

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 s. 985.223, F.S.; revising
12 procedures for determining competency in
13 juvenile delinquency cases; prescribing duties
14 of courts, the Department of Juvenile Justice,
15 and the Department of Children and Family
16 Services; amending ss. 985.226, 985.23, F.S.,
17 relating to criteria for waiver of jurisdiction
18 and disposition hearings in delinquency cases;
19 conforming provisions to changes made by the
20 act; amending s. 985.231, F.S.; providing for
21 placing a juvenile on home detention with
22 electronic monitoring if a residential
23 consequence unit is not available; amending ss.
24 985.301, 985.304, F.S., relating to civil
25 citations and community arbitration; conforming
26 provisions to changes made by the act; deleting
27 certain references to case-management services;
28 amending s. 985.307, F.S.; extending the period
29 during which the Department of Juvenile Justice
30 is authorized to operate juvenile assignment
31 centers; providing for pre-adjudicatory

1 assessments; amending ss. 985.31, 985.311,
2 F.S., relating to serious or habitual juvenile
3 offenders and intensive residential treatment
4 programs for offenders less than 13 years of
5 age; conforming provisions to changes made by
6 the act; transferring, renumbering, and
7 amending s. 944.401, F.S., relating to the
8 offense of escaping from secure detention or a
9 residential commitment facility; conforming a
10 cross-reference; amending s. 985.406, F.S.,
11 relating to juvenile justice training
12 academies; conforming provisions to changes
13 made by the act; amending s. 985.412, F.S.;
14 relating to quality assurance; requiring
15 evaluation of each program operated by the
16 department; requiring program changes and
17 notification to the Executive Office of the
18 Governor and Legislature of corrective action,
19 under specified circumstances when a
20 department-operated program fails to meet
21 established minimum thresholds; providing for
22 appropriate corrective action, including
23 disciplinary action against employees under
24 specified circumstances; providing for the
25 Department of Juvenile Justice to ensure the
26 reliability of the annual report; amending s.
27 985.413, F.S.; increasing the number of
28 consecutive terms that may be served by a
29 member of a district juvenile justice board;
30 deleting an exemption from such limitation;
31 amending s. 985.414, F.S.; specifying the

1 parties to be included in an interagency
2 agreement for developing a county juvenile
3 justice plan; amending s. 985.415, F.S.;
4 revising eligibility requirements for a
5 Community Juvenile Justice Partnership Grant;
6 amending s. 938.19, F.S.; authorizing the
7 assessment of certain fees for the purpose of
8 operating and administering a teen court,
9 notwithstanding certain contrary provisions;
10 providing effective dates.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (8) is added to section 943.053,
15 Florida Statutes, to read:

16 943.053 Dissemination of criminal justice information;
17 fees.--

18 (8) Notwithstanding s. 943.0525 or any user agreement
19 adopted under s. 943.0525, and notwithstanding the
20 confidentiality of sealed records provided in s. 943.059, the
21 Department of Juvenile Justice and any other state or local
22 criminal justice agency may provide a copy of the Florida
23 criminal history records of a juvenile offender currently or
24 formerly detained or housed in a contracted juvenile
25 assessment center or detention facility or treated through a
26 treatment program, or the Florida criminal history records of
27 an employee or other individual who has access to a contracted
28 juvenile assessment center, detention facility, or treatment
29 program, only to an entity under direct contract with the
30 Department of Juvenile Justice to operate a juvenile
31 assessment center, detention facility, or treatment program.

1 The criminal justice agency may assess a charge for providing
2 the records as provided in chapter 119. A sealed record
3 received by a private entity under this subsection remains
4 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
5 of the State Constitution. Information provided under this
6 subsection may be used only for the criminal justice purpose
7 for which it was requested and may not be further
8 disseminated.

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

12 984.03 Definitions.--When used in this chapter, the
13 term:

14 (29) "Habitually truant" means that:

15 (c) A school representative, designated according to
16 school board policy, and a juvenile probation officer ~~an~~
17 ~~intake counselor or case manager~~ of the Department of Juvenile
18 Justice have jointly investigated the truancy problem or, if
19 that was not feasible, have performed separate investigations
20 to identify conditions that ~~which~~ may be contributing to the
21 truant behavior; and if, after a joint staffing of the case to
22 determine the necessity for services, such services were
23 determined to be needed, the persons who performed the
24 investigations met jointly with the family and child to
25 discuss any referral to appropriate community agencies for
26 economic services, family or individual counseling, or other
27 services required to remedy the conditions that are
28 contributing to the truant behavior.

29 (30) "Intake" means the initial acceptance and
30 screening by the Department of Juvenile Justice of a complaint
31 or a law enforcement report or probable cause affidavit of

1 delinquency, family in need of services, or child in need of
2 services to determine the recommendation to be taken in the
3 best interests of the child, the family, and the community.
4 The emphasis of intake is on diversion and the least
5 restrictive available services. Consequently, intake includes
6 such alternatives as:

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

10 ~~(31) "Intake counselor" or "case manager" means the~~
11 ~~authorized agent of the Department of Juvenile Justice~~
12 ~~performing the intake or case management function for a child~~
13 ~~alleged to be delinquent or in need of services, or from a~~
14 ~~family in need of services.~~

15 ~~(31)(32)~~ "Judge" means the circuit judge exercising
16 jurisdiction pursuant to this chapter.

17 ~~(32)(33)~~ "Juvenile justice continuum" includes, but is
18 not limited to, delinquency prevention programs and services
19 designed for the purpose of preventing or reducing delinquent
20 acts, including criminal activity by youth gangs and juvenile
21 arrests, as well as programs and services targeted at children
22 who have committed delinquent acts, and children who have
23 previously been committed to residential treatment programs
24 for delinquents. The term includes
25 children-in-need-of-services and families-in-need-of-services
26 programs; aftercare and reentry services; substance abuse and
27 mental health programs; educational and vocational programs;
28 recreational programs; community services programs; community
29 service work programs; and alternative dispute resolution
30 programs serving children at risk of delinquency and their
31 families, whether offered or delivered by state or local

1 governmental entities, public or private for-profit or
2 not-for-profit organizations, or religious or charitable
3 organizations.

4 (33) "Juvenile probation officer" means the authorized
5 agent of the department who performs and directs intake,
6 assessment, probation or aftercare, and other related
7 services.

8 Section 3. Paragraph (c) of subsection (27), paragraph
9 (c) of subsection (29), and subsections (30), (31), (32),
10 (45), and (55) of section 985.03, Florida Statutes, are
11 amended to read:

12 985.03 Definitions.--When used in this chapter, the
13 term:

14 (27) "Habitually truant" means that:

15 (c) A school representative, designated according to
16 school board policy, and a juvenile probation officer ~~an~~
17 ~~intake counselor or case manager~~ of the Department of Juvenile
18 Justice have jointly investigated the truancy problem or, if
19 that was not feasible, have performed separate investigations
20 to identify conditions that could ~~which may~~ be contributing to
21 the truant behavior; and if, after a joint staffing of the
22 case to determine the necessity for services, such services
23 were determined to be needed, the persons who performed the
24 investigations met jointly with the family and child to
25 discuss any referral to appropriate community agencies for
26 economic services, family or individual counseling, or other
27 services required to remedy the conditions that are
28 contributing to the truant behavior.

29 (29) "Intake" means the initial acceptance and
30 screening by the Department of Juvenile Justice of a complaint
31 or a law enforcement report or probable cause affidavit of

1 delinquency, family in need of services, or child in need of
2 services to determine the recommendation to be taken in the
3 best interests of the child, the family, and the community.
4 The emphasis of intake is on diversion and the least
5 restrictive available services. Consequently, intake includes
6 such alternatives as:

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

10 ~~(30) "Intake counselor" or "case manager" means the~~
11 ~~authorized agent of the Department of Juvenile Justice~~
12 ~~performing the intake or case management function for a child~~
13 ~~alleged to be delinquent.~~

14 (30)~~(31)~~ "Judge" means the circuit judge exercising
15 jurisdiction pursuant to this chapter.

16 (31)~~(32)~~ "Juvenile justice continuum" includes, but is
17 not limited to, delinquency prevention programs and services
18 designed for the purpose of preventing or reducing delinquent
19 acts, including criminal activity by youth gangs, and juvenile
20 arrests, as well as programs and services targeted at children
21 who have committed delinquent acts, and children who have
22 previously been committed to residential treatment programs
23 for delinquents. The term includes
24 children-in-need-of-services and families-in-need-of-services
25 programs; aftercare and reentry services; substance abuse and
26 mental health programs; educational and vocational programs;
27 recreational programs; community services programs; community
28 service work programs; and alternative dispute resolution
29 programs serving children at risk of delinquency and their
30 families, whether offered or delivered by state or local
31 governmental entities, public or private for-profit or

1 not-for-profit organizations, or religious or charitable
2 organizations.

3 (32) "Juvenile probation officer" means the authorized
4 agent of the Department of Juvenile Justice who performs the
5 intake or case-management function for a child alleged to be
6 delinquent.

7 (45) "Restrictiveness level" means the level of
8 custody provided by programs that service the custody and care
9 needs of committed children. There shall be five
10 restrictiveness levels:

11 (a) Minimum-risk nonresidential.--Youth assessed and
12 classified for placement in programs at this restrictiveness
13 level represent a minimum risk to themselves and public safety
14 and do not require placement and services in residential
15 settings. Programs or program models in this restrictiveness
16 level include: community counselor supervision programs,
17 special intensive group programs, nonresidential marine
18 programs, nonresidential training and rehabilitation centers,
19 and other local community nonresidential programs.

20 (b) Low-risk residential.--Youth assessed and
21 classified for placement in programs at this level represent a
22 low risk to themselves and public safety and do require
23 placement and services in residential settings. Programs or
24 program models in this restrictiveness level include: Short
25 Term Offender Programs (STOP), group treatment homes, family
26 group homes, proctor homes, and Short Term Environmental
27 Programs (STEP). Section 985.3141 ~~944.401~~ applies to children
28 placed in programs in this restrictiveness level.

29 (c) Moderate-risk residential.--Youth assessed and
30 classified for placement in programs in this restrictiveness
31 level represent a moderate risk to public safety. Programs

1 are designed for children who require close supervision but do
2 not need placement in facilities that are physically secure.
3 Programs in the moderate-risk residential restrictiveness
4 level provide 24-hour awake supervision, custody, care, and
5 treatment. Upon specific appropriation, a facility at this
6 restrictiveness level may have a security fence around the
7 perimeter of the grounds of the facility and may be
8 hardware-secure or staff-secure. The staff at a facility at
9 this restrictiveness level may seclude a child who is a
10 physical threat to himself or others. Mechanical restraint
11 may also be used when necessary. Programs or program models in
12 this restrictiveness level include: halfway houses, START
13 Centers, the Dade Intensive Control Program, licensed
14 substance abuse residential programs, and moderate-term
15 wilderness programs designed for committed delinquent youth
16 that are operated or contracted by the Department of Juvenile
17 Justice. Section 985.3141 ~~944.401~~ applies to children in
18 moderate-risk residential programs.

19 (d) High-risk residential.--Youth assessed and
20 classified for this level of placement require close
21 supervision in a structured residential setting that provides
22 24-hour-per-day secure custody, care, and supervision.
23 Placement in programs in this level is prompted by a concern
24 for public safety that outweighs placement in programs at
25 lower restrictiveness levels. Programs or program models in
26 this level are staff-secure or physically secure residential
27 commitment facilities and include: training schools, intensive
28 halfway houses, residential sex offender programs, long-term
29 wilderness programs designed exclusively for committed
30 delinquent youth, boot camps, secure halfway house programs,
31 and the Broward Control Treatment Center. Section 985.3141

1 ~~944.401~~ applies to children placed in programs in this
2 restrictiveness level.

3 (e) Maximum-risk residential.--Youth assessed and
4 classified for this level of placement require close
5 supervision in a maximum security residential setting that
6 provides 24-hour-per-day secure custody, care, and
7 supervision. Placement in a program in this level is prompted
8 by a demonstrated need to protect the public. Programs or
9 program models in this level are maximum-secure-custody,
10 long-term residential commitment facilities that are intended
11 to provide a moderate overlay of educational, vocational, and
12 behavioral-modification services. Section 985.3141 applies to
13 children placed in programs in this restrictiveness level.~~and~~
14 ~~include programs for serious and habitual juvenile offenders~~
15 ~~and other maximum-security program models authorized by the~~
16 ~~legislature and established by rule.~~

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

1 is not subject to the terms and conditions of temporary
2 release.

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

5 985.207 Taking a child into custody.--

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

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

21 985.208 Detention of furloughed child or escapee on
22 authority of the department.--

23 (2) Any sheriff or other law enforcement officer, upon
24 the request of the secretary of the department or duly
25 authorized agent, shall take a child who has escaped or
26 absconded from a department facility for committed delinquent
27 children, or from being lawfully transported thereto or
28 therefrom, into custody and deliver the child to the
29 appropriate juvenile probation officer ~~intake counselor or~~
30 ~~case manager~~ of the department.

31

1 Section 6. Section 985.209, Florida Statutes, is
2 amended to read:

3 985.209 Juvenile ~~justice~~ assessment centers.--

4 (1) As used in this section, the term "center" means a
5 juvenile assessment center comprising community operated
6 facilities and programs that provide colocated central intake
7 and screening services for youth referred to the Department of
8 Juvenile Justice.

9 (2) The department shall work cooperatively with
10 substance abuse programs, mental health providers, law
11 enforcement agencies, schools, health service providers, the
12 public defenders, state attorneys, and other agencies serving
13 youth to establish juvenile assessment centers. Each current
14 and newly established center shall be developed and modified
15 through the local initiative of community agencies and local
16 governments and shall provide a broad array of youth-related
17 services appropriate to the needs of the community where the
18 center is located.

19 (3) Each center shall be managed and governed by the
20 participating agencies, consistent with respective statutory
21 requirements of each agency, through an advisory committee and
22 interagency agreements established with participating
23 entities. The advisory committee shall guide the center's
24 operation and ensure that appropriate and relevant agencies
25 are collaboratively participating in and providing services at
26 the center. Each participating state agency shall have
27 operational oversight of only those individual service
28 components located and provided at the center for which the
29 state agency has statutory authority and responsibility.

30 (4) Each center shall provide colocated central intake
31 and screening services for youth referred to the department.

1 The center shall provide sufficient services needed to
2 facilitate the initial screening of and case processing for
3 youth, including, at a minimum, delinquency intake; positive
4 identification of the youth; detention admission screening;
5 needs assessment; substance abuse screening and assessments;
6 physical and mental health screening; and diagnostic testing
7 as appropriate. The department shall provide sufficient staff
8 and resources at a center to provide detention screening and
9 intake services.

10 (5) Each center must provide for the coordination and
11 sharing of information among the participating agencies to
12 facilitate the screening of and case processing for youth
13 referred to the department.~~The department shall work~~
14 ~~cooperatively with substance abuse facilities, mental health~~
15 ~~providers, law enforcement agencies, schools, health services~~
16 ~~providers, and other entities involved with children to~~
17 ~~establish a juvenile justice assessment center in each service~~
18 ~~district. The assessment center shall serve as central intake~~
19 ~~and screening for children referred to the department. Each~~
20 ~~juvenile justice assessment center shall provide services~~
21 ~~needed to facilitate initial screening of children, including~~
22 ~~intake and needs assessment, substance abuse screening,~~
23 ~~physical and mental health screening, and diagnostic testing,~~
24 ~~as appropriate. The entities involved in the assessment center~~
25 ~~shall make the resources for the provision of these services~~
26 ~~available at the same level to which they are available to the~~
27 ~~general public.~~

28 Section 7. Section 985.21, Florida Statutes, is
29 amended to read:

30 985.21 Intake and case management.--
31

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

4 1. Appropriateness for release, referral to a
5 diversionary program including, but not limited to, a
6 teen-court program, referral for community arbitration, or
7 referral to some other program or agency for the purpose of
8 nonofficial or nonjudicial handling.

9 2. The presence of medical, psychiatric,
10 psychological, substance abuse, educational problems, or other
11 conditions that may have caused the child to come to the
12 attention of law enforcement or the Department of Juvenile
13 Justice. In cases where such conditions are identified, and a
14 nonjudicial handling of the case is chosen, the juvenile
15 probation officer ~~intake counselor~~ shall attempt to refer the
16 child to a program or agency, together with all available and
17 relevant assessment information concerning the child's
18 precipitating condition.

19 3. The Department of Juvenile Justice shall develop a
20 case management system whereby a child brought into intake is
21 assigned a juvenile probation officer ~~case manager~~ if the
22 child was not released, referred to a diversionary program,
23 referred for community arbitration, or referred to some other
24 program or agency for the purpose of nonofficial or
25 nonjudicial handling, and shall make every reasonable effort
26 to provide continuity of case management for the child;
27 provided, however, that case management for children committed
28 to residential programs may be transferred as provided in s.
29 985.316.

30 4. In addition to duties specified in other sections
31 and through departmental rules, the assigned juvenile

1 probation officer ~~case manager~~ shall be responsible for the
2 following:

3 a. Ensuring that a risk assessment instrument
4 establishing the child's eligibility for detention has been
5 accurately completed and that the appropriate recommendation
6 was made to the court.

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

9 c. Performing the preliminary screening and making
10 referrals for comprehensive assessment regarding the child's
11 need for substance abuse treatment services, mental health
12 services, retardation services, literacy services, or other
13 educational or treatment services.

14 d. Coordinating the multidisciplinary assessment when
15 required, which includes the classification and placement
16 process that determines the child's priority needs, risk
17 classification, and treatment plan. When sufficient evidence
18 exists to warrant a comprehensive assessment and the child
19 fails to voluntarily participate in the assessment efforts, it
20 is the responsibility of the juvenile probation officer ~~case~~
21 ~~manager~~ to inform the court of the need for the assessment and
22 the refusal of the child to participate in such assessment.
23 This assessment, classification, and placement process shall
24 develop into the predisposition report.

25 e. Making recommendations for services and
26 facilitating the delivery of those services to the child,
27 including any mental health services, educational services,
28 family counseling services, family assistance services, and
29 substance abuse services. The juvenile probation officer
30 ~~delinquency case manager~~ shall serve as the primary case
31 manager for the purpose of managing, coordinating, and

1 monitoring the services provided to the child. Each program
2 administrator within the Department of Children and Family
3 Services shall cooperate with the primary case manager in
4 carrying out the duties and responsibilities described in this
5 section.

6
7 The Department of Juvenile Justice shall annually advise the
8 Legislature and the Executive Office of the Governor of the
9 resources needed in order for the case management system to
10 maintain a staff-to-client ratio that is consistent with
11 accepted standards and allows the necessary supervision and
12 services for each child. The intake process and case
13 management system shall provide a comprehensive approach to
14 assessing the child's needs, relative risks, and most
15 appropriate handling, and shall be based on an individualized
16 treatment plan.

17 (b) The intake and case management system shall
18 facilitate consistency in the recommended placement of each
19 child, and in the assessment, classification, and placement
20 process, with the following purposes:

21 1. An individualized, multidisciplinary assessment
22 process that identifies the priority needs of each individual
23 child for rehabilitation and treatment and identifies any
24 needs of the child's parents or guardians for services that
25 would enhance their ability to provide adequate support,
26 guidance, and supervision for the child. This process shall
27 begin with the detention risk assessment instrument and
28 decision, shall include the intake preliminary screening and
29 comprehensive assessment for substance abuse treatment
30 services, mental health services, retardation services,
31 literacy services, and other educational and treatment

1 services as components, additional assessment of the child's
2 treatment needs, and classification regarding the child's
3 risks to the community and, for a serious or habitual
4 delinquent child, shall include the assessment for placement
5 in a serious or habitual delinquent children program pursuant
6 to s. 985.31. The completed multidisciplinary assessment
7 process shall result in the predisposition report.

8 2. A classification system that assigns a relative
9 risk to the child and the community based upon assessments
10 including the detention risk assessment results when available
11 to classify the child's risk as it relates to placement and
12 supervision alternatives.

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

17 (2) The intake process shall be performed by the
18 department through a case management system. The purpose of
19 the intake process is to assess the child's needs and risks
20 and to determine the most appropriate treatment plan and
21 setting for the child's programmatic needs and risks. The
22 intake process shall result in choosing the most appropriate
23 services through a balancing of the interests and needs of the
24 child with those of the family and the public. The juvenile
25 probation officer ~~intake counselor or case manager~~ is
26 responsible for making informed decisions and recommendations
27 to other agencies, the state attorney, and the courts so that
28 the child and family may receive the least intrusive service
29 alternative throughout the judicial process. The department
30 shall establish uniform procedures for the juvenile probation
31 officer ~~intake counselor or case manager~~ to provide, prior to

1 the filing of a petition or as soon as possible thereafter and
2 prior to a disposition hearing, a preliminary screening of the
3 child and family for substance abuse and mental health
4 services.

5 (3) A report, affidavit, or complaint alleging that a
6 child has committed a delinquent act or violation of law shall
7 be made to the intake office operating in the county in which
8 the child is found or in which the delinquent act or violation
9 of law occurred. Any person or agency having knowledge of the
10 facts may make such a written report, affidavit, or complaint
11 and shall furnish to the intake office facts sufficient to
12 establish the jurisdiction of the court and to support a
13 finding by the court that the child has committed a delinquent
14 act or violation of law.

15 (4) The juvenile probation officer ~~intake counselor or~~
16 ~~case manager~~ shall make a preliminary determination as to
17 whether the report, affidavit, or complaint is complete,
18 consulting with the state attorney as may be necessary. In any
19 case where the juvenile probation officer ~~intake counselor or~~
20 ~~case manager~~ or the state attorney finds that the report,
21 affidavit, or complaint is insufficient by the standards for a
22 probable cause affidavit, the juvenile probation officer
23 ~~intake counselor or case manager~~ or state attorney shall
24 return the report, affidavit, or complaint, without delay, to
25 the person or agency originating the report, affidavit, or
26 complaint or having knowledge of the facts or to the
27 appropriate law enforcement agency having investigative
28 jurisdiction of the offense, and shall request, and the person
29 or agency shall promptly furnish, additional information in
30 order to comply with the standards for a probable cause
31 affidavit.

1 (a) The juvenile probation officer ~~intake counselor or~~
2 ~~case manager~~, upon determining that the report, affidavit, or
3 complaint is complete, may, in the case of a child who is
4 alleged to have committed a delinquent act or violation of
5 law, recommend that the state attorney file a petition of
6 delinquency or an information or seek an indictment by the
7 grand jury. However, such a recommendation is not a
8 prerequisite for any action taken by the state attorney.

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

13 1. When indicated by the preliminary screening,
14 provide for a comprehensive assessment of the child and family
15 for substance abuse problems, using community-based licensed
16 programs with clinical expertise and experience in the
17 assessment of substance abuse problems.

18 2. When indicated by the preliminary screening,
19 provide for a comprehensive assessment of the child and family
20 for mental health problems, using community-based
21 psychologists, psychiatrists, or other licensed mental health
22 professionals with clinical expertise and experience in the
23 assessment of mental health problems.

24
25 When indicated by the comprehensive assessment, the department
26 is authorized to contract within appropriated funds for
27 services with a local nonprofit community mental health or
28 substance abuse agency licensed or authorized under chapter
29 394, or chapter 397, or other authorized nonprofit social
30 service agency providing related services. The determination
31 of mental health or substance abuse services shall be

1 conducted in coordination with existing programs providing
2 mental health or substance abuse services in conjunction with
3 the intake office. Client information resulting from the
4 screening and evaluation shall be documented pursuant to rules
5 established by the department and shall serve to assist the
6 juvenile probation officer ~~intake counselor or case manager~~ in
7 providing the most appropriate services and recommendations in
8 the least intrusive manner. Such client information shall be
9 used in the multidisciplinary assessment and classification of
10 the child, but such information, and any information obtained
11 directly or indirectly through the assessment process, is
12 inadmissible in court prior to the disposition hearing, unless
13 the child's written consent is obtained. At the disposition
14 hearing, documented client information shall serve to assist
15 the court in making the most appropriate custody,
16 adjudicatory, and dispositional decision. If the screening and
17 assessment indicate that the interest of the child and the
18 public will be best served thereby, the juvenile probation
19 officer ~~intake counselor or case manager~~, with the approval of
20 the state attorney, may refer the child for care, diagnostic
21 and evaluation services, substance abuse treatment services,
22 mental health services, retardation services, a diversionary
23 or arbitration or mediation program, community service work,
24 or other programs or treatment services voluntarily accepted
25 by the child and the child's parents or legal guardians. The
26 victim, if any, and the law enforcement agency which
27 investigated the offense shall be notified immediately by the
28 state attorney of the action taken under this paragraph.
29 Whenever a child volunteers to participate in any work program
30 under this chapter or volunteers to work in a specified state,
31 county, municipal, or community service organization

1 supervised work program or to work for the victim, the child
2 shall be considered an employee of the state for the purposes
3 of liability. In determining the child's average weekly wage,
4 unless otherwise determined by a specific funding program, all
5 remuneration received from the employer is considered a
6 gratuity, and the child is not entitled to any benefits
7 otherwise payable under s. 440.15, regardless of whether the
8 child may be receiving wages and remuneration from other
9 employment with another employer and regardless of the child's
10 future wage-earning capacity.

11 (c) The juvenile probation officer ~~intake counselor or~~
12 ~~case manager~~, upon determining that the report, affidavit, or
13 complaint complies with the standards of a probable cause
14 affidavit and that the interest of the child and the public
15 will be best served, may recommend that a delinquency petition
16 not be filed. If such a recommendation is made, the juvenile
17 probation officer ~~intake counselor or case manager~~ shall
18 advise in writing the person or agency making the report,
19 affidavit, or complaint, the victim, if any, and the law
20 enforcement agency having investigative jurisdiction of the
21 offense of the recommendation and the reasons therefor; and
22 that the person or agency may submit, within 10 days after the
23 receipt of such notice, the report, affidavit, or complaint to
24 the state attorney for special review. The state attorney,
25 upon receiving a request for special review, shall consider
26 the facts presented by the report, affidavit, or complaint,
27 and by the juvenile probation officer ~~intake counselor or case~~
28 ~~manager~~ who made the recommendation that no petition be filed,
29 before making a final decision as to whether a petition or
30 information should or should not be filed.

31

1 (d) In all cases in which the child is alleged to have
2 committed a violation of law or delinquent act and is not
3 detained, the juvenile probation officer ~~intake counselor or~~
4 ~~case manager~~ shall submit a written report to the state
5 attorney, including the original report, complaint, or
6 affidavit, or a copy thereof, including a copy of the child's
7 prior juvenile record, within 20 days after the date the child
8 is taken into custody. In cases in which the child is in
9 detention, the intake office report must be submitted within
10 24 hours after the child is placed into detention. The intake
11 office report must recommend either that a petition or
12 information be filed or that no petition or information be
13 filed, and must set forth reasons for the recommendation.

14 (e) The state attorney may in all cases take action
15 independent of the action or lack of action of the juvenile
16 probation officer ~~intake counselor or case manager~~, and shall
17 determine the action which is in the best interest of the
18 public and the child. If the child meets the criteria
19 requiring prosecution as an adult pursuant to s. 985.226, the
20 state attorney shall request the court to transfer and certify
21 the child for prosecution as an adult or shall provide written
22 reasons to the court for not making such request. In all other
23 cases, the state attorney may:

- 24 1. File a petition for dependency;
- 25 2. File a petition pursuant to chapter 984;
- 26 3. File a petition for delinquency;
- 27 4. File a petition for delinquency with a motion to
28 transfer and certify the child for prosecution as an adult;
- 29 5. File an information pursuant to s. 985.227;
- 30 6. Refer the case to a grand jury;

31

1 7. Refer the child to a diversionary, pretrial
2 intervention, arbitration, or mediation program, or to some
3 other treatment or care program if such program commitment is
4 voluntarily accepted by the child or the child's parents or
5 legal guardians; or

6 8. Decline to file.

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

12 (5) Prior to requesting that a delinquency petition be
13 filed or prior to filing a dependency petition, the juvenile
14 probation intake officer may request the parent or legal
15 guardian of the child to attend a course of instruction in
16 parenting skills, training in conflict resolution, and the
17 practice of nonviolence; to accept counseling; or to receive
18 other assistance from any agency in the community which
19 notifies the clerk of the court of the availability of its
20 services. Where appropriate, the juvenile probation intake
21 officer shall request both parents or guardians to receive
22 such parental assistance. The juvenile probation intake
23 officer may, in determining whether to request that a
24 delinquency petition be filed, take into consideration the
25 willingness of the parent or legal guardian to comply with
26 such request.

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

30 985.211 Release or delivery from custody.--
31

1 (3) If the child is released, the person taking the
2 child into custody shall make a written report or probable
3 cause affidavit to the appropriate juvenile probation officer
4 ~~intake counselor or case manager~~ within 3 days, stating the
5 facts and the reason for taking the child into custody. Such
6 written report or probable cause affidavit shall:

7 (a) Identify the child, the parents, guardian, or
8 legal custodian, and the person to whom the child was
9 released.

10 (b) Contain sufficient information to establish the
11 jurisdiction of the court and to make a prima facie showing
12 that the child has committed a violation of law or a
13 delinquent act.

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

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

30 (b) Establish that the child was legally taken into
31 custody, with sufficient information to establish the

1 jurisdiction of the court and to make a prima facie showing
2 that the child has committed a violation of law.

3 (6)

4 (c) Each letter of recommendation, written notice,
5 report, or other paper required by law pertaining to the case
6 shall bear the uniform case number of the case, and a copy
7 shall be filed with the clerk of the circuit court by the
8 issuing agency. The issuing agency shall furnish copies to
9 the juvenile probation officer ~~intake counselor or case~~
10 ~~manager~~ and the state attorney.

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

14 985.215 Detention.--

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

21 (a) During the period of time from the taking of the
22 child into custody to the date of the detention hearing, the
23 initial decision as to the child's placement into secure
24 detention care, nonsecure detention care, or home detention
25 care shall be made by the juvenile probation officer ~~intake~~
26 ~~counselor or case manager~~ pursuant to ss. 985.213 and 985.214.

27 (b) The juvenile probation officer ~~intake counselor or~~
28 ~~case manager~~ shall base the decision whether or not to place
29 the child into secure detention care, home detention care, or
30 nonsecure detention care on an assessment of risk in
31 accordance with the risk assessment instrument and procedures

1 developed by the Department of Juvenile Justice under s.
2 985.213.

3 (c) If the juvenile probation officer ~~intake counselor~~
4 ~~or case manager~~ determines that a child who is eligible for
5 detention based upon the results of the risk assessment
6 instrument should be released, the juvenile probation officer
7 ~~intake counselor or case manager~~ shall contact the state
8 attorney, who may authorize release. If detention is not
9 authorized, the child may be released by the juvenile
10 probation officer ~~intake counselor or case manager~~ in
11 accordance with s. 985.211.

12

13 Under no circumstances shall the juvenile probation officer
14 ~~intake counselor or case manager~~ or the state attorney or law
15 enforcement officer authorize the detention of any child in a
16 jail or other facility intended or used for the detention of
17 adults, without an order of the court.

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

22 (a) The child is alleged to be an escapee or an
23 absconder from a commitment program, a community control
24 program, furlough, or aftercare supervision, or is alleged to
25 have escaped while being lawfully transported to or from such
26 program or supervision.

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

29 (c) The child is charged with a delinquent act or
30 violation of law and requests in writing through legal counsel

31

1 to be detained for protection from an imminent physical threat
2 to his or her personal safety.

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

6 (e) The child is charged with a capital felony, a life
7 felony, a felony of the first degree, a felony of the second
8 degree that does not involve a violation of chapter 893, or a
9 felony of the third degree that is also a crime of violence,
10 including any such offense involving the use or possession of
11 a firearm.

12 (f) The child is charged with any second degree or
13 third degree felony involving a violation of chapter 893 or
14 any third degree felony that is not also a crime of violence,
15 and the child:

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

19 2. Has a record of law violations prior to court
20 hearings;

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

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

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

26 (g) The child is alleged to have violated the
27 conditions of the child's community control or aftercare
28 supervision. However, a child detained under this paragraph
29 may be held only in a consequence unit as provided in s.
30 985.231(1)(a)1.c. If a consequence unit is not available, the
31

1 child shall be placed on home detention with electronic
2 monitoring.

3
4 A child who meets any of these criteria and who is ordered to
5 be detained pursuant to this subsection shall be given a
6 hearing within 24 hours after being taken into custody. The
7 purpose of the detention hearing is to determine the existence
8 of probable cause that the child has committed the delinquent
9 act or violation of law with which he or she is charged and
10 the need for continued detention. Unless a child is detained
11 under paragraph (d), the court shall utilize the results of
12 the risk assessment performed by the juvenile probation
13 ~~officer intake counselor or case manager~~ and, based on the
14 criteria in this subsection, shall determine the need for
15 continued detention. A child placed into secure, nonsecure, or
16 home detention care may continue to be so detained by the
17 court pursuant to this subsection. If the court orders a
18 placement more restrictive than indicated by the results of
19 the risk assessment instrument, the court shall state, in
20 writing, clear and convincing reasons for such placement.
21 Except as provided in s. 790.22(8) or in subparagraph
22 (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph
23 (10)(d), when a child is placed into secure or nonsecure
24 detention care, or into a respite home or other placement
25 pursuant to a court order following a hearing, the court order
26 must include specific instructions that direct the release of
27 the child from such placement no later than 5 p.m. on the last
28 day of the detention period specified in paragraph (5)(b) or
29 paragraph (5)(c), or subparagraph (10)(a)1., whichever is
30 applicable, unless the requirements of such applicable

31

1 provision have been met or an order of continuance has been
2 granted pursuant to paragraph (5)(d).

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

18 2. The court must place all children who are
19 adjudicated and awaiting placement in a residential commitment
20 program in detention care. Children who are in home detention
21 care or nonsecure detention care may be placed on electronic
22 monitoring. A child committed to a moderate-risk residential
23 program may be held in a juvenile assignment center pursuant
24 to s. 985.307 until placement or commitment is accomplished.

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

27 985.216 Punishment for contempt of court; alternative
28 sanctions.--

29 (2) PLACEMENT IN A SECURE FACILITY.--A child may be
30 placed in a secure facility for purposes of punishment for
31 contempt of court if alternative sanctions are unavailable or

1 inappropriate, or if the child has already been ordered to
2 serve an alternative sanction but failed to comply with the
3 sanction.

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

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

22 Section 11. Section 985.223, Florida Statutes, is
23 amended to read:

24 985.223 Incompetency in juvenile delinquency cases.--

25 (1) If, at any time prior to or during a delinquency
26 case ~~involving a delinquent act or violation of law that would~~
27 ~~be a felony if committed by an adult~~, the court has reason to
28 believe that the child named in the petition may be
29 incompetent to proceed with the hearing, the court on its own
30 motion may, or on the motion of the child's attorney or state
31

1 attorney must, stay all proceedings and order an evaluation of
2 the child's mental condition.

3 (a) Any motion questioning the child's competency to
4 proceed must be served upon the child's attorney, the state
5 attorney, attorneys representing the Department of Juvenile
6 Justice, and attorneys representing the Department of Children
7 and Family Services. Thereafter, any motion, notice of
8 hearing, order, or other legal pleading relating to the
9 child's competency to proceed with the hearing must be served
10 upon the child's attorney, the state attorney, and attorneys
11 representing the Department of Juvenile Justice, and attorneys
12 representing the Department of Children and Family Services.

13 (b)(a) All determinations of competency shall be made
14 at a hearing, with findings of fact based on an evaluation of
15 the child's mental condition made by not fewer ~~less~~ than two
16 nor more than three experts appointed by the court. The basis
17 for ~~if~~ the determination of incompetency ~~is based on the~~
18 ~~presence of a mental illness or mental retardation,~~ this must
19 be specifically stated in the evaluation. Experts appointed by
20 the court to determine the mental condition of a child shall
21 be allowed reasonable fees for services rendered. State
22 employees may be paid expenses pursuant to s. 112.061. The
23 fees shall be taxed as costs in the case. In addition, a
24 recommendation as to whether residential or nonresidential
25 treatment or training is required must be included in the
26 evaluation.

27 (c) All court orders determining incompetency must
28 include specific written findings by the court as to the
29 nature of the incompetency and whether the child requires
30 secure or nonsecure treatment or training environments.

31

1 ~~(d)(b)~~ For incompetency evaluations related to mental
2 illness, the Department of Children and Family Services shall
3 annually provide the courts with a list of mental health
4 professionals who have completed a training program approved
5 by the Department of Children and Family Services to perform
6 the evaluations.

7 ~~(e)(c)~~ For incompetency evaluations related to mental
8 retardation, the court shall order the Developmental Services
9 Program Office within the Department of Children and Family
10 Services to examine the child to determine if the child meets
11 the definition of "retardation" in s. 393.063 and, if so,
12 whether the child is competent to proceed with delinquency
13 proceedings.

14 ~~(f)(d)~~ A child is competent to proceed if the child
15 has sufficient present ability to consult with counsel with a
16 reasonable degree of rational understanding and the child has
17 a rational and factual understanding of the present
18 proceedings. The report must address the child's capacity to:

19 1. Appreciate the charges or allegations against the
20 child.

21 2. Appreciate the range and nature of possible
22 penalties that may be imposed in the proceedings against the
23 child, if applicable.

24 3. Understand the adversarial nature of the legal
25 process.

26 4. Disclose to counsel facts pertinent to the
27 proceedings at issue.

28 5. Display appropriate courtroom behavior.

29 6. Testify relevantly.

30 (g) Immediately upon the filing of the court order
31 finding a child incompetent to proceed, the clerk of the court

1 shall notify the Department of Children and Family Services
2 and fax or hand deliver to the Department of Children and
3 Family Services a referral packet which includes, at a
4 minimum, the court order, the charging documents, the
5 petition, and the court-appointed evaluator's reports.

6 (h) After placement of the child in the appropriate
7 setting, the Department of Children and Family Services must,
8 within 30 days after the Department of Children and Family
9 Services places the child, prepare and submit to the court a
10 treatment plan for the child's restoration of competency. A
11 copy of the treatment plan must be served upon the child's
12 attorney, the state attorney, and attorneys representing the
13 Department of Juvenile Justice.

14 (2) A ~~Every~~ child who is mentally ill or retarded, is
15 adjudicated incompetent to proceed, and has committed a
16 delinquent act or violation of law, either of which would be a
17 felony if committed by an adult, must ~~may~~ be involuntarily
18 committed to the Department of Children and Family Services
19 for treatment or training. A child who has been adjudicated
20 incompetent to proceed because of age or immaturity, or for
21 any reason other than for mental illness or retardation, must
22 not be committed to the department or to the Department of
23 Children and Family Services for restoration-of-competency
24 treatment or training services. For the purpose of this
25 section, no child who has committed a delinquent act or
26 violation of law, either of which would be a misdemeanor if
27 committed by an adult, may be committed to the department or
28 to the Department of Children and Family Services for
29 restoration-of-competency treatment or training services.

30 (3) If the court finds that a child is mentally ill or
31 retarded and adjudicates the child incompetent to proceed, the

1 court must also determine whether the child meets the criteria
2 for secure placement. A child may be placed in a secure
3 facility or program if the court makes ~~upon~~ a finding ~~by the~~
4 ~~court~~ of clear and convincing evidence that:

5 (a) The child is mentally ill and because of the
6 mental illness; or the child is mentally retarded and because
7 of the mental retardation:

8 1. The child is manifestly incapable of surviving with
9 the help of willing and responsible family or friends,
10 including available alternative services, and without
11 treatment or training the child is likely to either suffer
12 from neglect or refuse to care for self, and such neglect or
13 refusal poses a real and present threat of substantial harm to
14 the child's well-being; or

15 2. There is a substantial likelihood that in the near
16 future the child will inflict serious bodily harm on self or
17 others, as evidenced by recent behavior causing, attempting,
18 or threatening such harm; and

19 (b) All available less restrictive alternatives,
20 including treatment or training in community residential
21 facilities or community ~~inpatient or outpatient~~ settings which
22 would offer an opportunity for improvement of the child's
23 condition, are inappropriate.

24 ~~(4)(3)~~ A ~~Each~~ child who is determined to be mentally
25 ill or retarded, who has been adjudicated incompetent to
26 proceed, and who meets the criteria set forth ~~for commitment~~
27 in subsection ~~(3)(2)~~, must be committed to the Department of
28 Children and Family Services, and the ~~that~~ Department of
29 Children and Family Services ~~may retain, and if it retains~~
30 must treat or train, the child in a secure facility or program
31 that is the least restrictive alternative consistent with

1 public safety. Any placement ~~commitment~~ of a child to a
2 secure residential program must be separate from adult
3 forensic programs. If the child attains competency, the
4 custody, case management, and supervision of the child will be
5 transferred to the department in order to continue delinquency
6 proceedings; however, the court retains authority to order the
7 Department of Children and Family Services to provide
8 continued treatment to maintain competency.

9 (a) A child adjudicated incompetent due to mental
10 retardation may be ordered into a secure program or facility
11 designated by the Department of Children and Family Services
12 for retarded children.

13 (b) A child adjudicated incompetent due to mental
14 illness may be ordered into a secure program or facility
15 designated by the Department of Children and Family Services
16 for mentally ill children.

17 (c) Whenever a child is placed in a secure residential
18 facility, the department will provide transportation to the
19 secure residential facility for admission and from the secure
20 residential facility upon discharge.

21 (d) The purpose of the treatment or training is the
22 restoration of the child's competency to proceed.

23 (e) ~~(c)~~ The service provider must file a written report
24 with the court pursuant to the applicable Rules of Juvenile
25 Procedure not later than 6 months after the date of
26 commitment, or at the end of any period of extended treatment
27 or training, and or at any time the Department of Children and
28 Family Services, through its service provider, determines the
29 child has attained competency or no longer meets the criteria
30 for secure placement, or at such shorter intervals as ordered
31 by the court ~~commitment, the service provider must file a~~

1 ~~report with the court pursuant to the applicable Rules of~~
2 ~~Juvenile Procedure. A copy of a written report evaluating the~~
3 ~~child's competency must be filed by the provider with the~~
4 ~~court and with the state attorney, the child's attorney, the~~
5 ~~department, and the Department of Children and Family~~
6 ~~Services.~~

7 (5)(a)(4) If a child is determined to be incompetent
8 to proceed, the court shall retain jurisdiction of the child
9 for up to 2 years after the date of the order of incompetency,
10 with reviews at least every 6 months to determine competency.

11 (b) Whenever the provider files a report with the
12 court informing the court that the child will never become
13 competent to proceed, the Department of Children and Family
14 Services will develop a discharge plan for the child before
15 any hearing determining whether the child will ever become
16 competent to proceed. The Department of Children and Family
17 Services must send the proposed discharge plan to the court,
18 the state attorney, the child's attorney, and attorneys
19 representing the Department of Juvenile Justice. The provider
20 will continue to provide services to the child until the court
21 issues the order finding that the child will never become
22 competent to proceed.

23 (c) If the court determines at any time that the child
24 will never become competent to proceed, the court may dismiss
25 the delinquency petition. If, at the end of the 2-year period
26 following the date of the order of incompetency, the child has
27 not attained competency and there is no evidence that the
28 child will attain competency within a year, the court must
29 dismiss the delinquency petition. If appropriate necessary,
30 the court may order that proceedings under chapter 393 or
31 chapter 394 be instituted. Such proceedings must be

1 instituted not less than 60 days prior to the dismissal of the
2 delinquency petition.

3 (6)(a)(5) If a child is determined to be mentally ill
4 or retarded and who is found to be incompetent to proceed but
5 does not meet the ~~commitment~~ criteria set forth in ~~of~~
6 subsection (3)(2), the court shall commit the child to the
7 Department of Children and Family Services and shall ~~may~~ order
8 the Department of Children and Family Services to provide
9 appropriate treatment and training in the community. The
10 purpose of the treatment or training is the restoration of the
11 child's competency to proceed.

12 (b) All court-ordered treatment or training must be
13 the least restrictive alternative that is consistent with
14 public safety. Any placement by the Department of Children
15 and Family Services ~~commitment~~ to a residential program must
16 be separate from adult forensic programs.

17 (c) If a child is ordered to receive
18 competency-restoration ~~such~~ services, the services shall be
19 provided by the Department of Children and Family Services.
20 The department shall continue to provide case management
21 services to the child and receive notice of the competency
22 status of the child.

23 (d) The service provider must file a written report
24 with the court pursuant to the applicable Rules of Juvenile
25 Procedure, not later than 6 months after the date of
26 commitment, at the end of any period of extended treatment or
27 training, and at any time the service provider determines the
28 child has attained competency or will never attain competency,
29 or at such shorter intervals as ordered by the court. ~~The~~
30 ~~competency determination must be reviewed at least every 6~~
31 ~~months by the service provider, and A copy of a written report~~

1 evaluating the child's competency must be filed by the
2 provider with the court, the state attorney, the child's
3 attorney, and with the Department of Children and Family
4 Services, and the department.

5 ~~(7)(6)~~ The provisions of this section shall be
6 implemented only subject to specific appropriation.

7 Section 12. Paragraph (a) of subsection (3) of section
8 985.226, Florida Statutes, is amended to read:

9 985.226 Criteria for waiver of juvenile court
10 jurisdiction; hearing on motion to transfer for prosecution as
11 an adult.--

12 (3) WAIVER HEARING.--

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

22 Section 13. Paragraph (b) of subsection (3) of section
23 985.23, Florida Statutes, is amended to read:

24 985.23 Disposition hearings in delinquency
25 cases.--When a child has been found to have committed a
26 delinquent act, the following procedures shall be applicable
27 to the disposition of the case:

28 (3)

29 (b) If the court determines that commitment to the
30 department is appropriate, the juvenile probation officer
31 ~~intake counselor or case manager~~ shall recommend to the court

1 the most appropriate placement and treatment plan,
2 specifically identifying the restrictiveness level most
3 appropriate for the child. If the court has determined that
4 the child was a member of a criminal street gang, that
5 determination shall be given great weight in identifying the
6 most appropriate restrictiveness level for the child. The
7 court shall consider the department's recommendation in making
8 its commitment decision.

9 Section 14. Paragraph (a) of subsection (1) of section
10 985.231, Florida Statutes, is amended to read:

11 985.231 Powers of disposition in delinquency cases.--

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

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

31

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

26 b. The court may conduct judicial review hearings for
27 a child placed on community control for the purpose of
28 fostering accountability to the judge and compliance with
29 other requirements, such as restitution and community service.
30 The court may allow early termination of community control for
31

1 a child who has substantially complied with the terms and
2 conditions of community control.

3 c. If the conditions of the community control program
4 or the aftercare program are violated, the agent supervising
5 the program as it relates to the child involved, or the state
6 attorney, may bring the child before the court on a petition
7 alleging a violation of the program. Any child who violates
8 the conditions of community control or aftercare must be
9 brought before the court if sanctions are sought. A child
10 taken into custody under s. 985.207 ~~s. 39.037~~ for violating
11 the conditions of community control or aftercare shall be held
12 in a consequence unit if such a unit is available. The child
13 shall be afforded a hearing within 24 hours after being taken
14 into custody to determine the existence of probable cause that
15 the child violated the conditions of community control or
16 aftercare. A consequence unit is a secure facility
17 specifically designated by the department for children who are
18 taken into custody under s. 985.207 for violating community
19 control or aftercare, or who have been found by the court to
20 have violated the conditions of community control or
21 aftercare. If the violation involves a new charge of
22 delinquency, the child may be detained under s. 985.215 in a
23 facility other than a consequence unit. If the child is not
24 eligible for detention for the new charge of delinquency, the
25 child may be held in the consequence unit pending a hearing
26 and is subject to the time limitations specified in s.
27 985.215. If the child denies violating the conditions of
28 community control or aftercare, the court shall appoint
29 counsel to represent the child at the child's request. Upon
30 the child's admission, or if the court finds after a hearing
31 that the child has violated the conditions of community

1 control or aftercare, the court shall enter an order revoking,
2 modifying, or continuing community control or aftercare. In
3 each such case, the court shall enter a new disposition order
4 and, in addition to the sanctions set forth in this paragraph,
5 may impose any sanction the court could have imposed at the
6 original disposition hearing. If the child is found to have
7 violated the conditions of community control or aftercare, the
8 court may:

9 (I) Place the child in a consequence unit in that
10 judicial circuit, if available, for up to 5 days for a first
11 violation, and up to 15 days for a second or subsequent
12 violation.

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

16 (III) Modify or continue the child's community control
17 program or aftercare program.

18 (IV) Revoke community control or aftercare and commit
19 the child to the department.

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

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

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

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

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

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

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

1 parent or guardian. A finding by the court, after a hearing,
2 that the parent or guardian has made diligent and good faith
3 efforts to prevent the child from engaging in delinquent acts
4 absolves the parent or guardian of liability for restitution
5 under this subparagraph.

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

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

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

31

1 10. Subject to specific appropriation, commit the
2 juvenile sexual offender to the Department of Juvenile Justice
3 for placement in a program or facility for juvenile sexual
4 offenders in accordance with s. 985.308. Any commitment of a
5 juvenile sexual offender to a program or facility for juvenile
6 sexual offenders must be for an indeterminate period of time,
7 but the time may not exceed the maximum term of imprisonment
8 that an adult may serve for the same offense. The court may
9 retain jurisdiction over a juvenile sexual offender until the
10 juvenile sexual offender reaches the age of 21, specifically
11 for the purpose of completing the program.

12 Section 15. Subsection (4) of section 985.301, Florida
13 Statutes, is amended to read:

14 985.301 Civil citation.--

15 (4) If the juvenile fails to report timely for a work
16 assignment, complete a work assignment, or comply with
17 assigned intervention services within the prescribed time, or
18 if the juvenile commits a third or subsequent misdemeanor, the
19 law enforcement officer shall issue a report alleging the
20 child has committed a delinquent act, at which point the
21 juvenile probation officer ~~an intake counselor or case manager~~
22 shall perform a preliminary determination as provided under s.
23 985.21(4).

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

27 985.304 Community arbitration.--

28 (4) PROCEDURE FOR INITIATING CASES FOR COMMUNITY
29 ARBITRATION.--

30 (a) Any law enforcement officer may issue a complaint,
31 along with a recommendation for community arbitration, against

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

27 (b) The juvenile probation officer ~~intake counselor~~
28 shall verify accurate identification of the child and
29 determine whether or not the child has any prior adjudications
30 or adjudications withheld for an offense eligible for
31 community arbitration for consideration in the point value

1 structure. If the child has at least one prior adjudication
2 or adjudication withheld for an offense that ~~which~~ is not
3 eligible for community arbitration, or if the child has
4 already surpassed the accepted level of points on prior
5 community arbitration resolutions, the juvenile probation
6 officer ~~intake counselor or case manager~~ shall consult with
7 the state attorney regarding the filing of formal juvenile
8 proceedings.

9 (c) If the child or the parent or legal custodian or
10 guardian rejects the handling of the complaint through
11 community arbitration, the juvenile probation officer ~~intake~~
12 ~~counselor~~ shall consult with the state attorney for the filing
13 of formal juvenile proceedings.

14 (d) If the child or the parent or legal custodian or
15 guardian accepts the handling of the complaint through
16 community arbitration, the juvenile probation officer ~~intake~~
17 ~~counselor~~ shall provide copies of the complaint to the
18 arbitrator or panel within 24 hours.

19 (e) The community arbitrator or community arbitration
20 panel shall, upon receipt of the complaint, set a time and
21 date for a hearing within 7 days and shall inform the child's
22 parent or legal custodian or guardian, the complaining
23 witness, and any victims of the time, date, and place of the
24 hearing.

25 (5) HEARINGS.--

26 (e) If a child fails to appear on the original hearing
27 date, the matter shall be referred back to the juvenile
28 probation officer, ~~intake counselor~~ who shall consult with the
29 state attorney regarding the filing of formal juvenile
30 proceedings.

31 (6) DISPOSITION OF CASES.--

1 (a) Subsequent to any hearing held as provided in
2 subsection (5), the community arbitrator or community
3 arbitration panel may:

4 1. Recommend that the state attorney decline to
5 prosecute the child.

6 2. Issue a warning to the child or the child's family
7 and recommend that the state attorney decline to prosecute the
8 child.

9 3. Refer the child for placement in a community-based
10 nonresidential program.

11 4. Refer the child or the family to community
12 counseling.

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

15 6. Refer the child to a work program related to
16 delinquent children and require up to 100 hours of work by the
17 child.

18 7. Refer the child to a nonprofit organization for
19 volunteer work in the community and require up to 100 hours of
20 work by the child.

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

24 9. Continue the case for further investigation.

25 10. Require the child to undergo urinalysis
26 monitoring.

27 11. Impose any other restrictions or sanctions that
28 are designed to encourage responsible and acceptable behavior
29 and are agreed upon by the participants of the community
30 arbitration proceedings.

31

1 The community arbitrator or community arbitration panel shall
2 determine an appropriate timeframe in which the disposition
3 must be completed. The community arbitrator or community
4 arbitration panel shall report the disposition of the case to
5 the juvenile probation officer ~~intake counselor or case~~
6 ~~manager~~.

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

17 Section 17. Effective upon this act becoming a law,
18 section 985.307, Florida Statutes, is amended to read:

19 985.307 Juvenile assignment centers.--

20 (1) Contingent upon specific appropriation, the
21 department shall establish juvenile assignment centers for
22 committed youth who have been ordered by the court for
23 placement in moderate-risk, high-risk, or maximum-risk
24 commitment programs. Juvenile assignment centers shall be
25 residential facilities serving committed youth awaiting
26 placement in a residential commitment program.

27 (2) The purpose of juvenile assignment centers shall
28 be:

29 (a) To ensure public safety by providing a secure
30 residential facility to hold and process juveniles awaiting
31

1 placement in commitment programs rather than releasing them to
2 their homes and back into the community.

3 (b) To review assessments completed at local juvenile
4 assessment centers and avoid duplication of assessment
5 efforts. Assessments should include medical, academic,
6 psychological, behavioral, sociological, substance abuse and
7 mental health, and vocational testing.

8 (c) To determine appropriate treatment needs,
9 programming, and placement decisions, and, when appropriate,
10 to develop a treatment plan for each juvenile.

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

14 (3) Juveniles committed to the department shall be
15 placed in an assignment center following the dispositional
16 hearing and shall be transferred to the designated residential
17 commitment program upon the availability of placement.

18 (4) Juvenile assignment centers shall be physically
19 secure residential facilities located in each department
20 region to serve youth in that region who are awaiting
21 placement in commitment programs.

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

24 (a) Review all assessments, diagnostic testing, and
25 screening instruments performed on the juvenile while at an
26 assessment center, in detention, during intake, or in a
27 program or while in school; and also review the juvenile's
28 school records from the school in which the juvenile is
29 enrolled.

30 (b) Determine the need for, and provide or contract
31 for, additional evaluation, including, but not limited to:

1 needs assessment, substance abuse screening, physical and
2 mental health screening, behavioral screening, educational
3 assessment, aptitude testing, diagnostic testing,
4 psychological evaluation, and vocational testing.

5 (c) Based upon the restrictiveness level ordered by
6 the court and evaluation required in paragraph (b), the
7 department program staff shall make an assignment to a
8 specific commitment program. Program placements shall also
9 take into consideration the geographic location of the
10 juvenile's family in order to facilitate family visits and
11 participation.

12 (d) Pending a juvenile's placement in a commitment
13 program:

14 1. Initiate appropriate treatment plans, educational
15 plans, performance agreements, and transitional planning based
16 upon the court order and assessments.

17 2. Provide or contract for the provision of short-term
18 services, including educational programming, vocational
19 training, mental health services, substance abuse education,
20 conflict resolution training, and impulse control and anger
21 management training. If warranted by a substance abuse
22 screening or a mental or physical health screening performed
23 while the juvenile is in the assignment center, a juvenile may
24 receive treatment while in the assignment center, including,
25 but not limited to, substance abuse, mental health, or
26 physical health treatment.

27 (e) To the extent possible, involve the juvenile's
28 parents or guardian and family in the evaluation process and
29 in the provision of services. Staff shall make efforts to
30 contact the parents or guardian and encourage their
31 involvement.

1 (f) Ensure that all commitment information is complete
2 and ready for transmittal to the commitment program. This
3 shall include a comprehensive treatment plan that reflects the
4 information gathered through the assessment process and
5 includes planning for aftercare and independent living, if
6 needed.

7 (6) Notwithstanding any provision to the contrary,
8 this section expires July 1, 2000 ~~1998~~, unless reenacted by
9 the Legislature. ~~The department may not create or operate a~~
10 ~~juvenile assignment center after July 1, 1998, without further~~
11 ~~legislative authority.~~ Unless reenacted by the Legislature,
12 any juvenile assignment center created under this section
13 shall be converted to a high-level or maximum-level
14 residential commitment program, subject to availability of
15 funds.

16 (7) The department may utilize juvenile assignment
17 centers to the fullest extent possible for the purpose of
18 conducting pre-adjudicatory assessments and evaluations of
19 youth referred to the department. Prior to July 1, 1999, the
20 department must transition any assignment centers to provide
21 the capacity necessary to perform the intake and assessment
22 functions currently performed pursuant to s. 985.209.

23 Section 18. Paragraphs (f) and (h) of subsection (3)
24 of section 985.31, Florida Statutes, are amended to read:

25 985.31 Serious or habitual juvenile offender.--

26 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
27 TREATMENT.--

28 (f) After a child has been transferred for criminal
29 prosecution, a circuit court judge may direct the juvenile
30 probation officer ~~an intake counselor or case manager~~ to
31 consult with designated staff from an appropriate serious or

1 habitual juvenile offender program for the purpose of making
2 recommendations to the court regarding the child's placement
3 in such program.

4 (h) Based on the recommendations of the
5 multidisciplinary assessment, the juvenile probation officer
6 ~~intake counselor or case manager~~ shall make the following
7 recommendations to the court:

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

12 2. For each child who has been transferred for
13 criminal prosecution, the juvenile probation officer ~~intake~~
14 ~~counselor or case manager~~ shall recommend whether the most
15 appropriate placement for the child is a juvenile justice
16 system program, including a serious or habitual juvenile
17 offender program or facility, or placement in the adult
18 correctional system.

19
20 If treatment provided by a serious or habitual juvenile
21 offender program or facility is determined to be appropriate
22 and needed and placement is available, the juvenile probation
23 officer ~~intake counselor or case manager~~ and the court shall
24 identify the appropriate serious or habitual juvenile offender
25 program or facility best suited to the needs of the child.

26 Section 19. Paragraphs (f) and (h) of subsection (3)
27 of section 985.311, Florida Statutes, are amended to read:

28 985.311 Intensive residential treatment program for
29 offenders less than 13 years of age.--

30 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
31 TREATMENT.--

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

8 (h) Based on the recommendations of the
9 multidisciplinary assessment, the juvenile probation officer
10 ~~intake counselor or case manager~~ shall make the following
11 recommendations to the court:

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

16 2. For each child who has been transferred for
17 criminal prosecution, the juvenile probation officer ~~intake~~
18 ~~counselor or case manager~~ shall recommend whether the most
19 appropriate placement for the child is a juvenile justice
20 system program, including a child who is eligible for an
21 intensive residential treatment program for offenders less
22 than 13 years of age, or placement in the adult correctional
23 system.

24
25 If treatment provided by an intensive residential treatment
26 program for offenders less than 13 years of age is determined
27 to be appropriate and needed and placement is available, the
28 juvenile probation officer ~~intake counselor or case manager~~
29 and the court shall identify the appropriate intensive
30 residential treatment program for offenders less than 13 years
31 of age best suited to the needs of the child.

1 Section 20. Section 944.401, Florida Statutes, is
 2 transferred, renumbered as section 985.3141, Florida Statutes,
 3 and amended to read:

4 985.3141 ~~944.401~~ Escapes from secure detention or
 5 residential commitment facility.--An escape from:

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

9 (2) Any residential commitment facility defined in s.
 10 985.03(45) ~~s. 39.01(59)~~, maintained for the custody,
 11 treatment, punishment, or rehabilitation of children found to
 12 have committed delinquent acts or violations of law; or ~~an~~
 13 ~~escape from~~

14 (3) Lawful transportation to or from any such secure
 15 detention facility or residential commitment facility, thereto
 16 ~~or therefrom~~

17
 18 constitutes escape within the intent and meaning of s. 944.40
 19 and is a felony of the third degree, punishable as provided in
 20 s. 775.082, s. 775.083, or s. 775.084.

21 Section 21. Paragraph (a) of subsection (2) of section
 22 985.406, Florida Statutes, is amended to read:

23 985.406 Juvenile justice training academies
 24 established; Juvenile Justice Standards and Training
 25 Commission created; Juvenile Justice Training Trust Fund
 26 created.--

27 (2) JUVENILE JUSTICE STANDARDS AND TRAINING
 28 COMMISSION.--

29 (a) There is created under the Department of Juvenile
 30 Justice the Juvenile Justice Standards and Training
 31 Commission, hereinafter referred to as the commission. The

1 17-member commission shall consist of the Attorney General or
2 designee, the Commissioner of Education or designee, a member
3 of the juvenile court judiciary to be appointed by the Chief
4 Justice of the Supreme Court, and 14 members to be appointed
5 by the Secretary of Juvenile Justice as follows:

6 1. Seven members shall be juvenile justice
7 professionals: a superintendent or a direct care staff member
8 from an institution; a director from a contracted
9 community-based program; a superintendent and a direct care
10 staff member from a regional detention center or facility; a
11 juvenile probation officer or a supervisor of juvenile
12 probation officers ~~community control counselor~~; and a director
13 of a day treatment or aftercare program. No fewer than three
14 of these members shall be contract providers.

15 2. Two members shall be representatives of local law
16 enforcement agencies.

17 3. One member shall be an educator from the state's
18 university and community college program of criminology,
19 criminal justice administration, social work, psychology,
20 sociology, or other field of study pertinent to the training
21 of juvenile justice program staff.

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

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

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

27 7. One member shall be a representative of the
28 business community.

29
30 All appointed members shall be appointed to serve terms of 2
31 years.

1 Section 22. Subsection (1) of section 985.412, Florida
2 Statutes, is amended to read:

3 985.412 Quality assurance.--

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

5 1. Ensure that information be provided to
6 decisionmakers so that resources are allocated to programs of
7 the department which achieve desired performance levels.
8 2. Provide information about the cost of such programs
9 and their differential effectiveness so that the quality of
10 such programs can be compared and improvements made
11 continually.

12 3. Provide information to aid in developing related
13 policy issues and concerns.

14 4. Provide information to the public about the
15 effectiveness of such programs in meeting established goals
16 and objectives.

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

20 6. Improve service delivery to clients.

21 7. Modify or eliminate activities that are not
22 effective.

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

24 1. "Client" means any person who is being provided
25 treatment or services by the department or by a provider under
26 contract with the department.

27 2. "Program component" means an aggregation of
28 generally related objectives which, because of their special
29 character, related workload, and interrelated output, can
30 logically be considered an entity for purposes of
31

1 organization, management, accounting, reporting, and
2 budgeting.

3 3. "Program effectiveness" means the ability of the
4 program to achieve desired client outcomes, goals, and
5 objectives.

6 (c) The department shall:

7 1. Establish a comprehensive quality assurance system
8 for each program operated by the department or operated by a
9 provider under contract with the department. Each contract
10 entered into by the department must provide for quality
11 assurance.

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

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

16 4. Establish the information and specific data
17 elements required for the quality assurance program.

18 5. Develop a quality assurance manual of specific,
19 standardized terminology and procedures to be followed by each
20 program.

21 6. Evaluate each program operated by the department or
22 a provider under a contract with the department and establish
23 minimum thresholds for each program component. If a provider
24 fails to meet the established minimum thresholds, such failure
25 shall cause the department to cancel the provider's contract
26 unless the provider achieves compliance with minimum
27 thresholds within 6 months or unless there are documented
28 extenuating circumstances. In addition, the department may not
29 contract with the same provider for the canceled service for a
30 period of 12 months. If a department-operated program fails to
31 meet the established minimum thresholds, the department must

1 take necessary and sufficient steps to ensure and document
2 program changes to achieve compliance with the established
3 minimum thresholds. If the department-operated program fails
4 to achieve compliance with the established minimum thresholds
5 within 6 months and if there are no documented extenuating
6 circumstances, the department must notify the Executive Office
7 of the Governor and the Legislature of the corrective action
8 taken. Appropriate corrective action may include, but is not
9 limited to:

10 a. Contracting out for the services provided in the
11 program;

12 b. Initiating appropriate disciplinary action against
13 all employees whose conduct or performance is deemed to have
14 materially contributed to the program's failure to meet
15 established minimum thresholds;

16 c. Redesigning the program; or

17 d. Realigning the program.

18
19 The department shall submit an annual report to the President
20 of the Senate, the Speaker of the House of Representatives,
21 the Minority Leader of each house of the Legislature, the
22 appropriate substantive and fiscal committees of each house of
23 the Legislature, and the Governor, no later than February 1 of
24 each year. The annual report must contain, at a minimum, for
25 each specific program component: a comprehensive description
26 of the population served by the program; a specific
27 description of the services provided by the program; cost; a
28 comparison of expenditures to federal and state funding;
29 immediate and long-range concerns; and recommendations to
30 maintain, expand, improve, modify, or eliminate each program
31 component so that changes in services lead to enhancement in

1 program quality. The department ~~department's inspector general~~
2 shall ensure the reliability and validity of the information
3 contained in the report.

4 Section 23. Paragraph (b) of subsection (3) of section
5 985.413, Florida Statutes, is amended to read:

6 985.413 District juvenile justice boards.--

7 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

8 (b)1.

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

12 (I) District 1 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: Escambia County, 6
15 members; Okaloosa County, 3 members; Santa Rosa County, 2
16 members; and Walton County, 1 member.

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

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

1 member; Bradford County, 1 member; Putnam County, 1 member;
2 and Alachua County, 5 members.

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

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

12 (VI) District 6 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: Hillsborough County, 9
15 members; and Manatee County, 3 members.

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

21 (VIII) District 8 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: Sarasota County, 3
24 members; DeSoto County, 1 member; Charlotte County, 1 member;
25 Lee County, 3 members; Glades County, 1 member; Hendry County,
26 1 member; and Collier County, 2 members.

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

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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 24. 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, the public defenders, state attorneys,
8 and local representatives of the Department of Juvenile
9 Justice and the Department of Children and Family Services.
10 The agreement must specify how community entities will
11 cooperate, collaborate, and share information in furthering
12 the goals of the district and county juvenile 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 25. 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 26. 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 27. 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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