

By Representative Patterson

1                                   A bill to be entitled  
2           An act relating to juvenile justice; amending  
3           s. 984.225, F.S.; revising requirements for  
4           placement of a child in a staff-secure shelter;  
5           amending s. 984.226, F.S.; revising the pilot  
6           program for a physically secure facility to  
7           provide for the statewide establishment of  
8           physically secure settings; defining the term  
9           "physically secure"; deleting obsolete  
10          language; providing an effective date.

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

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14           Section 1. Subsection (1) of section 984.225, Florida  
15 Statutes, is amended to read:

16           984.225 Powers of disposition; placement in a  
17 staff-secure shelter.--

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

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

28           (b) The child refuses to remain under the reasonable  
29 care and custody of his or her parent, guardian, or legal  
30 custodian, as evidenced by repeatedly running away and failing  
31 to comply with a court-ordered sanction; or from home. ~~The~~

1 ~~court may not order that a child be placed in a staff-secure~~  
2 ~~facility unless:~~

3 (c)1. The child has failed to successfully complete an  
4 alternative treatment program or to comply with a  
5 court-ordered sanction, ~~and~~

6 ~~2.~~ The child has been placed in a residential program  
7 on at least one prior occasion pursuant to a court order under  
8 this chapter.

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

21 Section 2. Subsections (1), (2), and (6) of section  
22 984.226, Florida Statutes, are amended to read:

23 984.226 ~~Pilot program for a~~ Physically secure settings  
24 facility; contempt of court.--

25 (1) Subject to specific legislative appropriation, the  
26 Department of Juvenile Justice may ~~shall~~ establish ~~a pilot~~  
27 ~~program within a single judicial circuit for the purpose of~~  
28 ~~operating one or more~~ physically secure settings ~~facilities~~  
29 designated exclusively for the placement of children in need  
30 of services who are found in direct contempt or indirect  
31 contempt of a valid court order. If any party files a petition

1 that a child is a child in need of services ~~within such~~  
2 ~~judicial circuit~~, the child must be represented by counsel at  
3 each court appearance. If the child is indigent, the court  
4 shall appoint an attorney to represent the child as provided  
5 under s. 985.203. Nothing precludes the court from requesting  
6 reimbursement of attorney's fees and costs from the  
7 nonindigent parent or legal guardian.

8 (2) If a child adjudicated as a child in need of  
9 services is held in direct contempt or indirect contempt of a  
10 valid court order, as an alternative to placing the child in a  
11 staff-secure facility as provided under s. 984.225 or s.  
12 985.216, the court may order that the child be placed ~~within~~  
13 ~~the circuit~~ in a physically secure setting facility ~~operated~~  
14 ~~under the pilot program~~. A child may be committed to the  
15 facility only if the department, or an authorized  
16 representative of the department, verifies to the court that a  
17 bed is available for the child at the physically secure  
18 facility and the child has:

19 (a) Run away from a staff-secure shelter following  
20 placement under s. 984.225 or s. 985.216; or

21 (b) Committed at least two prior acts of direct or  
22 indirect contempt.

23 (6) For the purposes of this section, "physically  
24 secure" means a program that provides 24-hour awake  
25 supervision, custody, care, and treatment. A program of this  
26 type may be hardware-secure or staff-secure.~~The Juvenile~~  
27 ~~Justice Accountability Board shall monitor the operation of~~  
28 ~~the pilot program and issue a preliminary evaluation report to~~  
29 ~~the Legislature by December 1, 1998. The Department of~~  
30 ~~Juvenile Justice and the Juvenile Justice Accountability Board~~  
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1 ~~shall issue a joint final report to the Legislature, including~~  
2 ~~any proposed legislation, by December 1, 1999.~~

3 Section 3. This act shall take effect October 1, 2000.

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6 HOUSE SUMMARY

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8 Revises requirements for placement of a child in a  
9 staff-secure shelter. Revises the pilot program for a  
10 physically secure facility to provide for the statewide  
11 establishment of physically secure settings. Defines the  
12 term "physically secure."

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