

By the Committee on Juvenile Justice and Representatives
Rayson, Culp, Murman and Fasano

1 A bill to be entitled
2 An act relating to juvenile and criminal
3 justice; amending s. 39.0145, F.S., relating to
4 punishment of a delinquent child for contempt
5 of court and alternative sanctions; removing
6 certain time limitations upon placement of
7 delinquent child held in contempt in a secure
8 detention facility or secure residential
9 commitment facility; amending s. 39.025, F.S.,
10 relating to district juvenile justice boards;
11 conforming provisions to reflect the creation
12 of the Department of Children and Family
13 Services; requiring that specified entities
14 participate in the interagency agreement
15 developed by the county juvenile justice
16 council; specifying information to be included
17 in the agreement; clarifying the minimum
18 requirements to be included in an application
19 for a community juvenile justice partnership
20 grant; revising requirements for application
21 for a community juvenile justice partnership
22 grant to remove requirement for participation
23 of the Department of Health and Rehabilitative
24 Services; amending s. 39.044, F.S., relating to
25 detention; providing for continued detention of
26 a child who has failed to appear in court on
27 two separate occasions on the same case;
28 providing for extension up to 45 days of the
29 time limits upon detention of a child, under
30 specified circumstances; reenacting ss.
31 39.038(4), 39.042(2)(b), 39.0445, 39.049(5),

1 39.064(1), 790.22(8), relating to release or
2 delivery from custody, use of detention,
3 juvenile domestic violence offenders, release
4 or delivery from custody, process and service,
5 detention of furloughed or escaped child, and
6 weapons or firearms offenses by minors to
7 incorporate said amendment in references;
8 amending s. 39.0471, F.S.; authorizing
9 establishment of truancy programs by juvenile
10 justice assessment centers; defining "truant
11 student" to include enrolled students between 6
12 years of age and 18 years of age; amending s.
13 230.23161, F.S., relating to educational
14 services in Department of Juvenile Justice
15 programs; providing a maximum limitation on
16 administrative costs under certain contracts by
17 school districts for such programs; amending s.
18 806.13, F.S., relating to criminal mischief;
19 redefining first degree misdemeanor criminal
20 mischief offense to include damage to property
21 greater than \$200 but less than \$500, and
22 providing penalties therefor; redefining third
23 degree felony criminal mischief to include
24 certain damages of \$500 or greater, and
25 providing penalties therefor; amending s.
26 921.0012, F.S., relating to the sentencing
27 guidelines offense penalties, to conform a
28 cross reference; amending s. 812.014, F.S.,
29 relating to theft; providing second degree
30 felony penalties for a person who commits grand
31 theft of a motor vehicle and who has previously

1 been convicted two or more times of motor
2 vehicle theft; reenacting ss. 39.052(3)(a) and
3 538.23(2), F.S., relating to transfer of child
4 for prosecution and offenses by secondary metal
5 recyclers, to incorporate said amendment in
6 references; requiring cooperative agreements
7 between the Department of Juvenile Justice and
8 the Department of Children and Family Services
9 for the provision of mental health and
10 substance abuse treatment services to youth in
11 the juvenile justice system; requiring the
12 Office of Program Policy Analysis and
13 Government Accountability to conduct a
14 performance review of the provision of mental
15 health and substance abuse treatment services
16 to youth in the juvenile justice system;
17 requiring a report; amending s. 39.069, F.S.;
18 providing for appeal by the state of an order
19 denying restitution, under certain
20 circumstances when the order affects a party to
21 a case involving delinquency; providing
22 effective dates.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraph (a) of subsection (2) of section
27 39.0145, Florida Statutes, is amended to read:

28 39.0145 Punishment for contempt of court; alternative
29 sanctions.--

30 (2) PLACEMENT IN A SECURE FACILITY.--A child may be
31 placed in a secure facility for purposes of punishment for

1 contempt of court if alternative sanctions are unavailable or
2 inappropriate, or if the child has already been ordered to
3 serve an alternative sanction but failed to comply with the
4 sanction.

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

10 Section 2. Subsections (5) and (8) of section 39.025,
11 Florida Statutes, 1996 Supplement, are amended to read:

12 39.025 District juvenile justice boards.--

13 (1) SHORT TITLE.--This section may be cited as the
14 "Community Juvenile Justice System Act."

15 (5) COUNTY JUVENILE JUSTICE COUNCILS.--

16 (a) A county juvenile justice council is authorized in
17 each county for the purpose of encouraging the initiation of,
18 or supporting ongoing, interagency cooperation and
19 collaboration in addressing juvenile crime. A county juvenile
20 justice council must include:

21 1. The district school superintendent, or the
22 superintendent's designee.

23 2. The chair of the board of county commissioners, or
24 the chair's designee.

25 3. An elected official of the governing body of a
26 municipality within the county.

27 4. Representatives of the local school system
28 including administrators, teachers, school counselors, and
29 parents.

30 5. The district juvenile justice manager and the
31 district administrator of the Department of Children and

1 Family Health and Rehabilitative Services, or their respective
2 designees.

3 6. Representatives of local law enforcement agencies,
4 including the sheriff or the sheriff's designee.

5 7. Representatives of the judicial system, including,
6 but not limited to, the chief judge of the circuit, the state
7 attorney, the public defender, the clerk of the circuit court,
8 or their respective designees.

9 8. Representatives of the business community.

10 9. Representatives of any other interested officials,
11 groups, or entities including, but not limited to, a
12 children's services council, public or private providers of
13 juvenile justice programs and services, students, and
14 advocates.

15

16 A juvenile delinquency and gang prevention council or any
17 other group or organization that currently exists in any
18 county, and that is composed of and open to representatives of
19 the classes of members described in this section, may notify
20 the district juvenile justice manager of its desire to be
21 designated as the county juvenile justice council.

22 (b) The purpose of a county juvenile justice council
23 is to provide a forum for the development of a community-based
24 interagency assessment of the local juvenile justice system,
25 to develop a county juvenile justice plan for more effectively
26 preventing juvenile delinquency, and to make recommendations
27 for more effectively utilizing existing community resources in
28 dealing with juveniles who are truant or have been suspended
29 or expelled from school, or who are found to be involved in
30 crime. The county juvenile justice plan shall include relevant
31 portions of local crime prevention and public safety plans,

1 school improvement and school safety plans, and the plans or
2 initiatives of other public and private entities within the
3 county that are concerned with dropout prevention, school
4 safety, the prevention of juvenile crime and criminal activity
5 by youth gangs, and alternatives to suspension, expulsion, and
6 detention for children found in contempt of court.

7 (c) The duties and responsibilities of a county
8 juvenile justice council include, but are not limited to:

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

16 2. Entering into a written county interagency
17 agreement specifying the nature and extent of contributions
18 each signatory agency will make in achieving the goals of the
19 county juvenile justice plan and their commitment to the
20 sharing of information useful in carrying out the goals of the
21 interagency agreement to the extent authorized by law. The
22 interagency agreement must include at least the following
23 participants: the local school authorities, local law
24 enforcement, and local representatives of the Department of
25 Juvenile Justice and the Department of Children and Family
26 Services. The interagency agreement must specify how
27 community entities will cooperate, collaborate, and share
28 information in furtherance of the goals of the district and
29 county juvenile justice plan.

30 3. Applying for and receiving public or private
31 grants, to be administered by one of the community partners,

1 that support one or more components of the county juvenile
2 justice plan.

3 4. Designating the county representatives to the
4 district juvenile justice board pursuant to subsection (6).

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

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

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

17 (8) COMMUNITY JUVENILE JUSTICE PARTNERSHIP GRANTS;
18 CRITERIA.--

19 (a) In order to encourage the development of county
20 and district juvenile justice plans, as required in
21 subparagraphs (5)(c)1. and (6)(d)2. and subsection (7), and
22 the development and implementation of county and district
23 interagency agreements, as required in subparagraphs (5)(c)2.
24 and (6)(d)3., among representatives of the Department of
25 Juvenile Justice, the Department of Children and Family Health
26 ~~and Rehabilitative~~ Services, law enforcement, and school
27 authorities, the community juvenile justice partnership grant
28 program is established, to be administered by the Department
29 of Juvenile Justice.

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

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

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

14 (c) In addition, the department may consider the
15 following criteria in awarding grants:

16 1. The district juvenile justice plan and any county
17 juvenile justice plans that are referred to or incorporated
18 into the district plan, including a list of individuals,
19 groups, and public and private entities that participated in
20 the development of the plan.

21 2. The diversity of community entities participating
22 in the development of the district juvenile justice plan.

23 3. The number of community partners who will be
24 actively involved in the operation of the grant program.

25 4. The number of students or youth to be served by the
26 grant and the criteria by which they will be selected.

27 5. The criteria by which the grant program will be
28 evaluated and, if deemed successful, the feasibility of
29 implementation in other communities.

30
31

1 Section 3. Paragraph (g) is added to subsection (2) of
2 section 39.044, Florida Statutes, 1996 Supplement, and
3 paragraph (d) of subsection (5) is amended to read:

4 39.044 Detention.--

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

9 (g) The child has failed to appear in court on two
10 separate occasions on the same case.

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

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

9 (5)

10 (d) The time limits in paragraphs (b) and (c) do not
11 include periods of delay resulting from a continuance granted
12 by the court for cause on motion of the child or his or her
13 counsel or of the state. Cause may be found and the time
14 limits for detention may be extended if the child is charged
15 with a capital felony, life felony, or felony of the first
16 degree and the nature of the charge requires additional time
17 for the prosecution or defense of the case, but in no event
18 shall be extended beyond 45 days. Upon the issuance of an
19 order granting a continuance for cause on a motion by either
20 the child, the child's counsel, or the state, the court shall
21 conduct a hearing at the end of each 72-hour period, excluding
22 Saturdays, Sundays, and legal holidays, to determine the need
23 for continued detention of the child and the need for further
24 continuance of proceedings for the child or the state.

25 Section 4. For the purpose of incorporating the
26 amendments to s. 39.044, Florida Statutes, in references
27 thereto, the following sections or subdivisions of Florida
28 Statutes are reenacted to read:

29 39.038 Release or delivery from custody.--

30 (4) A person taking a child into custody who
31 determines, pursuant to s. 39.044, that the child should be

1 detained or released to a shelter designated by the
2 department, shall make a reasonable effort to immediately
3 notify the parent, guardian, or legal custodian of the child
4 and shall, without unreasonable delay, deliver the child to
5 the appropriate intake counselor or case manager or, if the
6 court has so ordered pursuant to s. 39.044, to a detention
7 center or facility. Upon delivery of the child, the person
8 taking the child into custody shall make a written report or
9 probable cause affidavit to the appropriate intake counselor
10 or case manager. Such written report or probable cause
11 affidavit must:

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

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

18 39.042 Use of detention.--

19 (2)

20 (b)1. The risk assessment instrument for detention
21 care placement determinations and orders shall be developed by
22 the Department of Juvenile Justice in agreement with
23 representatives appointed by the following associations: the
24 Conference of Circuit Judges of Florida, the Prosecuting
25 Attorneys Association, and the Public Defenders Association.
26 Each association shall appoint two individuals, one
27 representing an urban area and one representing a rural area.
28 The parties involved shall evaluate and revise the risk
29 assessment instrument as is considered necessary using the
30 method for revision as agreed by the parties. The risk
31 assessment instrument shall take into consideration, but need

1 not be limited to, prior history of failure to appear, prior
2 offenses, offenses committed pending adjudication, any
3 unlawful possession of a firearm, theft of a motor vehicle or
4 possession of a stolen motor vehicle, and community control
5 status at the time the child is taken into custody. The risk
6 assessment instrument shall also take into consideration
7 appropriate aggravating and mitigating circumstances, and
8 shall be designed to target a narrower population of children
9 than s. 39.044(2). The risk assessment instrument shall also
10 include any information concerning the child's history of
11 abuse and neglect. The risk assessment shall indicate whether
12 detention care is warranted, and, if detention care is
13 warranted, whether the child should be placed into secure,
14 nonsecure, or home detention care.

15 2. If, at the detention hearing, the court finds a
16 material error in the scoring of the risk assessment
17 instrument, the court may amend the score to reflect factual
18 accuracy.

19 3. A child who is charged with committing an offense
20 of domestic violence as defined in s. 741.28(1) and who does
21 not meet detention criteria may be held in secure detention
22 for up to 48 hours if a respite home or similar authorized
23 residential facility is not available. The court may order
24 that the child continue to be held in secure detention
25 provided that a hearing is held at the end of each 48-hour
26 period, excluding Saturdays, Sundays, and legal holidays, in
27 which the state attorney and the department may recommend to
28 the court that the child continue to be held in secure
29 detention.

30 39.0445 Juvenile domestic violence offenders.--If a
31 child is charged with the commission of a domestic violence

1 offense as defined in s. 741.28(1) and does not meet the
2 detention criteria established in s. 39.044, the court may
3 order that the child be placed in a respite home or any
4 similar residential facility, if available, authorized by the
5 department for the placement of juvenile domestic violence
6 offenders or, if not available, in a secure detention center.

7 39.049 Process and service.--

8 (5) If the petition alleges that the child has
9 committed a delinquent act or violation of law and the judge
10 deems it advisable to do so, pursuant to the criteria of s.
11 39.044, the judge may, by endorsement upon the summons and
12 after the entry of an order in which valid reasons are
13 specified, order the child to be taken into custody
14 immediately, and in such case the person serving the summons
15 shall immediately take the child into custody.

16 39.064 Detention of furloughed child or escapee on
17 authority of the department.--

18 (1) If an authorized agent of the department has
19 reasonable grounds to believe that any delinquent child
20 committed to the department has escaped from a facility of the
21 department or from being lawfully transported thereto or
22 therefrom, the agent may take the child into active custody
23 and may deliver the child to the facility or, if it is closer,
24 to a detention center for return to the facility. However, a
25 child may not be held in detention longer than 24 hours,
26 excluding Saturdays, Sundays, and legal holidays, unless a
27 special order so directing is made by the judge after a
28 detention hearing resulting in a finding that detention is
29 required based on the criteria in s. 39.044(2). The order
30 shall state the reasons for such finding. The reasons shall be
31

1 reviewable by appeal or in habeas corpus proceedings in the
2 district court of appeal.

3 790.22 Use of BB guns, air or gas-operated guns, or
4 electric weapons or devices by minor under 16; limitation;
5 possession of firearms by minor under 18 prohibited;
6 penalties.--

7 (8) Notwithstanding s. 39.042 or s. 39.044(1), if a
8 minor under 18 years of age is charged with an offense that
9 involves the use or possession of a firearm, as defined in s.
10 790.001, other than a violation of subsection (3), or is
11 charged for any offense during the commission of which the
12 minor possessed a firearm, the minor shall be detained in
13 secure detention, unless the state attorney authorizes the
14 release of the minor, and shall be given a hearing within 24
15 hours after being taken into custody. Effective April 15,
16 1994, at the hearing, the court may order that the minor
17 continue to be held in secure detention in accordance with the
18 applicable time periods specified in s. 39.044(5), if the
19 court finds that the minor meets the criteria specified in s.
20 39.044(2), or if the court finds by clear and convincing
21 evidence that the minor is a clear and present danger to
22 himself or the community. The Department of Juvenile Justice
23 shall prepare a form for all minors charged under this
24 subsection that states the period of detention and the
25 relevant demographic information, including, but not limited
26 to, the sex, age, and race of the minor; whether or not the
27 minor was represented by private counsel or a public defender;
28 the current offense; and the minor's complete prior record,
29 including any pending cases. The form shall be provided to the
30 judge to be considered when determining whether the minor
31 should be continued in secure detention under this subsection.

1 An order placing a minor in secure detention because the minor
2 is a clear and present danger to himself or the community must
3 be in writing, must specify the need for detention and the
4 benefits derived by the minor or the community by placing the
5 minor in secure detention, and must include a copy of the form
6 provided by the department. The Department of Juvenile Justice
7 must send the form, including a copy of any order, without
8 client-identifying information, to the Division of Economic
9 and Demographic Research of the Joint Legislative Management
10 Committee.

11 Section 5. Section 39.0471, Florida Statutes, is
12 amended to read:

13 39.0471 Juvenile justice assessment centers.--

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

28 (2) Juvenile justice assessment centers are authorized
29 and encouraged to establish truancy programs. A truancy
30 program may serve as providing the central intake and
31 screening of truant children for a specific geographic area

1 that is based upon written agreements between the assessment
2 center, affected law enforcement agencies, and affected school
3 boards. The assessment center may work cooperatively with any
4 truancy program operating in the area served by the assessment
5 center.

6 (3) When a law enforcement officer takes into custody
7 a truant student, the officer may transport or refer the
8 truant student to a truancy program operating in the officer's
9 jurisdiction. For the purpose of this section, a truant
10 student is defined as any student between the ages of 6 and
11 18, who is enrolled in public or private school, and is absent
12 from school without excuse as defined in s. 232.19(3), even if
13 that student is not subject to compulsory school attendance
14 under s. 232.01.

15 Section 6. Subsection (7) of section 230.23161,
16 Florida Statutes, 1996 Supplement, is amended to read:

17 230.23161 Educational services in Department of
18 Juvenile Justice programs.--

19 (7) A school district may contract with a private
20 provider for the provision of educational programs to youths
21 placed with the Department of Juvenile Justice and may
22 generate local, state, and federal funding, including funding
23 through the Florida Education Finance Program for such
24 students. Unless written justification otherwise is provided
25 to and agreed to by the Department of Juvenile Justice and the
26 Department of Education, administrative costs under any
27 contract awarded for such educational programs shall not
28 exceed 10 percent of the total contract amount.

29 Section 7. Paragraph (b) of subsection (1) of section
30 806.13, Florida Statutes, is amended to read:

31

1 806.13 Criminal mischief; penalties; penalty for
2 minor.--
3 (1)
4 (b)1. If the damage to such property is \$200 or less,
5 it is a misdemeanor of the second degree, punishable as
6 provided in s. 775.082 or s. 775.083.
7 2. If the damage to such property is greater than \$200
8 but less than \$500~~\$1,000~~, it is a misdemeanor of the first
9 degree, punishable as provided in s. 775.082 or s. 775.083.
10 3. If the damage is \$500~~\$1,000~~ or greater, or if
11 there is interruption or impairment of a business operation or
12 public communication, transportation, supply of water, gas or
13 power, or other public service which costs \$500~~\$1,000~~ or more
14 in labor and supplies to restore, it is a felony of the third
15 degree, punishable as provided in s. 775.082, s. 775.083, or
16 s. 775.084.

17 Section 8. Paragraph (b) of subsection (3) of section
18 921.0012, Florida Statutes, 1996 Supplement, is amended to
19 read:

20 921.0012 Sentencing guidelines offense levels; offense
21 severity ranking chart.--

22 (3) OFFENSE SEVERITY RANKING CHART

23 Florida	Felony	
24 Statute	Degree	Description
		(b) LEVEL 2
27 403.413(5)(c)	3rd	Dumps waste litter exceeding 500 28 lbs. in weight or 100 cubic feet 29 in volume or any quantity for 30 commercial purposes, or hazardous 31 waste.

1	517.07	3rd	Registration of securities and
2			furnishing of prospectus
3			required.
4	590.28(1)	3rd	Willful, malicious, or
5			intentional burning.
6	784.05(3)	3rd	Storing or leaving a loaded
7			firearm within reach of minor who
8			uses it to inflict injury or
9			death.
10	787.04(1)	3rd	In violation of court order,
11			take, entice, etc., minor beyond
12			state limits.
13	806.13(1)(b)3.	3rd	Criminal mischief; damage <u>\$500</u>
14			\$1,000 or more to public
15			communication or any other public
16			service.
17	810.09(2)(e)	3rd	Trespassing on posted commerical
18			horticulture property.
19	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
20			more but less than \$5,000.
21	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
22			more but less than \$300, taken
23			from unenclosed curtilage of
24			dwelling.
25	817.234(1)(a)2.	3rd	False statement in support of
26			insurance claim.
27	817.481(3)(a)	3rd	Obtain credit or purchase with
28			false, expired, counterfeit,
29			etc., credit card, value over
30			\$300.
31			

1	817.52(3)	3rd	Failure to redeliver hired
2			vehicle.
3	817.54	3rd	With intent to defraud, obtain
4			mortgage note, etc., by false
5			representation.
6	817.60(5)	3rd	Dealing in credit cards of
7			another.
8	817.60(6)(a)	3rd	Forgery; purchase goods, services
9			with false card.
10	817.61	3rd	Fraudulent use of credit cards
11			over \$100 or more within 6
12			months.
13	826.04	3rd	Knowingly marries or has sexual
14			intercourse with person to whom
15			related.
16	831.01	3rd	Forgery.
17	831.02	3rd	Uttering forged instrument;
18			utters or publishes alteration
19			with intent to defraud.
20	831.07	3rd	Forging bank bills or promissory
21			note.
22	831.08	3rd	Possession of 10 or more forged
23			notes.
24	831.09	3rd	Uttering forged bills; passes as
25			bank bill or promissory note.
26	832.05(3)(a)	3rd	Cashing or depositing item with
27			intent to defraud.
28	843.08	3rd	Falsely impersonating an officer.
29	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
30			(2)(c), (3), or (4) drugs other
31			than cannabis.

1 893.147(2) 3rd Manufacture or delivery of drug
2 paraphernalia.
3 Section 9. Paragraph (c) of subsection (2) of section
4 812.014, Florida Statutes, 1996 Supplement, is amended to
5 read:
6 812.014 Theft.--
7 (2)
8 (c) It is grand theft of the third degree and a felony
9 of the third degree, punishable as provided in s. 775.082, s.
10 775.083, or s. 775.084, if the property stolen is:
11 1. Valued at \$300 or more, but less than \$5,000.
12 2. Valued at \$5,000 or more, but less than \$10,000.
13 3. Valued at \$10,000 or more, but less than \$20,000.
14 4. A will, codicil, or other testamentary instrument.
15 5. A firearm.
16 6. A motor vehicle, except as provided in subparagraph
17 (2)(a). However, a person who commits grand theft of a motor
18 vehicle and who has previously been convicted two or more
19 times of any theft of a motor vehicle commits a felony of the
20 second degree, punishable as provided in s. 775.082, s.
21 775.083, or s. 775.084.
22 7. Any commercially farmed animal, including any
23 animal of the equine, bovine, or swine class, or other grazing
24 animal, and including aquaculture species raised at a
25 certified aquaculture facility. If the property stolen is
26 aquaculture species raised at a certified aquaculture
27 facility, then a \$10,000 fine shall be imposed.
28 8. Any fire extinguisher.
29 9. Any amount of citrus fruit consisting of 2,000 or
30 more individual pieces of fruit.
31

1 10. Taken from a designated construction site
2 identified by the posting of a sign as provided for in s.
3 810.09(2)(d).

4 Section 10. For the purpose of incorporating the
5 amendments to s. 812.014, Florida Statutes, 1996 Supplement,
6 in references thereto, the following sections or subdivisions
7 of Florida Statutes, are reenacted to read:

8 39.052 Hearings.--

9 (3) TRANSFER OF A CHILD FOR PROSECUTION AS AN ADULT.--

10 (a)1. The court shall transfer and certify a child's
11 criminal case for trial as an adult if the child is alleged to
12 have committed a violation of law and, prior to the
13 commencement of an adjudicatory hearing, the child, joined by
14 a parent or, in the absence of a parent, by the guardian or
15 guardian ad litem, demands in writing to be tried as an adult.
16 Once a child has been transferred for criminal prosecution
17 pursuant to a voluntary waiver hearing and has been found to
18 have committed the presenting offense or a lesser included
19 offense, the child shall be handled thereafter in every
20 respect as an adult for any subsequent violation of state law,
21 unless the court imposes juvenile sanctions under s.
22 39.059(4)(b) or (c).

23 2.a. The state attorney may file a motion requesting
24 the court to transfer the child for criminal prosecution if
25 the child was 14 years of age or older at the time the alleged
26 delinquent act or violation of law was committed. If the child
27 has been previously adjudicated delinquent for murder, sexual
28 battery, armed or strong-armed robbery, carjacking,
29 home-invasion robbery, aggravated battery, or aggravated
30 assault, and is currently charged with a second or subsequent
31 violent crime against a person, the state attorney shall file

1 a motion requesting the court to transfer and certify the
2 juvenile for prosecution as an adult, or proceed pursuant to
3 subparagraph 5.

4 b. If the child was 14 years of age or older at the
5 time of commission of a fourth or subsequent alleged felony
6 offense and the child was previously adjudicated delinquent or
7 had adjudication withheld for or was found to have committed,
8 or to have attempted or conspired to commit, three offenses
9 that are felony offenses if committed by an adult, and one or
10 more of such felony offenses involved the use or possession of
11 a firearm or violence against a person, the state attorney
12 shall request the court to transfer and certify the child for
13 prosecution as an adult or shall provide written reasons to
14 the court for not making such request, or proceed pursuant to
15 subparagraph 5. Upon the state attorney's request, the court
16 shall either enter an order transferring the case and
17 certifying the case for trial as if the child were an adult or
18 provide written reasons for not issuing such an order.

19 3. If the court finds, after a waiver hearing under
20 subsection (2), that a juvenile who was 14 years of age or
21 older at the time the alleged violation of state law was
22 committed should be charged and tried as an adult, the court
23 shall enter an order transferring the case and certifying the
24 case for trial as if the child were an adult. The child shall
25 thereafter be subject to prosecution, trial, and sentencing as
26 if the child were an adult but subject to the provisions of s.
27 39.059(7). Once a child has been transferred for criminal
28 prosecution pursuant to an involuntary waiver hearing and has
29 been found to have committed the presenting offense or a
30 lesser included offense, the child shall thereafter be handled
31 in every respect as an adult for any subsequent violation of

1 state law, unless the court imposes juvenile sanctions under
2 s. 39.059(4)(b) or (c).

3 4.a. A child of any age who is charged with a
4 violation of state law punishable by death or by life
5 imprisonment is subject to the jurisdiction of the court as
6 set forth in s. 39.049(7) unless and until an indictment on
7 the charge is returned by the grand jury. When such indictment
8 is returned, the petition for delinquency, if any, must be
9 dismissed and the child must be tried and handled in every
10 respect as an adult:

11 (I) On the offense punishable by death or by life
12 imprisonment; and

13 (II) On all other felonies or misdemeanors charged in
14 the indictment which are based on the same act or transaction
15 as the offense punishable by death or by life imprisonment or
16 on one or more acts or transactions connected with the offense
17 punishable by death or by life imprisonment.

18 b. An adjudicatory hearing may not be held until 21
19 days after the child is taken into custody and charged with
20 having committed an offense punishable by death or by life
21 imprisonment, unless the state attorney advises the court in
22 writing that he or she does not intend to present the case to
23 the grand jury, or has presented the case to the grand jury
24 and the grand jury has not returned an indictment. If the
25 court receives such a notice from the state attorney, or if
26 the grand jury fails to act within the 21-day period, the
27 court may proceed as otherwise authorized under this part.

28 c. If the child is found to have committed the offense
29 punishable by death or by life imprisonment, the child shall
30 be sentenced as an adult. If the juvenile is not found to have
31 committed the indictable offense but is found to have

1 committed a lesser included offense or any other offense for
2 which he or she was indicted as a part of the criminal
3 episode, the court may sentence as follows:

- 4 (I) Pursuant to s. 39.059;
5 (II) Pursuant to chapter 958, notwithstanding any
6 other provisions of that chapter to the contrary; or
7 (III) As an adult, pursuant to s. 39.059(7)(c).
8 d. Once a child has been indicted pursuant to this
9 subsection and has been found to have committed any offense
10 for which he or she was indicted as a part of the criminal
11 episode, the child shall be handled thereafter in every
12 respect as if an adult for any subsequent violation of state
13 law, unless the court imposes juvenile sanctions under s.
14 39.059.

15 5.a. Effective January 1, 1995, with respect to any
16 child who was 14 or 15 years of age at the time the alleged
17 offense was committed, the state attorney may file an
18 information when in the state attorney's judgment and
19 discretion the public interest requires that adult sanctions
20 be considered or imposed and when the offense charged is:

- 21 (I) Arson;
22 (II) Sexual battery;
23 (III) Robbery;
24 (IV) Kidnapping;
25 (V) Aggravated child abuse;
26 (VI) Aggravated assault;
27 (VII) Aggravated stalking;
28 (VIII) Murder;
29 (IX) Manslaughter;
30 (X) Unlawful throwing, placing, or discharging of a
31 destructive device or bomb;

1 (XI) Armed burglary in violation of s. 810.02(2)(b) or
2 specified burglary of a dwelling or structure in violation of
3 s. 810.02(2)(c);
4 (XII) Aggravated battery;
5 (XIII) Lewd or lascivious assault or act in the
6 presence of a child;
7 (XIV) Carrying, displaying, using, threatening, or
8 attempting to use a weapon or firearm during the commission of
9 a felony; or
10 (XV) Grand theft in violation of s. 812.014(2)(a).
11 b. With respect to any child who was 16 or 17 years of
12 age at the time the alleged offense was committed, the state
13 attorney:
14 (I) May file an information when in the state
15 attorney's judgment and discretion the public interest
16 requires that adult sanctions be considered or imposed.
17 However, the state attorney may not file an information on a
18 child charged with a misdemeanor, unless the child has had at
19 least two previous adjudications or adjudications withheld for
20 delinquent acts, one of which involved an offense classified
21 as a felony under state law.
22 (II) Shall file an information if the child has been
23 previously adjudicated delinquent for murder, sexual battery,
24 armed or strong-armed robbery, carjacking, home-invasion
25 robbery, aggravated battery, or aggravated assault, and is
26 currently charged with a second or subsequent violent crime
27 against a person.
28 c. Effective January 1, 1995, notwithstanding
29 subparagraphs 1. and 2., regardless of the child's age at the
30 time the alleged offense was committed, the state attorney
31 must file an information with respect to any child who

1 previously has been adjudicated for offenses which, if
2 committed by an adult, would be felonies and such
3 adjudications occurred at three or more separate delinquency
4 adjudicatory hearings, and three of which resulted in
5 residential commitments as defined in s. 39.01(59).

6 d. Once a child has been transferred for criminal
7 prosecution pursuant to information and has been found to have
8 committed the presenting offense or a lesser included offense,
9 the child shall be handled thereafter in every respect as if
10 an adult for any subsequent violation of state law, unless the
11 court imposes juvenile sanctions under s. 39.059(6).

12 e. Each state attorney shall develop and annually
13 update written policies and guidelines to govern
14 determinations for filing an information on a juvenile, to be
15 submitted to the Executive Office of the Governor, the
16 President of the Senate, the Speaker of the House of
17 Representatives, and the Juvenile Justice Advisory Board not
18 later than January 1 of each year.

19 f. The state attorney must file an information if a
20 child, regardless of the child's age at the time the alleged
21 offense was committed, is alleged to have committed an act
22 that would be a violation of law if the child were an adult,
23 that involves stealing a motor vehicle, including, but not
24 limited to, a violation of s. 812.133, relating to carjacking,
25 or s. 812.014(2)(c)6., relating to grand theft of a motor
26 vehicle, and while the child was in possession of the stolen
27 motor vehicle the child caused serious bodily injury to or the
28 death of a person who was not involved in the underlying
29 offense. For purposes of this section, the driver and all
30 willing passengers in the stolen motor vehicle at the time
31 such serious bodily injury or death is inflicted shall also be

1 subject to mandatory transfer to adult court. "Stolen motor
2 vehicle," for the purposes of this section, means a motor
3 vehicle that has been the subject of any criminal wrongful
4 taking. For purposes of this section, "willing passengers"
5 means all willing passengers who have participated in the
6 underlying offense.

7 538.23 Violations and penalties.--

8 (2) A secondary metals recycler is presumed to know
9 upon receipt of stolen regulated metals property in a purchase
10 transaction that the regulated metals property has been stolen
11 from another if the secondary metals recycler knowingly and
12 intentionally fails to maintain the information required in s.
13 538.19 and shall, upon conviction of a violation of s.
14 812.015, be punished as provided in s. 812.014(2) or (3).

15 Section 11. (1) The Department of Juvenile Justice
16 and the Department of Children and Family Services shall
17 develop a cooperative agreement on the delivery of mental
18 health and substance abuse treatment services to youth in the
19 juvenile justice system. A district specific cooperative
20 agreement shall be negotiated between and agreed upon by the
21 Department of Juvenile Justice's district juvenile justice
22 manager and the Department of Children and Family Services'
23 district administrator that addresses funding levels, access
24 to services, and accounting for the use of mental health and
25 substance abuse treatment funding designated for youth in the
26 juvenile justice system. These cooperative agreements shall
27 be reviewed and updated annually.

28 (2) The Office of Program Policy Analysis and
29 Government Accountability shall conduct a performance review
30 of the provision of mental health and substance abuse
31 treatment services to children and youth in the juvenile

1 justice system. Issues addressed in this performance review
2 shall include, but are not limited to, the following: whether
3 funding levels are sufficient and adequate to address mental
4 health and substance abuse treatment needs of children and
5 youth in the juvenile justice system; what barriers to either
6 the provision or accessing of such services may be identified;
7 and whether there exists an adequate and valid monitoring
8 system for the use of mental health and substance abuse
9 funding and the provision of such services designated for
10 children and youth in the juvenile justice system. The Office
11 of Program Policy Analysis and Government Accountability shall
12 submit its report with findings and recommendations to the
13 President of the Senate and the Speaker of the House of
14 Representatives by December 1, 1997.

15 Section 12. Effective July 1, 1997, paragraph (b) of
16 subsection (1) of section 39.069, Florida Statutes, is amended
17 to read:

18 39.069 Appeal.--

19 (1) An appeal from an order of the court affecting a
20 party to a case involving a child pursuant to this part may be
21 taken to the appropriate district court of appeal within the
22 time and in the manner prescribed by the Florida Rules of
23 Appellate Procedure by:

24 (b) The state, which may appeal from:

- 25 1. An order dismissing a petition or any section
26 thereof;
- 27 2. An order granting a new adjudicatory hearing;
- 28 3. An order arresting judgment;
- 29 4. A ruling on a question of law when the child is
30 adjudicated delinquent and appeals from the judgment;
- 31 5. The disposition, on the ground that it is illegal;

1 6. A judgment discharging a child on habeas corpus;

2 7. An order adjudicating a child insane under the
3 Florida Rules of Juvenile Procedure; and

4 8. All other preadjudicatory hearings, except that the
5 state may not take more than one appeal under this subsection
6 in any case.

7 9. An order denying restitution.

8
9 In the case of an appeal by the state, the notice of appeal
10 shall be filed by the appropriate state attorney or his or her
11 authorized assistant pursuant to the provisions of s. 27.18.
12 Such an appeal shall embody all assignments of error in each
13 preadjudicatory hearing order that the state seeks to have
14 reviewed. The state shall pay all costs of the appeal except
15 for the child's attorney's fee.

16 Section 13. Except as otherwise provided herein, this
17 act shall take effect October 1, 1997.

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