

By the Committee on Criminal Justice and Senator Smith

307-1693A-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; deleting a  
6           requirement that information systems of the  
7           Department of Juvenile Justice support the  
8           Juvenile Justice Advisory Board; amending s.  
9           228.041, F.S.; authorizing additional teacher  
10          planning days for nonresidential programs of  
11          the Department of Juvenile Justice; amending s.  
12          230.23161, F.S.; providing legislative goals  
13          with respect to educational services within  
14          department programs; amending s. 435.04, F.S.;  
15          revising requirements for level-2 screening  
16          standards for persons in positions of trust or  
17          responsibility; providing requirements for  
18          background investigations for employees of the  
19          Department of Juvenile Justice; creating s.  
20          943.0582, F.S.; providing for prearrest,  
21          postarrest, or teen court diversion program  
22          expunction in certain circumstances; amending  
23          s. 985.3065, F.S.; providing for postarrest  
24          diversion programs; providing for expunction of  
25          records; amending s. 943.325, F.S.; requiring  
26          DNA analysis of persons who have committed  
27          certain offenses and who are transferred to the  
28          state under the Interstate Compact on  
29          Juveniles; amending ss. 984.01, 985.01, F.S.,  
30          relating to personnel standards and screening;  
31          requiring the Department of Juvenile Justice

1 and the Department of Children and Family  
2 Services to ensure that certain contractors are  
3 of good moral character; prohibiting the  
4 Department of Juvenile Justice from exempting  
5 certain persons from a disqualification from  
6 employment; amending s. 985.03, F.S.; revising  
7 definitions; defining the term "respite" for  
8 purposes of ch. 985, F.S.; amending ss.  
9 985.207, 985.213, F.S.; clarifying  
10 circumstances under which a juvenile is taken  
11 into custody and assessed for placement;  
12 requiring the parent or guardian to provide  
13 certain information; amending s. 985.21, F.S.;  
14 requiring the parent or guardian of a juvenile  
15 to provide certain information to the juvenile  
16 probation officer; amending s. 985.215, F.S.;  
17 providing for the clerk of the court to collect  
18 and maintain certain fees; authorizing placing  
19 a juvenile into secure detention under certain  
20 circumstances for a specified period; requiring  
21 the parent or guardian to provide certain  
22 information; amending s. 985.227, F.S.;  
23 revising requirements for state attorneys with  
24 respect to reporting direct-file guidelines;  
25 amending ss. 985.231, 985.233, F.S.; revising  
26 certain requirements for testing a juvenile for  
27 the use of alcohol or controlled substances;  
28 providing for the clerk of the court to collect  
29 and maintain certain fees; requiring the parent  
30 or guardian to provide certain information;  
31 amending s. 985.305, F.S.; revising services

1 provided under the early delinquency  
2 intervention program; amending s. 985.31, F.S.,  
3 relating to serious or habitual juvenile  
4 offenders; conforming provisions to changes  
5 made by the act; amending s. 985.3155, F.S.;  
6 revising requirements for the multiagency plan  
7 for vocational education; amending s. 985.316,  
8 F.S.; revising conditions under which a  
9 juvenile may be released on conditional  
10 release; amending s. 985.404, F.S.; clarifying  
11 conditions under which a juvenile may be  
12 transferred; creating s. 985.4043, F.S.;  
13 providing certain payments made under a  
14 provider service contract to be deposited into  
15 the Administrative Trust Fund; amending s.  
16 985.417, F.S.; revising conditions for  
17 transferring a juvenile from the Department of  
18 Corrections to the supervision of the  
19 Department of Juvenile Justice; amending s. 14  
20 of ch. 2000-134, Laws of Florida; revising  
21 requirements for monitoring and supervising  
22 juvenile offenders under a pilot program;  
23 creating s. 985.42, F.S.; authorizing the  
24 secretary to designate certain employees as law  
25 enforcement officers; creating s. 985.422,  
26 F.S.; authorizing the department to take  
27 necessary action to collect or settle unpaid  
28 fees or judgments; providing effective dates.

29  
30 Be It Enacted by the Legislature of the State of Florida:  
31

1           Section 1. Paragraph (b) of subsection (1) and  
2 paragraph (d) of subsection (4) of section 20.316, Florida  
3 Statutes, are amended, to read:

4           20.316 Department of Juvenile Justice.--There is  
5 created a Department of Juvenile Justice.

6           (1) SECRETARY OF JUVENILE JUSTICE.--

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

17           (4) INFORMATION SYSTEMS.--

18           (d) The management information system shall, at a  
19 minimum:

20           1. Facilitate case management of juveniles referred to  
21 or placed in the department's custody.

22           2. Provide timely access to current data and computing  
23 capacity to support outcome-evaluation ~~the outcome-evaluation~~  
24 activities ~~of the Juvenile Justice Advisory Board as provided~~  
25 ~~in s. 985.401~~, legislative oversight, the Juvenile Justice  
26 Estimating Conference, and other research.

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

29           4. Provide automated support to the contract  
30 management process.

31

1           5. Provide automated support to the facility  
2 operations management process.

3           6. Provide automated administrative support to  
4 increase efficiency, provide the capability of tracking  
5 expenditures of funds by the department or contracted service  
6 providers that are eligible for federal reimbursement, and  
7 reduce forms and paperwork.

8           7. Facilitate connectivity, access, and utilization of  
9 information among various state agencies, and other state,  
10 federal, local, and private agencies, organizations, and  
11 institutions.

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

15           9. Provide a system for the training of information  
16 system users and user groups.

17           Section 2. Subsection (43) of section 228.041, Florida  
18 Statutes, is amended to read:

19           228.041 Definitions.--Specific definitions shall be as  
20 follows, and wherever such defined words or terms are used in  
21 the Florida School Code, they shall be used as follows:

22           (43) SCHOOL YEAR FOR JUVENILE JUSTICE PROGRAMS.--For  
23 schools operating for the purpose of providing educational  
24 services to youth in Department of Juvenile Justice programs,  
25 the school year shall be comprised of 250 days of instruction  
26 distributed over 12 months. A district school board may  
27 decrease the minimum number of days of instruction by up to 10  
28 days for teacher planning for residential programs and up to  
29 20 days for teacher planning for nonresidential programs,  
30 subject to the approval of the Department of Juvenile Justice  
31 and the Department of Education.

1           Section 3. Subsection (1) of section 230.23161, is  
2 amended to read:

3           230.23161 Educational services in Department of  
4 Juvenile Justice programs.--

5           (1) The Legislature finds that education is the single  
6 most important factor in the rehabilitation of adjudicated  
7 delinquent youth in the custody of the Department of Juvenile  
8 Justice in detention or commitment facilities. It is the goal  
9 ~~intent~~ of the Legislature that youth in the juvenile justice  
10 system be provided with equal opportunity and access to  
11 quality and effective education that will meet the individual  
12 needs of each child. The Department of Education shall serve  
13 as the lead agency for juvenile justice education programs to  
14 ensure that curriculum, support services, and resources are  
15 provided to maximize the public's investment in the custody  
16 and care of these youth. To this end, the Department of  
17 Education and the Department of Juvenile Justice shall each  
18 designate a Coordinator for Juvenile Justice Education  
19 Programs to serve as the point of contact for resolving issues  
20 not addressed by local district school boards and to ensure  
21 each department's participation in the following activities:

22           (a) Training, collaborating, and coordinating with the  
23 Department of Juvenile Justice, local school districts,  
24 educational contract providers, and juvenile justice  
25 providers, whether state operated or contracted.

26           (b) Collecting information on the academic performance  
27 of students in juvenile justice commitment and detention  
28 programs and reporting on the results.

29           (c) Developing academic and vocational protocols that  
30 provide guidance to school districts and providers in all  
31

1 aspects of education programming, including records transfer  
2 and transition.

3 (d) Prescribing the roles of program personnel and  
4 interdepartmental local school district or provider  
5 collaboration strategies.

6  
7 Annually, a cooperative agreement and plan for juvenile  
8 justice education service enhancement shall be developed  
9 between the Department of Juvenile Justice and the Department  
10 of Education and submitted to the Secretary of Juvenile  
11 Justice and the Commissioner of Education by June 30.

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

17 435.04 Level 2 screening standards.--

18 (1) All employees in positions designated by law as  
19 positions of trust or responsibility shall be required to  
20 undergo security background investigations as a condition of  
21 employment and continued employment. For the purposes of this  
22 subsection, security background investigations shall include,  
23 but not be limited to, ~~employment history checks,~~  
24 fingerprinting for all purposes and checks in this subsection,  
25 statewide criminal and juvenile records checks through the  
26 Florida Department of Law Enforcement, and federal criminal  
27 records checks through the Federal Bureau of Investigation,  
28 and may include local criminal records checks through local  
29 law enforcement agencies.

30 (3) The security background investigations conducted  
31 under this section for employees of the Department of Juvenile

1 Justice must ensure that no persons subject to the provisions  
2 of this section have been found guilty of, regardless of  
3 adjudication, or entered a plea of nolo contendere or guilty  
4 to, any offense prohibited under any of the following  
5 provisions of the Florida Statutes or under any similar  
6 statute of another jurisdiction:

7 (a) Section 784.07, relating to assault or battery of  
8 law enforcement officers, firefighters, emergency medical care  
9 providers, public transit employees or agents, or other  
10 specified officers.

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

13 (c) Section 944.40, relating to escape.

14  
15 The Department of Juvenile Justice may not remove a  
16 disqualification from employment or grant an exemption to any  
17 person who is disqualified under this section for any offense  
18 disposed during the most recent 10-year period.

19 Section 5. Section 943.0582, Florida Statutes, is  
20 created to read:

21 943.0582 Prearrest, postarrest, or teen court  
22 diversion program expunction.--

23 (1) Notwithstanding any law dealing generally with the  
24 preservation and destruction of public records, the department  
25 may provide, by rule adopted pursuant to chapter 120, for the  
26 expunction of any nonjudicial record of the arrest of a minor  
27 who has successfully completed a prearrest or postarrest  
28 diversion program for minors as authorized by s. 985.3065.

29 (2)(a) As used in this section, the term "expunction"  
30 has the same meaning ascribed in s. 943.0585, except that:

31



1           1. The provisions of s. 943.0585(4)(a) do not apply,  
2 except that the criminal history record of a person whose  
3 record is expunged pursuant to this section shall be made  
4 available only to criminal justice agencies for the purpose of  
5 determining eligibility for prearrest, postarrest or teen  
6 court diversion programs; when the record is sought as part of  
7 a criminal investigation; or when the subject of the record is  
8 a candidate for employment with a criminal justice agency.  
9 For all other purposes, a person whose record is expunged  
10 under this section may lawfully deny or fail to acknowledge  
11 the arrest and the charge covered by the expunged record.

12           2. Records maintained by local criminal justice  
13 agencies in the county in which the arrest occurred which are  
14 eligible for expunction pursuant to this section shall be  
15 sealed as the term is used in s. 943.059.

16           (b) As used in this section, the term "nonviolent  
17 misdemeanor" includes simple assault or battery when prearrest  
18 or postarrest diversion expunction is approved in writing by  
19 the state attorney for the county in which the arrest  
20 occurred.

21           (3) The department shall expunge the nonjudicial  
22 arrest record of a minor who has successfully completed a  
23 prearrest or postarrest diversion program if that minor:

24           (a) Submits an application for prearrest or postarrest  
25 diversion expunction, on a form prescribed by the department,  
26 signed by the minor's parent or legal guardian, or by the  
27 minor if he or she has reached the age of majority at the time  
28 of applying;

29           (b) Submits the application for prearrest or  
30 postarrest diversion expunction no later than 6 months after  
31 completion of the diversion program;

1           (c) Submits to the department, with the application,  
2 an official written statement from the state attorney for the  
3 county in which the arrest occurred certifying that he or she  
4 has successfully completed that county's prearrest or  
5 postarrest diversion program and that participation in the  
6 program is strictly limited to minors arrested for a  
7 nonviolent misdemeanor who have not otherwise been charged  
8 with or found to have committed any criminal offense or  
9 comparable ordinance violation;

10           (d) Participated in a prearrest or postarrest  
11 diversion program that expressly authorizes or permits such  
12 expunction to occur;

13           (e) Participated in a prearrest or postarrest  
14 diversion program based on an arrest for a nonviolent  
15 misdemeanor that would not qualify as an act of domestic  
16 violence as that term is defined in s. 741.28; and

17           (f) Has never, prior to filing the application for  
18 expunction, been charged with or found to have committed any  
19 criminal offense or comparable ordinance violation.

20           (4) The department is authorized to charge a \$75  
21 processing fee for each request received for prearrest or  
22 postarrest diversion program expunction, for placement in the  
23 Department of Law Enforcement Operating Trust Fund, unless  
24 such fee is waived by the executive director.

25           (5) This section operates retroactively to permit the  
26 expunction of any nonjudicial record of the arrest of a minor  
27 who has successfully completed a prearrest or postarrest  
28 diversion program on or after July 1, 2000; however, in the  
29 case of a minor whose completion of the program occurred  
30 before the effective date of this section, the application for  
31

1 prearrest or postarrest diversion expunction must be submitted  
2 within 6 months after the effective date of this section.

3 (6) Expunction or sealing granted under this section  
4 does not prevent the minor who receives such relief from  
5 petitioning for the expunction or sealing of a later criminal  
6 history record as provided for in ss. 943.0585 and 943.059, if  
7 the minor is otherwise eligible under those sections.

8 Section 6. Section 985.3065, Florida Statutes, is  
9 amended to read:

10 985.3065 Prearrest or postarrest diversion programs.--

11 (1) A law enforcement agency or school district, in  
12 cooperation with the state attorney, may establish a prearrest  
13 or postarrest diversion program.

14 (2) As part of the prearrest or postarrest diversion  
15 program, a child who is alleged to have committed a delinquent  
16 act may be required to surrender his or her driver's license,  
17 or refrain from applying for a driver's license, for not more  
18 than 90 days. If the child fails to comply with the  
19 requirements of the program, the state attorney may notify the  
20 Department of Highway Safety and Motor Vehicles in writing to  
21 suspend the child's driver's license for a period that may not  
22 exceed 90 days.

23 (3) The prearrest or postarrest diversion program may,  
24 upon agreement of the agencies that establish the program,  
25 provide for the expunction of the nonjudicial arrest record of  
26 a minor who successfully completes such a program pursuant to  
27 s. 943.0582.

28 Section 7. Paragraph (a) of subsection (1) of section  
29 943.325, Florida Statutes, is amended to read:

30 943.325 Blood specimen testing for DNA analysis.--

31

1           (1)(a) Any person who is convicted or was previously  
2 convicted in this state for any offense or attempted offense  
3 defined in chapter 794, chapter 800, s. 782.04, s. 784.045, s.  
4 810.02, s. 812.133, or s. 812.135, and any person who is  
5 transferred to this state under Article VII of the Interstate  
6 Compact on Juveniles, part V of chapter 985, who has committed  
7 or attempted to commit an offense similarly defined by the  
8 transferring state, who is either:

- 9           1. Still incarcerated, or
- 10           2. No longer incarcerated but is within the confines  
11 of the legal state boundaries and is on probation, community  
12 control, parole, conditional release, control release, or any  
13 other court-ordered supervision,

14  
15 shall be required to submit two specimens of blood to a  
16 Department of Law Enforcement designated testing facility as  
17 directed by the department.

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

20           984.01 Purposes and intent; personnel standards and  
21 screening.--

22           (2) The Department of Juvenile Justice or the  
23 Department of Children and Family Services, as appropriate,  
24 may contract with the Federal Government, other state  
25 departments and agencies, county and municipal governments and  
26 agencies, public and private agencies, and private individuals  
27 and corporations in carrying out the purposes of, and the  
28 responsibilities established in, this chapter.

29           (a) When the Department of Juvenile Justice or the  
30 Department of Children and Family Services contracts with a  
31 provider for any program for children, all personnel,

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

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

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

23 985.01 Purposes and intent; personnel standards and  
24 screening.--

25 (2) The Department of Juvenile Justice or the  
26 Department of Children and Family Services, as appropriate,  
27 may contract with the Federal Government, other state  
28 departments and agencies, county and municipal governments and  
29 agencies, public and private agencies, and private individuals  
30 and corporations in carrying out the purposes of, and the  
31 responsibilities established in, this chapter.

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

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

24           Section 10. Subsections (13), (26), and (30),  
25 paragraph (c) of subsection (45), and present subsection (55)  
26 of section 985.03, Florida Statutes, are amended, and present  
27 subsections (46) through (58) are redesignated as subsections  
28 (47) through (59), respectively, and a new subsection (46) is  
29 added to that section, to read:

30           985.03 Definitions.--When used in this chapter, the  
31 term:

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

11           (26) "Halfway house" means a community-based  
12 residential program for 10 or more committed delinquents at  
13 the moderate-risk commitment ~~restrictiveness~~ level which ~~that~~  
14 is operated or contracted by the Department of Juvenile  
15 Justice.

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

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

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

1 classified for this level of placement require close  
2 supervision in a structured residential setting. Placement in  
3 programs at this level is prompted by a concern for public  
4 safety that outweighs placement in programs at lower  
5 commitment 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.

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

15 (56)(55) "Temporary release" means the terms and  
16 conditions under which a child is temporarily released from a  
17 commitment facility or allowed home visits. If the temporary  
18 release is from a moderate-risk residential facility, a  
19 high-risk residential facility, or a maximum-risk residential  
20 facility, the terms and conditions of the temporary release  
21 must be approved by the child, the court, and the facility.  
22 The term includes periods during which the child is supervised  
23 pursuant to a conditional release program or a period during  
24 which the child is supervised by a juvenile probation officer  
25 or other nonresidential staff of the department or staff  
26 employed by an entity under contract with the department. A  
27 child placed in a postcommitment supervision program by order  
28 of the court is not considered to be on temporary release and  
29 is not subject to the terms and conditions of temporary  
30 release.

31



1           Section 11. Paragraph (d) of subsection (1) and  
2 subsection (2) of section 985.207, Florida Statutes, are  
3 amended to read:

4           985.207 Taking a child into custody.--

5           (1) A child may be taken into custody under the  
6 following circumstances:

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

12  
13 Nothing in this subsection shall be construed to allow the  
14 detention of a child who does not meet the detention criteria  
15 in s. 985.215.

16           (2) When a child is taken into custody as provided in  
17 this section, the person taking the child into custody shall  
18 attempt to notify the parent, guardian, or legal custodian of  
19 the child. The person taking the child into custody shall  
20 continue such attempt until the parent, guardian, or legal  
21 custodian of the child is notified or the child is delivered  
22 to a juvenile probation officer pursuant to s. 985.21,  
23 whichever occurs first. If the child is delivered to a  
24 juvenile probation officer before the parent, guardian, or  
25 legal custodian is notified, the juvenile probation officer  
26 shall continue the attempt to notify until the parent,  
27 guardian, or legal custodian of the child is notified.

28 Following notification, the parent or guardian must provide  
29 identifying information, including name, address, date of  
30 birth, social security number, and driver's license number or  
31 identification card number of the parent or guardian to the

1 person taking the child into custody or the juvenile probation  
2 officer.

3           Section 12. Subsection (5) of section 985.21, Florida  
4 Statutes, is amended to read:

5           985.21 Intake and case management.--

6           (5) Prior to requesting that a delinquency petition be  
7 filed or prior to filing a dependency petition, the juvenile  
8 probation officer may request the parent or legal guardian of  
9 the child to attend a course of instruction in parenting  
10 skills, training in conflict resolution, and the practice of  
11 nonviolence; to accept counseling; or to receive other  
12 assistance from any agency in the community which notifies the  
13 clerk of the court of the availability of its services. Where  
14 appropriate, the juvenile probation officer shall request both  
15 parents or guardians to receive such parental assistance. The  
16 juvenile probation officer may, in determining whether to  
17 request that a delinquency petition be filed, take into  
18 consideration the willingness of the parent or legal guardian  
19 to comply with such request. The parent or guardian must  
20 provide the juvenile probation officer with identifying  
21 information, including the parent or guardian's name, address,  
22 date of birth, social security number, and driver's license  
23 number or identification card number in order to comply with  
24 ss. 985.215(6), 985.231(1)(b), and 985.233(4)(d).

25           Section 13. Paragraph (b) of subsection (2) of section  
26 985.213, Florida Statutes, is amended to read:

27           985.213 Use of detention.--

28           (2)

29           (b)1. The risk assessment instrument for detention  
30 care placement determinations and orders shall be developed by  
31 the Department of Juvenile Justice in agreement with

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

25           2. If, at the detention hearing, the court finds a  
26 material error in the scoring of the risk assessment  
27 instrument, the court may amend the score to reflect factual  
28 accuracy.

29           3. A child who is charged with committing an offense  
30 of domestic violence as defined in s. 741.28(1) and who does  
31

1 not meet detention criteria may be held in secure detention if  
2 the court makes specific written findings that:

3 a. Respite care for the child is not available; and

4 b. It is necessary to place the child in secure  
5 detention in order to protect the victim from injury.

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

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

24 Section 14. Paragraph (a) of subsection (2) and  
25 subsection (6) of section 985.215, Florida Statutes, are  
26 amended, and paragraph (f) is added to subsection (10) of that  
27 section, to read:

28 985.215 Detention.--

29 (2) Subject to the provisions of subsection (1), a  
30 child taken into custody and placed into nonsecure or home  
31

1 detention care or detained in secure detention care prior to a  
2 detention hearing may continue to be detained by the court if:

3 (a) The child is alleged to be an escapee or an  
4 absconder from a commitment program, a probation program,  
5 ~~furlough~~, or conditional release supervision, or is alleged to  
6 have escaped while being lawfully transported to or from such  
7 program or supervision.

8  
9 A child who meets any of these criteria and who is ordered to  
10 be detained pursuant to this subsection shall be given a  
11 hearing within 24 hours after being taken into custody. The  
12 purpose of the detention hearing is to determine the existence  
13 of probable cause that the child has committed the delinquent  
14 act or violation of law with which he or she is charged and  
15 the need for continued detention. Unless a child is detained  
16 under paragraph (d) or paragraph (e), the court shall utilize  
17 the results of the risk assessment performed by the juvenile  
18 probation officer and, based on the criteria in this  
19 subsection, shall determine the need for continued detention.  
20 A child placed into secure, nonsecure, or home detention care  
21 may continue to be so detained by the court pursuant to this  
22 subsection. If the court orders a placement more restrictive  
23 than indicated by the results of the risk assessment  
24 instrument, the court shall state, in writing, clear and  
25 convincing reasons for such placement. Except as provided in  
26 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
27 paragraph (10)(c), or paragraph (10)(d), when a child is  
28 placed into secure or nonsecure detention care, or into a  
29 respite home or other placement pursuant to a court order  
30 following a hearing, the court order must include specific  
31 instructions that direct the release of the child from such

1 placement no later than 5 p.m. on the last day of the  
2 detention period specified in paragraph (5)(b) or paragraph  
3 (5)(c), or subparagraph (10)(a)1., whichever is applicable,  
4 unless the requirements of such applicable provision have been  
5 met or an order of continuance has been granted pursuant to  
6 paragraph (5)(d).

7 (6) When any child is placed into secure, nonsecure,  
8 or home detention care or into other placement pursuant to a  
9 court order following a detention hearing, the court shall  
10 order the ~~natural or adoptive~~ parents of such child, ~~including~~  
11 ~~the natural father of such child born out of wedlock who has~~  
12 ~~acknowledged his paternity in writing before the court,~~ or the  
13 guardian of such child's estate, ~~if possessed of assets which~~  
14 ~~under law may be disbursed for the care, support, and~~  
15 ~~maintenance of the child,~~ to pay to the Department of Juvenile  
16 Justice fees for the cost of care in an amount of ~~\$20~~ per day  
17 ~~related to the cost of the care, support, and maintenance of~~  
18 ~~the child,~~ as established by the Department of Juvenile  
19 Justice not to exceed the department's cost per day for  
20 detention services, unless the court makes a finding on the  
21 record that the parent or guardian of the child is indigent.  
22 The parent or guardian shall provide to the department the  
23 parent or guardian's name, address, social security number,  
24 date of birth, and driver's license number or identification  
25 card number and sufficient financial information for the  
26 department to be able to determine the parent or guardian's  
27 ability to pay. At the time of the detention hearing, the  
28 department shall report to the court, verbally or in writing,  
29 any available information concerning the ability of the parent  
30 or guardian of the child to pay such fee. If the parent or  
31 guardian refuses to provide the department with any

1 identifying information or financial information, the court  
2 shall order the parents to comply and may pursue contempt of  
3 court sanctions for failure to comply.As to each parent or  
4 guardian for whom the court makes a finding of indigency, the  
5 court may reduce the fees or waive the fees upon a showing by  
6 the parent or guardian of an inability to pay the fees  
7 specified herein. If the court makes a finding of indigency or  
8 inability to pay the full cost of care, support, and  
9 maintenance of the child, the court shall order the parent or  
10 guardian to pay to the department a nominal subsistence fee on  
11 behalf of the child in the amount of at least \$2 per day that  
12 the child is detained outside the home or at least \$1 per day  
13 if the child is otherwise detained, unless the court makes a  
14 finding on the record that the parent or guardian would suffer  
15 a significant hardship if obligated for such amount. In  
16 addition, the court may reduce the fees or waive the fees as  
17 to each parent or guardian if the court makes a finding on the  
18 record that the parent or guardian was the victim of the  
19 delinquent act or violation of law for which the child is  
20 detained and that the parent or guardian is cooperating in the  
21 investigation of the offense. As to each parent or guardian,  
22 the court may reduce the fees or waive the fees if the court  
23 makes a finding on the record that the parent or guardian has  
24 made a diligent and good faith effort to prevent the child  
25 from engaging in the delinquent act or violation of law. The  
26 court must include specific findings in the detention order as  
27 to what fees are ordered, reduced, or waived. If the court  
28 fails to enter an order as required by this subsection, it  
29 shall be presumed that the court intended the parent or  
30 guardian to pay to the department a the fee as determined by  
31 the department but not to exceed the of \$20 per day cost of

1 detention services for each day that the child remains in  
2 detention care. With respect to a child who has been found to  
3 have committed a delinquent act or violation of law, whether  
4 or not adjudication is withheld, and whose parent or guardian  
5 receives public assistance for any portion of that child's  
6 care, the department must seek a federal waiver to garnish or  
7 otherwise order the payments of the portion of the public  
8 assistance relating to that child to offset the costs of  
9 providing care, custody, maintenance, rehabilitation,  
10 intervention, or corrective services to the child. When the  
11 order affects the guardianship estate, a certified copy of the  
12 order shall be delivered to the judge having jurisdiction of  
13 the guardianship estate. The clerk of the circuit court shall  
14 act as a depository for these fees. Upon each payment  
15 received, the clerk of the circuit court shall receive a fee  
16 of \$2 from the total payment as a service charge for  
17 administering, managing, and maintaining each payment. At the  
18 end of each month, the clerk of the circuit court shall send  
19 all money collected to the state Grants and Donations Trust  
20 Fund.The department may employ a collection agency for the  
21 purpose of receiving, collecting, and managing the payment of  
22 unpaid and delinquent fees. The collection agency must be  
23 registered and in good standing under chapter 559. The  
24 department may pay to the collection agency a fee from the  
25 amount collected under the claim or may authorize the agency  
26 to deduct the fee from the amount collected. The department  
27 may also pay for collection services from available authorized  
28 funds. The Department of Juvenile Justice shall provide to  
29 the payor documentation of any amounts paid by the payor to  
30 the Department of Juvenile Justice on behalf of the child. All  
31 payments received by the department pursuant to this



1 subsection shall be deposited in the state Grants and  
2 Donations Trust Fund. Neither the court nor the department  
3 may extend the child's length of stay in detention care solely  
4 for the purpose of collecting fees.

5 (10)

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

12 Section 15. Subsection (4) of section 985.227, Florida  
13 Statutes, is amended to read:

14 985.227 Prosecution of juveniles as adults by the  
15 direct filing of an information in the criminal division of  
16 the circuit court; discretionary criteria; mandatory  
17 criteria.--

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

25 Section 16. Paragraphs (a) and (b) of subsection (1)  
26 and subsection (2) of section 985.231, Florida Statutes, are  
27 amended to read:

28 985.231 Powers of disposition in delinquency cases.--

29 (1)(a) The court that has jurisdiction of an  
30 adjudicated delinquent child may, by an order stating the  
31

1 facts upon which a determination of a sanction and  
2 rehabilitative program was made at the disposition hearing:  
3       1. Place the child in a probation program or a  
4 postcommitment probation program under the supervision of an  
5 authorized agent of the Department of Juvenile Justice or of  
6 any other person or agency specifically authorized and  
7 appointed by the court, whether in the child's own home, in  
8 the home of a relative of the child, or in some other suitable  
9 place under such reasonable conditions as the court may  
10 direct. A probation program for an adjudicated delinquent  
11 child must include a penalty component such as restitution in  
12 money or in kind, community service, a curfew, revocation or  
13 suspension of the driver's license of the child, or other  
14 nonresidential punishment appropriate to the offense and must  
15 also include a rehabilitative program component such as a  
16 requirement of participation in substance abuse treatment or  
17 in school or other educational program. Upon the  
18 recommendation of the department at the time of disposition,  
19 or subsequent to disposition pursuant to the filing of a  
20 petition alleging a violation of the child's conditions of  
21 postcommitment probation ~~or conditional release supervision~~,  
22 the court may order the child to submit to random testing for  
23 the purpose of detecting and monitoring the use of alcohol or  
24 controlled substances.  
25       a. A restrictiveness level classification scale for  
26 levels of supervision shall be provided by the department,  
27 taking into account the child's needs and risks relative to  
28 probation supervision requirements to reasonably ensure the  
29 public safety. Probation programs for children shall be  
30 supervised by the department or by any other person or agency  
31 specifically authorized by the court. These programs must

1 include, but are not limited to, structured or restricted  
2 activities as described in this subparagraph, and shall be  
3 designed to encourage the child toward acceptable and  
4 functional social behavior. If supervision or a program of  
5 community service is ordered by the court, the duration of  
6 such supervision or program must be consistent with any  
7 treatment and rehabilitation needs identified for the child  
8 and may not exceed the term for which sentence could be  
9 imposed if the child were committed for the offense, except  
10 that the duration of such supervision or program for an  
11 offense that is a misdemeanor of the second degree, or is  
12 equivalent to a misdemeanor of the second degree, may be for a  
13 period not to exceed 6 months. When restitution is ordered by  
14 the court, the amount of restitution may not exceed an amount  
15 the child and the parent or guardian could reasonably be  
16 expected to pay or make. A child who participates in any work  
17 program under this part is considered an employee of the state  
18 for purposes of liability, unless otherwise provided by law.

19         b. The court may conduct judicial review hearings for  
20 a child placed on probation for the purpose of fostering  
21 accountability to the judge and compliance with other  
22 requirements, such as restitution and community service. The  
23 court may allow early termination of probation for a child who  
24 has substantially complied with the terms and conditions of  
25 probation.

26         c. If the conditions of the probation program or the  
27 postcommitment probation program are violated, the department  
28 or the state attorney may bring the child before the court on  
29 a petition alleging a violation of the program. Any child who  
30 violates the conditions of probation or postcommitment  
31 probation must be brought before the court if sanctions are

1 sought. A child taken into custody under s. 985.207 for  
2 violating the conditions of probation or postcommitment  
3 probation shall be held in a consequence unit if such a unit  
4 is available. The child shall be afforded a hearing within 24  
5 hours after being taken into custody to determine the  
6 existence of probable cause that the child violated the  
7 conditions of probation or postcommitment probation. A  
8 consequence unit is a secure facility specifically designated  
9 by the department for children who are taken into custody  
10 under s. 985.207 for violating probation or postcommitment  
11 probation, or who have been found by the court to have  
12 violated the conditions of probation or postcommitment  
13 probation. If the violation involves a new charge of  
14 delinquency, the child may be detained under s. 985.215 in a  
15 facility other than a consequence unit. If the child is not  
16 eligible for detention for the new charge of delinquency, the  
17 child may be held in the consequence unit pending a hearing  
18 and is subject to the time limitations specified in s.  
19 985.215. If the child denies violating the conditions of  
20 probation or postcommitment probation, the court shall appoint  
21 counsel to represent the child at the child's request. Upon  
22 the child's admission, or if the court finds after a hearing  
23 that the child has violated the conditions of probation or  
24 postcommitment probation, the court shall enter an order  
25 revoking, modifying, or continuing probation or postcommitment  
26 probation. In each such case, the court shall enter a new  
27 disposition order and, in addition to the sanctions set forth  
28 in this paragraph, may impose any sanction the court could  
29 have imposed at the original disposition hearing. If the child  
30 is found to have violated the conditions of probation or  
31 postcommitment probation, the court may:

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

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

8 (III) Modify or continue the child's probation program  
9 or postcommitment probation program.

10 (IV) Revoke probation or postcommitment probation and  
11 commit the child to the department.

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

17 2. Commit the child to a licensed child-caring agency  
18 willing to receive the child, but the court may not commit the  
19 child to a jail or to a facility used primarily as a detention  
20 center or facility or shelter.

21 3. Commit the child to the Department of Juvenile  
22 Justice at a restrictiveness level defined in s. 985.03. Such  
23 commitment must be for the purpose of exercising active  
24 control over the child, including, but not limited to,  
25 custody, care, training, urine monitoring, and treatment of  
26 the child and release of the child into the community in a  
27 postcommitment nonresidential conditional release program. If  
28 the child is not successful in the conditional release  
29 program, the department may use the transfer procedure under  
30 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and  
31 except as provided in s. 985.31, the term of the commitment

1 must be until the child is discharged by the department or  
2 until he or she reaches the age of 21.

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

5 5. Require the child and, if the court finds it  
6 appropriate, the child's parent or guardian together with the  
7 child, to render community service in a public service  
8 program.

9 6. As part of the probation program to be implemented  
10 by the Department of Juvenile Justice, or, in the case of a  
11 committed child, as part of the community-based sanctions  
12 ordered by the court at the disposition hearing or before the  
13 child's release from commitment, order the child to make  
14 restitution in money, through a promissory note cosigned by  
15 the child's parent or guardian, or in kind for any damage or  
16 loss caused by the child's offense in a reasonable amount or  
17 manner to be determined by the court. The clerk of the circuit  
18 court shall be the receiving and dispensing agent. In such  
19 case, the court shall order the child or the child's parent or  
20 guardian to pay to the office of the clerk of the circuit  
21 court an amount not to exceed the actual cost incurred by the  
22 clerk as a result of receiving and dispensing restitution  
23 payments. The clerk shall notify the court if restitution is  
24 not made, and the court shall take any further action that is  
25 necessary against the child or the child's parent or guardian.  
26 A finding by the court, after a hearing, that the parent or  
27 guardian has made diligent and good faith efforts to prevent  
28 the child from engaging in delinquent acts absolves the parent  
29 or guardian of liability for restitution under this  
30 subparagraph.

31

1           7. Order the child and, if the court finds it  
2 appropriate, the child's parent or guardian together with the  
3 child, to participate in a community work project, either as  
4 an alternative to monetary restitution or as part of the  
5 rehabilitative or probation program.

6           8. Commit the child to the Department of Juvenile  
7 Justice for placement in a program or facility for serious or  
8 habitual juvenile offenders in accordance with s. 985.31. Any  
9 commitment of a child to a program or facility for serious or  
10 habitual juvenile offenders must be for an indeterminate  
11 period of time, but the time may not exceed the maximum term  
12 of imprisonment that an adult may serve for the same offense.  
13 The court may retain jurisdiction over such child until the  
14 child reaches the age of 21, specifically for the purpose of  
15 the child completing the program.

16           9. In addition to the sanctions imposed on the child,  
17 order the parent or guardian of the child to perform community  
18 service if the court finds that the parent or guardian did not  
19 make a diligent and good faith effort to prevent the child  
20 from engaging in delinquent acts. The court may also order the  
21 parent or guardian to make restitution in money or in kind for  
22 any damage or loss caused by the child's offense. The court  
23 shall determine a reasonable amount or manner of restitution,  
24 and payment shall be made to the clerk of the circuit court as  
25 provided in subparagraph 6.

26           10. Subject to specific appropriation, commit the  
27 juvenile sexual offender to the Department of Juvenile Justice  
28 for placement in a program or facility for juvenile sexual  
29 offenders in accordance with s. 985.308. Any commitment of a  
30 juvenile sexual offender to a program or facility for juvenile  
31 sexual offenders must be for an indeterminate period of time,

1 but the time may not exceed the maximum term of imprisonment  
2 that an adult may serve for the same offense. The court may  
3 retain jurisdiction over a juvenile sexual offender until the  
4 juvenile sexual offender reaches the age of 21, specifically  
5 for the purpose of completing the program.

6 (b) When any child is adjudicated by the court to have  
7 committed a delinquent act and temporary legal custody of the  
8 child has been placed with a licensed child-caring agency or  
9 the Department of Juvenile Justice, the court shall order the  
10 ~~natural or adoptive~~ parents of such child, ~~including the~~  
11 ~~natural father of such child born out of wedlock who has~~  
12 ~~acknowledged his paternity in writing before the court, or the~~  
13 ~~guardian of such child's estate, if possessed of assets that~~  
14 ~~under law may be disbursed for the care, support, and~~  
15 ~~maintenance of the child,~~ to pay fees to the department in the  
16 amount not to exceed the ~~actual~~ cost of the care, support, and  
17 maintenance of the child in the recommended residential  
18 commitment level, unless the court makes a finding on the  
19 record that the parent or guardian of the child is indigent.  
20 The parent or guardian shall provide to the department the  
21 parent's or guardian's name, address, social security number,  
22 date of birth, driver's license number or identification card  
23 number, and sufficient financial information for the  
24 department to be able to determine the parent's or guardian's  
25 ability to pay. If the parent or guardian refuses to provide  
26 the identifying information or financial information, the  
27 court shall order the parent to provide the information at the  
28 disposition hearing. The court may pursue contempt of court  
29 proceedings against the parent or guardian for refusal to  
30 comply. No later than the disposition hearing, the department  
31 shall provide the court with information concerning the ~~actual~~



1 cost of care, support, and maintenance as determined by the  
2 department not to exceed the department's per day cost of  
3 services of the child in the recommended residential  
4 commitment level and concerning the ability of the parent or  
5 guardian of the child to pay any fees. As to each parent or  
6 guardian for whom the court makes a finding of indigency, the  
7 court may reduce the fees or waive the fees upon a showing by  
8 the parent or guardian of an inability to pay the full cost of  
9 the care, support, and maintenance of the child. If the court  
10 makes a finding of indigency or inability to pay the full cost  
11 of care, support, and maintenance of the child, the court  
12 shall order the parent or guardian to pay to the department a  
13 nominal subsistence fee on behalf of the child in the amount  
14 of at least \$2 per day that the child is placed outside the  
15 home or at least \$1 per day if the child is otherwise placed,  
16 unless the court makes a finding on the record that the parent  
17 or guardian would suffer a significant hardship if obligated  
18 for such amount. In addition, the court may reduce the fees or  
19 waive the fees as to each parent or guardian if the court  
20 makes a finding on the record that the parent or guardian was  
21 the victim of the delinquent act or violation of law for which  
22 the child is subject to placement under this section and that  
23 the parent or guardian has cooperated in the investigation and  
24 prosecution of the offense. As to each parent or guardian, the  
25 court may reduce the fees or waive the fees if the court makes  
26 a finding on the record that the parent or guardian has made a  
27 diligent and good faith effort to prevent the child from  
28 engaging in the delinquent act or violation of law. All orders  
29 committing a child to a residential commitment program shall  
30 include specific findings as to what fees are ordered,  
31 reduced, or waived. If the court fails to enter an order as

1 required by this paragraph, it shall be presumed that the  
2 court intended the parent or guardian to pay fees to the  
3 department in an amount not to exceed the actual cost of the  
4 care, support, and maintenance of the child. With regard to a  
5 child who reaches the age of 18 prior to the disposition  
6 hearing, the court may elect to direct an order required by  
7 this paragraph to such child, rather than the parent or  
8 guardian. With regard to a child who reaches the age of 18  
9 while in the custody of the department, the court may, upon  
10 proper motion of any interested party, hold a hearing as to  
11 whether any party should be further obligated respecting the  
12 payment of fees. The clerk of the circuit court shall act as a  
13 depository for these fees. Upon each payment received, the  
14 clerk of the circuit court shall receive a fee of \$2 from the  
15 total payment as a service charge for administering, managing,  
16 and maintaining each payment. At the end of each month, the  
17 clerk of the circuit court shall send all money collected to  
18 the state Grants and Donations Trust Fund.The department may  
19 employ a collection agency for the purpose of receiving,  
20 collecting, and managing the payment of unpaid and delinquent  
21 fees. The collection agency must be registered and in good  
22 standing under chapter 559. The department may pay to the  
23 collection agency a fee from the amount collected under the  
24 claim or may authorize the agency to deduct the fee from the  
25 amount collected. The department may also pay for collection  
26 services from available authorized funds. The Department of  
27 Juvenile Justice shall provide to the payor documentation of  
28 any amounts paid by the payor to the Department of Juvenile  
29 Justice on behalf of the child. All payments received by the  
30 department pursuant to this subsection shall be deposited in  
31 the state Grants and Donations Trust Fund. Neither the court

1 nor the department may extend the child's length of stay in  
2 placement care solely for the purpose of collecting fees.

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

14 Section 17. Paragraph (d) of subsection (4) of section  
15 985.233, Florida Statutes, is amended to read:

16 985.233 Sentencing powers; procedures; alternatives  
17 for juveniles prosecuted as adults.--

18 (4) SENTENCING ALTERNATIVES.--

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

1 The parent or guardian shall provide to the department the  
2 parent's or guardian's name, address, social security number,  
3 date of birth, driver's license number or identification card  
4 number, and sufficient financial information for the  
5 department to be able to determine the parent's or guardian's  
6 ability to pay. If the parent or guardian refuses to provide  
7 the identifying information or financial information to the  
8 department, the court shall order the parent or guardian to  
9 provide the information at the disposition hearing. The court  
10 may pursue contempt proceedings against the parent or guardian  
11 for failure to comply.Prior to commitment, the department  
12 shall provide the court with information concerning the ~~actual~~  
13 cost of care as determined by the department in the  
14 recommended residential commitment level and concerning the  
15 ability of the parent or guardian of the child to pay  
16 specified fees. As to each parent or guardian for whom the  
17 court makes a finding of indigency, the court may reduce the  
18 fees or waive the fees upon a showing by the parent or  
19 guardian of an inability to pay the full cost of the care,  
20 support, and maintenance of the child. If the court makes a  
21 finding of indigency or inability to pay the full cost of  
22 care, support, and maintenance of the child, the court shall  
23 order the parent or guardian to pay the department a nominal  
24 subsistence fee on behalf of the child in the amount of at  
25 least \$2 per day that the child is placed outside the home or  
26 at least \$1 per day if the child is otherwise placed, unless  
27 the court makes a finding on the record that the parent or  
28 guardian would suffer a significant hardship if obligated for  
29 such amount. In addition, the court may reduce the fees or  
30 waive the fees as to each parent or guardian if the court  
31 makes a finding on the record that the parent or guardian was

1 the victim of the delinquent act or violation of law for which  
2 the child is subject to commitment under this section and that  
3 the parent or guardian has cooperated in the investigation and  
4 prosecution of the offense. As to each parent or guardian,  
5 the court may reduce the fees or waive the fees if the court  
6 makes a finding on the record that the parent or guardian has  
7 made a diligent and good faith effort to prevent the child  
8 from engaging in the delinquent act or violation of law. When  
9 the order affects the guardianship estate, a certified copy of  
10 the order shall be delivered to the judge having jurisdiction  
11 of the guardianship estate. All orders committing a child to  
12 a residential commitment program shall include specific  
13 findings as to what fees are ordered, reduced, or waived. If  
14 the court fails to enter an order as required by this  
15 paragraph, it shall be presumed that the court intended the  
16 parent or guardian to pay fees to the department in an amount  
17 not to exceed the ~~actual~~ cost of the care, support, and  
18 maintenance of the child. With regard to a child who reaches  
19 the age of 18 prior to the disposition hearing, the court may  
20 elect to direct an order required by this paragraph to such  
21 child, rather than the parent or guardian. With regard to a  
22 child who reaches the age of 18 while in the custody of the  
23 department, the court may, upon proper motion of any party,  
24 hold a hearing as to whether any party should be further  
25 obligated respecting the payment of fees. The clerk of the  
26 circuit court shall act as a depository for these fees. Upon  
27 each payment received, the clerk of the circuit court shall  
28 receive a fee of \$2 from the total payment as a service charge  
29 for administering, managing, and maintaining each payment. At  
30 the end of each month, the clerk of the circuit court shall  
31 send all money collected to the state Grants and Donations

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

17 Section 18. Subsection (2) of section 985.305, Florida  
18 Statutes, is amended to read:

19 985.305 Early delinquency intervention program;  
20 criteria.--

21 (2) The early delinquency intervention program shall  
22 consist of intensive residential treatment in a secure  
23 facility for 7 days to 6 weeks, followed by 6 to 9 months of  
24 additional services ~~conditional release~~. An early delinquency  
25 intervention program facility shall be designed to accommodate  
26 the placement of a maximum of 10 children, except that the  
27 facility may accommodate up to 2 children in excess of that  
28 maximum if the additional children have previously been  
29 released from the residential portion of the program and are  
30 later found to need additional residential treatment.

31

1           Section 19. Paragraph (e) of subsection (3) and  
2 paragraph (a) of subsection (4) of section 985.31, Florida  
3 Statutes, are amended to read:

4           985.31 Serious or habitual juvenile offender.--

5           (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
6 TREATMENT.--

7           (e) After a child has been adjudicated delinquent  
8 pursuant to s. 985.228, the court shall determine whether the  
9 child meets the criteria for a serious or habitual juvenile  
10 offender pursuant to s. 985.03(48)~~s. 985.03(47)~~. If the court  
11 determines that the child does not meet such criteria, the  
12 provisions of s. 985.231(1) shall apply.

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

14           (a) Pursuant to the provisions of this section, the  
15 department shall implement the comprehensive assessment  
16 instrument for the treatment needs of serious or habitual  
17 juvenile offenders and for the assessment, which assessment  
18 shall include the criteria under s. 985.03(48)~~s. 985.03(47)~~  
19 and shall also include, but not be limited to, evaluation of  
20 the child's:

- 21           1. Amenability to treatment.
- 22           2. Proclivity toward violence.
- 23           3. Tendency toward gang involvement.
- 24           4. Substance abuse or addiction and the level thereof.
- 25           5. History of being a victim of child abuse or sexual  
26 abuse, or indication of sexual behavior dysfunction.
- 27           6. Number and type of previous adjudications, findings  
28 of guilt, and convictions.
- 29           7. Potential for rehabilitation.

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

1           985.3155 Multiagency plan for vocational education.--  
2           (4) The plan must also address strategies to  
3 facilitate involvement of business and industry in the design,  
4 delivery, and evaluation of vocational programming in juvenile  
5 justice commitment facilities and conditional-release  
6 ~~aftercare~~ programs, including apprenticeship and work  
7 experience programs, mentoring and job shadowing, and other  
8 strategies that lead to postrelease employment. Incentives for  
9 business involvement, such as tax breaks, bonding, and  
10 liability limits should be investigated, implemented where  
11 appropriate, or recommended to the Legislature for  
12 consideration.

13           Section 21. Subsections (4) and (5) of section  
14 985.316, Florida Statutes, are amended to read:

15           985.316 Conditional release.--

16           (4) ~~After a youth is released from a residential~~  
17 ~~commitment program, conditional release services may be~~  
18 ~~delivered through either minimum-risk nonresidential~~  
19 ~~commitment restrictiveness programs or postcommitment~~  
20 ~~probation.~~A juvenile under ~~minimum-risk~~ nonresidential  
21 ~~commitment~~ placement will continue to be on commitment status  
22 and subject to the transfer provision under s. 985.404. A  
23 ~~juvenile on postcommitment probation will be subject to the~~  
24 ~~provisions under s. 985.231(1)(a).~~

25           (5) Participation in the educational program by  
26 students of compulsory school attendance age pursuant to s.  
27 232.01 is mandatory for juvenile justice youth on conditional  
28 release ~~aftercare~~ or postcommitment probation ~~community~~  
29 ~~control~~ status. A student of noncompulsory school-attendance  
30 age who has not received a high school diploma or its  
31 equivalent must participate in the educational program. A



1 youth who has received a high school diploma or its equivalent  
2 and is not employed must participate in workforce development  
3 or other vocational or technical education or attend a  
4 community college or a university while in the program,  
5 subject to available funding.

6 Section 22. Subsection (4) of section 985.404, Florida  
7 Statutes, is amended to read:

8 985.404 Administering the juvenile justice  
9 continuum.--

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

25 Section 23. Section 985.4043, Florida Statutes, is  
26 created to read:

27 985.4043 Maintenance of state-owned facilities.--If  
28 the department adjusts payments to any provider that occupies  
29 a state-owned or leased juvenile justice facility for purposes  
30 of significant facility maintenance, repairs, or upgrades  
31 under the terms of the provider service contract, the payments

1 shall be deposited by the department into the Administrative  
2 Trust Fund for appropriation by the Legislature for such  
3 improvements to the facility.

4 Section 24. Subsection (1) of section 985.417, Florida  
5 Statutes, is amended to read:

6 985.417 Transfer of children from the Department of  
7 Corrections to the Department of Juvenile Justice.--

8 (1) When any child under the age of 18 years is  
9 sentenced by any court of competent jurisdiction to the  
10 Department of Corrections, the Secretary of Juvenile Justice  
11 may transfer such child to the department for the remainder of  
12 the sentence, or until his or her 21st birthday, whichever  
13 results in the shorter term. If, upon such person's attaining  
14 his or her 21st birthday, the sentence has not terminated, he  
15 or she shall be transferred to the Department of Corrections  
16 for placement in a youthful offender program, transferred ~~or,~~  
17 ~~with the commission's consent,~~ to the supervision of the  
18 department, ~~or be~~ given any other transfer that may lawfully  
19 be made.

20 Section 25. Subsections (2) and (3) of section 14 of  
21 chapter 2000-134, Laws of Florida, are amended to read:

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

25 (2) Under the pilot program created in subsection (1),  
26 the Orange County Sheriff's Office shall monitor selected  
27 juvenile offenders on probation ~~community control~~ in Orange  
28 County. The Department of Juvenile Justice shall recommend  
29 juvenile offenders on probation ~~community control~~,  
30 post-commitment probation ~~community control~~, and conditional  
31 release ~~aftercare~~ to be supervised under this program. The

1 Orange County Sheriff's Office has the sole right and  
2 authority to accept or reject any or all juvenile offenders  
3 who have been recommended by the Department of Juvenile  
4 Justice to the Juvenile Arrest and Monitor Unit. The sheriff's  
5 office shall determine the number of juvenile offenders it  
6 will supervise. The Department of Juvenile Justice shall  
7 monthly recommend juvenile offenders to the sheriff's office,  
8 to ensure that the program operates at maximum capacity as  
9 determined by the sheriff's office. The Juvenile Arrest and  
10 Monitor Unit shall supervise up to 25 juveniles per deputy  
11 assigned to the unit. The Juvenile Arrest and Monitor Unit  
12 will accept juvenile offenders who have been determined by the  
13 Department of Juvenile Justice to be on probation ~~community~~  
14 ~~control~~, post-commitment probation ~~community~~  
15 conditional release ~~aftercare~~. The Orange County Sheriff's  
16 Office shall use all statutorily available means, ranging from  
17 a verbal warning to arrest and incarceration, to effect  
18 offenders' compliance with the terms of probation ~~community~~  
19 ~~control~~.

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

25 Section 26. Section 985.42, Florida Statutes, is  
26 created to read:

27 985.42 Inspector general; inspectors.--The secretary  
28 is authorized to designate persons holding law enforcement  
29 certification within the Office of the Inspector General as  
30 law enforcement officers, as necessary, to enforce any  
31 criminal law, and conduct any criminal investigation that

1 relates to state-operated programs or facilities over which  
2 the Department has jurisdiction. Persons designated as law  
3 enforcement officers must be certified pursuant to s.  
4 943.1395.

5 Section 27. Section 985.422, Florida Statutes, is  
6 created to read:

7 985.422 Cost of care administration.--

8 (1) The department is authorized to take any action it  
9 deems necessary to collect or settle any unpaid fees or  
10 judgments under ss. 985.215, 985.231, and 985.233(4),  
11 including settling for less than the full amount owed or  
12 selling the right to collect to third parties.

13 (2) All payments received by the department pursuant  
14 to this section shall be deposited in the state Grants and  
15 Donations Trust Fund.

16 Section 28. This act shall take effect October 1,  
17 2001, except that this section and section 23 of this act  
18 shall take effect upon becoming a law.

- 1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3                                           Senate Bill 1914
- 4   -   Deletes the provision giving subpoena powers to the  
5       Secretary of DJJ.
- 6   -   Deletes a requirement for law enforcement certification  
7       for Inspector Specialists in the Inspector General's  
8       Office and instead, permits the Secretary to designate  
9       those individuals holding law enforcement certification  
10      in the Inspector General's Office as certified law  
11      enforcement officers to conduct criminal investigations  
12      relating to state-operated programs overseen by the  
13      department.
- 14 -   Authorizes the expungement of a nonjudicial arrest  
15      record of minors for a non-violent misdemeanor who have  
16      successfully completed a prearrest, postarrest, or teen  
17      court diversion program, as verified and approved in  
18      writing by the state attorney.
- 19 -   Requires a youth's parent or guardian to provide  
20      personal identification information when the youth is  
21      taken into custody, released or delivered from custody,  
22      and placed in detention care or in a residential  
23      commitment facility in order to determine ability to pay  
24      cost of care.
- 25 -   Provides that refusal to provide this personal  
26      identifying information could result in the parent or  
27      guardian being held in contempt of court.
- 28 -   Gives the department discretion in collecting and  
29      settling unpaid fees or judgments, including settling  
30      for less than the full amount owed or selling the right  
31      to collect to third parties.