

By the Committees on Governmental Operations, 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. 943.053, F.S.; permitting the  
10          Department of Juvenile Justice or any other  
11          state or local criminal justice agency to  
12          provide copies of criminal history records for  
13          certain juvenile offenders, employees, and  
14          other individuals with access to a contracted  
15          juvenile assessment center or detention  
16          facility or contracted treatment program to the  
17          entity under direct contract with the  
18          department to operate the facilities or  
19          programs; providing for assessment of a charge  
20          by the criminal justice agency; providing  
21          guidelines for use and dissemination of the  
22          information; amending and renumbering s.  
23          944.401, F.S., relating to escapes from secure  
24          detention or residential commitment facility;  
25          providing that escape from lawful  
26          transportation to or from a secure detention  
27          facility or residential commitment facility is  
28          a third degree felony; providing penalties;  
29          conforming references and terminology; amending  
30          s. 921.0022, F.S., relating to the Criminal  
31          Punishment Code offense severity ranking chart;

1 conforming a reference to changes made by the  
2 act; amending s. 984.03, F.S.; redefining  
3 "habitual truant" with respect to ch. 984,  
4 F.S., relating to children and families in need  
5 of services; defining "juvenile probation  
6 officer," in lieu of "intake counselor" or  
7 "case manager," with respect to ch. 984, F.S.;  
8 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, state  
8 attorneys, public defenders, schools, and other  
9 agencies serving youth with respect to  
10 establishment of juvenile assessment centers;  
11 providing for development and modification of  
12 centers through local initiative of community  
13 agencies and local governments; providing for  
14 management of centers by advisory committees;  
15 providing for interagency agreements and  
16 information sharing among participating  
17 agencies; permitting the department to utilize  
18 centers for purposes of residential commitment  
19 program placement; providing for transportation  
20 of youth from juvenile detention centers to the  
21 centers; providing for family involvement in  
22 assessment and evaluation; requiring inclusion  
23 of 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          s. 985.223, F.S., relating to incompetency in  
21          juvenile delinquency cases; removing a  
22          provision restricting the applicability of s.  
23          985.223, F.S., to certain delinquency cases  
24          involving a delinquent act or violation of law  
25          that would be a felony if committed by an  
26          adult; requiring service of a motion  
27          questioning the child's competency to proceed,  
28          and service of subsequent motions, notices of  
29          hearing, orders, or other pleadings, upon  
30          specified counsel for the child, the state, the  
31          Department of Juvenile Justice, and the

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

1 child found mentally ill or retarded and  
2 adjudicated incompetent to proceed meets the  
3 criteria for secure placement; permitting  
4 placement of the child in a secure facility or  
5 program if the court finds by clear and  
6 convincing evidence that the child meets  
7 specified criteria; requiring the commitment of  
8 a child to the Department of Children and  
9 Family Services and requiring treatment or  
10 training of the child by the department in a  
11 secure facility or program, or in the  
12 community, under specified circumstances;  
13 requiring placements of such children to be  
14 separate from adult forensic programs;  
15 providing for transfer of custody of such  
16 children who attain competency; prescribing  
17 duties of the Department of Juvenile Justice  
18 relating to transportation of a child placed in  
19 or discharged from a secure residential  
20 facility; providing that the purpose of the  
21 treatment or training is the restoration of the  
22 child's competency to proceed; conforming  
23 terminology to changes made by the act;  
24 providing duties of service providers and  
25 guidelines and time limits relating to reports  
26 and provision of services; prescribing duties  
27 of the Department of Children and Family  
28 Services and guidelines relating to discharge  
29 plans; providing for court orders as  
30 appropriate in certain cases for the  
31 instituting of proceedings under ch. 393, F.S.,

1 relating to developmental disabilities  
2 prevention and community services, or ch. 394,  
3 F.S., relating to mental health and Baker Act  
4 proceedings; requiring provision of  
5 court-ordered competency restoration services  
6 by the Department of Children and Family  
7 Services; amending ss. 985.226, 985.23,  
8 985.301, and 985.304, F.S., relating to  
9 transfer of child for prosecution as an adult,  
10 disposition hearings in delinquency cases,  
11 civil citation, and community arbitration,  
12 respectively; substituting references to  
13 "juvenile probation officer" for references to  
14 "intake counselor" or "case manager";  
15 conforming provisions to changes made by the  
16 act; amending s. 985.307, F.S., relating to  
17 juvenile assignment centers; extending the  
18 expiration date for said section to July 1,  
19 2000; removing a restriction upon operation of  
20 a juvenile assignment center by the department;  
21 permitting instead of requiring conversion of  
22 certain centers under specified circumstances;  
23 amending ss. 985.31 and 985.311, F.S., relating  
24 to serious or habitual juvenile offenders and  
25 intensive residential treatment programs for  
26 offenders less than 13 years of age;  
27 substituting references to "juvenile probation  
28 officer" for references to "intake counselor"  
29 or "case manager"; conforming provisions to  
30 changes made by the act; amending s. 985.406,  
31 F.S., relating to juvenile justice training

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



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

7

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

9

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

12 938.17 County delinquency prevention.--

13 (2) In counties in which the sheriff's office is a  
14 partner in a juvenile ~~justice~~ assessment center pursuant to s.  
15 985.209 ~~39.0471~~, or a partner in a suspension program  
16 developed in conjunction with the district school board in the  
17 county of the sheriff's jurisdiction, the court shall assess  
18 court costs of \$3 per case, in addition to any other  
19 authorized cost or fine, on every person who, with respect to  
20 a charge, indictment, prosecution commenced, or petition of  
21 delinquency filed in that county or circuit, pleads guilty,  
22 nolo contendere to, or is convicted of, or adjudicated  
23 delinquent for, or has an adjudication withheld for, a felony  
24 or misdemeanor, or a criminal traffic offense or handicapped  
25 parking violation under state law, or a violation of any  
26 municipal or county ordinance, if the violation constitutes a  
27 misdemeanor under state law.

28 Section 2. Subsection (8) is added to section 943.053,  
29 Florida Statutes, to read:

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

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

4           (2) Criminal justice information derived from federal  
5 criminal justice information systems or criminal justice  
6 information systems of other states shall not be disseminated  
7 in a manner inconsistent with the laws, regulations, or rules  
8 of the originating agency.

9           (3) Criminal history information, including  
10 information relating to juveniles, compiled by the Division of  
11 Criminal Justice Information Systems from intrastate sources  
12 shall be available on a priority basis to criminal justice  
13 agencies for criminal justice purposes free of charge and,  
14 otherwise, to governmental agencies not qualified as criminal  
15 justice agencies on an approximate-cost basis. After  
16 providing the division with all known identifying information,  
17 persons in the private sector may be provided criminal history  
18 information upon tender of fees as established by rule of the  
19 Department of Law Enforcement. Such fees shall approximate  
20 the actual cost of producing the record information. Fees may  
21 be waived by the executive director of the Department of Law  
22 Enforcement for good cause shown.

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

26           (5) Notwithstanding any other provision of law, the  
27 department shall provide to the Florida Department of Revenue  
28 Child Support Enforcement access to Florida criminal records  
29 which are not exempt from disclosure under chapter 119, and to  
30 such information as may be lawfully available from other  
31 states via the National Law Enforcement Telecommunications

1 System, for the purpose of locating subjects who owe or  
2 potentially owe child support or to whom such obligation is  
3 owed pursuant to Title IV-D of the Social Security Act. Such  
4 information may be provided to child support enforcement  
5 authorities in other states for these specific purposes.

6 (6) 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 sheriff of any county that has  
10 contracted with a private entity to operate a county detention  
11 facility pursuant to the provisions of s. 951.062 shall  
12 provide that private entity, in a timely manner, copies of the  
13 Florida criminal history records for its inmates. The sheriff  
14 may assess a charge for the Florida criminal history records  
15 pursuant to the provisions of chapter 119. Sealed records  
16 received by the private entity under this section remain  
17 confidential and exempt from the provisions of s. 119.07(1).

18 (7) Notwithstanding the provisions of s. 943.0525, and  
19 any user agreements adopted pursuant thereto, and  
20 notwithstanding the confidentiality of sealed records as  
21 provided for in s. 943.059, the Department of Corrections  
22 shall provide, in a timely manner, copies of the Florida  
23 criminal history records for inmates housed in a private state  
24 correctional facility to the private entity under contract to  
25 operate the facility pursuant to the provisions of s. 944.105  
26 or s. 957.03. The department may assess a charge for the  
27 Florida criminal history records pursuant to the provisions of  
28 chapter 119. Sealed records received by the private entity  
29 under this section remain confidential and exempt from the  
30 provisions of s. 119.07(1).

31

1           (8) Notwithstanding the provisions of s. 943.0525 and  
2 any user agreements adopted pursuant thereto, and  
3 notwithstanding the confidentiality of sealed records as  
4 provided for in s. 943.059, the Department of Juvenile Justice  
5 or any other state or local criminal justice agency may  
6 provide copies of the Florida criminal history records for  
7 juvenile offenders currently or formerly detained or housed in  
8 a contracted juvenile assessment center or detention facility  
9 or serviced in a contracted treatment program and for  
10 employees or other individuals who will have access to these  
11 facilities, only to the entity under direct contract with the  
12 Department of Juvenile Justice to operate these facilities or  
13 programs pursuant to the provisions of s. 985.411. The  
14 criminal justice agency providing such data may assess a  
15 charge for the Florida criminal history records pursuant to  
16 the provisions of chapter 119. Sealed records received by the  
17 private entity under this section remain confidential and  
18 exempt from the provisions of s. 119.07(1). Information  
19 provided under this section shall be used only for the  
20 criminal justice purpose for which it was requested and may  
21 not be further disseminated.

22           Section 3. Section 944.401, Florida Statutes, is  
23 renumbered as section 985.3141, Florida Statutes, and amended  
24 to read:

25           985.3141 ~~944.401~~ Escapes from secure detention or  
26 residential commitment facility.--An escape from:

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

30           (2) Any residential commitment facility described  
31 ~~defined in s. 985.03(45)s. 39.01(59)~~, maintained for the

1 custody, treatment, punishment, or rehabilitation of children  
2 found to have committed delinquent acts or violations of law;  
3 or ~~an escape from~~  
4 (3) Lawful transportation to or from any such secure  
5 detention facility or residential commitment facility,~~thereto~~  
6 ~~or therefrom~~  
7  
8 constitutes escape within the intent and meaning of s. 944.40  
9 and is a felony of the third degree, punishable as provided in  
10 s. 775.082, s. 775.083, or s. 775.084.

11 Section 4. Paragraph (c) of subsection (3) of section  
12 921.0022, Florida Statutes, is amended to read:

13 921.0022 Criminal Punishment Code; offense severity  
14 ranking chart.--

15 (3) OFFENSE SEVERITY RANKING CHART

17 Florida Statute	Felony Degree	Description
		(c) LEVEL 3
21 <u>985.3141</u> <del>39-061</del>	3rd	Escapes from juvenile facility (secure detention or residential commitment facility).
24 319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
27 319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
30 319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.

1	319.33(4)	3rd	With intent to defraud, possess,
2			sell, etc., a blank, forged, or
3			unlawfully obtained title or
4			registration.
5	328.05(2)	3rd	Possess, sell, or counterfeit
6			fictitious, stolen, or fraudulent
7			titles or bills of sale of
8			vessels.
9	328.07(4)	3rd	Manufacture, exchange, or possess
10			vessel with counterfeit or wrong
11			ID number.
12	376.302(5)	3rd	Fraud related to reimbursement
13			for cleanup expenses under the
14			Inland Protection Trust Fund.
15	501.001(2)(b)	2nd	Tampers with a consumer product
16			or the container using materially
17			false/misleading information.
18	697.08	3rd	Equity skimming.
19	790.15(3)	3rd	Person directs another to
20			discharge firearm from a vehicle.
21	796.05(1)	3rd	Live on earnings of a prostitute.
22	806.10(1)	3rd	Maliciously injure, destroy, or
23			interfere with vehicles or
24			equipment used in firefighting.
25	806.10(2)	3rd	Interferes with or assaults
26			firefighter in performance of
27			duty.
28	810.09(2)(c)	3rd	Trespass on property other than
29			structure or conveyance armed
30			with firearm or dangerous weapon.
31			

1	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
2			less than \$10,000.
3	815.04(4)(b)	2nd	Computer offense devised to
4			defraud or obtain property.
5	817.034(4)(a)3.	3rd	Engages in scheme to defraud
6			(Florida Communications Fraud
7			Act), property valued at less
8			than \$20,000.
9	817.233	3rd	Burning to defraud insurer.
10	828.12(2)	3rd	Tortures any animal with intent
11			to inflict intense pain, serious
12			physical injury, or death.
13	831.29	2nd	Possession of instruments for
14			counterfeiting drivers' licenses.
15	838.021(3)(b)	3rd	Threatens unlawful harm to public
16			servant.
17	843.19	3rd	Injure, disable, or kill police
18			dog or horse.
19	870.01(2)	3rd	Riot; inciting or encouraging.
20	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
21			cannabis (or other s.
22			893.03(1)(c), (2)(c), (3), or (4)
23			drugs).
24	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
25			893.03(1)(c), (2)(c), (3), or (4)
26			drugs within 200 feet of
27			university, public housing
28			facility, or public park.
29	893.13(6)(a)	3rd	Possession of any controlled
30			substance other than felony
31			possession of cannabis.

1 893.13(7)(a)9. 3rd Obtain or attempt to obtain  
2 controlled substance by fraud,  
3 forgery, misrepresentation, etc.  
4 893.13(7)(a)11. 3rd Furnish false or fraudulent  
5 material information on any  
6 document or record required by  
7 chapter 893.  
8 918.13(1)(a) 3rd Alter, destroy, or conceal  
9 investigation evidence.  
10 944.47  
11 (1)(a)1.-2. 3rd Introduce contraband to  
12 correctional facility.  
13 944.47(1)(c) 2nd Possess contraband while upon the  
14 grounds of a correctional  
15 institution.  
16 Section 5. Subsections (29) and (31) of section  
17 984.03, Florida Statutes, are amended to read:  
18 984.03 Definitions.--When used in this chapter, the  
19 term:  
20 (29) "Habitually truant" means that:  
21 (a) The child has 15 unexcused absences within 90  
22 calendar days with or without the knowledge or justifiable  
23 consent of the child's parent or legal guardian, is subject to  
24 compulsory school attendance under s. 232.01, and is not  
25 exempt under s. 232.06, s. 232.09, or any other exemptions  
26 specified by law or the rules of the State Board of Education.  
27 (b) Escalating activities to determine the cause, and  
28 to attempt the remediation, of the child's truant behavior  
29 under ss. 232.17 and 232.19 have been completed.  
30  
31



1 ~~If a child who is subject to compulsory school attendance is~~  
2 ~~responsive to the interventions described in ss. 232.17 and~~  
3 ~~232.19 and has completed the necessary requirements to pass~~  
4 ~~the current grade as indicated in the district pupil~~  
5 ~~progression plan, the child shall not be determined to be~~  
6 ~~habitually truant and shall be passed. If a child within the~~  
7 ~~compulsory school attendance age has 15 unexcused absences~~  
8 ~~within 90 calendar days or fails to enroll in school, the~~  
9 ~~state attorney may file a child-in-need-of-services petition.~~  
10 ~~Prior to filing a petition, the child must be referred to the~~  
11 ~~appropriate agency for evaluation. After consulting with the~~  
12 ~~evaluating agency, the state attorney may elect to file a~~  
13 ~~child-in-need-of-services petition.~~

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

27 (d) The failure or refusal of the parent or legal  
28 guardian or the child to participate, or make a good faith  
29 effort to participate, in the activities prescribed to remedy  
30 the truant behavior, or the failure or refusal of the child to  
31 return to school after participation in activities required by

1 this subsection, or the failure of the child to stop the  
2 truant behavior after the school administration and the  
3 Department of Juvenile Justice have worked with the child as  
4 described in s. 232.19(3) shall be handled as prescribed in s.  
5 232.19.

6  
7 If a child who is subject to compulsory school attendance is  
8 responsive to the interventions described in ss. 232.17 and  
9 232.19 and has completed the necessary requirements to pass  
10 the current grade as indicated in the district pupil  
11 progression plan, the child shall not be determined to be  
12 habitually truant and shall be passed. If a child within the  
13 compulsory school attendance age has 15 unexcused absences  
14 within 90 calendar days or fails to enroll in school, the  
15 state attorney may file a child-in-need-of-services petition.  
16 Prior to filing a petition, the child must be referred to the  
17 appropriate agency for evaluation. After consulting with the  
18 evaluating agency, the state attorney may elect to file a  
19 child-in-need-of-services petition.

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

25 Section 6. Subsections (27), (29), (30), (45), and  
26 (55) of section 985.03, Florida Statutes, are amended to read:

27 985.03 Definitions.--When used in this chapter, the  
28 term:

29 (27) "Habitually truant" means that:

30 (a) The child has 15 unexcused absences within 90  
31 calendar days with or without the knowledge or justifiable

1 consent of the child's parent or legal guardian, is subject to  
2 compulsory school attendance under s. 232.01, and is not  
3 exempt under s. 232.06, s. 232.09, or any other exemptions  
4 specified by law or the rules of the State Board of Education.

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

8  
9 ~~If a child who is subject to compulsory school attendance is~~  
10 ~~responsive to the interventions described in ss. 232.17 and~~  
11 ~~232.19 and has completed the necessary requirements to pass~~  
12 ~~the current grade as indicated in the district pupil~~  
13 ~~progression plan, the child shall not be determined to be~~  
14 ~~habitually truant and shall be passed. If a child within the~~  
15 ~~compulsory school attendance age has 15 unexcused absences~~  
16 ~~within 90 calendar days or fails to enroll in school, the~~  
17 ~~state attorney may file a child-in-need-of-services petition.~~  
18 ~~Prior to filing a petition, the child must be referred to the~~  
19 ~~appropriate agency for evaluation. After consulting with the~~  
20 ~~evaluating agency, the state attorney may elect to file a~~  
21 ~~child-in-need-of-services petition.~~

22 (c) A school representative, designated according to  
23 school board policy, and an authorized agent ~~intake counselor~~  
24 ~~or case manager~~ of the Department of Juvenile Justice have  
25 jointly investigated the truancy problem or, if that was not  
26 feasible, have performed separate investigations to identify  
27 conditions which may be contributing to the truant behavior;  
28 and if, after a joint staffing of the case to determine the  
29 necessity for services, such services were determined to be  
30 needed, the persons who performed the investigations met  
31 jointly with the family and child to discuss any referral to

1 appropriate community agencies for economic services, family  
2 or individual counseling, or other services required to remedy  
3 the conditions that are contributing to the truant behavior.

4 (d) The failure or refusal of the parent or legal  
5 guardian or the child to participate, or make a good faith  
6 effort to participate, in the activities prescribed to remedy  
7 the truant behavior, or the failure or refusal of the child to  
8 return to school after participation in activities required by  
9 this subsection, or the failure of the child to stop the  
10 truant behavior after the school administration and the  
11 Department of Juvenile Justice have worked with the child as  
12 described in s. 232.19(3) shall be handled as prescribed in s.  
13 232.19.

14  
15 If a child who is subject to compulsory school attendance is  
16 responsive to the interventions described in ss. 232.17 and  
17 232.19 and has completed the necessary requirements to pass  
18 the current grade as indicated in the district pupil  
19 progression plan, the child shall not be determined to be  
20 habitually truant and shall be passed. If a child within the  
21 compulsory school attendance age has 15 unexcused absences  
22 within 90 calendar days or fails to enroll in school, the  
23 state attorney may file a child-in-need-of-services petition.  
24 Prior to filing a petition, the child must be referred to the  
25 appropriate agency for evaluation. After consulting with the  
26 evaluating agency, the state attorney may elect to file a  
27 child-in-need-of-services petition.

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

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

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

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

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

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

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

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

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

10 (c) Moderate-risk residential.--Youth assessed and  
11 classified for placement in programs in this restrictiveness  
12 level represent a moderate risk to public safety. Programs  
13 are designed for children who require close supervision but do  
14 not need placement in facilities that are physically secure.  
15 Programs in the moderate-risk residential restrictiveness  
16 level provide 24-hour awake supervision, custody, care, and  
17 treatment. Upon specific appropriation, a facility at this  
18 restrictiveness level may have a security fence around the  
19 perimeter of the grounds of the facility and may be  
20 hardware-secure or staff-secure. The staff at a facility at  
21 this restrictiveness level may seclude a child who is a  
22 physical threat to himself or others. Mechanical restraint  
23 may also be used when necessary. Programs or program models in  
24 this restrictiveness level include: halfway houses, START  
25 Centers, the Dade Intensive Control Program, licensed  
26 substance abuse residential programs, and moderate-term  
27 wilderness programs designed for committed delinquent youth  
28 that are operated or contracted by the Department of Juvenile  
29 Justice. Section 985.3141 ~~944.401~~ applies to children in  
30 programs in this restrictiveness level ~~moderate-risk~~  
31 ~~residential programs.~~

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

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

30           (55) "Temporary release" means the terms and  
31 conditions under which a child is temporarily released from a

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

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

17 985.207 Taking a child into custody.--

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

31



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

3           985.208 Detention of furloughed child or escapee on  
4 authority of the department.--

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

13           Section 9. Section 985.209, Florida Statutes, is  
14 amended to read:

15           985.209 Juvenile ~~justice~~ assessment centers.--

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

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

31

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

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

23       (5) Each center is authorized and encouraged to  
24 establish truancy programs. A truancy program may serve as  
25 providing the central intake and screening of truant children  
26 for a specific geographic area based upon written agreements  
27 between the center, local law enforcement agencies, and local  
28 school boards. A center may work cooperatively with any  
29 truancy program operating in the area serving the center.

30       (6) Each center must provide for the coordination and  
31 sharing of information among the participating agencies to

1 facilitate the screening of and case processing for youth  
2 referred to the department.  
3 (7) The department may utilize juvenile assessment  
4 centers to the fullest extent possible for the purpose of  
5 conducting assessments and evaluations of youth ordered by the  
6 court for placement in residential commitment programs.  
7 Assessments and evaluations may be conducted by center staff  
8 on a youth while he or she is in a juvenile detention center  
9 awaiting placement in a residential commitment facility. If  
10 feasible, a youth may be transported from a juvenile detention  
11 center to a juvenile assessment center for the purpose of  
12 conducting an assessment or evaluation. Such assessments and  
13 evaluations may include, but are not limited to, needs  
14 assessment; substance abuse evaluations; physical and mental  
15 health evaluations; psychological evaluations; behavioral  
16 assessments; educational assessments; aptitude testing; and  
17 vocational testing. To the extent possible, the youth's  
18 parents or guardians and other family members should be  
19 involved in the assessment and evaluation process. All  
20 information, conclusions, treatment recommendations, and  
21 reports derived from any assessment and evaluation performed  
22 on a youth shall be included as a part of the youth's  
23 commitment packet and shall accompany the youth to the  
24 residential commitment facility in which the youth is placed.  
25 ~~The department shall work cooperatively with substance abuse~~  
26 ~~facilities, mental health providers, law enforcement agencies,~~  
27 ~~schools, health services providers, and other entities~~  
28 ~~involved with children to establish a juvenile justice~~  
29 ~~assessment center in each service district. The assessment~~  
30 ~~center shall serve as central intake and screening for~~  
31 ~~children referred to the department. Each juvenile justice~~

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

8 Section 10. Section 985.21, Florida Statutes, is  
9 amended to read:

10 985.21 Intake and case management.--

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

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

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

29 3. The Department of Juvenile Justice shall develop an  
30 intake and a case management system whereby a child brought  
31 into intake is assigned a juvenile probation officer ~~case~~

1 ~~manager~~ if the child was not released, referred to a  
2 diversionary program, referred for community arbitration, or  
3 referred to some other program or agency for the purpose of  
4 nonofficial or nonjudicial handling, and shall make every  
5 reasonable effort to provide ~~continuity of~~ case management  
6 services for the child; provided, however, that case  
7 management for children committed to residential programs may  
8 be transferred as provided in s. 985.316.

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

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

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

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

24           d. Coordinating the multidisciplinary assessment when  
25 required, which includes the classification and placement  
26 process that determines the child's priority needs, risk  
27 classification, and treatment plan. When sufficient evidence  
28 exists to warrant a comprehensive assessment and the child  
29 fails to voluntarily participate in the assessment efforts, it  
30 is the responsibility of the juvenile probation officer ~~case~~  
31 ~~manager~~ to inform the court of the need for the assessment and

1 the refusal of the child to participate in such assessment.  
2 This assessment, classification, and placement process shall  
3 develop into the predisposition report.  
4 e. Making recommendations for services and  
5 facilitating the delivery of those services to the child,  
6 including any mental health services, educational services,  
7 family counseling services, family assistance services, and  
8 substance abuse services. The juvenile probation officer  
9 ~~delinquency case manager~~ shall serve as the primary case  
10 manager for the purpose of managing, coordinating, and  
11 monitoring the services provided to the child. Each program  
12 administrator within the Department of Children and Family  
13 Services shall cooperate with the primary case manager in  
14 carrying out the duties and responsibilities described in this  
15 section.  
16  
17 The Department of Juvenile Justice shall annually advise the  
18 Legislature and the Executive Office of the Governor of the  
19 resources needed in order for the intake and case management  
20 system to maintain a staff-to-client ratio that is consistent  
21 with accepted standards and allows the necessary supervision  
22 and services for each child. The intake process and case  
23 management system shall provide a comprehensive approach to  
24 assessing the child's needs, relative risks, and most  
25 appropriate handling, and shall be based on an individualized  
26 treatment plan.  
27 (b) The intake and case management system shall  
28 facilitate consistency in the recommended placement of each  
29 child, and in the assessment, classification, and placement  
30 process, with the following purposes:  
31

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

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

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

28           (2) The intake process shall be performed by the  
29 department through a case management system. The purpose of  
30 the intake process is to assess the child's needs and risks  
31 and to determine the most appropriate treatment plan and

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

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

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



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

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

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

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

29 2. When indicated by the preliminary screening,  
30 provide for a comprehensive assessment of the child and family  
31 for mental health problems, using community-based

1 psychologists, psychiatrists, or other licensed mental health  
2 professionals with clinical expertise and experience in the  
3 assessment of mental health problems.  
4  
5 When indicated by the comprehensive assessment, the department  
6 is authorized to contract within appropriated funds for  
7 services with a local nonprofit community mental health or  
8 substance abuse agency licensed or authorized under chapter  
9 394, or chapter 397, or other authorized nonprofit social  
10 service agency providing related services. The determination  
11 of mental health or substance abuse services shall be  
12 conducted in coordination with existing programs providing  
13 mental health or substance abuse services in conjunction with  
14 the intake office. Client information resulting from the  
15 screening and evaluation shall be documented pursuant to rules  
16 established by the department and shall serve to assist the  
17 juvenile probation officer ~~intake counselor or case manager~~ in  
18 providing the most appropriate services and recommendations in  
19 the least intrusive manner. Such client information shall be  
20 used in the multidisciplinary assessment and classification of  
21 the child, but such information, and any information obtained  
22 directly or indirectly through the assessment process, is  
23 inadmissible in court prior to the disposition hearing, unless  
24 the child's written consent is obtained. At the disposition  
25 hearing, documented client information shall serve to assist  
26 the court in making the most appropriate custody,  
27 adjudicatory, and dispositional decision. If the screening and  
28 assessment indicate that the interest of the child and the  
29 public will be best served thereby, the juvenile probation  
30 officer ~~intake counselor or case manager~~, with the approval of  
31 the state attorney, may refer the child for care, diagnostic

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

22 (c) The juvenile probation officer ~~intake counselor or~~  
23 ~~case manager~~, upon determining that the report, affidavit, or  
24 complaint complies with the standards of a probable cause  
25 affidavit and that the interest of the child and the public  
26 will be best served, may recommend that a delinquency petition  
27 not be filed. If such a recommendation is made, the juvenile  
28 probation officer ~~intake counselor or case manager~~ shall  
29 advise in writing the person or agency making the report,  
30 affidavit, or complaint, the victim, if any, and the law  
31 enforcement agency having investigative jurisdiction of the

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

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

24 (e) The state attorney may in all cases take action  
25 independent of the action or lack of action of the juvenile  
26 probation officer ~~intake counselor or case manager~~, and shall  
27 determine the action which is in the best interest of the  
28 public and the child. If the child meets the criteria  
29 requiring prosecution as an adult pursuant to s. 985.226, the  
30 state attorney shall request the court to transfer and certify  
31 the child for prosecution as an adult or shall provide written

1 reasons to the court for not making such request. In all other  
2 cases, the state attorney may:

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

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

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

1 ~~officer~~ ~~intake officer~~ may, in determining whether to request  
2 that a delinquency petition be filed, take into consideration  
3 the willingness of the parent or legal guardian to comply with  
4 such request.

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

7 985.211 Release or delivery from custody.--

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

14 (a) Identify the child, the parents, guardian, or  
15 legal custodian, and the person to whom the child was  
16 released.

17 (b) Contain sufficient information to establish the  
18 jurisdiction of the court and to make a prima facie showing  
19 that the child has committed a violation of law or a  
20 delinquent act.

21 (4) A person taking a child into custody who  
22 determines, pursuant to s. 985.215, that the child should be  
23 detained or released to a shelter designated by the  
24 department, shall make a reasonable effort to immediately  
25 notify the parent, guardian, or legal custodian of the child  
26 and shall, without unreasonable delay, deliver the child to  
27 the appropriate juvenile probation officer ~~intake counselor or~~  
28 ~~case manager~~ or, if the court has so ordered pursuant to s.  
29 985.215, to a detention center or facility. Upon delivery of  
30 the child, the person taking the child into custody shall make  
31 a written report or probable cause affidavit to the

1 appropriate juvenile probation officer ~~intake counselor or~~  
2 ~~case manager~~. Such written report or probable cause affidavit  
3 must:

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

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

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

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

29 (c) Each letter of recommendation, written notice,  
30 report, or other paper required by law pertaining to the case  
31 shall bear the uniform case number of the case, and a copy

1 shall be filed with the clerk of the circuit court by the  
2 issuing agency. The issuing agency shall furnish copies to  
3 the juvenile probation officer ~~intake counselor or case~~  
4 ~~manager~~ and the state attorney.

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

9 Section 12. Section 985.215, Florida Statutes, is  
10 amended to read:

11 985.215 Detention.--

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

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

24 (b) The juvenile probation officer ~~intake counselor or~~  
25 ~~case manager~~ shall base the decision whether or not to place  
26 the child into secure detention care, home detention care, or  
27 nonsecure detention care on an assessment of risk in  
28 accordance with the risk assessment instrument and procedures  
29 developed by the Department of Juvenile Justice under s.  
30 985.213.

31



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

10  
11 Under no circumstances shall the juvenile probation officer  
12 ~~intake counselor or case manager~~ or the state attorney or law  
13 enforcement officer authorize the detention of any child in a  
14 jail or other facility intended or used for the detention of  
15 adults, without an order of the court.

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

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

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

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

31

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

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

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

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

17 2. Has a record of law violations prior to court  
18 hearings;

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

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

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

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

31

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

1 vehicle that at the same time contains an adult under arrest,  
2 unless the adult is alleged or believed to be involved in the  
3 same offense or transaction as the child.

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

7 (a) When the child has been transferred or indicted  
8 for criminal prosecution as an adult pursuant to this part,  
9 except that the court may not order or allow a child alleged  
10 to have committed a misdemeanor who is being transferred for  
11 criminal prosecution pursuant to either s. 985.226 or s.

12 985.227 to be detained or held in a jail or other facility  
13 intended or used for the detention of adults; however, such  
14 child may be held temporarily in a detention facility; or

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

17

18 The child shall be housed separately from adult inmates to  
19 prohibit a child from having regular contact with incarcerated  
20 adults, including trustees. "Regular contact" means sight and  
21 sound contact. Separation of children from adults shall permit  
22 no more than haphazard or accidental contact. The receiving  
23 jail or other facility shall contain a separate section for  
24 children and shall have an adequate staff to supervise and  
25 monitor the child's activities at all times. Supervision and  
26 monitoring of children includes physical observation and  
27 documented checks by jail or receiving facility supervisory  
28 personnel at intervals not to exceed 15 minutes. This  
29 paragraph does not prohibit placing two or more children in  
30 the same cell. Under no circumstances shall a child be placed  
31 in the same cell with an adult.

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

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

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

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

27           (6) When any child is placed into secure, nonsecure,  
28 or home detention care or into other placement pursuant to a  
29 court order following a detention hearing, the court shall  
30 order the natural or adoptive parents of such child, the  
31 natural father of such child born out of wedlock who has

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

1 collection agency must be registered and in good standing  
2 under chapter 559. The department may pay to the collection  
3 agency a fee from the amount collected under the claim or may  
4 authorize the agency to deduct the fee from the amount  
5 collected.

6 (7) If a child is detained and a petition for  
7 delinquency is filed, the child shall be arraigned in  
8 accordance with the Florida Rules of Juvenile Procedure within  
9 48 hours after the filing of the petition for delinquency.

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

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

21 (10)(a)1. When a child is committed to the Department  
22 of Juvenile Justice awaiting dispositional placement, removal  
23 of the child from detention care shall occur within 5 days,  
24 excluding Saturdays, Sundays, and legal holidays. Any child  
25 held in secure detention during the 5 days must meet detention  
26 admission criteria pursuant to this section. If the child is  
27 committed to a ~~low-risk residential program or a moderate-risk~~  
28 residential program, the department may seek an order from the  
29 court authorizing continued detention for a specific period of  
30 time necessary for the appropriate residential placement of  
31 the child. However, such continued detention in secure

1 detention care may not exceed 15 days after commitment,  
2 excluding Saturdays, Sundays, and legal holidays, and except  
3 as otherwise provided in this subsection.

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

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

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

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

28           (e) Upon specific appropriation, the department may  
29 obtain comprehensive evaluations, including, but not limited  
30 to, medical, academic, psychological, behavioral,  
31 sociological, and vocational needs of a youth with multiple



1 arrests for all level criminal acts or a youth committed to a  
2 minimum-risk or low-risk commitment program.

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

7 (b) When a juvenile sexual offender, pursuant to this  
8 subsection, is released from detention or transferred to home  
9 detention or nonsecure detention, detention staff shall  
10 immediately notify the appropriate law enforcement agency and  
11 school personnel.

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

14 985.231 Powers of disposition in delinquency cases.--

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

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

1 requirement of participation in substance abuse treatment or  
2 in school or other educational program.

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

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

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

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

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

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

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

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

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

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

31

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

11           4. Revoke or suspend the driver's license of the  
12 child.

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

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

1 restitution is not made, and the court shall take any further  
2 action that is necessary against the child or the child's  
3 parent or guardian. A finding by the court, after a hearing,  
4 that the parent or guardian has made diligent and good faith  
5 efforts to prevent the child from engaging in delinquent acts  
6 absolves the parent or guardian of liability for restitution  
7 under this subparagraph.

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

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

23           9. In addition to the sanctions imposed on the child,  
24 order the parent or guardian of the child to perform community  
25 service if the court finds that the parent or guardian did not  
26 make a diligent and good faith effort to prevent the child  
27 from engaging in delinquent acts. The court may also order the  
28 parent or guardian to make restitution in money or in kind for  
29 any damage or loss caused by the child's offense. The court  
30 shall determine a reasonable amount or manner of restitution,  
31

1 and payment shall be made to the clerk of the circuit court as  
2 provided in subparagraph 6.

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

14           Section 14. Paragraph (a) of subsection (2) of section  
15 985.216, Florida Statutes, is amended to read:

16           985.216 Punishment for contempt of court; alternative  
17 sanctions.--

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

24           (a) A delinquent child who has been held in direct or  
25 indirect contempt may be placed in a secure detention facility  
26 for 5 days for a first offense or 15 days for a second or  
27 subsequent offense, ~~or in a secure residential commitment~~  
28 facility.

29           Section 15. Section 985.223, Florida Statutes, is  
30 amended to read:

31           985.223 Incompetency in juvenile delinquency cases.--

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

9           (a) Any motion questioning the child's competency to  
10 proceed must be served upon the child's attorney, the state  
11 attorney, the attorneys representing the Department of  
12 Juvenile Justice, and the attorneys representing the  
13 Department of Children and Family Services. Thereafter, any  
14 motion, notice of hearing, order, or other legal pleading  
15 relating to the child's competency to proceed with the hearing  
16 must be served upon the child's attorney, the state attorney,  
17 the attorneys representing the Department of Juvenile Justice,  
18 and the attorneys representing the Department of Children and  
19 Family Services. The Department of Juvenile Justice and the  
20 Department of Children and Family Services, after service of  
21 the motion questioning the child's competency to proceed, may  
22 participate as parties to the litigation pertaining to  
23 competency.

24           (b)~~(a)~~ All determinations of competency shall be made  
25 at a hearing, with findings of fact based on an evaluation of  
26 the child's mental condition made by not less than two nor  
27 more than three experts appointed by the court. The basis for  
28 ~~if the determination of incompetency is based on the presence~~  
29 ~~of a mental illness or mental retardation, this~~ must be  
30 specifically stated in the evaluation. In addition, a  
31 recommendation as to whether residential or nonresidential



1 treatment or training is required must be included in the  
2 evaluation. Experts appointed by the court to determine the  
3 mental condition of a child shall be allowed reasonable fees  
4 for services rendered. State employees may be paid expenses  
5 pursuant to s. 112.061. The fees shall be taxed as costs in  
6 the case.

7 (c) All court orders determining incompetency must  
8 include specific written findings by the court as to the  
9 nature of the incompetency and whether the child requires  
10 secure or nonsecure treatment or training environments.

11 (d)~~(b)~~ For incompetency evaluations related to mental  
12 illness, the Department of Children and Family Services shall  
13 annually provide the courts with a list of mental health  
14 professionals who have completed a training program approved  
15 by the Department of Children and Family Services to perform  
16 the evaluations.

17 (e)~~(c)~~ For incompetency evaluations related to mental  
18 retardation, the court shall order the Developmental Services  
19 Program Office within the Department of Children and Family  
20 Services to examine the child to determine if the child meets  
21 the definition of "retardation" in s. 393.063 and, if so,  
22 whether the child is competent to proceed with delinquency  
23 proceedings.

24 (f)~~(d)~~ A child is competent to proceed if the child  
25 has sufficient present ability to consult with counsel with a  
26 reasonable degree of rational understanding and the child has  
27 a rational and factual understanding of the present  
28 proceedings. The report must address the child's capacity to:

29 1. Appreciate the charges or allegations against the  
30 child.

31

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

4           3. Understand the adversarial nature of the legal  
5 process.

6           4. Disclose to counsel facts pertinent to the  
7 proceedings at issue.

8           5. Display appropriate courtroom behavior.

9           6. Testify relevantly.

10          (g) Immediately upon the filing of the court order  
11 finding a child incompetent to proceed, the clerk of the court  
12 shall notify the Department of Children and Family Services  
13 and fax or hand deliver to the Department of Children and  
14 Family Services a referral packet which includes, at a  
15 minimum, the court order, the charging documents, the  
16 petition, and the court-appointed evaluator's reports.

17          (h) After placement of the child in the appropriate  
18 setting, the Department of Children and Family Services must,  
19 within 30 days after the Department of Children and Family  
20 Services places the child, prepare and submit to the court a  
21 treatment plan for the child's restoration of competency. A  
22 copy of the treatment plan must be served upon the child's  
23 attorney, the state attorney, and the attorneys representing  
24 the Department of Juvenile Justice.

25          (2) A ~~Every~~ child who is mentally ill or retarded, who  
26 is adjudicated incompetent to proceed, and who has committed a  
27 delinquent act or violation of law, either of which would be a  
28 felony if committed by an adult, must ~~may~~ be involuntarily  
29 committed to the Department of Children and Family Services  
30 for treatment or training. A child who has been adjudicated  
31 incompetent to proceed because of age or immaturity, or for

1 any reason other than for mental illness or retardation, must  
2 not be committed to the department or to the Department of  
3 Children and Family Services for restoration-of-competency  
4 treatment or training services.~~upon a finding by the court of~~  
5 ~~clear and convincing evidence that:~~For purposes of this  
6 section, a child who has committed a delinquent act or  
7 violation of law, either of which would be a misdemeanor if  
8 committed by an adult, may not be committed to the department  
9 or to the Department of Children and Family Services for  
10 restoration-of-competency treatment or training services.

11 (3) If the court finds that a child is mentally ill or  
12 retarded and adjudicates the child incompetent to proceed, the  
13 court must also determine whether the child meets the criteria  
14 for secure placement. A child may be placed in a secure  
15 facility or program if the court makes a finding by clear and  
16 convincing evidence that:

17 (a) The child is mentally ill and because of the  
18 mental illness; or the child is mentally retarded and because  
19 of the mental retardation:

20 1. The child is manifestly incapable of surviving with  
21 the help of willing and responsible family or friends,  
22 including available alternative services, and without  
23 treatment or training the child is likely to either suffer  
24 from neglect or refuse to care for self, and such neglect or  
25 refusal poses a real and present threat of substantial harm to  
26 the child's well-being; or

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

31

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

6 ~~(4)(3)~~ A ~~Each~~ child who is determined to be mentally  
7 ill or retarded, who has been adjudicated incompetent to  
8 proceed, and who meets the criteria set forth ~~for commitment~~  
9 in subsection ~~(3)(2)~~, must be committed to the Department of  
10 Children and Family Services, and the Department of Children  
11 and Family Services ~~that department may retain, and if it~~  
12 ~~retains~~ must treat or train the child in a secure facility or  
13 program which is the least restrictive alternative consistent  
14 with public safety. Any placement ~~commitment~~ of a child to a  
15 secure residential program must be separate from adult  
16 forensic programs. If the child attains competency, then  
17 custody, case management, and supervision of the child will be  
18 transferred to the department in order to continue delinquency  
19 proceedings; however, the court retains authority to order the  
20 Department of Children and Family Services to provide  
21 continued treatment to maintain competency.

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

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

30 (c) Whenever a child is placed in a secure residential  
31 facility, the department will provide transportation to the

1 secure residential facility for admission and from the secure  
2 residential facility upon discharge.

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

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

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

24 (b) Whenever the provider files a report with the  
25 court informing the court that the child will never become  
26 competent to proceed, the Department of Children and Family  
27 Services will develop a discharge plan for the child prior to  
28 any hearing determining whether the child will ever become  
29 competent to proceed. The Department of Children and Family  
30 Services must send the proposed discharge plan to the court,  
31 the state attorney, the child's attorney, and the attorneys

1 representing the Department of Juvenile Justice. The provider  
2 will continue to provide services to the child until the court  
3 issues the order finding the child will never become competent  
4 to proceed.

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

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

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

30       (c) If a child is ordered to receive competency  
31 restoration ~~such~~ services, the services shall be provided by

1 the Department of Children and Family Services. The department  
2 shall continue to provide case management services to the  
3 child and receive notice of the competency status of the  
4 child.

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

18 ~~(7)(6)~~ The provisions of this section shall be  
19 implemented only subject to specific appropriation.

20 Section 16. Paragraph (a) of subsection (3) of section  
21 985.226, Florida Statutes, is amended to read:

22 985.226 Criteria for waiver of juvenile court  
23 jurisdiction; hearing on motion to transfer for prosecution as  
24 an adult.--

25 (3) WAIVER HEARING.--

26 (a) Within 7 days, excluding Saturdays, Sundays, and  
27 legal holidays, after the date a petition alleging that a  
28 child has committed a delinquent act or violation of law has  
29 been filed, or later with the approval of the court, but  
30 before an adjudicatory hearing and after considering the  
31 recommendation of the juvenile probation officer ~~intake~~

1 ~~counselor or case manager~~, the state attorney may file a  
2 motion requesting the court to transfer the child for criminal  
3 prosecution.

4 Section 17. Paragraph (b) of subsection (3) of section  
5 985.23, Florida Statutes, is amended to read:

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

10 (3)

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

22 Section 18. Subsection (4) of section 985.301, Florida  
23 Statutes, is amended to read:

24 985.301 Civil citation.--

25 (4) If the juvenile fails to report timely for a work  
26 assignment, complete a work assignment, or comply with  
27 assigned intervention services within the prescribed time, or  
28 if the juvenile commits a third or subsequent misdemeanor, the  
29 law enforcement officer shall issue a report alleging the  
30 child has committed a delinquent act, at which point a  
31 juvenile probation officer ~~an intake counselor or case manager~~



1 shall perform a preliminary determination as provided under s.  
2 985.21(4).

3 Section 19. Subsections (4), (5), and (6) of section  
4 985.304, Florida Statutes, are amended to read:

5 985.304 Community arbitration.--

6 (4) PROCEDURE FOR INITIATING CASES FOR COMMUNITY  
7 ARBITRATION.--

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

1 parent or legal custodian or guardian shall inform the  
2 juvenile probation officer ~~intake counselor~~ of the decision to  
3 approve or reject the handling of the complaint through  
4 community arbitration.

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

17 (c) If the child or the parent or legal custodian or  
18 guardian rejects the handling of the complaint through  
19 community arbitration, the juvenile probation officer ~~intake~~  
20 ~~counselor~~ shall consult with the state attorney for the filing  
21 of formal juvenile proceedings.

22 (d) If the child or the parent or legal custodian or  
23 guardian accepts the handling of the complaint through  
24 community arbitration, the juvenile probation officer ~~intake~~  
25 ~~counselor~~ shall provide copies of the complaint to the  
26 arbitrator or panel within 24 hours.

27 (e) The community arbitrator or community arbitration  
28 panel shall, upon receipt of the complaint, set a time and  
29 date for a hearing within 7 days and shall inform the child's  
30 parent or legal custodian or guardian, the complaining  
31

1 witness, and any victims of the time, date, and place of the  
2 hearing.

3 (5) HEARINGS.--

4 (a) The law enforcement officer who issued the  
5 complaint need not appear at the scheduled hearing. However,  
6 prior to the hearing, the officer shall file with the  
7 community arbitrator or the community arbitration panel a  
8 comprehensive report setting forth the facts and circumstances  
9 surrounding the allegation.

10 (b) Records and reports submitted by interested  
11 agencies and parties, including, but not limited to,  
12 complaining witnesses and victims, may be received in evidence  
13 before the community arbitrator or the community arbitration  
14 panel without the necessity of formal proof.

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

17 (d) Any statement or admission made by the child  
18 appearing before the community arbitrator or the community  
19 arbitration panel relating to the offense for which he or she  
20 was cited is privileged and may not be used as evidence  
21 against the child either in a subsequent juvenile proceeding  
22 or in any subsequent civil or criminal action.

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

28 (6) DISPOSITION OF CASES.--

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

- 1           1. Recommend that the state attorney decline to  
2 prosecute the child.
- 3           2. Issue a warning to the child or the child's family  
4 and recommend that the state attorney decline to prosecute the  
5 child.
- 6           3. Refer the child for placement in a community-based  
7 nonresidential program.
- 8           4. Refer the child or the family to community  
9 counseling.
- 10          5. Refer the child to a safety and education program  
11 related to delinquent children.
- 12          6. Refer the child to a work program related to  
13 delinquent children and require up to 100 hours of work by the  
14 child.
- 15          7. Refer the child to a nonprofit organization for  
16 volunteer work in the community and require up to 100 hours of  
17 work by the child.
- 18          8. Order restitution in money or in kind in a case  
19 involving property damage; however, the amount of restitution  
20 shall not exceed the amount of actual damage to property.
- 21          9. Continue the case for further investigation.
- 22          10. Require the child to undergo urinalysis  
23 monitoring.
- 24          11. Impose any other restrictions or sanctions that  
25 are designed to encourage responsible and acceptable behavior  
26 and are agreed upon by the participants of the community  
27 arbitration proceedings.
- 28
- 29 The community arbitrator or community arbitration panel shall  
30 determine an appropriate timeframe in which the disposition  
31 must be completed. The community arbitrator or community

1 arbitration panel shall report the disposition of the case to  
2 the juvenile probation officer ~~intake counselor or case~~  
3 ~~manager~~.

4 (b) Any person or agency to whom a child is referred  
5 pursuant to this section shall periodically report the  
6 progress of the child to the referring community arbitrator or  
7 community arbitration panel in the manner prescribed by such  
8 arbitrator or panel.

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

19 (d) If a child consents to an informal resolution and,  
20 in the presence of the parent or legal custodian or guardian  
21 and the community arbitrator or community arbitration panel,  
22 agrees to comply with any disposition suggested or ordered by  
23 such arbitrator or panel and subsequently fails to abide by  
24 the terms of such agreement, the community arbitrator or  
25 community arbitration panel may, after a careful review of the  
26 circumstances, forward the case back to the juvenile probation  
27 officer ~~intake counselor~~, who shall consult with the state  
28 attorney regarding the filing of formal juvenile proceedings.

29 Section 20. Subsection (6) of section 985.307, Florida  
30 Statutes, is amended to read:

31 985.307 Juvenile assignment centers.--

1           (6) Notwithstanding any provision to the contrary,  
2 this section expires July 1, 2000 ~~1998~~, unless reenacted by  
3 the Legislature. The department may not create ~~or operate~~ a  
4 new juvenile assignment center after July 1, 1998, without  
5 further legislative authority. Unless reenacted by the  
6 Legislature, any juvenile assignment center created under this  
7 section may ~~shall~~ be converted to a high-level or  
8 maximum-level residential commitment program or may be  
9 converted to perform the functions of a juvenile assessment  
10 center as defined in s. 985.209, subject to availability of  
11 funds.

12           Section 21. Subsection (3) of section 985.31, Florida  
13 Statutes, is amended to read:

14           985.31 Serious or habitual juvenile offender.--

15           (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
16 TREATMENT.--

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

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

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

28           (d) Any provider who acts in good faith is immune from  
29 civil or criminal liability for his or her actions in  
30 connection with the assessment, treatment, or transportation  
31

1 of a serious or habitual juvenile offender under the  
2 provisions of this chapter.

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

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

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

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

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

31

1           2. For each child who has been transferred for  
2 criminal prosecution, the juvenile probation officer ~~intake~~  
3 ~~counselor or case manager~~ shall recommend whether the most  
4 appropriate placement for the child is a juvenile justice  
5 system program, including a serious or habitual juvenile  
6 offender program or facility, or placement in the adult  
7 correctional system.

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

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

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

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

28           (j) The following provisions shall apply to children  
29 in serious or habitual juvenile offender programs and  
30 facilities:

31



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

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

12           3. A child shall be discharged from the program based  
13 upon a determination made by the treatment provider with the  
14 approval of the department.

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

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

1 Section 22. Subsection (3) of section 985.311, Florida  
2 Statutes, is amended to read:

3 985.311 Intensive residential treatment program for  
4 offenders less than 13 years of age.--

5 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
6 TREATMENT.--

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

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

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

29 (d) Any provider who acts in good faith is immune from  
30 civil or criminal liability for his or her actions in  
31 connection with the assessment, treatment, or transportation

1 of an intensive offender less than 13 years of age under the  
2 provisions of this chapter.

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

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

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

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

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

31

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

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

17           (i) The treatment and placement recommendations shall  
18 be submitted to the court for further action pursuant to this  
19 paragraph:

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

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

1           Section 23. Paragraph (a) of subsection (2) of section  
2 985.406, Florida Statutes, is amended to read:

3           985.406 Juvenile justice training academies  
4 established; Juvenile Justice Standards and Training  
5 Commission created; Juvenile Justice Training Trust Fund  
6 created.--

7           (2) JUVENILE JUSTICE STANDARDS AND TRAINING  
8 COMMISSION.--

9           (a) There is created under the Department of Juvenile  
10 Justice the Juvenile Justice Standards and Training  
11 Commission, hereinafter referred to as the commission. The  
12 17-member commission shall consist of the Attorney General or  
13 designee, the Commissioner of Education or designee, a member  
14 of the juvenile court judiciary to be appointed by the Chief  
15 Justice of the Supreme Court, and 14 members to be appointed  
16 by the Secretary of Juvenile Justice as follows:

17           1. Seven members shall be juvenile justice  
18 professionals: a superintendent or a direct care staff member  
19 from an institution; a director from a contracted  
20 community-based program; a superintendent and a direct care  
21 staff member from a regional detention center or facility; a  
22 juvenile probation officer supervisor and a juvenile probation  
23 officer ~~community control counselor~~; and a director of a day  
24 treatment or aftercare program. No fewer than three of these  
25 members shall be contract providers.

26           2. Two members shall be representatives of local law  
27 enforcement agencies.

28           3. One member shall be an educator from the state's  
29 university and community college program of criminology,  
30 criminal justice administration, social work, psychology,  
31

1 sociology, or other field of study pertinent to the training  
2 of juvenile justice program staff.

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

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

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

8 7. One member shall be a representative of the  
9 business community.

10

11 All appointed members shall be appointed to serve terms of 2  
12 years.

13 Section 24. Paragraph (c) of subsection (1) of section  
14 985.412, Florida Statutes, is amended to read:

15 985.412 Quality assurance.--

16 (1)

17 (c) The department shall:

18 1. Establish a comprehensive quality assurance system  
19 for each program operated by the department or operated by a  
20 provider under contract with the department. Each contract  
21 entered into by the department must provide for quality  
22 assurance.

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

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

27 4. Establish the information and specific data  
28 elements required for the quality assurance program.

29 5. Develop a quality assurance manual of specific,  
30 standardized terminology and procedures to be followed by each  
31 program.

1           6. Evaluate each program operated by the department or  
2 a provider under a contract with the department and establish  
3 minimum thresholds for each program component. If a provider  
4 fails to meet the established minimum thresholds, such failure  
5 shall cause the department to cancel the provider's contract  
6 unless the provider achieves compliance with minimum  
7 thresholds within 6 months or unless there are documented  
8 extenuating circumstances. In addition, the department may not  
9 contract with the same provider for the canceled service for a  
10 period of 12 months. If a department-operated program fails to  
11 meet the established minimum thresholds, the department must  
12 take necessary and sufficient steps to ensure and document  
13 program changes to achieve compliance with the established  
14 minimum thresholds. If the department-operated program fails  
15 to achieve compliance with the established minimum thresholds  
16 within 6 months and if there are no documented extenuating  
17 circumstances, the department must notify the Executive Office  
18 of the Governor and the Legislature of the corrective action  
19 taken. Appropriate corrective action may include, but is not  
20 limited to:

- 21           a. Contracting out for the services provided in the  
22 program;  
23           b. Initiating appropriate disciplinary action against  
24 all employees whose conduct or performance is deemed to have  
25 materially contributed to the programs failure to meet  
26 established minimum thresholds;  
27           c. Redesigning the program; or  
28           d. Realigning the program.

29  
30 The department shall submit an annual report to the President  
31 of the Senate, the Speaker of the House of Representatives,

1 the Minority Leader of each house of the Legislature, the  
2 appropriate substantive and fiscal committees of each house of  
3 the Legislature, and the Governor, no later than February 1 of  
4 each year. The annual report must contain, at a minimum, for  
5 each specific program component: a comprehensive description  
6 of the population served by the program; a specific  
7 description of the services provided by the program; cost; a  
8 comparison of expenditures to federal and state funding;  
9 immediate and long-range concerns; and recommendations to  
10 maintain, expand, improve, modify, or eliminate each program  
11 component so that changes in services lead to enhancement in  
12 program quality. The department ~~department's inspector general~~  
13 shall ensure the reliability and validity of the information  
14 contained in the report.

15 Section 25. For the purpose of incorporating the  
16 amendment to section 985.412, Florida Statutes, in a reference  
17 thereto, paragraph (b) of subsection (4) of section 985.315,  
18 Florida Statutes, is reenacted to read:

19 985.315 Vocational/work training programs.--

20 (4)

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

23 1. Systematic evaluations and quality assurance  
24 monitoring shall be implemented, in accordance with ss.  
25 985.401(4) and 985.412(1), to determine whether the juvenile  
26 vocational work programs are related to successful postrelease  
27 adjustments.

28 2. Operations and policies of work programs shall be  
29 reevaluated to determine if they are consistent with their  
30 primary objectives.

31



1           Section 26. Paragraph (b) of subsection (3) of section  
2 985.413, Florida Statutes, is amended to read:

3           985.413 District juvenile justice boards.--

4           (3) DISTRICT JUVENILE JUSTICE BOARDS.--

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

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

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

22           (III) District 3 is to have a board composed of 15  
23 members, to be appointed by the juvenile justice councils of  
24 the respective counties, as follows: Hamilton County, 1  
25 member; Suwannee County, 1 member; Lafayette County, 1 member;  
26 Dixie County, 1 member; Columbia County, 1 member; Gilchrist  
27 County, 1 member; Levy County, 1 member; Union County, 1  
28 member; Bradford County, 1 member; Putnam County, 1 member;  
29 and Alachua County, 5 members.

30           (IV) District 4 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: Baker County, 1 member;  
2 Nassau County, 1 member; Duval County, 7 members; Clay County,  
3 2 members; and St. Johns County, 1 member.

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

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

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

17 (VIII) District 8 is to have a board composed of 12  
18 members, to be appointed by the juvenile justice councils of  
19 the respective counties, as follows: Sarasota County, 3  
20 members; DeSoto County, 1 member; Charlotte County, 1 member;  
21 Lee County, 3 members; Glades County, 1 member; Hendry County,  
22 1 member; and Collier County, 2 members.

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

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

29 (XI) District 11 is to have a juvenile justice board  
30 composed of 12 members to be appointed by the juvenile justice  
31

1 council in the respective counties, as follows: Dade County,  
2 6 members and Monroe County, 6 members.

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

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

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

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

21  
22 The district health and human services board in each district  
23 may appoint one of its members to serve as an ex officio  
24 member of the district juvenile justice board established  
25 under this sub-subparagraph.

26 b. In any judicial circuit where a juvenile  
27 delinquency and gang prevention council exists on the date  
28 this act becomes law, and where the circuit and district or  
29 subdistrict boundaries are identical, such council shall  
30 become the district juvenile justice board, and shall  
31

1 thereafter have the purposes and exercise the authority and  
2 responsibilities provided in this section.

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

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

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

23           5. Members are subject to the provisions of chapter  
24 112, part III, Code of Ethics for Public Officers and  
25 Employees.

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

27           (a) A district juvenile justice plan is authorized in  
28 each district or any subdivision of the district authorized by  
29 the district juvenile justice board for the purpose of  
30 reducing delinquent acts, juvenile arrests, and gang activity.  
31 Juvenile justice programs under such plan may be administered

1 by the Department of Juvenile Justice; the district school  
2 board; a local law enforcement agency; or any other public or  
3 private entity, in cooperation with appropriate state or local  
4 governmental entities and public and private agencies. A  
5 juvenile justice program under this section may be planned,  
6 implemented, and conducted in any district pursuant to a  
7 proposal developed and approved as specified in s. 985.415.

8 Section 27. Paragraph (b) of subsection (2) of section  
9 985.414, Florida Statutes, is amended to read:

10 985.414 County juvenile justice councils.--

11 (2)

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

14 1. Developing a county juvenile justice plan based  
15 upon utilization of the resources of law enforcement, the  
16 school system, the Department of Juvenile Justice, the  
17 Department of Children and Family Services, and others in a  
18 cooperative and collaborative manner to prevent or discourage  
19 juvenile crime and develop meaningful alternatives to school  
20 suspensions and expulsions.

21 2. Entering into a written county interagency  
22 agreement specifying the nature and extent of contributions  
23 each signatory agency will make in achieving the goals of the  
24 county juvenile justice plan and their commitment to the  
25 sharing of information useful in carrying out the goals of the  
26 interagency agreement to the extent authorized by law. The  
27 interagency agreement must include as parties, at a minimum,  
28 local school authorities or representatives, local law  
29 enforcement agencies, state attorneys, public defenders, and  
30 local representatives of the Department of Juvenile Justice  
31 and the Department of Children and Family Services. The

1 agreement must specify how community entities will cooperate,  
2 collaborate, and share information to achieve the goals of the  
3 county juvenile justice plan.

4           3. Applying for and receiving public or private  
5 grants, to be administered by one of the community partners,  
6 that support one or more components of the county juvenile  
7 justice plan.

8           4. Designating the county representatives to the  
9 district juvenile justice board pursuant to s. 985.413.

10           5. Providing a forum for the presentation of  
11 interagency recommendations and the resolution of  
12 disagreements relating to the contents of the county  
13 interagency agreement or the performance by the parties of  
14 their respective obligations under the agreement.

15           6. Assisting and directing the efforts of local  
16 community support organizations and volunteer groups in  
17 providing enrichment programs and other support services for  
18 clients of local juvenile detention centers.

19           7. Providing an annual report and recommendations to  
20 the district juvenile justice board, the Juvenile Justice  
21 Advisory Board, and the district juvenile justice manager.

22           Section 28. Paragraphs (a) and (b) of subsection (1)  
23 of section 985.415, Florida Statutes, are amended to read:

24           985.415 Community Juvenile Justice Partnership  
25 Grants.--

26           (1) GRANTS; CRITERIA.--

27           (a) In order to encourage the development of county  
28 and district juvenile justice plans and the development and  
29 implementation of county and district interagency agreements  
30 pursuant to ss. 985.413 and 985.414,~~among representatives of~~  
31 ~~the Department of Juvenile Justice, the Department of Children~~

1 ~~and Family Services, law enforcement, and school authorities,~~  
2 the community juvenile justice partnership grant program is  
3 established, and which program shall be administered by the  
4 Department of Juvenile Justice.

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

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

17 2. The reduction of truancy and in-school and  
18 out-of-school suspensions and expulsions, and the enhancement  
19 of school safety.

20 Section 29. This act shall take effect upon becoming a  
21 law.

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