

1  
2 An act relating to juvenile justice; amending  
3 s. 938.17, F.S., relating to court costs and  
4 assessments for county delinquency prevention;  
5 providing for reference to "juvenile assessment  
6 centers" instead of "juvenile justice  
7 assessment centers" to conform to changes made  
8 by the act; conforming a cross reference;  
9 amending s. 938.19, F.S., authorizing the  
10 assessment of certain fees for operating and  
11 administering a teen court, notwithstanding  
12 certain contrary provisions; amending s.  
13 943.053, F.S.; permitting the Department of  
14 Juvenile Justice or any other state or local  
15 criminal justice agency to provide copies of  
16 criminal history records for certain juvenile  
17 offenders, employees, and other individuals  
18 with access to a contracted juvenile assessment  
19 center or detention facility or contracted  
20 treatment program to the entity under direct  
21 contract with the department to operate the  
22 facilities or programs; providing for  
23 assessment of a charge by the criminal justice  
24 agency; providing guidelines for use and  
25 dissemination of the information; amending and  
26 renumbering s. 944.401, F.S., relating to  
27 escapes from secure detention or residential  
28 commitment facility; providing that escape from  
29 lawful transportation to or from a secure  
30 detention facility or residential commitment  
31 facility is a third degree felony; providing

1 penalties; conforming references and  
2 terminology; amending s. 921.0022, F.S.,  
3 relating to the Criminal Punishment Code  
4 offense severity ranking chart; conforming a  
5 reference to changes made by the act; amending  
6 s. 984.03, F.S.; redefining "habitual truant"  
7 with respect to ch. 984, F.S., relating to  
8 children and families in need of services;  
9 defining "juvenile probation officer," in lieu  
10 of "intake counselor" or "case manager," with  
11 respect to ch. 984, F.S.; amending s. 985.03,  
12 F.S.; redefining "habitually truant," "intake,"  
13 "restrictiveness level," and "temporary  
14 release"; defining "juvenile probation  
15 officer"; conforming terminology and references  
16 to changes made by the act; amending s.  
17 985.207, F.S., relating to taking a child into  
18 custody; substituting references to "juvenile  
19 probation officer" for reference to "intake  
20 counselor" or "case manager"; conforming  
21 terminology to changes made by the act;  
22 amending s. 985.208, F.S., relating to  
23 detention of furloughed child or escapee on  
24 authority of the department; substituting  
25 reference to "juvenile probation officer" for  
26 reference to "intake counselor" or "case  
27 manager"; conforming terminology to changes  
28 made by the act; amending s. 985.209, F.S.,  
29 relating to juvenile justice assessment  
30 centers; removing provisions relating to such  
31 centers; providing for designation and

1 operation of juvenile assessment centers in  
2 lieu of juvenile justice assessment centers;  
3 providing a definition; providing  
4 responsibilities of juvenile assessment centers  
5 as community-operated facilities and programs  
6 for provision of central intake and screening  
7 services to youth referred to the Department of  
8 Juvenile Justice; providing responsibilities of  
9 the department, law enforcement agencies,  
10 substance abuse programs, mental health  
11 providers, health service providers, state  
12 attorneys, public defenders, schools, and other  
13 agencies serving youth with respect to  
14 establishment of juvenile assessment centers;  
15 providing for development and modification of  
16 centers through local initiative of community  
17 agencies and local governments; providing for  
18 management of centers by advisory committees;  
19 providing for interagency agreements and  
20 information sharing among participating  
21 agencies; permitting the department to utilize  
22 centers for purposes of performing assessments  
23 and evaluations on youth awaiting placement in  
24 a residential commitment program; providing for  
25 transportation of youth from juvenile detention  
26 centers to the centers; if feasible, for the  
27 assessment and evaluation; providing for family  
28 involvement in assessment and evaluation;  
29 requiring inclusion of assessment and  
30 evaluation information in the youth's  
31 commitment packet; amending s. 985.21, F.S.,

1 relating to intake and case management;  
2 substituting references to "juvenile probation  
3 officer" for references to "intake counselor"  
4 or "case manager"; conforming provisions to  
5 changes made by the act; amending s. 985.211,  
6 F.S., relating to release or delivery from  
7 custody; substituting references to "juvenile  
8 probation officer" for references to "intake  
9 counsel" or "case manager"; conforming  
10 provisions to changes made by the act; amending  
11 s. 985.215, F.S.; providing that a child held  
12 in secure detention awaiting dispositional  
13 placement must meet detention admission  
14 criteria; removing requirement for court order  
15 authorizing continued detention under specified  
16 circumstances when the child is committed to a  
17 low-risk residential program; substituting  
18 references to "juvenile probation officer" for  
19 references to "intake counselor" or "case  
20 manager"; conforming provisions to changes made  
21 by the act; amending s. 985.231, F.S., relating  
22 to powers of disposition in delinquency cases;  
23 conforming a reference and terminology;  
24 amending s. 985.216, F.S.; providing that a  
25 child found in contempt of court may be held  
26 only in a secured detention facility; amending  
27 s. 985.223, F.S., relating to incompetency in  
28 juvenile delinquency cases; removing a  
29 provision restricting the applicability of s.  
30 985.223, F.S., to certain delinquency cases  
31 involving a delinquent act or violation of law

1           that would be a felony if committed by an  
2           adult; requiring service of a motion  
3           questioning the child's competency to proceed,  
4           and service of subsequent motions, notices of  
5           hearing, orders, or other pleadings, upon  
6           specified counsel for the child, the state, the  
7           Department of Juvenile Justice, and the  
8           Department of Children and Family Services;  
9           providing for participation of both departments  
10          as parties to the litigation pertaining to  
11          competency, under specified circumstances;  
12          requiring specific statement of the basis for a  
13          determination of incompetency in the evaluation  
14          made by court-appointed experts; providing for  
15          fees of experts; providing for reimbursements  
16          of state employees for expenses; providing for  
17          taxing of fees as costs in the case; requiring  
18          inclusion of specific written findings in the  
19          court order determining incompetency;  
20          prescribing duties of the clerk of court and  
21          guidelines relating to notification of the  
22          order to the Department of Children and Family  
23          Services and delivery of a referral packet;  
24          prescribing duties of the Department of  
25          Children and Family Services and guidelines  
26          relating to treatment plans for the child's  
27          restoration of competency; requiring commitment  
28          for treatment or training to the Department of  
29          Children and Family Services of a child who is  
30          mentally ill or retarded, is adjudicated  
31          incompetent to proceed, and has committed a

1 delinquent act or violation of law constituting  
2 a felony if committed by an adult; prohibiting  
3 such commitment to the Department of Juvenile  
4 Justice or Department of Children and Family  
5 Services of a child adjudicated incompetent to  
6 proceed under specified circumstances;  
7 requiring court determination of whether the  
8 child found mentally ill or retarded and  
9 adjudicated incompetent to proceed meets the  
10 criteria for secure placement; permitting  
11 placement of the child in a secure facility or  
12 program if the court finds by clear and  
13 convincing evidence that the child meets  
14 specified criteria; requiring the commitment of  
15 a child to the Department of Children and  
16 Family Services and requiring treatment or  
17 training of the child by the department in a  
18 secure facility or program, or in the  
19 community, under specified circumstances;  
20 requiring placements of such children to be  
21 separate from adult forensic programs;  
22 providing for transfer of custody of such  
23 children who attain competency; prescribing  
24 duties of the Department of Juvenile Justice  
25 relating to transportation of a child placed in  
26 or discharged from a secure residential  
27 facility; providing that the purpose of the  
28 treatment or training is the restoration of the  
29 child's competency to proceed; conforming  
30 terminology to changes made by the act;  
31 providing duties of service providers and

1 guidelines and time limits relating to reports  
2 and provision of services; prescribing duties  
3 of the Department of Children and Family  
4 Services and guidelines relating to discharge  
5 plans; providing for court orders as  
6 appropriate in certain cases for the  
7 instituting of proceedings under ch. 393, F.S.,  
8 relating to developmental disabilities  
9 prevention and community services, or ch. 394,  
10 F.S., relating to mental health and Baker Act  
11 proceedings; requiring provision of  
12 court-ordered competency restoration services  
13 by the Department of Children and Family  
14 Services; amending ss. 985.226, 985.23,  
15 985.301, and 985.304, F.S., relating to  
16 transfer of child for prosecution as an adult,  
17 disposition hearings in delinquency cases,  
18 civil citation, and community arbitration,  
19 respectively; substituting references to  
20 "juvenile probation officer" for references to  
21 "intake counselor" or "case manager";  
22 conforming provisions to changes made by the  
23 act; amending s. 985.307, F.S., relating to  
24 juvenile assignment centers; extending the  
25 expiration date for said section to July 1,  
26 2000; removing a restriction upon operation of  
27 a juvenile assignment center by the department;  
28 permitting instead of requiring conversion of  
29 certain centers under specified circumstances;  
30 amending ss. 985.31 and 985.311, F.S., relating  
31 to serious or habitual juvenile offenders and

1 intensive residential treatment programs for  
2 offenders less than 13 years of age;  
3 substituting references to "juvenile probation  
4 officer" for references to "intake counselor"  
5 or "case manager"; conforming provisions to  
6 changes made by the act; amending s. 985.401,  
7 F.S.; requiring the Juvenile Justice Advisory  
8 Board to develop a standard methodology for  
9 interpreting outcome-evaluation reports;  
10 specifying information to be included;  
11 requiring the board to consult with other  
12 agencies, providers, and interested parties;  
13 requiring the board to report to the  
14 Legislature; amending s. 985.404, F.S.;  
15 requiring the Department of Juvenile Justice  
16 and other agencies to develop a  
17 cost-effectiveness model for each commitment  
18 program; requiring the department to rank  
19 programs and report to the Legislature;  
20 authorizing the department to terminate a  
21 program that fails to achieve a minimum  
22 threshold of effectiveness; requiring that the  
23 cost-effectiveness model be consistent with  
24 certain requirements for performance-based  
25 budgeting; requiring the department to conduct  
26 certain evaluations of commitment programs and  
27 identify the factors that contribute to various  
28 program ratings; amending s. 985.406, F.S.,  
29 relating to juvenile justice training academies  
30 and Juvenile Justice Standards and Training  
31 Commission; revising membership qualifications



1 for the commission; eliminating requirement for  
2 member who is a community control counselor;  
3 providing for membership of a juvenile  
4 probation officer supervisor and a juvenile  
5 probation officer; conforming terminology;  
6 amending s. 985.41, F.S.; requiring a  
7 determination whether a proposed site for a  
8 juvenile justice facility is appropriate for  
9 public use under local government plans and  
10 ordinances; amending s. 985.412, F.S., relating  
11 to quality assurance; requiring evaluation of  
12 each program operated by the department;  
13 requiring program changes and notification to  
14 the Executive Office of the Governor and  
15 Legislature of corrective action, under  
16 specified circumstances when a  
17 department-operated program fails to meet  
18 established minimum thresholds; providing for  
19 appropriate corrective action, including  
20 disciplinary action against employees under  
21 specified circumstances; providing for the  
22 Department of Juvenile Justice to ensure the  
23 reliability of the annual report; reenacting s.  
24 985.315(4)(b), F.S., relating to  
25 vocational/work training programs to  
26 incorporate said amendment in a reference;  
27 amending s. 985.413, F.S.; increasing the  
28 maximum number of terms for district juvenile  
29 justice board members; removing an exception to  
30 the limitation upon the number of terms of  
31 members; amending s. 985.414, F.S.; requiring

1 certain participants in interagency agreements  
2 for the development of county juvenile justice  
3 plans; revising requirements for contents of  
4 the agreements; amending s. 985.415, F.S.;  
5 revising requirements for applications for  
6 community juvenile justice partnership grants;  
7 conforming references and terminology;  
8 providing an effective date.  
9

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

11  
12 Section 1. Subsection (2) of section 938.17, Florida  
13 Statutes, is amended to read:

14 938.17 County delinquency prevention.--

15 (2) In counties in which the sheriff's office is a  
16 partner in a juvenile ~~justice~~ assessment center pursuant to s.  
17 985.209 ~~39-0471~~, or a partner in a suspension program  
18 developed in conjunction with the district school board in the  
19 county of the sheriff's jurisdiction, the court shall assess  
20 court costs of \$3 per case, in addition to any other  
21 authorized cost or fine, on every person who, with respect to  
22 a charge, indictment, prosecution commenced, or petition of  
23 delinquency filed in that county or circuit, pleads guilty,  
24 nolo contendere to, or is convicted of, or adjudicated  
25 delinquent for, or has an adjudication withheld for, a felony  
26 or misdemeanor, or a criminal traffic offense or handicapped  
27 parking violation under state law, or a violation of any  
28 municipal or county ordinance, if the violation constitutes a  
29 misdemeanor under state law.

30 Section 2. Section 938.19, Florida Statutes, is  
31 amended to read:

1           938.19 Teen courts; operation and  
2 administration.--Notwithstanding s. 318.121, in each county in  
3 which a teen court has been created, a county may adopt a  
4 mandatory cost to be assessed in specific cases as provided  
5 for in subsection (1) by incorporating by reference the  
6 provisions of this section in a county ordinance. Assessments  
7 collected by the clerk of the circuit court pursuant to this  
8 section shall be deposited into an account specifically for  
9 the operation and administration of the teen court:

10           (1) A sum of \$3, which shall be assessed as a court  
11 cost by both the circuit court and the county court in the  
12 county against every person who pleads guilty or nolo  
13 contendere to, or is convicted of, regardless of adjudication,  
14 a violation of a state criminal statute or a municipal  
15 ordinance or county ordinance or who pays a fine or civil  
16 penalty for any violation of chapter 316. Any person whose  
17 adjudication is withheld pursuant to the provisions of s.  
18 318.14(9) or (10) shall also be assessed such cost. The \$3  
19 assessment for court costs shall be assessed in addition to  
20 any fine, civil penalty, or other court cost and shall not be  
21 deducted from the proceeds of that portion of any fine or  
22 civil penalty which is received by a municipality in the  
23 county or by the county in accordance with ss. 316.660 and  
24 318.21. The \$3 assessment shall specifically be added to any  
25 civil penalty paid for a violation of chapter 316, whether  
26 such penalty is paid by mail, paid in person without request  
27 for a hearing, or paid after hearing and determination by the  
28 court. However, the \$3 assessment shall not be made against a  
29 person for a violation of any state statutes, county  
30 ordinance, or municipal ordinance relating to the parking of  
31 vehicles, with the exception of a violation of the handicapped

1 parking laws. The clerk of the circuit court shall collect  
2 the respective \$3 assessments for court costs established in  
3 this subsection and shall remit the same to the teen court  
4 monthly, less 5 percent, which is to be retained as fee income  
5 of the office of the clerk of the circuit court.

6 (2) Such other moneys as become available for  
7 establishing and operating teen courts under the provisions of  
8 Florida law.

9 Section 3. Subsection (8) is added to section 943.053,  
10 Florida Statutes, to read:

11 943.053 Dissemination of criminal justice information;  
12 fees.--

13 (1) The Department of Law Enforcement shall  
14 disseminate criminal justice information only in accordance  
15 with federal and state laws, regulations, and rules.

16 (2) Criminal justice information derived from federal  
17 criminal justice information systems or criminal justice  
18 information systems of other states shall not be disseminated  
19 in a manner inconsistent with the laws, regulations, or rules  
20 of the originating agency.

21 (3) Criminal history information, including  
22 information relating to juveniles, compiled by the Division of  
23 Criminal Justice Information Systems from intrastate sources  
24 shall be available on a priority basis to criminal justice  
25 agencies for criminal justice purposes free of charge and,  
26 otherwise, to governmental agencies not qualified as criminal  
27 justice agencies on an approximate-cost basis. After  
28 providing the division with all known identifying information,  
29 persons in the private sector may be provided criminal history  
30 information upon tender of fees as established by rule of the  
31 Department of Law Enforcement. Such fees shall approximate

1 the actual cost of producing the record information. Fees may  
2 be waived by the executive director of the Department of Law  
3 Enforcement for good cause shown.

4 (4) Criminal justice information provided by the  
5 Department of Law Enforcement shall be used only for the  
6 purpose stated in the request.

7 (5) Notwithstanding any other provision of law, the  
8 department shall provide to the Florida Department of Revenue  
9 Child Support Enforcement access to Florida criminal records  
10 which are not exempt from disclosure under chapter 119, and to  
11 such information as may be lawfully available from other  
12 states via the National Law Enforcement Telecommunications  
13 System, for the purpose of locating subjects who owe or  
14 potentially owe child support or to whom such obligation is  
15 owed pursuant to Title IV-D of the Social Security Act. Such  
16 information may be provided to child support enforcement  
17 authorities in other states for these specific purposes.

18 (6) Notwithstanding the provisions of s. 943.0525, and  
19 any user agreements adopted pursuant thereto, and  
20 notwithstanding the confidentiality of sealed records as  
21 provided for in s. 943.059, the sheriff of any county that has  
22 contracted with a private entity to operate a county detention  
23 facility pursuant to the provisions of s. 951.062 shall  
24 provide that private entity, in a timely manner, copies of the  
25 Florida criminal history records for its inmates. The sheriff  
26 may assess a charge for the Florida criminal history records  
27 pursuant to the provisions of chapter 119. Sealed records  
28 received by the private entity under this section remain  
29 confidential and exempt from the provisions of s. 119.07(1).

30 (7) Notwithstanding the provisions of s. 943.0525, and  
31 any user agreements adopted pursuant thereto, and

1 notwithstanding the confidentiality of sealed records as  
2 provided for in s. 943.059, the Department of Corrections  
3 shall provide, in a timely manner, copies of the Florida  
4 criminal history records for inmates housed in a private state  
5 correctional facility to the private entity under contract to  
6 operate the facility pursuant to the provisions of s. 944.105  
7 or s. 957.03. The department may assess a charge for the  
8 Florida criminal history records pursuant to the provisions of  
9 chapter 119. Sealed records received by the private entity  
10 under this section remain confidential and exempt from the  
11 provisions of s. 119.07(1).

12 (8) Notwithstanding the provisions of s. 943.0525 and  
13 any user agreements adopted pursuant thereto, and  
14 notwithstanding the confidentiality of sealed records as  
15 provided for in s. 943.059, the Department of Juvenile Justice  
16 or any other state or local criminal justice agency may  
17 provide copies of the Florida criminal history records for  
18 juvenile offenders currently or formerly detained or housed in  
19 a contracted juvenile assessment center or detention facility  
20 or serviced in a contracted treatment program and for  
21 employees or other individuals who will have access to these  
22 facilities, only to the entity under direct contract with the  
23 Department of Juvenile Justice to operate these facilities or  
24 programs pursuant to the provisions of s. 985.411. The  
25 criminal justice agency providing such data may assess a  
26 charge for the Florida criminal history records pursuant to  
27 the provisions of chapter 119. Sealed records received by the  
28 private entity under this section remain confidential and  
29 exempt from the provisions of s. 119.07(1). Information  
30 provided under this section shall be used only for the

31

1 criminal justice purpose for which it was requested and may  
 2 not be further disseminated.

3 Section 4. Section 944.401, Florida Statutes, is  
 4 renumbered as section 985.3141, Florida Statutes, and amended  
 5 to read:

6 985.3141 ~~944.401~~ Escapes from secure detention or  
 7 residential commitment facility.--An escape from:

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

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

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

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

23 Section 5. Paragraph (c) of subsection (3) of section  
 24 921.0022, Florida Statutes, is amended to read:

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

27 (3) OFFENSE SEVERITY RANKING CHART

28  
 29 Florida Felony  
 30 Statute Degree Description

31

ENROLLED

1998 Legislature

CS for CS for SB 2288, 3rd Engrossed

1			(c) LEVEL 3
2	<u>985.3141</u> <del>39.061</del>	3rd	Escapes from juvenile facility
3			(secure detention or residential
4			commitment facility).
5	319.30(4)	3rd	Possession by junkyard of motor
6			vehicle with identification
7			number plate removed.
8	319.33(1)(a)	3rd	Alter or forge any certificate of
9			title to a motor vehicle or
10			mobile home.
11	319.33(1)(c)	3rd	Procure or pass title on stolen
12			vehicle.
13	319.33(4)	3rd	With intent to defraud, possess,
14			sell, etc., a blank, forged, or
15			unlawfully obtained title or
16			registration.
17	328.05(2)	3rd	Possess, sell, or counterfeit
18			fictitious, stolen, or fraudulent
19			titles or bills of sale of
20			vessels.
21	328.07(4)	3rd	Manufacture, exchange, or possess
22			vessel with counterfeit or wrong
23			ID number.
24	376.302(5)	3rd	Fraud related to reimbursement
25			for cleanup expenses under the
26			Inland Protection Trust Fund.
27	501.001(2)(b)	2nd	Tampers with a consumer product
28			or the container using materially
29			false/misleading information.
30	697.08	3rd	Equity skimming.
31			



ENROLLED

1998 Legislature

CS for CS for SB 2288, 3rd Engrossed

1	790.15(3)	3rd	Person directs another to
2			discharge firearm from a vehicle.
3	796.05(1)	3rd	Live on earnings of a prostitute.
4	806.10(1)	3rd	Maliciously injure, destroy, or
5			interfere with vehicles or
6			equipment used in firefighting.
7	806.10(2)	3rd	Interferes with or assaults
8			firefighter in performance of
9			duty.
10	810.09(2)(c)	3rd	Trespass on property other than
11			structure or conveyance armed
12			with firearm or dangerous weapon.
13	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
14			less than \$10,000.
15	815.04(4)(b)	2nd	Computer offense devised to
16			defraud or obtain property.
17	817.034(4)(a)3.	3rd	Engages in scheme to defraud
18			(Florida Communications Fraud
19			Act), property valued at less
20			than \$20,000.
21	817.233	3rd	Burning to defraud insurer.
22	828.12(2)	3rd	Tortures any animal with intent
23			to inflict intense pain, serious
24			physical injury, or death.
25	831.29	2nd	Possession of instruments for
26			counterfeiting drivers' licenses.
27	838.021(3)(b)	3rd	Threatens unlawful harm to public
28			servant.
29	843.19	3rd	Injure, disable, or kill police
30			dog or horse.
31	870.01(2)	3rd	Riot; inciting or encouraging.

ENROLLED

1998 Legislature

CS for CS for SB 2288, 3rd Engrossed

1	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c), (3), or (4)
4			drugs).
5	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
6			893.03(1)(c), (2)(c), (3), or (4)
7			drugs within 200 feet of
8			university, public housing
9			facility, or public park.
10	893.13(6)(a)	3rd	Possession of any controlled
11			substance other than felony
12			possession of cannabis.
13	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
14			controlled substance by fraud,
15			forgery, misrepresentation, etc.
16	893.13(7)(a)11.	3rd	Furnish false or fraudulent
17			material information on any
18			document or record required by
19			chapter 893.
20	918.13(1)(a)	3rd	Alter, destroy, or conceal
21			investigation evidence.
22	944.47		
23	(1)(a)1.-2.	3rd	Introduce contraband to
24			correctional facility.
25	944.47(1)(c)	2nd	Possess contraband while upon the
26			grounds of a correctional
27			institution.
28	Section 6. Paragraph (c) of subsection (29), paragraph		
29	(c) of subsection (30), and subsections (31), (32), and (33)		
30	of section 984.03, Florida Statutes, are amended to read:		
31			

1           984.03 Definitions.--When used in this chapter, the  
2 term:

3           (29) "Habitually truant" means that:

4           (c) A school representative, designated according to  
5 school board policy, and a juvenile probation officer ~~an~~  
6 ~~intake counselor or case manager~~ of the Department of Juvenile  
7 Justice have jointly investigated the truancy problem or, if  
8 that was not feasible, have performed separate investigations  
9 to identify conditions that ~~which~~ may be contributing to the  
10 truant behavior; and if, after a joint staffing of the case to  
11 determine the necessity for services, such services were  
12 determined to be needed, the persons who performed the  
13 investigations met jointly with the family and child to  
14 discuss any referral to appropriate community agencies for  
15 economic services, family or individual counseling, or other  
16 services required to remedy the conditions that are  
17 contributing to the truant behavior.

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

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

30           ~~(31) "Intake counselor" or "case manager" means the~~  
31 ~~authorized agent of the Department of Juvenile Justice~~

1 ~~performing the intake or case management function for a child~~  
2 ~~alleged to be delinquent or in need of services, or from a~~  
3 ~~family in need of services.~~

4 (31)~~(32)~~ "Judge" means the circuit judge exercising  
5 jurisdiction pursuant to this chapter.

6 (32)~~(33)~~ "Juvenile justice continuum" includes, but is  
7 not limited to, delinquency prevention programs and services  
8 designed for the purpose of preventing or reducing delinquent  
9 acts, including criminal activity by youth gangs and juvenile  
10 arrests, as well as programs and services targeted at children  
11 who have committed delinquent acts, and children who have  
12 previously been committed to residential treatment programs  
13 for delinquents. The term includes  
14 children-in-need-of-services and families-in-need-of-services  
15 programs; aftercare and reentry services; substance abuse and  
16 mental health programs; educational and vocational programs;  
17 recreational programs; community services programs; community  
18 service work programs; and alternative dispute resolution  
19 programs serving children at risk of delinquency and their  
20 families, whether offered or delivered by state or local  
21 governmental entities, public or private for-profit or  
22 not-for-profit organizations, or religious or charitable  
23 organizations.

24 (33) "Juvenile probation officer" means the authorized  
25 agent of the department who performs and directs intake,  
26 assessment, probation or aftercare, and other related  
27 services.

28 Section 7. Paragraph (c) of subsection (27), paragraph  
29 (c) of subsection (29), and subsections (30), (31), (32),  
30 (45), and (55) of section 985.03, Florida Statutes, are  
31 amended to read:

1           985.03 Definitions.--When used in this chapter, the  
2 term:

3           (27) "Habitually truant" means that:

4           (c) A school representative, designated according to  
5 school board policy, and a juvenile probation officer ~~an~~  
6 ~~intake counselor or case manager~~ of the Department of Juvenile  
7 Justice have jointly investigated the truancy problem or, if  
8 that was not feasible, have performed separate investigations  
9 to identify conditions that could ~~which may~~ be contributing to  
10 the truant behavior; and if, after a joint staffing of the  
11 case to determine the necessity for services, such services  
12 were determined to be needed, the persons who performed the  
13 investigations met jointly with the family and child to  
14 discuss any referral to appropriate community agencies for  
15 economic services, family or individual counseling, or other  
16 services required to remedy the conditions that are  
17 contributing to the truant behavior.

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

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

30           ~~(30) "Intake counselor" or "case manager" means the~~  
31 ~~authorized agent of the Department of Juvenile Justice~~

1 ~~performing the intake or case management function for a child~~  
2 ~~alleged to be delinquent.~~

3       (30)~~(31)~~ "Judge" means the circuit judge exercising  
4 jurisdiction pursuant to this chapter.

5       (31)~~(32)~~ "Juvenile justice continuum" includes, but is  
6 not limited to, delinquency prevention programs and services  
7 designed for the purpose of preventing or reducing delinquent  
8 acts, including criminal activity by youth gangs, and juvenile  
9 arrests, as well as programs and services targeted at children  
10 who have committed delinquent acts, and children who have  
11 previously been committed to residential treatment programs  
12 for delinquents. The term includes  
13 children-in-need-of-services and families-in-need-of-services  
14 programs; aftercare and reentry services; substance abuse and  
15 mental health programs; educational and vocational programs;  
16 recreational programs; community services programs; community  
17 service work programs; and alternative dispute resolution  
18 programs serving children at risk of delinquency and their  
19 families, whether offered or delivered by state or local  
20 governmental entities, public or private for-profit or  
21 not-for-profit organizations, or religious or charitable  
22 organizations.

23       (32) "Juvenile probation officer" means the authorized  
24 agent of the Department of Juvenile Justice who performs the  
25 intake or case-management function for a child alleged to be  
26 delinquent.

27       (45) "Restrictiveness level" means the level of  
28 custody provided by programs that service the custody and care  
29 needs of committed children. There shall be five  
30 restrictiveness levels:

31

1 (a) Minimum-risk nonresidential.--Youth assessed and  
2 classified for placement in programs at this restrictiveness  
3 level represent a minimum risk to themselves and public safety  
4 and do not require placement and services in residential  
5 settings. Programs or program models in this restrictiveness  
6 level include: community counselor supervision programs,  
7 special intensive group programs, nonresidential marine  
8 programs, nonresidential training and rehabilitation centers,  
9 and other local community nonresidential programs.

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

19 (c) Moderate-risk residential.--Youth assessed and  
20 classified for placement in programs in this restrictiveness  
21 level represent a moderate risk to public safety. Programs  
22 are designed for children who require close supervision but do  
23 not need placement in facilities that are physically secure.  
24 Programs in the moderate-risk residential restrictiveness  
25 level provide 24-hour awake supervision, custody, care, and  
26 treatment. Upon specific appropriation, a facility at this  
27 restrictiveness level may have a security fence around the  
28 perimeter of the grounds of the facility and may be  
29 hardware-secure or staff-secure. The staff at a facility at  
30 this restrictiveness level may seclude a child who is a  
31 physical threat to himself or others. Mechanical restraint

1 may also be used when necessary. Programs or program models in  
2 this restrictiveness level include: halfway houses, START  
3 Centers, the Dade Intensive Control Program, licensed  
4 substance abuse residential programs, and moderate-term  
5 wilderness programs designed for committed delinquent youth  
6 that are operated or contracted by the Department of Juvenile  
7 Justice. Section 985.3141 ~~944.401~~ applies to children placed  
8 in programs in this restrictiveness level ~~moderate-risk~~  
9 ~~residential programs~~.

10 (d) High-risk residential.--Youth assessed and  
11 classified for this level of placement require close  
12 supervision in a structured residential setting that provides  
13 24-hour-per-day secure custody, care, and supervision.  
14 Placement in programs in this level is prompted by a concern  
15 for public safety that outweighs placement in programs at  
16 lower restrictiveness levels. Programs or program models in  
17 this level are staff-secure or physically secure residential  
18 commitment facilities and include: training schools, intensive  
19 halfway houses, residential sex offender programs, long-term  
20 wilderness programs designed exclusively for committed  
21 delinquent youth, boot camps, secure halfway house programs,  
22 and the Broward Control Treatment Center. Section 985.3141  
23 ~~944.401~~ applies to children placed in programs in this  
24 restrictiveness level.

25 (e) Maximum-risk residential.--Youth assessed and  
26 classified for this level of placement require close  
27 supervision in a maximum security residential setting that  
28 provides 24-hour-per-day secure custody, care, and  
29 supervision. Placement in a program in this level is prompted  
30 by a demonstrated need to protect the public. Programs or  
31 program models in this level are maximum-secure-custody,



1 long-term residential commitment facilities that are intended  
2 to provide a moderate overlay of educational, vocational, and  
3 behavioral-modification services ~~and include programs for~~  
4 ~~serious and habitual juvenile offenders~~ and other  
5 maximum-security program models authorized by the Legislature  
6 and established by rule. Section 985.3141 applies to children  
7 placed in programs in this restrictiveness level.

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

25 Section 8. Subsection (2) of section 985.207, Florida  
26 Statutes, is amended to read:

27 985.207 Taking a child into custody.--

28 (2) When a child is taken into custody as provided in  
29 this section, the person taking the child into custody shall  
30 attempt to notify the parent, guardian, or legal custodian of  
31 the child. The person taking the child into custody shall

1 continue such attempt until the parent, guardian, or legal  
2 custodian of the child is notified or the child is delivered  
3 to a juvenile probation officer ~~an intake counselor~~ pursuant  
4 to s. 985.21, whichever occurs first. If the child is  
5 delivered to a juvenile probation officer ~~an intake counselor~~  
6 before the parent, guardian, or legal custodian is notified,  
7 the juvenile probation officer ~~intake counselor or case~~  
8 ~~manager~~ shall continue the attempt to notify until the parent,  
9 guardian, or legal custodian of the child is notified.

10 Section 9. Subsection (2) of section 985.208, Florida  
11 Statutes, is amended to read:

12 985.208 Detention of furloughed child or escapee on  
13 authority of the department.--

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

22 Section 10. Section 985.209, Florida Statutes, is  
23 amended to read:

24 985.209 Juvenile ~~justice~~ assessment centers.--

25 (1) As used in this section, "center" means a juvenile  
26 assessment center comprising community operated facilities and  
27 programs which provide collocated central intake and screening  
28 services for youth referred to the Department of Juvenile  
29 Justice.

30 (2) The department shall work cooperatively with  
31 substance abuse programs, mental health providers, law

1 enforcement agencies, schools, health service providers, state  
2 attorneys, public defenders, and other agencies serving youth  
3 to establish juvenile assessment centers. Each current and  
4 newly established center shall be developed and modified  
5 through the local initiative of community agencies and local  
6 governments and shall provide a broad array of youth-related  
7 services appropriate to the needs of the community where the  
8 center is located.

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

20       (4) Each center shall provide collocated central  
21 intake and screening services for youth referred to the  
22 department. The center shall provide sufficient services  
23 needed to facilitate the initial screening of and case  
24 processing for youth, including, at a minimum, delinquency  
25 intake; positive identification of the youth; detention  
26 admission screening; needs assessment; substance abuse  
27 screening and assessments; physical and mental health  
28 screening; and diagnostic testing as appropriate. The  
29 department shall provide sufficient staff and resources at a  
30 center to provide detention screening and intake services.

31

1           (5) Each center is authorized and encouraged to  
2 establish truancy programs. A truancy program may serve as  
3 providing the central intake and screening of truant children  
4 for a specific geographic area based upon written agreements  
5 between the center, local law enforcement agencies, and local  
6 school boards. A center may work cooperatively with any  
7 truancy program operating in the area serving the center.

8           (6) Each center must provide for the coordination and  
9 sharing of information among the participating agencies to  
10 facilitate the screening of and case processing for youth  
11 referred to the department.

12           (7) The department may utilize juvenile assessment  
13 centers to the fullest extent possible for the purpose of  
14 conducting pre-disposition assessments and evaluations of  
15 youth, except where a juvenile assignment center is located.  
16 Assessments and evaluations may be conducted by juvenile  
17 assessment center staff on a youth while he or she is in a  
18 juvenile detention center awaiting placement in a residential  
19 commitment facility. If feasible, a youth may be transported  
20 from a juvenile detention center to a juvenile assessment  
21 center for the purpose of conducting an assessment or  
22 evaluation. Such assessments and evaluations may include, but  
23 are not limited to, needs assessment; substance abuse  
24 evaluations; physical and mental health evaluations;  
25 psychological evaluations; behavioral assessments; educational  
26 assessments; aptitude testing; and vocational testing. To the  
27 extent possible, the youth's parents or guardians and other  
28 family members should be involved in the assessment and  
29 evaluation process. All information, conclusions, treatment  
30 recommendations, and reports derived from any assessment and  
31 evaluation performed on a youth shall be included as a part of

1 the youth's commitment packet and shall accompany the youth to  
2 the residential commitment facility in which the youth is  
3 placed.~~The department shall work cooperatively with substance~~  
4 ~~abuse facilities, mental health providers, law enforcement~~  
5 ~~agencies, schools, health services providers, and other~~  
6 ~~entities involved with children to establish a juvenile~~  
7 ~~justice assessment center in each service district. The~~  
8 ~~assessment center shall serve as central intake and screening~~  
9 ~~for children referred to the department. Each juvenile justice~~  
10 ~~assessment center shall provide services needed to facilitate~~  
11 ~~initial screening of children, including intake and needs~~  
12 ~~assessment, substance abuse screening, physical and mental~~  
13 ~~health screening, and diagnostic testing, as appropriate. The~~  
14 ~~entities involved in the assessment center shall make the~~  
15 ~~resources for the provision of these services available at the~~  
16 ~~same level to which they are available to the general public.~~

17 Section 11. Section 985.21, Florida Statutes, is  
18 amended to read:

19 985.21 Intake and case management.--

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

23 1. Appropriateness for release, referral to a  
24 diversionary program including, but not limited to, a  
25 teen-court program, referral for community arbitration, or  
26 referral to some other program or agency for the purpose of  
27 nonofficial or nonjudicial handling.

28 2. The presence of medical, psychiatric,  
29 psychological, substance abuse, educational problems, or other  
30 conditions that may have caused the child to come to the  
31 attention of law enforcement or the Department of Juvenile

1 Justice. In cases where such conditions are identified, and a  
2 nonjudicial handling of the case is chosen, the juvenile  
3 probation officer ~~intake counselor~~ shall attempt to refer the  
4 child to a program or agency, together with all available and  
5 relevant assessment information concerning the child's  
6 precipitating condition.

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

18           4. In addition to duties specified in other sections  
19 and through departmental rules, the assigned juvenile  
20 probation officer ~~case manager~~ shall be responsible for the  
21 following:

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

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

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

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

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

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

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

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

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

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

28 2. A classification system that assigns a relative  
29 risk to the child and the community based upon assessments  
30 including the detention risk assessment results when available  
31



1 to classify the child's risk as it relates to placement and  
2 supervision alternatives.

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

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

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

1 and shall furnish to the intake office facts sufficient to  
2 establish the jurisdiction of the court and to support a  
3 finding by the court that the child has committed a delinquent  
4 act or violation of law.

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

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

30       (b) The juvenile probation officer ~~intake counselor or~~  
31 ~~case manager~~, upon determining that the report, affidavit, or

1 complaint is complete, pursuant to uniform procedures  
2 established by the department, shall:

3           1. When indicated by the preliminary screening,  
4 provide for a comprehensive assessment of the child and family  
5 for substance abuse problems, using community-based licensed  
6 programs with clinical expertise and experience in the  
7 assessment of substance abuse problems.

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

14

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

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

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

21           (d) In all cases in which the child is alleged to have  
22 committed a violation of law or delinquent act and is not  
23 detained, the juvenile probation officer ~~intake counselor or~~  
24 ~~case manager~~ shall submit a written report to the state  
25 attorney, including the original report, complaint, or  
26 affidavit, or a copy thereof, including a copy of the child's  
27 prior juvenile record, within 20 days after the date the child  
28 is taken into custody. In cases in which the child is in  
29 detention, the intake office report must be submitted within  
30 24 hours after the child is placed into detention. The intake  
31 office report must recommend either that a petition or

1 information be filed or that no petition or information be  
2 filed, and must set forth reasons for the recommendation.

3 (e) The state attorney may in all cases take action  
4 independent of the action or lack of action of the juvenile  
5 probation officer ~~intake counselor or case manager~~, and shall  
6 determine the action which is in the best interest of the  
7 public and the child. If the child meets the criteria  
8 requiring prosecution as an adult pursuant to s. 985.226, the  
9 state attorney shall request the court to transfer and certify  
10 the child for prosecution as an adult or shall provide written  
11 reasons to the court for not making such request. In all other  
12 cases, the state attorney may:

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

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

31

1           (5) Prior to requesting that a delinquency petition be  
2 filed or prior to filing a dependency petition, the juvenile  
3 probation officer ~~intake officer~~ may request the parent or  
4 legal guardian of the child to attend a course of instruction  
5 in parenting skills, training in conflict resolution, and the  
6 practice of nonviolence; to accept counseling; or to receive  
7 other assistance from any agency in the community which  
8 notifies the clerk of the court of the availability of its  
9 services. Where appropriate, the juvenile probation officer  
10 ~~intake officer~~ shall request both parents or guardians to  
11 receive such parental assistance. The juvenile probation  
12 officer ~~intake officer~~ may, in determining whether to request  
13 that a delinquency petition be filed, take into consideration  
14 the willingness of the parent or legal guardian to comply with  
15 such request.

16           Section 12. Subsections (3), (4), and (6) of section  
17 985.211, Florida Statutes, are amended to read:

18           985.211 Release or delivery from custody.--

19           (3) If the child is released, the person taking the  
20 child into custody shall make a written report or probable  
21 cause affidavit to the appropriate juvenile probation officer  
22 ~~intake counselor or case manager~~ within 3 days, stating the  
23 facts and the reason for taking the child into custody. Such  
24 written report or probable cause affidavit shall:

25           (a) Identify the child, the parents, guardian, or  
26 legal custodian, and the person to whom the child was  
27 released.

28           (b) Contain sufficient information to establish the  
29 jurisdiction of the court and to make a prima facie showing  
30 that the child has committed a violation of law or a  
31 delinquent act.

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

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

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

21           (6)(a) A copy of the probable cause affidavit or  
22 written report by a law enforcement agency shall be filed, by  
23 the law enforcement agency making such affidavit or written  
24 report, with the clerk of the circuit court for the county in  
25 which the child is taken into custody or in which the  
26 affidavit or report is made within 24 hours after the child is  
27 taken into custody and detained, within 1 week after the child  
28 is taken into custody and released, or within 1 week after the  
29 affidavit or report is made, excluding Saturdays, Sundays, and  
30 legal holidays. Such affidavit or report is a case for the  
31



1 purpose of assigning a uniform case number pursuant to this  
2 subsection.

3 (b) Upon the filing of a copy of a probable cause  
4 affidavit or written report by a law enforcement agency with  
5 the clerk of the circuit court, the clerk shall immediately  
6 assign a uniform case number to the affidavit or report,  
7 forward a copy to the state attorney, and forward a copy to  
8 the intake office of the department which serves the county in  
9 which the case arose.

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

17 (d) Upon the filing of a petition based on the  
18 allegations of a previously filed probable cause affidavit or  
19 written report, the agency filing the petition shall include  
20 the appropriate uniform case number on the petition.

21 Section 13. Section 985.215, Florida Statutes, is  
22 amended to read:

23 985.215 Detention.--

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

30 (a) During the period of time from the taking of the  
31 child into custody to the date of the detention hearing, the

1 initial decision as to the child's placement into secure  
2 detention care, nonsecure detention care, or home detention  
3 care shall be made by the juvenile probation officer ~~intake~~  
4 ~~counselor or case manager~~ pursuant to ss. 985.213 and 985.214.

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

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

21  
22 Under no circumstances shall the juvenile probation officer  
23 ~~intake counselor or case manager~~ or the state attorney or law  
24 enforcement officer authorize the detention of any child in a  
25 jail or other facility intended or used for the detention of  
26 adults, without an order of the court.

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

31

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

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

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

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

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

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

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

28 2. Has a record of law violations prior to court  
29 hearings;

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

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

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

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

11  
12 A child who meets any of these criteria and who is ordered to  
13 be detained pursuant to this subsection shall be given a  
14 hearing within 24 hours after being taken into custody. The  
15 purpose of the detention hearing is to determine the existence  
16 of probable cause that the child has committed the delinquent  
17 act or violation of law with which he or she is charged and  
18 the need for continued detention. Unless a child is detained  
19 under paragraph (d), the court shall utilize the results of  
20 the risk assessment performed by the juvenile probation  
21 officer ~~intake counselor or case manager~~ and, based on the  
22 criteria in this subsection, shall determine the need for  
23 continued detention. A child placed into secure, nonsecure, or  
24 home detention care may continue to be so detained by the  
25 court pursuant to this subsection. If the court orders a  
26 placement more restrictive than indicated by the results of  
27 the risk assessment instrument, the court shall state, in  
28 writing, clear and convincing reasons for such placement.  
29 Except as provided in s. 790.22(8) or in subparagraph  
30 (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph  
31 (10)(d), when a child is placed into secure or nonsecure

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

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

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

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

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

28  
29 The child shall be housed separately from adult inmates to  
30 prohibit a child from having regular contact with incarcerated  
31 adults, including trustees. "Regular contact" means sight and

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

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

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

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

28 (d) The time limits in paragraphs (b) and (c) do not  
29 include periods of delay resulting from a continuance granted  
30 by the court for cause on motion of the child or his or her  
31 counsel or of the state. Upon the issuance of an order

1 granting a continuance for cause on a motion by either the  
2 child, the child's counsel, or the state, the court shall  
3 conduct a hearing at the end of each 72-hour period, excluding  
4 Saturdays, Sundays, and legal holidays, to determine the need  
5 for continued detention of the child and the need for further  
6 continuance of proceedings for the child or the state.

7           (6) When any child is placed into secure, nonsecure,  
8 or home detention care or into other placement pursuant to a  
9 court order following a detention hearing, the court shall  
10 order the natural or adoptive parents of such child, the  
11 natural father of such child born out of wedlock who has  
12 acknowledged his paternity in writing before the court, or the  
13 guardian of such child's estate, if possessed of assets which  
14 under law may be disbursed for the care, support, and  
15 maintenance of the child, to pay to the Department of Juvenile  
16 Justice, or institution having custody of the child, fees  
17 equal to the actual cost of the care, support, and maintenance  
18 of the child, as established by the Department of Juvenile  
19 Justice, unless the court determines that the parent or  
20 guardian of the child is indigent. The court may reduce the  
21 fees or waive the fees upon a showing by the parent or  
22 guardian of an inability to pay the full cost of the care,  
23 support, and maintenance of the child. In addition, the court  
24 may waive the fees if it finds that the child's parent or  
25 guardian was the victim of the child's delinquent act or  
26 violation of law or if the court finds that the parent or  
27 guardian has made a diligent and good faith effort to prevent  
28 the child from engaging in the delinquent act or violation of  
29 law. With respect to a child who has been found to have  
30 committed a delinquent act or violation of law, whether or not  
31 adjudication is withheld, and whose parent or guardian

1 receives public assistance for any portion of that child's  
2 care, the department must seek a federal waiver to garnish or  
3 otherwise order the payments of the portion of the public  
4 assistance relating to that child to offset the costs of  
5 providing care, custody, maintenance, rehabilitation,  
6 intervention, or corrective services to the child. When the  
7 order affects the guardianship estate, a certified copy of the  
8 order shall be delivered to the judge having jurisdiction of  
9 the guardianship estate. The department may employ a  
10 collection agency for the purpose of receiving, collecting,  
11 and managing the payment of unpaid and delinquent fees. The  
12 collection agency must be registered and in good standing  
13 under chapter 559. The department may pay to the collection  
14 agency a fee from the amount collected under the claim or may  
15 authorize the agency to deduct the fee from the amount  
16 collected.

17 (7) If a child is detained and a petition for  
18 delinquency is filed, the child shall be arraigned in  
19 accordance with the Florida Rules of Juvenile Procedure within  
20 48 hours after the filing of the petition for delinquency.

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

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



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

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

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

31

1 (c) If the child is committed to a high-risk  
2 residential program, the child must be held in detention care  
3 or in a juvenile assignment center pursuant to s. 985.307  
4 until placement or commitment is accomplished.

5 (d) If the child is committed to a maximum-risk  
6 residential program, the child must be held in detention care  
7 or in an assignment center pursuant to s. 985.307 until  
8 placement or commitment is accomplished.

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

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

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

24 Section 14. Paragraph (a) of subsection (1) of section  
25 985.231, Florida Statutes, is amended to read:

26 985.231 Powers of disposition in delinquency cases.--

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

31

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

16           a. A restrictiveness level classification scale for  
17 levels of supervision shall be provided by the department,  
18 taking into account the child's needs and risks relative to  
19 community control supervision requirements to reasonably  
20 ensure the public safety. Community control programs for  
21 children shall be supervised by the department or by any other  
22 person or agency specifically authorized by the court. These  
23 programs must include, but are not limited to, structured or  
24 restricted activities as described in this subparagraph, and  
25 shall be designed to encourage the child toward acceptable and  
26 functional social behavior. If supervision or a program of  
27 community service is ordered by the court, the duration of  
28 such supervision or program must be consistent with any  
29 treatment and rehabilitation needs identified for the child  
30 and may not exceed the term for which sentence could be  
31 imposed if the child were committed for the offense, except

1 that the duration of such supervision or program for an  
2 offense that is a misdemeanor of the second degree, or is  
3 equivalent to a misdemeanor of the second degree, may be for a  
4 period not to exceed 6 months. When restitution is ordered by  
5 the court, the amount of restitution may not exceed an amount  
6 the child and the parent or guardian could reasonably be  
7 expected to pay or make. A child who participates in any work  
8 program under this part is considered an employee of the state  
9 for purposes of liability, unless otherwise provided by law.

10       b. The court may conduct judicial review hearings for  
11 a child placed on community control for the purpose of  
12 fostering accountability to the judge and compliance with  
13 other requirements, such as restitution and community service.  
14 The court may allow early termination of community control for  
15 a child who has substantially complied with the terms and  
16 conditions of community control.

17       c. If the conditions of the community control program  
18 or the aftercare program are violated, the agent supervising  
19 the program as it relates to the child involved, or the state  
20 attorney, may bring the child before the court on a petition  
21 alleging a violation of the program. Any child who violates  
22 the conditions of community control or aftercare must be  
23 brought before the court if sanctions are sought. A child  
24 taken into custody under s. 985.207 ~~s. 39.037~~ for violating  
25 the conditions of community control or aftercare shall be held  
26 in a consequence unit if such a unit is available. The child  
27 shall be afforded a hearing within 24 hours after being taken  
28 into custody to determine the existence of probable cause that  
29 the child violated the conditions of community control or  
30 aftercare. A consequence unit is a secure facility  
31 specifically designated by the department for children who are

1 taken into custody under s. 985.207 for violating community  
2 control or aftercare, or who have been found by the court to  
3 have violated the conditions of community control or  
4 aftercare. If the violation involves a new charge of  
5 delinquency, the child may be detained under s. 985.215 in a  
6 facility other than a consequence unit. If the child is not  
7 eligible for detention for the new charge of delinquency, the  
8 child may be held in the consequence unit pending a hearing  
9 and is subject to the time limitations specified in s.  
10 985.215. If the child denies violating the conditions of  
11 community control or aftercare, the court shall appoint  
12 counsel to represent the child at the child's request. Upon  
13 the child's admission, or if the court finds after a hearing  
14 that the child has violated the conditions of community  
15 control or aftercare, the court shall enter an order revoking,  
16 modifying, or continuing community control or aftercare. In  
17 each such case, the court shall enter a new disposition order  
18 and, in addition to the sanctions set forth in this paragraph,  
19 may impose any sanction the court could have imposed at the  
20 original disposition hearing. If the child is found to have  
21 violated the conditions of community control or aftercare, the  
22 court may:

23 (I) Place the child in a consequence unit in that  
24 judicial circuit, if available, for up to 5 days for a first  
25 violation, and up to 15 days for a second or subsequent  
26 violation.

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

30 (III) Modify or continue the child's community control  
31 program or aftercare program.

1 (IV) Revoke community control or aftercare and commit  
2 the child to the department.

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

9 2. Commit the child to a licensed child-caring agency  
10 willing to receive the child, but the court may not commit the  
11 child to a jail or to a facility used primarily as a detention  
12 center or facility or shelter.

13 3. Commit the child to the Department of Juvenile  
14 Justice at a restrictiveness level defined in s. 985.03(45).  
15 Such commitment must be for the purpose of exercising active  
16 control over the child, including, but not limited to,  
17 custody, care, training, urine monitoring, and treatment of  
18 the child and furlough of the child into the community.  
19 Notwithstanding s. 743.07 and paragraph (d), and except as  
20 provided in s. 985.31, the term of the commitment must be  
21 until the child is discharged by the department or until he or  
22 she reaches the age of 21.

23 4. Revoke or suspend the driver's license of the  
24 child.

25 5. Require the child and, if the court finds it  
26 appropriate, the child's parent or guardian together with the  
27 child, to render community service in a public service  
28 program.

29 6. As part of the community control program to be  
30 implemented by the Department of Juvenile Justice, or, in the  
31 case of a committed child, as part of the community-based

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

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

25           8. Commit the child to the Department of Juvenile  
26 Justice for placement in a program or facility for serious or  
27 habitual juvenile offenders in accordance with s. 985.31. Any  
28 commitment of a child to a program or facility for serious or  
29 habitual juvenile offenders must be for an indeterminate  
30 period of time, but the time may not exceed the maximum term  
31 of imprisonment that an adult may serve for the same offense.

1 The court may retain jurisdiction over such child until the  
2 child reaches the age of 21, specifically for the purpose of  
3 the child completing the program.

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

14           10. Subject to specific appropriation, commit the  
15 juvenile sexual offender to the Department of Juvenile Justice  
16 for placement in a program or facility for juvenile sexual  
17 offenders in accordance with s. 985.308. Any commitment of a  
18 juvenile sexual offender to a program or facility for juvenile  
19 sexual offenders must be for an indeterminate period of time,  
20 but the time may not exceed the maximum term of imprisonment  
21 that an adult may serve for the same offense. The court may  
22 retain jurisdiction over a juvenile sexual offender until the  
23 juvenile sexual offender reaches the age of 21, specifically  
24 for the purpose of completing the program.

25           Section 15. Paragraph (a) of subsection (2) of section  
26 985.216, Florida 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 Section 16. Section 985.223, Florida Statutes, is  
10 amended to read:

11 985.223 Incompetency in juvenile delinquency cases.--

12 (1) If, at any time prior to or during a delinquency  
13 case ~~involving a delinquent act or violation of law that would~~  
14 ~~be a felony if committed by an adult~~, the court has reason to  
15 believe that the child named in the petition may be  
16 incompetent to proceed with the hearing, the court on its own  
17 motion may, or on the motion of the child's attorney or state  
18 attorney must, stay all proceedings and order an evaluation of  
19 the child's mental condition.

20 (a) Any motion questioning the child's competency to  
21 proceed must be served upon the child's attorney, the state  
22 attorney, the attorneys representing the Department of  
23 Juvenile Justice, and the attorneys representing the  
24 Department of Children and Family Services. Thereafter, any  
25 motion, notice of hearing, order, or other legal pleading  
26 relating to the child's competency to proceed with the hearing  
27 must be served upon the child's attorney, the state attorney,  
28 the attorneys representing the Department of Juvenile Justice,  
29 and the attorneys representing the Department of Children and  
30 Family Services.

31

1           **(b)**~~(a)~~ All determinations of competency shall be made  
2 at a hearing, with findings of fact based on an evaluation of  
3 the child's mental condition made by not less than two nor  
4 more than three experts appointed by the court. The basis for  
5 ~~if the determination of incompetency is based on the presence~~  
6 ~~of a mental illness or mental retardation, this~~ must be  
7 specifically stated in the evaluation. In addition, a  
8 recommendation as to whether residential or nonresidential  
9 treatment or training is required must be included in the  
10 evaluation. Experts appointed by the court to determine the  
11 mental condition of a child shall be allowed reasonable fees  
12 for services rendered. State employees may be paid expenses  
13 pursuant to s. 112.061. The fees shall be taxed as costs in  
14 the case.

15           **(c)** All court orders determining incompetency must  
16 include specific written findings by the court as to the  
17 nature of the incompetency and whether the child requires  
18 secure or nonsecure treatment or training environments.

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

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

1           ~~(d)~~ (f) A child is competent to proceed if the child  
2 has sufficient present ability to consult with counsel with a  
3 reasonable degree of rational understanding and the child has  
4 a rational and factual understanding of the present  
5 proceedings. The report must address the child's capacity to:

6           1. Appreciate the charges or allegations against the  
7 child.

8           2. Appreciate the range and nature of possible  
9 penalties that may be imposed in the proceedings against the  
10 child, if applicable.

11           3. Understand the adversarial nature of the legal  
12 process.

13           4. Disclose to counsel facts pertinent to the  
14 proceedings at issue.

15           5. Display appropriate courtroom behavior.

16           6. Testify relevantly.

17           (g) Immediately upon the filing of the court order  
18 finding a child incompetent to proceed, the clerk of the court  
19 shall notify the Department of Children and Family Services  
20 and fax or hand deliver to the Department of Children and  
21 Family Services a referral packet which includes, at a  
22 minimum, the court order, the charging documents, the  
23 petition, and the court-appointed evaluator's reports.

24           (h) After placement of the child in the appropriate  
25 setting, the Department of Children and Family Services must,  
26 within 30 days after the Department of Children and Family  
27 Services places the child, prepare and submit to the court a  
28 treatment plan for the child's restoration of competency. A  
29 copy of the treatment plan must be served upon the child's  
30 attorney, the state attorney, and the attorneys representing  
31 the Department of Juvenile Justice.

1           (2) A Every child who is mentally ill or retarded, who  
2 is adjudicated incompetent to proceed, and who has committed a  
3 delinquent act or violation of law, either of which would be a  
4 felony if committed by an adult, must ~~may~~ be involuntarily  
5 committed to the Department of Children and Family Services  
6 for treatment or training. A child who has been adjudicated  
7 incompetent to proceed because of age or immaturity, or for  
8 any reason other than for mental illness or retardation, must  
9 not be committed to the department or to the Department of  
10 Children and Family Services for restoration-of-competency  
11 treatment or training services.~~upon a finding by the court of~~  
12 ~~clear and convincing evidence that:~~For purposes of this  
13 section, a child who has committed a delinquent act or  
14 violation of law, either of which would be a misdemeanor if  
15 committed by an adult, may not be committed to the department  
16 or to the Department of Children and Family Services for  
17 restoration-of-competency treatment or training services.

18           (3) If the court finds that a child is mentally ill or  
19 retarded and adjudicates the child incompetent to proceed, the  
20 court must also determine whether the child meets the criteria  
21 for secure placement. A child may be placed in a secure  
22 facility or program if the court makes a finding by clear and  
23 convincing evidence that:

24           (a) The child is mentally ill and because of the  
25 mental illness; or the child is mentally retarded and because  
26 of the mental retardation:

27           1. The child is manifestly incapable of surviving with  
28 the help of willing and responsible family or friends,  
29 including available alternative services, and without  
30 treatment or training the child is likely to either suffer  
31 from neglect or refuse to care for self, and such neglect or

1 refusal poses a real and present threat of substantial harm to  
2 the child's well-being; or

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

7           (b) All available less restrictive alternatives,  
8 including treatment or training in community residential  
9 facilities or community ~~inpatient or outpatient~~ settings which  
10 would offer an opportunity for improvement of the child's  
11 condition, are inappropriate.

12           ~~(4)(3)~~ A ~~Each~~ child who is determined to be mentally  
13 ill or retarded, who has been adjudicated incompetent to  
14 proceed, and who meets the criteria set forth ~~for commitment~~  
15 in subsection ~~(3)(2)~~, must be committed to the Department of  
16 Children and Family Services, and the Department of Children  
17 and Family Services ~~that department may retain, and if it~~  
18 ~~retains~~ must treat or train the child in a secure facility or  
19 program which is the least restrictive alternative consistent  
20 with public safety. Any placement ~~commitment~~ of a child to a  
21 secure residential program must be separate from adult  
22 forensic programs. If the child attains competency, then  
23 custody, case management, and supervision of the child will be  
24 transferred to the department in order to continue delinquency  
25 proceedings; however, the court retains authority to order the  
26 Department of Children and Family Services to provide  
27 continued treatment to maintain competency.

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

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

5 (c) Whenever a child is placed in a secure residential  
6 facility, the department will provide transportation to the  
7 secure residential facility for admission and from the secure  
8 residential facility upon discharge.

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

11 (e)(c) The service provider must file a written report  
12 with the court pursuant to the applicable Florida Rules of  
13 Juvenile Procedure not later than 6 months after the date of  
14 commitment, or at the end of any period of extended treatment  
15 or training, and or at any time the Department of Children and  
16 Family Services, through its service provider determines the  
17 child has attained competency or no longer meets the criteria  
18 for secure placement, or at such shorter intervals as ordered  
19 by the court commitment, the service provider must file a  
20 report with the court pursuant to the applicable Rules of  
21 Juvenile Procedure. A copy of a written report evaluating the  
22 child's competency must be filed by the provider with the  
23 court and with the state attorney, the child's attorney, the  
24 department, and the Department of Children and Family  
25 Services.

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

30 (b) Whenever the provider files a report with the  
31 court informing the court that the child will never become

1 competent to proceed, the Department of Children and Family  
2 Services will develop a discharge plan for the child prior to  
3 any hearing determining whether the child will ever become  
4 competent to proceed. The Department of Children and Family  
5 Services must send the proposed discharge plan to the court,  
6 the state attorney, the child's attorney, and the attorneys  
7 representing the Department of Juvenile Justice. The provider  
8 will continue to provide services to the child until the court  
9 issues the order finding the child will never become competent  
10 to proceed.

11 (c) If the court determines at any time that the child  
12 will never become competent to proceed, the court may dismiss  
13 the delinquency petition. If, at the end of the 2-year period  
14 following the date of the order of incompetency, the child has  
15 not attained competency and there is no evidence that the  
16 child will attain competency within a year, the court must  
17 dismiss the delinquency petition. If appropriate necessary,  
18 the court may order that proceedings under chapter 393 or  
19 chapter 394 be instituted. Such proceedings must be  
20 instituted not less than 60 days prior to the dismissal of the  
21 delinquency petition.

22 (6)(a)(5) If a child ~~who~~ is determined to be mentally  
23 ill or retarded and is found to be incompetent to proceed but  
24 does not meet the ~~commitment~~ criteria set forth in of  
25 subsection(3)(2), the court shall commit the child to the  
26 Department of Children and Family Services and shall ~~may~~ order  
27 the Department of Children and Family Services to provide  
28 appropriate treatment and training in the community. The  
29 purpose of the treatment or training is the restoration of the  
30 child's competency to proceed.

31

1           **(b)** All court-ordered treatment or training must be  
2 the least restrictive alternative that is consistent with  
3 public safety. Any placement by the Department of Children and  
4 Family Services ~~commitment~~ to a residential program must be  
5 separate from adult forensic programs.

6           **(c)** If a child is ordered to receive competency  
7 restoration ~~such~~ services, the services shall be provided by  
8 the Department of Children and Family Services. The department  
9 shall continue to provide case management services to the  
10 child and receive notice of the competency status of the  
11 child.

12           **(d)** The service provider must file written report with  
13 the court pursuant to the applicable Florida Rules of Juvenile  
14 Procedure, not later than 6 months after the date of  
15 commitment, at the end of any period of extended treatment or  
16 training, and at any time the service provider determines the  
17 child has attained competency or will never attain competency,  
18 or at such shorter intervals as ordered by the court.~~The~~  
19 ~~competency determination must be reviewed at least every 6~~  
20 ~~months by the service provider, and~~ A copy of a written report  
21 evaluating the child's competency must be filed by the  
22 provider with the court, the state attorney, the child's  
23 attorney,~~and with~~ the Department of Children and Family  
24 Services, and the department.

25           **(7)**~~(6)~~ The provisions of this section shall be  
26 implemented only subject to specific appropriation.

27           Section 17. Paragraph (a) of subsection (3) of section  
28 985.226, Florida Statutes, is amended to read:

29           985.226 Criteria for waiver of juvenile court  
30 jurisdiction; hearing on motion to transfer for prosecution as  
31 an adult.--



1 (3) WAIVER HEARING.--

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

11 Section 18. Paragraph (b) of subsection (3) of section  
12 985.23, Florida Statutes, is amended to read:

13 985.23 Disposition hearings in delinquency  
14 cases.--When a child has been found to have committed a  
15 delinquent act, the following procedures shall be applicable  
16 to the disposition of the case:

17 (3)

18 (b) If the court determines that commitment to the  
19 department is appropriate, the juvenile probation officer  
20 ~~intake counselor or case manager~~ shall recommend to the court  
21 the most appropriate placement and treatment plan,  
22 specifically identifying the restrictiveness level most  
23 appropriate for the child. If the court has determined that  
24 the child was a member of a criminal street gang, that  
25 determination shall be given great weight in identifying the  
26 most appropriate restrictiveness level for the child. The  
27 court shall consider the department's recommendation in making  
28 its commitment decision.

29 Section 19. Subsection (4) of section 985.301, Florida  
30 Statutes, is amended to read:

31 985.301 Civil citation.--

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

10           Section 20. Subsections (4), (5), and (6) of section  
11 985.304, Florida Statutes, are amended to read:

12           985.304 Community arbitration.--

13           (4) PROCEDURE FOR INITIATING CASES FOR COMMUNITY  
14 ARBITRATION.--

15           (a) Any law enforcement officer may issue a complaint,  
16 along with a recommendation for community arbitration, against  
17 any child who such officer has reason to believe has committed  
18 any offense that is eligible for community arbitration. The  
19 complaint shall specify the offense and the reasons why the  
20 law enforcement officer feels that the offense should be  
21 handled by community arbitration. Any juvenile probation  
22 officer ~~intake counselor or case manager~~ or, at the request of  
23 the child's parent or legal custodian or guardian, the state  
24 attorney or the court having jurisdiction, with the  
25 concurrence of the state attorney, may refer a complaint to be  
26 handled by community arbitration when appropriate. A copy of  
27 the complaint shall be forwarded to the appropriate juvenile  
28 probation officer ~~intake counselor or case manager~~ and the  
29 parent or legal custodian or guardian of the child within 48  
30 hours after issuance of the complaint. In addition to the  
31 complaint, the child and the parent or legal custodian or

1 guardian shall be informed of the objectives of the community  
2 arbitration process; the conditions, procedures, and  
3 timeframes under which it will be conducted; and the fact that  
4 it is not obligatory. The juvenile probation officer ~~intake~~  
5 ~~counselor~~ shall contact the child and the parent or legal  
6 custodian or guardian within 2 days after the date on which  
7 the complaint was received. At this time, the child or the  
8 parent or legal custodian or guardian shall inform the  
9 juvenile probation officer ~~intake counselor~~ of the decision to  
10 approve or reject the handling of the complaint through  
11 community arbitration.

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

24 (c) If the child or the parent or legal custodian or  
25 guardian rejects the handling of the complaint through  
26 community arbitration, the juvenile probation officer ~~intake~~  
27 ~~counselor~~ shall consult with the state attorney for the filing  
28 of formal juvenile proceedings.

29 (d) If the child or the parent or legal custodian or  
30 guardian accepts the handling of the complaint through  
31 community arbitration, the juvenile probation officer ~~intake~~

1 ~~counselor~~ shall provide copies of the complaint to the  
2 arbitrator or panel within 24 hours.

3 (e) The community arbitrator or community arbitration  
4 panel shall, upon receipt of the complaint, set a time and  
5 date for a hearing within 7 days and shall inform the child's  
6 parent or legal custodian or guardian, the complaining  
7 witness, and any victims of the time, date, and place of the  
8 hearing.

9 (5) HEARINGS.--

10 (a) The law enforcement officer who issued the  
11 complaint need not appear at the scheduled hearing. However,  
12 prior to the hearing, the officer shall file with the  
13 community arbitrator or the community arbitration panel a  
14 comprehensive report setting forth the facts and circumstances  
15 surrounding the allegation.

16 (b) Records and reports submitted by interested  
17 agencies and parties, including, but not limited to,  
18 complaining witnesses and victims, may be received in evidence  
19 before the community arbitrator or the community arbitration  
20 panel without the necessity of formal proof.

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

23 (d) Any statement or admission made by the child  
24 appearing before the community arbitrator or the community  
25 arbitration panel relating to the offense for which he or she  
26 was cited is privileged and may not be used as evidence  
27 against the child either in a subsequent juvenile proceeding  
28 or in any subsequent civil or criminal action.

29 (e) If a child fails to appear on the original hearing  
30 date, the matter shall be referred back to the juvenile  
31 probation officer ~~intake counselor~~ who shall consult with the

1 state attorney regarding the filing of formal juvenile  
2 proceedings.

3 (6) DISPOSITION OF CASES.--

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

7 1. Recommend that the state attorney decline to  
8 prosecute the child.

9 2. Issue a warning to the child or the child's family  
10 and recommend that the state attorney decline to prosecute the  
11 child.

12 3. Refer the child for placement in a community-based  
13 nonresidential program.

14 4. Refer the child or the family to community  
15 counseling.

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

18 6. Refer the child to a work program related to  
19 delinquent children and require up to 100 hours of work by the  
20 child.

21 7. Refer the child to a nonprofit organization for  
22 volunteer work in the community and require up to 100 hours of  
23 work by the child.

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

27 9. Continue the case for further investigation.

28 10. Require the child to undergo urinalysis  
29 monitoring.

30 11. Impose any other restrictions or sanctions that  
31 are designed to encourage responsible and acceptable behavior

1 and are agreed upon by the participants of the community  
2 arbitration proceedings.

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

10 (b) Any person or agency to whom a child is referred  
11 pursuant to this section shall periodically report the  
12 progress of the child to the referring community arbitrator or  
13 community arbitration panel in the manner prescribed by such  
14 arbitrator or panel.

15 (c) Any child who is referred by the community  
16 arbitrator or community arbitration panel to a work program  
17 related to delinquent children or to a nonprofit organization  
18 for volunteer work in the community, and who is also ordered  
19 to pay restitution to the victim, may be paid a reasonable  
20 hourly wage for work, to the extent that funds are  
21 specifically appropriated or authorized for this purpose;  
22 provided, however, that such payments shall not, in total,  
23 exceed the amount of restitution ordered and that such  
24 payments shall be turned over by the child to the victim.

25 (d) If a child consents to an informal resolution and,  
26 in the presence of the parent or legal custodian or guardian  
27 and the community arbitrator or community arbitration panel,  
28 agrees to comply with any disposition suggested or ordered by  
29 such arbitrator or panel and subsequently fails to abide by  
30 the terms of such agreement, the community arbitrator or  
31 community arbitration panel may, after a careful review of the

1 circumstances, forward the case back to the juvenile probation  
2 officer intake counselor, who shall consult with the state  
3 attorney regarding the filing of formal juvenile proceedings.

4 Section 21. Section 985.307, Florida Statutes, is  
5 amended to read:

6 985.307 Juvenile assignment centers.--

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

14 (2) The purpose of juvenile assignment centers shall  
15 be:

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

20 (b) To review assessments completed at local juvenile  
21 assessment centers and avoid duplication of assessment  
22 efforts. Assessments should include medical, academic,  
23 psychological, behavioral, sociological, substance abuse and  
24 mental health, and vocational testing.

25 (c) To determine appropriate treatment needs,  
26 programming, and placement decisions, and, when appropriate,  
27 to develop a treatment plan for each juvenile.

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

31

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

5           (4) Juvenile assignment centers shall be physically  
6 secure residential facilities located in each department  
7 region to serve youth in that region who are awaiting  
8 placement in commitment programs.

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

11           (a) Review all assessments, diagnostic testing, and  
12 screening instruments performed on the juvenile while at an  
13 assessment center, in detention, during intake, or in a  
14 program or while in school; and also review the juvenile's  
15 school records from the school in which the juvenile is  
16 enrolled.

17           (b) Determine the need for, and provide or contract  
18 for, additional evaluation, including, but not limited to:  
19 needs assessment, substance abuse screening, physical and  
20 mental health screening, behavioral screening, educational  
21 assessment, aptitude testing, diagnostic testing,  
22 psychological evaluation, and vocational testing.

23           (c) Based upon the restrictiveness level ordered by  
24 the court and evaluation required in paragraph (b), the  
25 department program staff shall make an assignment to a  
26 specific commitment program. Program placements shall also  
27 take into consideration the geographic location of the  
28 juvenile's family in order to facilitate family visits and  
29 participation.

30           (d) Pending a juvenile's placement in a commitment  
31 program:



1           1. Initiate appropriate treatment plans, educational  
2 plans, performance agreements, and transitional planning based  
3 upon the court order and assessments.

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

14           (e) To the extent possible, involve the juvenile's  
15 parents or guardian and family in the evaluation process and  
16 in the provision of services. Staff shall make efforts to  
17 contact the parents or guardian and encourage their  
18 involvement.

19           (f) Ensure that all commitment information is complete  
20 and ready for transmittal to the commitment program. This  
21 shall include a comprehensive treatment plan that reflects the  
22 information gathered through the assessment process and  
23 includes planning for aftercare and independent living, if  
24 needed.

25           (6) Notwithstanding any provision to the contrary,  
26 this section expires July 1, 2000 ~~1998~~, unless reenacted by  
27 the Legislature. ~~The department may not create or operate a~~  
28 ~~juvenile assignment center after July 1, 1998, without further~~  
29 ~~legislative authority.~~ Unless reenacted by the Legislature,  
30 any juvenile assignment center created under this section  
31 shall be converted to a high-level or maximum-level

1 residential commitment program, subject to availability of  
2 funds.

3 (7) The department may utilize juvenile assignment  
4 centers to the fullest extent possible for the purpose of  
5 conducting pre- and post-disposition assessments and  
6 evaluations of youth. Prior to July 1, 1999, the department  
7 shall transition any juvenile assignment center to provide the  
8 capacity and services necessary to conduct pre-disposition  
9 assessments and evaluations of youth.

10 Section 22. Subsection (3) of section 985.31, Florida  
11 Statutes, is amended to read:

12 985.31 Serious or habitual juvenile offender.--

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

15 (a) Assessment and treatment shall be conducted by  
16 treatment professionals with expertise in specific treatment  
17 procedures, which professionals shall exercise all  
18 professional judgment independently of the department.

19 (b) Treatment provided to children in designated  
20 facilities shall be suited to the assessed needs of each  
21 individual child and shall be administered safely and  
22 humanely, with respect for human dignity.

23 (c) The department may promulgate rules for the  
24 implementation and operation of programs and facilities for  
25 serious or habitual juvenile offenders.

26 (d) Any provider who acts in good faith is immune from  
27 civil or criminal liability for his or her actions in  
28 connection with the assessment, treatment, or transportation  
29 of a serious or habitual juvenile offender under the  
30 provisions of this chapter.

31

1 (e) After a child has been adjudicated delinquent  
2 pursuant to s. 985.228, the court shall determine whether the  
3 child meets the criteria for a serious or habitual juvenile  
4 offender pursuant to s. 985.03(47). If the court determines  
5 that the child does not meet such criteria, the provisions of  
6 s. 985.231(1) shall apply.

7 (f) After a child has been transferred for criminal  
8 prosecution, a circuit court judge may direct a juvenile  
9 probation officer ~~an intake counselor or case manager~~ to  
10 consult with designated staff from an appropriate serious or  
11 habitual juvenile offender program for the purpose of making  
12 recommendations to the court regarding the child's placement  
13 in such program.

14 (g) Recommendations as to a child's placement in a  
15 serious or habitual juvenile offender program shall be  
16 presented to the court within 72 hours after the adjudication  
17 or conviction, and may be based on a preliminary screening of  
18 the child at appropriate sites, considering the child's  
19 location while court action is pending, which may include the  
20 nearest regional detention center or facility or jail.

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

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

29 2. For each child who has been transferred for  
30 criminal prosecution, the juvenile probation officer ~~intake~~  
31 ~~counselor or case manager~~ shall recommend whether the most

1 appropriate placement for the child is a juvenile justice  
2 system program, including a serious or habitual juvenile  
3 offender program or facility, or placement in the adult  
4 correctional system.

5  
6 If treatment provided by a serious or habitual juvenile  
7 offender program or facility is determined to be appropriate  
8 and needed and placement is available, the juvenile probation  
9 officer ~~intake counselor or case manager~~ and the court shall  
10 identify the appropriate serious or habitual juvenile offender  
11 program or facility best suited to the needs of the child.

12 (i) The treatment and placement recommendations shall  
13 be submitted to the court for further action pursuant to this  
14 paragraph:

15 1. If it is recommended that placement in a serious or  
16 habitual juvenile offender program or facility is  
17 inappropriate, the court shall make an alternative disposition  
18 pursuant to s. 985.309 or other alternative sentencing as  
19 applicable, utilizing the recommendation as a guide.

20 2. If it is recommended that placement in a serious or  
21 habitual juvenile offender program or facility is appropriate,  
22 the court may commit the child to the department for placement  
23 in the restrictiveness level designated for serious or  
24 habitual delinquent children programs.

25 (j) The following provisions shall apply to children  
26 in serious or habitual juvenile offender programs and  
27 facilities:

28 1. A child shall begin participation in the reentry  
29 component of the program based upon a determination made by  
30 the treatment provider and approved by the department.

31

1           2. A child shall begin participation in the community  
2 supervision component of aftercare based upon a determination  
3 made by the treatment provider and approved by the department.  
4 The treatment provider shall give written notice of the  
5 determination to the circuit court having jurisdiction over  
6 the child. If the court does not respond with a written  
7 objection within 10 days, the child shall begin the aftercare  
8 component.

9           3. A child shall be discharged from the program based  
10 upon a determination made by the treatment provider with the  
11 approval of the department.

12           4. In situations where the department does not agree  
13 with the decision of the treatment provider, a reassessment  
14 shall be performed, and the department shall utilize the  
15 reassessment determination to resolve the disagreement and  
16 make a final decision.

17           (k) Any commitment of a child to the department for  
18 placement in a serious or habitual juvenile offender program  
19 or facility shall be for an indeterminate period of time, but  
20 the time shall not exceed the maximum term of imprisonment  
21 which an adult may serve for the same offense. Notwithstanding  
22 the provisions of ss. 743.07 and 985.231(1)(d), a serious or  
23 habitual juvenile offender shall not be held under commitment  
24 from a court pursuant to this section, s. 985.231, or s.  
25 985.233 after becoming 21 years of age. This provision shall  
26 apply only for the purpose of completing the serious or  
27 habitual juvenile offender program pursuant to this chapter  
28 and shall be used solely for the purpose of treatment.

29           Section 23. Subsection (3) of section 985.311, Florida  
30 Statutes, is amended to read:

31

1           985.311 Intensive residential treatment program for  
2 offenders less than 13 years of age.--

3           (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
4 TREATMENT.--

5           (a) Assessment and treatment shall be conducted by  
6 treatment professionals with expertise in specific treatment  
7 procedures, which professionals shall exercise all  
8 professional judgment independently of the department.

9           (b) Treatment provided to children in designated  
10 facilities shall be suited to the assessed needs of each  
11 individual child and shall be administered safely and  
12 humanely, with respect for human dignity.

13           (c) The department may promulgate rules for the  
14 implementation and operation of programs and facilities for  
15 children who are eligible for an intensive residential  
16 treatment program for offenders less than 13 years of age.  
17 The department must involve the following groups in the  
18 promulgation of rules for services for this population: local  
19 law enforcement agencies, the judiciary, school board  
20 personnel, the office of the state attorney, the office of the  
21 public defender, and community service agencies interested in  
22 or currently working with juveniles. When promulgating these  
23 rules, the department must consider program principles,  
24 components, standards, procedures for intake, diagnostic and  
25 assessment activities, treatment modalities, and case  
26 management.

27           (d) Any provider who acts in good faith is immune from  
28 civil or criminal liability for his or her actions in  
29 connection with the assessment, treatment, or transportation  
30 of an intensive offender less than 13 years of age under the  
31 provisions of this chapter.

1 (e) After a child has been adjudicated delinquent  
2 pursuant to s. 985.228(5), the court shall determine whether  
3 the child is eligible for an intensive residential treatment  
4 program for offenders less than 13 years of age pursuant to s.  
5 985.03(7). If the court determines that the child does not  
6 meet the criteria, the provisions of s. 985.231(1) shall  
7 apply.

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

15 (g) Recommendations as to a child's placement in an  
16 intensive residential treatment program for offenders less  
17 than 13 years of age may be based on a preliminary screening  
18 of the child at appropriate sites, considering the child's  
19 location while court action is pending, which may include the  
20 nearest regional detention center or facility or jail.

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

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

29 2. For each child who has been transferred for  
30 criminal prosecution, the juvenile probation officer ~~intake~~  
31 ~~counselor or case manager~~ shall recommend whether the most

1 appropriate placement for the child is a juvenile justice  
2 system program, including a child who is eligible for an  
3 intensive residential treatment program for offenders less  
4 than 13 years of age, or placement in the adult correctional  
5 system.

6  
7 If treatment provided by an intensive residential treatment  
8 program for offenders less than 13 years of age is determined  
9 to be appropriate and needed and placement is available, the  
10 juvenile probation officer ~~intake counselor or case manager~~  
11 and the court shall identify the appropriate intensive  
12 residential treatment program for offenders less than 13 years  
13 of age best suited to the needs of the child.

14 (i) The treatment and placement recommendations shall  
15 be submitted to the court for further action pursuant to this  
16 paragraph:

17 1. If it is recommended that placement in an intensive  
18 residential treatment program for offenders less than 13 years  
19 of age is inappropriate, the court shall make an alternative  
20 disposition pursuant to s. 985.309 or other alternative  
21 sentencing as applicable, utilizing the recommendation as a  
22 guide.

23 2. If it is recommended that placement in an intensive  
24 residential treatment program for offenders less than 13 years  
25 of age is appropriate, the court may commit the child to the  
26 department for placement in the restrictiveness level  
27 designated for intensive residential treatment program for  
28 offenders less than 13 years of age.

29 Section 24. Present subsection (4) of section 985.401,  
30 Florida Statutes, is renumbered as subsection (5) and amended,  
31



1 a new subsection (4) is added to that section, and present  
2 subsection (5) is renumbered as subsection (6), to read:

3 985.401 Juvenile Justice Advisory Board.--

4 (4)(a) The board shall establish and operate a  
5 comprehensive system to annually measure and report program  
6 outcomes and effectiveness for each program operated by the  
7 Department of Juvenile Justice or operated by a provider under  
8 contract with the department. The system shall include a  
9 standard methodology for interpreting the board's  
10 outcome-evaluation reports, using, where appropriate, the  
11 performance-based program budgeting measures approved by the  
12 Legislature. The methodology must include:

13 1. Common terminology and operational definitions for  
14 measuring the performance of system administration, program  
15 administration, program outputs, and client outcomes.

16 2. Program outputs for each group of programs within  
17 each level of the juvenile justice continuum and specific  
18 program outputs for each program or program type.

19 3. Specification of desired client outcomes and  
20 methods by which to measure client outcomes for each program  
21 operated by the department or by a provider under contract  
22 with the department.

23 4. Recommended annual minimum thresholds of  
24 satisfactory performance for client outcomes and program  
25 outputs.

26  
27 For the purposes of this section, the term "program" or  
28 "program type" means an individual state-operated or  
29 contracted facility, site, or service delivered to at-risk or  
30 delinquent youth as prescribed in a contract, program  
31 description, or program services manual; and the term "program

1 group" means a collection of programs or program types with  
2 sufficient similarity of function, services, and clientele to  
3 permit appropriate comparisons among programs within the  
4 program group.

5 (b) In developing the standard methodology, the board  
6 shall consult with the department, the Division of Economic  
7 and Demographic Research, contract service providers, and  
8 other interested parties. It is the intent of the Legislature  
9 that this effort result in consensus recommendations, and, to  
10 the greatest extent possible, integrate the goals and  
11 legislatively approved measures of performance-based program  
12 budgeting provided in chapter 94-249, Laws of Florida, the  
13 quality assurance program provided in s. 985.412, and the  
14 cost-effectiveness model provided in s. 985.404(11). The board  
15 shall notify the Office of Program Policy Analysis and  
16 Government Accountability of any meetings to develop the  
17 methodology.

18 (c) The board shall annually submit its Outcome  
19 Evaluation Report to the Legislature by February 15, which  
20 must describe:

21 1. The methodology for interpreting outcome  
22 evaluations, including common terminology and operational  
23 definitions.

24 2. The recommended minimum thresholds of satisfactory  
25 performance for client outcomes and program outputs applicable  
26 to the year for which the data are reported.

27 3. The actual client outcomes and program outputs  
28 achieved by each program operated by the department or by a  
29 provider under contract with the department, compared with the  
30 recommended minimum thresholds of satisfactory performance for  
31 client outcomes and program outputs for the year under review.

1 The report shall group programs or program types with  
2 similarity of function and services, and make appropriate  
3 comparisons between programs within the program group.

4 (d) The board shall use its evaluation research to  
5 make advisory recommendations to the Legislature, the  
6 Governor, and the department concerning the effectiveness and  
7 future funding priorities of juvenile justice programs.

8 (e) The board shall annually review and revise the  
9 methodology as necessary to ensure the continuing improvement  
10 and validity of the evaluation process.

11 (5)(4) The board shall:

12 (a) Review and recommend programmatic and fiscal  
13 policies governing the operation of programs, services, and  
14 facilities for which the Department of Juvenile Justice is  
15 responsible.

16 (b) Monitor the development and implementation of  
17 long-range juvenile justice policies, including prevention,  
18 early intervention, diversion, adjudication, and commitment.

19 (c) Monitor all activities of the executive and  
20 judicial branch and their effectiveness in implementing  
21 policies pursuant to this chapter.

22 ~~(d) Establish and operate a comprehensive system to~~  
23 ~~annually measure and report program outcome and effectiveness~~  
24 ~~for each program operated by the Department of Juvenile~~  
25 ~~Justice or operated by a provider under contract with the~~  
26 ~~department. The board shall use its evaluation research to~~  
27 ~~make advisory recommendations to the Legislature, the~~  
28 ~~Governor, and the department concerning the effectiveness and~~  
29 ~~future funding priorities of juvenile justice programs.~~

30  
31

1           (d)~~(e)~~ Advise the President of the Senate, the Speaker  
2 of the House of Representatives, the Governor, and the  
3 department on matters relating to this chapter.

4           (e)~~(f)~~ Serve as a clearinghouse to provide information  
5 and assistance to the district juvenile justice boards and  
6 county juvenile justice councils.

7           (f)~~(g)~~ Hold public hearings and inform the public of  
8 activities of the board and of the Department of Juvenile  
9 Justice, as appropriate.

10           (g)~~(h)~~ Monitor the delivery and use of services,  
11 programs, or facilities operated, funded, regulated, or  
12 licensed by the Department of Juvenile Justice for juvenile  
13 offenders or alleged juvenile offenders, and for prevention,  
14 diversion, or early intervention of delinquency, and to  
15 develop programs to educate the citizenry about such services,  
16 programs, and facilities and about the need and procedure for  
17 siting new facilities.

18           (h)~~(i)~~ Contract for consultants as necessary and  
19 appropriate. The board may apply for and receive grants for  
20 the purposes of conducting research and evaluation activities.

21           (i)~~(j)~~ Conduct such other activities as the board may  
22 determine are necessary and appropriate to monitor the  
23 effectiveness of the delivery of juvenile justice programs and  
24 services under this chapter.

25           (j)~~(k)~~ The board shall submit an annual report to the  
26 President of the Senate, the Speaker of the House of  
27 Representatives, the Governor, and the secretary of the  
28 department not later than February 15 of each calendar year,  
29 summarizing the activities and reports of the board for the  
30 preceding year, and any recommendations of the board for the  
31 following year.

1           ~~(6)~~<sup>(5)</sup> Each state agency shall provide assistance when  
2 requested by the board. The board shall have access to all  
3 records, files, and reports that are material to its duties  
4 and that are in the custody of a school board, a law  
5 enforcement agency, a state attorney, a public defender, the  
6 court, the Department of Children and Family Services, and the  
7 department.

8           Section 25. Subsection (11) of section 985.404,  
9 Florida Statutes, is amended to read:

10           985.404 Administering the juvenile justice  
11 continuum.--

12           ~~(11)~~<sup>(a)</sup> The Department of Juvenile Justice, in  
13 consultation with the Juvenile Justice Advisory Board, the  
14 Division of Economic and Demographic Research, and contract  
15 service providers, shall develop a cost-effectiveness  
16 ~~cost-benefit~~ model and apply the model to each commitment  
17 program. Program recommitment rates shall be a component of  
18 the model. The cost-effectiveness ~~cost-benefit~~ model shall  
19 compare program costs to client outcomes and program outputs  
20 ~~benefits. A report ranking commitment programs based on~~  
21 ~~cost-benefit shall be submitted to the appropriate substantive~~  
22 ~~and appropriations committees of each house of the~~  
23 ~~Legislature, no later than December 31 of each year. It is~~  
24 the intent of the Legislature that continual development  
25 efforts take place to improve the validity and reliability of  
26 the cost-effectiveness ~~cost-benefit~~ model and to integrate the  
27 standard methodology developed under s. 985.401(4) for  
28 interpreting program outcome evaluations.

29           ~~(b)~~ The department shall rank commitment programs  
30 based on the cost-effectiveness model and shall submit a  
31

1 report to the appropriate substantive and fiscal committees of  
2 each house of the Legislature by December 31 of each year.

3 (c) Based on reports of the Juvenile Justice Advisory  
4 Board on client outcomes and program outputs and on the  
5 department's most recent cost-effectiveness rankings, the  
6 department may terminate a program operated by the department  
7 or a provider if the program has failed to achieve a minimum  
8 threshold of program effectiveness. This paragraph does not  
9 preclude the department from terminating a contract as  
10 provided under s. 985.412 or as otherwise provided by law or  
11 contract, and does not limit the department's authority to  
12 enter into or terminate a contract.

13 (d) In collaboration with the Juvenile Justice  
14 Advisory Board, the Division of Economic and Demographic  
15 Research, and contract service providers, the department shall  
16 develop a work plan to refine the cost-effectiveness model so  
17 that the model is consistent with the performance-based  
18 program budgeting measures approved by the Legislature to the  
19 extent the department deems appropriate. The department shall  
20 notify the Office of Program Policy Analysis and Government  
21 Accountability of any meetings to refine the model.

22 (e) Contingent upon specific appropriation, the  
23 department, in consultation with the Juvenile Justice Advisory  
24 Board, the Division of Economic and Demographic Research, and  
25 contract service providers, shall:

26 1. Construct a profile of each commitment program  
27 which uses the results of the quality assurance report  
28 required by s. 985.412, the outcome-evaluation report compiled  
29 by the Juvenile Justice Advisory Board under s. 985.401, the  
30 cost-effectiveness report required in this subsection, and  
31 other reports available to the department.

1           2. Target, for a more comprehensive evaluation, any  
2 commitment program that has achieved consistently high, low,  
3 or disparate ratings in the reports required under  
4 subparagraph 1.

5           3. Identify the essential factors that contribute to  
6 the high, low, or disparate program ratings.

7           4. Use the results of these evaluations in developing  
8 or refining juvenile justice programs or program models,  
9 client outcomes and program outputs, provider contracts,  
10 quality assurance standards, and the cost-effectiveness model.

11           Section 26. Paragraph (a) of subsection (2) of section  
12 985.406, Florida Statutes, is amended to read:

13           985.406 Juvenile justice training academies  
14 established; Juvenile Justice Standards and Training  
15 Commission created; Juvenile Justice Training Trust Fund  
16 created.--

17           (2) JUVENILE JUSTICE STANDARDS AND TRAINING  
18 COMMISSION.--

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

27           1. Seven members shall be juvenile justice  
28 professionals: a superintendent or a direct care staff member  
29 from an institution; a director from a contracted  
30 community-based program; a superintendent and a direct care  
31 staff member from a regional detention center or facility; a

1 juvenile probation officer supervisor and a juvenile probation  
2 officer ~~community control counselor~~; and a director of a day  
3 treatment or aftercare program. No fewer than three of these  
4 members shall be contract providers.

5           2. Two members shall be representatives of local law  
6 enforcement agencies.

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

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

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

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

17           7. One member shall be a representative of the  
18 business community.

19

20 All appointed members shall be appointed to serve terms of 2  
21 years.

22           Section 27. Subsection (5) of section 985.41, Florida  
23 Statutes, is amended to read:

24           985.41 Siting of facilities; study; criteria.--

25           (5) When the department or a contracted provider  
26 proposes a site for a juvenile justice ~~state~~ facility, the  
27 department or provider ~~it~~ shall request that the local  
28 government having jurisdiction over such proposed site  
29 determine whether or not the proposed site is appropriate for  
30 public use under ~~in compliance with~~ local government  
31 comprehensive plans, local land use ordinances, local zoning



1 ordinances or regulations, and other local ordinances in  
2 effect at the time of such request. If no such determination  
3 is made within 90 days after the request, it shall be presumed  
4 that the proposed site is in compliance with such plans,  
5 ordinances, or regulations.

6 Section 28. Paragraph (c) of subsection (1) of section  
7 985.412, Florida Statutes, is amended to read:

8 985.412 Quality assurance.--

9 (1)

10 (c) The department shall:

11 1. Establish a comprehensive quality assurance system  
12 for each program operated by the department or operated by a  
13 provider under contract with the department. Each contract  
14 entered into by the department must provide for quality  
15 assurance.

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

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

20 4. Establish the information and specific data  
21 elements required for the quality assurance program.

22 5. Develop a quality assurance manual of specific,  
23 standardized terminology and procedures to be followed by each  
24 program.

25 6. Evaluate each program operated by the department or  
26 a provider under a contract with the department and establish  
27 minimum thresholds for each program component. If a provider  
28 fails to meet the established minimum thresholds, such failure  
29 shall cause the department to cancel the provider's contract  
30 unless the provider achieves compliance with minimum  
31 thresholds within 6 months or unless there are documented

1 extenuating circumstances. In addition, the department may not  
2 contract with the same provider for the canceled service for a  
3 period of 12 months. If a department-operated program fails to  
4 meet the established minimum thresholds, the department must  
5 take necessary and sufficient steps to ensure and document  
6 program changes to achieve compliance with the established  
7 minimum thresholds. If the department-operated program fails  
8 to achieve compliance with the established minimum thresholds  
9 within 6 months and if there are no documented extenuating  
10 circumstances, the department must notify the Executive Office  
11 of the Governor and the Legislature of the corrective action  
12 taken. Appropriate corrective action may include, but is not  
13 limited to:

- 14       a. Contracting out for the services provided in the  
15 program;  
16       b. Initiating appropriate disciplinary action against  
17 all employees whose conduct or performance is deemed to have  
18 materially contributed to the programs failure to meet  
19 established minimum thresholds;  
20       c. Redesigning the program; or  
21       d. Realigning the program.

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

1 comparison of expenditures to federal and state funding;  
2 immediate and long-range concerns; and recommendations to  
3 maintain, expand, improve, modify, or eliminate each program  
4 component so that changes in services lead to enhancement in  
5 program quality. The department ~~department's inspector general~~  
6 shall ensure the reliability and validity of the information  
7 contained in the report.

8 Section 29. For the purpose of incorporating the  
9 amendment to section 985.412, Florida Statutes, in a reference  
10 thereto, paragraph (b) of subsection (4) of section 985.315,  
11 Florida Statutes, is reenacted to read:

12 985.315 Vocational/work training programs.--

13 (4)

14 (b) Evaluations of juvenile work programs shall be  
15 conducted according to the following guidelines:

16 1. Systematic evaluations and quality assurance  
17 monitoring shall be implemented, in accordance with ss.  
18 985.401(4) and 985.412(1), to determine whether the juvenile  
19 vocational work programs are related to successful postrelease  
20 adjustments.

21 2. Operations and policies of work programs shall be  
22 reevaluated to determine if they are consistent with their  
23 primary objectives.

24 Section 30. Paragraph (b) of subsection (3) of section  
25 985.413, Florida Statutes, is amended to read:

26 985.413 District juvenile justice boards.--

27 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

28 (b)1.a. The authority to appoint members to district  
29 juvenile justice boards, and the size of each board, is as  
30 follows:

31

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

6 (II) District 2 is to have a board composed of 18  
7 members, to be appointed by the juvenile justice councils in  
8 the respective counties, as follows: Holmes County, 1 member;  
9 Washington County, 1 member; Bay County, 2 members; Jackson  
10 County, 1 member; Calhoun County, 1 member; Gulf County, 1  
11 member; Gadsden County, 1 member; Franklin County, 1 member;  
12 Liberty County, 1 member; Leon County, 4 members; Wakulla  
13 County, 1 member; Jefferson County, 1 member; Madison County,  
14 1 member; and Taylor County, 1 member.

15 (III) District 3 is to have a board composed of 15  
16 members, to be appointed by the juvenile justice councils of  
17 the respective counties, as follows: Hamilton County, 1  
18 member; Suwannee County, 1 member; Lafayette County, 1 member;  
19 Dixie County, 1 member; Columbia County, 1 member; Gilchrist  
20 County, 1 member; Levy County, 1 member; Union County, 1  
21 member; Bradford County, 1 member; Putnam County, 1 member;  
22 and Alachua County, 5 members.

23 (IV) District 4 is to have a board composed of 12  
24 members, to be appointed by the juvenile justice councils of  
25 the respective counties, as follows: Baker County, 1 member;  
26 Nassau County, 1 member; Duval County, 7 members; Clay County,  
27 2 members; and St. Johns County, 1 member.

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

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

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

10 (VIII) District 8 is to have a board composed of 12  
11 members, to be appointed by the juvenile justice councils of  
12 the respective counties, as follows: Sarasota County, 3  
13 members; DeSoto County, 1 member; Charlotte County, 1 member;  
14 Lee County, 3 members; Glades County, 1 member; Hendry County,  
15 1 member; and Collier County, 2 members.

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

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

22 (XI) District 11 is to have a juvenile justice board  
23 composed of 12 members to be appointed by the juvenile justice  
24 council in the respective counties, as follows: Dade County,  
25 6 members and Monroe County, 6 members.

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

30 (XIII) District 13 is to have a board composed of 12  
31 members, to be appointed by the juvenile justice councils of

1 the respective counties, as follows: Marion County, 4 members;  
2 Citrus County, 2 members; Hernando County, 2 members; Sumter  
3 County, 1 member; and Lake County, 3 members.

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

8 (XV) District 15 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: Indian River County, 3  
11 members; Okeechobee County, 1 member; St. Lucie County, 5  
12 members; and Martin County, 3 members.

13

14 The district health and human services board in each district  
15 may appoint one of its members to serve as an ex officio  
16 member of the district juvenile justice board established  
17 under this sub-subparagraph.

18 b. In any judicial circuit where a juvenile  
19 delinquency and gang prevention council exists on the date  
20 this act becomes law, and where the circuit and district or  
21 subdistrict boundaries are identical, such council shall  
22 become the district juvenile justice board, and shall  
23 thereafter have the purposes and exercise the authority and  
24 responsibilities provided in this section.

25 2. At any time after the adoption of initial bylaws  
26 pursuant to paragraph (c), a district juvenile justice board  
27 may adopt a bylaw to enlarge the size, by no more than three  
28 members, and composition of the board to adequately reflect  
29 the diversity of the population and community organizations in  
30 the district.

31

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

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

15           5. Members are subject to the provisions of chapter  
16 112, part III, Code of Ethics for Public Officers and  
17 Employees.

18           (4) DISTRICT JUVENILE JUSTICE PLAN; PROGRAMS.--

19           (a) A district juvenile justice plan is authorized in  
20 each district or any subdivision of the district authorized by  
21 the district juvenile justice board for the purpose of  
22 reducing delinquent acts, juvenile arrests, and gang activity.  
23 Juvenile justice programs under such plan may be administered  
24 by the Department of Juvenile Justice; the district school  
25 board; a local law enforcement agency; or any other public or  
26 private entity, in cooperation with appropriate state or local  
27 governmental entities and public and private agencies. A  
28 juvenile justice program under this section may be planned,  
29 implemented, and conducted in any district pursuant to a  
30 proposal developed and approved as specified in s. 985.415.

31

1           Section 31. Paragraph (b) of subsection (2) of section  
2 985.414, Florida Statutes, is amended to read:

3           985.414 County juvenile justice councils.--

4           (2)

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

7           1. Developing a county juvenile justice plan based  
8 upon utilization of the resources of law enforcement, the  
9 school system, the Department of Juvenile Justice, the  
10 Department of Children and Family Services, and others in a  
11 cooperative and collaborative manner to prevent or discourage  
12 juvenile crime and develop meaningful alternatives to school  
13 suspensions and expulsions.

14           2. Entering into a written county interagency  
15 agreement specifying the nature and extent of contributions  
16 each signatory agency will make in achieving the goals of the  
17 county juvenile justice plan and their commitment to the  
18 sharing of information useful in carrying out the goals of the  
19 interagency agreement to the extent authorized by law. The  
20 interagency agreement must include as parties, at a minimum,  
21 local school authorities or representatives, local law  
22 enforcement agencies, state attorneys, public defenders, and  
23 local representatives of the Department of Juvenile Justice  
24 and the Department of Children and Family Services. The  
25 agreement must specify how community entities will cooperate,  
26 collaborate, and share information to achieve the goals of the  
27 county juvenile justice plan.

28           3. Applying for and receiving public or private  
29 grants, to be administered by one of the community partners,  
30 that support one or more components of the county juvenile  
31 justice plan.



1           4. Designating the county representatives to the  
2 district juvenile justice board pursuant to s. 985.413.

3           5. Providing a forum for the presentation of  
4 interagency recommendations and the resolution of  
5 disagreements relating to the contents of the county  
6 interagency agreement or the performance by the parties of  
7 their respective obligations under the agreement.

8           6. Assisting and directing the efforts of local  
9 community support organizations and volunteer groups in  
10 providing enrichment programs and other support services for  
11 clients of local juvenile detention centers.

12           7. Providing an annual report and recommendations to  
13 the district juvenile justice board, the Juvenile Justice  
14 Advisory Board, and the district juvenile justice manager.

15           Section 32. Paragraphs (a) and (b) of subsection (1)  
16 of section 985.415, Florida Statutes, are amended to read:

17           985.415 Community Juvenile Justice Partnership  
18 Grants.--

19           (1) GRANTS; CRITERIA.--

20           (a) In order to encourage the development of county  
21 and district juvenile justice plans and the development and  
22 implementation of county and district interagency agreements  
23 pursuant to ss. 985.413 and 985.414, ~~among representatives of~~  
24 ~~the Department of Juvenile Justice, the Department of Children~~  
25 ~~and Family Services, law enforcement, and school authorities,~~  
26 the community juvenile justice partnership grant program is  
27 established, and ~~which program~~ shall be administered by the  
28 Department of Juvenile Justice.

29           (b) The department shall only consider applications  
30 which at a minimum provide for the following:

31

1           1. The participation of the agencies and programs  
2 needed to implement the project or program for which the  
3 applicant is applying ~~local school authorities, local law~~  
4 ~~enforcement, and local representatives of the Department of~~  
5 ~~Juvenile Justice and the Department of Children and Family~~  
6 ~~Services pursuant to a written interagency partnership~~  
7 ~~agreement. Such agreement must specify how community entities~~  
8 ~~will cooperate, collaborate, and share information in~~  
9 ~~furtherance of the goals of the district and county juvenile~~  
10 ~~justice plan; and~~

11           2. The reduction of truancy and in-school and  
12 out-of-school suspensions and expulsions, and the enhancement  
13 of school safety.

14           Section 33. This act shall take effect upon becoming a  
15 law.

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