

By Representative Farkas

1 A bill to be entitled
2 An act relating to juvenile justice; amending
3 s. 322.056, F.S.; providing an exception to
4 mandatory revocation or suspension of a
5 juvenile's driver's license under certain
6 circumstances; amending s. 985.215, F.S.;
7 revising provisions relating to placement of
8 children in certain forms of detention;
9 amending s. 985.216, F.S.; clarifying certain
10 time limits for placement of children in secure
11 detention facilities; amending s. 985.224,
12 F.S.; providing for court-ordered educational
13 needs assessments for certain children under
14 certain circumstances; amending s. 985.229,
15 F.S.; requiring certain reports and evaluations
16 relating to a predisposition report to be
17 provided to a child's legal counsel under
18 certain circumstances; amending s. 985.404,
19 F.S.; requiring notice of intent to transfer a
20 child from a commitment facility or program;
21 requiring a court to set a hearing for certain
22 intended transfers by the Department of
23 Juvenile Justice of committed children to
24 higher restrictiveness levels; providing an
25 effective date.

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

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29 Section 1. Subsection (1) of section 322.056, Florida
30 Statutes, is amended to read:

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1 322.056 Mandatory revocation or suspension of, or
2 delay of eligibility for, driver's license for persons under
3 age 18 found guilty of certain alcohol, drug, or tobacco
4 offenses; prohibition.--

5 (1) Notwithstanding the provisions of s. 322.055, if a
6 person under 18 years of age is found guilty of or delinquent
7 for a violation of s. 562.11(2), s. 562.111, or chapter 893,
8 and:

9 (a) The person is eligible by reason of age for a
10 driver's license or driving privilege, the court shall direct
11 the department to revoke or to withhold issuance of his or her
12 driver's license or driving privilege for a period of:

13 1. Not less than 6 months and not more than 1 year for
14 the first violation.

15 2. Two years, for a subsequent violation.

16 (b) The person's driver's license or driving privilege
17 is under suspension or revocation for any reason, the court
18 shall direct the department to extend the period of suspension
19 or revocation by an additional period of:

20 1. Not less than 6 months and not more than 1 year for
21 the first violation.

22 2. Two years, for a subsequent violation.

23 (c) The person is ineligible by reason of age for a
24 driver's license or driving privilege, the court shall direct
25 the department to withhold issuance of his or her driver's
26 license or driving privilege for a period of:

27 1. Not less than 6 months and not more than 1 year
28 after the date on which he or she would otherwise have become
29 eligible, for the first violation.

30 2. Two years after the date on which he or she would
31 otherwise have become eligible, for a subsequent violation.

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2 However, the court may, in the court's discretion, direct the
3 department to issue a license for driving privileges
4 restricted to business or employment purposes only, as defined
5 by s. 322.271, if the person is otherwise qualified for such a
6 license.

7 Section 2. Subsection (5) of section 985.215, Florida
8 Statutes, is amended to read:

9 985.215 Detention.--

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

19 (b) A child may not be held before trial in secure,
20 nonsecure, or home detention care ~~under a special detention~~
21 ~~order~~ for more than 21 days ~~unless an adjudicatory hearing for~~
22 ~~the case has been commenced by the court.~~

23 (c) A child may not be held in secure, nonsecure, or
24 home detention care for more than 15 days following the entry
25 of an order of adjudication or a finding of guilt after an
26 adjudicatory hearing.

27 ~~(d) The time limits in paragraphs (b) and (c) do not~~
28 ~~include periods of delay resulting from a continuance granted~~
29 ~~by the court for cause on motion of the child or his or her~~
30 ~~counsel or of the state. Upon the issuance of an order~~
31 ~~granting a continuance for cause on a motion by either the~~

1 ~~child, the child's counsel, or the state, the court shall~~
2 ~~conduct a hearing at the end of each 72-hour period, excluding~~
3 ~~Saturdays, Sundays, and legal holidays, to determine the need~~
4 ~~for continued detention of the child and the need for further~~
5 ~~continuance of proceedings for the child or the state.~~

6 Section 3. Subsection (2) of section 985.216, Florida
7 Statutes, is amended to read:

8 985.216 Punishment for contempt of court; alternative
9 sanctions.--

10 (2) PLACEMENT IN A SECURE FACILITY.--A child may be
11 placed in a secure facility for purposes of punishment for
12 contempt of court if alternative sanctions are unavailable or
13 inappropriate, or if the child has already been ordered to
14 serve an alternative sanction but failed to comply with the
15 sanction.

16 (a) A delinquent child who has been held in direct or
17 indirect contempt may be placed in a secure detention facility
18 for up to 5 days for a first offense or up to 15 days for a
19 second or subsequent offense.

20 (b) A child in need of services who has been held in
21 direct contempt or indirect contempt may be placed, for up to
22 5 days for a first offense or up to 15 days for a second or
23 subsequent offense, in a staff-secure shelter or a
24 staff-secure residential facility solely for children in need
25 of services if such placement is available, or, if such
26 placement is not available, the child may be placed in an
27 appropriate mental health facility or substance abuse facility
28 for assessment. In addition to disposition under this
29 paragraph, a child in need of services who is held in direct
30 contempt or indirect contempt may be placed in a physically
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1 secure facility as provided under s. 984.226 if conditions of
2 eligibility are met.

3 Section 4. Subsection (2) of section 985.224, Florida
4 Statutes, is amended to read:

5 985.224 Medical, psychiatric, psychological, substance
6 abuse, and educational examination and treatment.--

7 (2) Whenever a child has been found to have committed
8 a delinquent act, or before such finding with the consent of
9 any parent or legal custodian of the child, the court may
10 order the child to be treated by a physician. The court may
11 also order the child to receive mental health, substance
12 abuse, or retardation services from a psychiatrist,
13 psychologist, or other appropriate service provider. If it is
14 necessary to place the child in a residential facility for
15 such services, the procedures and criteria established in
16 chapter 393, chapter 394, or chapter 397, whichever is
17 applicable, shall be used. After a child has been adjudicated
18 delinquent, or adjudication is withheld, the court shall order
19 an educational needs assessment by the district school board
20 or the Department of Children and Family Services. If an
21 educational needs assessment by the district school board or
22 the Department of Children and Family Services has been
23 previously conducted, the court shall order the report of such
24 needs assessment included in the child's court record in lieu
25 of a new assessment. For purposes of this section, an
26 educational needs assessment includes, but is not limited to,
27 reports of intelligence and achievement tests, screening for
28 learning disabilities and other handicaps, and screening for
29 the need for alternative education.

30 Section 5. Subsection (3) of section 985.229, Florida
31 Statutes, is amended to read:

1 985.229 Predisposition report; other evaluations.--

2 (3) The predisposition report, together with all other
3 reports and evaluations used by the department in preparing
4 the predisposition report, shall be made available to the
5 child's legal counsel and the state attorney upon completion
6 of the report and at a reasonable time prior to the
7 disposition hearing.

8 Section 6. Subsection (4) of section 985.404, Florida
9 Statutes, is amended to read:

10 985.404 Administering the juvenile justice
11 continuum.--

12 (4) The department may transfer a child, when
13 necessary to appropriately administer the child's commitment,
14 from one facility or program to another facility or program
15 operated, contracted, subcontracted, or designated by the
16 department, including a postcommitment minimum-risk
17 nonresidential aftercare program. The department shall notify
18 the court that committed the child to the department, in
19 writing, of its intent to transfer ~~of~~ the child from a
20 commitment facility or program to another facility or program
21 of a higher or lower restrictiveness level. The court that
22 committed the child may agree to the transfer or may set a
23 hearing to review the transfer. If the court does not respond
24 within 10 days after receipt of the notice, the transfer of
25 the child shall be deemed granted. When the department is
26 seeking to transfer the committed child to a higher
27 restrictiveness level, the court shall immediately set the
28 matter for hearing, subject to ss. 985.203, 985.213, and
29 985.215.

30 Section 7. This act shall take effect October 1, 2000.

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HOUSE SUMMARY

Amends various provisions of law relating to juvenile justice to:

Provide an exception to mandatory revocation or suspension of a juvenile's driver's license.

Revise provisions for placing children in detention.

Clarify time limits for placement of children in secure detention facilities.

Order educational needs assessments for children placed in detention.

Provide to a child's legal counsel documents relating to the child's predisposition report.

Require a court to set a hearing for transfers by the Department of Juvenile Justice of committed children to higher restrictiveness levels.

See bill for details.