

By the Committee on Criminal Justice and Senator Campbell

307-1895-99

1 A bill to be entitled
2 An act relating to juvenile justice; amending
3 s. 435.04, F.S.; adding to the list of offenses
4 that will prohibit the employment of a person
5 subject to Level 2 screening standards;
6 amending s. 943.0515, F.S.; requiring the
7 Criminal Justice Information Program to retain
8 the criminal history records of minors who are
9 committed to a maximum-risk residential
10 program; amending s. 960.001, F.S.; authorizing
11 state agencies to expend funds for crime
12 prevention and educational activities; amending
13 ss. 984.03, 985.03, F.S.; redefining the term
14 "delinquency program" to delete references to
15 furlough programs; defining the term
16 "aftercare" for purposes of ch. 985, F.S.;
17 providing for minimum-risk nonresidential
18 programs to be used for the aftercare placement
19 of juveniles; amending ss. 39.0132, 985.04,
20 F.S.; requiring the department to disclose to
21 school officials that a student has a history
22 of criminal sexual behavior with other
23 juveniles; conforming cross-references;
24 amending ss. 985.207, 985.208, F.S., relating
25 to conditions under which a juvenile may be
26 detained; adding a reference to home detention;
27 deleting references to violation of furlough;
28 amending s. 985.212, F.S.; providing for
29 fingerprint records and photographs of
30 juveniles to be submitted to the Department of
31 Law Enforcement; amending s. 985.231, F.S.;

1 providing for an adjudicated delinquent
2 juvenile to be placed in postcommitment
3 community control rather than in an aftercare
4 program under certain circumstances; limiting
5 the period that a juvenile may be placed on
6 home detention with electronic monitoring;
7 amending s. 985.308, F.S.; deleting the
8 Department of Legal Affairs' rulemaking
9 responsibilities for sexual abuse intervention
10 networks; amending s. 985.316, F.S.; providing
11 legislative findings and intent; providing for
12 the delivery of aftercare services to a
13 juvenile released from a residential commitment
14 program; deleting requirements for juveniles
15 released on furlough; amending s. 985.404,
16 F.S., relating to the juvenile justice
17 continuum; providing for release of a juvenile
18 into an aftercare program; amending s. 985.406,
19 F.S.; providing additional qualifications for
20 the program staff of the Department of Juvenile
21 Justice and its providers; requiring
22 competency-based examinations; creating s.
23 985.4145, F.S.; defining the term
24 "direct-support organization"; authorizing such
25 an organization to use property and facilities
26 of the Department of Juvenile Justice;
27 requiring the Secretary of Juvenile Justice to
28 appoint a board of directors for the
29 direct-support organization; requiring an
30 annual audit of the organization; amending s.
31 985.417, F.S., relating to the transfer of

1 children from the Department of Corrections to
2 the Department of Juvenile Justice; deleting
3 references to the furlough of a child convicted
4 of a capital felony; creating s. 985.421, F.S.;
5 providing for the Department of Juvenile
6 Justice's creation and use of a welfare account
7 local fund; amending ss. 419.001, 784.075,
8 984.05, 985.227, 985.31, 985.311, 985.312,
9 F.S.; conforming cross-references to changes
10 made by the act; providing an effective date.

11

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

13

14 Section 1. Section 435.04, Florida Statutes, 1998
15 Supplement, is amended to read:

16 435.04 Level 2 screening standards.--

17 (1) All employees in positions designated by law as
18 positions of trust or responsibility shall be required to
19 undergo security background investigations as a condition of
20 employment and continued employment. For the purposes of this
21 subsection, security background investigations shall include,
22 but not be limited to, employment history checks,
23 fingerprinting for all purposes and checks in this subsection,
24 statewide criminal and juvenile records checks through the
25 Florida Department of Law Enforcement, and federal criminal
26 records checks through the Federal Bureau of Investigation,
27 and may include local criminal records checks through local
28 law enforcement agencies.

29 (2) The security background investigations under this
30 section must ensure that no persons subject to the provisions
31 of this section have been found guilty of, regardless of

1 adjudication, or entered a plea of nolo contendere or guilty
2 to, any offense prohibited under any of the following
3 provisions of the Florida Statutes or under any similar
4 statute of another jurisdiction:

5 (a) Section 415.111, relating to adult abuse, neglect,
6 or exploitation of aged persons or disabled adults.

7 (b) Section 782.04, relating to murder.

8 (c) Section 782.07, relating to manslaughter,
9 aggravated manslaughter of an elderly person or disabled
10 adult, or aggravated manslaughter of a child.

11 (d) Section 782.071, relating to vehicular homicide.

12 (e) Section 782.09, relating to killing of an unborn
13 child by injury to the mother.

14 (f) Section 784.011, relating to assault, if the
15 victim of the offense was a minor.

16 (g) Section 784.021, relating to aggravated assault.

17 (h) Section 784.03, relating to battery, if the victim
18 of the offense was a minor.

19 (i) Section 784.045, relating to aggravated battery.

20 (j) Section 784.075, relating to battery on a
21 detention or commitment facility staff.

22 (k)(j) Section 787.01, relating to kidnapping.

23 (l)(k) Section 787.02, relating to false imprisonment.

24 (m) Section 787.04(2), relating to taking, enticing,
25 or removing a child beyond the state limits with criminal
26 intent pending custody proceedings.

27 (n) Section 787.04(3), relating to carrying a child
28 beyond the state lines with criminal intent to avoid producing
29 a child at a custody hearing or delivering the child to the
30 designated person.

31

1 (o) Section 790.115(1), relating to exhibiting
2 firearms or weapons within 1,000 feet of a school.

3 (p) Section 790.115(2)(b), relating to possessing an
4 electric weapon or device, destructive device, or other weapon
5 on school property.

6 ~~(q)(l)~~ Section 794.011, relating to sexual battery.

7 ~~(r)(m)~~ Former s. 794.041, relating to prohibited acts
8 of persons in familial or custodial authority.

9 ~~(s)(n)~~ Chapter 796, relating to prostitution.

10 ~~(t)(o)~~ Section 798.02, relating to lewd and lascivious
11 behavior.

12 ~~(u)(p)~~ Chapter 800, relating to lewdness and indecent
13 exposure.

14 ~~(v)(q)~~ Section 806.01, relating to arson.

15 ~~(w)(r)~~ Chapter 812, relating to theft, robbery, and
16 related crimes, if the offense is a felony.

17 ~~(x)(s)~~ Section 817.563, relating to fraudulent sale of
18 controlled substances, only if the offense was a felony.

19 ~~(y)(t)~~ Section 825.102, relating to abuse, aggravated
20 abuse, or neglect of an elderly person or disabled adult.

21 ~~(z)(u)~~ Section 825.1025, relating to lewd or
22 lascivious offenses committed upon or in the presence of an
23 elderly person or disabled adult.

24 ~~(aa)(v)~~ Section 825.103, relating to exploitation of
25 an elderly person or disabled adult, if the offense was a
26 felony.

27 ~~(bb)(w)~~ Section 826.04, relating to incest.

28 ~~(cc)(x)~~ Section 827.03, relating to child abuse,
29 aggravated child abuse, or neglect of a child.

30 ~~(dd)(y)~~ Section 827.04, relating to contributing to
31 the delinquency or dependency of a child.

- 1 ~~(z)~~ (ee) Section 827.05, relating to negligent
2 treatment of children.
- 3 ~~(aa)~~ (ff) Section 827.071, relating to sexual
4 performance by a child.
- 5 (gg) Section 843.01, relating to resisting arrest with
6 violence.
- 7 (hh) Section 843.025, relating to depriving a law
8 enforcement, correctional, or correctional probation officer
9 means of protection or communication.
- 10 (ii) Section 843.12, relating to aiding in an escape.
11 (jj) Section 843.13, relating to aiding in the escape
12 of juvenile inmates in correctional institutions.
- 13 ~~(bb)~~ (kk) Chapter 847, relating to obscene literature.
- 14 (ll) Section 874.05(1), relating to encouraging or
15 recruiting another to join a criminal gang.
- 16 ~~(cc)~~ (mm) Chapter 893, relating to drug abuse
17 prevention and control, only if the offense was a felony or if
18 any other person involved in the offense was a minor.
- 19 (nn) Section 944.35(3), relating to inflicting cruel
20 or inhuman treatment on an inmate resulting in great bodily
21 harm.
- 22 (oo) Section 944.46, relating to harboring,
23 concealing, or aiding an escaped prisoner.
- 24 (pp) Section 944.47, relating to introduction of
25 contraband into a correctional facility.
- 26 (qq) Section 985.4045, relating to sexual misconduct
27 in juvenile justice programs.
- 28 (rr) Section 985.4046, relating to contraband
29 introduced into detention facilities.
- 30 (3) Standards must also ensure that the person:
31

1 (a) For employees or employers licensed or registered
2 pursuant to chapter 400, does not have a confirmed report of
3 abuse, neglect, or exploitation as defined in s. 415.102(5),
4 which has been uncontested or upheld under s. 415.103.

5 (b) Has not committed an act that constitutes domestic
6 violence as defined in s. 741.30.

7 (4) Under penalty of perjury, all employees in such
8 positions of trust or responsibility shall attest to meeting
9 the requirements for qualifying for employment and agreeing to
10 inform the employer immediately if convicted of any of the
11 disqualifying offenses while employed by the employer. Each
12 employer of employees in such positions of trust or
13 responsibilities which is licensed or registered by a state
14 agency shall submit to the licensing agency annually, under
15 penalty of perjury, an affidavit of compliance with the
16 provisions of this section.

17 Section 2. Subsection (1) of section 943.0515, Florida
18 Statutes, 1998 Supplement, is amended to read:

19 943.0515 Retention of criminal history records of
20 minors.--

21 (1)(a) The Criminal Justice Information Program shall
22 retain the criminal history record of a minor who is
23 classified as a serious or habitual juvenile offender or
24 committed to a maximum-risk residential program under chapter
25 985 for 5 years after the date the offender reaches 21 years
26 of age, at which time the record shall be expunged unless it
27 meets the criteria of paragraph (2)(a) or paragraph (2)(b).

28 (b) If the minor is not classified as a serious or
29 habitual juvenile offender or committed to a maximum-risk
30 residential program under chapter 985, the program shall
31 retain the minor's criminal history record for 5 years after

1 the date the minor reaches 19 years of age, at which time the
2 record shall be expunged unless it meets the criteria of
3 paragraph (2)(a) or paragraph (2)(b).

4 Section 3. Paragraph (r) is added to subsection (1) of
5 section 960.001, Florida Statutes, 1998 Supplement, to read:

6 960.001 Guidelines for fair treatment of victims and
7 witnesses in the criminal justice and juvenile justice
8 systems.--

9 (1) The Department of Legal Affairs, the state
10 attorneys, the Department of Corrections, the Department of
11 Juvenile Justice, the Parole Commission, the State Courts
12 Administrator and circuit court administrators, the Department
13 of Law Enforcement, and every sheriff's department, police
14 department, or other law enforcement agency as defined in s.
15 943.10(4) shall develop and implement guidelines for the use
16 of their respective agencies, which guidelines are consistent
17 with the purposes of this act and s. 16(b), Art. I of the
18 State Constitution and are designed to implement the
19 provisions of s. 16(b), Art. I of the State Constitution and
20 to achieve the following objectives:

21 (r) Implementing crime prevention in order to protect
22 the safety of persons and property, as prescribed in the State
23 Comprehensive Plan.--By preventing crimes that create victims
24 or further harm former victims, crime-prevention efforts are
25 an essential part of providing effective service for victims
26 and witnesses. Therefore, the agencies identified in this
27 subsection may participate in and expend funds for crime
28 prevention, public awareness, public participation, and
29 educational activities.

30 Section 4. Subsection (16) of section 984.03, Florida
31 Statutes, 1998 Supplement, is amended to read:

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

3 (16) "Delinquency program" means any intake, community
4 control ~~and furlough~~, or similar program; regional detention
5 center or facility; or community-based program, whether owned
6 and operated by or contracted by the Department of Juvenile
7 Justice, or institution owned and operated by or contracted by
8 the Department of Juvenile Justice, which provides intake,
9 supervision, or custody and care of children who are alleged
10 to be or who have been found to be delinquent pursuant to
11 chapter 985.

12 Section 5. Paragraph (a) of present subsection (15)
13 and paragraph (a) of present subsection (45) of section
14 985.03, Florida Statutes, 1998 Supplement, are amended, and
15 present subsections (4) through (59) are redesignated as
16 subsections (5) through (60), respectively, and a new
17 subsection (4) is added to that section, to read:

18 985.03 Definitions.--When used in this chapter, the
19 term:

20 (4) "Aftercare" means the care, treatment, help, and
21 supervision provided to a juvenile released from a residential
22 commitment program which is intended to promote rehabilitation
23 and prevent recidivism. The purpose of aftercare is to protect
24 the public, reduce recidivism, increase responsible productive
25 behavior, and provide for a successful transition of the youth
26 from the department to the family. Aftercare includes, but is
27 not limited to, minimum-risk nonresidential programs, reentry
28 services, and postcommitment community control.

29 (16)~~(15)~~(a) "Delinquency program" means any intake,
30 community control ~~and furlough~~, or similar program; regional
31 detention center or facility; or community-based program,

1 whether owned and operated by or contracted by the Department
2 of Juvenile Justice, or institution owned and operated by or
3 contracted by the Department of Juvenile Justice, which
4 provides intake, supervision, or custody and care of children
5 who are alleged to be or who have been found to be delinquent
6 pursuant to part II.

7 ~~(47)~~(46) "Restrictiveness level" means the level of
8 custody provided by programs that service the custody and care
9 needs of committed children. There shall be five
10 restrictiveness levels:

11 (a) Minimum-risk nonresidential.--Youth assessed and
12 classified for placement in programs at this restrictiveness
13 level represent a minimum risk to themselves and public safety
14 and do not require placement and services in residential
15 settings. Programs or program models in this restrictiveness
16 level include: community counselor supervision programs,
17 special intensive group programs, nonresidential marine
18 programs, nonresidential training and rehabilitation centers,
19 and other local community nonresidential programs, including
20 any nonresidential program or supervision program that is used
21 for aftercare placement.

22 Section 6. Paragraph (b) of subsection (4) of section
23 39.0132, Florida Statutes, 1998 Supplement, is amended to
24 read:

25 39.0132 Oaths, records, and confidential
26 information.--

27 (4)

28 (b) The department shall disclose to the school
29 superintendent the presence of any child in the care and
30 custody or under the jurisdiction or supervision of the
31 department who has a known history of criminal sexual behavior

1 with other juveniles; is an alleged juvenile sex offender, as
2 defined in s. 39.01 ~~s. 415.50165~~; or has pled guilty or nolo
3 contendere to, or has been found to have committed, a
4 violation of chapter 794, chapter 796, chapter 800, s.
5 827.071, or s. 847.0133, regardless of adjudication. Any
6 employee of a district school board who knowingly and
7 willfully discloses such information to an unauthorized person
8 commits a misdemeanor of the second degree, punishable as
9 provided in s. 775.082 or s. 775.083.

10 Section 7. Paragraph (b) of subsection (3) of section
11 985.04, Florida Statutes, 1998 Supplement, is amended to read:

12 985.04 Oaths; records; confidential information.--

13 (3)

14 (b) The department shall disclose to the school
15 superintendent the presence of any child in the care and
16 custody or under the jurisdiction or supervision of the
17 department who has a known history of criminal sexual behavior
18 with other juveniles; is an alleged juvenile sex offender, as
19 defined in s. 39.01 ~~s. 415.50165~~; or has pled guilty or nolo
20 contendere to, or has been found to have committed, a
21 violation of chapter 794, chapter 796, chapter 800, s.
22 827.071, or s. 847.0133, regardless of adjudication. Any
23 employee of a district school board who knowingly and
24 willfully discloses such information to an unauthorized person
25 commits a misdemeanor of the second degree, punishable as
26 provided in s. 775.082 or s. 775.083.

27 Section 8. Paragraph (d) of subsection (1) of section
28 985.207, Florida Statutes, 1998 Supplement, is amended to
29 read:

30 985.207 Taking a child into custody.--

31

1 (1) A child may be taken into custody under the
2 following circumstances:

3 (d) By a law enforcement officer who has probable
4 cause to believe that the child is in violation of the
5 conditions of the child's community control, home detention
6 ~~furlough~~, or aftercare supervision.

7
8 Nothing in this subsection shall be construed to allow the
9 detention of a child who does not meet the detention criteria
10 in s. 985.215.

11 Section 9. Section 985.208, Florida Statutes, 1998
12 Supplement, is amended to read:

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

15 (1) If an authorized agent of the department has
16 reasonable grounds to believe that any delinquent child
17 committed to the department has escaped from a facility of the
18 department or from being lawfully transported thereto or
19 therefrom, the agent may take the child into active custody
20 and may deliver the child to the facility or, if it is closer,
21 to a detention center for return to the facility. However, a
22 child may not be held in detention longer than 24 hours,
23 excluding Saturdays, Sundays, and legal holidays, unless a
24 special order so directing is made by the judge after a
25 detention hearing resulting in a finding that detention is
26 required based on the criteria in s. 985.215(2). The order
27 shall state the reasons for such finding. The reasons shall be
28 reviewable by appeal or in habeas corpus proceedings in the
29 district court of appeal.

30 (2) Any sheriff or other law enforcement officer, upon
31 the request of the secretary of the department or duly

1 authorized agent, shall take a child who has escaped or
2 absconded from a department facility for committed delinquent
3 children, or from being lawfully transported thereto or
4 therefrom, into custody and deliver the child to the
5 appropriate juvenile probation officer of the department.

6 Section 10. Paragraph (b) of subsection (1) of section
7 985.212, Florida Statutes, is amended to read:

8 985.212 Fingerprinting and photographing.--

9 (1)

10 (b) A child who is charged with or found to have
11 committed one of the following misdemeanors shall be
12 fingerprinted and the fingerprints shall be submitted to the
13 Department of Law Enforcement as provided in s. 943.051(3)(b):

14 1. Assault, as defined in s. 784.011.

15 2. Battery, as defined in s. 784.03.

16 3. Carrying a concealed weapon, as defined in s.
17 790.01(1).

18 4. Unlawful use of destructive devices or bombs, as
19 defined in s. 790.1615(1).

20 5. Negligent treatment of children, as defined in
21 former s. 827.05.

22 6. Assault on a law enforcement officer, a
23 firefighter, or other specified officers, as defined in s.
24 784.07(2)(a).

25 7. Open carrying of a weapon, as defined in s.
26 790.053.

27 8. Exposure of sexual organs, as defined in s. 800.03.

28 9. Unlawful possession of a firearm, as defined in s.
29 790.22(5).

30 10. Petit theft, as defined in s. 812.014.

31 11. Cruelty to animals, as defined in s. 828.12(1).

1 12. Arson, resulting in bodily harm to a firefighter,
2 as defined in s. 806.031(1).

3
4 A law enforcement agency may fingerprint and photograph a
5 child taken into custody upon probable cause that such child
6 has committed any other violation of law, as the agency deems
7 appropriate. Such fingerprint records and photographs shall be
8 retained by the law enforcement agency in a separate file, and
9 these records and all copies thereof must be marked "Juvenile
10 Confidential." These records are ~~shall~~ not ~~be~~ available for
11 public disclosure and inspection under s. 119.07(1) except as
12 provided in ss. 943.053 and 985.04(5), but shall be available
13 to other law enforcement agencies, criminal justice agencies,
14 state attorneys, the courts, the child, the parents or legal
15 custodians of the child, their attorneys, and any other person
16 authorized by the court to have access to such records. In
17 addition, such records may be submitted to the Department of
18 Law Enforcement for inclusion in the state criminal history
19 records and used by criminal justice agencies for criminal
20 justice purposes. These records may, in the discretion of the
21 court, be open to inspection by anyone upon a showing of
22 cause. The fingerprint and photograph records shall be
23 produced in the court whenever directed by the court. Any
24 photograph taken pursuant to this section may be shown by a
25 law enforcement officer to any victim or witness of a crime
26 for the purpose of identifying the person who committed such
27 crime.

28 Section 11. Paragraph (a) of subsection (1) and
29 subsection (2) of section 985.231, Florida Statutes, 1998
30 Supplement, are amended to read:

31 985.231 Powers of disposition in delinquency cases.--

1 (1)

2 (a) The court that has jurisdiction of an adjudicated
3 delinquent child may, by an order stating the facts upon which
4 a determination of a sanction and rehabilitative program was
5 made at the disposition hearing:

6 1. Place the child in a community control program or a
7 postcommitment community control ~~an aftercare~~ program under
8 the supervision of an authorized agent of the Department of
9 Juvenile Justice or of any other person or agency specifically
10 authorized and appointed by the court, whether in the child's
11 own home, in the home of a relative of the child, or in some
12 other suitable place under such reasonable conditions as the
13 court may direct. A community control program for an
14 adjudicated delinquent child must include a penalty component
15 such as restitution in money or in kind, community service, a
16 curfew, revocation or suspension of the driver's license of
17 the child, or other nonresidential punishment appropriate to
18 the offense and must also include a rehabilitative program
19 component such as a requirement of participation in substance
20 abuse treatment or in school or other educational program.
21 Upon the recommendation of the department at the time of
22 disposition, or subsequent to disposition pursuant to the
23 filing of a petition alleging a violation of the child's
24 conditions of community control or aftercare supervision, the
25 court may order the child to submit to random testing for the
26 purpose of detecting and monitoring the use of alcohol or
27 controlled substances.

28 a. A restrictiveness level classification scale for
29 levels of supervision shall be provided by the department,
30 taking into account the child's needs and risks relative to
31 community control supervision requirements to reasonably

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

22 b. The court may conduct judicial review hearings for
23 a child placed on community control for the purpose of
24 fostering accountability to the judge and compliance with
25 other requirements, such as restitution and community service.
26 The court may allow early termination of community control for
27 a child who has substantially complied with the terms and
28 conditions of community control.

29 c. If the conditions of the community control program
30 or the postcommitment community control ~~aftercare~~ program are
31 violated, the department ~~agent supervising the program as it~~

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

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

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

13 (II) Place the child on home detention with electronic
14 monitoring for up to 5 days for a first violation and up to 15
15 days for a second or subsequent violation. However, this
16 sanction may be used only if a residential consequence unit is
17 not available.

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

20 (IV) Revoke community control or postcommitment
21 community control ~~aftercare~~ and commit the child to the
22 department.

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

29 2. Commit the child to a licensed child-caring agency
30 willing to receive the child, but the court may not commit the
31

1 child to a jail or to a facility used primarily as a detention
2 center or facility or shelter.

3 3. Commit the child to the Department of Juvenile
4 Justice at a restrictiveness level defined in s. 985.03 ~~s.~~
5 ~~985.03(45)~~. Such commitment must be for the purpose of
6 exercising active control over the child, including, but not
7 limited to, custody, care, training, urine monitoring, and
8 treatment of the child and release ~~furlough~~ of the child into
9 the community in a postcommitment nonresidential aftercare
10 program. If the child is not successful in the aftercare
11 program, the department may use the transfer procedure under
12 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and
13 except as provided in s. 985.31, the term of the commitment
14 must be until the child is discharged by the department or
15 until he or she reaches the age of 21.

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

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

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

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

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

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

28 9. In addition to the sanctions imposed on the child,
29 order the parent or guardian of the child to perform community
30 service if the court finds that the parent or guardian did not
31 make a diligent and good faith effort to prevent the child

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

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

18 (2) Following a delinquency adjudicatory hearing
19 pursuant to s. 985.228 and a delinquency disposition hearing
20 pursuant to s. 985.23 which results in a commitment
21 determination, the court shall, on its own or upon request by
22 the state or the department, determine whether the protection
23 of the public requires that the child be placed in a program
24 for serious or habitual juvenile offenders and whether the
25 particular needs of the child would be best served by a
26 program for serious or habitual juvenile offenders as provided
27 in s. 985.31. The determination shall be made pursuant to ss.
28 985.03(49)~~985.03(47)~~and 985.23(3).

29 Section 12. Subsections (14) and (15) of section
30 985.308, Florida Statutes, 1998 Supplement, are amended to
31 read:

1 985.308 Juvenile sexual offender commitment programs;
2 sexual abuse intervention networks.--

3 (14) Subject to specific appropriation, availability
4 of funds, or receipt of appropriate grant funds, the Office of
5 the Attorney General, the Department of Children and Family
6 Services, the Department of Juvenile Justice, or local
7 juvenile justice councils shall award grants to sexual abuse
8 intervention networks that apply for such grants. The grants
9 may be used for training, treatment, aftercare, evaluation,
10 public awareness, and other specified community needs that are
11 identified by the network. A grant shall be awarded based on
12 the applicant's level of local funding, level of
13 collaboration, number of juvenile sexual offenders to be
14 served, number of victims to be served, and level of unmet
15 needs. ~~The Department of Legal Affairs' Office of the Attorney~~
16 ~~General, in collaboration with the Department of Juvenile~~
17 ~~Justice and the Department of Children and Family Services,~~
18 ~~shall establish by rule minimum standards for each respective~~
19 ~~department for residential and day treatment juvenile sexual~~
20 ~~offender programs funded under this subsection.~~

21 ~~(15) The Department of Legal Affairs may adopt rules~~
22 ~~necessary to award grants under this section.~~

23 Section 13. Section 985.316, Florida Statutes, is
24 amended to read:

25 985.316 ~~Furlough and intensive~~ Aftercare.--

26 (1) The Legislature finds that:

27 (a) Aftercare is the care, treatment, help, and
28 supervision provided juveniles released from residential
29 commitment programs to promote rehabilitation and prevent
30 recidivism.

31

1 (b) Aftercare services can contribute significantly to
2 a successful transition of a juvenile from a residential
3 commitment to the juvenile's home, school, and community.
4 Therefore, the best efforts should be made to provide for a
5 successful transition.

6 (c) The purpose of aftercare is to protect safety;
7 reduce recidivism; increase responsible productive behaviors;
8 and provide for a successful transition of care and custody of
9 the youth from the state to the family.

10 (d) Accordingly, aftercare should be included in the
11 continuum of care.

12 (2) It is the intent of the Legislature that:

13 (a) Commitment programs include rehabilitative efforts
14 on preparing committed juveniles for a successful release to
15 the community.

16 (b) Aftercare transition planning begins as early in
17 the commitment process as possible.

18 (c) Each juvenile committed to a residential
19 commitment program be assessed to determine the need for
20 aftercare services upon release from the commitment program.

21 (3) For juveniles referred or committed to the
22 department, the function of the department may include, but
23 shall not be limited to, assessing each committed juvenile to
24 determine the need for aftercare services upon release from a
25 commitment program, supervising the juvenile when released
26 into the community from a residential commitment facility of
27 the department, providing such counseling and other services
28 as may be necessary for the families and assisting their
29 preparations for the return of the child. Subject to specific
30 appropriation, the department shall provide for outpatient
31 sexual offender counseling for any juvenile sexual offender

1 released from a commitment program as a component of
2 aftercare.

3 (4) After a youth is released from a residential
4 commitment program, aftercare services may be delivered
5 through either minimum-risk nonresidential commitment
6 restrictiveness programs or postcommitment community control.

7 A juvenile under minimum-risk nonresidential commitment
8 placement will continue to be on commitment status and subject
9 to the transfer provision under s. 985.404. A juvenile on
10 post-commitment community control will be subject to the
11 provisions under s. 985.231(1)(a).

12 ~~(1) With regard to children referred or committed to~~
13 ~~the department, the function of the department may include,~~
14 ~~but shall not be limited to, supervising the child when~~
15 ~~furloughed into the community from a facility of the~~
16 ~~department, including providing such counseling and other~~
17 ~~services as may be necessary for the families and assisting~~
18 ~~their preparations for the return of the child.~~

19 ~~(2) Whenever a delinquent child is committed to a~~
20 ~~residential program operated by a private vendor under~~
21 ~~contract, the department may negotiate with such vendor to~~
22 ~~provide intensive aftercare for the child in the home~~
23 ~~community following successful completion of the residential~~
24 ~~program. Intensive aftercare shall involve regular contact~~
25 ~~between the child and the staff of the vendor with whom the~~
26 ~~child has developed a relationship during the course of the~~
27 ~~commitment program. Contingent upon specific appropriation, a~~
28 ~~contract for intensive aftercare provided by the residential~~
29 ~~commitment program vendor shall provide for caseloads of 10 or~~
30 ~~fewer children, intensive aftercare for 1 year, and a transfer~~
31 ~~of the ongoing case management and reentry responsibilities~~

1 ~~from the department to the vendor at the time the vendor~~
2 ~~admits the child into the commitment program. The department~~
3 ~~shall annually seek the necessary resources to provide~~
4 ~~intensive aftercare.~~

5 ~~(3) Subject to specific appropriation, the department~~
6 ~~shall provide or contract for outpatient sexual offender~~
7 ~~counseling for any juvenile sexual offender furloughed from a~~
8 ~~commitment program, as a component of aftercare services.~~

9 ~~(4) Upon a recommendation that a child committed to~~
10 ~~the department have his or her furlough revoked, the~~
11 ~~department shall, within 30 days after the date the~~
12 ~~recommendation is made, hold an administrative hearing~~
13 ~~pursuant to chapter 120.~~

14 ~~(5) It is the legislative intent that, to prevent~~
15 ~~recidivism of juvenile offenders, reentry and aftercare~~
16 ~~services be provided statewide to each juvenile who returns to~~
17 ~~his or her community from a residential commitment program.~~
18 ~~Accordingly, the Legislature further intends that reentry and~~
19 ~~aftercare services be included in the continuum of care.~~

20 Section 14. Subsection (4) of section 985.404, Florida
21 Statutes, 1998 Supplement, is amended to read:

22 985.404 Administering the juvenile justice
23 continuum.--

24 (4) The department may transfer a child, when
25 necessary to appropriately administer the child's commitment,
26 from one facility or program to another facility or program
27 operated, contracted, subcontracted, or designated by the
28 department, including a postcommitment minimum-risk
29 nonresidential aftercare program. The department shall notify
30 the court that committed the child to the department, in
31 writing, of its transfer of the child from a commitment

1 facility or program to another facility or program of a higher
2 or lower restrictiveness level. The court that committed the
3 child may agree to the transfer or may set a hearing to review
4 the transfer. If the court does not respond within 10 days
5 after receipt of the notice, the transfer of the child shall
6 be deemed granted.

7 Section 15. Subsection (3) of section 985.406, Florida
8 Statutes, 1998 Supplement, is amended to read:

9 985.406 Juvenile justice training academies
10 established; Juvenile Justice Standards and Training
11 Commission created; Juvenile Justice Training Trust Fund
12 created.--

13 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission
14 shall establish a certifiable program for juvenile justice
15 training pursuant to ~~the provisions of~~ this section, and all
16 Department of Juvenile Justice program staff and providers who
17 deliver direct care services pursuant to contract with the
18 department shall be required to participate in and
19 successfully complete the commission-approved program of
20 training pertinent to their areas of responsibility. Judges,
21 state attorneys, and public defenders, law enforcement
22 officers, and school district personnel may participate in
23 such training program. For the juvenile justice program staff,
24 the commission shall, based on a job-task analysis:

25 (a) Design, implement, maintain, evaluate, and revise
26 a basic training program, including a competency-based
27 ~~curriculum-based~~ examination, for the purpose of providing
28 minimum employment training qualifications for all juvenile
29 justice personnel. All program staff of the Department of
30 Juvenile Justice and providers who deliver direct-care

31

1 services who are hired after October 1, 1999, must meet the
2 following minimum requirements:
3 1. Be at least 19 years of age.
4 2. Be a high school graduate or its equivalent as
5 determined by the commission.
6 3. Not have been convicted of any felony or a
7 misdemeanor involving perjury or a false statement, or have
8 received a dishonorable discharge from any of the Armed Forces
9 of the United States. Any person who, after September 30,
10 1999, pleads guilty or nolo contendere to or is found guilty
11 of any felony or a misdemeanor involving perjury or false
12 statement is not eligible for employment, notwithstanding
13 suspension of sentence or withholding of adjudication.
14 Notwithstanding this subparagraph, any person who pleads nolo
15 contendere to a misdemeanor involving a false statement before
16 October 1, 1999, and who has had such record of that plea
17 sealed or expunged is not ineligible for employment for that
18 reason.
19 4. Abide by all the provisions of s. 985.01(2)
20 regarding fingerprinting and background investigations and
21 other screening requirements for personnel.
22 5. Execute and submit to the department an
23 affidavit-of-application form, adopted by the department,
24 attesting to his or her compliance with subparagraphs 1.
25 through 4. The affidavit must be executed under oath and
26 constitutes an official statement under s. 837.06. The
27 affidavit must include conspicuous language that the
28 intentional false execution of the affidavit constitutes a
29 misdemeanor of the second degree. The employing agency shall
30 retain the affidavit.
31

1 6. Complete any commission-approved basic training
2 programs offered by the department for the applicable juvenile
3 justice responsibilities.

4 (b) Design, implement, maintain, evaluate, and revise
5 an advanced training program, including a competency-based
6 ~~curriculum-based~~ examination for each training course, which
7 is intended to enhance knowledge, skills, and abilities
8 related to job performance.

9 (c) Design, implement, maintain, evaluate, and revise
10 a career development training program, including a
11 competency-based ~~curriculum-based~~ examination for each
12 training course. Career development courses are intended to
13 prepare personnel for promotion.

14 (d) The commission is encouraged to design, implement,
15 maintain, evaluate, and revise juvenile justice training
16 courses, or to enter into contracts for such training courses,
17 that are intended to provide for the safety and well-being of
18 both citizens and juvenile offenders.

19 Section 16. Section 985.4145, Florida Statutes, is
20 created to read:

21 985.4145 Direct-support organization; definition; use
22 of property; board of directors; audit.--

23 (1) DEFINITION.--As used in this section, the term
24 "direct-support organization" means an organization that is:

25 (a) A corporation not for profit incorporated under
26 chapter 617 and approved by the Department of State;

27 (b) Organized and operated to conduct programs and
28 activities; raise funds; request and receive grants, gifts,
29 and bequests of moneys; acquire, receive, hold, invest, and
30 administer, in its own name, securities, funds, objects of
31 value, or other property, real or personal; and make

1 expenditures to or for the direct or indirect benefit of the
2 Department of Juvenile Justice or the juvenile justice system
3 operated by a county commission or a district board;

4 (c) Determined by the Department of Juvenile Justice
5 to be consistent with the goals of the juvenile justice
6 system, in the best interest of the state, and in accordance
7 with the adopted goals and mission of the Department of
8 Juvenile Justice.

9 (2) USE OF PROPERTY.--

10 (a) The Department of Juvenile Justice may permit,
11 without charge, appropriate use of fixed property and
12 facilities of the juvenile justice system by a direct-support
13 organization, subject to the provisions in this section.

14 (b) The department may prescribe any condition with
15 which a direct-support organization shall comply in order to
16 use fixed property or facilities of the juvenile justice
17 system.

18 (c) The department may not permit the use of any fixed
19 property or facilities of the juvenile justice system by a
20 direct-support organization that does not provide equal
21 membership and employment opportunities to all persons
22 regardless of race, color, religion, sex, age, or national
23 origin.

24 (3) BOARD OF DIRECTORS.--The Secretary of Juvenile
25 Justice shall appoint a board of directors of the
26 direct-support organization. Members of the organization must
27 include representatives from businesses, representatives from
28 each of the juvenile justice service districts, and one
29 representative appointed at-large.

30 (4) ANNUAL AUDIT.--The direct-support organization
31 shall make provision for an annual postaudit of its financial

1 accounts to be conducted by an independent certified public
2 accountant in accordance with s. 20.055. The annual audit
3 report must include a management letter and be submitted to
4 the Auditor General and the Department of Juvenile Justice for
5 review. The department and the Auditor General may require and
6 receive from the organization, or from its independent
7 auditor, any detail or supplemental data relative to the
8 operation of the organization.

9 Section 17. Subsection (5) of section 985.417, Florida
10 Statutes, is amended to read:

11 985.417 Transfer of children from the Department of
12 Corrections to the Department of Juvenile Justice.--

13 (5) Any child who has been convicted of a capital
14 felony while under the age of 18 years may not be released
15 ~~furloughed~~ on community control without the consent of the
16 Governor and three members of the Cabinet.

17 Section 18. Section 985.421, Florida Statutes, is
18 created to read:

19 985.421 Welfare account local fund created; use of.--

20 (1) All moneys now held in the Welfare Trust Fund, or
21 similar fund in any state program under the jurisdiction of
22 the Department of Juvenile Justice, shall be deposited in a
23 welfare trust fund, which fund is created in the State
24 Treasury or in a place which the department shall designate.
25 The money in the fund for each program of the department, and
26 which accrues thereto, is appropriated for the benefit,
27 education, and general welfare of youth in that program. The
28 general welfare of the youth includes the establishment of,
29 maintenance of, staffing for, and the purchase of items for
30 resale at canteens or vending machines maintained at the state
31 programs and for the establishment of, maintenance of,

1 employment of personnel for, and the operation of canteens,
2 hobby shops, recreational or entertainment facilities,
3 activity centers, farming projects, behavior modification
4 programs for all youth, and similar facilities and programs.

5 (2) All moneys now held in any welfare trust fund, or
6 similar fund in any district of the department shall be
7 deposited in the Welfare Trust Fund, which is created in the
8 State Treasury or in a place that the department designates.
9 Money in the fund of each district of the department, and
10 which accrues thereto, is appropriated for the purpose for
11 which the donor intended. Absent specific intentions of the
12 donor, such moneys must be used for programs for the benefit,
13 education, and general welfare of all youths of the
14 department. All sales taxes collected by the department in a
15 district for the Department of Revenue may be deposited into
16 the district trust fund to facilitate preparing consolidated
17 sales tax returns and remittals of sales tax to the Department
18 of Revenue.

19 (3) The Department of Juvenile Justice shall deposit
20 in a welfare trust fund all receipts from the operation of
21 canteens, vending machines, hobby shops, activity centers,
22 farming projects, specified donations and other such
23 facilities designated as accruing to a specific welfare trust
24 fund, and any moneys which are assigned to a specific welfare
25 trust fund by youths or others. Separate revenue and expense
26 accounts must be maintained in the department's accounting
27 system for each such facility. Annually, the net proceeds,
28 must be determined for such facility and made available for
29 expenditures for the benefit, education, and general welfare
30 of the youths of the department. The moneys in the fund

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1 constitute a trust held by the department for the benefit and
2 welfare of the youths of the department.

3 (4) Any contraband found upon or in the possession of
4 any youth of the department shall be confiscated and
5 liquidated, and the proceeds thereof shall be deposited in a
6 welfare trust fund.

7 (5) The department may invest in the manner authorized
8 by law for fiduciaries any money in a welfare trust fund which
9 is not necessary for immediate use. Investments may include,
10 but are not limited to, investments in savings share accounts
11 of any credit union chartered under the laws of the United
12 States and doing business in this state and savings share
13 accounts of any credit union chartered under the laws of this
14 state, provided the credit union is insured under the federal
15 share insurance program or an approved state share insurance
16 program. The interest earned and other increments derived from
17 such investments of such money shall be deposited in the
18 Welfare Trust Fund. Moneys required for current use may be
19 deposited in any bank, credit union, or savings and loan
20 association authorized to do business in this state, provided
21 such deposits are insured under a federal depository or share
22 insurance program or under a state-approved depository or
23 share insurance program, and provided such moneys are
24 available on demand.

25 (6) The department shall maintain accounts in the
26 Welfare Trust Fund for the sale of goods, services, or
27 products as outlined in subsection (1), and each project shall
28 be accounted for separately in accordance with cost standards
29 established by the department. However, the cost of such
30 projects may not include any wage or salary expenditures
31 funded by a general revenue appropriation applicable to such

1 rehabilitative activities. The cost of materials incorporated
2 in such products sold, if funded by an appropriation of
3 general revenue, must be restored to the General Revenue Fund
4 unallocated at the end of the fiscal year of sale from the
5 proceeds of such sales.

6 Section 19. Paragraph (d) of subsection (1) of section
7 419.001, Florida Statutes, 1998 Supplement, is amended to
8 read:

9 419.001 Site selection of community residential
10 homes.--

11 (1) For the purposes of this section, the following
12 definitions shall apply:

13 (d) "Resident" means any of the following: a frail
14 elder as defined in s. 400.618; a physically disabled or
15 handicapped person as defined in s. 760.22(7)(a); a
16 developmentally disabled person as defined in s. 393.063(11);
17 a nondangerous mentally ill person as defined in s.
18 394.455(18); or a child as defined in s. 39.01(11), s.
19 984.03(9) or (12), or s. 985.03(9)~~s. 985.03(8)~~.

20 Section 20. Section 784.075, Florida Statutes, 1998
21 Supplement, is amended to read:

22 784.075 Battery on detention or commitment facility
23 staff.--A person who commits a battery on a juvenile probation
24 officer ~~an intake counselor or case manager~~, as defined in s.
25 984.03 ~~s. 984.03(31)~~ or s. 985.03 ~~s. 985.03(30)~~, on other
26 staff of a detention center or facility as defined in s.
27 984.03 ~~s. 984.03(19)~~ or s. 985.03 ~~s. 985.03(19)~~, or on a staff
28 member of a commitment facility as defined in s. 985.03(47)~~s.~~
29 ~~985.03(45)~~, commits a felony of the third degree, punishable
30 as provided in s. 775.082, s. 775.083, or s. 775.084. For
31 purposes of this section, a staff member of the facilities

1 listed includes persons employed by the Department of Juvenile
2 Justice, persons employed at facilities licensed by the
3 Department of Juvenile Justice, and persons employed at
4 facilities operated under a contract with the Department of
5 Juvenile Justice.

6 Section 21. Section 984.05, Florida Statutes, 1998
7 Supplement, is amended to read:

8 984.05 Rules relating to habitual truants; adoption by
9 Department of Education and Department of Juvenile
10 Justice.--The Department of Juvenile Justice and the
11 Department of Education shall work together on the development
12 of, and shall adopt, rules as necessary for the implementation
13 of ss. 232.19, 984.03(29), and 985.03(28)~~985.03(27)~~.

14 Section 22. Paragraph (b) of subsection (2) of section
15 985.227, Florida Statutes, is amended to read:

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

20 (2) MANDATORY DIRECT FILE.--

21 (b) Notwithstanding subsection (1), regardless of the
22 child's age at the time the alleged offense was committed, the
23 state attorney must file an information with respect to any
24 child who previously has been adjudicated for offenses which,
25 if committed by an adult, would be felonies and such
26 adjudications occurred at three or more separate delinquency
27 adjudicatory hearings, and three of which resulted in
28 residential commitments as defined in s. 985.03(47)~~s.~~
29 ~~985.03(45)~~.

30
31

1 Section 23. Paragraph (e) of subsection (3) and
2 paragraph (a) of subsection (4) of section 985.31, Florida
3 Statutes, 1998 Supplement, are amended to read:

4 985.31 Serious or habitual juvenile offender.--

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

7 (e) After a child has been adjudicated delinquent
8 pursuant to s. 985.228, the court shall determine whether the
9 child meets the criteria for a serious or habitual juvenile
10 offender pursuant to s. 985.03(49)~~s. 985.03(47)~~. If the court
11 determines that the child does not meet such criteria, the
12 provisions of s. 985.231(1) shall apply.

13 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

14 (a) Pursuant to the provisions of this section, the
15 department shall implement the comprehensive assessment
16 instrument for the treatment needs of serious or habitual
17 juvenile offenders and for the assessment, which assessment
18 shall include the criteria under s. 985.03(49)~~s. 985.03(47)~~
19 and shall also include, but not be limited to, evaluation of
20 the child's:

- 21 1. Amenability to treatment.
- 22 2. Proclivity toward violence.
- 23 3. Tendency toward gang involvement.
- 24 4. Substance abuse or addiction and the level thereof.
- 25 5. History of being a victim of child abuse or sexual
26 abuse, or indication of sexual behavior dysfunction.
- 27 6. Number and type of previous adjudications, findings
28 of guilt, and convictions.
- 29 7. Potential for rehabilitation.

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31

1 Section 24. Paragraph (e) of subsection (3) and
2 paragraph (a) of subsection (4) of section 985.311, Florida
3 Statutes, 1998 Supplement, are amended to read:

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

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

8 (e) After a child has been adjudicated delinquent
9 pursuant to s. 985.228(5), the court shall determine whether
10 the child is eligible for an intensive residential treatment
11 program for offenders less than 13 years of age pursuant to s.
12 985.03(8)~~s. 985.03(7)~~. If the court determines that the
13 child does not meet the criteria, the provisions of s.
14 985.231(1) shall apply.

15 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

16 (a) Pursuant to the provisions of this section, the
17 department shall implement the comprehensive assessment
18 instrument for the treatment needs of children who are
19 eligible for an intensive residential treatment program for
20 offenders less than 13 years of age and for the assessment,
21 which assessment shall include the criteria under s. 985.03(8)
22 ~~s. 985.03(7)~~ and shall also include, but not be limited to,
23 evaluation of the child's:

- 24 1. Amenability to treatment.
- 25 2. Proclivity toward violence.
- 26 3. Tendency toward gang involvement.
- 27 4. Substance abuse or addiction and the level thereof.
- 28 5. History of being a victim of child abuse or sexual
29 abuse, or indication of sexual behavior dysfunction.
- 30 6. Number and type of previous adjudications, findings
31 of guilt, and convictions.

1 7. Potential for rehabilitation.

2 Section 25. Section 985.312, Florida Statutes, is
3 amended to read:

4 985.312 Intensive residential treatment programs for
5 offenders less than 13 years of age; prerequisite for
6 commitment.--No child who is eligible for commitment to an
7 intensive residential treatment program for offenders less
8 than 13 years of age as established in s. 985.03(8)~~s.~~
9 ~~985.03(7)~~, may be committed to any intensive residential
10 treatment program for offenders less than 13 years of age as
11 established in s. 985.311, unless such program has been
12 established by the department through existing resources or
13 specific appropriation, for such program.

14 Section 26. Section 985.3141, Florida Statutes, is
15 amended to read:

16 985.3141 Escapes from secure detention or residential
17 commitment facility.--An escape from:

18 (1) Any secure detention facility maintained for the
19 temporary detention of children, pending adjudication,
20 disposition, or placement;

21 (2) Any residential commitment facility described in
22 s. 985.03(47)~~s. 985.03(45)~~, maintained for the custody,
23 treatment, punishment, or rehabilitation of children found to
24 have committed delinquent acts or violations of law; or

25 (3) Lawful transportation to or from any such secure
26 detention facility or residential commitment facility,

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

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1 Section 27. This act shall take effect upon becoming a
2 law.

3
4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 Senate Bill 1594

- 7 1. Expands the types of crimes listed in s. 435.05, F.S.
8 (Supp. 1998), which preclude employment of a person
9 subject to level two employment screening standards.
10 2. Adds that the Department of Juvenile Justice must
11 disclose to a school superintendent that a juvenile has
12 a history of criminal sexual behavior with other
13 juveniles.
14 3. Adds that an officer, who has probable cause to believe
15 that a juvenile is in violation of his or her home
16 detention, may take the juvenile into custody.
17 4. Deletes the bill's thirty day preadjudication detention
18 limit for juveniles charged with capital, life, or first
19 degree felonies.
20 5. Deletes the Department of Legal Affairs statutory
21 authority to promulgate rules for the sexual abuse
22 intervention network grant program.
23 6. Clarifies the bill's definition of aftercare and adds
24 legislative findings and intent concerning aftercare.
25 7. Deletes bill's requirement that Department of Juvenile
26 Justice employees have passed a physical exam, and be
27 United States citizens.
28 8. Deletes bill's language authorizing the Department of
29 Juvenile Justice to use tax-exempt financing.
30 9. Provides the Department of Juvenile Justice with the
31 authority to operate a welfare trust fund.