

1 A bill to be entitled
2 An act relating to juvenile and criminal
3 justice; amending s. 985.216, 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. 985.414, 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; amending s. 985.415, F.S.,
18 relating to Community Juvenile Justice
19 Partnership Grants; clarifying the minimum
20 requirements to be included in an application
21 for a community juvenile justice partnership
22 grant; revising requirements for application
23 for a community juvenile justice partnership
24 grant to remove requirement for participation
25 of the Department of Health and Rehabilitative
26 Services; amending s. 985.215, F.S., relating
27 to detention; providing for continued detention
28 of a child who has failed to appear in court on
29 two separate occasions on the same case;
30 providing for extension up to 30 days of the
31 time limits upon detention of a child, under

1 specified circumstances; reenacting ss.
2 985.211(4), 985.213(2)(b), 985.219(5),
3 985.208(1), F.S., relating to release or
4 delivery from custody, use of detention,
5 process and service, and detention of
6 furloughed or escaped child, to incorporate
7 said amendment in references; amending s.
8 985.209, F.S.; authorizing establishment of
9 truancy programs by juvenile justice assessment
10 centers; defining "truant student" to include
11 enrolled students between 6 years of age and 18
12 years of age; amending s. 230.23161, F.S.,
13 relating to educational services in Department
14 of Juvenile Justice programs; providing a
15 maximum limitation on administrative costs
16 under certain contracts by school districts for
17 such programs; amending s. 806.13, F.S.,
18 relating to criminal mischief; redefining first
19 degree misdemeanor criminal mischief offense to
20 include damage to property greater than \$200
21 but less than \$500, and providing penalties
22 therefor; redefining third degree felony
23 criminal mischief to include certain damages of
24 \$500 or greater, and providing penalties
25 therefor; amending s. 921.0022, F.S., relating
26 to the Criminal Punishment Code offense
27 severity ranking chart, to conform a cross
28 reference; amending s. 812.014, F.S., relating
29 to theft; providing second degree felony
30 penalties for a person who commits grand theft
31 of a motor vehicle and who has previously been

1 convicted two or more times of motor vehicle
2 theft; reenacting ss. 538.23(2) and
3 985.227(2)(c), F.S., relating to offenses by
4 secondary metal recyclers and transfer of child
5 for prosecution, to incorporate said amendment
6 in 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. 985.234, 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
27 985.216, Florida Statutes, is amended to read:

28 985.216 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. Paragraph (b) of subsection (2) of section
11 985.414, Florida Statutes, is amended to read:

12 985.414 County juvenile justice councils.--

13 (2)

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

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

23 2. Entering into a written county interagency
24 agreement specifying the nature and extent of contributions
25 each signatory agency will make in achieving the goals of the
26 county juvenile justice plan and their commitment to the
27 sharing of information useful in carrying out the goals of the
28 interagency agreement to the extent authorized by law. The
29 interagency agreement must include at least the following
30 participants: the local school authorities, local law
31 enforcement, and local representatives of the Department of

1 Juvenile Justice and the Department of Children and Family
2 Services. The interagency agreement must specify how
3 community entities will cooperate, collaborate, and share
4 information in furtherance of the goals of the district and
5 county juvenile justice plan.

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

10 4. Designating the county representatives to the
11 district juvenile justice board pursuant to s. 985.413.

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

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

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

24 Section 3. Subsection (1) of section 985.415, Florida
25 Statutes, is amended to read:

26 985.415 Community Juvenile Justice Partnership
27 Grants.--

28 (1) GRANTS; CRITERIA.--

29 (a) In order to encourage the development of county
30 and district juvenile justice plans, as required in s.
31 985.414(2)(b)1. and s. 985.413(4), and the development and

1 implementation of county and district interagency agreements,
2 as required in s. 985.414(2)(b)2. and s. 415.413(3)(d)3. among
3 representatives of the Department of Juvenile Justice, the
4 Department of Children and Family Services, law enforcement,
5 and school authorities, the community juvenile justice
6 partnership grant program is established, which program shall
7 be administered by the Department of Juvenile Justice.

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

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

20 2. The reduction of truancy and in-school and
21 out-of-school suspensions and expulsions, and the enhancement
22 of school safety.

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

25 1. The district juvenile justice plan and any county
26 juvenile justice plans that are referred to or incorporated
27 into the district plan, including a list of individuals,
28 groups, and public and private entities that participated in
29 the development of the plan.

30 2. The diversity of community entities participating
31 in the development of the district juvenile justice plan.

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

3 4. The number of students or youths to be served by
4 the grant and the criteria by which they will be selected.

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

8 Section 4. Paragraph (h) is added to subsection (2) of
9 section 985.215, Florida Statutes, and paragraph (d) of
10 subsection (5) is amended to read:

11 985.215 Detention.--

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

16 (h) The child has failed to appear in court on two
17 separate occasions on the same case.

18
19 A child who meets any of these criteria and who is ordered to
20 be detained pursuant to this subsection shall be given a
21 hearing within 24 hours after being taken into custody. The
22 purpose of the detention hearing is to determine the existence
23 of probable cause that the child has committed the delinquent
24 act or violation of law with which he or she is charged and
25 the need for continued detention. Unless a child is detained
26 under paragraph (d), the court shall utilize the results of
27 the risk assessment performed by the intake counselor or case
28 manager and, based on the criteria in this subsection, shall
29 determine the need for continued detention. A child placed
30 into secure, nonsecure, or home detention care may continue to
31 be so detained by the court pursuant to this subsection. If

1 the court orders a placement more restrictive than indicated
2 by the results of the risk assessment instrument, the court
3 shall state, in writing, clear and convincing reasons for such
4 placement. Except as provided in s. 790.22(8) or in
5 subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c),
6 or paragraph (10)(d), when a child is placed into secure or
7 nonsecure detention care, or into a respite home or other
8 placement pursuant to a court order following a hearing, the
9 court order must include specific instructions that direct the
10 release of the child from such placement no later than 5 p.m.
11 on the last day of the detention period specified in paragraph
12 (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1.,
13 whichever is applicable, unless the requirements of such
14 applicable provision have been met or an order of continuance
15 has been granted pursuant to paragraph (5)(d).

16 (5)

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. Cause may be found and the time
21 limits for detention may be extended if the child is charged
22 with a capital felony, life felony, or felony of the first
23 degree and the nature of the charge requires additional time
24 for the prosecution or defense of the case, but in no event
25 shall be extended beyond 30 days. Upon the issuance of an
26 order granting a continuance for cause on a motion by either
27 the child, the child's counsel, or the state, the court shall
28 conduct a hearing at the end of each 72-hour period, excluding
29 Saturdays, Sundays, and legal holidays, to determine the need
30 for continued detention of the child and the need for further
31 continuance of proceedings for the child or the state.

1 Section 5. For the purpose of incorporating the
2 amendments to s. 985.215, Florida Statutes, in references
3 thereto, the following sections or subdivisions of Florida
4 Statutes are reenacted to read:

5 985.211 Release or delivery from custody.--

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

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

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

25 985.213 Use of detention.--

26 (2)

27 (b)1. The risk assessment instrument for detention
28 care placement determinations and orders shall be developed by
29 the Department of Juvenile Justice in agreement with
30 representatives appointed by the following associations: the
31 Conference of Circuit Judges of Florida, the Prosecuting

1 Attorneys Association, and the Public Defenders Association.
 2 Each association shall appoint two individuals, one
 3 representing an urban area and one representing a rural area.
 4 The parties involved shall evaluate and revise the risk
 5 assessment instrument as is considered necessary using the
 6 method for revision as agreed by the parties. The risk
 7 assessment instrument shall take into consideration, but need
 8 not be limited to, prior history of failure to appear, prior
 9 offenses, offenses committed pending adjudication, any
 10 unlawful possession of a firearm, theft of a motor vehicle or
 11 possession of a stolen motor vehicle, and community control
 12 status at the time the child is taken into custody. The risk
 13 assessment instrument shall also take into consideration
 14 appropriate aggravating and mitigating circumstances, and
 15 shall be designed to target a narrower population of children
 16 than s. 985.215(2). The risk assessment instrument shall also
 17 include any information concerning the child's history of
 18 abuse and neglect. The risk assessment shall indicate whether
 19 detention care is warranted, and, if detention care is
 20 warranted, whether the child should be placed into secure,
 21 nonsecure, or home detention care.

22 2. If, at the detention hearing, the court finds a
 23 material error in the scoring of the risk assessment
 24 instrument, the court may amend the score to reflect factual
 25 accuracy.

26 3. A child who is charged with committing an offense
 27 of domestic violence as defined in s. 741.28(1) and who does
 28 not meet detention criteria may be held in secure detention if
 29 the court makes specific written findings that:

30 a. The offense of domestic violence which the child is
 31 charged with committing caused physical injury to the victim;

- 1 b. Respite care for the child is not available; and
2 c. It is necessary to place the child in secure
3 detention in order to protect the victim from further injury.

4
5 The child may not be held in secure detention under this
6 subparagraph for more than 48 hours unless ordered by the
7 court. After 48 hours, the court shall hold a hearing if the
8 state attorney or victim requests that secure detention be
9 continued. The child may continue to be held in secure
10 detention if the court makes a specific, written finding that
11 secure detention is necessary to protect the victim from
12 further injury. However, the child may not be held in secure
13 detention beyond the time limits set forth in s. 39.044.

14 985.219 Process and service.--

15 (5) If the petition alleges that the child has
16 committed a delinquent act or violation of law and the judge
17 deems it advisable to do so, pursuant to the criteria of s.
18 985.215, the judge may, by endorsement upon the summons and
19 after the entry of an order in which valid reasons are
20 specified, order the child to be taken into custody
21 immediately, and in such case the person serving the summons
22 shall immediately take the child into custody.

23 985.208 Detention of furloughed child or escapee on
24 authority of the department.--

25 (1) If an authorized agent of the department has
26 reasonable grounds to believe that any delinquent child
27 committed to the department has escaped from a facility of the
28 department or from being lawfully transported thereto or
29 therefrom, the agent may take the child into active custody
30 and may deliver the child to the facility or, if it is closer,
31 to a detention center for return to the facility. However, a

1 child may not be held in detention longer than 24 hours,
2 excluding Saturdays, Sundays, and legal holidays, unless a
3 special order so directing is made by the judge after a
4 detention hearing resulting in a finding that detention is
5 required based on the criteria in s. 985.215(2). The order
6 shall state the reasons for such finding. The reasons shall be
7 reviewable by appeal or in habeas corpus proceedings in the
8 district court of appeal.

9 Section 6. Section 985.209, Florida Statutes, is
10 amended to read:

11 985.209 Juvenile justice assessment centers.--

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

26 (2) Juvenile justice assessment centers are authorized
27 and encouraged to establish truancy programs. A truancy
28 program may serve as providing the central intake and
29 screening of truant children for a specific geographic area
30 that is based upon written agreements between the assessment
31 center, affected law enforcement agencies, and affected school

1 boards. The assessment center may work cooperatively with any
2 truancy program operating in the area served by the assessment
3 center.

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

13 Section 7. Subsection (7) of section 230.23161,
14 Florida Statutes, is amended to read:

15 230.23161 Educational services in Department of
16 Juvenile Justice programs.--

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

27 Section 8. Paragraph (b) of subsection (1) of section
28 806.13, Florida Statutes, is amended to read:

29 806.13 Criminal mischief; penalties; penalty for
30 minor.--

31 (1)

1 (b)1. If the damage to such property is \$200 or less,
 2 it is a misdemeanor of the second degree, punishable as
 3 provided in s. 775.082 or s. 775.083.

4 2. If the damage to such property is greater than \$200
 5 but less than ~~\$500~~~~\$1,000~~, it is a misdemeanor of the first
 6 degree, punishable as provided in s. 775.082 or s. 775.083.

7 3. If the damage is ~~\$500~~~~\$1,000~~ or greater, or if
 8 there is interruption or impairment of a business operation or
 9 public communication, transportation, supply of water, gas or
 10 power, or other public service which costs ~~\$500~~~~\$1,000~~ or more
 11 in labor and supplies to restore, it is a felony of the third
 12 degree, punishable as provided in s. 775.082, s. 775.083, or
 13 s. 775.084.

14 Section 9. Paragraph (b) of subsection (3) of section
 15 921.0022, Florida Statutes, is amended to read:

16 921.0022 Criminal Punishment Code; offense severity
 17 ranking chart.--

18 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
403.413(5)(c)	3rd	(b) LEVEL 2 Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus required.

1	590.28(1)	3rd	Willful, malicious, or
2			intentional burning.
3	784.05(3)	3rd	Storing or leaving a loaded
4			firearm within reach of minor who
5			uses it to inflict injury or
6			death.
7	787.04(1)	3rd	In violation of court order,
8			take, entice, etc., minor beyond
9			state limits.
10	806.13(1)(b)3.	3rd	Criminal mischief; damage <u>\$500</u>
11			\$1,000 or more to public
12			communication or any other public
13			service.
14	810.09(2)(e)	3rd	Trespassing on posted commerical
15			horticulture property.
16	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
17			more but less than \$5,000.
18	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
19			more but less than \$300, taken
20			from unenclosed curtilage of
21			dwelling.
22	817.234(1)(a)2.	3rd	False statement in support of
23			insurance claim.
24	817.481(3)(a)	3rd	Obtain credit or purchase with
25			false, expired, counterfeit,
26			etc., credit card, value over
27			\$300.
28	817.52(3)	3rd	Failure to redeliver hired
29			vehicle.
30			
31			

1	817.54	3rd	With intent to defraud, obtain
2			mortgage note, etc., by false
3			representation.
4	817.60(5)	3rd	Dealing in credit cards of
5			another.
6	817.60(6)(a)	3rd	Forgery; purchase goods, services
7			with false card.
8	817.61	3rd	Fraudulent use of credit cards
9			over \$100 or more within 6
10			months.
11	826.04	3rd	Knowingly marries or has sexual
12			intercourse with person to whom
13			related.
14	831.01	3rd	Forgery.
15	831.02	3rd	Uttering forged instrument;
16			utters or publishes alteration
17			with intent to defraud.
18	831.07	3rd	Forging bank bills or promissory
19			note.
20	831.08	3rd	Possession of 10 or more forged
21			notes.
22	831.09	3rd	Uttering forged bills; passes as
23			bank bill or promissory note.
24	832.05(3)(a)	3rd	Cashing or depositing item with
25			intent to defraud.
26	843.08	3rd	Falsely impersonating an officer.
27	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
28			(2)(c), (3), or (4) drugs other
29			than cannabis.
30	893.147(2)	3rd	Manufacture or delivery of drug
31			paraphernalia.

1 Section 10. Paragraph (c) of subsection (2) of section
2 812.014, Florida Statutes, is amended to read:

3 812.014 Theft.--

4 (2)

5 (c) It is grand theft of the third degree and a felony
6 of the third degree, punishable as provided in s. 775.082, s.
7 775.083, or s. 775.084, if the property stolen is:

8 1. Valued at \$300 or more, but less than \$5,000.

9 2. Valued at \$5,000 or more, but less than \$10,000.

10 3. Valued at \$10,000 or more, but less than \$20,000.

11 4. A will, codicil, or other testamentary instrument.

12 5. A firearm.

13 6. A motor vehicle, except as provided in subparagraph
14 (2)(a). However, a person who commits grand theft of a motor
15 vehicle and who has previously been convicted two or more
16 times of any theft of a motor vehicle commits a felony of the
17 second degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084.

19 7. Any commercially farmed animal, including any
20 animal of the equine, bovine, or swine class, or other grazing
21 animal, and including aquaculture species raised at a
22 certified aquaculture facility. If the property stolen is
23 aquaculture species raised at a certified aquaculture
24 facility, then a \$10,000 fine shall be imposed.

25 8. Any fire extinguisher.

26 9. Any amount of citrus fruit consisting of 2,000 or
27 more individual pieces of fruit.

28 10. Taken from a designated construction site
29 identified by the posting of a sign as provided for in s.
30 810.09(2)(d).

31

1 Section 11. For the purpose of incorporating the
2 amendments to s. 812.014, Florida Statutes, in references
3 thereto, the following sections or subdivisions of Florida
4 Statutes, are reenacted to read:

5 538.23 Violations and penalties.--

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

13 985.227 Prosecution of juveniles as adults by the
14 direct filing of an information in the criminal division of
15 the circuit court; discretionary criteria; mandatory
16 criteria.--

17 (2) MANDATORY DIRECT FILE.--

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

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

6 Section 12. (1) The Department of Juvenile Justice
7 and the Department of Children and Family Services shall
8 develop a cooperative agreement on the delivery of mental
9 health and substance abuse treatment services to youth in the
10 juvenile justice system. A district specific cooperative
11 agreement shall be negotiated between and agreed upon by the
12 Department of Juvenile Justice's district juvenile justice
13 manager and the Department of Children and Family Services'
14 district administrator that addresses funding levels, access
15 to services, and accounting for the use of mental health and
16 substance abuse treatment funding designated for youth in the
17 juvenile justice system. These cooperative agreements shall
18 be reviewed and updated annually.

19 (2) The Office of Program Policy Analysis and
20 Government Accountability shall conduct a performance review
21 of the provision of mental health and substance abuse
22 treatment services to children and youth in the juvenile
23 justice system. Issues addressed in this performance review
24 shall include, but are not limited to, the following: the
25 apportionment of funds to the Department of Children and
26 Family Services and the Department of Juvenile Justice for
27 mental health and substance abuse services for children and
28 youth in the juvenile justice system; what barriers to either
29 the provision or accessing of such services may be identified;
30 and whether there exists an adequate and valid monitoring
31 system for the use of mental health and substance abuse

1 funding and the provision of such services designated for
2 children and youth in the juvenile justice system. The Office
3 of Program Policy Analysis and Government Accountability shall
4 submit its report with findings and recommendations to the
5 President of the Senate and the Speaker of the House of
6 Representatives by December 1, 1998.

7 Section 13. Effective July 1, 1998, paragraph (b) of
8 subsection (1) of section 985.234, Florida Statutes, is
9 amended to read:

10 985.234 Appeal.--

11 (1) An appeal from an order of the court affecting a
12 party to a case involving a child pursuant to this part may be
13 taken to the appropriate district court of appeal within the
14 time and in the manner prescribed by the Florida Rules of
15 Appellate Procedure by:

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

- 17 1. An order dismissing a petition or any section
18 thereof;
- 19 2. An order granting a new adjudicatory hearing;
- 20 3. An order arresting judgment;
- 21 4. A ruling on a question of law when the child is
22 adjudicated delinquent and appeals from the judgment;
- 23 5. The disposition, on the ground that it is illegal;
- 24 6. A judgment discharging a child on habeas corpus;
- 25 7. An order adjudicating a child insane under the
26 Florida Rules of Juvenile Procedure; and
- 27 8. All other preadjudicatory hearings, except that the
28 state may not take more than one appeal under this subsection
29 in any case.
- 30 9. An order denying restitution.

1 In the case of an appeal by the state, the notice of appeal
2 shall be filed by the appropriate state attorney or his or her
3 authorized assistant pursuant to the provisions of s. 27.18.
4 Such an appeal shall embody all assignments of error in each
5 preadjudicatory hearing order that the state seeks to have
6 reviewed. The state shall pay all costs of the appeal except
7 for the child's attorney's fee.

8 Section 14. Except as otherwise provided herein, this
9 act shall take effect October 1 of the year in which enacted.

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