

By Senator Smith

5-1370-01

1 A bill to be entitled
2 An act relating to juvenile justice; amending
3 s. 20.316, F.S.; revising the juvenile justice
4 continuum to include community-based
5 residential commitment programs; authorizing
6 the Secretary of Juvenile Justice to issue
7 subpoenas and require statements; providing for
8 enforcement of a subpoena pursuant to court
9 order; deleting a requirement that information
10 systems of the Department of Juvenile Justice
11 support the Juvenile Justice Advisory Board;
12 amending s. 230.23161, F.S.; providing
13 legislative goals with respect to educational
14 services within department programs; amending
15 s. 435.04, F.S.; revising requirements for
16 level-2 screening standards for persons in
17 positions of trust or responsibility; providing
18 requirements for background investigations for
19 employees of the Department of Juvenile
20 Justice; amending s. 943.085, F.S.; providing
21 legislative intent with respect to the training
22 and compensation of officers in criminal
23 justice agencies and within the Department of
24 Juvenile Justice; amending s. 943.10, F.S.;
25 defining the term "inspector specialist";
26 amending s. 943.13, F.S.; providing minimum
27 qualifications for employment as an inspector
28 specialist for the Department of Juvenile
29 Justice; amending s. 943.325, F.S.; requiring
30 DNA analysis of persons who have committed
31 certain offenses and who are transferred to the

1 state under the Interstate Compact on
2 Juveniles; amending ss. 984.01, 985.01, F.S.,
3 relating to personnel standards and screening;
4 requiring the Department of Juvenile Justice
5 and the Department of Children and Family
6 Services to ensure that certain contractors are
7 of good moral character; prohibiting the
8 Department of Juvenile Justice from exempting
9 certain persons from a disqualification from
10 employment; amending s. 985.03, F.S.; revising
11 definitions; defining the term "respite" for
12 purposes of ch. 985, F.S.; amending ss.
13 985.207, 985.213, F.S.; clarifying
14 circumstances under which a juvenile is taken
15 into custody and assessed for placement;
16 amending s. 985.215, F.S.; providing for the
17 clerk of the court to collect and maintain
18 certain fees; authorizing placing a juvenile
19 into secure detention under certain
20 circumstances for a specified period; amending
21 s. 985.227, F.S.; revising requirements for
22 state attorneys with respect to reporting
23 direct-file guidelines; amending ss. 985.231,
24 985.233, F.S.; revising certain requirements
25 for testing a juvenile for the use of alcohol
26 or controlled substances; providing for the
27 clerk of the court to collect and maintain
28 certain fees; amending s. 985.305, F.S.;
29 revising services provided under the early
30 delinquency intervention program; amending s.
31 985.31, F.S., relating to serious or habitual

1 juvenile offenders; conforming provisions to
2 changes made by the act; amending s. 985.3155,
3 F.S.; revising requirements for the multiagency
4 plan for vocational education; amending s.
5 985.316, F.S.; revising conditions under which
6 a juvenile may be released on conditional
7 release; amending s. 985.404, F.S.; clarifying
8 conditions under which a juvenile may be
9 transferred; creating s. 985.4043, F.S.;
10 providing certain payments made under a
11 provider service contract to be deposited into
12 the Administrative Trust Fund; amending s.
13 985.417, F.S.; revising conditions for
14 transferring a juvenile from the Department of
15 Corrections to the supervision of the
16 Department of Juvenile Justice; amending s. 14
17 of ch. 2000-134, Laws of Florida; revising
18 requirements for monitoring and supervising
19 juvenile offenders under a pilot program;
20 providing effective dates.

21

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

23

24 Section 1. Paragraph (b) of subsection (1) and
25 paragraph (d) of present subsection (4) of section 20.316,
26 Florida Statutes, are amended, and present subsections (2),
27 (3), and (4) of that section are redesignated as subsections
28 (3), (4), and (5), respectively, and a new subsection (2) is
29 added to that section, to read:

30 20.316 Department of Juvenile Justice.--There is
31 created a Department of Juvenile Justice.

1 (1) SECRETARY OF JUVENILE JUSTICE.--

2 (b) The Secretary of Juvenile Justice is responsible
3 for planning, coordinating, and managing the delivery of all
4 programs and services within the juvenile justice continuum.
5 For purposes of this section, the term "juvenile justice
6 continuum" means all children-in-need-of-services programs;
7 families-in-need-of-services programs; other prevention, early
8 intervention, and diversion programs; detention centers and
9 related programs and facilities; community-based residential
10 commitment and nonresidential ~~commitment~~ programs; and
11 delinquency institutions provided or funded by the department.

12 (2) SUBPOENA POWER OF THE SECRETARY.--

13 (a) In exercising authority under this chapter, the
14 secretary or his or her designee may, upon reasonable
15 suspicion of criminal activity:

16 1. Issue subpoenas, administer oaths, and examine
17 witnesses.

18 2. Require or permit a person to file a statement in
19 writing, under oath or otherwise as the secretary or his or
20 her designee requires, as to all the facts and circumstances
21 concerning the matter to be audited, examined, or
22 investigated.

23 (b) Subpoenas shall be issued by the secretary or his
24 or her designee under seal commanding such witnesses to appear
25 before the secretary, or the secretary's representative or the
26 department, at a specified time and place and to bring books,
27 records, and documents as specified or to submit books,
28 records, and documents for inspection, subject to the
29 conditions of paragraph (a). Such subpoenas may be served by
30 an authorized representative of the secretary or the
31 department.

1 (c) In the event of noncompliance with a subpoena
2 issued pursuant to this subsection, the secretary or the
3 department may petition the circuit court of the county in
4 which the person subpoenaed resides or has his or her
5 principal place of business for an order requiring the
6 subpoenaed person to appear and testify and to produce books,
7 records, and documents as specified in the subpoena. The court
8 may grant legal, equitable, or injunctive relief, including,
9 but not limited to, issuance of a writ of ne exeat or the
10 restraint by injunction or appointment of a receiver of any
11 transfer, pledge, assignment, or other disposition of such
12 person's assets or any concealment, alteration, destruction,
13 or other disposition of subpoenaed books, records, or
14 documents, as the court deems appropriate, until such person
15 has fully complied with such subpoena and the secretary or the
16 department has completed the audit, examination, or
17 investigation. The secretary or the department is entitled to
18 the summary procedure provided in s. 51.011 and the court
19 shall advance the cause on its calendar. Costs incurred by the
20 secretary or the department to obtain an order granting, in
21 whole or in part, such petition for enforcement of a subpoena
22 shall be charged against the subpoenaed person, and failure to
23 comply with such order is contempt of court.

24 ~~(5)(4)~~ INFORMATION SYSTEMS.--

25 (d) The management information system shall, at a
26 minimum:
27 1. Facilitate case management of juveniles referred to
28 or placed in the department's custody.
29 2. Provide timely access to current data and computing
30 capacity to support outcome-evaluation ~~the outcome evaluation~~
31 activities ~~of the Juvenile Justice Advisory Board as provided~~

1 ~~in s. 985.401~~, legislative oversight, the Juvenile Justice
2 Estimating Conference, and other research.

3 3. Provide automated support to the quality assurance
4 and program review functions.

5 4. Provide automated support to the contract
6 management process.

7 5. Provide automated support to the facility
8 operations management process.

9 6. Provide automated administrative support to
10 increase efficiency, provide the capability of tracking
11 expenditures of funds by the department or contracted service
12 providers that are eligible for federal reimbursement, and
13 reduce forms and paperwork.

14 7. Facilitate connectivity, access, and utilization of
15 information among various state agencies, and other state,
16 federal, local, and private agencies, organizations, and
17 institutions.

18 8. Provide electronic public access to juvenile
19 justice information, which is not otherwise made confidential
20 by law or exempt from the provisions of s. 119.07(1).

21 9. Provide a system for the training of information
22 system users and user groups.

23 Section 2. Subsection (1) of section 230.23161, is
24 amended to read:

25 230.23161 Educational services in Department of
26 Juvenile Justice programs.--

27 (1) The Legislature finds that education is the single
28 most important factor in the rehabilitation of adjudicated
29 delinquent youth in the custody of the Department of Juvenile
30 Justice in detention or commitment facilities. It is the goal
31 ~~intent~~ of the Legislature that youth in the juvenile justice

1 system be provided with equal opportunity and access to
2 quality and effective education that will meet the individual
3 needs of each child. The Department of Education shall serve
4 as the lead agency for juvenile justice education programs to
5 ensure that curriculum, support services, and resources are
6 provided to maximize the public's investment in the custody
7 and care of these youth. To this end, the Department of
8 Education and the Department of Juvenile Justice shall each
9 designate a Coordinator for Juvenile Justice Education
10 Programs to serve as the point of contact for resolving issues
11 not addressed by local district school boards and to ensure
12 each department's participation in the following activities:

13 (a) Training, collaborating, and coordinating with the
14 Department of Juvenile Justice, local school districts,
15 educational contract providers, and juvenile justice
16 providers, whether state operated or contracted.

17 (b) Collecting information on the academic performance
18 of students in juvenile justice commitment and detention
19 programs and reporting on the results.

20 (c) Developing academic and vocational protocols that
21 provide guidance to school districts and providers in all
22 aspects of education programming, including records transfer
23 and transition.

24 (d) Prescribing the roles of program personnel and
25 interdepartmental local school district or provider
26 collaboration strategies.

27
28 Annually, a cooperative agreement and plan for juvenile
29 justice education service enhancement shall be developed
30 between the Department of Juvenile Justice and the Department
31

1 of Education and submitted to the Secretary of Juvenile
2 Justice and the Commissioner of Education by June 30.

3 Section 3. Subsection (1) of section 435.04, Florida
4 Statutes, is amended, and present subsections (3) and (4) of
5 that section are redesignated as subsections (4) and (5),
6 respectively, and a new subsection (3) is added to that
7 section, to read:

8 435.04 Level 2 screening standards.--

9 (1) All employees in positions designated by law as
10 positions of trust or responsibility shall be required to
11 undergo security background investigations as a condition of
12 employment and continued employment. For the purposes of this
13 subsection, security background investigations shall include,
14 but not be limited to, ~~employment history checks,~~
15 fingerprinting for all purposes and checks in this subsection,
16 statewide criminal and juvenile records checks through the
17 Florida Department of Law Enforcement, and federal criminal
18 records checks through the Federal Bureau of Investigation,
19 and may include local criminal records checks through local
20 law enforcement agencies.

21 (3) The security background investigations conducted
22 under this section for employees of the Department of Juvenile
23 Justice must ensure that no persons subject to the provisions
24 of this section have been found guilty of, regardless of
25 adjudication, or entered a plea of nolo contendere or guilty
26 to, any offense prohibited under any of the following
27 provisions of the Florida Statutes or under any similar
28 statute of another jurisdiction:

29 (a) Section 784.07, relating to assault or battery of
30 law enforcement officers, firefighters, emergency medical care
31

1 providers, public transit employees or agents, or other
2 specified officers.

3 (b) Section 810.02, relating to burglary, if the
4 offense is a felony.

5 (c) Section 944.40, relating to escape.

6
7 The Department of Juvenile Justice may not remove a
8 disqualification from employment or grant an exemption to any
9 person who is disqualified under this section for any offense
10 disposed during the most recent 10-year period.

11 Section 4. Subsections (1) and (2) of section 943.085,
12 Florida Statutes, are amended to read:

13 943.085 Legislative intent with respect to upgrading
14 the quality of law enforcement officers and correctional
15 officers.--

16 (1) It is the intent of the Legislature to strengthen
17 and upgrade law enforcement agencies, and correctional
18 institutions, and criminal justice agencies in this state by
19 attracting competent, highly qualified people for professional
20 careers in the criminal justice disciplines and to retain
21 well-qualified and experienced officers for the purpose of
22 providing maximum protection and safety to the citizens of,
23 the visitors to, and the inmates in this state.

24 (2) It is the further intent of the Legislature to
25 establish a minimum foundation program for law enforcement
26 officers, correctional officers, ~~and~~ correctional probation
27 officers, and inspector specialists within the Department of
28 Juvenile Justice which will provide a statewide minimum salary
29 for all such officers; to provide state monetary supplement in
30 order to effectuate an upgrading of compensation for all law
31 enforcement officers, correctional officers, ~~and~~ correctional

1 probation officers, and inspector specialists within the
2 Department of Juvenile Justice; and to upgrade the educational
3 and training standards of such officers.

4 Section 5. Subsection (22) is added to section 943.10,
5 Florida Statutes, to read:

6 943.10 Definitions; ss. 943.085-943.255.--The
7 following words and phrases as used in ss. 943.085-943.255 are
8 defined as follows:

9 (22) "Inspector specialist" means a professional
10 within the Office of the Inspector General who is primarily
11 responsible for conducting investigations of alleged physical
12 or sexual abuse; employee misconduct; violations of civil
13 rights; fraud; waste; and violations of rules, policies, or
14 procedures, in accordance with s. 20.055.

15 Section 6. Section 943.13, Florida Statutes, is
16 amended to read:

17 943.13 Officers' minimum qualifications for employment
18 or appointment.--On or after October 1, 1984, any person
19 employed or appointed as a full-time, part-time, or auxiliary
20 law enforcement officer or correctional officer; on or after
21 October 1, 1986, any person employed as a full-time,
22 part-time, or auxiliary correctional probation officer; ~~and~~ on
23 or after October 1, 1986, any person employed as a full-time,
24 part-time, or auxiliary correctional officer by a private
25 entity under contract to the Department of Corrections, to a
26 county commission, or to the Correctional Privatization
27 Commission; and on or after October 1, 2001, any person
28 employed as an inspector specialist for the Department of
29 Juvenile Justice shall:

30 (1) Be at least 19 years of age.

31

1 (2) Be a citizen of the United States, notwithstanding
2 any law of the state to the contrary.

3 (3) Be a high school graduate or its "equivalent" as
4 the commission has defined the term by rule.

5 (4) Not have been convicted of any felony or of a
6 misdemeanor involving perjury or a false statement, or have
7 received a dishonorable discharge from any of the Armed Forces
8 of the United States. Any person who, after July 1, 1981,
9 pleads guilty or nolo contendere to or is found guilty of any
10 felony or of a misdemeanor involving perjury or a false
11 statement is not eligible for employment or appointment as an
12 officer, notwithstanding suspension of sentence or withholding
13 of adjudication. Notwithstanding this subsection, any person
14 who has pled nolo contendere to a misdemeanor involving a
15 false statement, prior to December 1, 1985, and has had such
16 record sealed or expunged shall not be deemed ineligible for
17 employment or appointment as an officer.

18 (5) Have documentation of his or her processed
19 fingerprints on file with the employing agency or, if a
20 private correctional officer, have documentation of his or her
21 processed fingerprints on file with the Department of
22 Corrections or the Criminal Justice Standards and Training
23 Commission. If administrative delays are caused by the
24 department or the Federal Bureau of Investigation and the
25 person has complied with subsections (1)-(4) and (6)-(9), he
26 or she may be employed or appointed for a period not to exceed
27 1 calendar year from the date he or she was employed or
28 appointed or until return of the processed fingerprints
29 documenting noncompliance with subsections (1)-(4) or
30 subsection (7), whichever occurs first.

31

1 (6) Have passed a physical examination by a licensed
2 physician, based on specifications established by the
3 commission.

4 (7) Have a good moral character as determined by a
5 background investigation under procedures established by the
6 commission.

7 (8) Execute and submit to the employing agency or, if
8 a private correctional officer, submit to the appropriate
9 governmental entity an affidavit-of-applicant form, adopted by
10 the commission, attesting to his or her compliance with
11 subsections (1)-(7). The affidavit shall be executed under
12 oath and constitutes an official statement within the purview
13 of s. 837.06. The affidavit shall include conspicuous language
14 that the intentional false execution of the affidavit
15 constitutes a misdemeanor of the second degree. The affidavit
16 shall be retained by the employing agency.

17 (9) Complete a commission-approved basic recruit
18 training program for the applicable criminal justice
19 discipline, unless exempt under this subsection. An applicant
20 who has:

21 (a) Completed a comparable basic recruit training
22 program for the applicable criminal justice discipline in
23 another state or for the Federal Government; and

24 (b) Served as a full-time sworn officer in another
25 state or for the Federal Government for at least one year

26
27 is exempt in accordance with s. 943.131(2) from completing the
28 commission-approved basic recruit training program.

29 (10) Achieve an acceptable score on the officer
30 certification examination for the applicable criminal justice
31 discipline.

1 (11) Comply with the continuing training or education
2 requirements of s. 943.135.

3 Section 7. Paragraph (a) of subsection (1) of section
4 943.325, Florida Statutes, is amended to read:

5 943.325 Blood specimen testing for DNA analysis.--

6 (1)(a) Any person who is convicted or was previously
7 convicted in this state for any offense or attempted offense
8 defined in chapter 794, chapter 800, s. 782.04, s. 784.045, s.
9 810.02, s. 812.133, or s. 812.135, and any person who is
10 transferred to this state under Article VII of the Interstate
11 Compact on Juveniles, part V of chapter 985, who has committed
12 or attempted to commit an offense similarly defined by the
13 transferring state, who is either:

14 1. Still incarcerated, or

15 2. No longer incarcerated but is within the confines
16 of the legal state boundaries and is on probation, community
17 control, parole, conditional release, control release, or any
18 other court-ordered supervision,

19
20 shall be required to submit two specimens of blood to a
21 Department of Law Enforcement designated testing facility as
22 directed by the department.

23 Section 8. Paragraphs (a) and (c) of subsection (2) of
24 section 984.01, Florida Statutes, are amended to read:

25 984.01 Purposes and intent; personnel standards and
26 screening.--

27 (2) The Department of Juvenile Justice or the
28 Department of Children and Family Services, as appropriate,
29 may contract with the Federal Government, other state
30 departments and agencies, county and municipal governments and
31 agencies, public and private agencies, and private individuals

1 and corporations in carrying out the purposes of, and the
2 responsibilities established in, this chapter.

3 (a) When the Department of Juvenile Justice or the
4 Department of Children and Family Services contracts with a
5 provider for any program for children, all personnel,
6 including owners, operators, employees, and volunteers, in the
7 facility must be of good moral character. Each contract
8 entered into by either department for services delivered on an
9 appointment or intermittent basis by a provider that does not
10 have regular custodial responsibility for children and each
11 contract with a school for before or aftercare services must
12 ensure that the owners, operators, and all personnel who have
13 direct contact with children are of good moral character.A
14 volunteer who assists on an intermittent basis for less than
15 40 hours per month need not be screened if the volunteer is
16 under direct and constant supervision by persons who meet the
17 screening requirements.

18 (c) The Department of Juvenile Justice or the
19 Department of Children and Family Services may grant
20 exemptions from disqualification from working with children as
21 provided in s. 435.07. However, the Department of Juvenile
22 Justice may not remove a disqualification from employment or
23 grant an exemption to any person who is disqualified under s.
24 435.04 for any offense disposed during the most recent 10-year
25 period.

26 Section 9. Paragraphs (a) and (c) of subsection (2) of
27 section 985.01, Florida Statutes, are amended to read:

28 985.01 Purposes and intent; personnel standards and
29 screening.--

30 (2) The Department of Juvenile Justice or the
31 Department of Children and Family Services, as appropriate,

1 may contract with the Federal Government, other state
2 departments and agencies, county and municipal governments and
3 agencies, public and private agencies, and private individuals
4 and corporations in carrying out the purposes of, and the
5 responsibilities established in, this chapter.

6 (a) When the Department of Juvenile Justice or the
7 Department of Children and Family Services contracts with a
8 provider for any program for children, all personnel,
9 including owners, operators, employees, and volunteers, in the
10 facility must be of good moral character. Each contract
11 entered into by either department for services delivered on an
12 appointment or intermittent basis by a provider that does not
13 have regular custodial responsibility for children and each
14 contract with a school for before or aftercare services must
15 ensure that the owners, operators, and all personnel who have
16 direct contact with children are of good moral character. A
17 volunteer who assists on an intermittent basis for less than
18 40 hours per month need not be screened if the volunteer is
19 under direct and constant supervision by persons who meet the
20 screening requirements.

21 (c) The Department of Juvenile Justice or the
22 Department of Children and Family Services may grant
23 exemptions from disqualification from working with children as
24 provided in s. 435.07. However, the Department of Juvenile
25 Justice may not remove a disqualification from employment or
26 grant an exemption to any person who is disqualified under s.
27 435.04 for any offense disposed during the most recent 10-year
28 period.

29 Section 10. Subsections (13), (26), and (30),
30 paragraph (c) of subsection (45), and present subsection (55)
31 of section 985.03, Florida Statutes, are amended, and present

1 subsections (46) through (58) are redesignated as subsections
2 (47) through (59), respectively, and a new subsection (46) is
3 added to that section, to read:

4 985.03 Definitions.--When used in this chapter, the
5 term:

6 (13) "Conditional release" means the care, treatment,
7 help, and supervision provided to a juvenile released from a
8 residential commitment program which is intended to promote
9 rehabilitation and prevent recidivism. The purpose of
10 conditional release is to protect the public, reduce
11 recidivism, increase responsible productive behavior, and
12 provide for a successful transition of the youth from the
13 department to the family. Conditional release includes, but is
14 not limited to, ~~minimum-risk~~ nonresidential community-based
15 programs ~~and postcommitment probation.~~

16 (26) "Halfway house" means a community-based
17 residential program for 10 or more committed delinquents at
18 the moderate-risk commitment ~~restrictiveness~~ level which that
19 is operated or contracted by the Department of Juvenile
20 Justice.

21 (30) "Juvenile probation officer" means the authorized
22 agent of the Department of Juvenile Justice who performs the
23 intake, ~~or case management, or supervision functions~~ function
24 ~~for a child alleged to be delinquent.~~

25 (45) "Residential commitment level" means the level of
26 security provided by programs that service the supervision,
27 custody, care, and treatment needs of committed children.
28 Sections 985.3141 and 985.404(13) apply to children placed in
29 programs at any residential commitment level. The levels of
30 residential commitment are as follows:

31

1 (c) High-risk residential.--Programs or program models
2 at this commitment level are residential and shall not allow
3 youth to have access to the community. Facilities are
4 hardware-secure with perimeter fencing and locking doors.
5 Facilities shall provide 24-hour awake supervision, custody,
6 care, and treatment of residents. Youth assessed and
7 classified for this level of placement require close
8 supervision in a structured residential setting. Placement in
9 programs at this level is prompted by a concern for public
10 safety that outweighs placement in programs at lower
11 commitment restrictiveness levels. The staff at a facility at
12 this commitment level may seclude a child who is a physical
13 threat to himself or herself or others. Mechanical restraint
14 may also be used when necessary. The facility may provide for
15 single cell occupancy.

16 (46) "Respite" means a placement that is available for
17 the care, custody, and placement of a youth charged with
18 domestic violence as an alternative to secure detention or for
19 placement of a youth when a shelter bed for a child in need of
20 services or a family in need of services is unavailable.

21 (56)~~(55)~~ "Temporary release" means the terms and
22 conditions under which a child is temporarily released from a
23 commitment facility or allowed home visits. If the temporary
24 release is from a moderate-risk residential facility, a
25 high-risk residential facility, or a maximum-risk residential
26 facility, the terms and conditions of the temporary release
27 must be approved by the child, the court, and the facility.
28 The term includes periods during which the child is supervised
29 pursuant to a conditional release program or a period during
30 which the child is supervised by a juvenile probation officer
31 or other nonresidential staff of the department or staff

1 employed by an entity under contract with the department. A
2 ~~child placed in a postcommitment supervision program by order~~
3 ~~of the court is not considered to be on temporary release and~~
4 ~~is not subject to the terms and conditions of temporary~~
5 ~~release.~~

6 Section 11. Paragraph (d) of subsection (1) of section
7 985.207, Florida Statutes, is amended to read:

8 985.207 Taking a child into custody.--

9 (1) A child may be taken into custody under the
10 following circumstances:

11 (d) By a law enforcement officer who has probable
12 cause to believe that the child is in violation of the
13 conditions of the child's probation, home detention,
14 postcommitment probation ~~community control~~, or conditional
15 release supervision or has escaped ~~absconded~~ from commitment.

16
17 Nothing in this subsection shall be construed to allow the
18 detention of a child who does not meet the detention criteria
19 in s. 985.215.

20 Section 12. Paragraph (b) of subsection (2) of section
21 985.213, Florida Statutes, is amended to read:

22 985.213 Use of detention.--

23 (2)

24 (b)1. The risk assessment instrument for detention
25 care placement determinations and orders shall be developed by
26 the Department of Juvenile Justice in agreement with
27 representatives appointed by the following associations: the
28 Conference of Circuit Judges of Florida, the Prosecuting
29 Attorneys Association, the Public Defenders Association, the
30 Florida Sheriffs Association, and the Florida Association of
31 Chiefs of Police. Each association shall appoint two

1 individuals, one representing an urban area and one
2 representing a rural area. The parties involved shall
3 evaluate and revise the risk assessment instrument as is
4 considered necessary using the method for revision as agreed
5 by the parties. The risk assessment instrument shall take into
6 consideration, but need not be limited to, prior history of
7 failure to appear, prior offenses, offenses committed pending
8 adjudication, any unlawful possession of a firearm, theft of a
9 motor vehicle or possession of a stolen motor vehicle, and
10 probation ~~community control~~ status at the time the child is
11 taken into custody. The risk assessment instrument shall also
12 take into consideration appropriate aggravating and mitigating
13 circumstances, and shall be designed to target a narrower
14 population of children than s. 985.215(2). The risk assessment
15 instrument shall also include any information concerning the
16 child's history of abuse and neglect. The risk assessment
17 shall indicate whether detention care is warranted, and, if
18 detention care is warranted, whether the child should be
19 placed into secure, nonsecure, or home detention care.

20 2. If, at the detention hearing, the court finds a
21 material error in the scoring of the risk assessment
22 instrument, the court may amend the score to reflect factual
23 accuracy.

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

- 28 a. Respite care for the child is not available; and
29 b. It is necessary to place the child in secure
30 detention in order to protect the victim from injury.

31

1 The child may not be held in secure detention under this
2 subparagraph for more than 48 hours unless ordered by the
3 court. After 48 hours, the court shall hold a hearing if the
4 state attorney or victim requests that secure detention be
5 continued. The child may continue to be held in detention care
6 if the court makes a specific, written finding that detention
7 care is necessary to protect the victim from injury. However,
8 the child may not be held in detention care beyond the time
9 limits set forth in s. 985.215.

10 4. For a child who is under the supervision of the
11 department through probation ~~community control~~, home
12 detention, nonsecure detention, conditional release ~~aftercare~~,
13 postcommitment probation ~~community control~~, or commitment and
14 who is charged with committing a new offense, the risk
15 assessment instrument may be completed and scored based on the
16 underlying charge for which the child was placed under the
17 supervision of the department and the new offense.

18 Section 13. Paragraph (a) of subsection (2) and
19 subsection (6) of section 985.215, Florida Statutes, are
20 amended, and paragraph (f) is added to subsection (10) of that
21 section, to read:

22 985.215 Detention.--

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

27 (a) The child is alleged to be an escapee or an
28 absconder from a commitment program, a probation program,
29 ~~furlough~~, or conditional release supervision, or is alleged to
30 have escaped while being lawfully transported to or from such
31 program or supervision.

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

1 (6) When any child is placed into secure, nonsecure,
2 or home detention care or into other placement pursuant to a
3 court order following a detention hearing, the court shall
4 order the natural or adoptive parents of such child, including
5 the natural father of such child born out of wedlock who has
6 acknowledged his paternity in writing before the court, or the
7 guardian of such child's estate, if possessed of assets which
8 under law may be disbursed for the care, support, and
9 maintenance of the child, to pay to the Department of Juvenile
10 Justice fees in an amount of \$20 per day related to the cost
11 of the care, support, and maintenance of the child, as
12 established by the Department of Juvenile Justice, unless the
13 court makes a finding on the record that the parent or
14 guardian of the child is indigent. At the time of the
15 detention hearing, the department shall report to the court,
16 verbally or in writing, any available information concerning
17 the ability of the parent or guardian of the child to pay such
18 fee. As to each parent or guardian for whom the court makes a
19 finding of indigency, the court may reduce the fees or waive
20 the fees upon a showing by the parent or guardian of an
21 inability to pay the fees specified herein. If the court makes
22 a finding of indigency or inability to pay the full cost of
23 care, support, and maintenance of the child, the court shall
24 order the parent or guardian to pay to the department a
25 nominal subsistence fee on behalf of the child in the amount
26 of at least \$2 per day that the child is detained outside the
27 home or at least \$1 per day if the child is otherwise
28 detained, unless the court makes a finding on the record that
29 the parent or guardian would suffer a significant hardship if
30 obligated for such amount. In addition, the court may reduce
31 the fees or waive the fees as to each parent or guardian if

1 the court makes a finding on the record that the parent or
2 guardian was the victim of the delinquent act or violation of
3 law for which the child is detained and that the parent or
4 guardian is cooperating in the investigation of the offense.
5 As to each parent or guardian, the court may reduce the fees
6 or waive the fees if the court makes a finding on the record
7 that the parent or guardian has made a diligent and good faith
8 effort to prevent the child from engaging in the delinquent
9 act or violation of law. The court must include specific
10 findings in the detention order as to what fees are ordered,
11 reduced, or waived. If the court fails to enter an order as
12 required by this subsection, it shall be presumed that the
13 court intended the parent or guardian to pay to the department
14 the fee of \$20 per day that the child remains in detention
15 care. With respect to a child who has been found to have
16 committed a delinquent act or violation of law, whether or not
17 adjudication is withheld, and whose parent or guardian
18 receives public assistance for any portion of that child's
19 care, the department must seek a federal waiver to garnish or
20 otherwise order the payments of the portion of the public
21 assistance relating to that child to offset the costs of
22 providing care, custody, maintenance, rehabilitation,
23 intervention, or corrective services to the child. When the
24 order affects the guardianship estate, a certified copy of the
25 order shall be delivered to the judge having jurisdiction of
26 the guardianship estate. The clerk of the circuit court shall
27 act as a depository for these fees. Upon each payment
28 received, the clerk of the circuit court shall receive a fee
29 of \$2 from the total payment as a service charge for
30 administering, managing, and maintaining each payment. At the
31 end of each month, the clerk of the circuit court shall send

1 all money collected to the state Grants and Donations Trust
2 Fund.The department may employ a collection agency for the
3 purpose of receiving, collecting, and managing the payment of
4 unpaid and delinquent fees. The collection agency must be
5 registered and in good standing under chapter 559. The
6 department may pay to the collection agency a fee from the
7 amount collected under the claim or may authorize the agency
8 to deduct the fee from the amount collected. The department
9 may also pay for collection services from available authorized
10 funds. The Department of Juvenile Justice shall provide to
11 the payor documentation of any amounts paid by the payor to
12 the Department of Juvenile Justice on behalf of the child. All
13 payments received by the department pursuant to this
14 subsection shall be deposited in the state Grants and
15 Donations Trust Fund. Neither the court nor the department
16 may extend the child's length of stay in detention care solely
17 for the purpose of collecting fees.

18 (10)

19 (f) Regardless of a child's detention status, a child
20 who is transported by the department may be placed in secure
21 detention overnight, not to exceed a 24-hour period, for the
22 specific purpose of ensuring the safe delivery of the child to
23 his or her commitment program, court proceeding, or other
24 appointment, including a transfer or release.

25 Section 14. Subsection (4) of section 985.227, Florida
26 Statutes, is amended to read:

27 985.227 Prosecution of juveniles as adults by the
28 direct filing of an information in the criminal division of
29 the circuit court; discretionary criteria; mandatory
30 criteria.--

31

1 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
2 attorney shall develop written policies and guidelines to
3 govern determinations for filing an information on a juvenile,
4 to be submitted to the Executive Office of the Governor, the
5 President of the Senate, the Speaker of the House of
6 Representatives, ~~and the Juvenile Justice Advisory Board~~ not
7 later than January 1 of each year.

8 Section 15. Paragraphs (a) and (b) of subsection (1)
9 and subsection (2) of section 985.231, Florida Statutes, are
10 amended to read:

11 985.231 Powers of disposition in delinquency cases.--

12 (1)(a) The court that has jurisdiction of an
13 adjudicated delinquent child may, by an order stating the
14 facts upon which a determination of a sanction and
15 rehabilitative program was made at the disposition hearing:

16 1. Place the child in a probation program or a
17 postcommitment probation program under the supervision of an
18 authorized agent of the Department of Juvenile Justice or of
19 any other person or agency specifically authorized and
20 appointed by the court, whether in the child's own home, in
21 the home of a relative of the child, or in some other suitable
22 place under such reasonable conditions as the court may
23 direct. A probation program for an adjudicated delinquent
24 child must include a penalty component such as restitution in
25 money or in kind, community service, a curfew, revocation or
26 suspension of the driver's license of the child, or other
27 nonresidential punishment appropriate to the offense and must
28 also include a rehabilitative program component such as a
29 requirement of participation in substance abuse treatment or
30 in school or other educational program. Upon the
31 recommendation of the department at the time of disposition,

1 or subsequent to disposition pursuant to the filing of a
2 petition alleging a violation of the child's conditions of
3 postcommitment probation ~~or conditional release supervision~~,
4 the court may order the child to submit to random testing for
5 the purpose of detecting and monitoring the use of alcohol or
6 controlled substances.

7 a. A restrictiveness level classification scale for
8 levels of supervision shall be provided by the department,
9 taking into account the child's needs and risks relative to
10 probation supervision requirements to reasonably ensure the
11 public safety. Probation programs for children shall be
12 supervised by the department or by any other person or agency
13 specifically authorized by the court. These programs must
14 include, but are not limited to, structured or restricted
15 activities as described in this subparagraph, and shall be
16 designed to encourage the child toward acceptable and
17 functional social behavior. If supervision or a program of
18 community service is ordered by the court, the duration of
19 such supervision or program must be consistent with any
20 treatment and rehabilitation needs identified for the child
21 and may not exceed the term for which sentence could be
22 imposed if the child were committed for the offense, except
23 that the duration of such supervision or program for an
24 offense that is a misdemeanor of the second degree, or is
25 equivalent to a misdemeanor of the second degree, may be for a
26 period not to exceed 6 months. When restitution is ordered by
27 the court, the amount of restitution may not exceed an amount
28 the child and the parent or guardian could reasonably be
29 expected to pay or make. A child who participates in any work
30 program under this part is considered an employee of the state
31 for purposes of liability, unless otherwise provided by law.

1 b. The court may conduct judicial review hearings for
2 a child placed on probation for the purpose of fostering
3 accountability to the judge and compliance with other
4 requirements, such as restitution and community service. The
5 court may allow early termination of probation for a child who
6 has substantially complied with the terms and conditions of
7 probation.

8 c. If the conditions of the probation program or the
9 postcommitment probation program are violated, the department
10 or the state attorney may bring the child before the court on
11 a petition alleging a violation of the program. Any child who
12 violates the conditions of probation or postcommitment
13 probation must be brought before the court if sanctions are
14 sought. A child taken into custody under s. 985.207 for
15 violating the conditions of probation or postcommitment
16 probation shall be held in a consequence unit if such a unit
17 is available. The child shall be afforded a hearing within 24
18 hours after being taken into custody to determine the
19 existence of probable cause that the child violated the
20 conditions of probation or postcommitment probation. A
21 consequence unit is a secure facility specifically designated
22 by the department for children who are taken into custody
23 under s. 985.207 for violating probation or postcommitment
24 probation, or who have been found by the court to have
25 violated the conditions of probation or postcommitment
26 probation. If the violation involves a new charge of
27 delinquency, the child may be detained under s. 985.215 in a
28 facility other than a consequence unit. If the child is not
29 eligible for detention for the new charge of delinquency, the
30 child may be held in the consequence unit pending a hearing
31 and is subject to the time limitations specified in s.

1 985.215. If the child denies violating the conditions of
2 probation or postcommitment probation, the court shall appoint
3 counsel to represent the child at the child's request. Upon
4 the child's admission, or if the court finds after a hearing
5 that the child has violated the conditions of probation or
6 postcommitment probation, the court shall enter an order
7 revoking, modifying, or continuing probation or postcommitment
8 probation. In each such case, the court shall enter a new
9 disposition order and, in addition to the sanctions set forth
10 in this paragraph, may impose any sanction the court could
11 have imposed at the original disposition hearing. If the child
12 is found to have violated the conditions of probation or
13 postcommitment probation, the court may:

14 (I) Place the child in a consequence unit in that
15 judicial circuit, if available, for up to 5 days for a first
16 violation, and up to 15 days for a second or subsequent
17 violation.

18 (II) Place the child on home detention with electronic
19 monitoring. However, this sanction may be used only if a
20 residential consequence unit is not available.

21 (III) Modify or continue the child's probation program
22 or postcommitment probation program.

23 (IV) Revoke probation or postcommitment probation and
24 commit the child to the department.

25 d. Notwithstanding s. 743.07 and paragraph (d), and
26 except as provided in s. 985.31, the term of any order placing
27 a child in a probation program must be until the child's 19th
28 birthday unless he or she is released by the court, on the
29 motion of an interested party or on its own motion.

30 2. Commit the child to a licensed child-caring agency
31 willing to receive the child, but the court may not commit the

1 child to a jail or to a facility used primarily as a detention
2 center or facility or shelter.

3 3. Commit the child to the Department of Juvenile
4 Justice at a restrictiveness level defined in s. 985.03. Such
5 commitment must be for the purpose of exercising active
6 control over the child, including, but not limited to,
7 custody, care, training, urine monitoring, and treatment of
8 the child and release of the child into the community in a
9 postcommitment nonresidential conditional release program. If
10 the child is not successful in the conditional release
11 program, the department may use the transfer procedure under
12 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and
13 except as provided in s. 985.31, the term of the commitment
14 must be until the child is discharged by the department or
15 until he or she reaches the age of 21.

16 4. Revoke or suspend the driver's license of the
17 child.

18 5. Require the child and, if the court finds it
19 appropriate, the child's parent or guardian together with the
20 child, to render community service in a public service
21 program.

22 6. As part of the probation program to be implemented
23 by the Department of Juvenile Justice, or, in the case of a
24 committed child, as part of the community-based sanctions
25 ordered by the court at the disposition hearing or before the
26 child's release from commitment, order the child to make
27 restitution in money, through a promissory note cosigned by
28 the child's parent or guardian, or in kind for any damage or
29 loss caused by the child's offense in a reasonable amount or
30 manner to be determined by the court. The clerk of the circuit
31 court shall be the receiving and dispensing agent. In such

1 case, the court shall order the child or the child's parent or
2 guardian to pay to the office of the clerk of the circuit
3 court an amount not to exceed the actual cost incurred by the
4 clerk as a result of receiving and dispensing restitution
5 payments. The clerk shall notify the court if restitution is
6 not made, and the court shall take any further action that is
7 necessary against the child or the child's parent or guardian.
8 A finding by the court, after a hearing, that the parent or
9 guardian has made diligent and good faith efforts to prevent
10 the child from engaging in delinquent acts absolves the parent
11 or guardian of liability for restitution under this
12 subparagraph.

13 7. Order the child and, if the court finds it
14 appropriate, the child's parent or guardian together with the
15 child, to participate in a community work project, either as
16 an alternative to monetary restitution or as part of the
17 rehabilitative or probation program.

18 8. Commit the child to the Department of Juvenile
19 Justice for placement in a program or facility for serious or
20 habitual juvenile offenders in accordance with s. 985.31. Any
21 commitment of a child to a program or facility for serious or
22 habitual juvenile offenders must be for an indeterminate
23 period of time, but the time may not exceed the maximum term
24 of imprisonment that an adult may serve for the same offense.
25 The court may retain jurisdiction over such child until the
26 child reaches the age of 21, specifically for the purpose of
27 the child completing the program.

28 9. In addition to the sanctions imposed on the child,
29 order the parent or guardian of the child to perform community
30 service if the court finds that the parent or guardian did not
31 make a diligent and good faith effort to prevent the child

1 from engaging in delinquent acts. The court may also order the
2 parent or guardian to make restitution in money or in kind for
3 any damage or loss caused by the child's offense. The court
4 shall determine a reasonable amount or manner of restitution,
5 and payment shall be made to the clerk of the circuit court as
6 provided in subparagraph 6.

7 10. Subject to specific appropriation, commit the
8 juvenile sexual offender to the Department of Juvenile Justice
9 for placement in a program or facility for juvenile sexual
10 offenders in accordance with s. 985.308. Any commitment of a
11 juvenile sexual offender to a program or facility for juvenile
12 sexual offenders must be for an indeterminate period of time,
13 but the time may not exceed the maximum term of imprisonment
14 that an adult may serve for the same offense. The court may
15 retain jurisdiction over a juvenile sexual offender until the
16 juvenile sexual offender reaches the age of 21, specifically
17 for the purpose of completing the program.

18 (b) When any child is adjudicated by the court to have
19 committed a delinquent act and temporary legal custody of the
20 child has been placed with a licensed child-caring agency or
21 the Department of Juvenile Justice, the court shall order the
22 natural or adoptive parents of such child, including the
23 natural father of such child born out of wedlock who has
24 acknowledged his paternity in writing before the court, or the
25 guardian of such child's estate, if possessed of assets that
26 under law may be disbursed for the care, support, and
27 maintenance of the child, to pay fees to the department in the
28 amount not to exceed the actual cost of the care, support, and
29 maintenance of the child in the recommended residential
30 commitment level, unless the court makes a finding on the
31 record that the parent or guardian of the child is indigent.

1 No later than the disposition hearing, the department shall
2 provide the court with information concerning the actual cost
3 of care, support, and maintenance of the child in the
4 recommended residential commitment level and concerning the
5 ability of the parent or guardian of the child to pay any
6 fees. As to each parent or guardian for whom the court makes a
7 finding of indigency, the court may reduce the fees or waive
8 the fees upon a showing by the parent or guardian of an
9 inability to pay the full cost of the care, support, and
10 maintenance of the child. If the court makes a finding of
11 indigency or inability to pay the full cost of care, support,
12 and maintenance of the child, the court shall order the parent
13 or guardian to pay to the department a nominal subsistence fee
14 on behalf of the child in the amount of at least \$2 per day
15 that the child is placed outside the home or at least \$1 per
16 day if the child is otherwise placed, unless the court makes a
17 finding on the record that the parent or guardian would suffer
18 a significant hardship if obligated for such amount. In
19 addition, the court may reduce the fees or waive the fees as
20 to each parent or guardian if the court makes a finding on the
21 record that the parent or guardian was the victim of the
22 delinquent act or violation of law for which the child is
23 subject to placement under this section and that the parent or
24 guardian has cooperated in the investigation and prosecution
25 of the offense. As to each parent or guardian, the court may
26 reduce the fees or waive the fees if the court makes a finding
27 on the record that the parent or guardian has made a diligent
28 and good faith effort to prevent the child from engaging in
29 the delinquent act or violation of law. All orders committing
30 a child to a residential commitment program shall include
31 specific findings as to what fees are ordered, reduced, or

1 waived. If the court fails to enter an order as required by
2 this paragraph, it shall be presumed that the court intended
3 the parent or guardian to pay fees to the department in an
4 amount not to exceed the actual cost of the care, support, and
5 maintenance of the child. With regard to a child who reaches
6 the age of 18 prior to the disposition hearing, the court may
7 elect to direct an order required by this paragraph to such
8 child, rather than the parent or guardian. With regard to a
9 child who reaches the age of 18 while in the custody of the
10 department, the court may, upon proper motion of any party,
11 hold a hearing as to whether any party should be further
12 obligated respecting the payment of fees. The clerk of the
13 circuit court shall act as a depository for these fees. Upon
14 each payment received, the clerk of the circuit court shall
15 receive a fee of \$2 from the total payment as a service charge
16 for administering, managing, and maintaining each payment. At
17 the end of each month, the clerk of the circuit court shall
18 send all money collected to the state Grants and Donations
19 Trust Fund.The department may employ a collection agency for
20 the purpose of receiving, collecting, and managing the payment
21 of unpaid and delinquent fees. The collection agency must be
22 registered and in good standing under chapter 559. The
23 department may pay to the collection agency a fee from the
24 amount collected under the claim or may authorize the agency
25 to deduct the fee from the amount collected. The department
26 may also pay for collection services from available authorized
27 funds. The Department of Juvenile Justice shall provide to the
28 payor documentation of any amounts paid by the payor to the
29 Department of Juvenile Justice on behalf of the child. All
30 payments received by the department pursuant to this
31 subsection shall be deposited in the state Grants and

1 Donations Trust Fund. Neither the court nor the department may
2 extend the child's length of stay in placement care solely for
3 the purpose of collecting fees.

4 (2) Following a delinquency adjudicatory hearing
5 pursuant to s. 985.228 and a delinquency disposition hearing
6 pursuant to s. 985.23 which results in a commitment
7 determination, the court shall, on its own or upon request by
8 the state or the department, determine whether the protection
9 of the public requires that the child be placed in a program
10 for serious or habitual juvenile offenders and whether the
11 particular needs of the child would be best served by a
12 program for serious or habitual juvenile offenders as provided
13 in s. 985.31. The determination shall be made pursuant to ss.
14 985.03(48)~~985.03(47)~~and 985.23(3).

15 Section 16. Paragraph (d) of subsection (4) of section
16 985.233, Florida Statutes, is amended to read:

17 985.233 Sentencing powers; procedures; alternatives
18 for juveniles prosecuted as adults.--

19 (4) SENTENCING ALTERNATIVES.--

20 (d) Recoupment of cost of care in juvenile justice
21 facilities.--When the court orders commitment of a child to
22 the Department of Juvenile Justice for treatment in any of the
23 department's programs for children, the court shall order the
24 natural or adoptive parents of such child, including the
25 natural father of such child born out of wedlock who has
26 acknowledged his paternity in writing before the court, or
27 guardian of such child's estate, if possessed of assets which
28 under law may be disbursed for the care, support, and
29 maintenance of the child, to pay fees in the amount not to
30 exceed the actual cost of the care, support, and maintenance
31 of the child, unless the court makes a finding on the record

1 that the parent or legal guardian of the child is indigent.
2 Prior to commitment, the department shall provide the court
3 with information concerning the actual cost of care in the
4 recommended residential commitment level and concerning the
5 ability of the parent or guardian of the child to pay
6 specified fees. As to each parent or guardian for whom the
7 court makes a finding of indigency, the court may reduce the
8 fees or waive the fees upon a showing by the parent or
9 guardian of an inability to pay the full cost of the care,
10 support, and maintenance of the child. If the court makes a
11 finding of indigency or inability to pay the full cost of
12 care, support, and maintenance of the child, the court shall
13 order the parent or guardian to pay the department a nominal
14 subsistence fee on behalf of the child in the amount of at
15 least \$2 per day that the child is placed outside the home or
16 at least \$1 per day if the child is otherwise placed, unless
17 the court makes a finding on the record that the parent or
18 guardian would suffer a significant hardship if obligated for
19 such amount. In addition, the court may reduce the fees or
20 waive the fees as to each parent or guardian if the court
21 makes a finding on the record that the parent or guardian was
22 the victim of the delinquent act or violation of law for which
23 the child is subject to commitment under this section and that
24 the parent or guardian has cooperated in the investigation and
25 prosecution of the offense. As to each parent or guardian,
26 the court may reduce the fees or waive the fees if the court
27 makes a finding on the record that the parent or guardian has
28 made a diligent and good faith effort to prevent the child
29 from engaging in the delinquent act or violation of law. When
30 the order affects the guardianship estate, a certified copy of
31 the order shall be delivered to the judge having jurisdiction

1 of the guardianship estate. All orders committing a child to
2 a residential commitment program shall include specific
3 findings as to what fees are ordered, reduced, or waived. If
4 the court fails to enter an order as required by this
5 paragraph, it shall be presumed that the court intended the
6 parent or guardian to pay fees to the department in an amount
7 not to exceed the actual cost of the care, support, and
8 maintenance of the child. With regard to a child who reaches
9 the age of 18 prior to the disposition hearing, the court may
10 elect to direct an order required by this paragraph to such
11 child, rather than the parent or guardian. With regard to a
12 child who reaches the age of 18 while in the custody of the
13 department, the court may, upon proper motion of any party,
14 hold a hearing as to whether any party should be further
15 obligated respecting the payment of fees. The clerk of the
16 circuit court shall act as a depository for these fees. Upon
17 each payment received, the clerk of the circuit court shall
18 receive a fee of \$2 from the total payment as a service charge
19 for administering, managing, and maintaining each payment. At
20 the end of each month, the clerk of the circuit court shall
21 send all money collected to the state Grants and Donations
22 Trust Fund.The department may employ a collection agency for
23 the purpose of receiving, collecting, and managing the payment
24 of unpaid and delinquent fees. The collection agency must be
25 registered and in good standing under chapter 559. The
26 department may pay to the collection agency a fee from the
27 amount collected under the claim or may authorize the agency
28 to deduct the fee from the amount collected. The department
29 may also pay for collection services from available authorized
30 funds. The Department of Juvenile Justice shall provide to
31 the payor documentation of any amounts paid by the payor to

1 the Department of Juvenile Justice on behalf of the child. All
2 payments received by the department pursuant to this
3 subsection shall be deposited in the state Grants and
4 Donations Trust Fund. Neither the court nor the department
5 may extend the child's length of stay in commitment care
6 solely for the purpose of collecting fees.

7 Section 17. Subsection (2) of section 985.305, Florida
8 Statutes, is amended to read:

9 985.305 Early delinquency intervention program;
10 criteria.--

11 (2) The early delinquency intervention program shall
12 consist of intensive residential treatment in a secure
13 facility for 7 days to 6 weeks, followed by 6 to 9 months of
14 additional services ~~conditional release~~. An early delinquency
15 intervention program facility shall be designed to accommodate
16 the placement of a maximum of 10 children, except that the
17 facility may accommodate up to 2 children in excess of that
18 maximum if the additional children have previously been
19 released from the residential portion of the program and are
20 later found to need additional residential treatment.

21 Section 18. Paragraph (e) of subsection (3) and
22 paragraph (a) of subsection (4) of section 985.31, Florida
23 Statutes, are amended to read:

24 985.31 Serious or habitual juvenile offender.--

25 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
26 TREATMENT.--

27 (e) After a child has been adjudicated delinquent
28 pursuant to s. 985.228, the court shall determine whether the
29 child meets the criteria for a serious or habitual juvenile
30 offender pursuant to s. 985.03(48)~~s. 985.03(47)~~. If the court
31

1 determines that the child does not meet such criteria, the
2 provisions of s. 985.231(1) shall apply.

3 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

4 (a) Pursuant to the provisions of this section, the
5 department shall implement the comprehensive assessment
6 instrument for the treatment needs of serious or habitual
7 juvenile offenders and for the assessment, which assessment
8 shall include the criteria under s. 985.03(48)~~s. 985.03(47)~~
9 and shall also include, but not be limited to, evaluation of
10 the child's:

- 11 1. Amenability to treatment.
- 12 2. Proclivity toward violence.
- 13 3. Tendency toward gang involvement.
- 14 4. Substance abuse or addiction and the level thereof.
- 15 5. History of being a victim of child abuse or sexual
16 abuse, or indication of sexual behavior dysfunction.
- 17 6. Number and type of previous adjudications, findings
18 of guilt, and convictions.
- 19 7. Potential for rehabilitation.

20 Section 19. Subsection (4) of section 985.3155,
21 Florida Statutes, is amended to read:

22 985.3155 Multiagency plan for vocational education.--

23 (4) The plan must also address strategies to
24 facilitate involvement of business and industry in the design,
25 delivery, and evaluation of vocational programming in juvenile
26 justice commitment facilities and conditional-release
27 ~~aftercare~~ programs, including apprenticeship and work
28 experience programs, mentoring and job shadowing, and other
29 strategies that lead to postrelease employment. Incentives for
30 business involvement, such as tax breaks, bonding, and
31 liability limits should be investigated, implemented where

1 appropriate, or recommended to the Legislature for
2 consideration.

3 Section 20. Subsections (4) and (5) of section
4 985.316, Florida Statutes, are amended to read:

5 985.316 Conditional release.--

6 (4) ~~After a youth is released from a residential~~
7 ~~commitment program, conditional release services may be~~
8 ~~delivered through either minimum-risk nonresidential~~
9 ~~commitment restrictiveness programs or postcommitment~~
10 ~~probation.~~ A juvenile under ~~minimum-risk~~ nonresidential
11 ~~commitment~~ placement will continue to be on commitment status
12 and subject to the transfer provision under s. 985.404. ~~A~~
13 ~~juvenile on postcommitment probation will be subject to the~~
14 ~~provisions under s. 985.231(1)(a).~~

15 (5) Participation in the educational program by
16 students of compulsory school attendance age pursuant to s.
17 232.01 is mandatory for juvenile justice youth on conditional
18 release ~~aftercare~~ or postcommitment probation ~~community~~
19 ~~control~~ status. A student of noncompulsory school-attendance
20 age who has not received a high school diploma or its
21 equivalent must participate in the educational program. A
22 youth who has received a high school diploma or its equivalent
23 and is not employed must participate in workforce development
24 or other vocational or technical education or attend a
25 community college or a university while in the program,
26 subject to available funding.

27 Section 21. Subsection (4) of section 985.404, Florida
28 Statutes, is amended to read:

29 985.404 Administering the juvenile justice
30 continuum.--

31

1 (4) The department may transfer a child, when
2 necessary to appropriately administer the child's commitment,
3 from one facility or program to another facility or program
4 operated, contracted, subcontracted, or designated by the
5 department, including a postcommitment ~~minimum-risk~~
6 nonresidential conditional release program. The department
7 shall notify the court that committed the child to the
8 department and any attorney of record, in writing, of its
9 intent to transfer the child from a commitment facility or
10 program to another facility or program of a higher or lower
11 restrictiveness level. The court that committed the child may
12 agree to the transfer or may set a hearing to review the
13 transfer. If the court does not respond within 10 days after
14 receipt of the notice, the transfer of the child shall be
15 deemed granted.

16 Section 22. Section 985.4043, Florida Statutes, is
17 created to read:

18 985.4043 Maintenance of state-owned facilities.--If
19 the department adjusts payments to any provider that occupies
20 a state-owned or leased juvenile justice facility for purposes
21 of significant facility maintenance, repairs, or upgrades
22 under the terms of the provider service contract, the payments
23 shall be deposited by the department into the Administrative
24 Trust Fund for appropriation by the Legislature for such
25 improvements to the facility.

26 Section 23. Subsection (1) of section 985.417, Florida
27 Statutes, is amended to read:

28 985.417 Transfer of children from the Department of
29 Corrections to the Department of Juvenile Justice.--

30 (1) When any child under the age of 18 years is
31 sentenced by any court of competent jurisdiction to the

1 Department of Corrections, the Secretary of Juvenile Justice
2 may transfer such child to the department for the remainder of
3 the sentence, or until his or her 21st birthday, whichever
4 results in the shorter term. If, upon such person's attaining
5 his or her 21st birthday, the sentence has not terminated, he
6 or she shall be transferred to the Department of Corrections
7 for placement in a youthful offender program, transferred ~~or,~~
8 ~~with the commission's consent,~~ to the supervision of the
9 department, or be given any other transfer that may lawfully
10 be made.

11 Section 24. Subsections (2) and (3) of section 14 of
12 chapter 2000-134, Laws of Florida, are amended to read:

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

16 (2) Under the pilot program created in subsection (1),
17 the Orange County Sheriff's Office shall monitor selected
18 juvenile offenders on probation ~~community control~~ in Orange
19 County. The Department of Juvenile Justice shall recommend
20 juvenile offenders on probation ~~community control~~,
21 post-commitment probation ~~community control~~, and conditional
22 release ~~aftercare~~ to be supervised under this program. The
23 Orange County Sheriff's Office has the sole right and
24 authority to accept or reject any or all juvenile offenders
25 who have been recommended by the Department of Juvenile
26 Justice to the Juvenile Arrest and Monitor Unit. The sheriff's
27 office shall determine the number of juvenile offenders it
28 will supervise. The Department of Juvenile Justice shall
29 monthly recommend juvenile offenders to the sheriff's office,
30 to ensure that the program operates at maximum capacity as
31 determined by the sheriff's office. The Juvenile Arrest and

1 Monitor Unit shall supervise up to 25 juveniles per deputy
2 assigned to the unit. The Juvenile Arrest and Monitor Unit
3 will accept juvenile offenders who have been determined by the
4 Department of Juvenile Justice to be on probation ~~community~~
5 ~~control~~, post-commitment probation ~~community~~ ~~control~~, and
6 conditional release ~~aftercare~~. The Orange County Sheriff's
7 Office shall use all statutorily available means, ranging from
8 a verbal warning to arrest and incarceration, to effect
9 offenders' compliance with the terms of probation ~~community~~
10 ~~control~~.

11 (3) The Department of Juvenile Justice shall maintain
12 all files and paperwork relating to all juveniles on probation
13 ~~community control~~, post-commitment probation ~~community~~
14 ~~control~~, and conditional release ~~aftercare~~ who are supervised
15 under this pilot program as required by the Florida Statutes.

16 Section 25. This act shall take effect October 1,
17 2001, except that this section and section 22 of this act
18 shall take effect upon becoming a law.

19
20 *****

21 SENATE SUMMARY

22 Revises various provisions governing the Department of
23 Juvenile Justice. Authorizes the Secretary of Juvenile
24 Justice to issue subpoenas. Revises screening
25 requirements for employees and contractors of the
26 Department of Juvenile Justice. Provides for the position
27 of inspector specialist within the Department of Juvenile
28 Justice. Provides for DNA analysis of persons who have
29 committed certain offenses and who are transferred to the
30 state under the Interstate Compact on Juveniles. Requires
31 the clerks of the circuit court to collect and maintain
certain fees. Requires that certain payments made under a
provider service contract be deposited into the
Administrative Trust Fund. (See bill for details.)