

1
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~~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)(5)~~ 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. s~~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.
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