

By the Committees on Governmental Oversight and Productivity;
Criminal Justice; and Senator Webster

302-2133A-00

1 A bill to be entitled
2 An act relating to classification and placement
3 of juveniles; amending s. 984.03, F.S.;
4 revising definitions for purposes of ch. 984,
5 F.S., relating to children and families in need
6 of services; amending s. 985.03, F.S.; revising
7 definitions relating to community control and
8 restrictiveness levels; amending s. 985.21,
9 F.S.; providing additional intake screening
10 requirements; amending s. 985.215, F.S.;
11 providing for a special detention order to
12 allow comprehensive evaluation upon a finding
13 of delinquency; amending s. 985.229, F.S.;
14 authorizing a predispositional report upon a
15 finding of delinquency; requiring a
16 predispositional report for a child for whom
17 residential commitment disposition is
18 anticipated or recommended; requiring the
19 predispositional report to include a
20 comprehensive evaluation; providing a time
21 certain for the submission of the
22 predispositional report; specifying parties who
23 may receive copies of the predispositional
24 report; amending s. 985.23, F.S.; requiring the
25 court to consider recommendations of the
26 Department of Juvenile Justice at disposition;
27 providing for sanctions to include
28 day-treatment probation programs; amending s.
29 985.231, F.S.; providing that the child's
30 length of stay in a residential commitment
31 program shall be based on objective

1 performance-based treatment planning; requiring
2 monthly progress reports to the court;
3 authorizing extension of the child's length of
4 stay if the child fails to comply with or
5 participate in treatment activities;
6 prohibiting extension of the child's length of
7 stay for purposes of sanction or punishment;
8 requiring any temporary release to be approved
9 by the court; requiring communication to the
10 court of the child's treatment plan progress
11 and adjustment-related issues upon request to
12 release the child; amending s. 985.404, F.S.;
13 requiring notice of intent to transfer a child
14 from a commitment facility or program; creating
15 a workgroup to make recommendations for a
16 system of classification and placement;
17 providing minimum considerations; providing
18 minimum membership; providing for testing and
19 validation of the system; providing for a
20 report to the Governor and Legislature;
21 creating the position of youth custody officer
22 within the Department of Juvenile Justice;
23 providing duties of youth custody officers;
24 providing for qualifications; requiring youth
25 custody officers to inform local law
26 enforcement agencies of their official
27 activities; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsections (27), (45), and (48) of section
2 984.03, Florida Statutes, are amended to read:

3 984.03 Definitions.--When used in this chapter, the
4 term:

5 (27) "Family in need of services" means a family that
6 has a child who is running away; who is persistently
7 disobeying reasonable and lawful demands of the parent or
8 legal custodian and is beyond the control of the parent or
9 legal custodian; or who is habitually truant from school or
10 engaging in other serious behaviors that place the child at
11 risk of future abuse, neglect, or abandonment or at risk of
12 entering the juvenile justice system ~~for whom there is no~~
13 ~~pending investigation into an allegation of abuse, neglect, or~~
14 ~~abandonment or no current supervision by the Department of~~
15 ~~Juvenile Justice or the Department of Children and Family~~
16 ~~Services for an adjudication of dependency or delinquency. The~~
17 ~~child must be also have been referred to a law enforcement~~
18 ~~agency, or the Department of Juvenile Justice, or an agency~~
19 contracted to provide services to children in need of
20 services. A family is not eligible to receive services if, at
21 the time of the referral, there is an open investigation into
22 an allegation of abuse, neglect, or abandonment or if the
23 child is currently under supervision by the Department of
24 Juvenile Justice or the Department of Children and Family
25 Services due to an adjudication of dependency or delinquency.
26 ~~for:~~

- 27 (a) ~~Running away from parents or legal custodians;~~
28 (b) ~~Persistently disobeying reasonable and lawful~~
29 ~~demands of parents or legal custodians and being beyond their~~
30 ~~control; or~~
31 (c) ~~Habitual truancy from school.~~

1 (45) "Preventive services" means social services and
2 other supportive and rehabilitative services provided to the
3 parent of the child, the legal guardian of the child, or the
4 custodian of the child and to the child for the purpose of
5 averting the removal of the child from the home or disruption
6 of a family which will or could result in an adjudication that
7 orders the placement of a child into in foster care or into
8 the delinquency system or that will or could result in the
9 child living on the street. Social services and other
10 supportive and rehabilitative services may include the
11 provision of assessment and screening services; individual,
12 group, or family counseling; specialized educational and
13 vocational services; temporary shelter for the child; outreach
14 services for children living on the street; independent living
15 services to assist adolescents in achieving a successful
16 transition to adulthood; and other specialized services shall
17 ~~promote the child's need for a safe, continuous, stable,~~
18 ~~living environment and shall promote family autonomy and shall~~
19 ~~strengthen family life as the first priority whenever~~
20 ~~possible.~~

21 (48) "Reunification services" means social services
22 and other supportive and rehabilitative services provided to
23 the parent of the child, the legal guardian of the child, or
24 the custodian of the child, whichever is applicable; the
25 child; and, where appropriate, the foster parents of the child
26 for the purpose of enabling a child who has been placed in
27 temporary shelter ~~foster~~ care to return to his or her family
28 at the earliest possible time. Social services and other
29 supportive and rehabilitative services shall be consistent
30 with ~~promote~~ the child's need for a safe, continuous, and
31 ~~stable,~~ living environment and shall promote the strengthening

1 ~~of family autonomy and strengthen~~ family life ~~as a first~~
2 ~~priority~~ whenever possible.

3 Section 2. Subsections (13) and (47) of section
4 985.03, Florida Statutes, are amended to read:

5 985.03 Definitions.--When used in this chapter, the
6 term:

7 (13) "Community control" means the legal status of
8 probation created by law and court order in cases involving a
9 child who has been found to have committed a delinquent act.
10 Community control is an individualized program in which the
11 freedom of the child is limited and the child is restricted to
12 noninstitutional quarters or restricted to the child's home in
13 lieu of commitment to the custody of the Department of
14 Juvenile Justice. Youth on probation may be assessed and
15 classified for placement in day-treatment probation programs
16 designed for youth who represent a minimum risk to themselves
17 and public safety and do not require placement and services in
18 a residential setting. Program types in this more intensive
19 and structured day-treatment probation option include
20 vocational programs, marine programs, juvenile justice
21 alternative schools, training and rehabilitation programs, and
22 gender-specific programs.

23 (47) "Residential commitment ~~Restrictiveness~~ level"
24 means the level of security custody provided by programs that
25 service the supervision, custody, and care, and treatment
26 needs of committed children. Sections 985.3141 and 985.404(13)
27 apply to children placed in programs at any residential
28 commitment level. The levels of residential commitment are as
29 follows ~~There shall be five restrictiveness levels:~~

30 (a) ~~Minimum-risk nonresidential.--Youth assessed and~~
31 ~~classified for placement in programs at this restrictiveness~~

1 ~~level represent a minimum risk to themselves and public safety~~
2 ~~and do not require placement and services in residential~~
3 ~~settings. Programs or program models in this restrictiveness~~
4 ~~level include: community counselor supervision programs,~~
5 ~~special intensive group programs, nonresidential marine~~
6 ~~programs, nonresidential training and rehabilitation centers,~~
7 ~~and other local community nonresidential programs, including~~
8 ~~any nonresidential program or supervision program that is used~~
9 ~~for aftercare placement.~~

10 (a)(b) Low-risk residential.--Programs or program
11 models at this commitment level are residential but may allow
12 youth to have unsupervised access to the community. The
13 department may elect to require a facility to provide 24-hour
14 awake supervision of residents. Youth assessed and classified
15 for placement in programs at this commitment level represent a
16 low risk to themselves and public safety but ~~and~~ do require
17 placement and services in residential settings. Children who
18 have been found to have committed delinquent acts that involve
19 firearms, delinquent acts that are sexual offenses, or
20 delinquent acts that would be life felonies or first degree
21 felonies if committed by an adult shall not be committed to a
22 program at this level. ~~Programs or program models in this~~
23 ~~restrictiveness level include: Short Term Offender Programs~~
24 ~~(STOP), group treatment homes, family group homes, proctor~~
25 ~~homes, and Short Term Environmental Programs (STEP). Section~~
26 ~~985.3141 applies to children placed in programs in this~~
27 ~~restrictiveness level.~~

28 (b)(c) Moderate-risk residential.--Programs or program
29 models at this commitment level are residential but may allow
30 youth to have supervised access to the community. Facilities
31 are either environmentally secure, staff secure, or are

1 hardware-secure with walls, fencing, or locking doors.
2 Facilities shall provide 24-hour awake supervision, custody,
3 care, and treatment of residents. Youth assessed and
4 classified for placement in programs at ~~in~~ this commitment
5 ~~restrictiveness~~ level represent a moderate risk to public
6 safety and. ~~Programs are designed for children who require~~
7 ~~close supervision but do not need placement in facilities that~~
8 ~~are physically secure. Programs in the moderate-risk~~
9 ~~residential restrictiveness level provide 24-hour awake~~
10 ~~supervision, custody, care, and treatment. Upon specific~~
11 ~~appropriation, a facility at this restrictiveness level may~~
12 ~~have a security fence around the perimeter of the grounds of~~
13 ~~the facility and may be hardware-secure or staff-secure. The~~
14 staff at a facility at this commitment ~~restrictiveness~~ level
15 may seclude a child who is a physical threat to himself or
16 herself or others. Mechanical restraint may also be used when
17 necessary. ~~Programs or program models in this restrictiveness~~
18 ~~level include: halfway houses, START Centers, the Dade~~
19 ~~Intensive Control Program, licensed substance abuse~~
20 ~~residential programs, and moderate-term wilderness programs~~
21 ~~designed for committed delinquent youth that are operated or~~
22 ~~contracted by the Department of Juvenile Justice. Section~~
23 ~~985.3141 applies to children placed in programs in this~~
24 ~~restrictiveness level.~~

25 (c)(d) High-risk residential.--Programs or program
26 models at this commitment level are residential and shall not
27 allow youth to have access to the community. Facilities are
28 hardware-secure with perimeter fencing and locking doors.
29 Facilities shall provide 24-hour awake supervision, custody,
30 care, and treatment of residents. Youth assessed and
31 classified for this level of placement require close

1 supervision in a structured residential setting ~~that provides~~
2 ~~24-hour-per-day secure custody, care, and supervision.~~
3 Placement in programs at ~~in~~ this level is prompted by a
4 concern for public safety that outweighs placement in programs
5 at lower restrictiveness levels. The staff at a facility at
6 this commitment level may seclude a child who is a physical
7 threat to himself or herself or others. Mechanical restraint
8 may also be used when necessary. The facility may provide for
9 single cell occupancy.~~Programs or program models in this~~
10 ~~level are staff-secure or physically secure residential~~
11 ~~commitment facilities and include: training schools, intensive~~
12 ~~halfway houses, residential sex offender programs, long-term~~
13 ~~wilderness programs designed exclusively for committed~~
14 ~~delinquent youth, boot camps, secure halfway house programs,~~
15 ~~and the Broward Control Treatment Center. Section 985.3141~~
16 ~~applies to children placed in programs in this restrictiveness~~
17 ~~level.~~

18 (d)(e) Maximum-risk residential Juvenile correctional
19 facilities or juvenile prison.--Programs or program models at
20 this commitment level include juvenile correctional facilities
21 and juvenile prisons. The programs are long-term residential
22 and shall not allow youth to have access to the community.
23 Facilities are maximum-custody hardware-secure with perimeter
24 security fencing and locking doors. Facilities shall provide
25 24-hour awake supervision, custody, care, and treatment of
26 residents. The staff at a facility at this commitment level
27 may seclude a child who is a physical threat to himself or
28 herself or others. Mechanical restraint may also be used when
29 necessary. The facility shall provide for single cell
30 occupancy, except that youth may be housed together during
31 prerelease transition.Youth assessed and classified for this

1 level of placement require close supervision in a maximum
2 security residential setting ~~that provides 24-hour-per-day~~
3 ~~secure custody, care, and supervision~~. Placement in a program
4 at in this level is prompted by a demonstrated need to protect
5 the public. ~~Programs or program models in this level are~~
6 ~~maximum-secure-custody, long-term residential commitment~~
7 ~~facilities that are intended to provide a moderate overlay of~~
8 ~~educational, vocational, and behavioral-modification services~~
9 ~~and other maximum-security program models authorized by the~~
10 ~~Legislature and established by rule. Section 985.3141 applies~~
11 ~~to children placed in programs in this restrictiveness level.~~

12 Section 3. Paragraph (a) of subsection (1) of section
13 985.21, Florida Statutes, is amended to read:

14 985.21 Intake and case management.--

15 (1)(a) During the intake process, the juvenile
16 probation officer shall screen each child or shall cause each
17 child to be screened in order to determine:

18 1. Appropriateness for release, referral to a
19 diversionary program including, but not limited to, a
20 teen-court program, referral for community arbitration, or
21 referral to some other program or agency for the purpose of
22 nonofficial or nonjudicial handling.

23 2. The presence of medical, psychiatric,
24 psychological, substance abuse, educational, or vocational
25 problems, or other conditions that may have caused the child
26 to come to the attention of law enforcement or the Department
27 of Juvenile Justice. The child shall also be screened to
28 determine whether the child poses a danger to himself or
29 herself or others in the community. The results of this
30 screening shall be made available to the court and to court
31 officers.In cases where such conditions are identified, and a

1 nonjudicial handling of the case is chosen, the juvenile
2 probation officer shall attempt to refer the child to a
3 program or agency, together with all available and relevant
4 assessment information concerning the child's precipitating
5 condition.

6 3. The Department of Juvenile Justice shall develop an
7 intake and a case management system whereby a child brought
8 into intake is assigned a juvenile probation officer if the
9 child was not released, referred to a diversionary program,
10 referred for community arbitration, or referred to some other
11 program or agency for the purpose of nonofficial or
12 nonjudicial handling, and shall make every reasonable effort
13 to provide case management services for the child; provided,
14 however, that case management for children committed to
15 residential programs may be transferred as provided in s.
16 985.316.

17 4. In addition to duties specified in other sections
18 and through departmental rules, the assigned juvenile
19 probation officer shall be responsible for the following:

20 a. Ensuring that a risk assessment instrument
21 establishing the child's eligibility for detention has been
22 accurately completed and that the appropriate recommendation
23 was made to the court.

24 b. Inquiring as to whether the child understands his
25 or her rights to counsel and against self-incrimination.

26 c. Performing the preliminary screening and making
27 referrals for comprehensive assessment regarding the child's
28 need for substance abuse treatment services, mental health
29 services, retardation services, literacy services, or other
30 educational or treatment services.

31

1 d. Coordinating the multidisciplinary assessment when
2 required, which includes the classification and placement
3 process that determines the child's priority needs, risk
4 classification, and treatment plan. When sufficient evidence
5 exists to warrant a comprehensive assessment and the child
6 fails to voluntarily participate in the assessment efforts, it
7 is the responsibility of the juvenile probation officer to
8 inform the court of the need for the assessment and the
9 refusal of the child to participate in such assessment. This
10 assessment, classification, and placement process shall
11 develop into the predisposition report.

12 e. Making recommendations for services and
13 facilitating the delivery of those services to the child,
14 including any mental health services, educational services,
15 family counseling services, family assistance services, and
16 substance abuse services. The juvenile probation officer shall
17 serve as the primary case manager for the purpose of managing,
18 coordinating, and monitoring the services provided to the
19 child. Each program administrator within the Department of
20 Children and Family Services shall cooperate with the primary
21 case manager in carrying out the duties and responsibilities
22 described in this section.

23
24 The Department of Juvenile Justice shall annually advise the
25 Legislature and the Executive Office of the Governor of the
26 resources needed in order for the intake and case management
27 system to maintain a staff-to-client ratio that is consistent
28 with accepted standards and allows the necessary supervision
29 and services for each child. The intake process and case
30 management system shall provide a comprehensive approach to
31 assessing the child's needs, relative risks, and most

1 appropriate handling, and shall be based on an individualized
2 treatment plan.

3 Section 4. Present paragraph (d) of subsection (5) of
4 section 985.215, Florida Statutes, is redesignated as
5 paragraph (e), and a new paragraph (d) is added to that
6 subsection to read:

7 985.215 Detention.--

8 (5)

9 (d) A child who was not in secure detention at the
10 time of the adjudicatory hearing, but for whom residential
11 commitment is anticipated or recommended, may be placed under
12 a special detention order for a period not to exceed 72 hours,
13 excluding weekends and legal holidays, for the purpose of
14 conducting a comprehensive evaluation as provided in s.
15 985.229(1). Motions for the issuance of such special
16 detention order may be made subsequent to a finding of
17 delinquency. Upon said motion, the court shall conduct a
18 hearing to determine the appropriateness of such special
19 detention order and shall order the least restrictive level of
20 detention necessary to complete the comprehensive evaluation
21 process that is consistent with public safety. Such special
22 detention order may be extended for an additional 72 hours
23 upon further order of the court.

24 Section 5. Subsections (1) and (3) of section 985.229,
25 Florida Statutes, are amended to read:

26 985.229 Predisposition report; other evaluations.--

27 (1) Upon a finding that the child has committed a
28 delinquent act ~~At the disposition hearing~~, the court may ~~shall~~
29 order a predisposition report regarding the eligibility of the
30 child for disposition other than by adjudication and
31 commitment to the department or for disposition of

1 adjudication, commitment to the department, and, if
2 appropriate, assignment of a residential commitment level.
3 The predisposition report shall be the result of the
4 multidisciplinary assessment when such assessment is needed,
5 and of the classification and placement process, and it shall
6 indicate and report the child's priority needs,
7 recommendations as to a classification of risk for the child
8 in the context of his or her program and supervision needs,
9 and a plan for treatment that recommends the most appropriate
10 placement setting to meet the child's needs with the minimum
11 program security that reasonably ensures public safety. A
12 predisposition report shall be ordered for any child for whom
13 a residential commitment disposition is anticipated or
14 recommended by an officer of the court or by the department. A
15 comprehensive evaluation for physical health, mental health,
16 substance abuse, academic, educational, or vocational problems
17 shall be ordered for any child for whom a residential
18 commitment disposition is anticipated or recommended by an
19 officer of the court or by the department. If a comprehensive
20 evaluation is ordered, the predisposition report shall include
21 a summary of the comprehensive evaluation.The predisposition
22 report shall be submitted to the court upon completion of the
23 report but no later than 48 hours prior to the disposition
24 hearing. The predisposition report, ~~but~~ shall not be reviewed
25 by the court without the consent of the child and his or her
26 legal counsel until the child has been found to have committed
27 a delinquent act.

28 (3) The predisposition report, together with all other
29 reports and evaluations used by the department in preparing
30 the predisposition report, shall be made available to the
31 child, the child's parents or legal guardian, the child's

1 legal counsel, and the state attorney upon completion of the
2 report and at a reasonable time prior to the disposition
3 hearing.

4 Section 6. Subsections (2), (4), and (5) of section
5 985.23, Florida Statutes, are amended to read:

6 985.23 Disposition hearings in delinquency
7 cases.--When a child has been found to have committed a
8 delinquent act, the following procedures shall be applicable
9 to the disposition of the case:

10 (2) The first determination to be made by the court is
11 a determination of the suitability or nonsuitability for
12 adjudication and commitment of the child to the department.
13 This determination shall include consideration of the
14 recommendations of the department, which may include a
15 predisposition report.~~be based upon~~ The predisposition report
16 ~~which~~ shall include, whether as part of the child's
17 multidisciplinary assessment, classification, and placement
18 process components or separately, evaluation of the following
19 criteria:

20 (a) The seriousness of the offense to the community.
21 If the court determines that the child was a member of a
22 criminal street gang at the time of the commission of the
23 offense, which determination shall be made pursuant to chapter
24 874, the seriousness of the offense to the community shall be
25 given great weight.

26 (b) Whether the protection of the community requires
27 adjudication and commitment to the department.

28 (c) Whether the offense was committed in an
29 aggressive, violent, premeditated, or willful manner.

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31

1 (d) Whether the offense was against persons or against
2 property, greater weight being given to offenses against
3 persons, especially if personal injury resulted.

4 (e) The sophistication and maturity of the child.

5 (f) The record and previous criminal history of the
6 child, including without limitations:

7 1. Previous contacts with the department, the former
8 Department of Health and Rehabilitative Services, the
9 Department of Children and Family Services, the Department of
10 Corrections, other law enforcement agencies, and courts;

11 2. Prior periods of probation or community control;

12 3. Prior adjudications of delinquency; and

13 4. Prior commitments to institutions.

14 (g) The prospects for adequate protection of the
15 public and the likelihood of reasonable rehabilitation of the
16 child if committed to a community services program or
17 facility.

18 (4) If the court determines not to adjudicate and
19 commit to the department, then the court shall determine what
20 community-based sanctions it will impose in a community
21 control program for the child. Community-based sanctions may
22 include, but are not limited to, participation in substance
23 abuse treatment, a day-treatment probation program,
24 restitution in money or in kind, a curfew, revocation or
25 suspension of the driver's license of the child, community
26 service, and appropriate educational programs as determined by
27 the district school board.

28 (5) After appropriate sanctions for the offense are
29 determined, the court shall develop, approve, and order a plan
30 of community control which will contain rules, requirements,
31 conditions, and rehabilitative programs, including the option

1 of a day-treatment probation program, which ~~that~~ are designed
2 to encourage responsible and acceptable behavior and to
3 promote both the rehabilitation of the child and the
4 protection of the community.

5 Section 7. Paragraph (d) of subsection (1) of section
6 985.231, Florida Statutes, is amended to read:

7 985.231 Powers of disposition in delinquency cases.--

8 (1)

9 (d) Any commitment of a delinquent child to the
10 Department of Juvenile Justice must be for an indeterminate
11 period of time, which may include periods of temporary
12 release, but the time may not exceed the maximum term of
13 imprisonment that an adult may serve for the same offense. The
14 duration of the child's placement in a residential commitment
15 program of any level shall be based on objective
16 performance-based treatment planning. The child's treatment
17 plan progress and adjustment-related issues shall be reported
18 to the court each month. The child's length of stay in a
19 residential commitment program may be extended if the child
20 fails to comply with or participate in treatment activities.
21 The child's length of stay in such program shall not be
22 extended for purposes of sanction or punishment. Any temporary
23 release from such program ~~for a period greater than 3 days~~
24 must be approved by the court. Any child so committed may be
25 discharged from institutional confinement or a program upon
26 the direction of the department with the concurrence of the
27 court. The child's treatment plan progress and
28 adjustment-related issues must be communicated to the court at
29 the time the department requests the court to consider
30 releasing the child from the residential commitment program.
31 Notwithstanding s. 743.07 and this subsection, and except as

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

14 Section 8. Subsection (4) of section 985.404, Florida
15 Statutes, is amended, and subsection (14) is added to that
16 section, to read:

17 985.404 Administering the juvenile justice
18 continuum.--

19 (4) The department may transfer a child, when
20 necessary to appropriately administer the child's commitment,
21 from one facility or program to another facility or program
22 operated, contracted, subcontracted, or designated by the
23 department, including a postcommitment minimum-risk
24 nonresidential aftercare program. The department shall notify
25 the court that committed the child to the department and any
26 attorney of record, in writing, of its intent to transfer of
27 the child from a commitment facility or program to another
28 facility or program of a higher or lower restrictiveness
29 level. The court that committed the child may agree to the
30 transfer or may set a hearing to review the transfer. If the
31

1 court does not respond within 10 days after receipt of the
2 notice, the transfer of the child shall be deemed granted.

3 (14) A classification and placement workgroup is
4 established, with minimum membership to be composed of two
5 juvenile court judges, two state attorneys or their designated
6 assistants, two public defenders or their designated
7 assistants, representatives of two law enforcement agencies,
8 and representatives of two providers of juvenile justice
9 services. Other interested parties may also participate. The
10 workgroup shall make recommendations concerning the
11 development of a system for classifying and placing juvenile
12 offenders who are committed to residential programs. At a
13 minimum, the recommended system of classification and
14 placement shall consider the age and gender of the child, the
15 seriousness of the delinquent act for which the child is being
16 committed, whether the child has a history of committing
17 delinquent acts, the child's physical health, the child's
18 mental health, whether the child has a history of substance
19 use or abuse, and the child's academic or vocational needs.
20 The workgroup shall also consider whether other factors are
21 appropriate for inclusion in the recommended classification
22 and placement system, including the appropriateness of
23 graduated sanctions for repeat offenders. The workgroup shall
24 recommend a process for testing and validating the
25 effectiveness of the recommended classification and placement
26 system. The workgroup shall provide a report of these
27 recommendations to the Governor, the Speaker of the House of
28 Representatives, and the President of the Senate no later than
29 September 30, 2001.

30 Section 9. Youth custody officer.--
31

1 (1) There is created within the Department of Juvenile
2 Justice the position of youth custody officer. The duties of
3 each youth custody officer shall be to take youth into custody
4 if the officer has probable cause to believe that the youth
5 has violated the conditions of probation, home detention,
6 conditional release, or postcommitment probation, or has
7 failed to appear in court after being properly noticed. The
8 authority of the youth custody officer to take youth into
9 custody is specifically limited to this purpose.

10 (2) A youth custody officer must meet the minimum
11 qualifications for employment or appointment, be certified
12 under chapter 943, Florida Statutes, and comply with the
13 requirements for continued employment required by section
14 943.135, Florida Statutes. The Department of Juvenile Justice
15 must comply with the responsibilities provided for an
16 employing agency under section 943.133, Florida Statutes, for
17 each youth custody officer.

18 (3) A youth custody officer shall inform appropriate
19 local law enforcement agencies of his or her activities under
20 this section.

21 Section 10. This act shall take effect January 1,
22 2001.

23
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 CS for SB 2336

27 Places day treatment programs in the probation/community
28 control continuum.

29 Creates the position of youth custody officer in the
Department of Juvenile Justice.

30 Redefines the terms "families in need of services,"
31 "preventive services," and "reunification services."