

By the Committee on Juvenile Justice and Representatives  
Bainter, Putnam, D. Prewitt, Stafford, Murman, Melvin and  
Betancourt

1                                   A bill to be entitled  
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., relating to court  
10          costs in teen court; providing for  
11          nonapplicability to the \$3 assessment for court  
12          costs of specified provisions relating to  
13          preemption of certain fees, fines, surcharges,  
14          and costs in addition to civil traffic  
15          penalties; amending s. 943.053, F.S.;  
16          permitting the Department of Juvenile Justice  
17          or any other state or local criminal justice  
18          agency to provide copies of criminal history  
19          records for certain juvenile offenders,  
20          employees, and other individuals with access to  
21          a contracted juvenile assessment center or  
22          detention facility or contracted treatment  
23          program to the entity under direct contract  
24          with the department to operate the facilities  
25          or programs; providing for assessment of a  
26          charge by the criminal justice agency;  
27          providing guidelines for use and dissemination  
28          of the information; amending and renumbering s.  
29          944.401, F.S., relating to escapes from secure  
30          detention or residential commitment facility;  
31          providing that escape from lawful

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

1 as community-operated facilities and programs  
2 for provision of central intake and screening  
3 services to youth referred to the Department of  
4 Juvenile Justice; providing responsibilities of  
5 the department, law enforcement agencies,  
6 substance abuse programs, mental health  
7 providers, health service providers, schools,  
8 and other agencies serving youth with respect  
9 to establishment of juvenile assessment  
10 centers; providing for development and  
11 modification of centers through local  
12 initiative of community agencies and local  
13 governments; providing for management of  
14 centers by advisory committees; providing for  
15 interagency agreements and information sharing  
16 among participating agencies; permitting the  
17 department to utilize centers for purposes of  
18 residential commitment program placement;  
19 providing for transportation of youth from  
20 juvenile detention centers to the centers;  
21 providing for family involvement in assessment  
22 and evaluation; requiring inclusion of  
23 assessment and evaluation information in the  
24 youth's commitment packet; amending s. 985.21,  
25 F.S., relating to intake and case management;  
26 substituting references to "juvenile probation  
27 officer" for references to "intake counselor"  
28 or "case manager"; conforming provisions to  
29 changes made by the act; amending s. 985.211,  
30 F.S., relating to release or delivery from  
31 custody; substituting references to "juvenile

1           probation officer" for references to "intake  
2           counsel" or "case manager"; conforming  
3           provisions to changes made by the act; amending  
4           s. 985.215, F.S.; providing that a child held  
5           in secure detention awaiting dispositional  
6           placement must meet detention admission  
7           criteria; removing requirement for court order  
8           authorizing continued detention under specified  
9           circumstances when the child is committed to a  
10          low-risk residential program; substituting  
11          references to "juvenile probation officer" for  
12          references to "intake counselor" or "case  
13          manager"; conforming provisions to changes made  
14          by the act; amending s. 985.231, F.S., relating  
15          to powers of disposition in delinquency cases;  
16          conforming a reference and terminology;  
17          amending s. 985.216, F.S.; providing that a  
18          child found in contempt of court may be held  
19          only in a secured detention facility; amending  
20          ss. 985.226, 985.23, 985.301, and 985.304,  
21          F.S., relating to transfer of child for  
22          prosecution as an adult, disposition hearings  
23          in delinquency cases, civil citation, and  
24          community arbitration, respectively;  
25          substituting references to "juvenile probation  
26          officer" for references to "intake counselor"  
27          or "case manager"; conforming provisions to  
28          changes made by the act; amending s. 985.307,  
29          F.S., relating to juvenile assignment centers;  
30          extending the expiration date for said section  
31          to July 1, 2002; amending ss. 985.31 and

1 985.311, F.S., relating to serious or habitual  
2 juvenile offenders and intensive residential  
3 treatment programs for offenders less than 13  
4 years of age; substituting references to  
5 "juvenile probation officer" for references to  
6 "intake counselor" or "case manager";  
7 conforming provisions to changes made by the  
8 act; amending s. 985.406, F.S., relating to  
9 juvenile justice training academies and  
10 Juvenile Justice Standards and Training  
11 Commission; revising membership qualifications  
12 for the commission; eliminating requirement for  
13 member who is a community control counselor;  
14 providing for membership of a juvenile  
15 probation officer supervisor and a juvenile  
16 probation officer; conforming terminology;  
17 amending s. 985.412, F.S., relating to quality  
18 assurance; requiring evaluation of each program  
19 operated by the department; requiring program  
20 changes and notification to the Executive  
21 Office of the Governor and Legislature of  
22 corrective action, under specified  
23 circumstances when a department-operated  
24 program fails to meet established minimum  
25 thresholds; providing for appropriate  
26 corrective action, including disciplinary  
27 action against employees under specified  
28 circumstances; providing for the Department of  
29 Juvenile Justice to ensure the reliability of  
30 the annual report; reenacting s. 985.315(4)(b),  
31 F.S., relating to vocational/work training

1 programs to incorporate said amendment in a  
2 reference; amending s. 985.413, F.S.;  
3 increasing the maximum number of terms for  
4 district juvenile justice board members;  
5 removing an exception to the limitation upon  
6 the number of terms of members; amending s.  
7 985.414, F.S.; requiring certain participants  
8 in interagency agreements for the development  
9 of county juvenile justice plans; revising  
10 requirements for contents of the agreements;  
11 amending s. 985.415, F.S.; revising  
12 requirements for applications for community  
13 juvenile justice partnership grants; conforming  
14 references and terminology; providing an  
15 effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Subsection (2) of section 938.17, Florida  
20 Statutes, is amended to read:

21 938.17 County delinquency prevention.--

22 (2) In counties in which the sheriff's office is a  
23 partner in a juvenile ~~justice~~ assessment center pursuant to s.  
24 985.209 ~~39-0471~~, or a partner in a suspension program  
25 developed in conjunction with the district school board in the  
26 county of the sheriff's jurisdiction, the court shall assess  
27 court costs of \$3 per case, in addition to any other  
28 authorized cost or fine, on every person who, with respect to  
29 a charge, indictment, prosecution commenced, or petition of  
30 delinquency filed in that county or circuit, pleads guilty,  
31 nolo contendere to, or is convicted of, or adjudicated

1 delinquent for, or has an adjudication withheld for, a felony  
2 or misdemeanor, or a criminal traffic offense or handicapped  
3 parking violation under state law, or a violation of any  
4 municipal or county ordinance, if the violation constitutes a  
5 misdemeanor under state law.

6 Section 2. Section 938.19, Florida Statutes, is  
7 amended to read:

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

17 (1) A sum of \$3, which shall be assessed as a court  
18 cost by both the circuit court and the county court in the  
19 county against every person who pleads guilty or nolo  
20 contendere to, or is convicted of, regardless of adjudication,  
21 a violation of a state criminal statute or a municipal  
22 ordinance or county ordinance or who pays a fine or civil  
23 penalty for any violation of chapter 316. Any person whose  
24 adjudication is withheld pursuant to the provisions of s.  
25 318.14(9) or (10) shall also be assessed such cost. The \$3  
26 assessment for court costs shall be assessed in addition to  
27 any fine, civil penalty, or other court cost and shall not be  
28 deducted from the proceeds of that portion of any fine or  
29 civil penalty which is received by a municipality in the  
30 county or by the county in accordance with ss. 316.660 and  
31 318.21. The \$3 assessment shall specifically be added to any

1 civil penalty paid for a violation of chapter 316, whether  
2 such penalty is paid by mail, paid in person without request  
3 for a hearing, or paid after hearing and determination by the  
4 court. However, the \$3 assessment shall not be made against a  
5 person for a violation of any state statutes, county  
6 ordinance, or municipal ordinance relating to the parking of  
7 vehicles, with the exception of a violation of the handicapped  
8 parking laws. The clerk of the circuit court shall collect  
9 the respective \$3 assessments for court costs established in  
10 this subsection and shall remit the same to the teen court  
11 monthly, less 5 percent, which is to be retained as fee income  
12 of the office of the clerk of the circuit court.

13 (2) Such other moneys as become available for  
14 establishing and operating teen courts under the provisions of  
15 Florida law.

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

18 943.053 Dissemination of criminal justice information;  
19 fees.--

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

23 (2) Criminal justice information derived from federal  
24 criminal justice information systems or criminal justice  
25 information systems of other states shall not be disseminated  
26 in a manner inconsistent with the laws, regulations, or rules  
27 of the originating agency.

28 (3) Criminal history information, including  
29 information relating to juveniles, compiled by the Division of  
30 Criminal Justice Information Systems from intrastate sources  
31 shall be available on a priority basis to criminal justice



1 agencies for criminal justice purposes free of charge and,  
2 otherwise, to governmental agencies not qualified as criminal  
3 justice agencies on an approximate-cost basis. After  
4 providing the division with all known identifying information,  
5 persons in the private sector may be provided criminal history  
6 information upon tender of fees as established by rule of the  
7 Department of Law Enforcement. Such fees shall approximate  
8 the actual cost of producing the record information. Fees may  
9 be waived by the executive director of the Department of Law  
10 Enforcement for good cause shown.

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

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

25 (6) Notwithstanding the provisions of s. 943.0525, and  
26 any user agreements adopted pursuant thereto, and  
27 notwithstanding the confidentiality of sealed records as  
28 provided for in s. 943.059, the sheriff of any county that has  
29 contracted with a private entity to operate a county detention  
30 facility pursuant to the provisions of s. 951.062 shall  
31 provide that private entity, in a timely manner, copies of the

1 Florida criminal history records for its inmates. The sheriff  
2 may assess a charge for the Florida criminal history records  
3 pursuant to the provisions of chapter 119. Sealed records  
4 received by the private entity under this section remain  
5 confidential and exempt from the provisions of s. 119.07(1).

6 (7) Notwithstanding the provisions of s. 943.0525, and  
7 any user agreements adopted pursuant thereto, and  
8 notwithstanding the confidentiality of sealed records as  
9 provided for in s. 943.059, the Department of Corrections  
10 shall provide, in a timely manner, copies of the Florida  
11 criminal history records for inmates housed in a private state  
12 correctional facility to the private entity under contract to  
13 operate the facility pursuant to the provisions of s. 944.105  
14 or s. 957.03. The department may assess a charge for the  
15 Florida criminal history records pursuant to the provisions of  
16 chapter 119. Sealed records received by the private entity  
17 under this section remain confidential and exempt from the  
18 provisions of s. 119.07(1).

19 (8) Notwithstanding the provisions of s. 943.0525 and  
20 any user agreements adopted pursuant thereto, and  
21 notwithstanding the confidentiality of sealed records as  
22 provided for in s. 943.059, the Department of Juvenile Justice  
23 or any other state or local criminal justice agency may  
24 provide copies of the Florida criminal history records for  
25 juvenile offenders currently or formerly detained or housed in  
26 a contracted juvenile assessment center or detention facility  
27 or serviced in a contracted treatment program and for  
28 employees or other individuals who will have access to these  
29 facilities, only to the entity under direct contract with the  
30 Department of Juvenile Justice to operate these facilities or  
31 programs pursuant to the provisions of s. 985.411. The

1 criminal justice agency providing such data may assess a  
2 charge for the Florida criminal history records pursuant to  
3 the provisions of chapter 119. Sealed records received by the  
4 private entity under this section remain confidential and  
5 exempt from the provisions of s. 119.07(1). Information  
6 provided under this section shall be used only for the  
7 criminal justice purpose for which it was requested and may  
8 not be further disseminated.

9 Section 4. Section 944.401, Florida Statutes, is  
10 renumbered as section 985.3141, Florida Statutes, and amended  
11 to read:

12 985.3141 ~~944.401~~ Escapes from secure detention or  
13 residential commitment facility.--An escape from:

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

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

22 (3) Lawful transportation to or from any such secure  
23 detention facility or residential commitment facility,~~thereto~~  
24 ~~or therefrom~~

25  
26 constitutes escape within the intent and meaning of s. 944.40  
27 and is a felony of the third degree, punishable as provided in  
28 s. 775.082, s. 775.083, or s. 775.084.

29 Section 5. Paragraph (c) of subsection (3) of section  
30 921.0022, Florida Statutes, is amended to read:

31



1	376.302(5)	3rd	Fraud related to reimbursement
2			for cleanup expenses under the
3			Inland Protection Trust Fund.
4	501.001(2)(b)	2nd	Tampers with a consumer product
5			or the container using materially
6			false/misleading information.
7	697.08	3rd	Equity skimming.
8	790.15(3)	3rd	Person directs another to
9			discharge firearm from a vehicle.
10	796.05(1)	3rd	Live on earnings of a prostitute.
11	806.10(1)	3rd	Maliciously injure, destroy, or
12			interfere with vehicles or
13			equipment used in firefighting.
14	806.10(2)	3rd	Interferes with or assaults
15			firefighter in performance of
16			duty.
17	810.09(2)(c)	3rd	Trespass on property other than
18			structure or conveyance armed
19			with firearm or dangerous weapon.
20	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
21			less than \$10,000.
22	815.04(4)(b)	2nd	Computer offense devised to
23			defraud or obtain property.
24	817.034(4)(a)3.	3rd	Engages in scheme to defraud
25			(Florida Communications Fraud
26			Act), property valued at less
27			than \$20,000.
28	817.233	3rd	Burning to defraud insurer.
29	828.12(2)	3rd	Tortures any animal with intent
30			to inflict intense pain, serious
31			physical injury, or death.

1	831.29	2nd	Possession of instruments for
2			counterfeiting drivers' licenses.
3	838.021(3)(b)	3rd	Threatens unlawful harm to public
4			servant.
5	843.19	3rd	Injure, disable, or kill police
6			dog or horse.
7	870.01(2)	3rd	Riot; inciting or encouraging.
8	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
9			cannabis (or other s.
10			893.03(1)(c), (2)(c), (3), or (4)
11			drugs).
12	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
13			893.03(1)(c), (2)(c), (3), or (4)
14			drugs within 200 feet of
15			university, public housing
16			facility, or public park.
17	893.13(6)(a)	3rd	Possession of any controlled
18			substance other than felony
19			possession of cannabis.
20	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
21			controlled substance by fraud,
22			forgery, misrepresentation, etc.
23	893.13(7)(a)11.	3rd	Furnish false or fraudulent
24			material information on any
25			document or record required by
26			chapter 893.
27	918.13(1)(a)	3rd	Alter, destroy, or conceal
28			investigation evidence.
29	944.47		
30	(1)(a)1.-2.	3rd	Introduce contraband to
31			correctional facility.

1 944.47(1)(c) 2nd Possess contraband while upon the  
2 grounds of a correctional  
3 institution.

4 Section 6. Subsections (27), (29), (30), (45), and  
5 (55) of section 985.03, Florida Statutes, are amended to read:  
6 985.03 Definitions.--When used in this chapter, the  
7 term:

8 (27) "Habitually truant" means that:

9 (a) The child has 15 unexcused absences within 90  
10 calendar days with or without the knowledge or justifiable  
11 consent of the child's parent or legal guardian, is subject to  
12 compulsory school attendance under s. 232.01, and is not  
13 exempt under s. 232.06, s. 232.09, or any other exemptions  
14 specified by law or the rules of the State Board of Education.

15 (b) Escalating activities to determine the cause, and  
16 to attempt the remediation, of the child's truant behavior  
17 under ss. 232.17 and 232.19 have been completed.

18

19 ~~If a child who is subject to compulsory school attendance is~~  
20 ~~responsive to the interventions described in ss. 232.17 and~~  
21 ~~232.19 and has completed the necessary requirements to pass~~  
22 ~~the current grade as indicated in the district pupil~~  
23 ~~progression plan, the child shall not be determined to be~~  
24 ~~habitually truant and shall be passed. If a child within the~~  
25 ~~compulsory school attendance age has 15 unexcused absences~~  
26 ~~within 90 calendar days or fails to enroll in school, the~~  
27 ~~state attorney may file a child-in-need-of-services petition.~~  
28 ~~Prior to filing a petition, the child must be referred to the~~  
29 ~~appropriate agency for evaluation. After consulting with the~~  
30 ~~evaluating agency, the state attorney may elect to file a~~  
31 ~~child-in-need-of-services petition.~~

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

14           (d) The failure or refusal of the parent or legal  
15 guardian or the child to participate, or make a good faith  
16 effort to participate, in the activities prescribed to remedy  
17 the truant behavior, or the failure or refusal of the child to  
18 return to school after participation in activities required by  
19 this subsection, or the failure of the child to stop the  
20 truant behavior after the school administration and the  
21 Department of Juvenile Justice have worked with the child as  
22 described in s. 232.19(3) shall be handled as prescribed in s.  
23 232.19.

24  
25 If a child who is subject to compulsory school attendance is  
26 responsive to the interventions described in ss. 232.17 and  
27 232.19 and has completed the necessary requirements to pass  
28 the current grade as indicated in the district pupil  
29 progression plan, the child shall not be determined to be  
30 habitually truant and shall be passed. If a child within the  
31 compulsory school attendance age has 15 unexcused absences



1 within 90 calendar days or fails to enroll in school, the  
2 state attorney may file a child-in-need-of-services petition.  
3 Prior to filing a petition, the child must be referred to the  
4 appropriate agency for evaluation. After consulting with the  
5 evaluating agency, the state attorney may elect to file a  
6 child-in-need-of-services petition.

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

16 (a) The disposition of the complaint, report, or  
17 probable cause affidavit without court or public agency action  
18 or judicial handling when appropriate.

19 (b) The referral of the child to another public or  
20 private agency when appropriate.

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

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

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

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 in  
8 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 community control program by order of the court  
22 is not considered to be on temporary release and is not  
23 subject to the terms and conditions of temporary release.

24 Section 7. Subsection (2) of section 985.207, Florida  
25 Statutes, is amended to read:

26 985.207 Taking a child into custody.--

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

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

9 Section 8. Subsection (2) of section 985.208, Florida  
10 Statutes, is amended to read:

11 985.208 Detention of furloughed child or escapee on  
12 authority of the department.--

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

21 Section 9. Section 985.209, Florida Statutes, is  
22 amended to read:

23 985.209 Juvenile ~~justice~~ assessment centers.--

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

29 (2) The department shall work cooperatively with  
30 substance abuse programs, mental health providers, law  
31 enforcement agencies, schools, health service providers, and

1 other agencies serving youth to establish juvenile assessment  
2 centers. Each current and newly established center shall be  
3 developed and modified through the local initiative of  
4 community agencies and local governments and shall provide a  
5 broad array of youth-related services appropriate to the needs  
6 of the community where the center is located.

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

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

29 (5) Each center is authorized and encouraged to  
30 establish truancy programs. A truancy program may serve as  
31 providing the central intake and screening of truant children

1 for a specific geographic area based upon written agreements  
2 between the center, local law enforcement agencies, and local  
3 school boards. A center may work cooperatively with any  
4 truancy program operating in the area serving the center.

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

9 (7) The department may utilize juvenile assessment  
10 centers to the fullest extent possible for the purpose of  
11 conducting assessments and evaluations of youth ordered by the  
12 court for placement in residential commitment programs.

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

31 ~~The department shall work cooperatively with substance abuse~~

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

14 Section 10. Section 985.21, Florida Statutes, is  
15 amended to read:

16 985.21 Intake and case management.--

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

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

25 2. The presence of medical, psychiatric,  
26 psychological, substance abuse, educational problems, or other  
27 conditions that may have caused the child to come to the  
28 attention of law enforcement or the Department of Juvenile  
29 Justice. In cases where such conditions are identified, and a  
30 nonjudicial handling of the case is chosen, the juvenile  
31 probation officer ~~intake counselor~~ shall attempt to refer the



1 child to a program or agency, together with all available and  
2 relevant assessment information concerning the child's  
3 precipitating condition.

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

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

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

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

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

30           d. Coordinating the multidisciplinary assessment when  
31 required, which includes the classification and placement

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

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

22  
23 The Department of Juvenile Justice shall annually advise the  
24 Legislature and the Executive Office of the Governor of the  
25 resources needed in order for the intake and case management  
26 system to maintain a staff-to-client ratio that is consistent  
27 with accepted standards and allows the necessary supervision  
28 and services for each child. The intake process and case  
29 management system shall provide a comprehensive approach to  
30 assessing the child's needs, relative risks, and most  
31

1 appropriate handling, and shall be based on an individualized  
2 treatment plan.

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

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

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

30 3. An admissions process that facilitates for each  
31 child the utilization of the treatment plan and setting most

1 appropriate to meet the child's programmatic needs and provide  
2 the minimum program security needed to ensure public safety.

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

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

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

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

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

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

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

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

10

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

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

28 (c) The juvenile probation officer ~~intake counselor or~~  
29 ~~case manager~~, upon determining that the report, affidavit, or  
30 complaint complies with the standards of a probable cause  
31 affidavit and that the interest of the child and the public

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

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

30 (e) The state attorney may in all cases take action  
31 independent of the action or lack of action of the juvenile



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

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

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

27 (5) Prior to requesting that a delinquency petition be  
28 filed or prior to filing a dependency petition, the juvenile  
29 probation officer ~~intake officer~~ may request the parent or  
30 legal guardian of the child to attend a course of instruction  
31 in parenting skills, training in conflict resolution, and the

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

11 Section 11. Subsections (3), (4), and (6) of section  
12 985.211, Florida Statutes, are amended to read:

13 985.211 Release or delivery from custody.--

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

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

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

27 (4) A person taking a child into custody who  
28 determines, pursuant to s. 985.215, that the child should be  
29 detained or released to a shelter designated by the  
30 department, shall make a reasonable effort to immediately  
31 notify the parent, guardian, or legal custodian of the child

1 and shall, without unreasonable delay, deliver the child to  
2 the appropriate juvenile probation officer ~~intake counselor or~~  
3 ~~case manager~~ or, if the court has so ordered pursuant to s.  
4 985.215, to a detention center or facility. Upon delivery of  
5 the child, the person taking the child into custody shall make  
6 a written report or probable cause affidavit to the  
7 appropriate juvenile probation officer ~~intake counselor or~~  
8 ~~case manager~~. Such written report or probable cause affidavit  
9 must:

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

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

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

28 (b) Upon the filing of a copy of a probable cause  
29 affidavit or written report by a law enforcement agency with  
30 the clerk of the circuit court, the clerk shall immediately  
31 assign a uniform case number to the affidavit or report,

1 forward a copy to the state attorney, and forward a copy to  
2 the intake office of the department which serves the county in  
3 which the case arose.

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

11 (d) Upon the filing of a petition based on the  
12 allegations of a previously filed probable cause affidavit or  
13 written report, the agency filing the petition shall include  
14 the appropriate uniform case number on the petition.

15 Section 12. Section 985.215, Florida Statutes, is  
16 amended to read:

17 985.215 Detention.--

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

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

30 (b) The juvenile probation officer ~~intake counselor or~~  
31 ~~case manager~~ shall base the decision whether or not to place

1 the child into secure detention care, home detention care, or  
2 nonsecure detention care on an assessment of risk in  
3 accordance with the risk assessment instrument and procedures  
4 developed by the Department of Juvenile Justice under s.  
5 985.213.

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

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

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

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

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

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

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

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

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

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

21 2. Has a record of law violations prior to court  
22 hearings;

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

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

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

28 (g) The child is alleged to have violated the  
29 conditions of the child's community control or aftercare  
30 supervision. However, a child detained under this paragraph  
31 may be held only in a consequence unit as provided in s.

1 985.231(1)(a)1.c. If a consequence unit is not available, the  
2 child shall be placed on home detention with electronic  
3 monitoring.  
4  
5 A child who meets any of these criteria and who is ordered to  
6 be detained pursuant to this subsection shall be given a  
7 hearing within 24 hours after being taken into custody. The  
8 purpose of the detention hearing is to determine the existence  
9 of probable cause that the child has committed the delinquent  
10 act or violation of law with which he or she is charged and  
11 the need for continued detention. Unless a child is detained  
12 under paragraph (d), the court shall utilize the results of  
13 the risk assessment performed by the juvenile probation  
14 ~~officer intake counselor or case manager~~ and, based on the  
15 criteria in this subsection, shall determine the need for  
16 continued detention. A child placed into secure, nonsecure, or  
17 home detention care may continue to be so detained by the  
18 court pursuant to this subsection. If the court orders a  
19 placement more restrictive than indicated by the results of  
20 the risk assessment instrument, the court shall state, in  
21 writing, clear and convincing reasons for such placement.  
22 Except as provided in s. 790.22(8) or in subparagraph  
23 (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph  
24 (10)(d), when a child is placed into secure or nonsecure  
25 detention care, or into a respite home or other placement  
26 pursuant to a court order following a hearing, the court order  
27 must include specific instructions that direct the release of  
28 the child from such placement no later than 5 p.m. on the last  
29 day of the detention period specified in paragraph (5)(b) or  
30 paragraph (5)(c), or subparagraph (10)(a)1., whichever is  
31 applicable, unless the requirements of such applicable

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

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

8 (4) The court shall order the delivery of a child to a  
9 jail or other facility intended or used for the detention of  
10 adults:

11 (a) When the child has been transferred or indicted  
12 for criminal prosecution as an adult pursuant to this part,  
13 except that the court may not order or allow a child alleged  
14 to have committed a misdemeanor who is being transferred for  
15 criminal prosecution pursuant to either s. 985.226 or s.  
16 985.227 to be detained or held in a jail or other facility  
17 intended or used for the detention of adults; however, such  
18 child may be held temporarily in a detention facility; or

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

21  
22 The child shall be housed separately from adult inmates to  
23 prohibit a child from having regular contact with incarcerated  
24 adults, including trustees. "Regular contact" means sight and  
25 sound contact. Separation of children from adults shall permit  
26 no more than haphazard or accidental contact. The receiving  
27 jail or other facility shall contain a separate section for  
28 children and shall have an adequate staff to supervise and  
29 monitor the child's activities at all times. Supervision and  
30 monitoring of children includes physical observation and  
31 documented checks by jail or receiving facility supervisory



1 personnel at intervals not to exceed 15 minutes. This  
2 paragraph does not prohibit placing two or more children in  
3 the same cell. Under no circumstances shall a child be placed  
4 in the same cell with an adult.

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

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

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

21 (d) The time limits in paragraphs (b) and (c) do not  
22 include periods of delay resulting from a continuance granted  
23 by the court for cause on motion of the child or his or her  
24 counsel or of the state. Upon the issuance of an order  
25 granting a continuance for cause on a motion by either the  
26 child, the child's counsel, or the state, the court shall  
27 conduct a hearing at the end of each 72-hour period, excluding  
28 Saturdays, Sundays, and legal holidays, to determine the need  
29 for continued detention of the child and the need for further  
30 continuance of proceedings for the child or the state.

31

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

1 order affects the guardianship estate, a certified copy of the  
2 order shall be delivered to the judge having jurisdiction of  
3 the guardianship estate. The department may employ a  
4 collection agency for the purpose of receiving, collecting,  
5 and managing the payment of unpaid and delinquent fees. The  
6 collection agency must be registered and in good standing  
7 under chapter 559. The department may pay to the collection  
8 agency a fee from the amount collected under the claim or may  
9 authorize the agency to deduct the fee from the amount  
10 collected.

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

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

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

26 (10)(a)1. When a child is committed to the Department  
27 of Juvenile Justice awaiting dispositional placement, removal  
28 of the child from detention care shall occur within 5 days,  
29 excluding Saturdays, Sundays, and legal holidays. Any child  
30 held in secure detention during the 5 days must meet detention  
31 admission criteria pursuant to this section. If the child is

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

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

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

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

29           (d) If the child is committed to a maximum-risk  
30 residential program, the child must be held in detention care  
31

1 or in an assignment center pursuant to s. 985.307 until  
2 placement or commitment is accomplished.

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

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

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

18 Section 13. Paragraph (a) of subsection (1) of section  
19 985.231, Florida Statutes, is amended to read:

20 985.231 Powers of disposition in delinquency cases.--

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

25 1. Place the child in a community control program or  
26 an aftercare program under the supervision of an authorized  
27 agent of the Department of Juvenile Justice or of any other  
28 person or agency specifically authorized and appointed by the  
29 court, whether in the child's own home, in the home of a  
30 relative of the child, or in some other suitable place under  
31 such reasonable conditions as the court may direct. A

1 community control program for an adjudicated delinquent child  
2 must include a penalty component such as restitution in money  
3 or in kind, community service, a curfew, revocation or  
4 suspension of the driver's license of the child, or other  
5 nonresidential punishment appropriate to the offense and must  
6 also include a rehabilitative program component such as a  
7 requirement of participation in substance abuse treatment or  
8 in school or other educational program.

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

1 program under this part is considered an employee of the state  
2 for purposes of liability, unless otherwise provided by law.

3           b. The court may conduct judicial review hearings for  
4 a child placed on community control for the purpose of  
5 fostering accountability to the judge and compliance with  
6 other requirements, such as restitution and community service.  
7 The court may allow early termination of community control for  
8 a child who has substantially complied with the terms and  
9 conditions of community control.

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

1 child may be held in the consequence unit pending a hearing  
2 and is subject to the time limitations specified in s.  
3 985.215. If the child denies violating the conditions of  
4 community control or aftercare, the court shall appoint  
5 counsel to represent the child at the child's request. Upon  
6 the child's admission, or if the court finds after a hearing  
7 that the child has violated the conditions of community  
8 control or aftercare, the court shall enter an order revoking,  
9 modifying, or continuing community control or aftercare. In  
10 each such case, the court shall enter a new disposition order  
11 and, in addition to the sanctions set forth in this paragraph,  
12 may impose any sanction the court could have imposed at the  
13 original disposition hearing. If the child is found to have  
14 violated the conditions of community control or aftercare, the  
15 court may:

16 (I) Place the child in a consequence unit in that  
17 judicial circuit, if available, for up to 5 days for a first  
18 violation, and up to 15 days for a second or subsequent  
19 violation.

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

23 (III) Modify or continue the child's community control  
24 program or aftercare program.

25 (IV) Revoke community control or aftercare and commit  
26 the child to the department.

27 d. Notwithstanding s. 743.07 and paragraph (d), and  
28 except as provided in s. 985.31, the term of any order placing  
29 a child in a community control program must be until the  
30 child's 19th birthday unless he or she is released by the  
31



1 court, on the motion of an interested party or on its own  
2 motion.

3           2. Commit the child to a licensed child-caring agency  
4 willing to receive the child, but the court may not commit the  
5 child to a jail or to a facility used primarily as a detention  
6 center or facility or shelter.

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

17           4. Revoke or suspend the driver's license of the  
18 child.

19           5. Require the child and, if the court finds it  
20 appropriate, the child's parent or guardian together with the  
21 child, to render community service in a public service  
22 program.

23           6. As part of the community control program to be  
24 implemented by the Department of Juvenile Justice, or, in the  
25 case of a committed child, as part of the community-based  
26 sanctions ordered by the court at the disposition hearing or  
27 before the child's release from commitment, order the child to  
28 make restitution in money, through a promissory note cosigned  
29 by the child's parent or guardian, or in kind for any damage  
30 or loss caused by the child's offense in a reasonable amount  
31 or manner to be determined by the court. The clerk of the

1 circuit court shall be the receiving and dispensing agent. In  
2 such case, the court shall order the child or the child's  
3 parent or guardian to pay to the office of the clerk of the  
4 circuit court an amount not to exceed the actual cost incurred  
5 by the clerk as a result of receiving and dispensing  
6 restitution payments. The clerk shall notify the court if  
7 restitution is not made, and the court shall take any further  
8 action that is necessary against the child or the child's  
9 parent or guardian. A finding by the court, after a hearing,  
10 that the parent or guardian has made diligent and good faith  
11 efforts to prevent the child from engaging in delinquent acts  
12 absolves the parent or guardian of liability for restitution  
13 under this subparagraph.

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

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

29           9. In addition to the sanctions imposed on the child,  
30 order the parent or guardian of the child to perform community  
31 service if the court finds that the parent or guardian did not

1 make a diligent and good faith effort to prevent the child  
2 from engaging in delinquent acts. The court may also order the  
3 parent or guardian to make restitution in money or in kind for  
4 any damage or loss caused by the child's offense. The court  
5 shall determine a reasonable amount or manner of restitution,  
6 and payment shall be made to the clerk of the circuit court as  
7 provided in subparagraph 6.

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

19           Section 14. Paragraph (a) of subsection (2) of section  
20 985.216, Florida Statutes, is amended to read:

21           985.216 Punishment for contempt of court; alternative  
22 sanctions.--

23           (2) PLACEMENT IN A SECURE FACILITY.--A child may be  
24 placed in a secure facility for purposes of punishment for  
25 contempt of court if alternative sanctions are unavailable or  
26 inappropriate, or if the child has already been ordered to  
27 serve an alternative sanction but failed to comply with the  
28 sanction.

29           (a) A delinquent child who has been held in direct or  
30 indirect contempt may be placed in a secure detention facility  
31 for 5 days for a first offense or 15 days for a second or

1 subsequent offense, ~~or in a secure residential commitment~~  
2 ~~facility~~.

3 Section 15. Paragraph (a) of subsection (3) of section  
4 985.226, Florida Statutes, is amended to read:

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

8 (3) WAIVER HEARING.--

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

18 Section 16. Paragraph (b) of subsection (3) of section  
19 985.23, Florida Statutes, is amended to read:

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

24 (3)

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

1 determination shall be given great weight in identifying the  
2 most appropriate restrictiveness level for the child. The  
3 court shall consider the department's recommendation in making  
4 its commitment decision.

5 Section 17. Subsection (4) of section 985.301, Florida  
6 Statutes, is amended to read:

7 985.301 Civil citation.--

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

17 Section 18. Subsections (4), (5), and (6) of section  
18 985.304, Florida Statutes, are amended to read:

19 985.304 Community arbitration.--

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

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

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

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

31

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

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

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

17           (5) HEARINGS.--

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

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

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

31

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

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

12           (6) DISPOSITION OF CASES.--

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

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

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

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

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

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

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

30  
31



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

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

7           9. Continue the case for further investigation.

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

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

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

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

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

1 specifically appropriated or authorized for this purpose;  
2 provided, however, that such payments shall not, in total,  
3 exceed the amount of restitution ordered and that such  
4 payments shall be turned over by the child to the victim.

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

15 Section 19. Subsection (6) of section 985.307, Florida  
16 Statutes, is amended to read:

17 985.307 Juvenile assignment centers.--

18 (6) Notwithstanding any provision to the contrary,  
19 this section expires July 1, 2002 ~~1998~~, unless reenacted by  
20 the Legislature. The department may not create or operate a  
21 juvenile assignment center after July 1, 2002 ~~1998~~, without  
22 further legislative authority. Unless reenacted by the  
23 Legislature, any juvenile assignment center created under this  
24 section shall be converted to a high-level or maximum-level  
25 residential commitment program, subject to availability of  
26 funds.

27 Section 20. Subsection (3) of section 985.31, Florida  
28 Statutes, is amended to read:

29 985.31 Serious or habitual juvenile offender.--

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

1           (a) Assessment and treatment shall be conducted by  
2 treatment professionals with expertise in specific treatment  
3 procedures, which professionals shall exercise all  
4 professional judgment independently of the department.

5           (b) Treatment provided to children in designated  
6 facilities shall be suited to the assessed needs of each  
7 individual child and shall be administered safely and  
8 humanely, with respect for human dignity.

9           (c) The department may promulgate rules for the  
10 implementation and operation of programs and facilities for  
11 serious or habitual juvenile offenders.

12           (d) Any provider who acts in good faith is immune from  
13 civil or criminal liability for his or her actions in  
14 connection with the assessment, treatment, or transportation  
15 of a serious or habitual juvenile offender under the  
16 provisions of this chapter.

17           (e) After a child has been adjudicated delinquent  
18 pursuant to s. 985.228, the court shall determine whether the  
19 child meets the criteria for a serious or habitual juvenile  
20 offender pursuant to s. 985.03(47). If the court determines  
21 that the child does not meet such criteria, the provisions of  
22 s. 985.231(1) shall apply.

23           (f) After a child has been transferred for criminal  
24 prosecution, a circuit court judge may direct a juvenile  
25 probation officer ~~an intake counselor or case manager~~ to  
26 consult with designated staff from an appropriate serious or  
27 habitual juvenile offender program for the purpose of making  
28 recommendations to the court regarding the child's placement  
29 in such program.

30           (g) Recommendations as to a child's placement in a  
31 serious or habitual juvenile offender program shall be

1 presented to the court within 72 hours after the adjudication  
2 or conviction, and may be based on a preliminary screening of  
3 the child at appropriate sites, considering the child's  
4 location while court action is pending, which may include the  
5 nearest regional detention center or facility or jail.

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

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

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

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

28 (i) The treatment and placement recommendations shall  
29 be submitted to the court for further action pursuant to this  
30 paragraph:

31

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

6           2. If it is recommended that placement in a serious or  
7 habitual juvenile offender program or facility is appropriate,  
8 the court may commit the child to the department for placement  
9 in the restrictiveness level designated for serious or  
10 habitual delinquent children programs.

11           (j) The following provisions shall apply to children  
12 in serious or habitual juvenile offender programs and  
13 facilities:

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

17           2. A child shall begin participation in the community  
18 supervision component of aftercare based upon a determination  
19 made by the treatment provider and approved by the department.  
20 The treatment provider shall give written notice of the  
21 determination to the circuit court having jurisdiction over  
22 the child. If the court does not respond with a written  
23 objection within 10 days, the child shall begin the aftercare  
24 component.

25           3. A child shall be discharged from the program based  
26 upon a determination made by the treatment provider with the  
27 approval of the department.

28           4. In situations where the department does not agree  
29 with the decision of the treatment provider, a reassessment  
30 shall be performed, and the department shall utilize the  
31

1 reassessment determination to resolve the disagreement and  
2 make a final decision.

3 (k) Any commitment of a child to the department for  
4 placement in a serious or habitual juvenile offender program  
5 or facility shall be for an indeterminate period of time, but  
6 the time shall not exceed the maximum term of imprisonment  
7 which an adult may serve for the same offense. Notwithstanding  
8 the provisions of ss. 743.07 and 985.231(1)(d), a serious or  
9 habitual juvenile offender shall not be held under commitment  
10 from a court pursuant to this section, s. 985.231, or s.  
11 985.233 after becoming 21 years of age. This provision shall  
12 apply only for the purpose of completing the serious or  
13 habitual juvenile offender program pursuant to this chapter  
14 and shall be used solely for the purpose of treatment.

15 Section 21. Subsection (3) of section 985.311, Florida  
16 Statutes, is amended to read:

17 985.311 Intensive residential treatment program for  
18 offenders less than 13 years of age.--

19 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
20 TREATMENT.--

21 (a) Assessment and treatment shall be conducted by  
22 treatment professionals with expertise in specific treatment  
23 procedures, which professionals shall exercise all  
24 professional judgment independently of the department.

25 (b) Treatment provided to children in designated  
26 facilities shall be suited to the assessed needs of each  
27 individual child and shall be administered safely and  
28 humanely, with respect for human dignity.

29 (c) The department may promulgate rules for the  
30 implementation and operation of programs and facilities for  
31 children who are eligible for an intensive residential

1 treatment program for offenders less than 13 years of age.  
2 The department must involve the following groups in the  
3 promulgation of rules for services for this population: local  
4 law enforcement agencies, the judiciary, school board  
5 personnel, the office of the state attorney, the office of the  
6 public defender, and community service agencies interested in  
7 or currently working with juveniles. When promulgating these  
8 rules, the department must consider program principles,  
9 components, standards, procedures for intake, diagnostic and  
10 assessment activities, treatment modalities, and case  
11 management.

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

17 (e) After a child has been adjudicated delinquent  
18 pursuant to s. 985.228(5), the court shall determine whether  
19 the child is eligible for an intensive residential treatment  
20 program for offenders less than 13 years of age pursuant to s.  
21 985.03(7). If the court determines that the child does not  
22 meet the criteria, the provisions of s. 985.231(1) shall  
23 apply.

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

31

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

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

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

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

23  
24 If treatment provided by an intensive residential treatment  
25 program for offenders less than 13 years of age is determined  
26 to be appropriate and needed and placement is available, the  
27 juvenile probation officer ~~intake counselor or case manager~~  
28 and the court shall identify the appropriate intensive  
29 residential treatment program for offenders less than 13 years  
30 of age best suited to the needs of the child.

31



1 (i) The treatment and placement recommendations shall  
2 be submitted to the court for further action pursuant to this  
3 paragraph:

4 1. If it is recommended that placement in an intensive  
5 residential treatment program for offenders less than 13 years  
6 of age is inappropriate, the court shall make an alternative  
7 disposition pursuant to s. 985.309 or other alternative  
8 sentencing as applicable, utilizing the recommendation as a  
9 guide.

10 2. If it is recommended that placement in an intensive  
11 residential treatment program for offenders less than 13 years  
12 of age is appropriate, the court may commit the child to the  
13 department for placement in the restrictiveness level  
14 designated for intensive residential treatment program for  
15 offenders less than 13 years of age.

16 Section 22. Paragraph (a) of subsection (2) of section  
17 985.406, Florida Statutes, is amended to read:

18 985.406 Juvenile justice training academies  
19 established; Juvenile Justice Standards and Training  
20 Commission created; Juvenile Justice Training Trust Fund  
21 created.--

22 (2) JUVENILE JUSTICE STANDARDS AND TRAINING  
23 COMMISSION.--

24 (a) There is created under the Department of Juvenile  
25 Justice the Juvenile Justice Standards and Training  
26 Commission, hereinafter referred to as the commission. The  
27 17-member commission shall consist of the Attorney General or  
28 designee, the Commissioner of Education or designee, a member  
29 of the juvenile court judiciary to be appointed by the Chief  
30 Justice of the Supreme Court, and 14 members to be appointed  
31 by the Secretary of Juvenile Justice as follows:

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

10           2. Two members shall be representatives of local law  
11 enforcement agencies.

12           3. One member shall be an educator from the state's  
13 university and community college program of criminology,  
14 criminal justice administration, social work, psychology,  
15 sociology, or other field of study pertinent to the training  
16 of juvenile justice program staff.

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

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

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

22           7. One member shall be a representative of the  
23 business community.

24  
25 All appointed members shall be appointed to serve terms of 2  
26 years.

27           Section 23. Paragraph (c) of subsection (1) of section  
28 985.412, Florida Statutes, is amended to read:

29           985.412 Quality assurance.--

30           (1)

31           (c) The department shall:

- 1           1. Establish a comprehensive quality assurance system  
2 for each program operated by the department or operated by a  
3 provider under contract with the department. Each contract  
4 entered into by the department must provide for quality  
5 assurance.
- 6           2. Provide operational definitions of and criteria for  
7 quality assurance for each specific program component.
- 8           3. Establish quality assurance goals and objectives  
9 for each specific program component.
- 10          4. Establish the information and specific data  
11 elements required for the quality assurance program.
- 12          5. Develop a quality assurance manual of specific,  
13 standardized terminology and procedures to be followed by each  
14 program.
- 15          6. Evaluate each program operated by the department or  
16 a provider under a contract with the department and establish  
17 minimum thresholds for each program component. If a provider  
18 fails to meet the established minimum thresholds, such failure  
19 shall cause the department to cancel the provider's contract  
20 unless the provider achieves compliance with minimum  
21 thresholds within 6 months or unless there are documented  
22 extenuating circumstances. In addition, the department may not  
23 contract with the same provider for the canceled service for a  
24 period of 12 months. If a department-operated program fails to  
25 meet the established minimum thresholds, the department must  
26 take necessary and sufficient steps to ensure and document  
27 program changes to achieve compliance with the established  
28 minimum thresholds. If the department-operated program fails  
29 to achieve compliance with the established minimum thresholds  
30 within 6 months and if there are no documented extenuating  
31 circumstances, the department must notify the Executive Office

1 of the Governor and the Legislature of the corrective action  
2 taken. Appropriate corrective action may include, but is not  
3 limited to:

4 a. Contracting out for the services provided in the  
5 program;

6 b. Initiating appropriate disciplinary action against  
7 all employees whose conduct or performance is deemed to have  
8 materially contributed to the programs failure to meet  
9 established minimum thresholds;

10 c. Redesigning the program; or

11 d. Realigning the program.

12

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

29 Section 24. For the purpose of incorporating the  
30 amendment to section 985.412, Florida Statutes, in a reference

31

1 thereto, paragraph (b) of subsection (4) of section 985.315,  
2 Florida Statutes, is reenacted to read:

3 985.315 Vocational/work training programs.--

4 (4)

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

7 1. Systematic evaluations and quality assurance  
8 monitoring shall be implemented, in accordance with ss.  
9 985.401(4) and 985.412(1), to determine whether the juvenile  
10 vocational work programs are related to successful postrelease  
11 adjustments.

12 2. Operations and policies of work programs shall be  
13 reevaluated to determine if they are consistent with their  
14 primary objectives.

15 Section 25. Paragraph (b) of subsection (3) of section  
16 985.413, Florida Statutes, is amended to read:

17 985.413 District juvenile justice boards.--

18 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

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

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

27 (II) District 2 is to have a board composed of 18  
28 members, to be appointed by the juvenile justice councils in  
29 the respective counties, as follows: Holmes County, 1 member;  
30 Washington County, 1 member; Bay County, 2 members; Jackson  
31 County, 1 member; Calhoun County, 1 member; Gulf County, 1

1 member; Gadsden County, 1 member; Franklin County, 1 member;  
2 Liberty County, 1 member; Leon County, 4 members; Wakulla  
3 County, 1 member; Jefferson County, 1 member; Madison County,  
4 1 member; and Taylor County, 1 member.

5 (III) District 3 is to have a board composed of 15  
6 members, to be appointed by the juvenile justice councils of  
7 the respective counties, as follows: Hamilton County, 1  
8 member; Suwannee County, 1 member; Lafayette County, 1 member;  
9 Dixie County, 1 member; Columbia County, 1 member; Gilchrist  
10 County, 1 member; Levy County, 1 member; Union County, 1  
11 member; Bradford County, 1 member; Putnam County, 1 member;  
12 and Alachua County, 5 members.

13 (IV) District 4 is to have a board composed of 12  
14 members, to be appointed by the juvenile justice councils of  
15 the respective counties, as follows: Baker County, 1 member;  
16 Nassau County, 1 member; Duval County, 7 members; Clay County,  
17 2 members; and St. Johns County, 1 member.

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

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

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

31

1 (VIII) District 8 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: Sarasota County, 3  
4 members; DeSoto County, 1 member; Charlotte County, 1 member;  
5 Lee County, 3 members; Glades County, 1 member; Hendry County,  
6 1 member; and Collier County, 2 members.

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

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

13 (XI) District 11 is to have a juvenile justice board  
14 composed of 12 members to be appointed by the juvenile justice  
15 council in the respective counties, as follows: Dade County,  
16 6 members and Monroe County, 6 members.

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

21 (XIII) District 13 is to have a board composed of 12  
22 members, to be appointed by the juvenile justice councils of  
23 the respective counties, as follows: Marion County, 4 members;  
24 Citrus County, 2 members; Hernando County, 2 members; Sumter  
25 County, 1 member; and Lake County, 3 members.

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

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

4  
5 The district health and human services board in each district  
6 may appoint one of its members to serve as an ex officio  
7 member of the district juvenile justice board established  
8 under this sub-subparagraph.

9         b. In any judicial circuit where a juvenile  
10 delinquency and gang prevention council exists on the date  
11 this act becomes law, and where the circuit and district or  
12 subdistrict boundaries are identical, such council shall  
13 become the district juvenile justice board, and shall  
14 thereafter have the purposes and exercise the authority and  
15 responsibilities provided in this section.

16         2. At any time after the adoption of initial bylaws  
17 pursuant to paragraph (c), a district juvenile justice board  
18 may adopt a bylaw to enlarge the size, by no more than three  
19 members, and composition of the board to adequately reflect  
20 the diversity of the population and community organizations in  
21 the district.

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

30         4. A member who is absent for three meetings within  
31 any 12-month period, without having been excused by the chair,



1 is deemed to have resigned, and the board shall immediately  
2 declare the seat vacant. Members may be suspended or removed  
3 for cause by a majority vote of the board members or by the  
4 Governor.

5           5. Members are subject to the provisions of chapter  
6 112, part III, Code of Ethics for Public Officers and  
7 Employees.

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

9           (a) A district juvenile justice plan is authorized in  
10 each district or any subdivision of the district authorized by  
11 the district juvenile justice board for the purpose of  
12 reducing delinquent acts, juvenile arrests, and gang activity.  
13 Juvenile justice programs under such plan may be administered  
14 by the Department of Juvenile Justice; the district school  
15 board; a local law enforcement agency; or any other public or  
16 private entity, in cooperation with appropriate state or local  
17 governmental entities and public and private agencies. A  
18 juvenile justice program under this section may be planned,  
19 implemented, and conducted in any district pursuant to a  
20 proposal developed and approved as specified in s. 985.415.

21           Section 26. Paragraph (b) of subsection (2) of section  
22 985.414, Florida Statutes, is amended to read:

23           985.414 County juvenile justice councils.--

24           (2)

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

27           1. Developing a county juvenile justice plan based  
28 upon utilization of the resources of law enforcement, the  
29 school system, the Department of Juvenile Justice, the  
30 Department of Children and Family Services, and others in a  
31 cooperative and collaborative manner to prevent or discourage

1 juvenile crime and develop meaningful alternatives to school  
2 suspensions and expulsions.

3 2. Entering into a written county interagency  
4 agreement specifying the nature and extent of contributions  
5 each signatory agency will make in achieving the goals of the  
6 county juvenile justice plan and their commitment to the  
7 sharing of information useful in carrying out the goals of the  
8 interagency agreement to the extent authorized by law. The  
9 interagency agreement must include as parties, at a minimum,  
10 local school authorities or representatives, local law  
11 enforcement agencies, and local representatives of the  
12 Department of Juvenile Justice and the Department of Children  
13 and Family Services. The agreement must specify how community  
14 entities will cooperate, collaborate, and share information to  
15 achieve the goals of the county juvenile justice plan.

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

20 4. Designating the county representatives to the  
21 district juvenile justice board pursuant to s. 985.413.

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

27 6. Assisting and directing the efforts of local  
28 community support organizations and volunteer groups in  
29 providing enrichment programs and other support services for  
30 clients of local juvenile detention centers.  
31

1           7. Providing an annual report and recommendations to  
2 the district juvenile justice board, the Juvenile Justice  
3 Advisory Board, and the district juvenile justice manager.

4           Section 27. Paragraphs (a) and (b) of subsection (1)  
5 of section 985.415, Florida Statutes, are amended to read:

6           985.415 Community Juvenile Justice Partnership  
7 Grants.--

8           (1) GRANTS; CRITERIA.--

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

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

20           1. The participation of the agencies and programs  
21 needed to implement the project or program for which the  
22 applicant is applying ~~local school authorities, local law~~  
23 ~~enforcement, and local representatives of the Department of~~  
24 ~~Juvenile Justice and the Department of Children and Family~~  
25 ~~Services pursuant to a written interagency partnership~~  
26 ~~agreement. Such agreement must specify how community entities~~  
27 ~~will cooperate, collaborate, and share information in~~  
28 ~~furtherance of the goals of the district and county juvenile~~  
29 ~~justice plan; and~~

1           2. The reduction of truancy and in-school and  
2 out-of-school suspensions and expulsions, and the enhancement  
3 of school safety.

4           Section 28. This act shall take effect upon becoming a  
5 law.

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8           HOUSE SUMMARY

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10          Provides for establishment and operation of juvenile  
11 assessment centers instead of juvenile justice assessment  
12 centers. Conforms provisions relating to court costs and  
13 assessments for delinquency prevention. Provides that a  
14 child held in secure detention awaiting dispositional  
15 placement must meet detention admission criteria. Removes  
16 requirement for court order authorizing continued  
17 detention under specified circumstances when the child is  
18 committed to a low-risk residential program. Provides  
19 that a child found in contempt of court may be held only  
20 in a secure detention facility. Extends the expiration  
21 date for specified provisions relating to juvenile  
22 assignment centers to July 1, 2002. Provides for the  
23 Department of Juvenile Justice to ensure the reliability  
24 of a specified annual report. Increases maximum number of  
25 terms for district juvenile justice board members, and  
26 revises membership qualifications. Removes an exception  
27 to the limitation upon the number of terms of members.  
28 Requires certain participants in interagency agreements  
29 for the development of county juvenile justice plans.  
30 Revises requirements for contents of the agreements.  
31 Revises requirements for applications for community  
juvenile justice partnership grants. Revises definitions.  
Defines "juvenile probation officer." Substitutes  
terminology and references to conform to changes made by  
the act. See bill for details.