

By the Committee on Criminal Justice and Senators Webster and Lee

307-1764A-00

1                                   A bill to be entitled  
2           An act relating to juvenile justice; amending  
3           s. 784.075, F.S., relating to third degree  
4           felony penalty for battery on a juvenile  
5           probation officer; conforming cross-references;  
6           amending s. 984.09, F.S.; providing conforming  
7           provisions; amending s. 984.225, F.S.; revising  
8           requirements for placement of a child in a  
9           staff-secure shelter; amending s. 984.226,  
10          F.S.; providing for physically secure settings  
11          for children in need of services; authorizing  
12          the Department of Juvenile Justice to establish  
13          physically secure settings; providing for a  
14          waiver of a child's right to counsel at court  
15          appearances; authorizing a court to place a  
16          child in a physically secure setting under  
17          prescribed circumstances; requiring the  
18          department to verify to the court that a bed is  
19          available; providing duration of stay in a  
20          physically secure setting; providing for court  
21          review of a child's placement; providing  
22          grounds for transfer of jurisdiction of the  
23          child to the Department of Children and Family  
24          Services; amending s. 985.201, F.S.; extending  
25          court jurisdiction over certain children for  
26          certain purposes; extending court jurisdiction  
27          over juveniles released from a commitment  
28          program prior to age 21; amending s. 985.207,  
29          F.S.; authorizing law enforcement to take a  
30          child into custody under certain circumstances;  
31          amending s. 985.211, F.S.; requiring a probable

1 cause affidavit or written report to be made  
2 within a time certain; requiring such affidavit  
3 or report to be filed with the clerk of the  
4 circuit court within a time certain; amending  
5 s. 985.213, F.S.; revising provisions relating  
6 to the risk assessment workgroup; revising  
7 provisions relating to the risk assessment  
8 instrument for purposes of detention care  
9 placement; amending s. 985.215, F.S.;  
10 authorizing detention of a child for failure to  
11 appear at certain court hearings; requiring law  
12 enforcement agencies to complete and present  
13 certain investigations to a state attorney  
14 within a time certain; providing for increased  
15 holding times for children charged with  
16 offenses of certain severity; deleting  
17 references to assignment centers; amending s.  
18 985.216, F.S.; prescribing punishment for  
19 contempt of court by a delinquent child or a  
20 child in need of services; amending s. 985.219,  
21 F.S.; requiring law enforcement agencies to act  
22 upon subpoenas and serve process within a  
23 certain time; amending s. 985.231, F.S., to  
24 conform; amending s. 985.233, F.S.; revising  
25 conditions under which adult sanctions may be  
26 imposed; creating the Juvenile Arrest and  
27 Monitor Unit, a pilot program in Orange County;  
28 prescribing the duration and purpose of the  
29 program; providing duties of the Orange County  
30 Sheriff's Office and the Department of Juvenile  
31 Justice; requiring the sheriff's office to

1 contract with the University of Central Florida  
2 to conduct a study of the program's  
3 effectiveness and results; providing an  
4 effective date.

5  
6 Be It Enacted by the Legislature of the State of Florida:

7  
8 Section 1. Section 784.075, Florida Statutes, is  
9 amended to read:

10 784.075 Battery on detention or commitment facility  
11 staff or a juvenile probation officer.--A person who commits a  
12 battery on a juvenile probation officer, as defined in s.  
13 984.03 or s. 985.03, on other staff of a detention center or  
14 facility as defined in s. 984.03(19)or s. 985.03(20), or on a  
15 staff member of a commitment facility as defined in s.  
16 985.03(47), commits a felony of the third degree, punishable  
17 as provided in s. 775.082, s. 775.083, or s. 775.084. For  
18 purposes of this section, a staff member of the facilities  
19 listed includes persons employed by the Department of Juvenile  
20 Justice, persons employed at facilities licensed by the  
21 Department of Juvenile Justice, and persons employed at  
22 facilities operated under a contract with the Department of  
23 Juvenile Justice.

24 Section 2. Paragraph (b) of subsection (2) of section  
25 984.09, Florida Statutes, is amended to read:

26 984.09 Punishment for contempt of court; alternative  
27 sanctions.--

28 (2) PLACEMENT IN A SECURE FACILITY.--A child may be  
29 placed in a secure facility for purposes of punishment for  
30 contempt of court if alternative sanctions are unavailable or  
31 inappropriate, or if the child has already been ordered to

1 serve an alternative sanction but failed to comply with the  
2 sanction.

3 (b) A child in need of services who has been held in  
4 direct contempt or indirect contempt may be placed, for 5 days  
5 for a first offense or 15 days for a second or subsequent  
6 offense, in a staff-secure shelter or a staff-secure  
7 residential facility solely for children in need of services  
8 if such placement is available, or, if such placement is not  
9 available, the child may be placed in an appropriate mental  
10 health facility or substance abuse facility for assessment. In  
11 addition to disposition under this paragraph, a child in need  
12 of services who is held in direct contempt or indirect  
13 contempt may be placed in a physically secure setting ~~facility~~  
14 as provided under s. 984.226 if conditions of eligibility are  
15 met.

16 Section 3. Present subsections (2) through (7) of  
17 section 984.225, Florida Statutes, are renumbered as  
18 subsections (3) through (8), respectively, and subsection (1)  
19 of that section is amended to read:

20 984.225 Powers of disposition; placement in a  
21 staff-secure shelter.--

22 (1) Subject to specific legislative appropriation, the  
23 court may order that a child adjudicated as a child in need of  
24 services be placed for up to 90 days in a staff-secure shelter  
25 if:

26 (a) The child's parent, guardian, or legal custodian  
27 refuses to provide food, clothing, shelter, and necessary  
28 parental support for the child and the refusal is a direct  
29 result of an established pattern of significant disruptive  
30 behavior of the child in the home of the parent, guardian, or  
31 legal custodian; ~~or~~

1 (b) The child refuses to remain under the reasonable  
2 care and custody of his or her parent, guardian, or legal  
3 custodian, as evidenced by repeatedly running away and failing  
4 to comply with a court order; or from home. ~~The court may not~~  
5 ~~order that a child be placed in a staff-secure facility~~  
6 ~~unless:~~

7 (c)~~1~~. The child has failed to successfully complete an  
8 alternative treatment program or to comply with a  
9 court-ordered sanction~~7~~and

10 ~~2~~. the child has been placed in a residential program  
11 on at least one prior occasion pursuant to a court order under  
12 this chapter.

13 (2) This section ~~subsection~~ applies after other  
14 alternative, less-restrictive remedies have been exhausted.  
15 The court may order that a child be placed in a staff-secure  
16 shelter. The department, or an authorized representative of  
17 the department, must verify to the court that a bed is  
18 available for the child. If the department or an authorized  
19 representative of the department verifies that a bed is not  
20 available, ~~the court shall stay the placement until a bed is~~  
21 ~~available.~~ The department will place the child's name on a  
22 waiting list. The child who has been on the waiting list the  
23 longest will get the next available bed.

24 Section 4. Section 984.226, Florida Statutes, is  
25 amended to read:

26 984.226 ~~Pilot program for a~~ Physically secure setting  
27 ~~facility; contempt of court.~~--

28 (1) Subject to specific legislative appropriation, the  
29 Department of Juvenile Justice shall establish ~~a pilot program~~  
30 ~~within a single judicial circuit for the purpose of operating~~  
31 ~~one or more~~ physically secure settings ~~facilities~~ designated

1 exclusively for the placement of children in need of services  
2 who meet the criteria provided in this section ~~are found in~~  
3 ~~direct contempt or indirect contempt of a valid court order.~~

4 (2) When if any party files a petition is filed  
5 alleging that a child is a child in need of services within  
6 such judicial circuit, the child must be represented by  
7 counsel at each court appearance unless the record in that  
8 proceeding affirmatively demonstrates by clear and convincing  
9 evidence that the child knowingly and intelligently waived the  
10 right to counsel after fully being advised by the court of the  
11 nature of the proceedings and the dispositional alternatives  
12 available to the court under this section. If the court  
13 decides to appoint counsel for the child and if the child is  
14 indigent, the court shall appoint an attorney to represent the  
15 child as provided under s. 985.203. Nothing precludes the  
16 court from requesting reimbursement of attorney's fees and  
17 costs from the nonindigent parent or legal guardian.

18 (3)(2) When if a child is adjudicated as a child in  
19 need of services by a court, the court may order the child to  
20 be placed in a physically secure setting authorized in this  
21 section if is held in direct contempt or indirect contempt of  
22 a valid court order, as an alternative to placing the child in  
23 a staff-secure facility as provided under s. 984.225 or s.  
24 985.216, the court may order that the child be placed within  
25 the circuit in a physically secure facility operated under the  
26 pilot program. A child may be committed to the facility only  
27 if the department, or an authorized representative of the  
28 department, verifies to the court that a bed is available for  
29 the child at the physically secure facility and the child has:

30 (a) Failed to appear for placement in a staff-secure  
31 shelter under s. 984.225, or failed to comply with any other

1 provision of a valid court order relating to such placement  
2 and, as a result of such failure, has been found to be in  
3 direct or indirect contempt of court; or

4 (b)(a) Run away from a staff-secure shelter following  
5 placement under s. 984.225 or s. 984.09.~~s. 985.216; or~~

6 (b) ~~Committed at least two prior acts of direct or~~  
7 ~~indirect contempt.~~

8  
9 The department or an authorized representative of the  
10 department must verify to the court that a bed is available  
11 for the child. If a bed is not available, the court must stay  
12 the placement until a bed is available, and the department  
13 must place the child's name on a waiting list. The child who  
14 has been on the waiting list the longest has first priority  
15 for placement in the physically secure setting.

16 (4)(3) A child may be placed in a physically secure  
17 setting facility for up to 90 5 days for the first commitment  
18 and up to 15 days for a second or subsequent commitment. If a  
19 child has not been reunited with his or her parent, guardian,  
20 or legal custodian at the expiration of the placement in a  
21 physically secure setting, the court may order that the child  
22 remain in the physically secure setting for an additional 30  
23 days if the court finds that reunification could be achieved  
24 within that period.

25 (5)(a) The court shall review the child's placement  
26 once every 45 days as provided in s. 984.20.

27 (b) At any time during the placement of a child in  
28 need of services in a physically secure setting, the  
29 department or an authorized representative of the department  
30 may submit to the court a report that recommends:

31

1           1. That the child has received all of the services  
2 available from the physically secure setting and is ready for  
3 reunification with a parent or guardian; or

4           2. That the child is unlikely to benefit from  
5 continued placement in the physically secure setting and is  
6 more likely to have his or her needs met in a different type  
7 of placement.

8           (c) The court shall determine if the parent, guardian,  
9 or custodian has reasonably participated in and has  
10 financially contributed to the child's counseling and  
11 treatment program.

12           (d) If the court finds an inadequate level of support  
13 or participation by the parent, guardian, or custodian before  
14 the end of the placement, the court shall direct that the  
15 child be handled as a dependent child, jurisdiction shall be  
16 transferred to the Department of Children and Family Services,  
17 and the child's care shall be governed by chapter 39.

18           (e) If the child requires residential mental health  
19 treatment or residential care for a developmental disability,  
20 the court shall refer the child to the Department of Children  
21 and Family Services for the provision of necessary services.

22           (6)(4) Prior to being ordered committed to a  
23 physically secure setting facility, the child must be afforded  
24 all rights of due process required under s. 985.216. While in  
25 the physically secure setting facility, the child shall  
26 receive appropriate assessment, treatment, and educational  
27 services that are designed to eliminate or reduce the child's  
28 truant, ungovernable, or runaway behavior. The child and  
29 family shall be provided with family counseling and other  
30 support services necessary for reunification.

31



1           ~~(7)~~<sup>(5)</sup> The court shall order the parent, guardian, or  
2 legal custodian to cooperate with efforts to reunite the child  
3 with the family, participate in counseling, and pay all costs  
4 associated with the care and counseling provided to the child  
5 and family, in accordance with the family's ability to pay as  
6 determined by the court. Placement ~~Commitment~~ of a child under  
7 this section is designed to provide residential care on a  
8 temporary basis. Such placement ~~commitment~~ does not abrogate  
9 the legal responsibilities of the parent, guardian, or legal  
10 custodian with respect to the child, except to the extent that  
11 those responsibilities are temporarily altered by court order.

12           ~~(6) The Juvenile Justice Accountability Board shall~~  
13 ~~monitor the operation of the pilot program and issue a~~  
14 ~~preliminary evaluation report to the Legislature by December~~  
15 ~~1, 1998. The Department of Juvenile Justice and the Juvenile~~  
16 ~~Justice Accountability Board shall issue a joint final report~~  
17 ~~to the Legislature, including any proposed legislation, by~~  
18 ~~December 1, 1999.~~

19           Section 5. Paragraph (b) of subsection (4) of section  
20 985.201, Florida Statutes, is amended to read:

21           985.201 Jurisdiction.--

22           (4)

23           ~~(b)1.~~ The court may retain jurisdiction over a child  
24 committed to the department for placement in a juvenile prison  
25 or in a high-risk or maximum-risk residential commitment  
26 program to allow the child to participate in a juvenile  
27 conditional release program pursuant to s. 985.316. In no  
28 case shall the jurisdiction of the court be retained beyond  
29 the child's 22nd birthday. However, if the child is not  
30 successful in the conditional release program, the department  
31 may use the transfer procedure under s. 985.404.

1           2. The court may retain jurisdiction over a child  
2 committed to the department for placement in an intensive  
3 residential treatment program for 10-year-old to 13-year-old  
4 offenders, in the residential commitment program in a juvenile  
5 prison, in a residential sex offender program, or in a program  
6 for serious or habitual juvenile offenders as provided in s.  
7 985.311 or s. 985.31 until the child reaches the age of 21. If  
8 the court exercises this jurisdiction retention, it shall do  
9 so solely for the purpose of the child completing the  
10 intensive residential treatment program for 10-year-old to  
11 13-year-old offenders, in the residential commitment program  
12 in a juvenile prison, in a residential sex offender program,  
13 or the program for serious or habitual juvenile offenders.  
14 Such jurisdiction retention does not apply for other programs,  
15 other purposes, or new offenses.

16           Section 6. Paragraphs (c) and (d) of subsection (1) of  
17 section 985.207, Florida Statutes, are amended to read:

18           985.207 Taking a child into custody.--

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

21           (c) By a law enforcement officer for failing to appear  
22 at a court hearing after being properly noticed.

23           (d) By a law enforcement officer who has probable  
24 cause to believe that the child is in violation of the  
25 conditions of the child's community control, home detention,  
26 postcommitment community control, or aftercare supervision or  
27 has absconded from commitment.

28  
29 Nothing in this subsection shall be construed to allow the  
30 detention of a child who does not meet the detention criteria  
31 in s. 985.215.

1           Section 7. Subsection (3) and paragraph (a) of  
2 subsection (6) of section 985.211, Florida Statutes, are  
3 amended to read:

4           985.211 Release or delivery from custody.--

5           (3) If the child is released, the person taking the  
6 child into custody shall make a written report or probable  
7 cause affidavit to the appropriate juvenile probation officer  
8 within 24 hours after such release ~~3 days~~, stating the facts  
9 and the reason for taking the child into custody. Such  
10 written report or probable cause affidavit shall:

11           (a) Identify the child, the parents, guardian, or  
12 legal custodian, and the person to whom the child was  
13 released.

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

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

31

1           Section 8. Paragraph (b) of subsection (2) of section  
2 985.213, Florida Statutes, is amended to read:

3           985.213 Use of detention.--

4           (2)(b)1. The risk assessment instrument for detention  
5 care placement determinations and orders shall be developed by  
6 the Department of Juvenile Justice in agreement with  
7 representatives appointed by the following associations: the  
8 Conference of Circuit Judges of Florida, the Prosecuting  
9 Attorneys Association, ~~and~~ the Public Defenders Association,  
10 the Florida Sheriffs Association, and the Florida Association  
11 of Chiefs of Police. Each association shall appoint two  
12 individuals, one representing an urban area and one  
13 representing a rural area. The parties involved shall  
14 evaluate and revise the risk assessment instrument as is  
15 considered necessary using the method for revision as agreed  
16 by the parties. The risk assessment instrument shall take into  
17 consideration, but need not be limited to, prior history of  
18 failure to appear, prior offenses, offenses committed pending  
19 adjudication, any unlawful possession of a firearm, theft of a  
20 motor vehicle or possession of a stolen motor vehicle, and  
21 community control status at the time the child is taken into  
22 custody. The risk assessment instrument shall also take into  
23 consideration appropriate aggravating and mitigating  
24 circumstances, and shall be designed to target a narrower  
25 population of children than s. 985.215(2). The risk assessment  
26 instrument shall also include any information concerning the  
27 child's history of abuse and neglect. The risk assessment  
28 shall indicate whether detention care is warranted, and, if  
29 detention care is warranted, whether the child should be  
30 placed into secure, nonsecure, or home detention care.

31

1           2. If, at the detention hearing, the court finds a  
2 material error in the scoring of the risk assessment  
3 instrument, the court may amend the score to reflect factual  
4 accuracy.

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

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

11           a.b. Respite care for the child is not available; and

12           b.c. It is necessary to place the child in secure  
13 detention in order to protect the victim from ~~further~~ injury.

14  
15 The child may not be held in secure detention under this  
16 subparagraph for more than 48 hours unless ordered by the  
17 court. After 48 hours, the court shall hold a hearing if the  
18 state attorney or victim requests that secure detention be  
19 continued. The child may continue to be held in ~~secure~~  
20 detention care if the court makes a specific, written finding  
21 that ~~secure~~ detention care is necessary to protect the victim  
22 from ~~further~~ injury. However, the child may not be held in  
23 ~~secure~~ detention care beyond the time limits set forth in s.  
24 985.215.

25           4. For a child who is under the supervision of the  
26 department through community control, home detention,  
27 nonsecure detention, aftercare, postcommitment community  
28 control, or commitment and who is charged with committing a  
29 new offense, the risk assessment instrument may be completed  
30 and scored based on the underlying charge for which the child  
31

1 was placed under the supervision of the department and the new  
2 offense.

3 Section 9. Paragraphs (i) and (j) are added to  
4 subsection (2) of section 985.215, Florida Statutes, and  
5 subsection (5) and paragraphs (a) and (d) of subsection (10)  
6 of that section are amended, to read:

7 985.215 Detention.--

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

12 (i) The child is detained on a judicial order for  
13 failure to appear and has previously willfully failed to  
14 appear, after proper notice, for an adjudicatory hearing on  
15 the same case regardless of the results of the risk assessment  
16 instrument. A child may be held in secure detention for up to  
17 72 hours in advance of the next scheduled court hearing  
18 pursuant to this paragraph. The child's failure to keep the  
19 clerk of court and defense counsel informed of a current and  
20 valid mailing address where the child will receive notice to  
21 appear at court proceedings does not provide an adequate  
22 ground for excusal of the child's nonappearance at the  
23 hearings.

24 (j) The child is detained on a judicial order for  
25 failure to appear and has previously willfully failed to  
26 appear, after proper notice, at two or more court hearings of  
27 any nature on the same case regardless of the results of the  
28 risk assessment instrument. A child may be held in secure  
29 detention for up to 72 hours in advance of the next scheduled  
30 court hearing pursuant to this paragraph. The child's failure  
31 to keep the clerk of court and defense counsel informed of a

1 current and valid mailing address where the child will receive  
2 notice to appear at court proceedings does not provide an  
3 adequate ground for excusal of the child's nonappearance at  
4 the hearings.

5  
6 A child who meets any of these criteria and who is ordered to  
7 be detained pursuant to this subsection shall be given a  
8 hearing within 24 hours after being taken into custody. The  
9 purpose of the detention hearing is to determine the existence  
10 of probable cause that the child has committed the delinquent  
11 act or violation of law with which he or she is charged and  
12 the need for continued detention. Unless a child is detained  
13 under paragraph (d) or paragraph (e), the court shall utilize  
14 the results of the risk assessment performed by the juvenile  
15 probation officer and, based on the criteria in this  
16 subsection, shall determine the need for continued detention.  
17 A child placed into secure, nonsecure, or home detention care  
18 may continue to be so detained by the court pursuant to this  
19 subsection. If the court orders a placement more restrictive  
20 than indicated by the results of the risk assessment  
21 instrument, the court shall state, in writing, clear and  
22 convincing reasons for such placement. Except as provided in  
23 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
24 paragraph (10)(c), or paragraph (10)(d), when a child is  
25 placed into secure or nonsecure detention care, or into a  
26 respite home or other placement pursuant to a court order  
27 following a hearing, the court order must include specific  
28 instructions that direct the release of the child from such  
29 placement no later than 5 p.m. on the last day of the  
30 detention period specified in paragraph (5)(b) or paragraph  
31 (5)(c), or subparagraph (10)(a)1., whichever is applicable,

1 unless the requirements of such applicable provision have been  
2 met or an order of continuance has been granted pursuant to  
3 paragraph (5)(d).

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

13 (b) The arresting law enforcement agency shall  
14 complete and present its investigation of an offense under  
15 this subsection to the appropriate state attorney's office  
16 within 8 days after placement of the child in secure  
17 detention. The investigation shall include, but is not limited  
18 to, police reports and supplemental police reports, witness  
19 statements, and evidence collection documents. The failure of  
20 a law enforcement agency to complete and present its  
21 investigation within 8 days shall not entitle a juvenile to be  
22 released from secure detention or to a dismissal of any  
23 charges.

24 (c)~~(b)~~ Except as provided in paragraph (f), a child  
25 may not be held in secure, nonsecure, or home detention care  
26 under a special detention order for more than 21 days unless  
27 an adjudicatory hearing for the case has been commenced in  
28 good faith by the court.

29 (d)~~(c)~~ Except as provided in paragraph (f), a child  
30 may not be held in secure, nonsecure, or home detention care  
31



1 for more than 15 days following the entry of an order of  
2 adjudication.

3 (e)~~(d)~~ The time limits in paragraphs (c) and ~~(d)~~~~(b)~~  
4 ~~and (c)~~ do not include periods of delay resulting from a  
5 continuance granted by the court for cause on motion of the  
6 child or his or her counsel or of the state. Upon the issuance  
7 of an order granting a continuance for cause on a motion by  
8 either the child, the child's counsel, or the state, the court  
9 shall conduct a hearing at the end of each 72-hour period,  
10 excluding Saturdays, Sundays, and legal holidays, to determine  
11 the need for continued detention of the child and the need for  
12 further continuance of proceedings for the child or the state.

13 (f) Upon good cause being shown that the nature of the  
14 charge requires additional time for the prosecution or defense  
15 of the case, the court may extend the time limits for  
16 detention specified in paragraph (c) an additional 9 days if  
17 the child is charged with an offense that would be, if  
18 committed by an adult, a capital felony, a life felony, a  
19 felony of the first degree, or a felony of the second degree  
20 involving violence against any individual.

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

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

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

11           (d) If the child is committed to a maximum-risk  
12 residential program, the child must be held in detention care  
13 ~~or in an assignment center pursuant to s. 985.307~~ until  
14 placement or commitment is accomplished.

15           Section 10. Subsection (2) of section 985.216, Florida  
16 Statutes, is amended to read:

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

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

25           (a) A delinquent child who has been held in direct or  
26 indirect contempt may be placed in a secure detention facility  
27 not to exceed for 5 days for a first offense and not to exceed  
28 ~~or~~ 15 days for a second or subsequent offense.

29           (b) A child in need of services who has been held in  
30 direct contempt or indirect contempt may be placed, not to  
31 exceed for 5 days for a first offense and not to exceed or 15

1 days for a second or subsequent offense, in a staff-secure  
2 shelter or a staff-secure residential facility solely for  
3 children in need of services if such placement is available,  
4 or, if such placement is not available, the child may be  
5 placed in an appropriate mental health facility or substance  
6 abuse facility for assessment. In addition to disposition  
7 under this paragraph, a child in need of services who is held  
8 in direct contempt or indirect contempt may be placed in a  
9 physically secure facility as provided under s. 984.226 if  
10 conditions of eligibility are met.

11 Section 11. Present subsections (4) through (11) of  
12 section 985.219, Florida Statutes, are renumbered as  
13 subsections (5) through (12), respectively, and a new  
14 subsection (4) is added to that section, to read:

15 985.219 Process and service.--

16 (4) Law enforcement agencies shall act upon subpoenas  
17 received and serve process within 7 days after arraignment or  
18 as soon thereafter as is possible, except that no service  
19 shall be made on Sundays.

20 Section 12. Paragraph (d) of subsection (1) of section  
21 985.231, Florida Statutes, is amended to read:

22 985.231 Powers of disposition in delinquency cases.--

23 (1)

24 (d) Any commitment of a delinquent child to the  
25 Department of Juvenile Justice must be for an indeterminate  
26 period of time, which may include periods of temporary  
27 release, but the time may not exceed the maximum term of  
28 imprisonment that an adult may serve for the same offense. Any  
29 temporary release for a period greater than 3 days must be  
30 approved by the court. Any child so committed may be  
31 discharged from institutional confinement or a program upon

1 the direction of the department with the concurrence of the  
2 court. Notwithstanding s. 743.07 and this subsection, and  
3 except as provided in ~~ss. 985.31~~ and 985.201, a child may  
4 not be held under a commitment from a court pursuant to this  
5 section after becoming 21 years of age. The department shall  
6 give the court that committed the child to the department  
7 reasonable notice, in writing, of its desire to discharge the  
8 child from a commitment facility. The court that committed the  
9 child may thereafter accept or reject the request. If the  
10 court does not respond within 10 days after receipt of the  
11 notice, the request of the department shall be deemed granted.  
12 This section does not limit the department's authority to  
13 revoke a child's temporary release status and return the child  
14 to a commitment facility for any violation of the terms and  
15 conditions of the temporary release.

16 Section 13. Paragraph (c) of subsection (4) of section  
17 985.233, Florida Statutes, is amended to read:

18 985.233 Sentencing powers; procedures; alternatives  
19 for juveniles prosecuted as adults.--

20 (4) SENTENCING ALTERNATIVES.--

21 (c) Imposition of adult sanctions upon failure of  
22 juvenile sanctions.--If a child proves not to be suitable to a  
23 commitment program, community control program, or for a  
24 treatment program under the provisions of paragraph (b)  
25 subparagraph (b)2-, the department shall provide the  
26 sentencing court with a written report outlining the basis for  
27 its objections to the juvenile sanction and shall  
28 simultaneously provide a copy of the report to the state  
29 attorney and the defense counsel. The department shall  
30 schedule a hearing within 30 days. Upon hearing, the court  
31 may revoke the previous adjudication, impose an adjudication

1 of guilt, ~~classify the child as a youthful offender when~~  
2 ~~appropriate,~~ and impose any sentence which it may lawfully  
3 impose, giving credit for all time spent by the child in the  
4 department. The court may also classify the child as a  
5 youthful offender pursuant to s. 958.04, if appropriate. For  
6 purposes of this paragraph, a child may be found not suitable  
7 to a commitment program, community control program, or  
8 treatment program under the provisions of paragraph (b) if the  
9 child commits a new violation of law while under juvenile  
10 sanctions, if the child commits any other violation of the  
11 conditions of juvenile sanctions, or if the child's actions  
12 are otherwise determined by the court to demonstrate a failure  
13 of juvenile sanctions.

14

15 It is the intent of the Legislature that the criteria and  
16 guidelines in this subsection are mandatory and that a  
17 determination of disposition under this subsection is subject  
18 to the right of the child to appellate review under s.  
19 985.234.

20 Section 14. Juvenile Arrest and Monitor Unit pilot  
21 program; creation; operation; duties of Orange County  
22 Sheriff's Office and Department of Juvenile Justice.--

23 (1) The Legislature authorizes the creation, in Orange  
24 County, Florida, of a pilot program that shall be known as the  
25 Juvenile Arrest and Monitor Unit and shall continue in  
26 existence through September 30, 2003.

27 (2) Under the pilot program created in subsection (1),  
28 the Orange County Sheriff's Office shall monitor selected  
29 juvenile offenders on community control in Orange County. The  
30 Department of Juvenile Justice shall recommend juvenile  
31 offenders on community control, post-commitment community

1 control, and aftercare to be supervised under this program.  
2 The Orange County Sheriff's Office has the sole right and  
3 authority to accept or reject any or all juvenile offenders  
4 who have been recommended by the Department of Juvenile  
5 Justice to the Juvenile Arrest and Monitor Unit. The sheriff's  
6 office shall determine the number of juvenile offenders it  
7 will supervise. The Department of Juvenile Justice shall  
8 monthly recommend juvenile offenders to the sheriff's office,  
9 to ensure that the program operates at maximum capacity as  
10 determined by the sheriff's office. The Juvenile Arrest and  
11 Monitor Unit shall supervise up to 25 juveniles per deputy  
12 assigned to the unit. The Juvenile Arrest and Monitor Unit  
13 will accept juvenile offenders who have been determined by the  
14 Department of Juvenile Justice to be on community control,  
15 post-commitment community control, and aftercare. The Orange  
16 County Sheriff's Office shall use all statutorily available  
17 means, ranging from a verbal warning to arrest and  
18 incarceration, to effect offenders' compliance with the terms  
19 of community control.

20 (3) The Department of Juvenile Justice shall maintain  
21 all files and paperwork relating to all juveniles on community  
22 control, post-commitment community control, and aftercare who  
23 are supervised under this pilot program as required by the  
24 Florida Statutes.

25 (4) The Orange County Sheriff's Office shall conduct a  
26 study to determine the effectiveness and results of the  
27 Juvenile Arrest and Monitor Unit. The sheriff's office shall  
28 use a portion of the funds appropriated by the Legislature for  
29 this pilot program to contract with the University of Central  
30 Florida to conduct this study of the Juvenile Arrest and  
31 Monitor Unit.

1 Section 15. This act shall take effect upon becoming a  
2 law.

3  
4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5 COMMITTEE SUBSTITUTE FOR  
6 Senate Bills 1192 & 180

- 7 1. Deletes language revising the definition of "prior  
8 record" for adult sentencing purposes.
- 9 2. Expands statewide the physically secure facility pilot  
10 program in the seventh circuit for certain children in  
11 need of services.
- 12 3. Authorizes the creation of a pilot program that would  
13 require the Orange County Sheriff's Office to monitor  
14 selected juvenile offenders on community control in that  
15 county.
- 16 4. Provides that when a youth is taken into custody and  
17 released, the person taking the youth into custody must  
18 make the release report to the juvenile probation  
19 officer within 24 hours after the youth's release.
- 20 5. Requires the arresting law enforcement agency to  
21 complete and present its investigation to the state  
22 attorney's office within 8 days of a youth being placed  
23 in secure detention.
- 24 6. Extends the current 21-day detention time limit for an  
25 additional 9 days if the offense charged is a capital  
26 felony, life felony, first degree felony, or a second  
27 degree felony involving violence against a person.
- 28 7. Requires law enforcement agencies to serve process for  
29 juvenile proceedings within 7 days after arraignment or  
30 as soon as possible afterwards.
- 31 8. Deletes the provision that allows authorized agents of  
the DJJ to take into custody a youth who has failed to  
appear at a court hearing or who is in violation of  
community control.