29 ~~policy issues and concerns.~~

30
31

1 4. ~~Provide information to the public about the~~
2 ~~effectiveness of such programs in meeting established goals~~
3 ~~and objectives.~~

4 5. ~~Provide a basis for a system of accountability so~~
5 ~~that each client is afforded the best programs to meet his or~~
6 ~~her needs.~~

7 6. ~~Improve service delivery to clients.~~

8 7. ~~Modify or eliminate activities that are not~~
9 ~~effective.~~

10 (b) ~~As used in this subsection, the term:~~

11 1. ~~"Client" means any person who is being provided~~
12 ~~treatment or services by the department or by a provider under~~
13 ~~contract with the department.~~

14 2. ~~"Program component" means an aggregation of~~
15 ~~generally related objectives which, because of their special~~
16 ~~character, related workload, and interrelated output, can~~
17 ~~logically be considered an entity for purposes of~~
18 ~~organization, management, accounting, reporting, and~~
19 ~~budgeting.~~

20 3. ~~"Program effectiveness" means the ability of the~~
21 ~~program to achieve desired client outcomes, goals, and~~
22 ~~objectives.~~

23 (c) ~~The department shall:~~

24 1. ~~Establish a comprehensive quality assurance system~~
25 ~~for each program operated by the department or operated by a~~
26 ~~provider under contract with the department. Each contract~~
27 ~~entered into by the department must provide for quality~~
28 ~~assurance.~~

29 2. ~~Provide operational definitions of and criteria for~~
30 ~~quality assurance for each specific program component.~~

31

1 ~~3. Establish quality assurance goals and objectives~~
2 ~~for each specific program component.~~

3 ~~4. Establish the information and specific data~~
4 ~~elements required for the quality assurance program.~~

5 ~~5. Develop a quality assurance manual of specific,~~
6 ~~standardized terminology and procedures to be followed by each~~
7 ~~program.~~

8 ~~6. Evaluate each program operated by a provider under~~
9 ~~a contract with the department and establish minimum~~
10 ~~thresholds for each program component. If a provider fails to~~
11 ~~meet the established minimum thresholds, such failure shall~~
12 ~~cause the department to cancel the provider's contract unless~~
13 ~~the provider achieves compliance with minimum thresholds~~
14 ~~within 6 months or unless there are documented extenuating~~
15 ~~circumstances. In addition, the department may not contract~~
16 ~~with the same provider for the canceled service for a period~~
17 ~~of 12 months.~~

18
19 ~~The department shall submit an annual report to the President~~
20 ~~of the Senate, the Speaker of the House of Representatives,~~
21 ~~the Minority Leader of each house of the Legislature, the~~
22 ~~appropriate substantive and appropriations committees of each~~
23 ~~house of the Legislature, and the Governor, no later than~~
24 ~~February 1 of each year. The annual report must contain, at a~~
25 ~~minimum, for each specific program component: a comprehensive~~
26 ~~description of the population served by the program; a~~
27 ~~specific description of the services provided by the program;~~
28 ~~cost; a comparison of expenditures to federal and state~~
29 ~~funding; immediate and long-range concerns; and~~
30 ~~recommendations to maintain, expand, improve, modify, or~~
31 ~~eliminate each program component so that changes in services~~

1 ~~lead to enhancement in program quality. The department's~~
2 ~~inspector general shall ensure the reliability and validity of~~
3 ~~the information contained in the report.~~

4 ~~(11) The department shall collect and analyze~~
5 ~~available statistical data for the purpose of ongoing~~
6 ~~evaluation of all programs. The department shall provide the~~
7 ~~Legislature with necessary information and reports to enable~~
8 ~~the Legislature to make informed decisions regarding the~~
9 ~~effectiveness of, and any needed changes in, services,~~
10 ~~programs, policies, and laws.~~

11 (10)~~(12)~~ The department shall annually collect and
12 report cost data for every program operated or contracted by
13 the department. The cost data shall conform to a format
14 approved by the department and the Legislature. Uniform cost
15 data shall be reported and collected for state-operated and
16 contracted programs so that comparisons can be made among
17 programs. The department shall ensure that there is accurate
18 cost accounting for state-operated services including
19 market-equivalent rent and other shared cost. The cost of the
20 educational program provided to a residential facility shall
21 be reported and included in the cost of a program. The
22 department shall submit an annual cost report to the President
23 of the Senate, the Speaker of the House of Representatives,
24 the Minority Leader of each house of the Legislature, the
25 appropriate substantive and appropriations committees of each
26 house of the Legislature, and the Governor, no later than
27 February 1 of each year. Cost-benefit analysis for educational
28 programs will be developed and implemented in collaboration
29 with the Department of Education and will use current data
30 sources whenever possible.

31

1 (11)~~(13)~~ The Department of Juvenile Justice in
2 consultation with the Juvenile Justice Advisory Board and
3 providers shall develop a cost-benefit model and apply the
4 model to each commitment program. Program recommitment rates
5 shall be a component of the model. The cost-benefit model
6 shall compare program costs to benefits to produce a
7 cost-benefit ratio. A report ranking commitment programs
8 based on cost-benefit ratios shall be submitted to the
9 appropriate substantive and appropriations committees of each
10 house of the Legislature, no later than December 31 of each
11 year. It is the intent of the Legislature that continual
12 development efforts take place to improve the validity and
13 reliability of the cost-benefit model.

14 (12)~~(14)~~(a) The department shall operate a statewide,
15 regionally administered system of detention services for
16 children, in accordance with a comprehensive plan for the
17 regional administration of all detention services in the
18 state. The plan must provide for the maintenance of adequate
19 availability of detention services for all counties. The plan
20 must cover the department's 15 service districts, with each
21 service district having a secure facility and nonsecure and
22 home detention programs, and the plan may be altered or
23 modified by the Department of Juvenile Justice as necessary.

24 (b) The department shall adopt rules prescribing
25 standards and requirements with reference to:

26 1. The construction, equipping, maintenance, staffing,
27 programming, and operation of detention facilities;

28 2. The treatment, training, and education of children
29 confined in detention facilities;

30 3. The cleanliness and sanitation of detention
31 facilities;

1 4. The number of children who may be housed in
2 detention facilities per specified unit of floor space;

3 5. The quality, quantity, and supply of bedding
4 furnished to children housed in detention facilities;

5 6. The quality, quantity, and diversity of food served
6 in detention facilities and the manner in which it is served;

7 7. The furnishing of medical attention and health and
8 comfort items in detention facilities; and

9 8. The disciplinary treatment administered in
10 detention facilities.

11 (c) The rules must provide that the time spent by a
12 child in a detention facility must be devoted to educational
13 training and other types of self-motivation and development.
14 The use of televisions, radios, and audioplayers shall be
15 restricted to educational programming. However, the manager of
16 a detention facility may allow noneducational programs to be
17 used as a reward for good behavior. Exercise must be
18 structured and calisthenic and aerobic in nature and may
19 include weight lifting.

20 (d) Each programmatic, residential, and service
21 contract or agreement entered into by the department must
22 include a cooperation clause for purposes of complying with
23 the department's quality assurance requirements,
24 cost-accounting requirements, and the program
25 outcome-evaluation requirements.

26 Section 65. Section 985.405, Florida Statutes, is
27 created to read:

28 985.405 Rules for implementation.--The Department of
29 Juvenile Justice shall adopt rules for the efficient and
30 effective management of all programs, services, facilities,
31 and functions necessary for implementing this chapter. Such

1 rules may not conflict with the Florida Rules of Juvenile
2 Procedure. All rules and policies must conform to accepted
3 standards of care and treatment.

4 Section 66. Section 39.024, Florida Statutes, is
5 transferred and renumbered as section 985.406, Florida
6 Statutes.

7 Section 67. Section 39.076, Florida Statutes, 1996
8 Supplement, is transferred and renumbered as section 985.407,
9 Florida Statutes.

10 Section 68. Section 39.075, Florida Statutes, is
11 transferred and renumbered as section 985.408, Florida
12 Statutes.

13 Section 69. Section 985.409, Florida Statutes, is
14 created to read:

15 985.409 Participation of certain programs in the
16 Florida Casualty Insurance Risk Management Trust
17 Fund.--Pursuant to s. 284.30, the Division of Risk Management
18 of the Department of Insurance is authorized to insure a
19 private agency, individual, or corporation operating a
20 state-owned training school under a contract to carry out the
21 purposes and responsibilities of any program of the
22 department. The coverage authorized herein shall be under the
23 same general terms and conditions as the department is insured
24 for its responsibilities under chapter 284.

25 Section 70. Section 39.074, Florida Statutes, 1996
26 Supplement, is transferred and renumbered as section 985.41,
27 Florida Statutes.

28 Section 71. Section 39.0215, Florida Statutes, is
29 transferred, renumbered as section 985.411, Florida Statutes,
30 and amended to read:

31

1 985.411 ~~39.0215~~ Administering county and municipal
2 delinquency programs and facilities.--

3 (1) A county or municipal government may plan,
4 develop, and coordinate services and programs for the control
5 and rehabilitative treatment of delinquent behavior.

6 (2) A county or municipal government may develop or
7 contract for innovative programs which provide rehabilitative
8 treatment with particular emphasis on reintegration and
9 aftercare for all children in the program, including halfway
10 houses and community-based substance abuse treatment services,
11 mental health treatment services, residential and
12 nonresidential programs, environmental programs, and programs
13 for serious or habitual juvenile offenders.

14 (3) A county or municipal government developing or
15 contracting for a local program pursuant to this section is
16 responsible for all costs associated with the establishment,
17 operation, and maintenance of the program.

18 (4) In accordance with rules adopted by the
19 department, a county or municipal government may transfer a
20 child, when necessary to appropriately administer the child's
21 commitment, from one facility or program operated, contracted,
22 or subcontracted by the county or municipal government to
23 another such facility or program.

24 (5) In view of the importance of the basic value of
25 work, responsibility, and self-reliance to a child's
26 rehabilitation within his or her community, a county or
27 municipal government may provide work programs for delinquent
28 children and may pay a child a reasonable sum of money for
29 work performed while employed in any such work program. The
30 work involved in such work programs must be designed to

31

1 benefit the county or municipal government, the local
2 community, or the state.

3 (6) A county or municipal government developing or
4 contracting for a local program pursuant to this section is
5 responsible for following state law and department rules
6 relating to children's delinquency services and for the
7 coordination of its efforts with those of the Federal
8 Government, state agencies, private agencies, and child
9 advocacy groups providing such services.

10 (7) The department is required to conduct quarterly
11 inspections and evaluations of each county or municipal
12 government juvenile delinquency program to determine whether
13 the program complies with department rules for continued
14 operation of the program. The department shall charge, and
15 the county or municipal government shall pay, a monitoring fee
16 equal to 0.5 percent of the direct operating costs of the
17 program. The operation of a program which fails to pass the
18 department's quarterly inspection and evaluation, if the
19 deficiency causing the failure is material, must be terminated
20 if such deficiency is not corrected by the next quarterly
21 inspection.

22 (8) A county or municipal government providing a local
23 program pursuant to this section shall ensure that personnel
24 responsible for the care, supervision, and treatment of
25 children in the program are apprised of the requirements of
26 this section and appropriately trained to comply with
27 department rules.

28 (9) A county or municipal government may establish and
29 operate a juvenile detention facility in compliance with this
30 section, if such facility is certified by the department.

31

1 (a) The department shall evaluate the county or
2 municipal government detention facility to determine whether
3 the facility complies with the department's rules prescribing
4 the standards and requirements for the operation of a juvenile
5 detention facility. The rules for certification of secure
6 juvenile detention facilities operated by county or municipal
7 governments must be consistent with the rules for
8 certification of secure juvenile detention facilities operated
9 by the department.

10 (b) The department is required to conduct quarterly
11 inspections and evaluations of each county or municipal
12 government juvenile detention facility to determine whether
13 the facility complies with the department's rules for
14 continued operation. The department shall charge, and the
15 county or municipal government shall pay, a monitoring fee
16 equal to 0.5 percent of the direct operating costs of the
17 program. The operation of a facility which fails to pass the
18 department's quarterly inspection and evaluation, if the
19 deficiency causing the failure is material, must be terminated
20 if such deficiency is not corrected by the next quarterly
21 inspection.

22 (c) A county or municipal government operating a local
23 juvenile detention facility pursuant to this section is
24 responsible for all costs associated with the establishment,
25 operation, and maintenance of the facility.

26 (d) Only children who reside within the jurisdictional
27 boundaries of the county or municipal government operating the
28 juvenile detention facility and children who are detained for
29 committing an offense within the jurisdictional boundaries of
30 the county or municipal government operating the facility may
31 be held in the facility.

1 (e) A child may be placed in a county or municipal
2 government juvenile detention facility only when:

- 3 1. The department's regional juvenile detention
4 facility is filled to capacity;
5 2. The safety of the child dictates; or
6 3. Otherwise ordered by a court.

7 (f) A child who is placed in a county or municipal
8 government juvenile detention facility must meet the detention
9 criteria as established in this chapter.

10 (10)(a) The department may institute injunctive
11 proceedings in a court of competent jurisdiction against a
12 county or municipality to:

- 13 1. Enforce the provisions of this chapter or a minimum
14 standard, rule, regulation, or order issued or entered
15 pursuant thereto; or
16 2. Terminate the operation of a facility operated
17 pursuant to this section.

18 (b) The department may institute proceedings against a
19 county or municipality to terminate the operation of a
20 facility when any of the following conditions exist:

- 21 1. The facility fails to take preventive or corrective
22 measures in accordance with any order of the department.
23 2. The facility fails to abide by any final order of
24 the department once it has become effective and binding.
25 3. The facility commits any violation of this section
26 constituting an emergency requiring immediate action as
27 provided in this chapter.
28 4. The facility has willfully and knowingly refused to
29 comply with the screening requirement for personnel pursuant
30 to s. 985.01 ~~39-001~~ or has refused to dismiss personnel found
31

1 to be in noncompliance with the requirements for good moral
2 character.

3 (c) Injunctive relief may include temporary and
4 permanent injunctions.

5 Section 72. Section 985.412, Florida Statutes, is
6 created to read:

7 985.412 Quality assurance.--

8 (1)(a) It is the intent of the Legislature to:

9 1. Ensure that information be provided to
10 decisionmakers so that resources are allocated to programs of
11 the department which achieve desired performance levels.

12 2. Provide information about the cost of such programs
13 and their differential effectiveness so that the quality of
14 such programs can be compared and improvements made
15 continually.

16 3. Provide information to aid in developing related
17 policy issues and concerns.

18 4. Provide information to the public about the
19 effectiveness of such programs in meeting established goals
20 and objectives.

21 5. Provide a basis for a system of accountability so
22 that each client is afforded the best programs to meet his or
23 her needs.

24 6. Improve service delivery to clients.

25 7. Modify or eliminate activities that are not
26 effective.

27 (b) As used in this subsection, the term:

28 1. "Client" means any person who is being provided
29 treatment or services by the department or by a provider under
30 contract with the department.

31

1 2. "Program component" means an aggregation of
2 generally related objectives which, because of their special
3 character, related workload, and interrelated output, can
4 logically be considered an entity for purposes of
5 organization, management, accounting, reporting, and
6 budgeting.

7 3. "Program effectiveness" means the ability of the
8 program to achieve desired client outcomes, goals, and
9 objectives.

10 (c) The department shall:

11 1. Establish a comprehensive quality assurance system
12 for each program operated by the department or operated by a
13 provider under contract with the department. Each contract
14 entered into by the department must provide for quality
15 assurance.

16 2. Provide operational definitions of and criteria for
17 quality assurance for each specific program component.

18 3. Establish quality assurance goals and objectives
19 for each specific program component.

20 4. Establish the information and specific data
21 elements required for the quality assurance program.

22 5. Develop a quality assurance manual of specific,
23 standardized terminology and procedures to be followed by each
24 program.

25 6. Evaluate each program operated by a provider under
26 a contract with the department and establish minimum
27 thresholds for each program component. If a provider fails to
28 meet the established minimum thresholds, such failure shall
29 cause the department to cancel the provider's contract unless
30 the provider achieves compliance with minimum thresholds
31 within 6 months or unless there are documented extenuating

1 circumstances. In addition, the department may not contract
2 with the same provider for the canceled service for a period
3 of 12 months.

4
5 The department shall submit an annual report to the President
6 of the Senate, the Speaker of the House of Representatives,
7 the Minority Leader of each house of the Legislature, the
8 appropriate substantive and fiscal committees of each house of
9 the Legislature, and the Governor, no later than February 1 of
10 each year. The annual report must contain, at a minimum, for
11 each specific program component: a comprehensive description
12 of the population served by the program; a specific
13 description of the services provided by the program; cost; a
14 comparison of expenditures to federal and state funding;
15 immediate and long-range concerns; and recommendations to
16 maintain, expand, improve, modify, or eliminate each program
17 component so that changes in services lead to enhancement in
18 program quality. The department's inspector general shall
19 ensure the reliability and validity of the information
20 contained in the report.

21 (2) The department shall collect and analyze available
22 statistical data for the purpose of ongoing evaluation of all
23 programs. The department shall provide the Legislature with
24 necessary information and reports to enable the Legislature to
25 make informed decisions regarding the effectiveness of, and
26 any needed changes in, services, programs, policies, and laws.

27 Section 73. Section 39.025, Florida Statutes, 1996
28 Supplement, is transferred, renumbered as section 985.413,
29 Florida Statutes, and amended to read:

30 985.413 ~~39.025~~ District juvenile justice boards.--

31

1 ~~(1) SHORT TITLE.--This section may be cited as the~~
2 ~~"Community Juvenile Justice System Act."~~
3 (1)~~(2)~~ FINDINGS.--The Legislature finds that the
4 number of children suspended or expelled from school is
5 growing at an alarming rate; that juvenile crime is growing at
6 an alarming rate; and that there is a direct relationship
7 between the increasing number of children suspended or
8 expelled from school and the rising crime rate. The
9 Legislature further finds that the problem of school safety
10 cannot be solved solely by suspending or expelling students,
11 nor can the public be protected from juvenile crime merely by
12 incarcerating juvenile delinquents, but that school and law
13 enforcement authorities must work in cooperation with the
14 Department of Juvenile Justice, the Department of Children and
15 Family Health and Rehabilitative Services, and other community
16 representatives in a partnership that coordinates goals,
17 strategies, resources, and evaluation of outcomes. The
18 Legislature finds that where such partnerships exist the
19 participants believe that such efforts are beneficial to the
20 community and should be encouraged elsewhere.

21 (2)~~(3)~~ INTENT.--The Legislature recognizes that,
22 despite the large investment of resources committed to address
23 the needs of the criminal justice system of this state, the
24 crime rate continues to increase, overcrowding the state's
25 juvenile detention centers, jails, and prisons and placing the
26 state in jeopardy of being unable to effectively manage these
27 facilities. The economic cost of crime to the state continues
28 to drain existing resources, and the cost to victims, both
29 economic and psychological, is traumatic and tragic. The
30 Legislature further recognizes that many adults in the
31 criminal justice system were once delinquents in the juvenile

1 justice system. The Legislature also recognizes that the most
2 effective juvenile delinquency programs are programs that not
3 only prevent children from entering the juvenile justice
4 system, but also meet local community needs and have
5 substantial community involvement and support. Therefore, it
6 is the belief of the Legislature that one of the best
7 investments of the scarce resources available to combat crime
8 is in the prevention of delinquency, including prevention of
9 criminal activity by youth gangs, with special emphasis on
10 structured and well-supervised alternative education programs
11 for children suspended or expelled from school. It is the
12 intent of the Legislature to authorize and encourage each of
13 the counties of the state to establish a comprehensive
14 juvenile justice plan based upon the input of representatives
15 of every affected public or private entity, organization, or
16 group. It is the further intent of the Legislature that
17 representatives of school systems, the judiciary, law
18 enforcement, and the Department of Juvenile Justice acquire a
19 thorough understanding of the role and responsibility that
20 each has in addressing juvenile crime in the community, that
21 the county juvenile justice plan reflect an understanding of
22 the legal and fiscal limits within which the plan must be
23 implemented, and that willingness of the parties to cooperate
24 and collaborate in implementing the plan be explicitly stated.
25 It is the further intent of the Legislature that county
26 juvenile justice plans form the basis of and be integrated
27 into district juvenile justice plans and that the prevention
28 and treatment resources at the county, district, and regional
29 levels be utilized to the maximum extent possible to implement
30 and further the goals of their respective plans.

31 ~~(4) DEFINITIONS. As used in this section:~~

1 ~~(a) "Juvenile justice continuum" includes, but is not~~
2 ~~limited to, delinquency prevention programs and services~~
3 ~~designed for the purpose of preventing or reducing delinquent~~
4 ~~acts, including criminal activity by youth gangs, and juvenile~~
5 ~~arrests, as well as programs and services targeted at children~~
6 ~~who have committed delinquent acts, and children who have~~
7 ~~previously been committed to residential treatment programs~~
8 ~~for delinquents. The term includes~~
9 ~~children-in-need-of-services and families-in-need-of-services~~
10 ~~programs; aftercare and reentry services; substance abuse and~~
11 ~~mental health programs; educational and vocational programs;~~
12 ~~recreational programs; community services programs; community~~
13 ~~service work programs; and alternative dispute resolution~~
14 ~~programs serving children at risk of delinquency and their~~
15 ~~families, whether offered or delivered by state or local~~
16 ~~governmental entities, public or private for-profit or~~
17 ~~not-for-profit organizations, or religious or charitable~~
18 ~~organizations.~~

19 ~~(b) "Department" means the Department of Juvenile~~
20 ~~Justice.~~

21 ~~(c) "District" means a service district of the~~
22 ~~Department of Juvenile Justice.~~

23 ~~(d) "District administrator" means the chief operating~~
24 ~~officer of each service district of the Department of Health~~
25 ~~and Rehabilitative Services as defined in s. 20.19(6), and,~~
26 ~~where appropriate, includes each district administrator whose~~
27 ~~service district falls within the boundaries of a judicial~~
28 ~~circuit.~~

29 ~~(e) "Circuit" means any of the twenty judicial~~
30 ~~circuits as set forth in s. 26.021.~~

31

1 ~~(f) "Health and human services board" means the body~~
2 ~~created in each service district of the Department of Health~~
3 ~~and Rehabilitative Services pursuant to the provisions of s.~~
4 ~~20.19(7).~~

5 ~~(g) "District juvenile justice manager" means the~~
6 ~~person appointed by the Secretary of Juvenile Justice,~~
7 ~~responsible for planning, managing, and evaluating all~~
8 ~~juvenile justice continuum programs and services delivered or~~
9 ~~funded by the Department of Juvenile Justice within the~~
10 ~~district.~~

11 ~~(h) "Authority" means the Florida Motor Vehicle Theft~~
12 ~~Prevention Authority established in s. 860.154.~~

13 ~~(5) COUNTY JUVENILE JUSTICE COUNCILS.--~~

14 ~~(a) A county juvenile justice council is authorized in~~
15 ~~each county for the purpose of encouraging the initiation of,~~
16 ~~or supporting ongoing, interagency cooperation and~~
17 ~~collaboration in addressing juvenile crime. A county juvenile~~
18 ~~justice council must include:~~

19 ~~1. The district school superintendent, or the~~
20 ~~superintendent's designee.~~

21 ~~2. The chair of the board of county commissioners, or~~
22 ~~the chair's designee.~~

23 ~~3. An elected official of the governing body of a~~
24 ~~municipality within the county.~~

25 ~~4. Representatives of the local school system~~
26 ~~including administrators, teachers, school counselors, and~~
27 ~~parents.~~

28 ~~5. The district juvenile justice manager and the~~
29 ~~district administrator of the Department of Health and~~
30 ~~Rehabilitative Services, or their respective designees.~~

31

1 ~~6. Representatives of local law enforcement agencies,~~
2 ~~including the sheriff or the sheriff's designee.~~

3 ~~7. Representatives of the judicial system, including,~~
4 ~~but not limited to, the chief judge of the circuit, the state~~
5 ~~attorney, the public defender, the clerk of the circuit court,~~
6 ~~or their respective designees.~~

7 ~~8. Representatives of the business community.~~

8 ~~9. Representatives of any other interested officials,~~
9 ~~groups, or entities including, but not limited to, a~~
10 ~~children's services council, public or private providers of~~
11 ~~juvenile justice programs and services, students, and~~
12 ~~advocates.~~

13

14 ~~A juvenile delinquency and gang prevention council or any~~
15 ~~other group or organization that currently exists in any~~
16 ~~county, and that is composed of and open to representatives of~~
17 ~~the classes of members described in this section, may notify~~
18 ~~the district juvenile justice manager of its desire to be~~
19 ~~designated as the county juvenile justice council.~~

20 ~~(b) The purpose of a county juvenile justice council~~
21 ~~is to provide a forum for the development of a community-based~~
22 ~~interagency assessment of the local juvenile justice system,~~
23 ~~to develop a county juvenile justice plan for more effectively~~
24 ~~preventing juvenile delinquency, and to make recommendations~~
25 ~~for more effectively utilizing existing community resources in~~
26 ~~dealing with juveniles who are truant or have been suspended~~
27 ~~or expelled from school, or who are found to be involved in~~
28 ~~crime. The county juvenile justice plan shall include relevant~~
29 ~~portions of local crime prevention and public safety plans,~~
30 ~~school improvement and school safety plans, and the plans or~~
31 ~~initiatives of other public and private entities within the~~

1 ~~county that are concerned with dropout prevention, school~~
2 ~~safety, the prevention of juvenile crime and criminal activity~~
3 ~~by youth gangs, and alternatives to suspension, expulsion, and~~
4 ~~detention for children found in contempt of court.~~

5 ~~(c) The duties and responsibilities of a county~~
6 ~~juvenile justice council include, but are not limited to:~~

7 ~~1. Developing a county juvenile justice plan based~~
8 ~~upon utilization of the resources of law enforcement, the~~
9 ~~school system, the Department of Juvenile Justice, the~~
10 ~~Department of Health and Rehabilitative Services, and others~~
11 ~~in a cooperative and collaborative manner to prevent or~~
12 ~~discourage juvenile crime and develop meaningful alternatives~~
13 ~~to school suspensions and expulsions.~~

14 ~~2. Entering into a written county interagency~~
15 ~~agreement specifying the nature and extent of contributions~~
16 ~~each signatory agency will make in achieving the goals of the~~
17 ~~county juvenile justice plan and their commitment to the~~
18 ~~sharing of information useful in carrying out the goals of the~~
19 ~~interagency agreement to the extent authorized by law.~~

20 ~~3. Applying for and receiving public or private~~
21 ~~grants, to be administered by one of the community partners,~~
22 ~~that support one or more components of the county juvenile~~
23 ~~justice plan.~~

24 ~~4. Designating the county representatives to the~~
25 ~~district juvenile justice board pursuant to subsection (6).~~

26 ~~5. Providing a forum for the presentation of~~
27 ~~interagency recommendations and the resolution of~~
28 ~~disagreements relating to the contents of the county~~
29 ~~interagency agreement or the performance by the parties of~~
30 ~~their respective obligations under the agreement.~~

31

1 ~~6. Assisting and directing the efforts of local~~
2 ~~community support organizations and volunteer groups in~~
3 ~~providing enrichment programs and other support services for~~
4 ~~clients of local juvenile detention centers.~~

5 ~~7. Providing an annual report and recommendations to~~
6 ~~the district juvenile justice board, the Juvenile Justice~~
7 ~~Advisory Board, and the district juvenile justice manager.~~

8 (3)~~(6)~~ DISTRICT JUVENILE JUSTICE BOARDS.--

9 (a) There is created a district juvenile justice board
10 within each district to be composed of representatives of
11 county juvenile justice councils within the district.

12 (b)1.

13 a. The authority to appoint members to district
14 juvenile justice boards, and the size of each board, is as
15 follows:

16 (I) District 1 is to have a board composed of 12
17 members, to be appointed by the juvenile justice councils of
18 the respective counties, as follows: Escambia County, 6
19 members; Okaloosa County, 3 members; Santa Rosa County, 2
20 members; and Walton County, 1 member.

21 (II) District 2 is to have a board composed of 18
22 members, to be appointed by the juvenile justice councils in
23 the respective counties, as follows: Holmes County, 1 member;
24 Washington County, 1 member; Bay County, 2 members; Jackson
25 County, 1 member; Calhoun County, 1 member; Gulf County, 1
26 member; Gadsden County, 1 member; Franklin County, 1 member;
27 Liberty County, 1 member; Leon County, 4 members; Wakulla
28 County, 1 member; Jefferson County, 1 member; Madison County,
29 1 member; and Taylor County, 1 member.

30 (III) District 3 is to have a board composed of 15
31 members, to be appointed by the juvenile justice councils of

1 the respective counties, as follows: Hamilton County, 1
2 member; Suwannee County, 1 member; Lafayette County, 1 member;
3 Dixie County, 1 member; Columbia County, 1 member; Gilchrist
4 County, 1 member; Levy County, 1 member; Union County, 1
5 member; Bradford County, 1 member; Putnam County, 1 member;
6 and Alachua County, 5 members.

7 (IV) District 4 is to have a board composed of 12
8 members, to be appointed by the juvenile justice councils of
9 the respective counties, as follows: Baker County, 1 member;
10 Nassau County, 1 member; Duval County, 7 members; Clay County,
11 2 members; and St. Johns County, 1 member.

12 (V) District 5 is to have a board composed of 12
13 members, to be appointed by the juvenile justice councils of
14 the respective counties, as follows: Pasco County, 3 members;
15 and Pinellas County, 9 members.

16 (VI) District 6 is to have a board composed of 12
17 members, to be appointed by the juvenile justice councils of
18 the respective counties, as follows: Hillsborough County, 9
19 members; and Manatee County, 3 members.

20 (VII) District 7 is to have a board composed of 12
21 members, to be appointed by the juvenile justice councils of
22 the respective counties, as follows: Seminole County, 3
23 members; Orange County, 5 members; Osceola County, 1 member;
24 and Brevard County, 3 members.

25 (VIII) District 8 is to have a board composed of 12
26 members, to be appointed by the juvenile justice councils of
27 the respective counties, as follows: Sarasota County, 3
28 members; DeSoto County, 1 member; Charlotte County, 1 member;
29 Lee County, 3 members; Glades County, 1 member; Hendry County,
30 1 member; and Collier County, 2 members.

31

1 (IX) District 9 is to have a board composed of 12
2 members, to be appointed by the juvenile justice council of
3 Palm Beach County.

4 (X) District 10 is to have a board composed of 12
5 members, to be appointed by the juvenile justice council of
6 Broward County.

7 (XI) District 11 is to have a juvenile justice board
8 composed of 12 members to be appointed by the juvenile justice
9 council in the respective counties, as follows: Dade County,
10 6 members and Monroe County, 6 members.

11 (XII) District 12 is to have a board composed of 12
12 members, to be appointed by the juvenile justice council of
13 the respective counties, as follows: Flagler County, 3
14 members; and Volusia County, 9 members.

15 (XIII) District 13 is to have a board composed of 12
16 members, to be appointed by the juvenile justice councils of
17 the respective counties, as follows: Marion County, 4 members;
18 Citrus County, 2 members; Hernando County, 2 members; Sumter
19 County, 1 member; and Lake County, 3 members.

20 (XIV) District 14 is to have a board composed of 12
21 members, to be appointed by the juvenile justice councils of
22 the respective counties, as follows: Polk County, 9 members;
23 Highlands County, 2 members; and Hardee County, 1 member.

24 (XV) District 15 is to have a board composed of 12
25 members, to be appointed by the juvenile justice councils of
26 the respective counties, as follows: Indian River County, 3
27 members; Okeechobee County, 1 member; St. Lucie County, 5
28 members; and Martin County, 3 members.

29
30 The district health and human services board in each district
31 may appoint one of its members to serve as an ex officio

1 member of the district juvenile justice board established
2 under this sub-subparagraph.

3 b. In any judicial circuit where a juvenile
4 delinquency and gang prevention council exists on the date
5 this act becomes law, and where the circuit and district or
6 subdistrict boundaries are identical, such council shall
7 become the district juvenile justice board, and shall
8 thereafter have the purposes and exercise the authority and
9 responsibilities provided in this section.

10 2. At any time after the adoption of initial bylaws
11 pursuant to paragraph (c), a district juvenile justice board
12 may adopt a bylaw to enlarge the size, by no more than three
13 members, and composition of the board to adequately reflect
14 the diversity of the population and community organizations in
15 the district.

16 3. ~~In order to create staggered terms, the initial~~
17 ~~terms of members of the district juvenile justice board~~
18 ~~appointed by the county juvenile justice council in the most~~
19 ~~populous county of the district shall expire on June 30, 1995.~~
20 ~~The initial terms of members appointed by other county~~
21 ~~councils shall expire on June 30, 1996. Thereafter, All~~
22 appointments shall be for 2-year terms. Appointments to fill
23 vacancies created by death, resignation, or removal of a
24 member are for the unexpired term. A member may not serve more
25 than two full consecutive terms; however, this limitation does
26 not apply in any district in which a juvenile delinquency and
27 gang prevention council that existed on May 7, 1993, became
28 the district juvenile justice board.

29 4. A member who is absent for three meetings within
30 any 12-month period, without having been excused by the chair,
31 is deemed to have resigned, and the board shall immediately

1 declare the seat vacant. Members may be suspended or removed
2 for cause by a majority vote of the board members or by the
3 Governor.

4 5. Members are subject to the provisions of chapter
5 112, part III, Code of Ethics for Public Officers and
6 Employees.

7 (c) Upon the completion of the appointment process,
8 the district juvenile justice manager shall schedule an
9 organizational meeting of the board. At the organizational
10 meeting, or as soon thereafter as is practical, the board
11 shall adopt bylaws and rules of procedure for the operation of
12 the board, provided such bylaws and rules are not inconsistent
13 with federal and state laws or county ordinances. The bylaws
14 shall provide for such officers and committees as the board
15 deems necessary, and shall specify the qualifications, method
16 of selection, and term for each office created.

17 (d) A district juvenile justice board has the purpose,
18 power, and duty to:

19 1. Advise the district juvenile justice manager and
20 the district administrator on the need for and the
21 availability of juvenile justice programs and services in the
22 district.

23 2. Develop a district juvenile justice plan that is
24 based upon the juvenile justice plans developed by each county
25 within the district, and that addresses the needs of each
26 county within the district.

27 3. Develop a district interagency cooperation and
28 information-sharing agreement that supplements county
29 agreements and expands the scope to include appropriate
30 circuit and district officials and groups.

31

1 4. Coordinate the efforts of the district juvenile
2 justice board with the activities of the Governor's Juvenile
3 Justice and Delinquency Prevention Advisory Committee and
4 other public and private entities.

5 5. Advise and assist the district juvenile justice
6 manager in the provision of optional, innovative delinquency
7 services in the district to meet the unique needs of
8 delinquent children and their families.

9 6. Develop, in consultation with the district juvenile
10 justice manager, funding sources external to the Department of
11 Juvenile Justice for the provision and maintenance of
12 additional delinquency programs and services. The board may,
13 either independently or in partnership with one or more county
14 juvenile justice councils or other public or private entities,
15 apply for and receive funds, under contract or other funding
16 arrangement, from federal, state, county, city, and other
17 public agencies, and from public and private foundations,
18 agencies, and charities for the purpose of funding optional
19 innovative prevention, diversion, or treatment services in the
20 district for delinquent children and children at risk of
21 delinquency, and their families. To aid in this process, the
22 department shall provide fiscal agency services for the
23 councils.

24 7. Educate the community about and assist in the
25 community juvenile justice partnership grant program
26 administered by the Department of Juvenile Justice.

27 8. Advise the district health and human services
28 board, the district juvenile justice manager, and the
29 Secretary of Juvenile Justice regarding the development of the
30 legislative budget request for juvenile justice programs and
31 services in the district and the commitment region, and, in

1 coordination with the district health and human services
2 board, make recommendations, develop programs, and provide
3 funding for prevention and early intervention programs and
4 services designed to serve children in need of services,
5 families in need of services, and children who are at risk of
6 delinquency within the district or region.

7 9. Assist the district juvenile justice manager in
8 collecting information and statistical data useful in
9 assessing the need for prevention programs and services within
10 the juvenile justice continuum program in the district.

11 10. Make recommendations with respect to, and monitor
12 the effectiveness of, the judicial administrative plan for
13 each circuit pursuant to Rule 2.050, Florida Rules of Judicial
14 Administration.

15 11. Provide periodic reports to the health and human
16 services board in the appropriate district of the Department
17 of Children and Family ~~Health and Rehabilitative~~ Services.
18 These reports must contain, at a minimum, data about the
19 clients served by the juvenile justice programs and services
20 in the district, as well as data concerning the unmet needs of
21 juveniles within the district.

22 12. Provide a written annual report on the activities
23 of the board to the district administrator, the Secretary of
24 Juvenile Justice, and the Juvenile Justice Advisory Board. The
25 report should include an assessment of the effectiveness of
26 juvenile justice continuum programs and services within the
27 district, recommendations for elimination, modification, or
28 expansion of existing programs, and suggestions for new
29 programs or services in the juvenile justice continuum that
30 would meet identified needs of children and families in the
31 district.

1 (e) Contingent upon legislative appropriation, the
2 department shall provide funding for a minimum of one
3 full-time position for a staff person to work with the
4 district juvenile justice boards.

5 (f) The secretary shall hold quarterly meetings with
6 chairpersons of the district juvenile justice board in order
7 to:

8 1. Advise juvenile justice board chairs of statewide
9 juvenile justice issues and activities.

10 2. Provide feedback on district budget priorities.

11 3. Obtain input into the strategic planning process.

12 4. Discuss program development, program
13 implementation, and quality assurance.

14 (4)~~(7)~~ DISTRICT JUVENILE JUSTICE PLAN; PROGRAMS.--

15 (a) A district juvenile justice plan is authorized in
16 each district or any subdivision of the district authorized by
17 the district juvenile justice board for the purpose of
18 reducing delinquent acts, juvenile arrests, and gang activity.
19 Juvenile justice programs under such plan may be administered
20 by the Department of Juvenile Justice; the district school
21 board; a local law enforcement agency; or any other public or
22 private entity, in cooperation with appropriate state or local
23 governmental entities and public and private agencies. A
24 juvenile justice program under this section may be planned,
25 implemented, and conducted in any district pursuant to a
26 proposal developed and approved as specified in s. 985.415
27 ~~subsection (8)~~.

28 (b) District juvenile justice plans shall be developed
29 by district juvenile justice boards in close cooperation with
30 the schools, the courts, the state attorney, law enforcement,
31 state agencies, and community organizations and groups. It is

1 the intent of the Legislature that representatives of all
2 elements of the community acquire a thorough understanding of
3 the role and responsibility that each has in addressing
4 juvenile crime in the community, and that the district
5 juvenile justice plan reflect an understanding of the legal
6 and fiscal limits within which the plan must be implemented.

7 (c) The district juvenile justice board may use public
8 hearings and other appropriate processes to solicit input
9 regarding the development and updating of the district
10 juvenile justice plan. Input may be provided by parties which
11 include, but are not limited to:

12 1. Local level public and private service providers,
13 advocacy organizations, and other organizations working with
14 delinquent children.

15 2. County and municipal governments.

16 3. State agencies that provide services to children
17 and their families.

18 4. University youth centers.

19 5. Judges, state attorneys, public defenders, and The
20 Florida Bar.

21 6. Victims of crimes committed by children.

22 7. Law enforcement.

23 8. Delinquent children and their families and
24 caregivers.

25
26 The district juvenile justice board must develop its district
27 juvenile justice plan in close cooperation with the
28 appropriate health and human services board of the Department
29 of Children and Family ~~Health and Rehabilitative~~ Services,
30 local school districts, local law enforcement agencies, and
31 other community groups and must update the plan annually. To

1 aid the planning process, the Department of Juvenile Justice
2 shall provide to district juvenile justice boards routinely
3 collected ethnicity data. The Department of Law Enforcement
4 shall include ethnicity as a field in the Florida Intelligence
5 Center database, and shall collect the data routinely and make
6 it available to district juvenile justice boards.

7 ~~(8) COMMUNITY JUVENILE JUSTICE PARTNERSHIP GRANTS;~~
8 ~~CRITERIA.--~~

9 ~~(a) In order to encourage the development of county~~
10 ~~and district juvenile justice plans and the development and~~
11 ~~implementation of county and district interagency agreements~~
12 ~~among representatives of the Department of Juvenile Justice,~~
13 ~~the Department of Health and Rehabilitative Services, law~~
14 ~~enforcement, and school authorities, the community juvenile~~
15 ~~justice partnership grant program is established, to be~~
16 ~~administered by the Department of Juvenile Justice.~~

17 ~~(b) The department shall only consider applications~~
18 ~~which at a minimum provide for the following:~~

19 ~~1. The participation of the local school authorities,~~
20 ~~local law enforcement, and local representatives of the~~
21 ~~Department of Juvenile Justice and the Department of Health~~
22 ~~and Rehabilitative Services pursuant to a written interagency~~
23 ~~partnership agreement. Such agreement must specify how~~
24 ~~community entities will cooperate, collaborate, and share~~
25 ~~information in furtherance of the goals of the district and~~
26 ~~county juvenile justice plan; and~~

27 ~~2. The reduction of truancy and in-school and~~
28 ~~out-of-school suspensions and expulsions, and the enhancement~~
29 ~~of school safety.~~

30 ~~(c) In addition, the department may consider the~~
31 ~~following criteria in awarding grants:~~

1 1. ~~The district juvenile justice plan and any county~~
2 ~~juvenile justice plans that are referred to or incorporated~~
3 ~~into the district plan, including a list of individuals,~~
4 ~~groups, and public and private entities that participated in~~
5 ~~the development of the plan.~~

6 2. ~~The diversity of community entities participating~~
7 ~~in the development of the district juvenile justice plan.~~

8 3. ~~The number of community partners who will be~~
9 ~~actively involved in the operation of the grant program.~~

10 4. ~~The number of students or youth to be served by the~~
11 ~~grant and the criteria by which they will be selected.~~

12 5. ~~The criteria by which the grant program will be~~
13 ~~evaluated and, if deemed successful, the feasibility of~~
14 ~~implementation in other communities.~~

15 (9) ~~GRANT APPLICATION PROCEDURES.--~~

16 (a) ~~Each entity wishing to apply for an annual~~
17 ~~community juvenile justice partnership grant, which may be~~
18 ~~renewed for a maximum of 2 additional years for the same~~
19 ~~provision of services, shall submit a grant proposal for~~
20 ~~funding or continued funding to the department by March 1 of~~
21 ~~each year. The department shall establish the grant~~
22 ~~application procedures. In order to be considered for~~
23 ~~funding, the grant proposal shall include the following~~
24 ~~assurances and information:~~

25 1. ~~A letter from the chair of the county juvenile~~
26 ~~justice council confirming that the grant application has been~~
27 ~~reviewed and found to support one or more purposes or goals of~~
28 ~~the juvenile justice plan as developed by the council.~~

29 2. ~~A rationale and description of the program and the~~
30 ~~services to be provided, including goals and objectives.~~

31

1 ~~3. A method for identification of the juveniles at~~
2 ~~risk of involvement in the juvenile justice system who will be~~
3 ~~the focus of the program.~~

4 ~~4. Provisions for the participation of parents and~~
5 ~~guardians in the program.~~

6 ~~5. Coordination with other community-based and social~~
7 ~~service prevention efforts, including, but not limited to,~~
8 ~~drug and alcohol abuse prevention and dropout prevention~~
9 ~~programs, that serve the target population or neighborhood.~~

10 ~~6. An evaluation component to measure the~~
11 ~~effectiveness of the program in accordance with the provisions~~
12 ~~of s. 39.021.~~

13 ~~7. A program budget, including the amount and sources~~
14 ~~of local cash and in-kind resources committed to the budget.~~
15 ~~The proposal must establish to the satisfaction of the~~
16 ~~department that the entity will make a cash or in-kind~~
17 ~~contribution to the program of a value that is at least equal~~
18 ~~to 20 percent of the amount of the grant.~~

19 ~~8. The necessary program staff.~~

20 ~~(b) The department shall consider the following in~~
21 ~~awarding such grants:~~

22 ~~1. The number of youths from 10 through 17 years of~~
23 ~~age within the geographical area to be served by the program.~~
24 ~~Those geographical areas with the highest number of youths~~
25 ~~from 10 through 17 years of age shall have priority for~~
26 ~~selection.~~

27 ~~2. The extent to which the program targets high~~
28 ~~juvenile crime neighborhoods and those public schools serving~~
29 ~~juveniles from high crime neighborhoods.~~

30 ~~3. The validity and cost-effectiveness of the program.~~

31

1 ~~4. The degree to which the program is located in and~~
2 ~~managed by local leaders of the target neighborhoods and~~
3 ~~public schools serving the target neighborhoods.~~

4 ~~5. The recommendations of the juvenile justice council~~
5 ~~as to the priority that should be given to proposals submitted~~
6 ~~by entities within a county.~~

7 ~~6. The recommendations of the juvenile justice board~~
8 ~~as to the priority that should be given to proposals submitted~~
9 ~~by entities within a district.~~

10 ~~(c) The department shall make available, to anyone~~
11 ~~wishing to apply for such a grant, information on all of the~~
12 ~~criteria to be used in the selection of the proposals for~~
13 ~~funding pursuant to the provisions of this subsection.~~

14 ~~(d) The department shall review all program proposals~~
15 ~~submitted. Entities submitting proposals shall be notified of~~
16 ~~approval not later than June 30 of each year.~~

17 ~~(e) Each entity that is awarded a grant as provided~~
18 ~~for in this section shall submit an annual evaluation report~~
19 ~~to the department, the district juvenile justice manager, the~~
20 ~~district juvenile justice board, and the county juvenile~~
21 ~~justice council, by a date subsequent to the end of the~~
22 ~~contract period established by the department, documenting the~~
23 ~~extent to which the program objectives have been met, the~~
24 ~~effect of the program on the juvenile arrest rate, and any~~
25 ~~other information required by the department. The department~~
26 ~~shall coordinate and incorporate all such annual evaluation~~
27 ~~reports with the provisions of s. 39.021. Each entity is also~~
28 ~~subject to a financial audit and a performance audit.~~

29 ~~(f) The department may establish rules and policy~~
30 ~~provisions necessary to implement this section.~~

31

1 ~~(10) RESTRICTIONS.--This section does not prevent a~~
2 ~~program initiated under a community juvenile justice~~
3 ~~partnership grant established pursuant to this section from~~
4 ~~continuing to operate beyond the 3-year maximum funding period~~
5 ~~if it can find other funding sources. Likewise, this section~~
6 ~~does not restrict the number of programs an entity may apply~~
7 ~~for or operate.~~

8 ~~(11) INNOVATION ZONES.--The department shall encourage~~
9 ~~each of the district juvenile justice boards to propose at~~
10 ~~least one innovation zone within the district for the purpose~~
11 ~~of implementing any experimental, pilot, or demonstration~~
12 ~~project that furthers the legislatively established goals of~~
13 ~~the department. An innovation zone is a defined geographic~~
14 ~~area such as a district, commitment region, county,~~
15 ~~municipality, service delivery area, school campus, or~~
16 ~~neighborhood providing a laboratory for the research,~~
17 ~~development, and testing of the applicability and efficacy of~~
18 ~~model programs, policy options, and new technologies for the~~
19 ~~department.~~

20 ~~(a)1. The district juvenile justice board shall submit~~
21 ~~a proposal for an innovation zone to the secretary. If the~~
22 ~~purpose of the proposed innovation zone is to demonstrate that~~
23 ~~specific statutory goals can be achieved more effectively by~~
24 ~~using procedures that require modification of existing rules,~~
25 ~~policies, or procedures, the proposal may request the~~
26 ~~secretary to waive such existing rules, policies, or~~
27 ~~procedures or to otherwise authorize use of alternative~~
28 ~~procedures or practices. Waivers of such existing rules,~~
29 ~~policies, or procedures must comply with applicable state or~~
30 ~~federal law.~~

31

1 ~~2. For innovation zone proposals that the secretary~~
2 ~~determines require changes to state law, the secretary may~~
3 ~~submit a request for a waiver from such laws, together with~~
4 ~~any proposed changes to state law, to the chairs of the~~
5 ~~appropriate legislative committees for consideration.~~

6 ~~3. For innovation zone proposals that the secretary~~
7 ~~determines require waiver of federal law, the secretary may~~
8 ~~submit a request for such waivers to the applicable federal~~
9 ~~agency.~~

10 ~~(b) An innovation zone project may not have a duration~~
11 ~~of more than 2 years, but the secretary may grant an~~
12 ~~extension.~~

13 ~~(c) Before implementing an innovation zone under this~~
14 ~~subsection, the secretary shall, in conjunction with the~~
15 ~~Auditor General, develop measurable and valid objectives for~~
16 ~~such zone within a negotiated reasonable period of time.~~
17 ~~Moneys designated for an innovation zone in one service~~
18 ~~district may not be used to fund an innovation zone in another~~
19 ~~district.~~

20 ~~(d) Program models for innovation zone projects~~
21 ~~include, but are not limited to:~~

22 ~~1. Forestry alternative work program that provides~~
23 ~~selected juvenile offenders an opportunity to serve in a~~
24 ~~forestry work program as an alternative to incarceration, in~~
25 ~~which offenders assist in wildland firefighting, enhancement~~
26 ~~of state land management, environmental enhancement, and land~~
27 ~~restoration.~~

28 ~~2. Collaborative public/private dropout prevention~~
29 ~~partnership that trains personnel from both the public and~~
30 ~~private sectors of a target community who are identified and~~
31 ~~brought into the school system as an additional resource for~~

1 ~~addressing problems which inhibit and retard learning,~~
2 ~~including abuse, neglect, financial instability, pregnancy,~~
3 ~~and substance abuse.~~

4 ~~3. Support services program that provides economically~~
5 ~~disadvantaged youth with support services, jobs, training,~~
6 ~~counseling, mentoring, and prepaid postsecondary tuition~~
7 ~~scholarships.~~

8 ~~4. Juvenile offender job training program that offers~~
9 ~~an opportunity for juvenile offenders to develop educational~~
10 ~~and job skills in a 12-month to 18-month nonresidential~~
11 ~~training program, teaching the offenders skills such as~~
12 ~~computer-aided design, modular panel construction, and heavy~~
13 ~~vehicle repair and maintenance which will readily transfer to~~
14 ~~the private sector, thereby promoting responsibility and~~
15 ~~productivity.~~

16 ~~5. Infant mortality prevention program that is~~
17 ~~designed to discourage unhealthy behaviors such as smoking and~~
18 ~~alcohol or drug consumption, reduce the incidence of babies~~
19 ~~born prematurely or with low birth weight, reduce health care~~
20 ~~cost by enabling babies to be safely discharged earlier from~~
21 ~~the hospital, reduce the incidence of child abuse and neglect,~~
22 ~~and improve parenting and problem-solving skills.~~

23 ~~6. Regional crime prevention and intervention program~~
24 ~~that serves as an umbrella agency to coordinate and replicate~~
25 ~~existing services to at-risk children, first-time juvenile~~
26 ~~offenders, youth crime victims, and school dropouts.~~

27 ~~7. Alternative education outreach school program that~~
28 ~~serves delinquent repeat offenders between 14 and 18 years of~~
29 ~~age who have demonstrated failure in school and who are~~
30 ~~referred by the juvenile court.~~

31

1 ~~8. Drug treatment and prevention program that provides~~
2 ~~early identification of children with alcohol or drug problems~~
3 ~~to facilitate treatment, comprehensive screening and~~
4 ~~assessment, family involvement, and placement options.~~

5 ~~9. Community resource mother or father program that~~
6 ~~emphasizes parental responsibility for the behavior of~~
7 ~~children, and requires the availability of counseling services~~
8 ~~for children at high risk for delinquent behavior.~~

9 Section 74. Section 985.414, Florida Statutes, is
10 created to read:

11 985.414 County juvenile justice councils.--

12 (1)(a) A county juvenile justice council is authorized
13 in each county for the purpose of encouraging the initiation
14 of, or supporting ongoing, interagency cooperation and
15 collaboration in addressing juvenile crime.

16 (b) A county juvenile justice council must include:

17 1. The district school superintendent, or the
18 superintendent's designee.

19 2. The chair of the board of county commissioners, or
20 the chair's designee.

21 3. An elected official of the governing body of a
22 municipality within the county.

23 4. Representatives of the local school system
24 including administrators, teachers, school counselors, and
25 parents.

26 5. The district juvenile justice manager and the
27 district administrator of the Department of Children and
28 Family Services, or their respective designees.

29 6. Representatives of local law enforcement agencies,
30 including the sheriff or the sheriff's designee.

31

1 7. Representatives of the judicial system including,
2 but not limited to, the chief judge of the circuit, the state
3 attorney, the public defender, the clerk of the circuit court,
4 or their respective designees.

5 8. Representatives of the business community.

6 9. Representatives of any other interested officials,
7 groups, or entities including, but not limited to, a
8 children's services council, public or private providers of
9 juvenile justice programs and services, students, and
10 advocates.

11

12 A juvenile delinquency and gang prevention council or any
13 other group or organization that currently exists in any
14 county, and that is composed of and open to representatives of
15 the classes of members described in this section, may notify
16 the district juvenile justice manager of its desire to be
17 designated as the county juvenile justice council.

18 (2)(a) The purpose of a county juvenile justice
19 council is to provide a forum for the development of a
20 community-based interagency assessment of the local juvenile
21 justice system, to develop a county juvenile justice plan for
22 more effectively preventing juvenile delinquency, and to make
23 recommendations for more effectively utilizing existing
24 community resources in dealing with juveniles who are truant
25 or have been suspended or expelled from school, or who are
26 found to be involved in crime. The county juvenile justice
27 plan shall include relevant portions of local crime prevention
28 and public safety plans, school improvement and school safety
29 plans, and the plans or initiatives of other public and
30 private entities within the county that are concerned with
31 dropout prevention, school safety, the prevention of juvenile

1 crime and criminal activity by youth gangs, and alternatives
2 to suspension, expulsion, and detention for children found in
3 contempt of court.

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

6 1. Developing a county juvenile justice plan based
7 upon utilization of the resources of law enforcement, the
8 school system, the Department of Juvenile Justice, the
9 Department of Children and Family Services, and others in a
10 cooperative and collaborative manner to prevent or discourage
11 juvenile crime and develop meaningful alternatives to school
12 suspensions and expulsions.

13 2. Entering into a written county interagency
14 agreement specifying the nature and extent of contributions
15 each signatory agency will make in achieving the goals of the
16 county juvenile justice plan and their commitment to the
17 sharing of information useful in carrying out the goals of the
18 interagency agreement to the extent authorized by law.

19 3. Applying for and receiving public or private
20 grants, to be administered by one of the community partners,
21 that support one or more components of the county juvenile
22 justice plan.

23 4. Designating the county representatives to the
24 district juvenile justice board pursuant to s. 985.413.

25 5. Providing a forum for the presentation of
26 interagency recommendations and the resolution of
27 disagreements relating to the contents of the county
28 interagency agreement or the performance by the parties of
29 their respective obligations under the agreement.

30 6. Assisting and directing the efforts of local
31 community support organizations and volunteer groups in

1 providing enrichment programs and other support services for
2 clients of local juvenile detention centers.

3 7. Providing an annual report and recommendations to
4 the district juvenile justice board, the Juvenile Justice
5 Advisory Board, and the district juvenile justice manager.

6 Section 75. Section 985.415, Florida Statutes, is
7 created to read:

8 985.415 Community Juvenile Justice Partnership
9 Grants.--

10 (1) GRANTS; CRITERIA.--

11 (a) In order to encourage the development of county
12 and district juvenile justice plans and the development and
13 implementation of county and district interagency agreements
14 among representatives of the Department of Juvenile Justice,
15 the Department of Children and Family Services, law
16 enforcement, and school authorities, the community juvenile
17 justice partnership grant program is established, which
18 program shall be administered by the Department of Juvenile
19 Justice.

20 (b) The department shall only consider applications
21 which at a minimum provide for the following:

22 1. The participation of the local school authorities,
23 local law enforcement, and local representatives of the
24 Department of Juvenile Justice and the Department of Children
25 and Family Services pursuant to a written interagency
26 partnership agreement. Such agreement must specify how
27 community entities will cooperate, collaborate, and share
28 information in furtherance of the goals of the district and
29 county juvenile justice plan; and

30
31

1 2. The reduction of truancy and in-school and
2 out-of-school suspensions and expulsions, and the enhancement
3 of school safety.

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

6 1. The district juvenile justice plan and any county
7 juvenile justice plans that are referred to or incorporated
8 into the district plan, including a list of individuals,
9 groups, and public and private entities that participated in
10 the development of the plan.

11 2. The diversity of community entities participating
12 in the development of the district juvenile justice plan.

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

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

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

20 (2) GRANT APPLICATION PROCEDURES.--

21 (a) Each entity wishing to apply for an annual
22 community juvenile justice partnership grant, which may be
23 renewed for a maximum of 2 additional years for the same
24 provision of services, shall submit a grant proposal for
25 funding or continued funding to the department by March 1 of
26 each year. The department shall establish the grant
27 application procedures. In order to be considered for
28 funding, the grant proposal shall include the following
29 assurances and information:

30 1. A letter from the chair of the county juvenile
31 justice council confirming that the grant application has been

- 1 reviewed and found to support one or more purposes or goals of
2 the juvenile justice plan as developed by the council.
- 3 2. A rationale and description of the program and the
4 services to be provided, including goals and objectives.
- 5 3. A method for identification of the juveniles at
6 risk of involvement in the juvenile justice system who will be
7 the focus of the program.
- 8 4. Provisions for the participation of parents and
9 guardians in the program.
- 10 5. Coordination with other community-based and social
11 service prevention efforts, including, but not limited to,
12 drug and alcohol abuse prevention and dropout prevention
13 programs, that serve the target population or neighborhood.
- 14 6. An evaluation component to measure the
15 effectiveness of the program in accordance with the provisions
16 of s. 985.412.
- 17 7. A program budget, including the amount and sources
18 of local cash and in-kind resources committed to the budget.
19 The proposal must establish to the satisfaction of the
20 department that the entity will make a cash or in-kind
21 contribution to the program of a value that is at least equal
22 to 20 percent of the amount of the grant.
- 23 8. The necessary program staff.
- 24 (b) The department shall consider the following in
25 awarding such grants:
- 26 1. The number of youths from 10 through 17 years of
27 age within the geographical area to be served by the program.
28 Those geographical areas with the highest number of youths
29 from 10 through 17 years of age shall have priority for
30 selection.
- 31

1 2. The extent to which the program targets high
2 juvenile crime neighborhoods and those public schools serving
3 juveniles from high crime neighborhoods.

4 3. The validity and cost-effectiveness of the program.

5 4. The degree to which the program is located in and
6 managed by local leaders of the target neighborhoods and
7 public schools serving the target neighborhoods.

8 5. The recommendations of the juvenile justice council
9 as to the priority that should be given to proposals submitted
10 by entities within a county.

11 6. The recommendations of the juvenile justice board
12 as to the priority that should be given to proposals submitted
13 by entities within a district.

14 (c) The department shall make available, to anyone
15 wishing to apply for such a grant, information on all of the
16 criteria to be used in the selection of the proposals for
17 funding pursuant to the provisions of this subsection.

18 (d) The department shall review all program proposals
19 submitted. Entities submitting proposals shall be notified of
20 approval not later than June 30 of each year.

21 (e) Each entity that is awarded a grant as provided
22 for in this section shall submit an annual evaluation report
23 to the department, the district juvenile justice manager, the
24 district juvenile justice board, and the county juvenile
25 justice council, by a date subsequent to the end of the
26 contract period established by the department, documenting the
27 extent to which the program objectives have been met, the
28 effect of the program on the juvenile arrest rate, and any
29 other information required by the department. The department
30 shall coordinate and incorporate all such annual evaluation
31

1 reports with the provisions of s. 985.412. Each entity is
2 also subject to a financial audit and a performance audit.

3 (f) The department may establish rules and policy
4 provisions necessary to implement this section.

5 (3) RESTRICTIONS.--This section does not prevent a
6 program initiated under a community juvenile justice
7 partnership grant established pursuant to this section from
8 continuing to operate beyond the 3-year maximum funding period
9 if it can find other funding sources. Likewise, this section
10 does not restrict the number of programs an entity may apply
11 for or operate.

12 Section 76. Section 985.416, Florida Statutes, is
13 created to read:

14 985.416 Innovation zones.--The department shall
15 encourage each of the district juvenile justice boards to
16 propose at least one innovation zone within the district for
17 the purpose of implementing any experimental, pilot, or
18 demonstration project that furthers the legislatively
19 established goals of the department. An innovation zone is a
20 defined geographic area such as a district, commitment region,
21 county, municipality, service delivery area, school campus, or
22 neighborhood providing a laboratory for the research,
23 development, and testing of the applicability and efficacy of
24 model programs, policy options, and new technologies for the
25 department.

26 (1)(a) The district juvenile justice board shall
27 submit a proposal for an innovation zone to the secretary. If
28 the purpose of the proposed innovation zone is to demonstrate
29 that specific statutory goals can be achieved more effectively
30 by using procedures that require modification of existing
31 rules, policies, or procedures, the proposal may request the

1 secretary to waive such existing rules, policies, or
2 procedures or to otherwise authorize use of alternative
3 procedures or practices. Waivers of such existing rules,
4 policies, or procedures must comply with applicable state or
5 federal law.

6 (b) For innovation zone proposals that the secretary
7 determines require changes to state law, the secretary may
8 submit a request for a waiver from such laws, together with
9 any proposed changes to state law, to the chairs of the
10 appropriate legislative committees for consideration.

11 (c) For innovation zone proposals that the secretary
12 determines require waiver of federal law, the secretary may
13 submit a request for such waivers to the applicable federal
14 agency.

15 (2) An innovation zone project may not have a duration
16 of more than 2 years, but the secretary may grant an
17 extension.

18 (3) Before implementing an innovation zone under this
19 subsection, the secretary shall, in conjunction with the
20 Auditor General, develop measurable and valid objectives for
21 such zone within a negotiated reasonable period of time.
22 Moneys designated for an innovation zone in one service
23 district may not be used to fund an innovation zone in another
24 district.

25 (4) Program models for innovation zone projects
26 include, but are not limited to:

27 (a) A forestry alternative work program that provides
28 selected juvenile offenders an opportunity to serve in a
29 forestry work program as an alternative to incarceration, in
30 which offenders assist in wildland firefighting, enhancement
31

1 of state land management, environmental enhancement, and land
2 restoration.

3 (b) A collaborative public/private dropout prevention
4 partnership that trains personnel from both the public and
5 private sectors of a target community who are identified and
6 brought into the school system as an additional resource for
7 addressing problems which inhibit and retard learning,
8 including abuse, neglect, financial instability, pregnancy,
9 and substance abuse.

10 (c) A support services program that provides
11 economically disadvantaged youth with support services, jobs,
12 training, counseling, mentoring, and prepaid postsecondary
13 tuition scholarships.

14 (d) A juvenile offender job training program that
15 offers an opportunity for juvenile offenders to develop
16 educational and job skills in a 12-month to 18-month
17 nonresidential training program, teaching the offenders skills
18 such as computer-aided design, modular panel construction, and
19 heavy vehicle repair and maintenance which will readily
20 transfer to the private sector, thereby promoting
21 responsibility and productivity.

22 (e) An infant mortality prevention program that is
23 designed to discourage unhealthy behaviors such as smoking and
24 alcohol or drug consumption, reduce the incidence of babies
25 born prematurely or with low birth weight, reduce health care
26 cost by enabling babies to be safely discharged earlier from
27 the hospital, reduce the incidence of child abuse and neglect,
28 and improve parenting and problem-solving skills.

29 (f) A regional crime prevention and intervention
30 program that serves as an umbrella agency to coordinate and
31

1 replicate existing services to at-risk children, first-time
2 juvenile offenders, youth crime victims, and school dropouts.

3 (g) An alternative education outreach school program
4 that serves delinquent repeat offenders between 14 and 18
5 years of age who have demonstrated failure in school and who
6 are referred by the juvenile court.

7 (h) A drug treatment and prevention program that
8 provides early identification of children with alcohol or drug
9 problems to facilitate treatment, comprehensive screening and
10 assessment, family involvement, and placement options.

11 (i) A community resource mother or father program that
12 emphasizes parental responsibility for the behavior of
13 children, and requires the availability of counseling services
14 for children at high risk for delinquent behavior.

15 Section 77. Section 39.062, Florida Statutes, is
16 transferred and renumbered as section 985.417, Florida
17 Statutes.

18 Section 78. Section 39.063, Florida Statutes, is
19 transferred and renumbered as section 985.418, Florida
20 Statutes.

21 Section 79. Section 39.065, Florida Statutes, is
22 transferred and renumbered as section 985.419, Florida
23 Statutes.

24 Section 80. Section 39.51, Florida Statutes, is
25 transferred and renumbered as section 985.501, Florida
26 Statutes.

27 Section 81. Section 39.511, Florida Statutes, is
28 transferred and renumbered as section 985.502, Florida
29 Statutes.

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1 Section 82. Section 39.512, Florida Statutes, is
2 transferred and renumbered as section 985.503, Florida
3 Statutes.

4 Section 83. Section 39.513, Florida Statutes, is
5 transferred and renumbered as section 985.504, Florida
6 Statutes.

7 Section 84. Section 39.514, Florida Statutes, is
8 transferred and renumbered as section 985.505, Florida
9 Statutes.

10 Section 85. Section 39.515, Florida Statutes, is
11 transferred and renumbered as section 985.506, Florida
12 Statutes.

13 Section 86. Section 39.516, Florida Statutes, is
14 transferred and renumbered as section 985.507, Florida
15 Statutes.

16 Section 87. Section 984.01, Florida Statutes, is
17 created to read:

18 984.01 Purposes and intent; personnel standards and
19 screening.--

20 (1) The purposes of this chapter are:

21 (a) To provide judicial and other procedures to assure
22 due process through which children and other interested
23 parties are assured fair hearings by a respectful and
24 respected court or other tribunal and the recognition,
25 protection, and enforcement of their constitutional and other
26 legal rights, while ensuring that public safety interests and
27 the authority and dignity of the courts are adequately
28 protected.

29 (b) To provide for the care, safety, and protection of
30 children in an environment that fosters healthy social,
31 emotional, intellectual, and physical development; to ensure

1 secure and safe custody; and to promote the health and
2 well-being of all children under the state's care.

3 (c) To ensure the protection of society, by providing
4 for a comprehensive standardized assessment of the child's
5 needs so that the most appropriate control, discipline,
6 punishment, and treatment can be administered consistent with
7 the seriousness of the act committed, the community's
8 long-term need for public safety, the prior record of the
9 child, and the specific rehabilitation needs of the child,
10 while also providing restitution, whenever possible, to the
11 victim of the offense.

12 (d) To preserve and strengthen the child's family ties
13 whenever possible, by providing for removal of the child from
14 parental custody only when his or her welfare or the safety
15 and protection of the public cannot be adequately safeguarded
16 without such removal; and, when the child is removed from his
17 or her own family, to secure custody, care, and discipline for
18 the child as nearly as possible equivalent to that which
19 should have been given by the parents; and to assure, in all
20 cases in which a child must be permanently removed from
21 parental custody, that the child be placed in an approved
22 family home, adoptive home, independent living program, or
23 other placement that provides the most stable and permanent
24 living arrangement for the child, as determined by the court.

25 (e)1. To assure that the adjudication and disposition
26 of a child alleged or found to have committed a violation of
27 Florida law be exercised with appropriate discretion and in
28 keeping with the seriousness of the offense and the need for
29 treatment services, and that all findings made under this
30 chapter be based upon facts presented at a hearing that meets

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1 the constitutional standards of fundamental fairness and due
2 process.

3 2. To assure that the sentencing and placement of a
4 child tried as an adult be appropriate and in keeping with the
5 seriousness of the offense and the child's need for
6 rehabilitative services, and that the proceedings and
7 procedures applicable to such sentencing and placement be
8 applied within the full framework of constitutional standards
9 of fundamental fairness and due process.

10 (f) To provide children committed to the Department of
11 Juvenile Justice with training in life skills, including
12 career education.

13 (2) The Department of Juvenile Justice or the
14 Department of Children and Family Services, as appropriate,
15 may contract with the Federal Government, other state
16 departments and agencies, county and municipal governments and
17 agencies, public and private agencies, and private individuals
18 and corporations in carrying out the purposes of, and the
19 responsibilities established in, this chapter.

20 (a) When the Department of Juvenile Justice or the
21 Department of Children and Family Services contracts with a
22 provider for any program for children, all personnel,
23 including owners, operators, employees, and volunteers, in the
24 facility must be of good moral character. A volunteer who
25 assists on an intermittent basis for less than 40 hours per
26 month need not be screened if the volunteer is under direct
27 and constant supervision by persons who meet the screening
28 requirements.

29 (b) The Department of Juvenile Justice and the
30 Department of Children and Family Services shall require
31 employment screening pursuant to chapter 435, using the level

1 2 standards set forth in that chapter for personnel in
2 programs for children or youths.

3 (c) The Department of Juvenile Justice or the
4 Department of Children and Family Services may grant
5 exemptions from disqualification from working with children as
6 provided in s. 435.07.

7 (3) It is the intent of the Legislature that this
8 chapter be liberally interpreted and construed in conformity
9 with its declared purposes.

10 Section 88. Section 984.02, Florida Statutes, is
11 created to read:

12 984.02 Legislative intent for the juvenile justice
13 system.--

14 (1) GENERAL PROTECTIONS FOR CHILDREN.--It is a purpose
15 of the Legislature that the children of this state be provided
16 with the following protections:

17 (a) Protection from abuse, neglect, and exploitation.

18 (b) A permanent and stable home.

19 (c) A safe and nurturing environment which will
20 preserve a sense of personal dignity and integrity.

21 (d) Adequate nutrition, shelter, and clothing.

22 (e) Effective treatment to address physical, social,
23 and emotional needs, regardless of geographical location.

24 (f) Equal opportunity and access to quality and
25 effective education which will meet the individual needs of
26 each child, and to recreation and other community resources to
27 develop individual abilities.

28 (g) Access to preventive services.

29 (h) An independent, trained advocate when intervention
30 is necessary and a skilled guardian or caretaker in a safe
31 environment when alternative placement is necessary.

1 (2) SUBSTANCE ABUSE SERVICES.--The Legislature finds
2 that children in the care of the state's dependency and
3 delinquency systems need appropriate health care services,
4 that the impact of substance abuse on health indicates the
5 need for health care services to include substance abuse
6 services where appropriate, and that it is in the state's best
7 interest that such children be provided the services they need
8 to enable them to become and remain independent of state care.
9 In order to provide these services, the state's dependency and
10 delinquency systems must have the ability to identify and
11 provide appropriate intervention and treatment for children
12 with personal or family-related substance abuse problems. It
13 is therefore the purpose of the Legislature to provide
14 authority for the state to contract with community substance
15 abuse treatment providers for the development and operation of
16 specialized support and overlay services for the dependency
17 and delinquency systems, which will be fully implemented and
18 utilized as resources permit.

19 (3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.--It
20 is the policy of the state with respect to juvenile justice
21 and delinquency prevention to first protect the public from
22 acts of delinquency. In addition, it is the policy of the
23 state to:

24 (a) Develop and implement effective methods of
25 preventing and reducing acts of delinquency, with a focus on
26 maintaining and strengthening the family as a whole so that
27 children may remain in their homes or communities.

28 (b) Develop and implement effective programs to
29 prevent delinquency, to divert children from the traditional
30 juvenile justice system, to intervene at an early stage of
31

1 delinquency, and to provide critically needed alternatives to
2 institutionalization and deep-end commitment.

3 (c) Provide well-trained personnel, high-quality
4 services, and cost-effective programs within the juvenile
5 justice system.

6 (d) Increase the capacity of local governments and
7 public and private agencies to conduct rehabilitative
8 treatment programs and to provide research, evaluation, and
9 training services in the field of juvenile delinquency
10 prevention.

11
12 The Legislature intends that detention care, in addition to
13 providing secure and safe custody, will promote the health and
14 well-being of the children committed thereto and provide an
15 environment that fosters their social, emotional,
16 intellectual, and physical development.

17 (4) PARENTAL, CUSTODIAL, AND GUARDIAN
18 RESPONSIBILITIES.--Parents, custodians, and guardians are
19 deemed by the state to be responsible for providing their
20 children with sufficient support, guidance, and supervision to
21 deter their participation in delinquent acts. The state
22 further recognizes that the ability of parents, custodians,
23 and guardians to fulfill those responsibilities can be greatly
24 impaired by economic, social, behavioral, emotional, and
25 related problems. It is therefore the policy of the
26 Legislature that it is the state's responsibility to ensure
27 that factors impeding the ability of caretakers to fulfill
28 their responsibilities are identified through the delinquency
29 intake process and that appropriate recommendations to address
30 those problems are considered in any judicial or nonjudicial
31 proceeding.

1 Section 89. Section 984.03, Florida Statutes, is
2 created to read:

3 984.03 Definitions.--When used in this chapter, the
4 term:

5 (1) "Abandoned" means a situation in which the parent
6 or legal custodian of a child or, in the absence of a parent
7 or legal custodian, the person responsible for the child's
8 welfare, while being able, makes no provision for the child's
9 support and makes no effort to communicate with the child,
10 which situation is sufficient to evince a willful rejection of
11 parental obligations. If the efforts of such parent or legal
12 custodian, or person primarily responsible for the child's
13 welfare to support and communicate with the child are, in the
14 opinion of the court, only marginal efforts that do not evince
15 a settled purpose to assume all parental duties, the court may
16 declare the child to be abandoned. The term "abandoned" does
17 not include a "child in need of services" as defined in
18 subsection (9) or a "family in need of services" as defined in
19 subsection (27). The incarceration of a parent, legal
20 custodian, or person responsible for a child's welfare does
21 not constitute a bar to a finding of abandonment.

22 (2) "Abuse" means any willful act that results in any
23 physical, mental, or sexual injury that causes or is likely to
24 cause the child's physical, mental, or emotional health to be
25 significantly impaired. Corporal discipline of a child by a
26 parent or guardian for disciplinary purposes does not in
27 itself constitute abuse when it does not result in harm to the
28 child as defined in s. 415.503.

29 (3) "Addictions receiving facility" means a substance
30 abuse service provider as defined in chapter 397.

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1 (4) "Adjudicatory hearing" means a hearing for the
2 court to determine whether or not the facts support the
3 allegations stated in the petition as is provided for under s.
4 984.20(2) in child-in-need-of-services cases.

5 (5) "Adult" means any natural person other than a
6 child.

7 (6) "Authorized agent" or "designee" of the department
8 means a person or agency assigned or designated by the
9 Department of Juvenile Justice or the Department of Children
10 and Family Services, as appropriate, to perform duties or
11 exercise powers pursuant to this chapter and includes contract
12 providers and their employees for purposes of providing
13 services to and managing cases of children in need of services
14 and families in need of services.

15 (7) "Caretaker/homemaker" means an authorized agent of
16 the Department of Children and Family Services who shall
17 remain in the child's home with the child until a parent,
18 legal guardian, or relative of the child enters the home and
19 is capable of assuming and agrees to assume charge of the
20 child.

21 (8) "Child" or "juvenile" or "youth" means any
22 unmarried person under the age of 18 who has not been
23 emancipated by order of the court and who has been found or
24 alleged to be dependent, in need of services, or from a family
25 in need of services; or any married or unmarried person who is
26 charged with a violation of law occurring prior to the time
27 that person reached the age of 18 years.

28 (9) "Child in need of services" means a child for whom
29 there is no pending investigation into an allegation or
30 suspicion of abuse, neglect, or abandonment; no pending
31 referral alleging the child is delinquent; or no current

1 supervision by the Department of Juvenile Justice or the
2 Department of Children and Family Services for an adjudication
3 of dependency or delinquency. The child must also, pursuant to
4 this chapter, be found by the court:

5 (a) To have persistently run away from the child's
6 parents or legal custodians despite reasonable efforts of the
7 child, the parents or legal custodians, and appropriate
8 agencies to remedy the conditions contributing to the
9 behavior. Reasonable efforts shall include voluntary
10 participation by the child's parents or legal custodians and
11 the child in family mediation, services, and treatment offered
12 by the Department of Juvenile Justice or the Department of
13 Children and Family Services;

14 (b) To be habitually truant from school, while subject
15 to compulsory school attendance, despite reasonable efforts to
16 remedy the situation pursuant to s. 232.19 and through
17 voluntary participation by the child's parents or legal
18 custodians and by the child in family mediation, services, and
19 treatment offered by the Department of Juvenile Justice or the
20 Department of Children and Family Services; or

21 (c) To have persistently disobeyed the reasonable and
22 lawful demands of the child's parents or legal custodians, and
23 to be beyond their control despite efforts by the child's
24 parents or legal custodians and appropriate agencies to remedy
25 the conditions contributing to the behavior. Reasonable
26 efforts may include such things as good faith participation in
27 family or individual counseling.

28 (10) "Child support" means a court-ordered obligation,
29 enforced under chapter 61 and ss. 409.2551-409.2597, for
30 monetary support for the care, maintenance, training, and
31 education of a child.

1 (11) "Child who has been found to have committed a
2 delinquent act" means a child who, pursuant to the provisions
3 of chapter 985, is found by a court to have committed a
4 violation of law or to be in direct or indirect contempt of
5 court, except that this definition shall not include an act
6 constituting contempt of court arising out of a dependency
7 proceeding or a proceeding pursuant to this chapter.

8 (12) "Child who is found to be dependent" or
9 "dependent child" means a child who, pursuant to this chapter,
10 is found by the court:

11 (a) To have been abandoned, abused, or neglected by
12 the child's parents or other custodians.

13 (b) To have been surrendered to the former Department
14 of Health and Rehabilitative Services, the Department of
15 Children and Family Services, or a licensed child-placing
16 agency for purpose of adoption.

17 (c) To have been voluntarily placed with a licensed
18 child-caring agency, a licensed child-placing agency, an adult
19 relative, the former Department of Health and Rehabilitative
20 Services, or the Department of Children and Family Services,
21 after which placement, under the requirements of this chapter,
22 a case plan has expired and the parent or parents have failed
23 to substantially comply with the requirements of the plan.

24 (d) To have been voluntarily placed with a licensed
25 child-placing agency for the purposes of subsequent adoption
26 and a natural parent or parents signed a consent pursuant to
27 the Florida Rules of Juvenile Procedure.

28 (e) To have no parent, legal custodian, or responsible
29 adult relative to provide supervision and care.

30 (f) To be at substantial risk of imminent abuse or
31 neglect by the parent or parents or the custodian.

1 (13) "Circuit" means any of the 20 judicial circuits
2 as set forth in s. 26.021.

3 (14) "Comprehensive assessment" or "assessment" means
4 the gathering of information for the evaluation of a juvenile
5 offender's or a child's physical, psychological, educational,
6 vocational, and social condition and family environment as
7 they relate to the child's need for rehabilitative and
8 treatment services, including substance abuse treatment
9 services, mental health services, developmental services,
10 literacy services, medical services, family services, and
11 other specialized services, as appropriate.

12 (15) "Court," unless otherwise expressly stated, means
13 the circuit court assigned to exercise jurisdiction under this
14 chapter.

15 (16) "Delinquency program" means any intake, community
16 control and furlough, or similar program; regional detention
17 center or facility; or community-based program, whether owned
18 and operated by or contracted by the Department of Juvenile
19 Justice, or institution owned and operated by or contracted by
20 the Department of Juvenile Justice, which provides intake,
21 supervision, or custody and care of children who are alleged
22 to be or who have been found to be delinquent pursuant to
23 chapter 985.

24 (17) "Department" means the Department of Juvenile
25 Justice.

26 (18) "Detention care" means the temporary care of a
27 child in secure, nonsecure, or home detention, pending a court
28 adjudication or disposition or execution of a court order.
29 There are three types of detention care, as follows:

30 (a) "Secure detention" means temporary custody of the
31 child while the child is under the physical restriction of a

1 detention center or facility pending adjudication,
2 disposition, or placement.

3 (b) "Nonsecure detention" means temporary custody of
4 the child while the child is in a residential home in the
5 community in a physically nonrestrictive environment under the
6 supervision of the Department of Juvenile Justice pending
7 adjudication, disposition, or placement.

8 (c) "Home detention" means temporary custody of the
9 child while the child is released to the custody of the
10 parent, guardian, or custodian in a physically nonrestrictive
11 environment under the supervision of the Department of
12 Juvenile Justice staff pending adjudication, disposition, or
13 placement.

14 (19) "Detention center or facility" means a facility
15 used pending court adjudication or disposition or execution of
16 court order for the temporary care of a child alleged or found
17 to have committed a violation of law. A detention center or
18 facility may provide secure or nonsecure custody. A facility
19 used for the commitment of adjudicated delinquents shall not
20 be considered a detention center or facility.

21 (20) "Detention hearing" means a hearing for the court
22 to determine if a child should be placed in temporary custody,
23 as provided for under s. 39.402, in dependency cases.

24 (21) "Diligent efforts of social service agency" means
25 reasonable efforts to provide social services or reunification
26 services made by any social service agency as defined in this
27 section that is a party to a case plan.

28 (22) "Diligent search" means the efforts of a social
29 service agency in accordance with the requirements of s.
30 39.4051(6) to locate a parent or prospective parent whose
31 identity or location is unknown, initiated as soon as the

1 agency is made aware of the existence of such a parent, with
2 the search progress reported at each court hearing until the
3 parent is either identified and located or the court excuses
4 further search.

5 (23) "Disposition hearing" means a hearing in which
6 the court determines the most appropriate dispositional
7 services in the least restrictive available setting provided
8 for under s. 984.20(3), in child-in-need-of-services cases.

9 (24) "District" means a service district of the
10 Department of Juvenile Justice.

11 (25) "District juvenile justice manager" means the
12 person appointed by the Secretary of Juvenile Justice,
13 responsible for planning, managing, and evaluating all
14 juvenile justice continuum programs and services delivered or
15 funded by the Department of Juvenile Justice within the
16 district.

17 (26) "Family" means a collective body of persons,
18 consisting of a child and a parent, guardian, adult custodian,
19 or adult relative, in which:

20 (a) The persons reside in the same house or living
21 unit; or

22 (b) The parent, guardian, adult custodian, or adult
23 relative has a legal responsibility by blood, marriage, or
24 court order to support or care for the child.

25 (27) "Family in need of services" means a family that
26 has a child for whom there is no pending investigation into an
27 allegation of abuse, neglect, or abandonment or no current
28 supervision by the Department of Juvenile Justice or the
29 Department of Children and Family Services for an adjudication
30 of dependency or delinquency. The child must also have been
31

1 referred to a law enforcement agency or the Department of
2 Juvenile Justice for:
3 (a) Running away from parents or legal custodians;
4 (b) Persistently disobeying reasonable and lawful
5 demands of parents or legal custodians and being beyond their
6 control; or
7 (c) Habitual truancy from school.
8 (28) "Foster care" means care provided a child in a
9 foster family or boarding home, group home, agency boarding
10 home, child care institution, or any combination thereof.
11 (29) "Habitually truant" means that:
12 (a) The child has 15 unexcused absences within 90 days
13 with or without the knowledge or justifiable consent of the
14 child's parent or legal guardian and is not exempt from
15 attendance by virtue of being over the age of compulsory
16 school attendance or by meeting the criteria in s. 232.06, s.
17 232.09, or any other exemptions specified by law or the rules
18 of the State Board of Education;
19 (b) In addition to the actions described in s.
20 232.17(2), the school administration has completed the
21 following escalating activities to determine the cause, and to
22 attempt the remediation, of the child's truant behavior:
23 1. After a minimum of 3 and prior to 15 unexcused
24 absences within 90 days, one or more meetings have been held,
25 either in person or by phone, between a school attendance
26 assistant or school social worker, the child's parent or
27 guardian, and the child, if necessary, to report and to
28 attempt to solve the truancy problem. However, if the school
29 attendance assistant or school social worker has documented
30 the refusal of the parent or guardian to participate in the
31 meetings, then this requirement has been met;

1 2. Educational counseling has been provided to
2 determine whether curriculum changes would help solve the
3 truancy problem, and, if any changes were indicated, such
4 changes were instituted but proved unsuccessful in remedying
5 the truant behavior. Such curriculum changes may include
6 enrollment of the child in an alternative education program
7 that meets the specific educational and behavioral needs of
8 the child, including a second chance school, as provided for
9 in s. 230.2316, designed to resolve truant behavior;

10 3. Educational evaluation, pursuant to the
11 requirements of s. 232.19(3)(b)3., has been provided; and

12 4. The school social worker, the attendance assistant,
13 or the school superintendent's designee if there is no school
14 social worker or attendance assistant has referred the student
15 and family to the children-in-need-of-services and
16 families-in-need-of-services provider or the case staffing
17 committee, established pursuant to s. 984.12, as determined by
18 the cooperative agreement required in s. 232.19(3). The case
19 staffing committee may request the department or its designee
20 to file a child-in-need-of-services petition based upon the
21 report and efforts of the school district or other community
22 agency or may seek to resolve the truancy behavior through the
23 school or community-based organizations or agencies.

24
25 If a child within the compulsory school attendance age is
26 responsive to the interventions described in this paragraph
27 and has completed the necessary requirements to pass the
28 current grade as indicated in the district pupil progression
29 plan, the child shall not be determined to be habitually
30 truant. If a child within the compulsory school attendance age
31 has 15 unexcused absences or fails to enroll in school, the

1 State Attorney may file a child-in-need-of-services petition.
2 Prior to filing a petition, the child must be referred to the
3 appropriate agency for evaluation. After consulting with the
4 evaluating agency, the State Attorney may elect to file a
5 child-in-need-of-services petition.

6 (c) A school social worker or other person designated
7 by the school administration, if the school does not have a
8 school social worker, and an intake counselor or case manager
9 of the Department of Juvenile Justice have jointly
10 investigated the truancy problem or, if that was not feasible,
11 have performed separate investigations to identify conditions
12 which may be contributing to the truant behavior; and if,
13 after a joint staffing of the case to determine the necessity
14 for services, such services were determined to be needed, the
15 persons who performed the investigations met jointly with the
16 family and child to discuss any referral to appropriate
17 community agencies for economic services, family or individual
18 counseling, or other services required to remedy the
19 conditions that are contributing to the truant behavior; and

20 (d) The failure or refusal of the parent or legal
21 guardian or the child to participate, or make a good faith
22 effort to participate, in the activities prescribed to remedy
23 the truant behavior, or the failure or refusal of the child to
24 return to school after participation in activities required by
25 this subsection, or the failure of the child to stop the
26 truant behavior after the school administration and the
27 Department of Juvenile Justice have worked with the child as
28 described in s. 232.19(3) shall be handled as prescribed in s.
29 232.19.

30 (30) "Intake" means the initial acceptance and
31 screening by the Department of Juvenile Justice of a complaint

1 or a law enforcement report or probable cause affidavit of
2 delinquency, family in need of services, or child in need of
3 services to determine the recommendation to be taken in the
4 best interests of the child, the family, and the community.
5 The emphasis of intake is on diversion and the least
6 restrictive available services. Consequently, intake includes
7 such alternatives as:
8 (a) The disposition of the complaint, report, or
9 probable cause affidavit without court or public agency action
10 or judicial handling when appropriate.
11 (b) The referral of the child to another public or
12 private agency when appropriate.
13 (c) The recommendation by the intake counselor or case
14 manager of judicial handling when appropriate and warranted.
15 (31) "Intake counselor" or "case manager" means the
16 authorized agent of the Department of Juvenile Justice
17 performing the intake or case management function for a child
18 alleged to be delinquent or in need of services, or from a
19 family in need of services.
20 (32) "Judge" means the circuit judge exercising
21 jurisdiction pursuant to this chapter.
22 (33) "Juvenile justice continuum" includes, but is not
23 limited to, delinquency prevention programs and services
24 designed for the purpose of preventing or reducing delinquent
25 acts, including criminal activity by youth gangs and juvenile
26 arrests, as well as programs and services targeted at children
27 who have committed delinquent acts, and children who have
28 previously been committed to residential treatment programs
29 for delinquents. The term includes
30 children-in-need-of-services and families-in-need-of-services
31 programs; aftercare and reentry services; substance abuse and

1 mental health programs; educational and vocational programs;
2 recreational programs; community services programs; community
3 service work programs; and alternative dispute resolution
4 programs serving children at risk of delinquency and their
5 families, whether offered or delivered by state or local
6 governmental entities, public or private for-profit or
7 not-for-profit organizations, or religious or charitable
8 organizations.

9 (34) "Legal custody" means a legal status created by
10 court order or letter of guardianship which vests in a
11 custodian of the person or guardian, whether an agency or an
12 individual, the right to have physical custody of the child
13 and the right and duty to protect, train, and discipline the
14 child and to provide him or her with food, shelter, education,
15 and ordinary medical, dental, psychiatric, and psychological
16 care.

17 (35) "Licensed child-caring agency" means a person,
18 society, association, or agency licensed by the Department of
19 Children and Family Services to care for, receive, and board
20 children.

21 (36) "Licensed health care professional" means a
22 physician licensed under chapter 458, an osteopathic physician
23 licensed under chapter 459, a nurse licensed under chapter
24 464, a physician assistant certified under chapter 458, or a
25 dentist licensed under chapter 466.

26 (37) "Mediation" means a process whereby a neutral
27 third person called a mediator acts to encourage and
28 facilitate the resolution of a dispute between two or more
29 parties. It is an informal and nonadversarial process with
30 the objective of helping the disputing parties reach a
31 mutually acceptable and voluntary agreement. In mediation,

1 decisionmaking authority rests with the parties. The role of
2 the mediator includes, but is not limited to, assisting the
3 parties in identifying issues, fostering joint problem
4 solving, and exploring settlement alternatives.

5 (38) "Necessary medical treatment" means care that is
6 necessary within a reasonable degree of medical certainty to
7 prevent the deterioration of a child's condition or to
8 alleviate immediate pain of a child.

9 (39) "Neglect" occurs when the parent or legal
10 custodian of a child or, in the absence of a parent or legal
11 custodian, the person primarily responsible for the child's
12 welfare deprives a child of, or allows a child to be deprived
13 of, necessary food, clothing, shelter, or medical treatment or
14 permits a child to live in an environment when such
15 deprivation or environment causes the child's physical,
16 mental, or emotional health to be significantly impaired or to
17 be in danger of being significantly impaired. The foregoing
18 circumstances shall not be considered neglect if caused
19 primarily by financial inability unless actual services for
20 relief have been offered to and rejected by such person. A
21 parent or guardian legitimately practicing religious beliefs
22 in accordance with a recognized church or religious
23 organization who thereby does not provide specific medical
24 treatment for a child shall not, for that reason alone, be
25 considered a negligent parent or guardian; however, such an
26 exception does not preclude a court from ordering the
27 following services to be provided, when the health of the
28 child so requires:

29 (a) Medical services from a licensed physician,
30 dentist, optometrist, podiatrist, or other qualified health
31 care provider; or

1 (b) Treatment by a duly accredited practitioner who
2 relies solely on spiritual means for healing in accordance
3 with the tenets and practices of a well-recognized church or
4 religious organization.

5 (40) "Parent" means a woman who gives birth to a child
6 and a man whose consent to the adoption of the child would be
7 required under s. 63.062(1)(b). If a child has been legally
8 adopted, the term "parent" means the adoptive mother or father
9 of the child. The term does not include an individual whose
10 parental relationship to the child has been legally
11 terminated, or an alleged or prospective parent, unless the
12 parental status falls within the terms of either s. 39.4051(7)
13 or s. 63.062(1)(b).

14 (41) "Participant," for purposes of a shelter
15 proceeding, means any person who is not a party but who should
16 receive notice of hearings involving the child, including
17 foster parents, identified prospective parents, grandparents
18 entitled to priority for adoption consideration under s.
19 63.0425, actual custodians of the child, and any other person
20 whose participation may be in the best interest of the child.
21 Participants may be granted leave by the court to be heard
22 without the necessity of filing a motion to intervene.

23 (42) "Party," for purposes of a shelter proceeding,
24 means the parent of the child, the petitioner, the department,
25 the guardian ad litem when one has been appointed, and the
26 child. The presence of the child may be excused by order of
27 the court when presence would not be in the child's best
28 interest. Notice to the child may be excused by order of the
29 court when the age, capacity, or other condition of the child
30 is such that the notice would be meaningless or detrimental to
31 the child.

1 (43) "Preliminary screening" means the gathering of
2 preliminary information to be used in determining a child's
3 need for further evaluation or assessment or for referral for
4 other substance abuse services through means such as
5 psychosocial interviews; urine and breathalyzer screenings;
6 and reviews of available educational, delinquency, and
7 dependency records of the child.

8 (44) "Preventive services" means social services and
9 other supportive and rehabilitative services provided to the
10 parent of the child, the legal guardian of the child, or the
11 custodian of the child and to the child for the purpose of
12 averting the removal of the child from the home or disruption
13 of a family which will or could result in the placement of a
14 child in foster care. Social services and other supportive
15 and rehabilitative services shall promote the child's need for
16 a safe, continuous, stable, living environment and shall
17 promote family autonomy and shall strengthen family life as
18 the first priority whenever possible.

19 (45) "Protective supervision" means a legal status in
20 child-in-need-of-services cases or family-in-need-of-services
21 cases which permits the child to remain in his or her own home
22 or other placement under the supervision of an agent of the
23 Department of Juvenile Justice or the Department of Children
24 and Family Services, subject to being returned to the court
25 during the period of supervision.

26 (46) "Relative" means a grandparent,
27 great-grandparent, sibling, first cousin, aunt, uncle,
28 great-aunt, great-uncle, niece, or nephew, whether related by
29 the whole or half blood, by affinity, or by adoption. The term
30 does not include a stepparent.

31

1 (47) "Reunification services" means social services
2 and other supportive and rehabilitative services provided to
3 the parent of the child, the legal guardian of the child, or
4 the custodian of the child, whichever is applicable; the
5 child; and, where appropriate, the foster parents of the child
6 for the purpose of enabling a child who has been placed in
7 foster care to return to his or her family at the earliest
8 possible time. Social services and other supportive and
9 rehabilitative services shall promote the child's need for a
10 safe, continuous, stable, living environment and shall promote
11 family autonomy and strengthen family life as a first priority
12 whenever possible.

13 (48) "Secure detention center or facility" means a
14 physically restricting facility for the temporary care of
15 children, pending adjudication, disposition, or placement.

16 (49) "Serious or habitual juvenile offender program"
17 means the program established in s. 985.31.

18 (50) "Shelter" means a place for the temporary care of
19 a child who is alleged to be or who has been found to be
20 dependent, a child from a family in need of services, or a
21 child in need of services, pending court disposition before or
22 after adjudication or after execution of a court order.

23 "Shelter" may include a facility which provides 24-hour
24 continual supervision for the temporary care of a child who is
25 placed pursuant to s. 984.14.

26 (51) "Shelter hearing" means a hearing provided for
27 under s. 984.14 in family-in-need-of-services cases or
28 child-in-need-of-services cases.

29 (52) "Staff-secure shelter" means a facility in which
30 a child is supervised 24 hours a day by staff members who are
31 awake while on duty. The facility is for the temporary care

1 and assessment of a child who has been found to be dependent,
2 who has violated a court order and been found in contempt of
3 court, or whom the Department of Children and Family Services
4 is unable to properly assess or place for assistance within
5 the continuum of services provided for dependent children.

6 (53) "Substance abuse" means using, without medical
7 reason, any psychoactive or mood-altering drug, including
8 alcohol, in such a manner as to induce impairment resulting in
9 dysfunctional social behavior.

10 (54) "Taken into custody" means the status of a child
11 immediately when temporary physical control over the child is
12 attained by a person authorized by law, pending the child's
13 release, detention, placement, or other disposition as
14 authorized by law.

15 (55) "Temporary legal custody" means the relationship
16 that a juvenile court creates between a child and an adult
17 relative of the child, adult nonrelative approved by the
18 court, or other person until a more permanent arrangement is
19 ordered. Temporary legal custody confers upon the custodian
20 the right to have temporary physical custody of the child and
21 the right and duty to protect, train, and discipline the child
22 and to provide the child with food, shelter, and education,
23 and ordinary medical, dental, psychiatric, and psychological
24 care, unless these rights and duties are otherwise enlarged or
25 limited by the court order establishing the temporary legal
26 custody relationship.

27 (56) "Violation of law" or "delinquent act" means a
28 violation of any law of this state, the United States, or any
29 other state which is a misdemeanor or a felony or a violation
30 of a county or municipal ordinance which would be punishable
31 by incarceration if the violation were committed by an adult.

1 Section 90. Section 39.42, Florida Statutes, 1996
2 Supplement, is transferred, renumbered as section 984.04,
3 Florida Statutes, and amended to read:

4 984.04 ~~39.42~~ Families in need of services and children
5 in need of services; procedures and jurisdiction.--

6 (1) It is the intent of the Legislature to address the
7 problems of families in need of services by providing them
8 with an array of services designed to preserve the unity and
9 integrity of the family and to emphasize parental
10 responsibility for the behavior of their children. Services to
11 families in need of services and children in need of services
12 shall be provided on a continuum of increasing intensity and
13 participation by the parent and child. Judicial intervention
14 to resolve the problems and conflicts that exist within a
15 family shall be limited to situations in which a resolution to
16 the problem or conflict has not been achieved through service,
17 treatment, and family intervention after all available less
18 restrictive resources have been exhausted. In creating this
19 part, the Legislature recognizes the need to distinguish the
20 problems of truants, runaways, and children beyond the control
21 of their parents, and the services provided to these children,
22 from the problems and services designed to meet the needs of
23 abandoned, abused, neglected, and delinquent children. In
24 achieving this recognition, it shall be the policy of the
25 state to develop short-term, temporary services and programs
26 utilizing the least restrictive method for families in need of
27 services and children in need of services.

28 (2) The Department of Juvenile Justice shall be
29 responsible for all nonjudicial proceedings involving a family
30 in need of services.

31

1 (3) All nonjudicial procedures in
2 family-in-need-of-services cases shall be according to rules
3 established by the Department of Juvenile Justice under
4 chapter 120.

5 (4) The circuit court shall have exclusive original
6 jurisdiction of judicial proceedings involving continued
7 placement of a child from a family in need of services in
8 shelter.

9 (5) The circuit court shall have exclusive original
10 jurisdiction of proceedings in which a child is alleged to be
11 a child in need of services. When the jurisdiction of any
12 child who has been found to be a child in need of services or
13 the parent, custodian, or legal guardian of such a child is
14 obtained, the court shall retain jurisdiction, unless
15 relinquished by its order or unless the department withdraws
16 its petition because the child no longer meets the definition
17 of a child in need of services as defined in s. 984.03
18 ~~39-01(12)~~, until the child reaches 18 years of age. This
19 subsection shall not be construed to prevent the exercise of
20 jurisdiction by any other court having jurisdiction of the
21 child if the child commits a violation of law, is the subject
22 of the dependency provisions under this chapter, or is the
23 subject of a pending investigation into an allegation or
24 suspicion of abuse, neglect, or abandonment.

25 (6) All procedures, including petitions, pleadings,
26 subpoenas, summonses, and hearings, in
27 family-in-need-of-services cases and child-in-need-of-services
28 cases shall be according to the Florida Rules of Juvenile
29 Procedure unless otherwise provided by law.

30
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1 (7) The department may contract with a provider to
2 provide services and programs for families in need of services
3 and children in need of services.

4 Section 91. Section 39.015, Florida Statutes, is
5 transferred, renumbered as section 984.05, Florida Statutes,
6 and amended to read:

7 984.05 ~~39.015~~ Rules relating to habitual truants;
8 adoption by Department of Education and Department of Juvenile
9 Justice.--The Department of Juvenile Justice and the
10 Department of Education shall work together on the development
11 of, and shall adopt, rules for the implementation of ss.
12 ~~39.01(73), 39.403(2), 232.19(3) and (6)(a) and~~ 984.03(29).

13 Section 92. Section 39.4451, Florida Statutes, 1996
14 Supplement, is transferred, renumbered as section 984.06,
15 Florida Statutes, and amended to read:

16 984.06 ~~39.4451~~ Oaths, records, and confidential
17 information.--

18 (1) The judge, clerks or deputy clerks, or authorized
19 agents of the department shall each have the power to
20 administer oaths and affirmations ~~pursuant to s. 39.411~~.

21 (2) The court shall make and keep records of all cases
22 brought before it pursuant to this chapter and shall preserve
23 the records pertaining to a child in need of services until 10
24 years after the last entry was made or until the child is 18
25 years of age, whichever date is first reached, and may then
26 destroy them. The court shall make official records,
27 consisting of all petitions and orders filed in a case arising
28 pursuant to this chapter part and any other pleadings,
29 certificates, proofs of publication, summonses, warrants, and
30 other writs which are filed in the case.

31

1 (3) The clerk shall keep all court records required by
2 this chapter part separate from other records of the circuit
3 court. Court records required by this chapter part are not
4 open to inspection by the public. All such records may be
5 inspected only upon order of the court by a person deemed by
6 the court to have a proper interest therein, except that,
7 subject to the provisions of s. 63.162, a child and the
8 parents or legal custodians of the child and their attorneys,
9 law enforcement agencies, and the department and its designees
10 may inspect and copy any official record pertaining to the
11 child. The court may permit authorized representatives of
12 recognized organizations compiling statistics for proper
13 purposes to inspect and make abstracts from official records,
14 under whatever conditions upon their use and disposition the
15 court deems proper, and may punish by contempt proceedings any
16 violation of those conditions.

17 (4) Except as provided in subsection (3), all
18 information obtained pursuant to this chapter part in the
19 discharge of official duty by any judge, employee of the
20 court, authorized agent of the department, or law enforcement
21 agent is confidential and may not be disclosed to anyone other
22 than the authorized personnel of the court, the department and
23 its designees, law enforcement agencies, and others entitled
24 under this chapter to receive that information, except upon
25 order of the court.

26 (5) All orders of the court entered pursuant to this
27 chapter must be in writing and signed by the judge, except
28 that the clerk or a deputy clerk may sign a summons or notice
29 to appear.
30
31

1 (6) A court record of proceedings under this chapter
2 is not admissible in evidence in any other civil or criminal
3 proceeding, except that:

4 (a) Records of proceedings under this chapter ~~part~~
5 forming a part of the record on appeal shall be used in the
6 appellate court.

7 (b) Records that are necessary in any case in which a
8 person is being tried upon a charge of having committed
9 perjury are admissible in evidence in that case.

10 Section 93. Section 39.447, Florida Statutes, is
11 transferred and renumbered as section 984.07, Florida
12 Statutes.

13 Section 94. Section 39.017, Florida Statutes, is
14 transferred, renumbered as section 984.08, Florida Statutes,
15 and amended to read:

16 984.08 ~~39.017~~ Attorney's fees.--

17 (1) The court may appoint an attorney to represent a
18 parent or legal guardian under this chapter ~~part III, part IV,~~
19 ~~part V, or part VI~~ only upon a finding that the parent or
20 legal guardian is indigent.

21 (a) The finding of indigency of any parent or legal
22 guardian may be made by the court at any stage of the
23 proceedings. Any parent or legal guardian claiming indigency
24 shall file with the court an affidavit containing the factual
25 information required in paragraphs (c) and (d).

26 (b) A parent or legal guardian who is unable to pay
27 for the services of an attorney without substantial hardship
28 to self or family is indigent for the purposes of this chapter
29 ~~part~~.

30 (c) Before finding that a parent or legal guardian is
31 indigent, the court shall determine whether any of the

1 following facts exist, and the existence of any such fact
2 creates a presumption that the parent or legal guardian is not
3 indigent:

4 1. The parent or legal guardian has no dependents and
5 has a gross income exceeding \$250 per week; or, the parent or
6 legal guardian has dependents and has a gross income exceeding
7 \$250 per week plus \$100 per week for each dependent.

8 2. The parent or legal guardian owns cash in excess of
9 \$1,000.

10 3. The parent or legal guardian has an interest
11 exceeding \$1,000 in value in a single motor vehicle as defined
12 in s. 320.01.

13 (d) The court shall also consider the following
14 circumstances before finding that a parent or legal guardian
15 is indigent:

16 1. The probable expense of being represented in the
17 case.

18 2. The parent's or legal guardian's ownership of, or
19 equity in, any intangible or tangible personal property or
20 real property or expectancy of an interest in any such
21 property.

22 3. The amount of debts the parent or legal guardian
23 owes or might incur because of illness or other misfortunes
24 within the family.

25 (2) If, after the appointment of counsel for an
26 indigent parent or legal guardian, it is determined that the
27 parent or legal guardian is not indigent, the court has
28 continuing jurisdiction to assess attorney's fees and costs
29 against the parent or legal guardian, and order the payment
30 thereof. When payment of attorney's fees or costs has been
31 assessed and ordered by the court, there is hereby created a

1 lien in the name of the county in which the legal assistance
2 was rendered, enforceable as provided in subsection (3), upon
3 all the property, both real and personal, of the parent or
4 legal guardian who received the court-ordered appointed
5 counsel under this chapter ~~part III, part IV, part V, or part~~
6 ~~VI~~. The lien constitutes a claim against the parent or legal
7 guardian and the parent's or legal guardian's estate in an
8 amount to be determined by the court in which the legal
9 assistance was rendered.

10 (3)(a) The lien created for court-ordered payment of
11 attorney's fees or costs under subsection (2) is enforceable
12 upon all the property, both real and personal, of the parent
13 or legal guardian who is being, or has been, represented by
14 legal counsel appointed by the court in proceedings under this
15 chapter ~~part III, part IV, part V, or part VI~~. The lien
16 constitutes a claim against the person and the estate of the
17 parent or legal guardian, enforceable according to law, in an
18 amount to be determined by the court in which the legal
19 assistance was rendered.

20 (b) Immediately after the issuance of an order for the
21 payment of attorney's fees or costs, a judgment showing the
22 name, the residential address, the date of birth, and either a
23 physical description or the social security number of the
24 parent or legal guardian must be filed for record in the
25 office of the clerk of the circuit court in the county where
26 the parent or legal guardian resides and in each county in
27 which the parent or legal guardian then owns or later acquires
28 any property. The judgment is enforceable on behalf of the
29 county by the board of county commissioners of the county in
30 which the legal assistance was rendered.

31

1 (c) Instead of the procedure described in paragraphs
2 (a) and (b), the court is authorized to require that the
3 parent or legal guardian who has been represented by legal
4 counsel appointed by the court in proceedings under this
5 chapter ~~part III, part IV, part V, or part VI~~ execute a lien
6 upon his or her real or personal property, presently owned or
7 after-acquired, as security for the debt created by the
8 court's order requiring payment of attorney's fees or costs.
9 The lien must be recorded in the public records of the county
10 at no charge by the clerk of the circuit court and is
11 enforceable in the same manner as a mortgage.

12 (d) The board of county commissioners of the county
13 where the parent received the services of an appointed private
14 legal counsel is authorized to enforce, satisfy, compromise,
15 settle, subordinate, release, or otherwise dispose of any debt
16 or lien imposed under this section. A parent, who has been
17 ordered to pay attorney's fees or costs and who is not in
18 willful default in the payment thereof, may, at any time,
19 petition the court which entered the order for remission of
20 the payment of attorney's fees or costs or of any unpaid
21 portion thereof. If the court determines that payment of the
22 amount due will impose manifest hardship on the parent or
23 immediate family, the court may remit all or part of the
24 amount due in attorney's fees or costs or may modify the
25 method of payment.

26 (e) The board of county commissioners of the county
27 claiming the lien is authorized to contract with a collection
28 agency for collection of such debts or liens, provided the fee
29 for collection is on a contingent basis not to exceed 50
30 percent of the recovery. However, no fee may be paid to any
31 collection agency by reason of foreclosure proceedings against

1 real property or from the proceeds from the sale or other
2 disposition of real property.

3 Section 95. Section 984.09, Florida Statutes, is
4 created to read:

5 984.09 Punishment for contempt of court; alternative
6 sanctions.--

7 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.--The court
8 may punish any child for contempt for interfering with the
9 court or with court administration, or for violating any
10 provision of this chapter or order of the court relative
11 thereto. It is the intent of the Legislature that the court
12 restrict and limit the use of contempt powers with respect to
13 commitment of a child to a secure facility. A child who
14 commits direct contempt of court or indirect contempt of a
15 valid court order may be taken into custody and ordered to
16 serve an alternative sanction or placed in a secure facility,
17 as authorized in this section, by order of the court.

18 (2) PLACEMENT IN A SECURE FACILITY.--A child may be
19 placed in a secure facility for purposes of punishment for
20 contempt of court if alternative sanctions are unavailable or
21 inappropriate, or if the child has already been ordered to
22 serve an alternative sanction but failed to comply with the
23 sanction.

24 (a) A delinquent child who has been held in direct or
25 indirect contempt may be placed in a secure detention facility
26 for 5 days for a first offense or 15 days for a second or
27 subsequent offense, or in a secure residential commitment
28 facility.

29 (b) A child in need of services who has been held in
30 direct contempt or indirect contempt may be placed, for 5 days
31 for a first offense or 15 days for a second or subsequent

1 offense, in a staff-secure shelter or a staff-secure
2 residential facility solely for children in need of services
3 if such placement is available, or, if such placement is not
4 available, the child may be placed in an appropriate mental
5 health facility or substance abuse facility for assessment.

6 (3) ALTERNATIVE SANCTIONS.--Each judicial circuit
7 shall have an alternative sanctions coordinator who shall
8 serve under the chief administrative judge of the juvenile
9 division of the circuit court, and who shall coordinate and
10 maintain a spectrum of contempt sanction alternatives in
11 conjunction with the circuit plan implemented in accordance
12 with s. 790.22(4)(c). Upon determining that a child has
13 committed direct contempt of court or indirect contempt of a
14 valid court order, the court may immediately request the
15 alternative sanctions coordinator to recommend the most
16 appropriate available alternative sanction and shall order the
17 child to perform up to 50 hours of community-service manual
18 labor or a similar alternative sanction, unless an alternative
19 sanction is unavailable or inappropriate, or unless the child
20 has failed to comply with a prior alternative sanction.

21 Alternative contempt sanctions may be provided by local
22 industry or by any nonprofit organization or any public or
23 private business or service entity that has entered into a
24 contract with the Department of Juvenile Justice to act as an
25 agent of the state to provide voluntary supervision of
26 children on behalf of the state in exchange for the manual
27 labor of children and limited immunity in accordance with s.
28 768.28(11).

29 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
30 PROCESS.--

31

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

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

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

11 2. Right to an explanation of the nature and the
12 consequences of the proceedings.

13 3. Right to legal counsel and the right to have legal
14 counsel appointed by the court if the juvenile is indigent,
15 pursuant to s. 985.203.

16 4. Right to confront witnesses.

17 5. Right to present witnesses.

18 6. Right to have a transcript or record of the
19 proceeding.

20 7. Right to appeal to an appropriate court.

21
22 The child's parent or guardian may address the court regarding
23 the due process rights of the child. The court shall review
24 the placement of the child every 72 hours to determine whether
25 it is appropriate for the child to remain in the facility.

26 (c) The court may not order that a child be placed in
27 a secure facility for punishment for contempt unless the court
28 determines that an alternative sanction is inappropriate or
29 unavailable or that the child was initially ordered to an
30 alternative sanction and did not comply with the alternative
31 sanction. The court is encouraged to order a child to perform

1 community service, up to the maximum number of hours, where
2 appropriate before ordering that the child be placed in a
3 secure facility as punishment for contempt of court.

4 (5) ALTERNATIVE SANCTIONS COORDINATOR.--There is
5 created the position of alternative sanctions coordinator
6 within each judicial circuit, pursuant to subsection (3). Each
7 alternative sanctions coordinator shall serve under the
8 direction of the chief administrative judge of the juvenile
9 division as directed by the chief judge of the circuit. The
10 alternative sanctions coordinator shall act as the liaison
11 between the judiciary and county juvenile justice councils,
12 the local department officials, district school board
13 employees, and local law enforcement agencies. The alternative
14 sanctions coordinator shall coordinate within the circuit
15 community-based alternative sanctions, including nonsecure
16 detention programs, community service projects, and other
17 juvenile sanctions, in conjunction with the circuit plan
18 implemented in accordance with s. 790.22(4)(c).

19 Section 96. Section 39.423, Florida Statutes, 1996
20 Supplement, is transferred, renumbered as section 984.10,
21 Florida Statutes, and amended to read:

22 984.10 ~~39.423~~ Intake.--

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

1 (2) A representative of the department shall make a
2 preliminary determination as to whether the report or
3 complaint is complete. The criteria for the completeness of a
4 report or complaint with respect to a child alleged to be from
5 a family in need of services while subject to compulsory
6 school attendance shall be governed by s. 984.03(29)
7 ~~39.01(73)~~. In any case in which the representative of the
8 department finds that the report or complaint is incomplete,
9 the representative of the department shall return the report
10 or complaint without delay to the person or agency originating
11 the report or complaint or having knowledge of the facts or to
12 the appropriate law enforcement agency having investigative
13 jurisdiction and request additional information in order to
14 complete the report or complaint.

15 (3) If the representative of the department determines
16 that in his or her judgment the interests of the family, the
17 child, and the public will be best served by providing the
18 family and child services and treatment voluntarily accepted
19 by the child and the parents or legal custodians, the
20 departmental representative may refer the family or child to
21 an appropriate service and treatment provider.

22 (4) If the department has reasonable grounds to
23 believe that the child has been abandoned, abused, or
24 neglected, it shall proceed pursuant to the provisions of s.
25 415.505 and ~~part III of this~~ chapter 39.

26 Section 97. Section 39.424, Florida Statutes, 1996
27 Supplement, is transferred, renumbered as section 984.11,
28 Florida Statutes, and amended to read:

29 984.11 ~~39.424~~ Services to families in need of
30 services.--

31

1 (1) Services and treatment to families in need of
2 services shall be by voluntary agreement of the parent or
3 legal guardian and the child or as directed by a court order
4 pursuant to s. 984.22 ~~39.442~~.
5 (2) These services may include, but need not be
6 limited to:
7 (a) Homemaker or parent aide services.
8 (b) Intensive crisis counseling.
9 (c) Parent training.
10 (d) Individual, group, or family counseling.
11 (e) Community mental health services.
12 (f) Prevention and diversion services.
13 (g) Services provided by voluntary or community
14 agencies.
15 (h) Runaway center services.
16 (i) Housekeeper services.
17 (j) Special educational, tutorial, or remedial
18 services.
19 (k) Vocational, job training, or employment services.
20 (l) Recreational services.
21 (m) Assessment.
22 (3) The department shall advise the parents or legal
23 guardian that they are responsible for contributing to the
24 cost of the child or family services and treatment to the
25 extent of their ability to pay. The department shall set and
26 charge fees for services and treatment provided to clients.
27 (4) The department may file a petition with the
28 circuit court to enforce the collection of fees for services
29 and treatment rendered to the child or the parent and other
30 legal custodians.
31

1 Section 98. Section 39.426, Florida Statutes, 1996
2 Supplement, is transferred and renumbered as section 984.12,
3 Florida Statutes.

4 Section 99. Section 39.421, Florida Statutes, 1996
5 Supplement, is transferred, renumbered as section 984.13,
6 Florida Statutes, and amended to read:

7 984.13 ~~39.421~~ Taking into custody a child alleged to
8 be from a family in need of services or to be a child in need
9 of services.--

10 (1) A child may be taken into custody:

11 (a) By a law enforcement officer when the officer has
12 reasonable grounds to believe that the child has run away from
13 his or her parents, guardian, or other legal custodian.

14 (b) By a law enforcement officer when the officer has
15 reasonable grounds to believe that the child is absent from
16 school without authorization, for the purpose of delivering
17 the child without unreasonable delay to the school system.
18 For the purpose of this paragraph, "school system" includes,
19 but is not limited to, a center approved by the superintendent
20 of schools for the purpose of counseling students and
21 referring them back to the school system.

22 (c) Pursuant to an order of the circuit court based
23 upon sworn testimony before or after a petition is filed under
24 s. 984.15 ~~39.436~~.

25 (d) By a law enforcement officer when the child
26 voluntarily agrees to or requests services pursuant to this
27 ~~chapter part~~ or placement in a shelter.

28 (2) The person taking the child into custody shall:

29 (a) Release the child to a parent, guardian, legal
30 custodian, or responsible adult relative or to a
31 department-approved family-in-need-of-services and

1 child-in-need-of-services provider if the person taking the
2 child into custody has reasonable grounds to believe the child
3 has run away from a parent, guardian, or legal custodian; is
4 truant; or is beyond the control of the parent, guardian, or
5 legal custodian; following such release, the person taking the
6 child into custody shall make a full written report to the
7 intake office of the department within 3 days; or

8 (b) Deliver the child to the department, stating the
9 facts by reason of which the child was taken into custody and
10 sufficient information to establish probable cause that the
11 child is from a family in need of services.

12 (3) If the child is taken into custody by, or is
13 delivered to, the department, the appropriate representative
14 of the department shall review the facts and make such further
15 inquiry as necessary to determine whether the child shall
16 remain in custody or be released. Unless shelter is required
17 as provided in s. 984.14(1)~~39.422(1)~~, the department shall:

18 (a) Release the child to his or her parent, guardian,
19 or legal custodian, to a responsible adult relative, to a
20 responsible adult approved by the department, or to a
21 department-approved family-in-need-of-services and
22 child-in-need-of-services provider; or

23 (b) Authorize temporary services and treatment that
24 would allow the child alleged to be from a family in need of
25 services to remain at home.

26 Section 100. Section 39.422, Florida Statutes, 1996
27 Supplement, is transferred, renumbered as section 984.14,
28 Florida Statutes, and amended to read:

29 984.14 ~~39.422~~ Shelter placement; hearing of a child
30 ~~from a family in need of services or a child in need of~~
31 ~~services in a shelter.--~~

1 (1) Unless ordered by the court pursuant to the
2 provisions of this chapter part, or upon voluntary consent to
3 placement by the child and the child's parent, legal guardian,
4 or custodian, a child taken into custody shall not be placed
5 in a shelter prior to a court hearing unless a determination
6 has been made that the provision of appropriate and available
7 services will not eliminate the need for placement and that
8 such placement is required:

9 (a) To provide an opportunity for the child and family
10 to agree upon conditions for the child's return home, when
11 immediate placement in the home would result in a substantial
12 likelihood that the child and family would not reach an
13 agreement; or

14 (b) Because a parent, custodian, or guardian is
15 unavailable to take immediate custody of the child.

16 (2) If the department determines that placement in a
17 shelter is necessary according to the provisions of subsection
18 (1), the departmental representative shall authorize placement
19 of the child in a shelter provided by the community
20 specifically for runaways and troubled youth who are children
21 in need of services or members of families in need of services
22 and shall immediately notify the parents or legal custodians
23 that the child was taken into custody.

24 (3) A child who is involuntarily placed in a shelter
25 shall be given a shelter hearing within 24 hours after being
26 taken into custody to determine whether shelter placement is
27 required. The shelter petition filed with the court shall
28 address each condition required to be determined in subsection
29 (1).

30 (4) A child may not be held involuntarily in a shelter
31 longer than 24 hours unless an order so directing is made by

1 the court after a shelter hearing finding that placement in a
2 shelter is necessary based on the criteria in subsection (1)
3 and that the department has made reasonable efforts to prevent
4 or eliminate the need for removal of the child from the home.

5 (5) Under the provisions of this chapter ~~part~~,
6 placement in a shelter of a child in need of services or a
7 child from a family in need of services shall be for no longer
8 than 35 days.

9 (6) When any child is placed in a shelter pursuant to
10 court order following a shelter hearing, the court shall order
11 the natural or adoptive parents of such child, the natural
12 father of such child born out of wedlock who has acknowledged
13 his paternity in writing before the court, or the guardian of
14 such child's estate, if possessed of assets which under law
15 may be disbursed for the care, support, and maintenance of the
16 child, to pay, to the department, fees as established by the
17 department. When the order affects the guardianship estate, a
18 certified copy of the order shall be delivered to the judge
19 having jurisdiction of the guardianship estate.

20 (7) A child who is adjudicated a child in need of
21 services or alleged to be from a family in need of services or
22 a child in need of services may not be placed in a secure
23 detention facility or jail or any other commitment program for
24 delinquent children under any circumstances.

25 (8) The court may order the placement of a child in
26 need of services into a staff-secure facility for no longer
27 than 5 days for the purpose of evaluation and assessment.

28 Section 101. Section 39.436, Florida Statutes, 1996
29 Supplement, is transferred, renumbered as section 984.15,
30 Florida Statutes, and amended to read:

31

1 984.15 ~~39.436~~ Petition for a child in need of
2 services.--

3 (1) All proceedings seeking an adjudication that a
4 child is a child in need of services shall be initiated by the
5 filing of a petition by an attorney representing the
6 department. If a child in need of services has been placed in
7 a shelter pursuant to s. 984.14 ~~39.422~~, the petition shall be
8 filed immediately and contain notice of arraignment pursuant
9 to s. 984.20 ~~39.44~~.

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

13 (a) The family and child have in good faith, but
14 unsuccessfully, used the services and process described in ss.
15 984.11 and 984.12 ~~39.424 and 39.426~~; or

16 (b) The family or child have refused all services
17 described in ss. 984.11 and 984.12 ~~39.424 and 39.426~~ after
18 reasonable efforts by the department to involve the family and
19 child in services and treatment.

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

23 (4) The petition shall be in writing, shall state the
24 specific grounds under s. 984.03(9) ~~39.01(12)~~ by which the
25 child is designated a child in need of services, and shall
26 certify that the conditions prescribed in subsection (2) have
27 been met. The petition shall be signed by the petitioner
28 under oath stating good faith in filing the petition and shall
29 be signed by an attorney for the department.

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

1 (6) The department may withdraw a petition at any time
2 prior to the child being adjudicated a child in need of
3 services.

4 Section 102. Section 39.437, Florida Statutes, 1996
5 Supplement, is transferred and renumbered as section 984.16,
6 Florida Statutes.

7 Section 103. Section 39.438, Florida Statutes, 1996
8 Supplement, is transferred and renumbered as section 984.17,
9 Florida Statutes.

10 Section 104. Section 39.4431, Florida Statutes, 1996
11 Supplement, is transferred and renumbered as section 984.18,
12 Florida Statutes.

13 Section 105. Section 39.446, Florida Statutes, 1996
14 Supplement, is transferred, renumbered as section 984.19,
15 Florida Statutes, and amended to read:

16 984.19 ~~39.446~~ Medical, psychiatric, and psychological
17 examination and treatment of child; physical or mental
18 examination of parent, guardian, or person requesting custody
19 of child.--

20 (1) When any child is to be placed in shelter care,
21 the department is authorized to have a medical screening
22 performed on the child without authorization from the court
23 and without consent from a parent or guardian. Such medical
24 screening shall be performed by a licensed health care
25 professional and shall be to examine the child for injury,
26 illness, and communicable diseases. In no case does this
27 subsection authorize the department to consent to medical
28 treatment for such children.

29 (2) When the department has performed the medical
30 screening authorized by subsection (1) or when it is otherwise
31 determined by a licensed health care professional that a child

1 is in need of medical treatment, consent for medical treatment
2 shall be obtained in the following manner:

3 (a)1. Consent to medical treatment shall be obtained
4 from a parent or guardian of the child; or

5 2. A court order for such treatment shall be obtained.

6 (b) If a parent or guardian of the child is
7 unavailable and his or her whereabouts cannot be reasonably
8 ascertained and it is after normal working hours so that a
9 court order cannot reasonably be obtained, an authorized agent
10 of the department or its provider has the authority to consent
11 to necessary medical treatment for the child. The authority
12 of the department to consent to medical treatment in this
13 circumstance is limited to the time reasonably necessary to
14 obtain court authorization.

15 (c) If a parent or guardian of the child is available
16 but refuses to consent to the necessary treatment, a court
17 order is required, unless the situation meets the definition
18 of an emergency in s. 743.064 or the treatment needed is
19 related to suspected abuse or neglect of the child by the
20 parent or guardian. In such case, the department has the
21 authority to consent to necessary medical treatment. This
22 authority is limited to the time reasonably necessary to
23 obtain court authorization.

24

25 In no case may the department consent to sterilization,
26 abortion, or termination of life support.

27 (3) A judge may order that a child alleged to be or
28 adjudicated a child in need of services be examined by a
29 licensed health care professional. The judge may also order
30 such child to be evaluated by a psychiatrist or a
31 psychologist, by a district school board educational needs

1 assessment team, or, if a developmental disability is
2 suspected or alleged, by the developmental disability
3 diagnostic and evaluation team of the Department of Children
4 and Family ~~Health and Rehabilitative~~ Services. The judge may
5 order a family assessment if that assessment was not completed
6 at an earlier time. If it is necessary to place a child in a
7 residential facility for such evaluation, then the criteria
8 and procedure established in s. 394.463(2) or chapter 393
9 shall be used, whichever is applicable. The educational needs
10 assessment provided by the district school board educational
11 needs assessment team shall include, but not be limited to,
12 reports of intelligence and achievement tests, screening for
13 learning disabilities and other handicaps, and screening for
14 the need for alternative education pursuant to s. 230.2316.

15 (4) A judge may order that a child alleged to be or
16 adjudicated a child in need of services be treated by a
17 licensed health care professional. The judge may also order
18 such child to receive mental health or retardation services
19 from a psychiatrist, psychologist, or other appropriate
20 service provider. If it is necessary to place the child in a
21 residential facility for such services, then the procedures
22 and criteria established in s. 394.467 or chapter 393 shall be
23 used, whichever is applicable. A child may be provided mental
24 health or retardation services in emergency situations,
25 pursuant to the procedures and criteria contained in s.
26 394.463(1) or chapter 393, whichever is applicable.

27 (5) When there are indications of physical injury or
28 illness, a licensed health care professional shall be
29 immediately called or the child shall be taken to the nearest
30 available hospital for emergency care.

31

1 (6) Except as otherwise provided herein, nothing in
2 this section shall be deemed to eliminate the right of a
3 parent, a guardian, or the child to consent to examination or
4 treatment for the child.

5 (7) Except as otherwise provided herein, nothing in
6 this section shall be deemed to alter the provisions of s.
7 743.064.

8 (8) A court shall not be precluded from ordering
9 services or treatment to be provided to the child by a duly
10 accredited practitioner who relies solely on spiritual means
11 for healing in accordance with the tenets and practices of a
12 church or religious organization, when required by the child's
13 health and when requested by the child.

14 (9) Nothing in this section shall be construed to
15 authorize the permanent sterilization of the child, unless
16 such sterilization is the result of or incidental to medically
17 necessary treatment to protect or preserve the life of the
18 child.

19 (10) For the purpose of obtaining an evaluation or
20 examination or receiving treatment as authorized pursuant to
21 this section, no child alleged to be or found to be a child
22 from a family in need of services or a child in need of
23 services shall be placed in a detention facility or other
24 program used primarily for the care and custody of children
25 alleged or found to have committed delinquent acts.

26 (11) The parents or guardian of a child alleged to be
27 or adjudicated a child in need of services remain financially
28 responsible for the cost of medical treatment provided to the
29 child even if one or both of the parents or if the guardian
30 did not consent to the medical treatment. After a hearing,
31 the court may order the parents or guardian, if found able to

1 do so, to reimburse the department or other provider of
2 medical services for treatment provided.

3 (12) Nothing in this section alters the authority of
4 the department to consent to medical treatment for a child who
5 has been committed to the department pursuant to s. 984.22(3)
6 and (4)~~39.442(3) and (4)~~and of whom the department has
7 become the legal custodian.

8 (13) At any time after the filing of a petition for a
9 child in need of services, when the mental or physical
10 condition, including the blood group, of a parent, guardian,
11 or other person requesting custody of a child is in
12 controversy, the court may order the person to submit to a
13 physical or mental examination by a qualified professional.
14 The order may be made only upon good cause shown and pursuant
15 to notice and procedures as set forth by the Florida Rules of
16 Juvenile Procedure.

17 Section 106. Section 39.44, Florida Statutes, 1996
18 Supplement, is transferred and renumbered as section 984.20,
19 Florida Statutes.

20 Section 107. Section 39.441, Florida Statutes, is
21 transferred and renumbered as section 984.21, Florida
22 Statutes.

23 Section 108. Section 39.442, Florida Statutes, 1996
24 Supplement, is transferred, renumbered as section 984.22,
25 Florida Statutes, and amended to read:

26 984.22 ~~39.442~~ Powers of disposition.--

27 (1) If the court finds that services and treatment
28 have not been provided or utilized by a child or family, the
29 court having jurisdiction of the child shall have the power to
30 direct the least intrusive and least restrictive disposition,
31 as follows:

1 (a) Order the parent, guardian, or custodian and the
2 child to participate in treatment, services, and any other
3 alternative identified as necessary.

4 (b) Order the parent, guardian, or custodian to pay a
5 fine or fee based on the recommendations of the department.

6 (2) When any child is adjudicated by the court to be a
7 child in need of services, the court having jurisdiction of
8 the child and parent, guardian, or custodian shall have the
9 power, by order, to:

10 (a) Place the child under the supervision of the
11 department's contracted provider of programs and services for
12 children in need of services and families in need of services.
13 "Supervision," for the purposes of this section, means
14 services as defined by the contract between the department and
15 the provider.

16 (b) Place the child in the temporary legal custody of
17 an adult willing to care for the child.

18 (c) Commit the child to a licensed child-caring agency
19 willing to receive the child and to provide services without
20 compensation from the department.

21 (d) Order the child, and, if the court finds it
22 appropriate, the parent, guardian, or custodian of the child,
23 to render community service in a public service program.

24 (3) When any child is adjudicated by the court to be a
25 child in need of services and temporary legal custody of the
26 child has been placed with an adult willing to care for the
27 child, a licensed child-caring agency, the Department of
28 Juvenile Justice, or the Department of Children and Family
29 ~~Health and Rehabilitative~~ Services, the court shall order the
30 natural or adoptive parents of such child, including the
31 natural father of such child born out of wedlock who has

1 acknowledged his paternity in writing before the court, or the
2 guardian of such child's estate if possessed of assets which
3 under law may be disbursed for the care, support, and
4 maintenance of such child, to pay child support to the adult
5 relative caring for the child, the licensed child-caring
6 agency, the Department of Juvenile Justice, or the Department
7 of Children and Family ~~Health and Rehabilitative~~ Services.
8 When such order affects the guardianship estate, a certified
9 copy of such order shall be delivered to the judge having
10 jurisdiction of such guardianship estate. If the court
11 determines that the parent is unable to pay support, placement
12 of the child shall not be contingent upon issuance of a
13 support order.

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

23 (5) In carrying out the provisions of this chapter
24 ~~part~~, the court shall order the child, family, parent,
25 guardian, or custodian of a child who is found to be a child
26 in need of services to participate in family counseling and
27 other professional counseling activities or other alternatives
28 deemed necessary for the rehabilitation of the child.

29 (6) The participation and cooperation of the family,
30 parent, guardian, or custodian, and the child with
31 court-ordered services, treatment, or community service are

1 mandatory, not merely voluntary. The court may use its
2 contempt powers to enforce its order.

3 Section 109. Section 39.4375, Florida Statutes, is
4 transferred and renumbered as section 984.23, Florida
5 Statutes.

6 Section 110. Section 39.4441, Florida Statutes, 1996
7 Supplement, is transferred and renumbered as section 984.24,
8 Florida Statutes.

9 Section 111. Section 39.01, Florida Statutes, 1996
10 Supplement, is amended to read:

11 39.01 Definitions.--When used in this chapter:

12 (1) "Abandoned" means a situation in which the parent
13 or legal custodian of a child or, in the absence of a parent
14 or legal custodian, the person responsible for the child's
15 welfare, while being able, makes no provision for the child's
16 support and makes no effort to communicate with the child,
17 which situation is sufficient to evince a willful rejection of
18 parental obligations. If the efforts of such parent or legal
19 custodian, or person primarily responsible for the child's
20 welfare to support and communicate with the child are, in the
21 opinion of the court, only marginal efforts that do not evince
22 a settled purpose to assume all parental duties, the court may
23 declare the child to be abandoned. The term "abandoned" does
24 not include a "child in need of services" as defined in
25 chapter 984 subsection (12) or a "family in need of services"
26 as defined in chapter 984 subsection (30). The incarceration
27 of a parent, legal custodian, or person responsible for a
28 child's welfare does not constitute a bar to a finding of
29 abandonment.

30 (2) "Abuse" means any willful act that results in any
31 physical, mental, or sexual injury that causes or is likely to

1 cause the child's physical, mental, or emotional health to be
2 significantly impaired. Corporal discipline of a child by a
3 parent or guardian for disciplinary purposes does not in
4 itself constitute abuse when it does not result in harm to the
5 child as defined in s. 415.503.

6 (3) "Addictions receiving facility" means a substance
7 abuse service provider as defined in chapter 397.

8 (4) "Adjudicatory hearing" means a hearing for the
9 court to determine whether or not the facts support the
10 allegations stated in the petition as is provided for under ~~s.~~
11 ~~39.052(1), in delinquency cases~~ s. 39.408(2), in dependency
12 cases, ~~s. 39.44(2), in child-in-need-of-services cases~~ or s.
13 39.467, in termination of parental rights cases.

14 (5) "Adult" means any natural person other than a
15 child.

16 (6) "Arbitration" means a process whereby a neutral
17 third person or panel, called an arbitrator or an arbitration
18 panel, considers the facts and arguments presented by the
19 parties and renders a decision which may be binding or
20 nonbinding.

21 (7) "Authorized agent" or "designee" of the department
22 means a person or agency assigned or designated by the
23 Department of Juvenile Justice or the Department of Children
24 and Family Health and Rehabilitative Services, as appropriate,
25 to perform duties or exercise powers pursuant to this chapter
26 and includes contract providers and their employees for
27 purposes of providing services to and managing cases of
28 children in need of services and families in need of services.

29 (8) "Caretaker/homemaker" means an authorized agent of
30 the Department of Children and Family Health and
31 Rehabilitative Services who shall remain in the child's home

1 with the child until a parent, legal guardian, or relative of
2 the child enters the home and is capable of assuming and
3 agrees to assume charge of the child.

4 (9) "Case plan" or "plan" means a document, as
5 described in s. 39.4031, prepared by the department, that
6 follows the child from the provision of voluntary services
7 through any dependency, foster care, or termination of
8 parental rights proceeding or related activity or process
9 under ~~part III, part V, or part VI.~~

10 (10) "Child" or "juvenile" or "youth" means any
11 unmarried person under the age of 18 who has not been
12 emancipated by order of the court and who has been found or
13 alleged to be dependent, in need of services, or from a family
14 in need of services; or any married or unmarried person who is
15 charged with a violation of law occurring prior to the time
16 that person reached the age of 18 years.

17 ~~(11) "Child eligible for an intensive residential~~
18 ~~treatment program for offenders less than 13 years of age"~~
19 ~~means a child who has been found to have committed a~~
20 ~~delinquent act or a violation of law in the case currently~~
21 ~~before the court and who meets at least one of the following~~
22 ~~criteria:~~

23 ~~(a) The child is less than 13 years of age at the time~~
24 ~~of the disposition for the current offense and has been~~
25 ~~adjudicated on the current offense for:~~

- 26 1. ~~Arson;~~
- 27 2. ~~Sexual battery;~~
- 28 3. ~~Robbery;~~
- 29 4. ~~Kidnapping;~~
- 30 5. ~~Aggravated child abuse;~~
- 31 6. ~~Aggravated assault;~~

1 ~~7. Aggravated stalking;~~
2 ~~8. Murder;~~
3 ~~9. Manslaughter;~~
4 ~~10. Unlawful throwing, placing, or discharging of a~~
5 ~~destructive device or bomb;~~
6 ~~11. Armed burglary;~~
7 ~~12. Aggravated battery;~~
8 ~~13. Lewd or lascivious assault or act in the presence~~
9 ~~of a child; or~~
10 ~~14. Carrying, displaying, using, threatening, or~~
11 ~~attempting to use a weapon or firearm during the commission of~~
12 ~~a felony.~~
13 ~~(b) The child is less than 13 years of age at the time~~
14 ~~of the disposition, the current offense is a felony, and the~~
15 ~~child has previously been committed at least once to a~~
16 ~~delinquency commitment program.~~
17 ~~(c) The child is less than 13 years of age and is~~
18 ~~currently committed for a felony offense and transferred from~~
19 ~~a moderate-risk or high-risk residential commitment placement.~~
20 ~~(12) "Child in need of services" means a child for~~
21 ~~whom there is no pending investigation into an allegation or~~
22 ~~suspicion of abuse, neglect, or abandonment; no pending~~
23 ~~referral alleging the child is delinquent; or no current~~
24 ~~supervision by the Department of Juvenile Justice or the~~
25 ~~Department of Health and Rehabilitative Services for an~~
26 ~~adjudication of dependency or delinquency. The child must~~
27 ~~also, pursuant to this chapter, be found by the court:~~
28 ~~(a) To have persistently run away from the child's~~
29 ~~parents or legal custodians despite reasonable efforts of the~~
30 ~~child, the parents or legal custodians, and appropriate~~
31 ~~agencies to remedy the conditions contributing to the~~

1 ~~behavior. Reasonable efforts shall include voluntary~~
2 ~~participation by the child's parents or legal custodians and~~
3 ~~the child in family mediation, services, and treatment offered~~
4 ~~by the Department of Juvenile Justice or the Department of~~
5 ~~Health and Rehabilitative Services;~~

6 ~~(b) To be habitually truant from school, while subject~~
7 ~~to compulsory school attendance, despite reasonable efforts to~~
8 ~~remedy the situation pursuant to s. 232.19 and through~~
9 ~~voluntary participation by the child's parents or legal~~
10 ~~custodians and by the child in family mediation, services, and~~
11 ~~treatment offered by the Department of Juvenile Justice or the~~
12 ~~Department of Health and Rehabilitative Services; or~~

13 ~~(c) To have persistently disobeyed the reasonable and~~
14 ~~lawful demands of the child's parents or legal custodians, and~~
15 ~~to be beyond their control despite efforts by the child's~~
16 ~~parents or legal custodians and appropriate agencies to remedy~~
17 ~~the conditions contributing to the behavior. Reasonable~~
18 ~~efforts may include such things as good faith participation in~~
19 ~~family or individual counseling.~~

20 ~~(13) "Child who has been found to have committed a~~
21 ~~delinquent act" means a child who, pursuant to the provisions~~
22 ~~of this chapter, is found by a court to have committed a~~
23 ~~violation of law or to be in direct or indirect contempt of~~
24 ~~court, except that this definition shall not include an act~~
25 ~~constituting contempt of court arising out of a dependency~~
26 ~~proceeding or a proceeding pursuant to part IV of this~~
27 ~~chapter.~~

28 (11)~~(14)~~ "Child who is found to be dependent" means a
29 child who, pursuant to this chapter, is found by the court:

30 (a) To have been abandoned, abused, or neglected by
31 the child's parents or other custodians.

1 (b) To have been surrendered to the Department of
2 Children and Family Services, the former Department of Health
3 and Rehabilitative Services, or a licensed child-placing
4 agency for purpose of adoption.

5 (c) To have been voluntarily placed with a licensed
6 child-caring agency, a licensed child-placing agency, an adult
7 relative, the Department of Children and Family Services, or
8 the former Department of Health and Rehabilitative Services,
9 after which placement, under the requirements of part II ~~V~~ of
10 this chapter, a case plan has expired and the parent or
11 parents have failed to substantially comply with the
12 requirements of the plan.

13 (d) To have been voluntarily placed with a licensed
14 child-placing agency for the purposes of subsequent adoption
15 and a natural parent or parents signed a consent pursuant to
16 the Florida Rules of Juvenile Procedure.

17 (e) To have no parent, legal custodian, or responsible
18 adult relative to provide supervision and care.

19 (f) To be at substantial risk of imminent abuse or
20 neglect by the parent or parents or the custodian.

21 (12)~~(15)~~ "Child support" means a court-ordered
22 obligation, enforced under chapter 61 and ss.
23 409.2551-409.2597, for monetary support for the care,
24 maintenance, training, and education of a child.

25 ~~(16) "Community control" means the legal status of~~
26 ~~probation created by law and court order in cases involving a~~
27 ~~child who has been found to have committed a delinquent act.~~
28 ~~Community control is an individualized program in which the~~
29 ~~freedom of the child is limited and the child is restricted to~~
30 ~~noninstitutional quarters or restricted to the child's home in~~

31

1 ~~lieu of commitment to the custody of the Department of~~
2 ~~Juvenile Justice.~~

3 (13) "Circuit" means any of the 20 judicial circuits
4 as set forth in s. 26.021.

5 (14)~~(17)~~ "Comprehensive assessment" or "assessment"
6 means the gathering of information for the evaluation of a
7 juvenile offender's or a child's physical, psychological,
8 educational, vocational, and social condition and family
9 environment as they relate to the child's need for
10 rehabilitative and treatment services, including substance
11 abuse treatment services, mental health services,
12 developmental services, literacy services, medical services,
13 family services, and other specialized services, as
14 appropriate.

15 (15)~~(18)~~ "Court," unless otherwise expressly stated,
16 means the circuit court assigned to exercise jurisdiction
17 under this chapter.

18 ~~(19)(a) "Delinquency program" means any intake,~~
19 ~~community control and furlough, or similar program; regional~~
20 ~~detention center or facility; or community-based program,~~
21 ~~whether owned and operated by or contracted by the Department~~
22 ~~of Juvenile Justice, or institution owned and operated by or~~
23 ~~contracted by the Department of Juvenile Justice, which~~
24 ~~provides intake, supervision, or custody and care of children~~
25 ~~who are alleged to be or who have been found to be delinquent~~
26 ~~pursuant to part II.~~

27 ~~(b) "Delinquency program staff" means supervisory and~~
28 ~~direct care staff of a delinquency program as well as support~~
29 ~~staff who have direct contact with children in a delinquency~~
30 ~~program.~~

31

1 ~~(c) "Delinquency prevention programs" means programs~~
2 ~~designed for the purpose of reducing the occurrence of~~
3 ~~delinquency, including youth and street gang activity, and~~
4 ~~juvenile arrests. The term excludes arbitration, diversionary~~
5 ~~or mediation programs, and community service work or other~~
6 ~~treatment available subsequent to a child committing a~~
7 ~~delinquent act.~~

8 (16)(20) "Department," as used in this chapter parts
9 III, V, and VI, means the Department of Children and Family
10 Health and Rehabilitative Services. ~~As used in parts II and~~
11 ~~IV, the term means the Department of Juvenile Justice.~~

12 ~~(21) "Designated facility" or "designated treatment~~
13 ~~facility" means any facility designated by the Department of~~
14 ~~Juvenile Justice to provide treatment to juvenile offenders.~~

15 ~~(22) "Detention care" means the temporary care of a~~
16 ~~child in secure, nonsecure, or home detention, pending a court~~
17 ~~adjudication or disposition or execution of a court order.~~
18 ~~There are three types of detention care, as follows:~~

19 ~~(a) "Secure detention" means temporary custody of the~~
20 ~~child while the child is under the physical restriction of a~~
21 ~~detention center or facility pending adjudication,~~
22 ~~disposition, or placement.~~

23 ~~(b) "Nonsecure detention" means temporary custody of~~
24 ~~the child while the child is in a residential home in the~~
25 ~~community in a physically nonrestrictive environment under the~~
26 ~~supervision of the Department of Juvenile Justice pending~~
27 ~~adjudication, disposition, or placement.~~

28 ~~(c) "Home detention" means temporary custody of the~~
29 ~~child while the child is released to the custody of the~~
30 ~~parent, guardian, or custodian in a physically nonrestrictive~~
31 ~~environment under the supervision of the Department of~~

1 ~~Juvenile Justice staff pending adjudication, disposition, or~~
2 ~~placement.~~

3 ~~(23) "Detention center or facility" means a facility~~
4 ~~used pending court adjudication or disposition or execution of~~
5 ~~court order for the temporary care of a child alleged or found~~
6 ~~to have committed a violation of law. A detention center or~~
7 ~~facility may provide secure or nonsecure custody. A facility~~
8 ~~used for the commitment of adjudicated delinquents shall not~~
9 ~~be considered a detention center or facility.~~

10 ~~(24) "Detention hearing" means a hearing for the court~~
11 ~~to determine if a child should be placed in temporary custody,~~
12 ~~as provided for under ss. 39.042 and 39.044, in delinquency~~
13 ~~cases, or s. 39.402, in dependency cases.~~

14 (17)~~(25)~~ "Diligent efforts by a parent" means a course
15 of conduct which results in a reduction in risk to the child
16 in the child's home that would allow the child to be safely
17 placed permanently back in the home as set forth in the case
18 plan.

19 (18)~~(26)~~ "Diligent efforts of social service agency"
20 means reasonable efforts to provide social services or
21 reunification services made by any social service agency as
22 defined in this section that is a party to a case plan.

23 (19)~~(27)~~ "Diligent search" means the efforts of a
24 social service agency in accordance with the requirements of
25 s. 39.4051(6) to locate a parent or prospective parent whose
26 identity or location is unknown, initiated as soon as the
27 agency is made aware of the existence of such a parent, with
28 the search progress reported at each court hearing until the
29 parent is either identified and located or the court excuses
30 further search.

31

1 ~~(28)~~ (20) "Disposition hearing" means a hearing in
2 which the court determines the most appropriate dispositional
3 services in the least restrictive available setting provided
4 for under ~~s. 39.052(4), in delinquency cases~~; s. 39.408(3), in
5 dependency cases, ~~and s. 39.44(3), in child-in-need-of-services~~
6 ~~cases~~; or s. 39.469, in termination of parental rights cases.

7 (21) "District administrator" means the chief
8 operating officer of each service district of the Department
9 of Children and Family Services as defined in s. 20.19(6) and,
10 where appropriate, includes each district administrator whose
11 service district falls within the boundaries of a judicial
12 circuit.

13 ~~(29)~~ (22) "Family" means a collective body of persons,
14 consisting of a child and a parent, guardian, adult custodian,
15 or adult relative, in which:

16 (a) The persons reside in the same house or living
17 unit; or

18 (b) The parent, guardian, adult custodian, or adult
19 relative has a legal responsibility by blood, marriage, or
20 court order to support or care for the child.

21 ~~(30) "Family in need of services" means a family that~~
22 ~~has a child for whom there is no pending investigation into an~~
23 ~~allegation of abuse, neglect, or abandonment or no current~~
24 ~~supervision by the Department of Juvenile Justice or the~~
25 ~~Department of Health and Rehabilitative Services for an~~
26 ~~adjudication of dependency or delinquency. The child must also~~
27 ~~have been referred to a law enforcement agency or the~~
28 ~~Department of Juvenile Justice for:~~

29 ~~(a) Running away from parents or legal custodians;~~
30
31

1 ~~(b) Persistently disobeying reasonable and lawful~~
2 ~~demands of parents or legal custodians, and being beyond their~~
3 ~~control; or~~
4 ~~(c) Habitual truancy from school.~~
5 (23)~~(31)~~ "Foster care" means care provided a child in
6 a foster family or boarding home, group home, agency boarding
7 home, child care institution, or any combination thereof.
8 ~~(32) "Halfway house" means a community-based~~
9 ~~residential program for 10 or more committed delinquents at~~
10 ~~the moderate-risk restrictiveness level that is operated or~~
11 ~~contracted by the Department of Juvenile Justice.~~
12 ~~(33) "Intake" means the initial acceptance and~~
13 ~~screening by the Department of Juvenile Justice of a complaint~~
14 ~~or a law enforcement report or probable cause affidavit of~~
15 ~~delinquency, family in need of services, or child in need of~~
16 ~~services to determine the recommendation to be taken in the~~
17 ~~best interests of the child, the family, and the community.~~
18 ~~The emphasis of intake is on diversion and the least~~
19 ~~restrictive available services. Consequently, intake includes~~
20 ~~such alternatives as:~~
21 ~~(a) The disposition of the complaint, report, or~~
22 ~~probable cause affidavit without court or public agency action~~
23 ~~or judicial handling when appropriate.~~
24 ~~(b) The referral of the child to another public or~~
25 ~~private agency when appropriate.~~
26 ~~(c) The recommendation by the intake counselor or case~~
27 ~~manager of judicial handling when appropriate and warranted.~~
28 ~~(34) "Intake counselor" or "case manager" means the~~
29 ~~authorized agent of the Department of Juvenile Justice~~
30 ~~performing the intake or case management function for a child~~
31

1 ~~alleged to be delinquent or in need of services, or from a~~
2 ~~family in need of services.~~

3 (24) "Health and human services board" means the body
4 created in each service district of the Department of Children
5 and Family Services pursuant to the provisions of s. 20.19(7).

6 (25)~~(35)~~ "Judge" means the circuit judge exercising
7 jurisdiction pursuant to this chapter.

8 ~~(36) "Juvenile sexual offender" means:~~

9 ~~(a) A juvenile who has been found by the court~~
10 ~~pursuant to s. 39.053 to have committed a violation of chapter~~
11 ~~794, chapter 796, chapter 800, s. 827.071, or s. 847.0133;~~

12 ~~(b) A juvenile found to have committed any violation~~
13 ~~of law or delinquent act involving juvenile sexual abuse.~~

14 ~~"Juvenile sexual abuse" means any sexual behavior which occurs~~
15 ~~without consent, without equality, or as a result of coercion.~~
16 ~~For purposes of this subsection, the following definitions~~
17 ~~apply:~~

18 ~~1. "Coercion" means the exploitation of authority, use~~
19 ~~of bribes, threats of force, or intimidation to gain~~
20 ~~cooperation or compliance.~~

21 ~~2. "Equality" means two participants operating with~~
22 ~~the same level of power in a relationship, neither being~~
23 ~~controlled nor coerced by the other.~~

24 ~~3. "Consent" means an agreement including all of the~~
25 ~~following:~~

26 ~~a. Understanding what is proposed based on age,~~
27 ~~maturity, developmental level, functioning, and experience.~~

28 ~~b. Knowledge of societal standards for what is being~~
29 ~~proposed.~~

30 ~~c. Awareness of potential consequences and~~
31 ~~alternatives.~~

1 d. ~~Assumption that agreement or disagreement will be~~
2 ~~accepted equally.~~

3 e. ~~Voluntary decision.~~

4 f. ~~Mental competence.~~

5
6 ~~Juvenile sexual offender behavior ranges from noncontact~~
7 ~~sexual behavior such as making obscene phone calls,~~
8 ~~exhibitionism, voyeurism, and the showing or taking of lewd~~
9 ~~photographs to varying degrees of direct sexual contact, such~~
10 ~~as frottage, fondling, digital penetration, rape, fellatio,~~
11 ~~sodomy, and various other sexually aggressive acts.~~

12 (26)~~(37)~~ "Legal custody" means a legal status created
13 by court order or letter of guardianship which vests in a
14 custodian of the person or guardian, whether an agency or an
15 individual, the right to have physical custody of the child
16 and the right and duty to protect, train, and discipline the
17 child and to provide him or her with food, shelter, education,
18 and ordinary medical, dental, psychiatric, and psychological
19 care.

20 (27)~~(38)~~ "Licensed child-caring agency" means a
21 person, society, association, or agency licensed by the
22 Department of Children and Family ~~Health and Rehabilitative~~
23 Services to care for, receive, and board children.

24 (28)~~(39)~~ "Licensed child-placing agency" means a
25 person, society, association, or institution licensed by the
26 Department of Children and Family ~~Health and Rehabilitative~~
27 Services to care for, receive, or board children and to place
28 children in a licensed child-caring institution or a foster or
29 adoptive home.

30 (29)~~(40)~~ "Licensed health care professional" means a
31 physician licensed under chapter 458, an osteopathic physician

1 licensed under chapter 459, a nurse licensed under chapter
2 464, a physician assistant certified under chapter 458, or a
3 dentist licensed under chapter 466.

4 (30)~~(41)~~ "Likely to injure oneself" means that, as
5 evidenced by violent or other actively self-destructive
6 behavior, it is more likely than not that within a 24-hour
7 period the child will attempt to commit suicide or inflict
8 serious bodily harm on himself or herself.

9 (31)~~(42)~~ "Likely to injure others" means that it is
10 more likely than not that within a 24-hour period the child
11 will inflict serious and unjustified bodily harm on another
12 person.

13 (32)~~(43)~~ "Long-term relative custodian" means an adult
14 who is a party to a long-term custodial relationship created
15 by a court order pursuant to s. 39.41(2)(a)5. ~~39.41(1)(a)3.a.~~

16 (33)~~(44)~~ "Long-term relative custody" or "long-term
17 custodial relationship" means the relationship that a juvenile
18 court order creates between a child and an adult relative of
19 the child or an adult nonrelative approved by the court when
20 the child cannot be placed in the custody of a natural parent
21 and termination of parental rights is not deemed to be in the
22 best interest of the child. Long-term relative custody confers
23 upon the long-term relative or nonrelative custodian the right
24 to physical custody of the child, a right which will not be
25 disturbed by the court except upon request of the custodian or
26 upon a showing that a material change in circumstances
27 necessitates a change of custody for the best interest of the
28 child. A long-term relative or nonrelative custodian shall
29 have all of the rights of a natural parent, including, but not
30 limited to, the right and duty to protect, train, and
31 discipline the child and to provide the child with food,

1 shelter, and education, and ordinary medical, dental,
2 psychiatric, and psychological care, unless these rights and
3 duties are otherwise enlarged or limited by the court order
4 establishing the long-term custodial relationship.

5 (34)~~(45)~~ "Mediation" means a process whereby a neutral
6 third person called a mediator acts to encourage and
7 facilitate the resolution of a dispute between two or more
8 parties. It is an informal and nonadversarial process with
9 the objective of helping the disputing parties reach a
10 mutually acceptable and voluntary agreement. In mediation,
11 decisionmaking authority rests with the parties. The role of
12 the mediator includes, but is not limited to, assisting the
13 parties in identifying issues, fostering joint problem
14 solving, and exploring settlement alternatives.

15 (35)~~(46)~~ "Necessary medical treatment" means care
16 which is necessary within a reasonable degree of medical
17 certainty to prevent the deterioration of a child's condition
18 or to alleviate immediate pain of a child.

19 (36)~~(47)~~ "Neglect" occurs when the parent or legal
20 custodian of a child or, in the absence of a parent or legal
21 custodian, the person primarily responsible for the child's
22 welfare deprives a child of, or allows a child to be deprived
23 of, necessary food, clothing, shelter, or medical treatment or
24 permits a child to live in an environment when such
25 deprivation or environment causes the child's physical,
26 mental, or emotional health to be significantly impaired or to
27 be in danger of being significantly impaired. The foregoing
28 circumstances shall not be considered neglect if caused
29 primarily by financial inability unless actual services for
30 relief have been offered to and rejected by such person. A
31 parent or guardian legitimately practicing religious beliefs

1 in accordance with a recognized church or religious
2 organization who thereby does not provide specific medical
3 treatment for a child shall not, for that reason alone, be
4 considered a negligent parent or guardian; however, such an
5 exception does not preclude a court from ordering the
6 following services to be provided, when the health of the
7 child so requires:

8 (a) Medical services from a licensed physician,
9 dentist, optometrist, podiatrist, or other qualified health
10 care provider; or

11 (b) Treatment by a duly accredited practitioner who
12 relies solely on spiritual means for healing in accordance
13 with the tenets and practices of a well-recognized church or
14 religious organization.

15 (37)~~(48)~~ "Parent" means a woman who gives birth to a
16 child and a man whose consent to the adoption of the child
17 would be required under s. 63.062(1)(b). If a child has been
18 legally adopted, the term "parent" means the adoptive mother
19 or father of the child. The term does not include an
20 individual whose parental relationship to the child has been
21 legally terminated, or an alleged or prospective parent,
22 unless the parental status falls within the terms of either s.
23 39.4051(7) or s. 63.062(1)(b).

24 (38)~~(49)~~ "Participant," for purposes of a shelter
25 proceeding, dependency proceeding, or termination of parental
26 rights proceeding, means any person who is not a party but who
27 should receive notice of hearings involving the child,
28 including foster parents, identified prospective parents,
29 grandparents entitled to priority for adoption consideration
30 under s. 63.0425, actual custodians of the child, and any
31 other person whose participation may be in the best interest

1 of the child. Participants may be granted leave by the court
2 to be heard without the necessity of filing a motion to
3 intervene.

4 (39)~~(50)~~ "Party," for purposes of a shelter
5 proceeding, dependency proceeding, or termination of parental
6 rights proceeding, means the parent of the child, the
7 petitioner, the department, the guardian ad litem when one has
8 been appointed, and the child. The presence of the child may
9 be excused by order of the court when presence would not be in
10 the child's best interest. Notice to the child may be excused
11 by order of the court when the age, capacity, or other
12 condition of the child is such that the notice would be
13 meaningless or detrimental to the child.

14 (40)~~(51)~~ "Preliminary screening" means the gathering
15 of preliminary information to be used in determining a child's
16 need for further evaluation or assessment or for referral for
17 other substance abuse services through means such as
18 psychosocial interviews; urine and breathalyzer screenings;
19 and reviews of available educational, delinquency, and
20 dependency records of the child.

21 (41)~~(52)~~ "Preventive services" means social services
22 and other supportive and rehabilitative services provided to
23 the parent of the child, the legal guardian of the child, or
24 the custodian of the child and to the child for the purpose of
25 averting the removal of the child from the home or disruption
26 of a family which will or could result in the placement of a
27 child in foster care. Social services and other supportive
28 and rehabilitative services shall promote the child's need for
29 a safe, continuous, stable, living environment and shall
30 promote family autonomy and shall strengthen family life as
31 the first priority whenever possible.

1 (42)~~(53)~~ "Prospective parent" means a person who
2 claims to be, or has been identified as, a person who may be a
3 mother or a father of a child.

4 (43)~~(54)~~ "Protective investigation" means the
5 acceptance of a report alleging child abuse or neglect, as
6 defined in s. 415.503, by the central abuse hotline registry
7 ~~and tracking system~~ or the acceptance of a report of other
8 dependency by the local children, youth, and families office
9 of the Department of Children and Family Health and
10 ~~Rehabilitative~~ Services; the investigation and classification
11 of each report; the determination of whether action by the
12 court is warranted; the determination of the disposition of
13 each report without court or public agency action when
14 appropriate; the referral of a child to another public or
15 private agency when appropriate; and the recommendation by the
16 protective investigator of court action when appropriate.

17 (44)~~(55)~~ "Protective investigator" means an authorized
18 agent of the Department of Children and Family Health and
19 ~~Rehabilitative~~ Services who receives, investigates, and
20 classifies reports of child abuse or neglect as defined in s.
21 415.503; who, as a result of the investigation, may recommend
22 that a dependency petition be filed for the child under the
23 criteria of paragraph(11)(a)~~(14)(a)~~; and who performs other
24 duties necessary to carry out the required actions of the
25 protective investigation function.

26 (45)~~(56)~~ "Protective supervision" means a legal status
27 in dependency cases, child-in-need-of-services cases, or
28 family-in-need-of-services cases which permits the child to
29 remain in his or her own home or other placement under the
30 supervision of an agent of the Department of Juvenile Justice
31 or the Department of Children and Family Health and

1 ~~Rehabilitative~~ Services, subject to being returned to the
2 court during the period of supervision.

3 (46)~~(57)~~ "Protective supervision case plan" means a
4 document that is prepared by the protective supervision
5 counselor of the Department of Children and Family Health and
6 ~~Rehabilitative~~ Services, is based upon the voluntary
7 protective supervision of a case pursuant to s. 39.403(2)(b),
8 or a disposition order entered pursuant to s. 39.41(2)(a)3.
9 ~~39.41(1)(a)1.~~, and that:

10 (a) Is developed in conference with the parent,
11 guardian, or custodian of the child and, if appropriate, the
12 child and any court-appointed guardian ad litem.

13 (b) Is written simply and clearly in the principal
14 language, to the extent possible, of the parent, guardian, or
15 custodian of the child and in English.

16 (c) Is subject to modification based on changing
17 circumstances and negotiations among the parties to the plan
18 and includes, at a minimum:

19 1. All services and activities ordered by the court.

20 2. Goals and specific activities to be achieved by all
21 parties to the plan.

22 3. Anticipated dates for achieving each goal and
23 activity.

24 4. Signatures of all parties to the plan.

25 (d) Is submitted to the court in cases where a
26 dispositional order has been entered pursuant to s.

27 39.41(2)(a)3.~~39.41(1)(a)1.~~

28 (47)~~(58)~~ "Relative" means a grandparent,
29 great-grandparent, sibling, first cousin, aunt, uncle,
30 great-aunt, great-uncle, niece, or nephew, whether related by
31

1 the whole or half blood, by affinity, or by adoption. The term
2 does not include a stepparent.

3 ~~(59) "Restrictiveness level" means the level of~~
4 ~~custody provided by programs that service the custody and care~~
5 ~~needs of committed children. There shall be five~~
6 ~~restrictiveness levels:~~

7 ~~(a) Minimum risk nonresidential.--Youth assessed and~~
8 ~~classified for placement in programs at this restrictiveness~~
9 ~~level represent a minimum risk to themselves and public safety~~
10 ~~and do not require placement and services in residential~~
11 ~~settings. Programs or program models in this restrictiveness~~
12 ~~level include: community counselor supervision programs,~~
13 ~~special intensive group programs, nonresidential marine~~
14 ~~programs, nonresidential training and rehabilitation centers,~~
15 ~~and other local community nonresidential programs.~~

16 ~~(b) Low risk residential.--Youth assessed and~~
17 ~~classified for placement in programs at this level represent a~~
18 ~~low risk to themselves and public safety and do require~~
19 ~~placement and services in residential settings. Programs or~~
20 ~~program models in this restrictiveness level include: Short~~
21 ~~Term Offender Programs (STOP), group treatment homes, family~~
22 ~~group homes, proctor homes, and Short Term Environmental~~
23 ~~Programs (STEP).~~

24 ~~(c) Moderate risk residential.--Youth assessed and~~
25 ~~classified for placement in programs in this restrictiveness~~
26 ~~level represent a moderate risk to public safety. Programs~~
27 ~~are designed for children who require close supervision but do~~
28 ~~not need placement in facilities that are physically secure.~~
29 ~~Programs in the moderate risk residential restrictiveness~~
30 ~~level provide 24-hour awake supervision, custody, care, and~~
31 ~~treatment. Upon specific appropriation, a facility at this~~

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1 ~~restrictiveness level may have a security fence around the~~
2 ~~perimeter of the grounds of the facility and may be~~
3 ~~hardware-secure or staff-secure. The staff at a facility at~~
4 ~~this restrictiveness level may seclude a child who is a~~
5 ~~physical threat to himself or others. Mechanical restraint~~
6 ~~may also be used when necessary. Programs or program models in~~
7 ~~this restrictiveness level include: halfway houses, START~~
8 ~~Centers, the Dade Intensive Control Program, licensed~~
9 ~~substance abuse residential programs, and moderate-term~~
10 ~~wilderness programs designed for committed delinquent youth~~
11 ~~that are operated or contracted by the Department of Juvenile~~
12 ~~Justice. Section 39.061 applies to children in moderate-risk~~
13 ~~residential programs.~~

14 ~~(d) High-risk residential.--Youth assessed and~~
15 ~~classified for this level of placement require close~~
16 ~~supervision in a structured residential setting that provides~~
17 ~~24-hour-per-day secure custody, care, and supervision.~~
18 ~~Placement in programs in this level is prompted by a concern~~
19 ~~for public safety that outweighs placement in programs at~~
20 ~~lower restrictiveness levels. Programs or program models in~~
21 ~~this level are staff or physically secure residential~~
22 ~~commitment facilities and include: training schools, intensive~~
23 ~~halfway houses, residential sex offender programs, long-term~~
24 ~~wilderness programs designed exclusively for committed~~
25 ~~delinquent youth, boot camps, secure halfway house programs,~~
26 ~~and the Broward Control Treatment Center. Section 39.061~~
27 ~~applies to children placed in programs in this restrictiveness~~
28 ~~level.~~

29 ~~(e) Maximum-risk residential.--Youth assessed and~~
30 ~~classified for this level of placement require close~~
31 ~~supervision in a maximum security residential setting that~~

1 ~~provides 24-hour-per-day secure custody, care, and~~
2 ~~supervision. Placement in a program in this level is prompted~~
3 ~~by a demonstrated need to protect the public. Programs or~~
4 ~~program models in this level are maximum secure custody,~~
5 ~~long-term residential commitment facilities that are intended~~
6 ~~to provide a moderate overlay of educational, vocational, and~~
7 ~~behavioral modification services. Section 39.061 applies to~~
8 ~~children placed in programs in this restrictiveness level.~~

9 (48)~~(60)~~ "Reunification services" means social
10 services and other supportive and rehabilitative services
11 provided to the parent of the child, the legal guardian of the
12 child, or the custodian of the child, whichever is applicable,
13 the child, and where appropriate the foster parents of the
14 child for the purpose of enabling a child who has been placed
15 in foster care to return to his or her family at the earliest
16 possible time. Social services and other supportive and
17 rehabilitative services shall promote the child's need for a
18 safe, continuous, stable, living environment and shall promote
19 family autonomy and strengthen family life as a first priority
20 whenever possible.

21 ~~(61) "Secure detention center or facility" means a~~
22 ~~physically restricting facility for the temporary care of~~
23 ~~children, pending adjudication, disposition, or placement.~~

24 ~~(62) "Serious or habitual juvenile offender," for~~
25 ~~purposes of commitment to a residential facility and for~~
26 ~~purposes of records retention, means a child who has been~~
27 ~~found to have committed a delinquent act or a violation of~~
28 ~~law, in the case currently before the court, and who meets at~~
29 ~~least one of the following criteria:~~

30
31

1 ~~(a) The youth is at least 13 years of age at the time~~
2 ~~of the disposition for the current offense and has been~~
3 ~~adjudicated on the current offense for:~~

- 4 ~~1. Arson;~~
- 5 ~~2. Sexual battery;~~
- 6 ~~3. Robbery;~~
- 7 ~~4. Kidnapping;~~
- 8 ~~5. Aggravated child abuse;~~
- 9 ~~6. Aggravated assault;~~
- 10 ~~7. Aggravated stalking;~~
- 11 ~~8. Murder;~~
- 12 ~~9. Manslaughter;~~
- 13 ~~10. Unlawful throwing, placing, or discharging of a~~
14 ~~destructive device or bomb;~~
- 15 ~~11. Armed burglary;~~
- 16 ~~12. Aggravated battery;~~
- 17 ~~13. Lewd or lascivious assault or act in the presence~~
18 ~~of a child; or~~
- 19 ~~14. Carrying, displaying, using, threatening, or~~
20 ~~attempting to use a weapon or firearm during the commission of~~
21 ~~a felony.~~

22 ~~(b) The youth is at least 13 years of age at the time~~
23 ~~of the disposition, the current offense is a felony, and the~~
24 ~~child has previously been committed at least two times to a~~
25 ~~delinquency commitment program.~~

26 ~~(c) The youth is at least 13 years of age and is~~
27 ~~currently committed for a felony offense and transferred from~~
28 ~~a moderate-risk or high-risk residential commitment placement.~~

29 ~~(63) "Serious or habitual juvenile offender program"~~
30 ~~means the program established in s. 39.058.~~

31

1 (49)~~(64)~~ "Shelter" means a place for the temporary
2 care of a child who is alleged to be or who has been found to
3 be dependent, a child from a family in need of services, or a
4 child in need of services, pending court disposition before or
5 after adjudication or after execution of a court order.
6 "Shelter" may include a facility which provides 24-hour
7 continual supervision for the temporary care of a child who is
8 placed pursuant to s. 984.14 ~~39.422~~.

9 (50)~~(65)~~ "Shelter hearing" means a hearing provided
10 for under s. 984.14 ~~39.422~~ in family-in-need-of-services cases
11 or child-in-need-of-services cases.

12 (51)~~(66)~~ "Social service agency" means the Department
13 of Children and Family ~~Health and Rehabilitative~~ Services, a
14 licensed child-caring agency, or a licensed child-placing
15 agency.

16 (52)~~(67)~~ "Staff-secure shelter" means a facility in
17 which a child is supervised 24 hours a day by staff members
18 who are awake while on duty. The facility is for the temporary
19 care and assessment of a child who has been found to be
20 dependent, who has violated a court order and been found in
21 contempt of court, or whom the Department of Children and
22 Family ~~Health and Rehabilitative~~ Services is unable to
23 properly assess or place for assistance within the continuum
24 of services provided for dependent children.

25 (53)~~(68)~~ "Substance abuse" means using, without
26 medical reason, any psychoactive or mood-altering drug,
27 including alcohol, in such a manner as to induce impairment
28 resulting in dysfunctional social behavior.

29 (54)~~(69)~~ "Substantial compliance" means that the
30 circumstances which caused the placement in foster care have
31 been significantly remedied to the extent that the well-being

1 and safety of the child will not be endangered upon the
2 child's being returned to the child's parent or guardian.

3 (55)~~(70)~~ "Taken into custody" means the status of a
4 child immediately when temporary physical control over the
5 child is attained by a person authorized by law, pending the
6 child's release, detention, placement, or other disposition as
7 authorized by law.

8 (56)~~(71)~~ "Temporary legal custody" means the
9 relationship that a juvenile court creates between a child and
10 an adult relative of the child, adult nonrelative approved by
11 the court, or other person until a more permanent arrangement
12 is ordered. Temporary legal custody confers upon the custodian
13 the right to have temporary physical custody of the child and
14 the right and duty to protect, train, and discipline the child
15 and to provide the child with food, shelter, and education,
16 and ordinary medical, dental, psychiatric, and psychological
17 care, unless these rights and duties are otherwise enlarged or
18 limited by the court order establishing the temporary legal
19 custody relationship.

20 ~~(72) "Temporary release" means the terms and~~
21 ~~conditions under which a child is temporarily released from a~~
22 ~~commitment facility or allowed home visits. If the temporary~~
23 ~~release is from a moderate-risk residential facility, a~~
24 ~~high-risk residential facility, or a maximum-risk residential~~
25 ~~facility, the terms and conditions of the temporary release~~
26 ~~must be approved by the child, the court, and the facility.~~
27 ~~The term includes periods during which the child is supervised~~
28 ~~pursuant to a reentry program or an aftercare program or a~~
29 ~~period during which the child is supervised by a case manager~~
30 ~~or other nonresidential staff of the department or staff~~
31 ~~employed by an entity under contract with the department. A~~

1 ~~child placed in a postcommitment community control program by~~
2 ~~order of the court is not considered to be on temporary~~
3 ~~release and is not subject to the terms and conditions of~~
4 ~~temporary release.~~

5 ~~(73) "To be habitually truant" means that:~~

6 ~~(a) The child has 15 unexcused absences within 90 days~~
7 ~~with or without the knowledge or justifiable consent of the~~
8 ~~child's parent or legal guardian and is not exempt from~~
9 ~~attendance by virtue of being over the age of compulsory~~
10 ~~school attendance or by meeting the criteria in s. 232.06, s.~~
11 ~~232.09, or any other exemptions specified by law or the rules~~
12 ~~of the State Board of Education.~~

13 ~~(b) In addition to the actions described in s. 232.17,~~
14 ~~the school administration has completed the following~~
15 ~~escalating activities to determine the cause, and to attempt~~
16 ~~the remediation, of the child's truant behavior:~~

17 ~~1. After a minimum of 3 and prior to 15 unexcused~~
18 ~~absences within 90 days, one or more meetings have been held,~~
19 ~~either in person or by phone, between a school attendance~~
20 ~~assistant or school social worker, the child's parent or~~
21 ~~guardian, and the child, if necessary, to report and to~~
22 ~~attempt to solve the truancy problem. However, if the school~~
23 ~~attendance assistant or school social worker has documented~~
24 ~~the refusal of the parent or guardian to participate in the~~
25 ~~meetings, then this requirement has been met.~~

26 ~~2. Educational counseling has been provided to~~
27 ~~determine whether curriculum changes would help solve the~~
28 ~~truancy problem, and, if any changes were indicated, such~~
29 ~~changes were instituted but proved unsuccessful in remedying~~
30 ~~the truant behavior. Such curriculum changes may include~~
31 ~~enrollment of the child in an alternative education program~~

1 ~~that meets the specific educational and behavioral needs of~~
2 ~~the child, including a second chance school, as provided for~~
3 ~~in s. 230.2316, designed to resolve truant behavior;~~

4 ~~3. Educational evaluation, pursuant to the~~
5 ~~requirements of s. 232.19(3)(b)3., has been provided; and~~

6 ~~4. The school social worker, the attendance assistant,~~
7 ~~or the school superintendent's designee if there is no school~~
8 ~~social worker or attendance assistant has referred the student~~
9 ~~and family to the children-in-need-of-services and~~
10 ~~families-in-need-of-services provider or the case staffing~~
11 ~~committee, established pursuant to s. 39.426, as determined by~~
12 ~~the cooperative agreement required in s. 232.19(3). The case~~
13 ~~staffing committee may request the department or its designee~~
14 ~~to file a child-in-need-of-services petition based upon the~~
15 ~~report and efforts of the school district or other community~~
16 ~~agency or may seek to resolve the truancy behavior through the~~
17 ~~school or community-based organizations or agencies.~~

18
19 ~~If a child within the compulsory school attendance age is~~
20 ~~responsive to the interventions described in this paragraph~~
21 ~~and has completed the necessary requirements to pass the~~
22 ~~current grade as indicated in the district pupil progression~~
23 ~~plan, the child shall not be determined to be habitually~~
24 ~~truant. If a child within the compulsory school attendance age~~
25 ~~has 15 unexcused absences or fails to enroll in school, the~~
26 ~~State Attorney may file a child-in-need-of-services petition.~~
27 ~~Prior to filing a petition, the child must be referred to the~~
28 ~~appropriate agency for evaluation. After consulting with the~~
29 ~~evaluating agency, the State Attorney may elect to file a~~
30 ~~child-in-need-of-services petition.~~

31

1 ~~(c) A school social worker or other person designated~~
2 ~~by the school administration, if the school does not have a~~
3 ~~school social worker, and an intake counselor or case manager~~
4 ~~of the Department of Juvenile Justice have jointly~~
5 ~~investigated the truancy problem or, if that was not feasible,~~
6 ~~have performed separate investigations to identify conditions~~
7 ~~which may be contributing to the truant behavior; and if,~~
8 ~~after a joint staffing of the case to determine the necessity~~
9 ~~for services, such services were determined to be needed, the~~
10 ~~persons who performed the investigations met jointly with the~~
11 ~~family and child to discuss any referral to appropriate~~
12 ~~community agencies for economic services, family or individual~~
13 ~~counseling, or other services required to remedy the~~
14 ~~conditions that are contributing to the truant behavior; and~~

15 ~~(d) The failure or refusal of the parent or legal~~
16 ~~guardian or the child to participate, or make a good faith~~
17 ~~effort to participate, in the activities prescribed to remedy~~
18 ~~the truant behavior, or the failure or refusal of the child to~~
19 ~~return to school after participation in activities required by~~
20 ~~this subsection, or the failure of the child to stop the~~
21 ~~truant behavior after the school administration and the~~
22 ~~Department of Juvenile Justice have worked with the child as~~
23 ~~described in s. 232.19(3) shall be handled as prescribed in s.~~
24 ~~232.19.~~

25 ~~(74) "Training school" means one of the following~~
26 ~~facilities: the Arthur G. Dozier School or the Eckerd Youth~~
27 ~~Development Center.~~

28 ~~(75) "Violation of law" or "delinquent act" means a~~
29 ~~violation of any law of this state, the United States, or any~~
30 ~~other state which is a misdemeanor or a felony or a violation~~

31

1 ~~of a county or municipal ordinance which would be punishable~~
2 ~~by incarceration if the violation were committed by an adult.~~

3 ~~(76) "Waiver hearing" means a hearing provided for~~
4 ~~under s. 39.052(2).~~

5 Section 112. Sections 39.0205 and 39.0206, Florida
6 Statutes, are repealed.

7 Section 113. Section 39.061, Florida Statutes, 1996
8 Supplement, is transferred and renumbered as section 944.401,
9 Florida Statutes.

10 Section 114. Section 39.419, Florida Statutes, is
11 repealed.

12 Section 115. Sections 39.027, 39.028, 39.029, 39.033,
13 39.034, 39.035, and 39.036, Florida Statutes, are repealed.

14 Section 116. Section 39.052, Florida Statutes, as
15 amended by section 3 of chapter 96-232, Laws of Florida,
16 section 1 of chapter 96-234, Laws of Florida, section 11 of
17 chapter 96-260, Laws of Florida, section 33 of chapter 96-388,
18 Laws of Florida, and sections 3 and 7 of chapter 96-398, Laws
19 of Florida; and sections 39.053, 39.054, and 39.059, Florida
20 Statutes, are repealed.

21 Section 117. Section 39.05842, Florida Statutes, as
22 created by section 36 of chapter 96-398, Laws of Florida;
23 section 39.05843, Florida Statutes, as created by section 37
24 of chapter 96-398, Laws of Florida; section 39.05844, Florida
25 Statutes, as created by section 38 of chapter 96-398, Laws of
26 Florida; and section 39.05845, Florida Statutes, as created by
27 section 39 of chapter 96-398, Laws of Florida, are repealed.

28 Section 118. Section 39.056, Florida Statutes, is
29 repealed.

30 Section 119. Section 39.002, Florida Statutes, is
31 amended to read:

1 39.002 Legislative intent for the juvenile justice
2 system.--
3 (1) GENERAL PROTECTIONS FOR CHILDREN.--It is a purpose
4 of the Legislature that the children of this state be provided
5 with the following protections:
6 (a) Protection from abuse, neglect, and exploitation.
7 (b) A permanent and stable home.
8 (c) A safe and nurturing environment which will
9 preserve a sense of personal dignity and integrity.
10 (d) Adequate nutrition, shelter, and clothing.
11 (e) Effective treatment to address physical, social,
12 and emotional needs, regardless of geographical location.
13 (f) Equal opportunity and access to quality and
14 effective education, which will meet the individual needs of
15 each child, and to recreation and other community resources to
16 develop individual abilities.
17 (g) Access to preventive services.
18 (h) An independent, trained advocate, when
19 intervention is necessary and a skilled guardian or caretaker
20 in a safe environment when alternative placement is necessary.
21 (2) SUBSTANCE ABUSE SERVICES.--The Legislature finds
22 that children in the care of the state's dependency and
23 delinquency systems need appropriate health care services,
24 that the impact of substance abuse on health indicates the
25 need for health care services to include substance abuse
26 services where appropriate, and that it is in the state's best
27 interest that such children be provided the services they need
28 to enable them to become and remain independent of state care.
29 In order to provide these services, the state's dependency and
30 delinquency systems must have the ability to identify and
31 provide appropriate intervention and treatment for children

1 with personal or family-related substance abuse problems. It
2 is therefore the purpose of the Legislature to provide
3 authority for the state to contract with community substance
4 abuse treatment providers for the development and operation of
5 specialized support and overlay services for the dependency
6 and delinquency systems, which will be fully implemented and
7 utilized as resources permit.

8 ~~(3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.--It~~
9 ~~is the policy of the state with respect to juvenile justice~~
10 ~~and delinquency prevention to first protect the public from~~
11 ~~acts of delinquency. In addition, it is the policy of the~~
12 ~~state to:~~

13 ~~(a) Develop and implement effective methods of~~
14 ~~preventing and reducing acts of delinquency, with a focus on~~
15 ~~maintaining and strengthening the family as a whole so that~~
16 ~~children may remain in their homes or communities.~~

17 ~~(b) Develop and implement effective programs to~~
18 ~~prevent delinquency, to divert children from the traditional~~
19 ~~juvenile justice system, to intervene at an early stage of~~
20 ~~delinquency, and to provide critically needed alternatives to~~
21 ~~institutionalization and deep-end commitment.~~

22 ~~(c) Provide well-trained personnel, high-quality~~
23 ~~services, and cost-effective programs within the juvenile~~
24 ~~justice system.~~

25 ~~(d) Increase the capacity of local governments and~~
26 ~~public and private agencies to conduct rehabilitative~~
27 ~~treatment programs and to provide research, evaluation, and~~
28 ~~training services in the field of juvenile delinquency~~
29 ~~prevention.~~

30
31

1 ~~The Legislature intends that detention care, in addition to~~
2 ~~providing secure and safe custody, will promote the health and~~
3 ~~well-being of the children committed thereto and provide an~~
4 ~~environment that fosters their social, emotional,~~
5 ~~intellectual, and physical development.~~

6 ~~(4) DETENTION.--~~

7 ~~(a) The Legislature finds that there is a need for a~~
8 ~~secure placement for certain children alleged to have~~
9 ~~committed a delinquent act. The Legislature finds that~~
10 ~~detention under part II should be used only when less~~
11 ~~restrictive interim placement alternatives prior to~~
12 ~~adjudication and disposition are not appropriate. The~~
13 ~~Legislature further finds that decisions to detain should be~~
14 ~~based in part on a prudent assessment of risk and be limited~~
15 ~~to situations where there is clear and convincing evidence~~
16 ~~that a child presents a risk of failing to appear or presents~~
17 ~~a substantial risk of inflicting bodily harm on others as~~
18 ~~evidenced by recent behavior; presents a history of committing~~
19 ~~a serious property offense prior to adjudication, disposition,~~
20 ~~or placement; has acted in direct or indirect contempt of~~
21 ~~court; or requests protection from imminent bodily harm.~~

22 ~~(b) The Legislature intends that a juvenile found to~~
23 ~~have committed a delinquent act understands the consequences~~
24 ~~and the serious nature of such behavior. Therefore, the~~
25 ~~legislature finds that secure detention is appropriate to~~
26 ~~provide punishment that discourages further delinquent~~
27 ~~behavior. The Legislature also finds that certain juveniles~~
28 ~~have committed a sufficient number of criminal acts, including~~
29 ~~acts involving violence to persons, to represent sufficient~~
30 ~~danger to the community to warrant sentencing and placement~~
31 ~~within the adult system. It is the intent of the Legislature~~

1 ~~to establish clear criteria in order to identify these~~
2 ~~juveniles and remove them from the juvenile system.~~
3 ~~(5) SERIOUS OR HABITUAL JUVENILE OFFENDERS.--The~~
4 ~~Legislature finds that fighting crime effectively requires a~~
5 ~~multipronged effort focusing on particular classes of~~
6 ~~delinquent children and the development of particular~~
7 ~~programs. Florida's juvenile justice system has an inadequate~~
8 ~~number of beds for serious or habitual juvenile offenders and~~
9 ~~an inadequate number of community and residential programs for~~
10 ~~a significant number of children whose delinquent behavior is~~
11 ~~due to or connected with illicit substance abuse. In addition,~~
12 ~~a significant number of children have been adjudicated in~~
13 ~~adult criminal court and placed in Florida's prisons where~~
14 ~~programs are inadequate to meet their rehabilitative needs and~~
15 ~~where space is needed for adult offenders. Recidivism rates~~
16 ~~for each of these classes of offenders exceed those tolerated~~
17 ~~by the Legislature and by the citizens of this state.~~
18 ~~(6) SITING OF FACILITIES.--~~
19 ~~(a) The Legislature finds that timely siting and~~
20 ~~development of needed residential facilities for juvenile~~
21 ~~offenders is critical to the public safety of the citizens of~~
22 ~~this state and to the effective rehabilitation of juvenile~~
23 ~~offenders.~~
24 ~~(b) It is the purpose of the Legislature to guarantee~~
25 ~~that such facilities are sited and developed within reasonable~~
26 ~~timeframes after they are legislatively authorized and~~
27 ~~appropriated.~~
28 ~~(c) The Legislature further finds that such facilities~~
29 ~~must be located in areas of the state close to the home~~
30 ~~communities of the children they house in order to ensure the~~
31

1 ~~most effective rehabilitation efforts and the most intensive~~
2 ~~postrelease supervision and case management.~~

3 ~~(d) It is the intent of the Legislature that all other~~
4 ~~departments and agencies of the state shall cooperate fully~~
5 ~~with the Department of Juvenile Justice to accomplish the~~
6 ~~siting of facilities for juvenile offenders.~~

7
8 ~~The supervision, counseling, rehabilitative treatment, and~~
9 ~~punitive efforts of the juvenile justice system should avoid~~
10 ~~the inappropriate use of correctional programs and large~~
11 ~~institutions. The Legislature finds that detention services~~
12 ~~should exceed the primary goal of providing safe and secure~~
13 ~~custody pending adjudication and disposition.~~

14 (3)(7) PARENTAL, CUSTODIAL, AND GUARDIAN
15 RESPONSIBILITIES.--Parents, custodians, and guardians are
16 deemed by the state to be responsible for providing their
17 children with sufficient support, guidance, and supervision to
18 deter their participation in delinquent acts. The state
19 further recognizes that the ability of parents, custodians,
20 and guardians to fulfill those responsibilities can be greatly
21 impaired by economic, social, behavioral, emotional, and
22 related problems. It is therefore the policy of the
23 Legislature that it is the state's responsibility to ensure
24 that factors impeding the ability of caretakers to fulfill
25 their responsibilities are identified through the delinquency
26 intake process and that appropriate recommendations to address
27 those problems are considered in any judicial or nonjudicial
28 proceeding.

29 Section 120. Section 39.012, Florida Statutes, is
30 amended to read:

31

1 39.012 Rules for implementation.--~~The Department of~~
2 ~~Juvenile Justice shall adopt rules for the efficient and~~
3 ~~effective management of all programs, services, facilities,~~
4 ~~and functions necessary for implementing parts II and IV of~~
5 ~~this chapter, and the Department of Children and Family Health~~
6 ~~and Rehabilitative Services shall adopt rules for the~~
7 efficient and effective management of all programs, services,
8 facilities, and functions necessary for implementing parts
9 III, V, and VI of this chapter. ~~Such rules may not conflict~~
10 ~~with the Florida Rules of Juvenile Procedure. All rules and~~
11 ~~policies must conform to accepted standards of care and~~
12 ~~treatment.~~

13 Section 121. Sections 985.01-985.08, Florida Statutes,
14 are designated as part I of chapter 985, Florida Statutes, and
15 entitled "General Provisions." Sections 985.201-985.236,
16 Florida Statutes, are designated as part II of chapter 985,
17 Florida Statutes, and entitled "Delinquency Case Processing."
18 Sections 985.301-985.316, Florida Statutes, are designated as
19 part III of chapter 985, Florida Statutes, and entitled
20 "Juvenile Justice Continuum." Sections 985.401-985.419,
21 Florida Statutes, are designated as part IV of chapter 985,
22 Florida Statutes, and entitled "Juvenile Justice System
23 Administration." Sections 985.501-985.507, Florida Statutes,
24 are designated as part V of chapter 985, Florida Statutes, and
25 entitled "Interstate Compact on Juveniles."

26 Section 122. (1) It is the intent of the Legislature
27 that chapter 39, Florida Statutes, be reserved for sections of
28 statute relating to dependency, children in foster care, and
29 termination of parental rights; that chapter 985, Florida
30 Statutes, be reserved for sections of statute relating to
31 delinquency and the interstate compact on juveniles; and that

1 chapter 984, Florida Statutes, be reserved for sections of
2 statute relating to children in need of services and families
3 in need of services.

4 (2) It is further the intent of the Legislature that
5 any legislation enacted during the 1997 Regular Session
6 affecting chapter 39, Florida Statutes, either before or after
7 the passage of this legislation, shall, upon becoming law
8 either before or after this act becomes law, be given full
9 force and effect substantively, but such new substantive
10 provisions of law shall be integrated into the new statutory
11 framework created in this act, and shall be assigned to the
12 appropriate chapter of statute, as follows:

13 (a) Laws amending any provision of part I of chapter
14 39, Florida Statutes, shall receive duplicate assignment to
15 appropriate parallel provisions in chapters 39, 984, and 985,
16 Florida Statutes, unless a contrary intention is expressed;

17 (b) Laws amending any provision of part II of chapter
18 39, Florida Statutes, shall be deemed to amend appropriate
19 parallel provisions in chapter 985, Florida Statutes, unless a
20 contrary intention is expressed. Any statutes sections created
21 within part II of chapter 39 in the 1997 Regular Session,
22 shall be renumbered and placed in chapter 985, as appropriate,
23 unless a contrary intention is expressed;

24 (c) Laws amending any provision of part III of chapter
25 39, Florida Statutes, shall be unaffected by this legislation
26 unless a contrary intention is expressed;

27 (d) Laws amending any provision of part IV of chapter
28 39, Florida Statutes, shall be deemed to amend appropriate
29 parallel provisions in chapter 984, Florida Statutes, unless a
30 contrary intention is expressed. Any statutes sections created
31 within part IV of chapter 39 in the 1997 Regular Session,

1 shall be renumbered and placed in chapter 984, as appropriate,
2 unless a contrary intention is expressed;

3 (e) Laws amending any provision of part V of chapter
4 39, Florida Statutes, shall be unaffected by this legislation
5 unless a contrary intention is expressed;

6 (f) Laws amending any provision of part VI of chapter
7 39, Florida Statutes, shall be unaffected by this legislation
8 unless a contrary intention is expressed; and

9 (g) Laws amending any provision of part VII of chapter
10 39, Florida Statutes, shall receive duplicate assignment to
11 appropriate parallel provisions in chapters 39, 984, and 985,
12 Florida Statutes, unless a contrary intention is expressed.

13 (3) In the preparation of the 1997 Florida Statutes,
14 pursuant to section 11.242, Florida Statutes, the Division of
15 Statutory Revision is directed to incorporate the
16 reorganization of the content of chapter 39, Florida Statutes,
17 into the three separate chapters of statute as provided in
18 this act and in accordance with the legislative intent
19 expressed in this section.

20 Section 123. This act shall take effect October 1,
21 1997.

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HOUSE SUMMARY

Declares legislative intent that chapter 39, Florida Statutes, be reserved for sections of statute relating to dependency, children in foster care, and termination of parental rights; that chapter 985, Florida Statutes, as created by the act, be reserved for sections of statute relating to delinquency and the interstate compact on juveniles; and that chapter 984, Florida Statutes, as created by the act, be reserved for sections of statute relating to children in need of services and families in need of services. Directs the Division of Statutory Revision, in the preparation of the 1997 Florida Statutes, to incorporate the reorganization of the content of chapter 39, Florida Statutes, into the three separate chapters. Revises, reorganizes, renumbers, or repeals numerous provisions in chapter 39, Florida Statutes, relating to juvenile proceedings. Provides for creation of new chapters 984 and 985, Florida Statutes. See bill for details.