

By Senator Gutman

34-667C-98

1 A bill to be entitled
2 An act relating to juvenile justice; amending
3 s. 943.053, F.S.; authorizing the release of
4 certain juvenile criminal history records to a
5 private entity under contract with the
6 Department of Juvenile Justice; providing that
7 such records remain confidential and exempt
8 from the public records law; amending s.
9 984.03, F.S.; revising definitions; providing
10 for a juvenile probation officer to perform
11 certain duties formerly performed by an intake
12 counselor or case manager; amending s. 985.03,
13 F.S.; revising definitions; providing for a
14 juvenile probation officer to perform certain
15 duties formerly performed by an intake
16 counselor or case manager; providing that
17 penalties imposed for an escape from detention
18 or a commitment facility apply to a juvenile
19 who escapes from a maximum-risk residential
20 facility; conforming cross-references to
21 changes made by the act; amending ss. 985.207,
22 985.208, F.S., relating to conditions for
23 taking a juvenile into custody and detention;
24 conforming provisions to changes made by the
25 act; amending s. 985.209, F.S.; providing for
26 the Department of Juvenile Justice to establish
27 juvenile assessment centers; providing for the
28 centers to be operated through cooperative
29 agreements with other state agencies; providing
30 for intake and screening services; amending ss.
31 985.21, 985.211, F.S.; providing for certain

1 functions formerly considered case-management
2 functions to be probation functions; amending
3 s. 985.215, F.S.; conforming terminology to
4 changes made by the act; requiring that a
5 juvenile held in secure detention awaiting
6 dispositional placement meet certain criteria
7 for detention; amending s. 985.216, F.S.;
8 deleting a provision authorizing placement of a
9 juvenile in a secure residential commitment
10 facility for direct or indirect contempt of
11 court; amending ss. 985.226, 985.23, F.S.,
12 relating to criteria for waiver of jurisdiction
13 and disposition hearings in delinquency cases;
14 conforming provisions to changes made by the
15 act; amending s. 985.231, F.S.; providing for
16 placing a juvenile on home detention with
17 electronic monitoring if a residential
18 consequence unit is not available; amending ss.
19 985.301, 985.304, F.S., relating to civil
20 citations and community arbitration; conforming
21 provisions to changes made by the act; deleting
22 certain references to case-management services;
23 amending s. 985.307, F.S.; extending the period
24 during which the Department of Juvenile Justice
25 is authorized to operate juvenile assignment
26 centers; amending ss. 985.31, 985.311, F.S.,
27 relating to serious or habitual juvenile
28 offenders and intensive residential treatment
29 programs for offenders less than 13 years of
30 age; conforming provisions to changes made by
31 the act; transferring, renumbering, and

1 amending s. 944.401, F.S., relating to the
2 offense of escaping from secure detention or a
3 residential commitment facility; conforming a
4 cross-reference; amending s. 985.406, F.S.,
5 relating to juvenile justice training
6 academies; conforming provisions to changes
7 made by the act; amending s. 985.412, F.S.;
8 deleting a duty of the department's inspector
9 general with respect to quality assurance;
10 amending s. 985.413, F.S.; increasing the
11 number of consecutive terms that may be served
12 by a member of a district juvenile justice
13 board; deleting an exemption from such
14 limitation; amending s. 985.414, F.S.;
15 specifying the parties to be included in an
16 interagency agreement for developing a county
17 juvenile justice plan; amending s. 985.415,
18 F.S.; revising eligibility requirements for a
19 Community Juvenile Justice Partnership Grant;
20 amending s. 938.19, F.S.; authorizing the
21 assessment of certain fees for the purpose of
22 operating and administering a teen court,
23 notwithstanding certain contrary provisions;
24 providing effective dates.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (8) is added to section 943.053,
29 Florida Statutes, to read:

30 943.053 Dissemination of criminal justice information;
31 fees.--

1 (8) Notwithstanding s. 943.0525 or any user agreement
2 adopted under s. 943.0525, and notwithstanding the
3 confidentiality of sealed records provided in s. 943.059, the
4 Department of Juvenile Justice and any other state or local
5 criminal justice agency may provide a copy of the criminal
6 history records of a juvenile offender currently or formerly
7 detained or housed in a contracted juvenile assessment center
8 or detention facility, or treated through a treatment program,
9 or the criminal history records of an employee or other
10 individual who has access to a contracted juvenile assessment
11 center, detention facility, or treatment program, only to an
12 entity under direct contract with the Department of Juvenile
13 Justice to operate a juvenile assessment center, detention
14 facility, or treatment program. The criminal justice agency
15 may assess a charge for providing the records as provided in
16 chapter 119. A sealed record received by a private entity
17 under this subsection remains confidential and exempt from s.
18 119.07(1) and s. 24(a), Art. I of the State Constitution.
19 Information provided under this subsection may be used only
20 for the criminal justice purpose for which it was requested
21 and may not be further disseminated.

22 Section 2. Paragraph (c) of subsection (29), paragraph
23 (c) of subsection (30), and subsections (31), (32), and (33)
24 of section 984.03, Florida Statutes, are amended to read:

25 984.03 Definitions.--When used in this chapter, the
26 term:

27 (29) "Habitually truant" means that:

28 (c) A school representative, designated according to
29 school board policy, and a juvenile probation officer ~~an~~
30 ~~intake counselor or case manager~~ of the Department of Juvenile
31 Justice have jointly investigated the truancy problem or, if

1 that was not feasible, have performed separate investigations
2 to identify conditions that ~~which~~ may be contributing to the
3 truant behavior; and if, after a joint staffing of the case to
4 determine the necessity for services, such services were
5 determined to be needed, the persons who performed the
6 investigations met jointly with the family and child to
7 discuss any referral to appropriate community agencies for
8 economic services, family or individual counseling, or other
9 services required to remedy the conditions that are
10 contributing to the truant behavior.

11 (30) "Intake" means the initial acceptance and
12 screening by the Department of Juvenile Justice of a complaint
13 or a law enforcement report or probable cause affidavit of
14 delinquency, family in need of services, or child in need of
15 services to determine the recommendation to be taken in the
16 best interests of the child, the family, and the community.
17 The emphasis of intake is on diversion and the least
18 restrictive available services. Consequently, intake includes
19 such alternatives as:

20 (c) The recommendation by the juvenile probation
21 ~~officer intake counselor or case manager~~ of judicial handling
22 when appropriate and warranted.

23 ~~(31) "Intake counselor" or "case manager" means the~~
24 ~~authorized agent of the Department of Juvenile Justice~~
25 ~~performing the intake or case management function for a child~~
26 ~~alleged to be delinquent or in need of services, or from a~~
27 ~~family in need of services.~~

28 (31)~~(32)~~ "Judge" means the circuit judge exercising
29 jurisdiction pursuant to this chapter.

30 (32)~~(33)~~ "Juvenile justice continuum" includes, but is
31 not limited to, delinquency prevention programs and services

1 designed for the purpose of preventing or reducing delinquent
2 acts, including criminal activity by youth gangs and juvenile
3 arrests, as well as programs and services targeted at children
4 who have committed delinquent acts, and children who have
5 previously been committed to residential treatment programs
6 for delinquents. The term includes
7 children-in-need-of-services and families-in-need-of-services
8 programs; aftercare and reentry services; substance abuse and
9 mental health programs; educational and vocational programs;
10 recreational programs; community services programs; community
11 service work programs; and alternative dispute resolution
12 programs serving children at risk of delinquency and their
13 families, whether offered or delivered by state or local
14 governmental entities, public or private for-profit or
15 not-for-profit organizations, or religious or charitable
16 organizations.

17 (33) "Juvenile probation officer" means the authorized
18 agent of the department who performs and directs intake,
19 assessment, probation or aftercare, and other related
20 services.

21 Section 3. Paragraph (c) of subsection (27), paragraph
22 (c) of subsection (29), and subsections (30), (31), (32),
23 (45), and (55) of section 985.03, Florida Statutes, are
24 amended to read:

25 985.03 Definitions.--When used in this chapter, the
26 term:

27 (27) "Habitually truant" means that:

28 (c) A school representative, designated according to
29 school board policy, and a juvenile probation officer ~~an~~
30 ~~intake counselor or case manager~~ of the Department of Juvenile
31 Justice have jointly investigated the truancy problem or, if

1 that was not feasible, have performed separate investigations
2 to identify conditions that could ~~which may~~ be contributing to
3 the truant behavior; and if, after a joint staffing of the
4 case to determine the necessity for services, such services
5 were determined to be needed, the persons who performed the
6 investigations met jointly with the family and child to
7 discuss any referral to appropriate community agencies for
8 economic services, family or individual counseling, or other
9 services required to remedy the conditions that are
10 contributing to the truant behavior.

11 (29) "Intake" means the initial acceptance and
12 screening by the Department of Juvenile Justice of a complaint
13 or a law enforcement report or probable cause affidavit of
14 delinquency, family in need of services, or child in need of
15 services to determine the recommendation to be taken in the
16 best interests of the child, the family, and the community.
17 The emphasis of intake is on diversion and the least
18 restrictive available services. Consequently, intake includes
19 such alternatives as:

20 (c) The recommendation by the juvenile probation
21 ~~officer intake counselor or case manager~~ of judicial handling
22 when appropriate and warranted.

23 ~~(30) "Intake counselor" or "case manager" means the~~
24 ~~authorized agent of the Department of Juvenile Justice~~
25 ~~performing the intake or case management function for a child~~
26 ~~alleged to be delinquent.~~

27 (30)~~(31)~~ "Judge" means the circuit judge exercising
28 jurisdiction pursuant to this chapter.

29 (31)~~(32)~~ "Juvenile justice continuum" includes, but is
30 not limited to, delinquency prevention programs and services
31 designed for the purpose of preventing or reducing delinquent

1 acts, including criminal activity by youth gangs, and juvenile
2 arrests, as well as programs and services targeted at children
3 who have committed delinquent acts, and children who have
4 previously been committed to residential treatment programs
5 for delinquents. The term includes
6 children-in-need-of-services and families-in-need-of-services
7 programs; aftercare and reentry services; substance abuse and
8 mental health programs; educational and vocational programs;
9 recreational programs; community services programs; community
10 service work programs; and alternative dispute resolution
11 programs serving children at risk of delinquency and their
12 families, whether offered or delivered by state or local
13 governmental entities, public or private for-profit or
14 not-for-profit organizations, or religious or charitable
15 organizations.

16 (32) "Juvenile probation officer" means the authorized
17 agent of the Department of Juvenile Justice who performs the
18 intake or case-management function for a child alleged to be
19 delinquent.

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

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

1 programs, nonresidential training and rehabilitation centers,
2 and other local community nonresidential programs.

3 (b) Low-risk residential.--Youth assessed and
4 classified for placement in programs at this level represent a
5 low risk to themselves and public safety and do require
6 placement and services in residential settings. Programs or
7 program models in this restrictiveness level include: Short
8 Term Offender Programs (STOP), group treatment homes, family
9 group homes, proctor homes, and Short Term Environmental
10 Programs (STEP). Section 985.3141 ~~944.401~~ applies to children
11 placed in programs in this restrictiveness level.

12 (c) Moderate-risk residential.--Youth assessed and
13 classified for placement in programs in this restrictiveness
14 level represent a moderate risk to public safety. Programs
15 are designed for children who require close supervision but do
16 not need placement in facilities that are physically secure.
17 Programs in the moderate-risk residential restrictiveness
18 level provide 24-hour awake supervision, custody, care, and
19 treatment. Upon specific appropriation, a facility at this
20 restrictiveness level may have a security fence around the
21 perimeter of the grounds of the facility and may be
22 hardware-secure or staff-secure. The staff at a facility at
23 this restrictiveness level may seclude a child who is a
24 physical threat to himself or others. Mechanical restraint
25 may also be used when necessary. Programs or program models in
26 this restrictiveness level include: halfway houses, START
27 Centers, the Dade Intensive Control Program, licensed
28 substance abuse residential programs, and moderate-term
29 wilderness programs designed for committed delinquent youth
30 that are operated or contracted by the Department of Juvenile
31

1 Justice. Section 985.3141 ~~944.401~~ applies to children in
2 moderate-risk residential programs.

3 (d) High-risk residential.--Youth assessed and
4 classified for this level of placement require close
5 supervision in a structured residential setting that provides
6 24-hour-per-day secure custody, care, and supervision.
7 Placement in programs in this level is prompted by a concern
8 for public safety that outweighs placement in programs at
9 lower restrictiveness levels. Programs or program models in
10 this level are staff-secure or physically secure residential
11 commitment facilities and include: training schools, intensive
12 halfway houses, residential sex offender programs, long-term
13 wilderness programs designed exclusively for committed
14 delinquent youth, boot camps, secure halfway house programs,
15 and the Broward Control Treatment Center. Section 985.3141
16 ~~944.401~~ applies to children placed in programs in this
17 restrictiveness level.

18 (e) Maximum-risk residential.--Youth assessed and
19 classified for this level of placement require close
20 supervision in a maximum security residential setting that
21 provides 24-hour-per-day secure custody, care, and
22 supervision. Placement in a program in this level is prompted
23 by a demonstrated need to protect the public. Programs or
24 program models in this level are maximum-secure-custody,
25 long-term residential commitment facilities that are intended
26 to provide a moderate overlay of educational, vocational, and
27 behavioral-modification services. Section 985.3141 applies to
28 children placed in programs in this restrictiveness level.~~and~~
29 ~~include programs for serious and habitual juvenile offenders~~
30 ~~and other maximum-security program models authorized by the~~
31 ~~legislature and established by rule.~~

1 (55) "Temporary release" means the terms and
2 conditions under which a child is temporarily released from a
3 commitment facility or allowed home visits. If the temporary
4 release is from a moderate-risk residential facility, a
5 high-risk residential facility, or a maximum-risk residential
6 facility, the terms and conditions of the temporary release
7 must be approved by the child, the court, and the facility.
8 The term includes periods during which the child is supervised
9 pursuant to a reentry program or an aftercare program or a
10 period during which the child is supervised by a juvenile
11 probation officer ~~case manager~~ or other nonresidential staff
12 of the department or staff employed by an entity under
13 contract with the department. A child placed in a
14 postcommitment supervision ~~community control~~ program by order
15 of the court is not considered to be on temporary release and
16 is not subject to the terms and conditions of temporary
17 release.

18 Section 4. Subsection (2) of section 985.207, Florida
19 Statutes, is amended to read:

20 985.207 Taking a child into custody.--

21 (2) When a child is taken into custody as provided in
22 this section, the person taking the child into custody shall
23 attempt to notify the parent, guardian, or legal custodian of
24 the child. The person taking the child into custody shall
25 continue such attempt until the parent, guardian, or legal
26 custodian of the child is notified or the child is delivered
27 to a juvenile probation officer ~~an intake counselor~~ pursuant
28 to s. 985.21, whichever occurs first. If the child is
29 delivered to a juvenile probation officer ~~an intake counselor~~
30 before the parent, guardian, or legal custodian is notified,
31 the juvenile probation officer ~~intake counselor or case~~

1 ~~manager~~ shall continue the attempt to notify until the parent,
2 guardian, or legal custodian of the child is notified.

3 Section 5. Subsection (2) of section 985.208, Florida
4 Statutes, is amended to read:

5 985.208 Detention of furloughed child or escapee on
6 authority of the department.--

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

15 Section 6. Section 985.209, Florida Statutes, is
16 amended to read:

17 985.209 Juvenile ~~justice~~ assessment centers.--

18 (1) As used in this section, the term "center" means a
19 juvenile assessment center comprising community operated
20 facilities and programs that provide colocated central intake
21 and screening services for youth referred to the Department of
22 Juvenile Justice.

23 (2) The department shall work cooperatively with
24 substance abuse programs, mental health providers, law
25 enforcement agencies, schools, health service providers, and
26 other agencies serving youth to establish juvenile assessment
27 centers. Each current and newly established center shall be
28 developed and modified through the local initiative of
29 community agencies and local governments and shall provide a
30 broad array of youth-related services appropriate to the needs
31 of the community where the center is located.

1 (3) Each center shall be managed and governed by the
2 participating agencies, consistent with respective statutory
3 requirements of each agency, through an advisory committee and
4 interagency agreements established with participating
5 entities. The advisory committee shall guide the center's
6 operation and ensure that appropriate and relevant agencies
7 are collaboratively participating in and providing services at
8 the center. Each participating state agency shall have
9 operational oversight of only those individual service
10 components located and provided at the center for which the
11 state agency has statutory authority and responsibility.

12 (4) Each center shall provide colocated central intake
13 and screening services for youth referred to the department.
14 The center shall provide sufficient services needed to
15 facilitate the initial screening of and case processing for
16 youth, including, at a minimum, delinquency intake; positive
17 identification of the youth; detention admission screening;
18 needs assessment; substance abuse screening and assessments;
19 physical and mental health screening; and diagnostic testing
20 as appropriate. The department shall provide sufficient staff
21 and resources at a center to provide detention screening and
22 intake services.

23 (5) Each center must provide for the coordination and
24 sharing of information among the participating agencies to
25 facilitate the screening of and case processing for youth
26 referred to the department.~~The department shall work~~
27 ~~cooperatively with substance abuse facilities, mental health~~
28 ~~providers, law enforcement agencies, schools, health services~~
29 ~~providers, and other entities involved with children to~~
30 ~~establish a juvenile justice assessment center in each service~~
31 ~~district. The assessment center shall serve as central intake~~

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

10 Section 7. Section 985.21, Florida Statutes, is
11 amended to read:

12 985.21 Intake and case management.--

13 (1)(a) During the intake process, the juvenile
14 probation officer ~~intake counselor~~ shall screen each child to
15 determine:

16 1. Appropriateness for release, referral to a
17 diversionary program including, but not limited to, a
18 teen-court program, referral for community arbitration, or
19 referral to some other program or agency for the purpose of
20 nonofficial or nonjudicial handling.

21 2. The presence of medical, psychiatric,
22 psychological, substance abuse, educational problems, or other
23 conditions that may have caused the child to come to the
24 attention of law enforcement or the Department of Juvenile
25 Justice. In cases where such conditions are identified, and a
26 nonjudicial handling of the case is chosen, the juvenile
27 probation officer ~~intake counselor~~ shall attempt to refer the
28 child to a program or agency, together with all available and
29 relevant assessment information concerning the child's
30 precipitating condition.

31

1 3. The Department of Juvenile Justice shall develop a
2 case management system whereby a child brought into intake is
3 assigned a juvenile probation officer ~~case manager~~ if the
4 child was not released, referred to a diversionary program,
5 referred for community arbitration, or referred to some other
6 program or agency for the purpose of nonofficial or
7 nonjudicial handling, and shall make every reasonable effort
8 to provide continuity of case management for the child;
9 provided, however, that case management for children committed
10 to residential programs may be transferred as provided in s.
11 985.316.

12 4. In addition to duties specified in other sections
13 and through departmental rules, the assigned juvenile
14 probation officer ~~case manager~~ shall be responsible for the
15 following:

16 a. Ensuring that a risk assessment instrument
17 establishing the child's eligibility for detention has been
18 accurately completed and that the appropriate recommendation
19 was made to the court.

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

22 c. Performing the preliminary screening and making
23 referrals for comprehensive assessment regarding the child's
24 need for substance abuse treatment services, mental health
25 services, retardation services, literacy services, or other
26 educational or treatment services.

27 d. Coordinating the multidisciplinary assessment when
28 required, which includes the classification and placement
29 process that determines the child's priority needs, risk
30 classification, and treatment plan. When sufficient evidence
31 exists to warrant a comprehensive assessment and the child

1 fails to voluntarily participate in the assessment efforts, it
2 is the responsibility of the juvenile probation officer ~~case~~
3 ~~manager~~ to inform the court of the need for the assessment and
4 the refusal of the child to participate in such assessment.
5 This assessment, classification, and placement process shall
6 develop into the predisposition report.

7 e. Making recommendations for services and
8 facilitating the delivery of those services to the child,
9 including any mental health services, educational services,
10 family counseling services, family assistance services, and
11 substance abuse services. The juvenile probation officer
12 ~~delinquency case manager~~ shall serve as the primary case
13 manager for the purpose of managing, coordinating, and
14 monitoring the services provided to the child. Each program
15 administrator within the Department of Children and Family
16 Services shall cooperate with the primary case manager in
17 carrying out the duties and responsibilities described in this
18 section.

19
20 The Department of Juvenile Justice shall annually advise the
21 Legislature and the Executive Office of the Governor of the
22 resources needed in order for the case management system to
23 maintain a staff-to-client ratio that is consistent with
24 accepted standards and allows the necessary supervision and
25 services for each child. The intake process and case
26 management system shall provide a comprehensive approach to
27 assessing the child's needs, relative risks, and most
28 appropriate handling, and shall be based on an individualized
29 treatment plan.

30 (b) The intake and case management system shall
31 facilitate consistency in the recommended placement of each

1 child, and in the assessment, classification, and placement
2 process, with the following purposes:

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

21 2. A classification system that assigns a relative
22 risk to the child and the community based upon assessments
23 including the detention risk assessment results when available
24 to classify the child's risk as it relates to placement and
25 supervision alternatives.

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

30 (2) The intake process shall be performed by the
31 department through a case management system. The purpose of

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

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

28 (4) The juvenile probation officer ~~intake counselor or~~
29 ~~case manager~~ shall make a preliminary determination as to
30 whether the report, affidavit, or complaint is complete,
31 consulting with the state attorney as may be necessary. In any

1 case where the juvenile probation officer ~~intake counselor or~~
2 ~~case manager~~ or the state attorney finds that the report,
3 affidavit, or complaint is insufficient by the standards for a
4 probable cause affidavit, the juvenile probation officer
5 ~~intake counselor or case manager~~ or state attorney shall
6 return the report, affidavit, or complaint, without delay, to
7 the person or agency originating the report, affidavit, or
8 complaint or having knowledge of the facts or to the
9 appropriate law enforcement agency having investigative
10 jurisdiction of the offense, and shall request, and the person
11 or agency shall promptly furnish, additional information in
12 order to comply with the standards for a probable cause
13 affidavit.

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

22 (b) The juvenile probation officer ~~intake counselor or~~
23 ~~case manager~~, upon determining that the report, affidavit, or
24 complaint is complete, pursuant to uniform procedures
25 established by the department, shall:

26 1. When indicated by the preliminary screening,
27 provide for a comprehensive assessment of the child and family
28 for substance abuse problems, using community-based licensed
29 programs with clinical expertise and experience in the
30 assessment of substance abuse problems.

31

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

7
8 When indicated by the comprehensive assessment, the department
9 is authorized to contract within appropriated funds for
10 services with a local nonprofit community mental health or
11 substance abuse agency licensed or authorized under chapter
12 394, or chapter 397, or other authorized nonprofit social
13 service agency providing related services. The determination
14 of mental health or substance abuse services shall be
15 conducted in coordination with existing programs providing
16 mental health or substance abuse services in conjunction with
17 the intake office. Client information resulting from the
18 screening and evaluation shall be documented pursuant to rules
19 established by the department and shall serve to assist the
20 juvenile probation officer ~~intake counselor or case manager~~ in
21 providing the most appropriate services and recommendations in
22 the least intrusive manner. Such client information shall be
23 used in the multidisciplinary assessment and classification of
24 the child, but such information, and any information obtained
25 directly or indirectly through the assessment process, is
26 inadmissible in court prior to the disposition hearing, unless
27 the child's written consent is obtained. At the disposition
28 hearing, documented client information shall serve to assist
29 the court in making the most appropriate custody,
30 adjudicatory, and dispositional decision. If the screening and
31 assessment indicate that the interest of the child and the

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

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

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

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

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

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

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

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

24 (5) Prior to requesting that a delinquency petition be
25 filed or prior to filing a dependency petition, the juvenile
26 probation ~~intake~~ officer may request the parent or legal
27 guardian of the child to attend a course of instruction in
28 parenting skills, training in conflict resolution, and the
29 practice of nonviolence; to accept counseling; or to receive
30 other assistance from any agency in the community which
31 notifies the clerk of the court of the availability of its

1 services. Where appropriate, the juvenile probation intake
2 officer shall request both parents or guardians to receive
3 such parental assistance. The juvenile probation intake
4 officer may, in determining whether to request that a
5 delinquency petition be filed, take into consideration the
6 willingness of the parent or legal guardian to comply with
7 such request.

8 Section 8. Subsections (3) and (4) and paragraph (c)
9 of subsection (6) of section 985.211, Florida Statutes, are
10 amended to read:

11 985.211 Release or delivery from custody.--

12 (3) If the child is released, the person taking the
13 child into custody shall make a written report or probable
14 cause affidavit to the appropriate juvenile probation officer
15 ~~intake counselor or case manager~~ within 3 days, stating the
16 facts and the reason for taking the child into custody. Such
17 written report or probable cause affidavit shall:

18 (a) Identify the child, the parents, guardian, or
19 legal custodian, and the person to whom the child was
20 released.

21 (b) Contain sufficient information to establish the
22 jurisdiction of the court and to make a prima facie showing
23 that the child has committed a violation of law or a
24 delinquent act.

25 (4) A person taking a child into custody who
26 determines, pursuant to s. 985.215, that the child should be
27 detained or released to a shelter designated by the
28 department, shall make a reasonable effort to immediately
29 notify the parent, guardian, or legal custodian of the child
30 and shall, without unreasonable delay, deliver the child to
31 the appropriate juvenile probation officer ~~intake counselor or~~

1 ~~case manager~~ or, if the court has so ordered pursuant to s.
2 985.215, to a detention center or facility. Upon delivery of
3 the child, the person taking the child into custody shall make
4 a written report or probable cause affidavit to the
5 appropriate juvenile probation officer ~~intake counselor or~~
6 ~~case manager~~. Such written report or probable cause affidavit
7 must:

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

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

14 (6)

15 (c) Each letter of recommendation, written notice,
16 report, or other paper required by law pertaining to the case
17 shall bear the uniform case number of the case, and a copy
18 shall be filed with the clerk of the circuit court by the
19 issuing agency. The issuing agency shall furnish copies to
20 the juvenile probation officer ~~intake counselor or case~~
21 ~~manager~~ and the state attorney.

22 Section 9. Subsections (1) and (2) and paragraph (a)
23 of subsection (10) of section 985.215, Florida Statutes, are
24 amended to read:

25 985.215 Detention.--

26 (1) The juvenile probation officer ~~intake counselor or~~
27 ~~case manager~~ shall receive custody of a child who has been
28 taken into custody from the law enforcement agency and shall
29 review the facts in the law enforcement report or probable
30 cause affidavit and make such further inquiry as may be
31 necessary to determine whether detention care is required.

1 (a) During the period of time from the taking of the
2 child into custody to the date of the detention hearing, the
3 initial decision as to the child's placement into secure
4 detention care, nonsecure detention care, or home detention
5 care shall be made by the juvenile probation officer ~~intake~~
6 ~~counselor or case manager~~ pursuant to ss. 985.213 and 985.214.

7 (b) The juvenile probation officer ~~intake counselor or~~
8 ~~case manager~~ shall base the decision whether or not to place
9 the child into secure detention care, home detention care, or
10 nonsecure detention care on an assessment of risk in
11 accordance with the risk assessment instrument and procedures
12 developed by the Department of Juvenile Justice under s.
13 985.213.

14 (c) If the juvenile probation officer ~~intake counselor~~
15 ~~or case manager~~ determines that a child who is eligible for
16 detention based upon the results of the risk assessment
17 instrument should be released, the juvenile probation officer
18 ~~intake counselor or case manager~~ shall contact the state
19 attorney, who may authorize release. If detention is not
20 authorized, the child may be released by the juvenile
21 probation officer ~~intake counselor or case manager~~ in
22 accordance with s. 985.211.

23
24 Under no circumstances shall the juvenile probation officer
25 ~~intake counselor or case manager~~ or the state attorney or law
26 enforcement officer authorize the detention of any child in a
27 jail or other facility intended or used for the detention of
28 adults, without an order of the court.

29 (2) Subject to the provisions of subsection (1), a
30 child taken into custody and placed into nonsecure or home
31

1 detention care or detained in secure detention care prior to a
2 detention hearing may continue to be detained by the court if:

3 (a) The child is alleged to be an escapee or an
4 absconder from a commitment program, a community control
5 program, furlough, or aftercare supervision, or is alleged to
6 have escaped while being lawfully transported to or from such
7 program or supervision.

8 (b) The child is wanted in another jurisdiction for an
9 offense which, if committed by an adult, would be a felony.

10 (c) The child is charged with a delinquent act or
11 violation of law and requests in writing through legal counsel
12 to be detained for protection from an imminent physical threat
13 to his or her personal safety.

14 (d) The child is charged with committing an offense of
15 domestic violence as defined in s. 741.28(1) and is detained
16 as provided in s. 985.213(2)(b)3.

17 (e) The child is charged with a capital felony, a life
18 felony, a felony of the first degree, a felony of the second
19 degree that does not involve a violation of chapter 893, or a
20 felony of the third degree that is also a crime of violence,
21 including any such offense involving the use or possession of
22 a firearm.

23 (f) The child is charged with any second degree or
24 third degree felony involving a violation of chapter 893 or
25 any third degree felony that is not also a crime of violence,
26 and the child:

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

30 2. Has a record of law violations prior to court
31 hearings;

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

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

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

6 (g) The child is alleged to have violated the
7 conditions of the child's community control or aftercare
8 supervision. However, a child detained under this paragraph
9 may be held only in a consequence unit as provided in s.
10 985.231(1)(a)1.c. If a consequence unit is not available, the
11 child shall be placed on home detention with electronic
12 monitoring.

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 juvenile probation
23 officer ~~intake counselor or case manager~~ and, based on the
24 criteria in this subsection, shall determine the need for
25 continued detention. A child placed into secure, nonsecure, or
26 home detention care may continue to be so detained by the
27 court pursuant to this subsection. If the court orders a
28 placement more restrictive than indicated by the results of
29 the risk assessment instrument, the court shall state, in
30 writing, clear and convincing reasons for such placement.
31 Except as provided in s. 790.22(8) or in subparagraph

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

12 (10)(a)1. When a child is committed to the Department
13 of Juvenile Justice awaiting dispositional placement, removal
14 of the child from detention care shall occur within 5 days,
15 excluding Saturdays, Sundays, and legal holidays. If the child
16 is committed to ~~a low-risk residential program~~ or a
17 moderate-risk residential program, the department may seek an
18 order from the court authorizing continued detention for a
19 specific period of time necessary for the appropriate
20 residential placement of the child. However, such continued
21 detention in secure detention care may not exceed 15 days
22 after commitment, excluding Saturdays, Sundays, and legal
23 holidays, and except as otherwise provided in this subsection.
24 A child may not be held in secure detention during the 5-day
25 period while awaiting placement unless the child meets the
26 criteria for detention prescribed in this section.

27 2. The court must place all children who are
28 adjudicated and awaiting placement in a residential commitment
29 program in detention care. Children who are in home detention
30 care or nonsecure detention care may be placed on electronic
31 monitoring. A child committed to a moderate-risk residential

1 program may be held in a juvenile assignment center pursuant
2 to s. 985.307 until placement or commitment is accomplished.

3 Section 10. Subsection (2) of section 985.216, Florida
4 Statutes, is amended to read:

5 985.216 Punishment for contempt of court; alternative
6 sanctions.--

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

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

18 (b) A child in need of services who has been held in
19 direct contempt or indirect contempt may be placed, for 5 days
20 for a first offense or 15 days for a second or subsequent
21 offense, in a staff-secure shelter or a staff-secure
22 residential facility solely for children in need of services
23 if such placement is available, or, if such placement is not
24 available, the child may be placed in an appropriate mental
25 health facility or substance abuse facility for assessment. In
26 addition to disposition under this paragraph, a child in need
27 of services who is held in direct contempt or indirect
28 contempt may be placed in a physically secure facility as
29 provided under s. 984.226 if conditions of eligibility are
30 met.

31

1 Section 11. Paragraph (a) of subsection (3) of section
2 985.226, Florida Statutes, is amended 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 (3) WAIVER HEARING.--

7 (a) Within 7 days, excluding Saturdays, Sundays, and
8 legal holidays, after the date a petition alleging that a
9 child has committed a delinquent act or violation of law has
10 been filed, or later with the approval of the court, but
11 before an adjudicatory hearing and after considering the
12 recommendation of the juvenile probation officer ~~intake~~
13 ~~counselor or case manager~~, the state attorney may file a
14 motion requesting the court to transfer the child for criminal
15 prosecution.

16 Section 12. Paragraph (b) of subsection (3) of section
17 985.23, Florida Statutes, is amended to read:

18 985.23 Disposition hearings in delinquency
19 cases.--When a child has been found to have committed a
20 delinquent act, the following procedures shall be applicable
21 to the disposition of the case:

22 (3)

23 (b) If the court determines that commitment to the
24 department is appropriate, the juvenile probation officer
25 ~~intake counselor or case manager~~ shall recommend to the court
26 the most appropriate placement and treatment plan,
27 specifically identifying the restrictiveness level most
28 appropriate for the child. If the court has determined that
29 the child was a member of a criminal street gang, that
30 determination shall be given great weight in identifying the
31 most appropriate restrictiveness level for the child. The

1 court shall consider the department's recommendation in making
2 its commitment decision.

3 Section 13. Paragraph (a) of subsection (1) of section
4 985.231, Florida Statutes, is amended to read:

5 985.231 Powers of disposition in delinquency cases.--

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

10 1. Place the child in a community control program or
11 an aftercare program under the supervision of an authorized
12 agent of the Department of Juvenile Justice or of any other
13 person or agency specifically authorized and appointed by the
14 court, whether in the child's own home, in the home of a
15 relative of the child, or in some other suitable place under
16 such reasonable conditions as the court may direct. A
17 community control program for an adjudicated delinquent child
18 must include a penalty component such as restitution in money
19 or in kind, community service, a curfew, revocation or
20 suspension of the driver's license of the child, or other
21 nonresidential punishment appropriate to the offense and must
22 also include a rehabilitative program component such as a
23 requirement of participation in substance abuse treatment or
24 in school or other educational program.

25 a. A restrictiveness level classification scale for
26 levels of supervision shall be provided by the department,
27 taking into account the child's needs and risks relative to
28 community control supervision requirements to reasonably
29 ensure the public safety. Community control programs for
30 children shall be supervised by the department or by any other
31 person or agency specifically authorized by the court. These

1 programs must include, but are not limited to, structured or
2 restricted activities as described in this subparagraph, and
3 shall be designed to encourage the child toward acceptable and
4 functional social behavior. If supervision or a program of
5 community service is ordered by the court, the duration of
6 such supervision or program must be consistent with any
7 treatment and rehabilitation needs identified for the child
8 and may not exceed the term for which sentence could be
9 imposed if the child were committed for the offense, except
10 that the duration of such supervision or program for an
11 offense that is a misdemeanor of the second degree, or is
12 equivalent to a misdemeanor of the second degree, may be for a
13 period not to exceed 6 months. When restitution is ordered by
14 the court, the amount of restitution may not exceed an amount
15 the child and the parent or guardian could reasonably be
16 expected to pay or make. A child who participates in any work
17 program under this part is considered an employee of the state
18 for purposes of liability, unless otherwise provided by law.

19 b. The court may conduct judicial review hearings for
20 a child placed on community control for the purpose of
21 fostering accountability to the judge and compliance with
22 other requirements, such as restitution and community service.
23 The court may allow early termination of community control for
24 a child who has substantially complied with the terms and
25 conditions of community control.

26 c. If the conditions of the community control program
27 or the aftercare program are violated, the agent supervising
28 the program as it relates to the child involved, or the state
29 attorney, may bring the child before the court on a petition
30 alleging a violation of the program. Any child who violates
31 the conditions of community control or aftercare must be

1 brought before the court if sanctions are sought. A child
2 taken into custody under s. 985.207 ~~s. 39.037~~ for violating
3 the conditions of community control or aftercare shall be held
4 in a consequence unit if such a unit is available. The child
5 shall be afforded a hearing within 24 hours after being taken
6 into custody to determine the existence of probable cause that
7 the child violated the conditions of community control or
8 aftercare. A consequence unit is a secure facility
9 specifically designated by the department for children who are
10 taken into custody under s. 985.207 for violating community
11 control or aftercare, or who have been found by the court to
12 have violated the conditions of community control or
13 aftercare. If the violation involves a new charge of
14 delinquency, the child may be detained under s. 985.215 in a
15 facility other than a consequence unit. If the child is not
16 eligible for detention for the new charge of delinquency, the
17 child may be held in the consequence unit pending a hearing
18 and is subject to the time limitations specified in s.
19 985.215. If the child denies violating the conditions of
20 community control or aftercare, the court shall appoint
21 counsel to represent the child at the child's request. Upon
22 the child's admission, or if the court finds after a hearing
23 that the child has violated the conditions of community
24 control or aftercare, the court shall enter an order revoking,
25 modifying, or continuing community control or aftercare. In
26 each such case, the court shall enter a new disposition order
27 and, in addition to the sanctions set forth in this paragraph,
28 may impose any sanction the court could have imposed at the
29 original disposition hearing. If the child is found to have
30 violated the conditions of community control or aftercare, the
31 court may:

1 (I) Place the child in a consequence unit in that
2 judicial circuit, if available, for up to 5 days for a first
3 violation, and up to 15 days for a second or subsequent
4 violation.

5 (II) Place the child on home detention with electronic
6 monitoring. However, this sanction may be used only if a
7 residential consequence unit is not available.

8 (III) Modify or continue the child's community control
9 program or aftercare program.

10 (IV) Revoke community control or aftercare and commit
11 the child to the department.

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

18 2. Commit the child to a licensed child-caring agency
19 willing to receive the child, but the court may not commit the
20 child to a jail or to a facility used primarily as a detention
21 center or facility or shelter.

22 3. Commit the child to the Department of Juvenile
23 Justice at a restrictiveness level defined in s. 985.03(45).
24 Such commitment must be for the purpose of exercising active
25 control over the child, including, but not limited to,
26 custody, care, training, urine monitoring, and treatment of
27 the child and furlough of the child into the community.
28 Notwithstanding s. 743.07 and paragraph (d), and except as
29 provided in s. 985.31, the term of the commitment must be
30 until the child is discharged by the department or until he or
31 she reaches the age of 21.

1 4. Revoke or suspend the driver's license of the
2 child.

3 5. Require the child and, if the court finds it
4 appropriate, the child's parent or guardian together with the
5 child, to render community service in a public service
6 program.

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

29 7. Order the child and, if the court finds it
30 appropriate, the child's parent or guardian together with the
31 child, to participate in a community work project, either as

1 an alternative to monetary restitution or as part of the
2 rehabilitative or community control program.

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

13 9. In addition to the sanctions imposed on the child,
14 order the parent or guardian of the child to perform community
15 service if the court finds that the parent or guardian did not
16 make a diligent and good faith effort to prevent the child
17 from engaging in delinquent acts. The court may also order the
18 parent or guardian to make restitution in money or in kind for
19 any damage or loss caused by the child's offense. The court
20 shall determine a reasonable amount or manner of restitution,
21 and payment shall be made to the clerk of the circuit court as
22 provided in subparagraph 6.

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 Section 14. Subsection (4) of section 985.301, Florida
4 Statutes, is amended to read:

5 985.301 Civil citation.--

6 (4) If the juvenile fails to report timely for a work
7 assignment, complete a work assignment, or comply with
8 assigned intervention services within the prescribed time, or
9 if the juvenile commits a third or subsequent misdemeanor, the
10 law enforcement officer shall issue a report alleging the
11 child has committed a delinquent act, at which point the
12 juvenile probation officer ~~an intake counselor or case manager~~
13 shall perform a preliminary determination as provided under s.
14 985.21(4).

15 Section 15. Subsection (4), paragraph (e) of
16 subsection (5), and paragraphs (a) and (d) of subsection (6)
17 of section 985.304, Florida Statutes, are amended to read:

18 985.304 Community arbitration.--

19 (4) PROCEDURE FOR INITIATING CASES FOR COMMUNITY
20 ARBITRATION.--

21 (a) Any law enforcement officer may issue a complaint,
22 along with a recommendation for community arbitration, against
23 any child who such officer has reason to believe has committed
24 any offense that is eligible for community arbitration. The
25 complaint shall specify the offense and the reasons why the
26 law enforcement officer feels that the offense should be
27 handled by community arbitration. Any juvenile probation
28 officer ~~intake counselor or case manager~~ or, at the request of
29 the child's parent or legal custodian or guardian, the state
30 attorney or the court having jurisdiction, with the
31 concurrence of the state attorney, may refer a complaint to be

1 handled by community arbitration when appropriate. A copy of
2 the complaint shall be forwarded to the appropriate juvenile
3 probation officer ~~intake counselor or case manager~~ and the
4 parent or legal custodian or guardian of the child within 48
5 hours after issuance of the complaint. In addition to the
6 complaint, the child and the parent or legal custodian or
7 guardian shall be informed of the objectives of the community
8 arbitration process; the conditions, procedures, and
9 timeframes under which it will be conducted; and the fact that
10 it is not obligatory. The juvenile probation officer ~~intake~~
11 ~~counselor~~ shall contact the child and the parent or legal
12 custodian or guardian within 2 days after the date on which
13 the complaint was received. At this time, the child or the
14 parent or legal custodian or guardian shall inform the
15 juvenile probation officer ~~intake counselor~~ of the decision to
16 approve or reject the handling of the complaint through
17 community arbitration.

18 (b) The juvenile probation officer ~~intake counselor~~
19 shall verify accurate identification of the child and
20 determine whether or not the child has any prior adjudications
21 or adjudications withheld for an offense eligible for
22 community arbitration for consideration in the point value
23 structure. If the child has at least one prior adjudication
24 or adjudication withheld for an offense that ~~which~~ is not
25 eligible for community arbitration, or if the child has
26 already surpassed the accepted level of points on prior
27 community arbitration resolutions, the juvenile probation
28 officer ~~intake counselor or case manager~~ shall consult with
29 the state attorney regarding the filing of formal juvenile
30 proceedings.

31

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

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

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

17 (5) HEARINGS.--

18 (e) If a child fails to appear on the original hearing
19 date, the matter shall be referred back to the juvenile
20 probation officer, ~~intake counselor~~ who shall consult with the
21 state attorney regarding the filing of formal juvenile
22 proceedings.

23 (6) DISPOSITION OF CASES.--

24 (a) Subsequent to any hearing held as provided in
25 subsection (5), the community arbitrator or community
26 arbitration panel may:

27 1. Recommend that the state attorney decline to
28 prosecute the child.

29 2. Issue a warning to the child or the child's family
30 and recommend that the state attorney decline to prosecute the
31 child.

1 3. Refer the child for placement in a community-based
2 nonresidential program.

3 4. Refer the child or the family to community
4 counseling.

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

7 6. Refer the child to a work program related to
8 delinquent children and require up to 100 hours of work by the
9 child.

10 7. Refer the child to a nonprofit organization for
11 volunteer work in the community and require up to 100 hours of
12 work by the child.

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

16 9. Continue the case for further investigation.

17 10. Require the child to undergo urinalysis
18 monitoring.

19 11. Impose any other restrictions or sanctions that
20 are designed to encourage responsible and acceptable behavior
21 and are agreed upon by the participants of the community
22 arbitration proceedings.

23
24 The community arbitrator or community arbitration panel shall
25 determine an appropriate timeframe in which the disposition
26 must be completed. The community arbitrator or community
27 arbitration panel shall report the disposition of the case to
28 the juvenile probation officer ~~intake counselor or case~~
29 ~~manager~~.

30 (d) If a child consents to an informal resolution and,
31 in the presence of the parent or legal custodian or guardian

1 and the community arbitrator or community arbitration panel,
2 agrees to comply with any disposition suggested or ordered by
3 such arbitrator or panel and subsequently fails to abide by
4 the terms of such agreement, the community arbitrator or
5 community arbitration panel may, after a careful review of the
6 circumstances, forward the case back to the juvenile probation
7 officer ~~intake counselor~~, who shall consult with the state
8 attorney regarding the filing of formal juvenile proceedings.

9 Section 16. Effective upon this act becoming a law,
10 section 985.307, Florida Statutes, is amended to read:

11 985.307 Juvenile assignment centers.--

12 (1) Contingent upon specific appropriation, the
13 department shall establish juvenile assignment centers for
14 committed youth who have been ordered by the court for
15 placement in moderate-risk, high-risk, or maximum-risk
16 commitment programs. Juvenile assignment centers shall be
17 residential facilities serving committed youth awaiting
18 placement in a residential commitment program.

19 (2) The purpose of juvenile assignment centers shall
20 be:

21 (a) To ensure public safety by providing a secure
22 residential facility to hold and process juveniles awaiting
23 placement in commitment programs rather than releasing them to
24 their homes and back into the community.

25 (b) To review assessments completed at local juvenile
26 assessment centers and avoid duplication of assessment
27 efforts. Assessments should include medical, academic,
28 psychological, behavioral, sociological, substance abuse and
29 mental health, and vocational testing.

30
31

1 (c) To determine appropriate treatment needs,
2 programming, and placement decisions, and, when appropriate,
3 to develop a treatment plan for each juvenile.

4 (d) To examine a juvenile's need for aftercare and
5 independent living upon release from a commitment program and,
6 when appropriate, include this in the treatment plan.

7 (3) Juveniles committed to the department shall be
8 placed in an assignment center following the dispositional
9 hearing and shall be transferred to the designated residential
10 commitment program upon the availability of placement.

11 (4) Juvenile assignment centers shall be physically
12 secure residential facilities located in each department
13 region to serve youth in that region who are awaiting
14 placement in commitment programs.

15 (5) For each juvenile admitted into an assignment
16 center, the following shall be conducted:

17 (a) Review all assessments, diagnostic testing, and
18 screening instruments performed on the juvenile while at an
19 assessment center, in detention, during intake, or in a
20 program or while in school; and also review the juvenile's
21 school records from the school in which the juvenile is
22 enrolled.

23 (b) Determine the need for, and provide or contract
24 for, additional evaluation, including, but not limited to:
25 needs assessment, substance abuse screening, physical and
26 mental health screening, behavioral screening, educational
27 assessment, aptitude testing, diagnostic testing,
28 psychological evaluation, and vocational testing.

29 (c) Based upon the restrictiveness level ordered by
30 the court and evaluation required in paragraph (b), the
31 department program staff shall make an assignment to a

1 specific commitment program. Program placements shall also
2 take into consideration the geographic location of the
3 juvenile's family in order to facilitate family visits and
4 participation.

5 (d) Pending a juvenile's placement in a commitment
6 program:

7 1. Initiate appropriate treatment plans, educational
8 plans, performance agreements, and transitional planning based
9 upon the court order and assessments.

10 2. Provide or contract for the provision of short-term
11 services, including educational programming, vocational
12 training, mental health services, substance abuse education,
13 conflict resolution training, and impulse control and anger
14 management training. If warranted by a substance abuse
15 screening or a mental or physical health screening performed
16 while the juvenile is in the assignment center, a juvenile may
17 receive treatment while in the assignment center, including,
18 but not limited to, substance abuse, mental health, or
19 physical health treatment.

20 (e) To the extent possible, involve the juvenile's
21 parents or guardian and family in the evaluation process and
22 in the provision of services. Staff shall make efforts to
23 contact the parents or guardian and encourage their
24 involvement.

25 (f) Ensure that all commitment information is complete
26 and ready for transmittal to the commitment program. This
27 shall include a comprehensive treatment plan that reflects the
28 information gathered through the assessment process and
29 includes planning for aftercare and independent living, if
30 needed.

31

1 (6) Notwithstanding any provision to the contrary,
2 this section expires July 1, 2002 ~~1998~~, unless reenacted by
3 the Legislature. The department may not create or operate a
4 juvenile assignment center after July 1, 2002 ~~1998~~, without
5 further legislative authority. Unless reenacted by the
6 Legislature, any juvenile assignment center created under this
7 section shall be converted to a high-level or maximum-level
8 residential commitment program, subject to availability of
9 funds.

10 Section 17. Paragraphs (f) and (h) of subsection (3)
11 of section 985.31, Florida Statutes, are amended to read:

12 985.31 Serious or habitual juvenile offender.--

13 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
14 TREATMENT.--

15 (f) After a child has been transferred for criminal
16 prosecution, a circuit court judge may direct the juvenile
17 probation officer ~~an intake counselor or case manager~~ to
18 consult with designated staff from an appropriate serious or
19 habitual juvenile offender program for the purpose of making
20 recommendations to the court regarding the child's placement
21 in such program.

22 (h) Based on the recommendations of the
23 multidisciplinary assessment, the juvenile probation officer
24 ~~intake counselor or case manager~~ shall make the following
25 recommendations to the court:

26 1. For each child who has not been transferred for
27 criminal prosecution, the juvenile probation officer ~~intake~~
28 ~~counselor or case manager~~ shall recommend whether placement in
29 such program is appropriate and needed.

30 2. For each child who has been transferred for
31 criminal prosecution, the juvenile probation officer ~~intake~~

1 ~~counselor or case manager~~ shall recommend whether the most
2 appropriate placement for the child is a juvenile justice
3 system program, including a serious or habitual juvenile
4 offender program or facility, or placement in the adult
5 correctional system.

6
7 If treatment provided by a serious or habitual juvenile
8 offender program or facility is determined to be appropriate
9 and needed and placement is available, the juvenile probation
10 officer ~~intake counselor or case manager~~ and the court shall
11 identify the appropriate serious or habitual juvenile offender
12 program or facility best suited to the needs of the child.

13 Section 18. Paragraphs (f) and (h) of subsection (3)
14 of section 985.311, Florida Statutes, are amended to read:

15 985.311 Intensive residential treatment program for
16 offenders less than 13 years of age.--

17 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
18 TREATMENT.--

19 (f) After a child has been transferred for criminal
20 prosecution, a circuit court judge may direct the juvenile
21 probation officer ~~an intake counselor or case manager~~ to
22 consult with designated staff from an appropriate intensive
23 residential treatment program for offenders less than 13 years
24 of age for the purpose of making recommendations to the court
25 regarding the child's placement in such program.

26 (h) Based on the recommendations of the
27 multidisciplinary assessment, the juvenile probation officer
28 ~~intake counselor or case manager~~ shall make the following
29 recommendations to the court:

30 1. For each child who has not been transferred for
31 criminal prosecution, the juvenile probation officer ~~intake~~

1 ~~counselor or case manager~~ shall recommend whether placement in
2 such program is appropriate and needed.

3 2. For each child who has been transferred for
4 criminal prosecution, the juvenile probation officer intake
5 ~~counselor or case manager~~ shall recommend whether the most
6 appropriate placement for the child is a juvenile justice
7 system program, including a child who is eligible for an
8 intensive residential treatment program for offenders less
9 than 13 years of age, or placement in the adult correctional
10 system.

11
12 If treatment provided by an intensive residential treatment
13 program for offenders less than 13 years of age is determined
14 to be appropriate and needed and placement is available, the
15 juvenile probation officer intake ~~counselor or case manager~~
16 and the court shall identify the appropriate intensive
17 residential treatment program for offenders less than 13 years
18 of age best suited to the needs of the child.

19 Section 19. Section 944.401, Florida Statutes, is
20 transferred, renumbered as section 985.3141, Florida Statutes,
21 and amended to read:

22 985.3141 ~~944.401~~ Escapes from secure detention or
23 residential commitment facility.--An escape from:

24 (1) Any secure detention facility maintained for the
25 temporary detention of children, pending adjudication,
26 disposition, or placement; ~~an escape from~~

27 (2) Any residential commitment facility defined in s.
28 985.03(45) ~~s. 39.01(59)~~, maintained for the custody,
29 treatment, punishment, or rehabilitation of children found to
30 have committed delinquent acts or violations of law; or ~~an~~
31 ~~escape from~~

1 (3) Lawful transportation to or from any such secure
2 detention facility or residential commitment facility, ~~thereto~~
3 ~~or therefrom~~

4
5 constitutes escape within the intent and meaning of s. 944.40
6 and is a felony of the third degree, punishable as provided in
7 s. 775.082, s. 775.083, or s. 775.084.

8 Section 20. Paragraph (a) of subsection (2) of section
9 985.406, Florida Statutes, is amended to read:

10 985.406 Juvenile justice training academies
11 established; Juvenile Justice Standards and Training
12 Commission created; Juvenile Justice Training Trust Fund
13 created.--

14 (2) JUVENILE JUSTICE STANDARDS AND TRAINING
15 COMMISSION.--

16 (a) There is created under the Department of Juvenile
17 Justice the Juvenile Justice Standards and Training
18 Commission, hereinafter referred to as the commission. The
19 17-member commission shall consist of the Attorney General or
20 designee, the Commissioner of Education or designee, a member
21 of the juvenile court judiciary to be appointed by the Chief
22 Justice of the Supreme Court, and 14 members to be appointed
23 by the Secretary of Juvenile Justice as follows:

24 1. Seven members shall be juvenile justice
25 professionals: a superintendent or a direct care staff member
26 from an institution; a director from a contracted
27 community-based program; a superintendent and a direct care
28 staff member from a regional detention center or facility; a
29 juvenile probation officer or a supervisor of juvenile
30 probation officers ~~community control counselor~~; and a director
31

1 of a day treatment or aftercare program. No fewer than three
2 of these members shall be contract providers.

3 2. Two members shall be representatives of local law
4 enforcement agencies.

5 3. One member shall be an educator from the state's
6 university and community college program of criminology,
7 criminal justice administration, social work, psychology,
8 sociology, or other field of study pertinent to the training
9 of juvenile justice program staff.

10 4. One member shall be a member of the public.

11 5. One member shall be a state attorney, or assistant
12 state attorney, who has juvenile court experience.

13 6. One member shall be a public defender, or assistant
14 public defender, who has juvenile court experience.

15 7. One member shall be a representative of the
16 business community.

17

18 All appointed members shall be appointed to serve terms of 2
19 years.

20 Section 21. Subsection (1) of section 985.412, Florida
21 Statutes, is amended to read:

22 985.412 Quality assurance.--

23 (1)(a) It is the intent of the Legislature to:

24 1. Ensure that information be provided to
25 decisionmakers so that resources are allocated to programs of
26 the department which achieve desired performance levels.

27 2. Provide information about the cost of such programs
28 and their differential effectiveness so that the quality of
29 such programs can be compared and improvements made
30 continually.

31

1 3. Provide information to aid in developing related
2 policy issues and concerns.

3 4. Provide information to the public about the
4 effectiveness of such programs in meeting established goals
5 and objectives.

6 5. Provide a basis for a system of accountability so
7 that each client is afforded the best programs to meet his or
8 her needs.

9 6. Improve service delivery to clients.

10 7. Modify or eliminate activities that are not
11 effective.

12 (b) As used in this subsection, the term:

13 1. "Client" means any person who is being provided
14 treatment or services by the department or by a provider under
15 contract with the department.

16 2. "Program component" means an aggregation of
17 generally related objectives which, because of their special
18 character, related workload, and interrelated output, can
19 logically be considered an entity for purposes of
20 organization, management, accounting, reporting, and
21 budgeting.

22 3. "Program effectiveness" means the ability of the
23 program to achieve desired client outcomes, goals, and
24 objectives.

25 (c) The department shall:

26 1. Establish a comprehensive quality assurance system
27 for each program operated by the department or operated by a
28 provider under contract with the department. Each contract
29 entered into by the department must provide for quality
30 assurance.

31

1 2. Provide operational definitions of and criteria for
2 quality assurance for each specific program component.

3 3. Establish quality assurance goals and objectives
4 for each specific program component.

5 4. Establish the information and specific data
6 elements required for the quality assurance program.

7 5. Develop a quality assurance manual of specific,
8 standardized terminology and procedures to be followed by each
9 program.

10 6. Evaluate each program operated by a provider under
11 a contract with the department and establish minimum
12 thresholds for each program component. If a provider fails to
13 meet the established minimum thresholds, such failure shall
14 cause the department to cancel the provider's contract unless
15 the provider achieves compliance with minimum thresholds
16 within 6 months or unless there are documented extenuating
17 circumstances. In addition, the department may not contract
18 with the same provider for the canceled service for a period
19 of 12 months.

20
21 The department shall submit an annual report to the President
22 of the Senate, the Speaker of the House of Representatives,
23 the Minority Leader of each house of the Legislature, the
24 appropriate substantive and fiscal committees of each house of
25 the Legislature, and the Governor, no later than February 1 of
26 each year. The annual report must contain, at a minimum, for
27 each specific program component: a comprehensive description
28 of the population served by the program; a specific
29 description of the services provided by the program; cost; a
30 comparison of expenditures to federal and state funding;
31 immediate and long-range concerns; and recommendations to

1 maintain, expand, improve, modify, or eliminate each program
2 component so that changes in services lead to enhancement in
3 program quality. ~~The department's inspector general shall~~
4 ~~ensure the reliability and validity of the information~~
5 ~~contained in the report.~~

6 Section 22. Paragraph (b) of subsection (3) of section
7 985.413, Florida Statutes, is amended to read:

8 985.413 District juvenile justice boards.--

9 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

10 (b)1.

11 a. The authority to appoint members to district
12 juvenile justice boards, and the size of each board, is as
13 follows:

14 (I) District 1 is to have a board composed of 12
15 members, to be appointed by the juvenile justice councils of
16 the respective counties, as follows: Escambia County, 6
17 members; Okaloosa County, 3 members; Santa Rosa County, 2
18 members; and Walton County, 1 member.

19 (II) District 2 is to have a board composed of 18
20 members, to be appointed by the juvenile justice councils in
21 the respective counties, as follows: Holmes County, 1 member;
22 Washington County, 1 member; Bay County, 2 members; Jackson
23 County, 1 member; Calhoun County, 1 member; Gulf County, 1
24 member; Gadsden County, 1 member; Franklin County, 1 member;
25 Liberty County, 1 member; Leon County, 4 members; Wakulla
26 County, 1 member; Jefferson County, 1 member; Madison County,
27 1 member; and Taylor County, 1 member.

28 (III) District 3 is to have a board composed of 15
29 members, to be appointed by the juvenile justice councils of
30 the respective counties, as follows: Hamilton County, 1
31 member; Suwannee County, 1 member; Lafayette County, 1 member;

1 Dixie County, 1 member; Columbia County, 1 member; Gilchrist
2 County, 1 member; Levy County, 1 member; Union County, 1
3 member; Bradford County, 1 member; Putnam County, 1 member;
4 and Alachua County, 5 members.

5 (IV) District 4 is to have a board composed of 12
6 members, to be appointed by the juvenile justice councils of
7 the respective counties, as follows: Baker County, 1 member;
8 Nassau County, 1 member; Duval County, 7 members; Clay County,
9 2 members; and St. Johns County, 1 member.

10 (V) District 5 is to have a board composed of 12
11 members, to be appointed by the juvenile justice councils of
12 the respective counties, as follows: Pasco County, 3 members;
13 and Pinellas County, 9 members.

14 (VI) District 6 is to have a board composed of 12
15 members, to be appointed by the juvenile justice councils of
16 the respective counties, as follows: Hillsborough County, 9
17 members; and Manatee County, 3 members.

18 (VII) District 7 is to have a board composed of 12
19 members, to be appointed by the juvenile justice councils of
20 the respective counties, as follows: Seminole County, 3
21 members; Orange County, 5 members; Osceola County, 1 member;
22 and Brevard County, 3 members.

23 (VIII) District 8 is to have a board composed of 12
24 members, to be appointed by the juvenile justice councils of
25 the respective counties, as follows: Sarasota County, 3
26 members; DeSoto County, 1 member; Charlotte County, 1 member;
27 Lee County, 3 members; Glades County, 1 member; Hendry County,
28 1 member; and Collier County, 2 members.

29 (IX) District 9 is to have a board composed of 12
30 members, to be appointed by the juvenile justice council of
31 Palm Beach County.

1 (X) District 10 is to have a board composed of 12
2 members, to be appointed by the juvenile justice council of
3 Broward County.

4 (XI) District 11 is to have a juvenile justice board
5 composed of 12 members to be appointed by the juvenile justice
6 council in the respective counties, as follows: Dade County,
7 6 members and Monroe County, 6 members.

8 (XII) District 12 is to have a board composed of 12
9 members, to be appointed by the juvenile justice council of
10 the respective counties, as follows: Flagler County, 3
11 members; and Volusia County, 9 members.

12 (XIII) District 13 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: Marion County, 4 members;
15 Citrus County, 2 members; Hernando County, 2 members; Sumter
16 County, 1 member; and Lake County, 3 members.

17 (XIV) District 14 is to have a board composed of 12
18 members, to be appointed by the juvenile justice councils of
19 the respective counties, as follows: Polk County, 9 members;
20 Highlands County, 2 members; and Hardee County, 1 member.

21 (XV) District 15 is to have a board composed of 12
22 members, to be appointed by the juvenile justice councils of
23 the respective counties, as follows: Indian River County, 3
24 members; Okeechobee County, 1 member; St. Lucie County, 5
25 members; and Martin County, 3 members.

26
27 The district health and human services board in each district
28 may appoint one of its members to serve as an ex officio
29 member of the district juvenile justice board established
30 under this sub-subparagraph.

31

1 b. In any judicial circuit where a juvenile
2 delinquency and gang prevention council exists on the date
3 this act becomes law, and where the circuit and district or
4 subdistrict boundaries are identical, such council shall
5 become the district juvenile justice board, and shall
6 thereafter have the purposes and exercise the authority and
7 responsibilities provided in this section.

8 2. At any time after the adoption of initial bylaws
9 pursuant to paragraph (c), a district juvenile justice board
10 may adopt a bylaw to enlarge the size, by no more than three
11 members, and composition of the board to adequately reflect
12 the diversity of the population and community organizations in
13 the district.

14 3. All appointments shall be for 2-year terms.
15 Appointments to fill vacancies created by death, resignation,
16 or removal of a member are for the unexpired term. A member
17 may not serve more than three ~~two~~ full consecutive terms;
18 ~~however, this limitation does not apply in any district in~~
19 ~~which a juvenile delinquency and gang prevention council that~~
20 ~~existed on May 7, 1993, became the district juvenile justice~~
21 ~~board.~~

22 4. A member who is absent for three meetings within
23 any 12-month period, without having been excused by the chair,
24 is deemed to have resigned, and the board shall immediately
25 declare the seat vacant. Members may be suspended or removed
26 for cause by a majority vote of the board members or by the
27 Governor.

28 5. Members are subject to the provisions of chapter
29 112, part III, Code of Ethics for Public Officers and
30 Employees.

31

1 Section 23. Subsection (2) of section 985.414, Florida
2 Statutes, is amended to read:

3 985.414 County juvenile justice councils.--

4 (2)(a) The purpose of a county juvenile justice
5 council is to provide a forum for the development of a
6 community-based interagency assessment of the local juvenile
7 justice system, to develop a county juvenile justice plan for
8 more effectively preventing juvenile delinquency, and to make
9 recommendations for more effectively utilizing existing
10 community resources in dealing with juveniles who are truant
11 or have been suspended or expelled from school, or who are
12 found to be involved in crime. The county juvenile justice
13 plan shall include relevant portions of local crime prevention
14 and public safety plans, school improvement and school safety
15 plans, and the plans or initiatives of other public and
16 private entities within the county that are concerned with
17 dropout prevention, school safety, the prevention of juvenile
18 crime and criminal activity by youth gangs, and alternatives
19 to suspension, expulsion, and detention for children found in
20 contempt of court.

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

23 1. Developing a county juvenile justice plan based
24 upon utilization of the resources of law enforcement, the
25 school system, the Department of Juvenile Justice, the
26 Department of Children and Family Services, and others in a
27 cooperative and collaborative manner to prevent or discourage
28 juvenile crime and develop meaningful alternatives to school
29 suspensions and expulsions.

30 2. Entering into a written county interagency
31 agreement specifying the nature and extent of contributions

1 each signatory agency will make in achieving the goals of the
2 county juvenile justice plan and their commitment to the
3 sharing of information useful in carrying out the goals of the
4 interagency agreement to the extent authorized by law. The
5 interagency agreement must include at least the following
6 participants: the local school authorities, local law
7 enforcement agencies, and local representatives of the
8 Department of Juvenile Justice and the Department of Children
9 and Family Services. The agreement must specify how community
10 entities will cooperate, collaborate, and share information in
11 furthering the goals of the district and county juvenile
12 justice plan.

13 3. Applying for and receiving public or private
14 grants, to be administered by one of the community partners,
15 that support one or more components of the county juvenile
16 justice plan.

17 4. Designating the county representatives to the
18 district juvenile justice board pursuant to s. 985.413.

19 5. Providing a forum for the presentation of
20 interagency recommendations and the resolution of
21 disagreements relating to the contents of the county
22 interagency agreement or the performance by the parties of
23 their respective obligations under the agreement.

24 6. Assisting and directing the efforts of local
25 community support organizations and volunteer groups in
26 providing enrichment programs and other support services for
27 clients of local juvenile detention centers.

28 7. Providing an annual report and recommendations to
29 the district juvenile justice board, the Juvenile Justice
30 Advisory Board, and the district juvenile justice manager.

31

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

3 985.415 Community Juvenile Justice Partnership
4 Grants.--

5 (1) GRANTS; CRITERIA.--

6 (a) In order to encourage the development of county
7 and district juvenile justice plans, as specified in ss.
8 985.413 and 985.414,and the development and implementation of
9 county and district interagency agreements ~~among~~
10 ~~representatives of the Department of Juvenile Justice, the~~
11 ~~Department of Children and Family Services, law enforcement,~~
12 ~~and school authorities,~~ the community juvenile justice
13 partnership grant program is established, which program shall
14 be administered by the Department of Juvenile Justice.

15 (b) The department shall only consider applications
16 that which at a minimum provide for the following:

17 1. The participation of the agencies or programs that
18 are needed to implement the project or program for which the
19 applicant is applying ~~local school authorities, local law~~
20 ~~enforcement, and local representatives of the Department of~~
21 ~~Juvenile Justice and the Department of Children and Family~~
22 ~~Services pursuant to a written interagency partnership~~
23 ~~agreement. Such agreement must specify how community entities~~
24 ~~will cooperate, collaborate, and share information in~~
25 ~~furtherance of the goals of the district and county juvenile~~
26 ~~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 youths to be served by
11 the 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 Section 25. Section 938.19, Florida Statutes, is
16 amended to read:

17 938.19 Teen courts; operation and
18 administration.--Notwithstanding s. 318.121, in each county in
19 which a teen court has been created, a county may adopt a
20 mandatory cost to be assessed in specific cases as provided
21 for in subsection (1) by incorporating by reference the
22 provisions of this section in a county ordinance. Assessments
23 collected by the clerk of the circuit court pursuant to this
24 section shall be deposited into an account specifically for
25 the operation and administration of the teen court:

26 (1) A sum of \$3, which shall be assessed as a court
27 cost by both the circuit court and the county court in the
28 county against every person who pleads guilty or nolo
29 contendere to, or is convicted of, regardless of adjudication,
30 a violation of a state criminal statute or a municipal
31 ordinance or county ordinance or who pays a fine or civil

1 penalty for any violation of chapter 316. Any person whose
2 adjudication is withheld pursuant to the provisions of s.
3 318.14(9) or (10) shall also be assessed such cost. The \$3
4 assessment for court costs shall be assessed in addition to
5 any fine, civil penalty, or other court cost and shall not be
6 deducted from the proceeds of that portion of any fine or
7 civil penalty which is received by a municipality in the
8 county or by the county in accordance with ss. 316.660 and
9 318.21. The \$3 assessment shall specifically be added to any
10 civil penalty paid for a violation of chapter 316, whether
11 such penalty is paid by mail, paid in person without request
12 for a hearing, or paid after hearing and determination by the
13 court. However, the \$3 assessment shall not be made against a
14 person for a violation of any state statutes, county
15 ordinance, or municipal ordinance relating to the parking of
16 vehicles, with the exception of a violation of the handicapped
17 parking laws. The clerk of the circuit court shall collect
18 the respective \$3 assessments for court costs established in
19 this subsection and shall remit the same to the teen court
20 monthly, less 5 percent, which is to be retained as fee income
21 of the office of the clerk of the circuit court.

22 (2) Such other moneys as become available for
23 establishing and operating teen courts under the provisions of
24 Florida law.

25 Section 26. This act shall take effect July 1, 1998,
26 except that this section and section 16 of this act shall take
27 effect upon becoming a law.

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SENATE SUMMARY

Revises various provisions governing programs of the Department of Juvenile Justice. Authorizes the department or a law enforcement agency to release juvenile criminal history records to a private entity that operates a program under contract with the department. Provides that such records continue to be confidential and exempt from the public records law. Provides for a juvenile probation officer to perform the duties performed by an intake counselor or case manager. Provides that it is a third-degree felony for a juvenile to escape from a maximum-risk residential facility. Provides that a juvenile may not be held in a secure facility unless the juvenile meets certain criteria for detention. Provides that a juvenile may be placed on home detention with electronic monitoring only if a residential consequence unit is not available. Authorizes the department to create and operate juvenile assignment centers until July 1, 2002. Allows a member to serve on a district juvenile justice board for three full consecutive terms rather than for two full consecutive terms. Specifies the entities that must be included in the county interagency agreement created by each county juvenile justice council. (See bill for details.)