

By the Committee on Criminal Justice; and Senator Smith

307-2187-02

1                                   A bill to be entitled  
2           An act relating to juvenile justice; amending  
3           s. 984.03, F.S.; revising definitions;  
4           repealing s. 984.03(3), (11), (16), (21), (38),  
5           (48), and (51), F.S., relating to definitions  
6           of the terms "addictions receiving facility,"  
7           "child who has been found to have committed a  
8           delinquent act," "delinquency program,"  
9           "diligent efforts of social service agency,"  
10          "next of kin," "serious or habitual juvenile  
11          offender program," and "staff-secure shelter";  
12          amending s. 984.09, F.S.; allowing for shelter  
13          stay for contempt of court by children in need  
14          of services; authorizing referral to the  
15          Department of Children and Family Services  
16          under certain circumstances; providing for  
17          assessment of a child for placement in  
18          specified programs or facilities; amending ss.  
19          984.05, 984.10, F.S.; conforming  
20          cross-references; amending s. 984.12, F.S.;  
21          revising provisions relating to case staffings  
22          and case plans; repealing s. 984.14(8), F.S.,  
23          relating to time limitation on placement in a  
24          staff-secure facility; amending s. 984.15,  
25          F.S.; adding the contracted provider of  
26          services to those who may request the  
27          Department of Juvenile Justice to file a  
28          petition for a child in need of services;  
29          correcting a cross reference; amending s.  
30          984.225, F.S.; providing for extended shelter  
31          placement and removing reference to

1 staff-secure shelters; amending s. 984.226,  
2 F.S.; removing reference to staff-secure  
3 shelters; amending s. 985.03, F.S.; revising  
4 definitions; repealing s. 985.03(34), (51), and  
5 (52), F.S., relating to definitions of  
6 "licensed health care professional," "shelter  
7 hearing," and "staff-secure shelter"; amending  
8 s. 985.201, F.S.; revising provisions relating  
9 to the period of jurisdiction in juvenile  
10 cases; clarifying circumstances under which  
11 jurisdiction may be retained; amending s.  
12 985.207, F.S.; revising circumstances under  
13 which a child may be taken into custody;  
14 revising provisions relating to detention, to  
15 conform; amending s. 985.2075, F.S.; conforming  
16 a reference; amending s. 985.213, F.S.; adding  
17 an act of terrorism to the list of  
18 considerations relating to the use of  
19 detention; providing exceptions relating to the  
20 use of detention; revising provisions relating  
21 to detention, to conform; amending s. 985.214,  
22 F.S., relating to prohibited uses of detention,  
23 to conform; amending s. 985.215, F.S.; allowing  
24 a child charged with an act of terrorism to be  
25 placed in secure detention; revising provisions  
26 relating to detention, to conform; clarifying  
27 circumstances under which a child may be placed  
28 in detention care; expanding the circumstances  
29 under which a child may continue to be held in  
30 detention; clarifying criteria relating to  
31 postcommitment detention; authorizing the court

1 to continue to hold a juvenile in detention if  
2 the court finds that the juvenile is a clear  
3 and present danger to himself or herself or to  
4 the community; requiring that the court specify  
5 by written order the need for and the benefits  
6 derived from continued detention; providing for  
7 future repeal; requiring that the Juvenile  
8 Justice Estimating Conference submit a report  
9 to the Legislature concerning the effect of the  
10 act on the juvenile justice system and on the  
11 number of juveniles held in detention; amending  
12 s. 985.216, F.S.; revising provisions relating  
13 to placement of a child in a secure facility;  
14 amending s. 985.229, F.S.; requiring the  
15 completion of a comprehensive evaluation within  
16 a time certain; requiring that the department  
17 report to the Legislature on the  
18 recommendations for services and the placement  
19 of children following such evaluation; amending  
20 s. 985.231, F.S.; clarifying the powers of the  
21 court relating to disposition in delinquency  
22 cases; creating s. 985.2311, F.S.; revising  
23 conditions of probation previously contained in  
24 ss. 985.228, 985.231, F.S., and providing  
25 additional conditions; revising circumstances  
26 under which a child may be taken into custody  
27 and detained in connection with a violation of  
28 probation; amending s. 985.228, F.S., to  
29 conform; creating s. 985.2312, F.S.; revising  
30 conditions of commitment previously contained  
31 in s. 985.231, F.S., and providing additional

1 conditions; limiting the circumstances under  
2 which the court may commit certain juvenile  
3 offenders for residential placement; creating  
4 s. 985.24, F.S.; revising provisions relating  
5 to the recoupment of cost of care presently  
6 contained in ss. 985.215, 985.231, F.S.;  
7 amending s. 985.308, F.S.; adding provisions  
8 concerning juvenile sex offender programs  
9 presently contained in s. 985.231, F.S.;  
10 amending ss. 985.31, 985.313, 985.3141,  
11 985.316, F.S., to conform references; amending  
12 s. 985.404, F.S., relating to detention and  
13 nonresidential commitment programs, to conform;  
14 amending s. 985.4045, F.S.; defining the term  
15 "juvenile offender"; amending s. 985.407, F.S.;  
16 requiring that the Department of Juvenile  
17 Justice adopt rules governing the development  
18 of policies for contracted services and  
19 programs; amending s. 316.635, F.S.; clarifying  
20 court jurisdiction to sanction minors for  
21 contempt of court for failure to appear;  
22 amending s. 318.143, F.S.; clarifying court  
23 jurisdiction to sanction minors for contempt of  
24 court for failure to comply with court-imposed  
25 sanctions; amending ss. 39.0015, 216.136,  
26 419.001, 744.309, 784.075, 960.001, 985.21,  
27 985.311, F.S.; conforming references; requiring  
28 the Department of Juvenile Justice to develop  
29 protocols for a comprehensive evaluation;  
30 amending s. 790.22, F.S.; eliminating a  
31 requirement that the Department of Juvenile

1 Justice report on minors charged with an  
2 offense that involves the use or possession of  
3 a firearm; providing an effective date.

4  
5 WHEREAS, the Legislature was twice called into special  
6 session during 2001 to address budget shortfalls and to  
7 otherwise deal with the fiscal needs of the state, and

8 WHEREAS, the Legislature, after expending considerable  
9 time and effort to examine avenues within the Department of  
10 Juvenile Justice that would maximize administrative  
11 efficiencies and restructure delivery of services, has crafted  
12 a plan to maximize the use of limited fiscal resources in  
13 order to maintain an effective continuum of juvenile justice  
14 services for the state, NOW, THEREFORE,

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Subsections (3), (11), (16), (21), (38),  
19 (48), and (51) of section 984.03, Florida Statutes, are  
20 repealed, subsections (4) through (56) are renumbered as  
21 subsections (3) through (49), respectively, and present  
22 subsections (18), (19), and (47) of that section are amended  
23 to read:

24 984.03 Definitions.--When used in this chapter, the  
25 term:

26 (15)~~(18)~~ "Detention care" means the temporary care or  
27 supervision of a child ~~in secure, nonsecure, or home~~  
28 ~~detention~~, pending a court adjudication or disposition or  
29 execution of a court order, either in secure detention or on  
30 detention status, which may include the use of electronic  
31 monitoring, in conjunction with a court-ordered condition of

1 confinement to a designated residence during designated hours.

2 ~~There are three types of detention care, as follows:~~

3 ~~(a) "Secure detention" means temporary custody of the~~  
4 ~~child while the child is under the physical restriction of a~~  
5 ~~detention center or facility pending adjudication,~~  
6 ~~disposition, or placement.~~

7 ~~(b) "Nonsecure detention" means temporary custody of~~  
8 ~~the child while the child is in a residential home in the~~  
9 ~~community in a physically nonrestrictive environment under the~~  
10 ~~supervision of the Department of Juvenile Justice pending~~  
11 ~~adjudication, disposition, or placement.~~

12 ~~(c) "Home detention" means temporary custody of the~~  
13 ~~child while the child is released to the custody of the~~  
14 ~~parent, guardian, or custodian in a physically nonrestrictive~~  
15 ~~environment under the supervision of the Department of~~  
16 ~~Juvenile Justice staff pending adjudication, disposition, or~~  
17 ~~placement.~~

18 (16)~~(19)~~ "Detention center or facility" means a  
19 facility used, pending court adjudication or disposition or  
20 execution of court order, for the temporary care of a child  
21 alleged or found to have committed a violation of law. A  
22 detention center or facility shall ~~may~~ provide secure ~~or~~  
23 ~~nonsecure~~ custody. A facility used for the commitment of  
24 adjudicated delinquents shall not be considered a detention  
25 center or facility.

26 (42)~~(47)~~ "Secure detention ~~center or facility~~" means  
27 temporary custody of a child while the child is under the  
28 physical restriction of a detention center or facility a  
29 ~~physically restricting facility for the temporary care of~~  
30 ~~children, pending adjudication, disposition, or placement.~~

31

1           Section 2. Section 984.05, Florida Statutes, is  
2 amended to read:

3           984.05 Rules relating to habitual truants; adoption by  
4 Department of Education and Department of Juvenile  
5 Justice.--The Department of Juvenile Justice and the  
6 Department of Education shall work together on the development  
7 of, and shall adopt, rules as necessary for the implementation  
8 of ss. 232.19, 984.03(23)~~984.03(27)~~, and 985.03(25).

9           Section 3. Subsections (1), (2), (3), and (5) of  
10 section 984.09, Florida Statutes, are amended to read:

11           984.09 Punishment for contempt of court; alternative  
12 sanctions.--

13           (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.--The court  
14 may punish any child for contempt for interfering with the  
15 court or with court administration, or for violating any  
16 provision of this chapter or order of the court relative  
17 thereto. It is the intent of the Legislature that the court  
18 restrict and limit the use of contempt powers with respect to  
19 commitment of a child to a secure facility. A child who  
20 commits direct contempt of court or indirect contempt of a  
21 valid court order may be taken into custody and ordered to  
22 serve an alternative sanction or placed for a period in a  
23 temporary shelter ~~in a secure facility~~, as authorized in this  
24 section and in s. 984.225, by order of the court.

25           (2) PLACEMENT IN A SECURE FACILITY.--A child may be  
26 placed in a secure facility for purposes of punishment for  
27 contempt of court if alternative sanctions are unavailable or  
28 inappropriate, or if the child has already been ordered to  
29 serve an alternative sanction but failed to comply with the  
30 sanction.

31

1           ~~(a) A delinquent child who has been held in direct or~~  
2 ~~indirect contempt may be placed in a secure detention facility~~  
3 ~~for 5 days for a first offense or 15 days for a second or~~  
4 ~~subsequent offense, or in a secure residential commitment~~  
5 ~~facility.~~

6           ~~(b) A child in need of services who has been held in~~  
7 ~~direct contempt or indirect contempt may be placed, for 5 days~~  
8 ~~for a first offense or 15 days for a second or subsequent~~  
9 ~~offense, in a staff-secure shelter or a staff-secure~~  
10 ~~residential facility solely for children in need of services~~  
11 ~~if such placement is available, or, if such placement is not~~  
12 ~~available, the child may be placed in an appropriate mental~~  
13 ~~health facility or substance abuse facility for assessment. In~~  
14 ~~addition to disposition under this paragraph, A child in need~~  
15 ~~of services who is held in direct contempt or indirect~~  
16 ~~contempt may be placed in a physically secure setting as~~  
17 ~~provided under s. 984.226 if conditions of eligibility are~~  
18 ~~met.~~

19           (3) ALTERNATIVE SANCTIONS.--

20           (a) Each judicial circuit shall have an alternative  
21 sanctions coordinator who shall serve under the chief  
22 administrative judge of the juvenile division of the circuit  
23 court, and who shall coordinate and maintain a spectrum of  
24 contempt sanction alternatives in conjunction with the circuit  
25 plan implemented in accordance with s. 790.22(4)(c). Upon  
26 determining that a child has committed direct contempt of  
27 court or indirect contempt of a valid court order, the court  
28 may immediately request the alternative sanctions coordinator  
29 to recommend the most appropriate available alternative  
30 sanction and shall order the child to perform up to 50 hours  
31 of community-service manual labor or a similar alternative



1 sanction, unless an alternative sanction is unavailable or  
2 inappropriate, or unless the child has failed to comply with a  
3 prior alternative sanction. Alternative contempt sanctions  
4 may be provided by local industry or by any nonprofit  
5 organization or any public or private business or service  
6 entity that has entered into a contract with the Department of  
7 Juvenile Justice to act as an agent of the state to provide  
8 voluntary supervision of children on behalf of the state in  
9 exchange for the manual labor of children and limited immunity  
10 in accordance with s. 768.28(11).

11 (b) If the sanctions provided in paragraph (a) are  
12 unavailable or inappropriate, a child in need of services who  
13 has been held in direct contempt or indirect contempt may be  
14 placed for up to 15 days for a first offense or up to 30 days  
15 for a second or subsequent offense in a shelter that is  
16 licensed as a child-caring agency under chapter 409 and has  
17 contracted to provide services to children in need of services  
18 and families in need of services. If such placement is not  
19 available or not in the best interest of the child, the child  
20 may be referred to the Department of Children and Family  
21 Services for placement in an appropriate mental health  
22 facility or substance abuse facility for assessment under the  
23 criteria established in chapter 393, chapter 394, or chapter  
24 397.

25 (5) ALTERNATIVE SANCTIONS COORDINATOR.--There is  
26 created the position of alternative sanctions coordinator  
27 within each judicial circuit, pursuant to subsection (3). Each  
28 alternative sanctions coordinator shall serve under the  
29 direction of the chief administrative judge of the juvenile  
30 division as directed by the chief judge of the circuit. The  
31 alternative sanctions coordinator shall act as the liaison

1 between the judiciary, local department officials, district  
2 school board employees, and local law enforcement agencies.  
3 The alternative sanctions coordinator shall coordinate within  
4 the circuit community-based alternative sanctions, ~~including~~  
5 ~~nonsecure detention programs~~, community service projects, and  
6 other juvenile sanctions, in conjunction with the circuit plan  
7 implemented in accordance with s. 790.22(4)(c).

8 Section 4. Subsection (2) of section 984.10, Florida  
9 Statutes, is amended to read:

10 984.10 Intake.--

11 (2) A representative of the department shall make a  
12 preliminary determination as to whether the report or  
13 complaint is complete. The criteria for the completeness of a  
14 report or complaint with respect to a child alleged to be from  
15 a family in need of services while subject to compulsory  
16 school attendance shall be governed by s. 984.03(23)~~s.~~  
17 ~~984.03(27)~~. In any case in which the representative of the  
18 department finds that the report or complaint is incomplete,  
19 the representative of the department shall return the report  
20 or complaint without delay to the person or agency originating  
21 the report or complaint or having knowledge of the facts or to  
22 the appropriate law enforcement agency having investigative  
23 jurisdiction and request additional information in order to  
24 complete the report or complaint.

25 Section 5. Subsections (1), (3), (4), and (6) of  
26 section 984.12, Florida Statutes, are amended to read:

27 984.12 Case staffing; services and treatment to a  
28 family in need of services.--

29 (1) The appropriate representative of the department  
30 shall request a meeting of the family and child with a case  
31 staffing committee to review the case of any family or child

1 who the department determines is in need of services or  
2 treatment if:

3 ~~(a) The family or child is not in agreement with the~~  
4 ~~services or treatment offered;~~

5 (a)~~(b)~~ The family or child will not participate in the  
6 services or treatment selected; or

7 (b)~~(c)~~ The representative of the department needs  
8 assistance in developing an appropriate plan for services.  
9 The time and place selected for the meeting shall be  
10 convenient for the child and family.

11 (3) The case staffing committee, if convened, shall  
12 reach a timely decision to provide the child or family with  
13 needed services and treatment through the development of a  
14 case plan for services.

15 (4) The case plan for services shall contain, but is  
16 not limited to, the following:

17 (a) Statement of the problems.  
18 (b) Needs of the child.  
19 (c) Needs of the parents, guardian, or legal  
20 custodian.  
21 (d) Measurable objectives that address the identified  
22 problems and needs.  
23 (e) Services and treatment to be provided, to include:  
24 1. Type of services or treatment.  
25 2. Frequency of services or treatment.  
26 3. Location.  
27 4. Accountable service providers or staff.  
28 (f) Timeframes for achieving objectives.

29 (6) A case manager may ~~shall~~ be designated by the case  
30 staffing committee to be responsible for monitoring  
31 implementing the case plan as implemented by the contracted

1 provider. The case manager shall periodically review the  
2 progress towards achieving the objectives of the case plan in  
3 order to:

4 (a) Advise the case staffing committee of the need to  
5 make adjustments to the case plan; or

6 (b) Terminate the case as indicated by successful or  
7 substantial achievement of the objectives of the case plan or  
8 as indicated by the stated intention of the parent or legal  
9 custodian to withdraw from services.

10 Section 6. Subsection (8) of section 984.14, Florida  
11 Statutes, is repealed.

12 Section 7. Paragraphs (a) and (c) of subsection (2)  
13 and paragraph (c) of subsection (3) of section 984.15, Florida  
14 Statutes, are amended to read:

15 984.15 Petition for a child in need of services.--

16 (2)(a) The department shall file a petition for a  
17 child in need of services if the case manager, the ~~or~~ staffing  
18 committee, and the contracted provider of services request  
19 ~~requests~~ that a petition be filed and:

20 1. The family and child have in good faith used the  
21 services prescribed in the case plan without meeting a  
22 majority of the case plan objectives, but unsuccessfully, used  
23 ~~the services and process described in ss. 984.11 and 984.12;~~  
24 or

25 2. The family or child have not participated in the  
26 ~~refused all~~ services described in ss. 984.11 and 984.12 after  
27 reasonable efforts by the department to involve the family and  
28 child in services and treatment.

29 (c) The petition shall be in writing, shall state the  
30 specific grounds under s. 984.03(8)~~s. 984.03(9)~~ by which the  
31 child is designated a child in need of services, and shall

1 certify that the conditions prescribed in paragraph (a) have  
2 been met. The petition shall be signed by the petitioner  
3 under oath stating good faith in filing the petition and shall  
4 be signed by an attorney for the department.

5 (3)

6 (c) The petition must be in writing and must set forth  
7 specific facts alleging that the child is a child in need of  
8 services as defined in s. 984.03(8)~~s. 984.03(9)~~. The petition  
9 must also demonstrate that the parent, guardian, or legal  
10 custodian has in good faith, but unsuccessfully, participated  
11 in the services and processes described in ss. 984.11 and  
12 984.12.

13 Section 8. Section 984.225, Florida Statutes, is  
14 amended to read:

15 984.225 Powers of disposition; extended placement in a  
16 ~~staff-secure~~ shelter beyond 35 days.--

17 (1) ~~Subject to specific legislative appropriation,~~The  
18 court may order that a child adjudicated as a child in need of  
19 services be placed for up to 45 days in addition to the 35  
20 days prescribed in s. 984.14(5)~~90 days in a staff-secure~~  
21 ~~shelter~~ if:

22 (a) The child's parent, guardian, or legal custodian  
23 refuses to provide food, clothing, shelter, and necessary  
24 parental support for the child and the refusal is a direct  
25 result of an established pattern of significant disruptive  
26 behavior of the child that poses a threat to the safety of  
27 family members in the child's household, but does not pose a  
28 threat to children residing in the shelter or to the staff of  
29 the temporary shelter in the home of the parent, guardian, or  
30 ~~legal custodian;~~

31

1           (b) The child refuses to remain under the reasonable  
2 care and custody of his or her parent, guardian, or legal  
3 custodian, as evidenced by repeatedly running away and failing  
4 to comply with a court order; or

5           (c) The child has failed to successfully complete an  
6 alternative treatment program or to comply with a  
7 court-ordered sanction and the child has been placed in a  
8 residential program on at least one prior occasion pursuant to  
9 a court order under this chapter.

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

20           (3) The court shall order the parent, guardian, or  
21 legal custodian to cooperate with efforts to reunite the child  
22 with the family, participate in counseling, and pay all costs  
23 associated with the care and counseling provided to the child  
24 and family, in accordance with the family's ability to pay as  
25 determined by the court. Commitment of a child under this  
26 section is designed to provide residential care on a temporary  
27 basis. Such commitment does not abrogate the legal  
28 responsibilities of the parent, guardian, or legal custodian  
29 with respect to the child, except to the extent that those  
30 responsibilities are temporarily altered by court order.

31

1           (4) While a child is in a ~~staff-secure~~ shelter, the  
2 child shall receive education commensurate with his or her  
3 grade level and educational ability.

4           (5) If a child has not been reunited with his or her  
5 parent, guardian, or legal custodian at the expiration of the  
6 ~~90-day~~ commitment period, the court may order that the child  
7 remain in the ~~staff-secure~~ shelter for an additional 30 days  
8 if the court finds that reunification could be achieved within  
9 that period.

10          (6) The department is deemed to have exhausted the  
11 reasonable remedies offered under this chapter if, at the end  
12 of the commitment period, the parent, guardian, or legal  
13 custodian continues to refuse to allow the child to remain at  
14 home or creates unreasonable conditions for the child's  
15 return. If, at the end of the commitment period, the child is  
16 not reunited with his or her parent, guardian, or custodian  
17 due solely to the continued refusal of the parent, guardian,  
18 or custodian to provide food, clothing, shelter, and parental  
19 support, the child is considered to be threatened with harm as  
20 a result of such acts or omissions, and the court shall direct  
21 that the child be handled in every respect as a dependent  
22 child. Jurisdiction shall be transferred to the Department of  
23 Children and Family Services and the child's care shall be  
24 governed under parts II and III of chapter 39.

25          (7) The court shall review the child's commitment once  
26 every 45 days as provided in s. 984.20. The court shall  
27 determine if the parent, guardian, or custodian has reasonably  
28 participated in and financially contributed to the child's  
29 counseling and treatment program. The court shall also  
30 determine whether the department's efforts to reunite the  
31 family have been reasonable. If the court finds an inadequate

1 level of support or participation by the parent, guardian, or  
2 custodian prior to the end of the commitment period, the court  
3 shall direct that the child be handled in every respect as a  
4 dependent child. Jurisdiction shall be transferred to the  
5 Department of Children and Family Services and the child's  
6 care shall be governed under parts II and III of chapter 39.

7 (8) If the child requires residential mental health  
8 treatment or residential care for a developmental disability,  
9 the court shall refer the child to the Department of Children  
10 and Family Services for the provision of necessary services.

11 Section 9. Subsection (3) of section 984.226, Florida  
12 Statutes, is amended to read:

13 984.226 Physically secure setting.--

14 (3) When a child is adjudicated as a child in need of  
15 services by a court, the court may order the child to be  
16 placed in a physically secure setting authorized in this  
17 section if the child has:

18 (a) Failed to appear for placement in a ~~staff-secure~~  
19 shelter under s. 984.225, or failed to comply with any other  
20 provision of a valid court order relating to such placement  
21 and, as a result of such failure, has been found to be in  
22 direct or indirect contempt of court; or

23 (b) Run away from a ~~staff-secure~~ shelter following  
24 placement under s. 984.225 or s. 984.09.

25  
26 The department or an authorized representative of the  
27 department must verify to the court that a bed is available  
28 for the child. If a bed is not available, the court must stay  
29 the placement until a bed is available, and the department  
30 must place the child's name on a waiting list. The child who  
31



1 has been on the waiting list the longest has first priority  
2 for placement in the physically secure setting.

3 Section 10. Subsections (34), (51), and (52) of  
4 section 985.03, Florida Statutes, are repealed, subsections  
5 (35) through (59) are renumbered as subsections (34) through  
6 (56), respectively, and present subsections (18), (19), (45),  
7 and (47) of that section are amended to read:

8 985.03 Definitions.--When used in this chapter, the  
9 term:

10 (18) "Detention care" means the temporary care or  
11 supervision of a child ~~in secure, nonsecure, or home~~  
12 ~~detention~~, pending a court adjudication or disposition or  
13 execution of a court order, either in secure detention or on  
14 detention status, which may include the use of electronic  
15 monitoring, in conjunction with a court-ordered condition of  
16 confinement to a designated residence during designated hours.

17 ~~There are three types of detention care, as follows:~~

18 (a) ~~"Secure detention" means temporary custody of the~~  
19 ~~child while the child is under the physical restriction of a~~  
20 ~~detention center or facility pending adjudication,~~  
21 ~~disposition, or placement.~~

22 (b) ~~"Nonsecure detention" means temporary custody of~~  
23 ~~the child while the child is in a residential home in the~~  
24 ~~community in a physically nonrestrictive environment under the~~  
25 ~~supervision of the Department of Juvenile Justice pending~~  
26 ~~adjudication, disposition, or placement.~~

27 (c) ~~"Home detention" means temporary custody of the~~  
28 ~~child while the child is released to the custody of the~~  
29 ~~parent, guardian, or custodian in a physically nonrestrictive~~  
30 ~~environment under the supervision of the Department of~~

31

1 ~~Juvenile Justice staff pending adjudication, disposition, or~~  
2 ~~placement.~~

3 (19) "Detention center or facility" means a facility  
4 used, pending court adjudication or disposition or execution  
5 of court order, for the temporary care of a child alleged or  
6 found to have committed a violation of law. A detention  
7 center or facility shall ~~may~~ provide secure ~~or nonsecure~~  
8 custody. A facility used for the commitment of adjudicated  
9 delinquents shall not be considered a detention center or  
10 facility.

11 ~~(44)~~(45) "Residential commitment level" means the  
12 level of security provided by programs that service the  
13 supervision, custody, care, and treatment needs of committed  
14 children. Sections 985.3141 and 985.404~~(4)~~(13) apply to  
15 children placed in programs at any residential commitment  
16 level. The levels of residential commitment are as follows:

17 (a) Low-risk residential.--Programs or program models  
18 at this commitment level are residential but may allow youth  
19 to have unsupervised access to the community. Youth assessed  
20 and classified for placement in programs at this commitment  
21 level represent a low risk to themselves and public safety but  
22 do require placement and services in residential settings.  
23 Children who have been found to have committed delinquent acts  
24 that involve firearms, delinquent acts that are sexual  
25 offenses, or delinquent acts that would be life felonies or  
26 first degree felonies if committed by an adult shall not be  
27 committed to a program at this level.

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

1 hardware-secure with walls, fencing, or locking doors.  
2 Facilities shall provide 24-hour awake supervision, custody,  
3 care, and treatment of residents. Youth assessed and  
4 classified for placement in programs at this commitment level  
5 represent a moderate risk to public safety and require close  
6 supervision. The staff at a facility at this commitment level  
7 may seclude a child who is a physical threat to himself or  
8 herself or others. Mechanical restraint may also be used when  
9 necessary.

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

25 (d) Maximum-risk residential.--Programs or program  
26 models at this commitment level include juvenile correctional  
27 facilities and juvenile prisons. The programs are long-term  
28 residential and shall not allow youth to have access to the  
29 community. Facilities are maximum-custody hardware-secure  
30 with perimeter security fencing and locking doors. Facilities  
31 shall provide 24-hour awake supervision, custody, care, and

1 treatment of residents. The staff at a facility at this  
2 commitment level may seclude a child who is a physical threat  
3 to himself or herself or others. Mechanical restraint may  
4 also be used when necessary. The facility shall provide for  
5 single cell occupancy, except that youth may be housed  
6 together during prerelease transition. Youth assessed and  
7 classified for this level of placement require close  
8 supervision in a maximum security residential setting.  
9 Placement in a program at this level is prompted by a  
10 demonstrated need to protect the public.

11 (46)~~(47)~~ "Secure detention ~~center or facility~~" means  
12 temporary custody of a child while the child is under the  
13 physical restriction of a detention center or facility ~~a~~  
14 ~~physically restricting facility for the temporary care of~~  
15 ~~children~~, pending adjudication, disposition, or placement.

16 Section 11. Subsection (4) of section 985.201, Florida  
17 Statutes, is amended to read:

18 985.201 Jurisdiction.--

19 (4)~~(a)~~ Notwithstanding s.~~ss.~~743.07, ~~985.229, 985.23,~~  
20 ~~and 985.231,~~ and except as provided in this section and s.  
21 985.233 ~~ss. 985.31 and 985.313~~, when the jurisdiction of any  
22 child who is alleged to have committed a delinquent act or  
23 violation of law is obtained, the court shall retain  
24 jurisdiction, unless relinquished by its order, until the  
25 child reaches 19 years of age, with the same power over the  
26 child that the court had prior to the child becoming an adult.  
27 The court may continue to retain jurisdiction of the child  
28 beyond the child's 19th birthday in accordance with the  
29 following:

30 (a)~~(b)1.~~ The court may retain jurisdiction over a  
31 child committed to the department for placement in a juvenile

1 | prison or in a high-risk or maximum-risk residential  
2 | commitment program to allow the child to participate in a  
3 | juvenile conditional release program pursuant to s. 985.316.  
4 | In no case shall the jurisdiction of the court be retained  
5 | beyond the child's 22nd birthday. However, if the child is  
6 | not successful in the conditional release program, the  
7 | department may use the transfer procedure under s. 985.404.

8 |       **(b)2.** The court may retain jurisdiction over a child  
9 | committed to the department for placement in an intensive  
10 | residential treatment program for 10-year-old to 13-year-old  
11 | offenders, in the residential commitment program in a juvenile  
12 | prison, in a residential sex offender program, or in a program  
13 | for serious or habitual juvenile offenders ~~as provided in s.~~  
14 | ~~985.311 or s. 985.31~~ until the child reaches the age of 21.  
15 | The court may exercise jurisdiction retention solely for the  
16 | purpose of allowing the child to complete such program.~~If the~~  
17 | ~~court exercises this jurisdiction retention, it shall do so~~  
18 | ~~solely for the purpose of the child completing the intensive~~  
19 | ~~residential treatment program for 10-year-old to 13-year-old~~  
20 | ~~offenders, in the residential commitment program in a juvenile~~  
21 | ~~prison, in a residential sex offender program, or the program~~  
22 | ~~for serious or habitual juvenile offenders.~~Such jurisdiction  
23 | retention does not apply for other programs, other purposes,  
24 | or new offenses.

25 |       (c) The court may retain jurisdiction over a child and  
26 | the child's parent or legal guardian whom the court has  
27 | ordered to pay restitution until the restitution order is  
28 | satisfied or until the court orders otherwise. If the court  
29 | retains such jurisdiction after the date upon which the  
30 | court's jurisdiction would cease under this section, it shall  
31 | do so solely for the purpose of enforcing the restitution

1 order. The terms of the restitution order are subject to the  
2 provisions of s. 775.089(5).

3 (d) This subsection does not prevent the exercise of  
4 jurisdiction by any court having jurisdiction of the child if  
5 the child, after becoming an adult, commits a violation of  
6 law.

7 Section 12. Paragraphs (b) and (d) of subsection (1)  
8 of section 985.207, Florida Statutes, are amended to read:

9 985.207 Taking a child into custody.--

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

12 (b) For a delinquent act or violation of law, pursuant  
13 to Florida law pertaining to a lawful arrest. If such  
14 delinquent act or violation of law would be a felony if  
15 committed by an adult or involves a crime of violence or  
16 terrorism, the arresting authority shall immediately notify  
17 the district school superintendent, or the superintendent's  
18 designee, of the school district with educational jurisdiction  
19 of the child. Such notification shall include other education  
20 providers such as the Florida School for the Deaf and the  
21 Blind, university developmental research schools, and private  
22 elementary and secondary schools. The information obtained by  
23 the superintendent of schools pursuant to this section must be  
24 released within 48 hours after receipt to appropriate school  
25 personnel, including the principal of the child's school, or  
26 as otherwise provided by law. The principal must immediately  
27 notify the child's immediate classroom teachers. Information  
28 provided by an arresting authority pursuant to this paragraph  
29 may not be placed in the student's permanent record and shall  
30 be removed from all school records no later than 9 months  
31 after the date of the arrest.

1           (d) By a law enforcement officer who has probable  
2 cause to believe that the child is in violation of the  
3 conditions of the child's court-ordered detention supervision,  
4 probation, ~~home detention, postcommitment probation,~~ or  
5 conditional release supervision or that the child has escaped  
6 from commitment.

7  
8 Nothing in this subsection shall be construed to allow the  
9 detention of a child who does not meet the detention criteria  
10 in s. 985.215.

11           Section 13. Subsection (1) of section 985.2075,  
12 Florida Statutes, is amended to read:

13           985.2075 Youth custody officer.--

14           (1) There is created within the Department of Juvenile  
15 Justice the position of youth custody officer. The duties of  
16 each youth custody officer shall be to take youth into custody  
17 if the officer has probable cause to believe that the youth  
18 has violated the conditions of probation, court-ordered home  
19 detention supervision, or conditional release, ~~or~~  
20 ~~postcommitment probation,~~ or has failed to appear in court  
21 after being properly noticed. The authority of the youth  
22 custody officer to take youth into custody is specifically  
23 limited to this purpose.

24           Section 14. Subsections (1) and (2) and paragraph (a)  
25 of subsection (3) of section 985.213, Florida Statutes, are  
26 amended to read:

27           985.213 Use of detention.--

28           (1) All determinations and court orders regarding the  
29 use of secure, ~~nonsecure, or home~~ detention care or detention  
30 supervision, which may include the use of electronic  
31 monitoring, in conjunction with a court-ordered condition of

1 confinement to a designated residence during designated hours  
2 prior to disposition shall be based primarily upon findings  
3 that the child:

4 (a) Presents a substantial risk of not appearing at a  
5 subsequent hearing;

6 (b) Presents a substantial risk of inflicting bodily  
7 harm on others as evidenced by recent behavior;

8 (c) Presents a history of committing a property  
9 offense prior to adjudication, disposition, or placement;

10 (d) Has committed contempt of court by:

11 1. Intentionally disrupting the administration of the  
12 court;

13 2. Intentionally disobeying a court order; or

14 3. Engaging in a punishable act or speech in the  
15 court's presence which shows disrespect for the authority and  
16 dignity of the court; ~~or~~

17 (e) Requests protection from imminent bodily harm; or

18 (f) Is charged with an act of terrorism as defined in  
19 s. 775.30.

20 (2)(a) Except as provided in ss. 985.2311, 985.2312,  
21 and 985.2313, all determinations and court orders regarding  
22 placement of a child into detention care shall comply with all  
23 requirements and criteria provided in this part and shall be  
24 based on a risk assessment of the child, unless the child is  
25 placed into detention care as provided in subparagraph (b)3.

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



1 Florida Sheriffs Association, and the Florida Association of  
2 Chiefs of Police. Each association shall appoint two  
3 individuals, one representing an urban area and one  
4 representing a rural area. The parties involved shall  
5 evaluate and revise the risk assessment instrument as is  
6 considered necessary using the method for revision as agreed  
7 by the parties. The risk assessment instrument shall take into  
8 consideration, but need not be limited to, prior history of  
9 failure to appear, prior offenses, offenses committed pending  
10 adjudication, any unlawful possession of a firearm, any charge  
11 involving an act of terrorism, theft of a motor vehicle or  
12 possession of a stolen motor vehicle, and probation status at  
13 the time the child is taken into custody. The risk assessment  
14 instrument shall also take into consideration appropriate  
15 aggravating and mitigating circumstances, and shall be  
16 designed to target a narrower population of children than s.  
17 985.215(2). The risk assessment instrument shall also include  
18 any information concerning the child's history of abuse and  
19 neglect. The risk assessment shall indicate whether detention  
20 care is warranted, and, if detention care is warranted,  
21 whether the child should be placed into secure, ~~nonsecure,~~ or  
22 ~~home~~ detention care or under detention supervision, which may  
23 include the use of electronic monitoring, in conjunction with  
24 a court-ordered condition of confinement to a designated  
25 residence during designated hours.

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

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

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 or a designated agent of the department, which may  
18 include the use of electronic monitoring, in conjunction with  
19 a court-ordered condition of confinement to a designated  
20 residence during designated hours, through probation, home  
21 detention, nonsecure detention, conditional release,  
22 postcommitment probation, or commitment and who is charged  
23 with committing a new offense, the risk assessment instrument  
24 may be completed and scored based on the underlying charge for  
25 which the child was placed under such ~~the~~ supervision ~~of the~~  
26 ~~department~~ and the new offense.

27 (3)(a) While a child who is currently enrolled in  
28 school is under detention supervision, which may include the  
29 use of electronic monitoring, in conjunction with a condition  
30 of confinement to a designated residence during designated  
31 hours in nonsecure or home detention care, the child shall

1 continue to attend school unless otherwise ordered by the  
2 court.

3 Section 15. Subsection (1) of section 985.214, Florida  
4 Statutes, is amended to read:

5 985.214 Prohibited uses of detention.--

6 (1) A child alleged to have committed a delinquent act  
7 or violation of law may not be placed into secure,~~nonsecure,~~  
8 ~~or home~~ detention care or placed under the supervision of the  
9 department, which supervision may include the use of  
10 electronic monitoring, in conjunction with a court-ordered  
11 condition of confinement to a designated residence during  
12 designated hours, for any of the following reasons:

13 (a) To allow a parent to avoid his or her legal  
14 responsibility.

15 (b) To permit more convenient administrative access to  
16 the child.

17 (c) To facilitate further interrogation or  
18 investigation.

19 (d) Due to a lack of more appropriate facilities.

20 Section 16. Subsections (1), (2), (6), (8), and (9),  
21 paragraphs (a), (c), (d), and (g) of subsection (5),  
22 paragraphs (a) and (b) of subsection (10), and paragraph (b)  
23 of subsection (11) of section 985.215, Florida Statutes, are  
24 amended to read:

25 985.215 Detention.--

26 (1) The juvenile probation officer shall receive  
27 custody of a child who has been taken into custody from the  
28 law enforcement agency and shall review the facts in the law  
29 enforcement report or probable cause affidavit and make such  
30 further inquiry as may be necessary to determine whether  
31 detention care is required.

1           (a) During the period of time from the taking of the  
2 child into custody to the date of the detention hearing, the  
3 initial decision as to the child's placement into secure  
4 detention care or under detention supervision, which may  
5 include the use of electronic monitoring, in conjunction with  
6 a condition of confinement to a designated residence during  
7 designated hours, ~~nonsecure detention care, or home detention~~  
8 ~~care~~ shall be made by the juvenile probation officer pursuant  
9 to ss. 985.213 and 985.214.

10           (b) The juvenile probation officer shall base the  
11 decision whether or not to place the child into secure  
12 detention care or under detention supervision, which may  
13 include the use of electronic monitoring, in conjunction with  
14 a condition of confinement to a designated residence during  
15 designated hours, ~~home detention care, or nonsecure detention~~  
16 ~~care~~ on an assessment of risk in accordance with the risk  
17 assessment instrument and procedures developed by the  
18 Department of Juvenile Justice under s. 985.213. However, a  
19 child charged with possessing or discharging a firearm on  
20 school property in violation of s. 790.115 or charged with an  
21 act of terrorism as defined in s. 775.30 shall be placed in  
22 secure detention care.

23           (c) If the juvenile probation officer determines that  
24 a child who is eligible for detention based upon the results  
25 of the risk assessment instrument should be released, the  
26 juvenile probation officer shall contact the state attorney,  
27 who may authorize release. If detention is not authorized, the  
28 child may be released by the juvenile probation officer in  
29 accordance with s. 985.211.

30  
31

1 Under no circumstances shall the juvenile probation officer or  
2 the state attorney or law enforcement officer authorize the  
3 detention of any child in a jail or other facility intended or  
4 used for the detention of adults, without an order of the  
5 court.

6 (2) Subject to the provisions of subsection (1), a  
7 child taken into custody and placed under detention  
8 supervision, which may include the use of electronic  
9 monitoring, in conjunction with a condition of confinement to  
10 a designated residence during designated hours ~~into nonsecure~~  
11 ~~or home detention care~~ or detained in secure detention care  
12 prior to a detention hearing may continue to be detained by  
13 the court if:

14 (a) The child is alleged to be an escapee or an  
15 absconder from a commitment program, a probation program, or  
16 conditional release supervision, or is alleged to have escaped  
17 while being lawfully transported to or from such program or  
18 supervision.

19 (b) The child is wanted in another jurisdiction for an  
20 offense which, if committed by an adult, would be a felony.

21 (c) The child is charged with a delinquent act or  
22 violation of law and requests in writing through legal counsel  
23 to be detained for protection from an imminent physical threat  
24 to his or her personal safety.

25 (d) The child is charged with committing an offense of  
26 domestic violence as defined in s. 741.28(1) and is detained  
27 as provided in s. 985.213(2)(b)3.

28 (e) The child is charged with possession or  
29 discharging a firearm on school property in violation of s.  
30 790.115.

31

1           (f) The child is charged with an act of terrorism as  
2 defined in s. 775.30.

3           (g)~~(f)~~ The child is charged with a capital felony, a  
4 life felony, a felony of the first degree, a felony of the  
5 second degree that does not involve a violation of chapter  
6 893, or a felony of the third degree that is also a crime of  
7 violence, including any such offense involving the use or  
8 possession of a firearm.

9           (h)~~(g)~~ The child is charged with any second degree or  
10 third degree felony involving a violation of chapter 893 or  
11 any third degree felony that is not also a crime of violence,  
12 and the child:

13           1. Has a record of failure to appear at court hearings  
14 after being properly notified in accordance with the Rules of  
15 Juvenile Procedure;

16           2. Has a record of law violations prior to court  
17 hearings;

18           3. Has already been detained or has been released and  
19 is awaiting final disposition of the case;

20           4. Has a record of violent conduct resulting in  
21 physical injury to others; or

22           5. Is found to have been in possession of a firearm.

23           (i)~~(h)~~ The child is alleged to have violated the  
24 conditions of the child's probation or conditional release  
25 supervision. However, a child detained under this paragraph  
26 may be held only in a consequence unit as provided in s.  
27 985.231(1)(a)1.c. If a consequence unit is not available, the  
28 child shall be placed on home detention supervision, which may  
29 include the use of ~~with~~ electronic monitoring.

30           (j)~~(i)~~ The child is detained on a judicial order for  
31 failure to appear and has previously willfully failed to

1 appear, after proper notice, for an adjudicatory hearing on  
2 the same case regardless of the results of the risk assessment  
3 instrument. A child may be held in secure detention for up to  
4 72 hours in advance of the next scheduled court hearing  
5 pursuant to this paragraph. The child's failure to keep the  
6 clerk of court and defense counsel informed of a current and  
7 valid mailing address where the child will receive notice to  
8 appear at court proceedings does not provide an adequate  
9 ground for excusal of the child's nonappearance at the  
10 hearings.

11 ~~(k)(j)~~ (k) The child is detained on a judicial order for  
12 failure to appear and has previously willfully failed to  
13 appear, after proper notice, at two or more court hearings of  
14 any nature on the same case regardless of the results of the  
15 risk assessment instrument. A child may be held in secure  
16 detention for up to 72 hours in advance of the next scheduled  
17 court hearing pursuant to this paragraph. The child's failure  
18 to keep the clerk of court and defense counsel informed of a  
19 current and valid mailing address where the child will receive  
20 notice to appear at court proceedings does not provide an  
21 adequate ground for excusal of the child's nonappearance at  
22 the hearings.

23 (l) The court finds that the child is a clear and  
24 present danger to himself or herself or to the community, in  
25 which case the court may detain the child through a written  
26 order. The written order must specify the need for continued  
27 detention and the benefits derived by the child or the  
28 community due to holding the child in detention. A child who  
29 meets the criteria for involuntary examination under s.  
30 394.463 may be detained only pursuant to the provisions of  
31 chapter 394. This paragraph expires October 1, 2004.

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), or paragraph (l),~~ the  
10 court shall use ~~utilize~~ the results of the risk assessment  
11 performed by the juvenile probation officer and, based on the  
12 criteria in this subsection, shall determine the need for  
13 continued detention. A child placed into ~~secure, nonsecure, or~~  
14 ~~home~~ detention care or under detention supervision, which may  
15 include the use of electronic monitoring, in conjunction with  
16 a condition of confinement to a designated residence during  
17 designated hours may continue to be so detained by the court  
18 pursuant to this subsection. If the court orders a placement  
19 more restrictive than indicated by the results of the risk  
20 assessment instrument, the court shall state, in writing,  
21 clear and convincing reasons for such placement. Except as  
22 provided in s. 790.22(8) or as otherwise provided in  
23 subsection (10) subparagraph (10)(a)2., paragraph (10)(b),  
24 paragraph (10)(c), or paragraph (10)(d), when a child is  
25 placed into ~~secure or nonsecure~~ detention care, under  
26 detention supervision, which may include the use of electronic  
27 monitoring, in conjunction with a condition of confinement to  
28 a designated residence during designated hours, 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 allowed by law or any lesser period of  
3 detention specified in the order of the court. The child shall  
4 be released from detention care as directed by such order  
5 unless paragraph (5)(b) or paragraph (5)(c), or subparagraph  
6 ~~(10)(a)1., whichever is applicable, unless the requirements of~~  
7 ~~such applicable provision have been met or an order of~~  
8 continuance has been granted pursuant to paragraph (5)(f) or  
9 continued detention is authorized by operation of law.

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

23 (c) Except as provided in paragraph (g), a child may  
24 not be held in ~~secure, nonsecure, or home~~ detention care or  
25 under detention supervision, which may include the use of  
26 electronic monitoring, in conjunction with a condition of  
27 confinement to a designated residence during designated hours  
28 under a special detention order for more than 21 days unless  
29 an adjudicatory hearing for the case has been commenced in  
30 good faith by the court.

31

1           (d) Except as provided in paragraph (g), a child may  
2 not be held in secure, ~~nonsecure, or home~~ detention care or  
3 under detention supervision, which may include the use of  
4 electronic monitoring, in conjunction with a condition of  
5 confinement to a designated residence during designated hours  
6 for more than 15 days following the entry of an order of  
7 adjudication.

8           (g) The court may allow the continued detention of a  
9 child under the following circumstances:

10           1. Upon good cause being shown that the nature of the  
11 charge requires additional time for the prosecution or defense  
12 of the case, the court may extend the time limits for  
13 detention specified in paragraph (c) an additional 9 days if  
14 the child is charged with an offense that would be, if  
15 committed by an adult, a capital felony, a life felony, a  
16 felony of the first degree, or a felony of the second degree  
17 involving violence against any individual; or

18           2. Upon making a specific, written finding that  
19 detention care is necessary to ensure public safety in the  
20 case of a child who is charged with an act of terrorism as  
21 defined in s. 775.30 subsequent to a hearing on its own motion  
22 or that of any party prior to the expiration of the detention  
23 time limits specified in this subsection.

24           (6)(~~a~~) When any child is placed into secure,  
25 ~~nonsecure, or home~~ detention care, under detention  
26 supervision, which may include the use of electronic  
27 monitoring, in conjunction with a condition of confinement to  
28 a designated residence during designated hours, or into other  
29 placement pursuant to a court order following a detention  
30 hearing, the court shall proceed in accordance with s. 985.24  
31 ~~order the parents or guardians of such child to pay to the~~

1 ~~Department of Juvenile Justice fees in the amount of \$5 per~~  
2 ~~day that the child is under the care or supervision of the~~  
3 ~~department in order to partially offset the cost of the care,~~  
4 ~~support, maintenance, and other usual and ordinary obligations~~  
5 ~~of parents to provide for the needs of their children, unless~~  
6 ~~the court makes a finding on the record that the parent or~~  
7 ~~guardian of the child is indigent.~~

8 ~~(b) At the time of the detention hearing, the~~  
9 ~~department shall report to the court, verbally or in writing,~~  
10 ~~any available information concerning the ability of the parent~~  
11 ~~or guardian of the child to pay such fee. If the court makes a~~  
12 ~~finding of indigency, the parent or guardian shall pay to the~~  
13 ~~department a nominal subsistence fee of \$2 per day that the~~  
14 ~~child is securely detained outside the home or \$1 per day if~~  
15 ~~the child is otherwise detained in lieu of other fees related~~  
16 ~~to the parent's obligation for the child's cost of care. The~~  
17 ~~nominal subsistence fee may only be waived or reduced if the~~  
18 ~~court makes a finding that such payment would constitute a~~  
19 ~~significant financial hardship. Such finding shall be in~~  
20 ~~writing and shall contain a detailed description of the facts~~  
21 ~~that led the court to make both the finding of indigency and~~  
22 ~~the finding of significant financial hardship.~~

23 ~~(c) In addition, the court may reduce the fees or~~  
24 ~~waive the fees as to each parent or guardian if the court~~  
25 ~~makes a finding on the record that the parent or guardian was~~  
26 ~~the victim of the delinquent act or violation of law for which~~  
27 ~~the child is detained and that the parent or guardian is~~  
28 ~~cooperating in the investigation of the offense.~~

29 ~~(d) The court must include specific findings in the~~  
30 ~~detention order as to what fees are ordered, reduced, or~~  
31 ~~waived. If the court fails to enter an order as required by~~

1 ~~this subsection, it shall be presumed that the court intended~~  
2 ~~the parent or guardian to pay to the department the fee of \$5~~  
3 ~~per day that the child remains in detention care.~~

4 ~~(e) With respect to a child who has been found to have~~  
5 ~~committed a delinquent act or violation of law, whether or not~~  
6 ~~adjudication is withheld, and whose parent or guardian~~  
7 ~~receives public assistance for any portion of that child's~~  
8 ~~care, the department must seek a federal waiver to garnish or~~  
9 ~~otherwise order the payments of the portion of the public~~  
10 ~~assistance relating to that child to offset the costs of~~  
11 ~~providing care, custody, maintenance, rehabilitation,~~  
12 ~~intervention, or corrective services to the child. When the~~  
13 ~~order affects the guardianship estate, a certified copy of the~~  
14 ~~order shall be delivered to the judge having jurisdiction of~~  
15 ~~the guardianship estate.~~

16 ~~(f) The clerk of the circuit court shall act as a~~  
17 ~~depository for these fees. Upon each payment received, the~~  
18 ~~clerk of the circuit court shall receive a fee from the total~~  
19 ~~payment of 3 percent of any payment made except that no fee~~  
20 ~~shall be less than \$1 nor more than \$5 per payment made. This~~  
21 ~~fee shall serve as a service charge for the administration,~~  
22 ~~management, and maintenance of each payment. At the end of~~  
23 ~~each month, the clerk of the circuit court shall send all~~  
24 ~~money collected under this section to the state Grants and~~  
25 ~~Donations Trust Fund.~~

26 ~~(g) The parent or guardian shall provide to the~~  
27 ~~department the parent's or guardian's name, address, social~~  
28 ~~security number, date of birth, and driver's license number or~~  
29 ~~identification card number and sufficient financial~~  
30 ~~information for the department to be able to determine the~~  
31 ~~parent's or guardian's ability to pay. If the parent or~~

1 ~~guardian refuses to provide the department with any~~  
2 ~~identifying information or financial information, the court~~  
3 ~~shall order the parent to comply and may pursue contempt of~~  
4 ~~court sanctions for failure to comply.~~

5 ~~(h) The department may employ a collection agency for~~  
6 ~~the purpose of receiving, collecting, and managing the payment~~  
7 ~~of unpaid and delinquent fees. The collection agency must be~~  
8 ~~registered and in good standing under chapter 559. The~~  
9 ~~department may pay to the collection agency a fee from the~~  
10 ~~amount collected under the claim or may authorize the agency~~  
11 ~~to deduct the fee from the amount collected. The department~~  
12 ~~may also pay for collection services from available authorized~~  
13 ~~funds.~~

14 ~~(i) The department may enter into agreements with~~  
15 ~~parents or guardians to establish a schedule of periodic~~  
16 ~~payments if payment of the obligation in full presents an~~  
17 ~~undue hardship. Any such agreement may provide for payment of~~  
18 ~~interest consistent with prevailing loan rates.~~

19 ~~(j) The Department of Juvenile Justice shall provide~~  
20 ~~to the payor documentation of any amounts paid by the payor to~~  
21 ~~the Department of Juvenile Justice on behalf of the child. All~~  
22 ~~payments received by the department pursuant to this~~  
23 ~~subsection shall be deposited in the state Grants and~~  
24 ~~Donations Trust Fund. Neither the court nor the department~~  
25 ~~may extend the child's length of stay in detention care solely~~  
26 ~~for the purpose of collecting fees.~~

27 (8) If a child is detained pursuant to this section,  
28 the Department of Juvenile Justice may transfer the child from  
29 detention supervision, which may include the use of electronic  
30 monitoring, in conjunction with a condition of confinement to  
31 a designated residence during designated hours ~~nonsecure or~~

1 ~~home detention care~~ to secure detention care only if  
2 significantly changed circumstances warrant such transfer.

3 (9) If a child is on release status and not detained  
4 pursuant to this section, the child may be placed into secure,  
5 ~~nonsecure, or home~~ detention care or under detention  
6 supervision, which may include the use of electronic  
7 monitoring, in conjunction with a condition of confinement to  
8 a designated residence during designated hours only pursuant  
9 to a court hearing in which the original risk assessment  
10 instrument, rescored based on newly discovered evidence or  
11 changed circumstances with the results recommending detention,  
12 is introduced into evidence.

13 (10)(a)1. When a child is committed to the Department  
14 of Juvenile Justice awaiting dispositional placement, removal  
15 of the child from detention care shall occur within 5 days,  
16 excluding Saturdays, Sundays, and legal holidays. Any child  
17 held in secure detention during the 5 days must meet detention  
18 admission criteria pursuant to this section. If the child is  
19 committed to a moderate-risk residential program, the  
20 department may seek an order from the court authorizing  
21 continued detention for a specific period of time necessary  
22 for the appropriate residential placement of the child.  
23 However, such continued detention in secure detention care may  
24 not exceed 15 days after commitment, excluding Saturdays,  
25 Sundays, and legal holidays, and except as otherwise provided  
26 in this subsection.

27 2. The court must place all children who are  
28 adjudicated and awaiting placement in a residential commitment  
29 program in detention care. Children who are in home detention  
30 care or nonsecure detention care may be placed on electronic  
31 monitoring.

1           (b) A child who is placed under detention supervision,  
2 which may include the use of electronic monitoring, in  
3 conjunction with a condition of confinement to a designated  
4 residence during designated hours ~~in home detention care,~~  
5 ~~nonsecure detention care, or home or nonsecure detention care~~  
6 ~~with electronic monitoring,~~ while awaiting placement in a  
7 low-risk or moderate-risk program, may be held in secure  
8 detention care for 5 days, if the child violates the  
9 conditions of such monitoring or confinement ~~the home~~  
10 ~~detention care, the nonsecure detention care, or the~~  
11 ~~electronic monitoring agreement.~~ For any subsequent  
12 violation, the court may impose an additional 5 days in secure  
13 detention care.

14           (11)

15           (b) When a juvenile sexual offender, pursuant to this  
16 subsection, is released from detention care or supervision, ~~or~~  
17 is transferred from secure detention to detention supervision,  
18 which may include the use of electronic monitoring, in  
19 conjunction with a condition of confinement to a designated  
20 residence during designated hours ~~home detention or nonsecure~~  
21 ~~detention,~~ detention staff shall immediately notify the  
22 appropriate law enforcement agency and school personnel.

23           Section 17. By October 1, 2003, the Juvenile Justice  
24 Estimating Conference shall submit a report to the Legislature  
25 concerning the effect of this act on the juvenile justice  
26 system and on the number of juveniles who are held in  
27 detention.

28           Section 18. Subsections (2) and (5) of section  
29 985.216, Florida Statutes, are amended to read:

30           985.216 Punishment for contempt of court; alternative  
31 sanctions.--

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

7           (a) A delinquent child who has been held in direct or  
8 indirect contempt may be placed in a secure detention facility  
9 not to exceed 5 days for a first offense and not to exceed 15  
10 days for a second or subsequent offense.

11           ~~(b) A child in need of services who has been held in~~  
12 ~~direct contempt or indirect contempt may be placed, not to~~  
13 ~~exceed 5 days for a first offense and not to exceed 15 days~~  
14 ~~for a second or subsequent offense, in a staff-secure shelter~~  
15 ~~or a staff-secure residential facility solely for children in~~  
16 ~~need of services if such placement is available, or, if such~~  
17 ~~placement is not available, the child may be placed in an~~  
18 ~~appropriate mental health facility or substance abuse facility~~  
19 ~~for assessment. In addition to disposition under this~~  
20 ~~paragraph, a child in need of services who is held in direct~~  
21 ~~contempt or indirect contempt may be placed in a physically~~  
22 ~~secure facility as provided under s. 984.226 if conditions of~~  
23 ~~eligibility are met.~~

24           (5) ALTERNATIVE SANCTIONS COORDINATOR.--There is  
25 created the position of alternative sanctions coordinator  
26 within each judicial circuit, pursuant to subsection (3). Each  
27 alternative sanctions coordinator shall serve under the  
28 direction of the chief administrative judge of the juvenile  
29 division as directed by the chief judge of the circuit. The  
30 alternative sanctions coordinator shall act as the liaison  
31 between the judiciary, local department officials, district



1 school board employees, and local law enforcement agencies.  
2 The alternative sanctions coordinator shall coordinate within  
3 the circuit community-based alternative sanctions, ~~including~~  
4 ~~nonsecure detention programs~~, community service projects, and  
5 other juvenile sanctions, in conjunction with the circuit plan  
6 implemented in accordance with s. 790.22(4)(c).

7 Section 19. Subsection (4) of section 985.228, Florida  
8 Statutes, is amended to read:

9 985.228 Adjudicatory hearings; withheld adjudications;  
10 orders of adjudication.--

11 (4) If the court finds that the child named in the  
12 petition has committed a delinquent act or violation of law,  
13 it may, in its discretion, enter an order stating the facts  
14 upon which its finding is based but withholding adjudication  
15 of delinquency and placing the child in a probation program  
16 pursuant to the provisions of s. 985.2311 ~~under the~~  
17 ~~supervision of the department or under the supervision of any~~  
18 ~~other person or agency specifically authorized and appointed~~  
19 ~~by the court. The court may, as a condition of the program,~~  
20 ~~impose as a penalty component restitution in money or in kind,~~  
21 ~~community service, a curfew, urine monitoring, revocation or~~  
22 ~~suspension of the driver's license of the child, or other~~  
23 ~~nonresidential punishment appropriate to the offense, and may~~  
24 ~~impose as a rehabilitative component a requirement of~~  
25 ~~participation in substance abuse treatment, or school or other~~  
26 ~~educational program attendance. If the child is attending~~  
27 ~~public school and the court finds that the victim or a sibling~~  
28 ~~of the victim in the case was assigned to attend or is~~  
29 ~~eligible to attend the same school as the child, the court~~  
30 ~~order shall include a finding pursuant to the proceedings~~  
31 ~~described in s. 985.23(1)(d).~~ If the court later finds that

1 the child has not complied with the rules, restrictions, or  
2 conditions of the community-based program, the court may,  
3 after a hearing to establish the lack of compliance, but  
4 without further evidence of the state of delinquency, enter an  
5 adjudication of delinquency and shall thereafter have full  
6 authority under this chapter to deal with the child as  
7 adjudicated.

8 Section 20. Subsection (1) of section 985.229, Florida  
9 Statutes, is amended, and subsection (4) is added to that  
10 section, to read:

11 985.229 Predisposition report; other evaluations.--

12 (1) Upon a finding that the child has committed a  
13 delinquent act, the court shall ~~may~~ order a predisposition  
14 report regarding the eligibility of the child for disposition  
15 other than by adjudication and commitment to the department or  
16 for disposition of adjudication, commitment to the department,  
17 and, if appropriate, assignment of a residential commitment  
18 level. The predisposition report may be waived by the court,  
19 with the agreement of the parties, if a predisposition report  
20 concerning the child has been completed within the past year.

21 The predisposition report shall be the result of the  
22 multidisciplinary assessment when such assessment is needed,  
23 and of the classification and placement process, and it shall  
24 indicate and report the child's priority needs,  
25 recommendations as to a classification of risk for the child  
26 in the context of his or her program and supervision needs,  
27 and a plan for treatment that recommends the most appropriate  
28 placement setting to meet the child's needs with the minimum  
29 program security that reasonably ensures public safety. A  
30 predisposition report shall be ordered for any child for whom  
31 a residential commitment disposition is anticipated or

1 recommended by an officer of the court or by the department. A  
2 comprehensive evaluation for physical health, mental health,  
3 substance abuse, academic, educational, or vocational problems  
4 shall be ordered for any child for whom a residential  
5 commitment disposition is anticipated or recommended by an  
6 officer of the court or by the department. If a comprehensive  
7 evaluation is ordered, the comprehensive evaluation shall be  
8 completed within 20 days after the date ordered.The  
9 predisposition report shall include a summary of the  
10 comprehensive evaluation. The predisposition report shall be  
11 submitted to the court upon completion of the report but no  
12 later than 48 hours prior to the disposition hearing. The  
13 predisposition report shall not be reviewed by the court  
14 without the consent of the child and his or her legal counsel  
15 until the child has been found to have committed a delinquent  
16 act.

17 (4) The department shall maintain cumulative records  
18 on the recommendations of the comprehensive evaluations and  
19 shall compare these records to specialized residential  
20 capacity. This information shall be reported to the  
21 Legislature consistent with the timeframes required for  
22 submission of the legislative budget request.

23 Section 21. Section 985.231, Florida Statutes, is  
24 amended to read:

25 (Substantial rewording of section. See  
26 s. 985.231, F.S., for present text.)

27 985.231 Powers of disposition in delinquency  
28 cases.--The court that has jurisdiction over an adjudicated  
29 delinquent child may, by an order stating the facts upon which  
30 a determination of a sanction and rehabilitative program was  
31 made at the disposition hearing:

1           (1) Place the child in a probation program under the  
2 supervision of the Department of Juvenile Justice, an  
3 authorized agent of the department, or any other person or  
4 agency specifically authorized and appointed by the court  
5 pursuant to the provisions of s. 985.2311.

6           (2) Commit the child to a licensed child-caring agency  
7 that is willing to receive the child, but the court may not  
8 commit the child to a jail or to a facility used primarily as  
9 a detention center, detention facility, or shelter.

10           (3) Commit the child to the Department of Juvenile  
11 Justice pursuant to the provisions of s. 985.2312.

12           Section 22. Section 985.2311, Florida Statutes, is  
13 created to read:

14           985.2311 Probation.--Pursuant to the provisions of ss.  
15 985.228 and 985.231, the court may place a child in a  
16 probation program under the supervision of the Department of  
17 Juvenile Justice, an authorized agent of the department, or  
18 any other person or agency specifically authorized and  
19 appointed by the court pursuant to this section whether in the  
20 child's own home, in the home of a relative of the child, or  
21 in some other suitable place under such reasonable conditions  
22 as the court may direct, subject to the following:

23           (1) A probation program for a child for whom  
24 adjudication has been withheld or for an adjudicated  
25 delinquent child shall include:

26           (a) A penalty component such as restitution in money  
27 or in kind, community service, a curfew, revocation or  
28 suspension of the driver's license of the child, or other  
29 nonresidential punishment appropriate to the offense.

30           (b) A rehabilitative component such as a requirement  
31 of participation in residential or nonresidential substance

1 abuse or mental health treatment or school or other  
2 educational program attendance.

3  
4 Upon the recommendation of the department at the time of  
5 disposition, or subsequent to disposition pursuant to the  
6 filing of a petition alleging a violation of the child's  
7 conditions of probation, the court may order the child to  
8 submit to random testing for the purpose of detecting and  
9 monitoring the use of alcohol or controlled substances.

10 (2) In carrying out the provisions of this part, the  
11 court may order the natural parents, legal custodian, or  
12 guardian of a child who is found to have committed a  
13 delinquent act to participate in family counseling and other  
14 professional counseling activities deemed necessary for the  
15 rehabilitation of the child or to enhance the ability of the  
16 parents, legal custodian, or guardian to provide the child  
17 with adequate support, guidance, and supervision. The court  
18 may also order that the parent, legal custodian, or guardian  
19 support the child and participate with the child in fulfilling  
20 a court-imposed sanction, including an order of restitution or  
21 community service. The court may also order the parent, legal  
22 custodian, or guardian to notify the court of any violation of  
23 supervision conditions by the child. In addition, the court  
24 may use its contempt powers as to the parent, legal custodian,  
25 guardian, or child in order to enforce a court-imposed  
26 sanction.

27 (3)(a) The department shall provide a restrictiveness  
28 level classification scale for levels of supervision that  
29 shall take into account the child's needs and the risks  
30 relative to probation supervision requirements to reasonably  
31 ensure public safety.

1           (b) Probation programs for children shall be  
2 supervised by the department or by any other person or agency  
3 specifically authorized by the court. These programs shall  
4 include, but are not limited to, structured or restricted  
5 activities as described in this section and shall be designed  
6 to encourage the child toward acceptable and functional social  
7 behavior. If supervision or a program of community service is  
8 ordered by the court, the duration of such supervision or  
9 program shall be consistent with any treatment and  
10 rehabilitation needs identified for the child. The term of  
11 any order placing a child in a probation program shall be for  
12 an indefinite period of time, but may not exceed the term for  
13 which a sentence could be imposed if the child were found  
14 guilty of the charge in the adult system, except that the  
15 duration of such supervision or program for an offense that is  
16 a misdemeanor of the second degree, or is equivalent to a  
17 misdemeanor of the second degree, may be for a period not to  
18 exceed 6 months.

19           (c) When restitution is ordered by the court, the  
20 amount of restitution may not exceed an amount the child and  
21 the parent or guardian could reasonably be expected to pay or  
22 make. If the court orders the child to make restitution in  
23 money, the court may also require the execution of a  
24 promissory note cosigned by the child's parent or guardian or  
25 require restitution in kind for any damage or loss caused by  
26 the child's offense in a reasonable amount or manner to be  
27 determined by the court. The clerk of the circuit court shall  
28 be the receiving and dispensing agent for restitution  
29 payments. The court shall order the child or the child's  
30 parent or guardian to pay to the office of the circuit court  
31 an amount not to exceed the actual cost incurred by the clerk

1 as a result of receiving and dispensing restitution payments.  
2 The clerk shall notify the court if restitution is not made  
3 and the court shall take any further action that is necessary  
4 against the child or the child's parent or guardian.

5 (d) Unless otherwise provided by law, whenever a child  
6 is required by the court to participate in any work program  
7 under this part or whenever a child volunteers to work in a  
8 specified state, county, municipal, or community service  
9 organization supervised work program or to work for the  
10 victim, either as an alternative to monetary restitution or as  
11 a part of the rehabilitative or probation program, the child  
12 is an employee of the state for the purposes of liability. In  
13 determining the child's average weekly wage, unless otherwise  
14 determined by a specific funding program, all remuneration  
15 received from the employer is a gratuity and the child is not  
16 entitled to any benefits otherwise payable under s. 440.15,  
17 regardless of whether the child may be receiving wages and  
18 remuneration from other employment with another employer and  
19 regardless of the child's future wage-earning capacity.

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

27 (b) If the conditions of the probation program or the  
28 postcommitment probation program are violated, the department  
29 or the state attorney may bring the child before the court on  
30 a petition alleging a violation of the program. Any child who  
31 violates the conditions of probation or postcommitment

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



1 is found to have violated the conditions of probation or  
2 postcommitment probation, the court may:

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

7 2. Place the child on home detention with electronic  
8 monitoring. However, this sanction may be used only if a  
9 residential consequence unit is not available.

10 3. Modify or continue the child's probation program or  
11 postcommitment probation program.

12 4. Revoke probation or postcommitment probation and  
13 commit the child to the department.

14 (5) The court may retain jurisdiction over a child  
15 placed in a probation program in accordance with the  
16 provisions of s. 985.201 unless the child is released by the  
17 court on the motion of an interested party or on its own  
18 motion. The court may at any time enter an order ending its  
19 jurisdiction over any child.

20  
21 If a child who is placed in a probation program is attending  
22 or is eligible to attend public school and the court finds  
23 that the victim or a sibling of the victim in the case is  
24 attending or may attend the same school as the child, the  
25 court's placement order shall include a finding pursuant to  
26 the proceedings described in s. 985.23(1)(d). Any order made  
27 pursuant to this section shall be in writing as prepared by  
28 the clerk of court and may thereafter be modified or set aside  
29 by the court.

30 Section 23. Section 985.2312, Florida Statutes, is  
31 created to read:

1           985.2312 Commitment to the Department of Juvenile  
2 Justice.--Pursuant to the provisions of s. 985.231, the court  
3 that has jurisdiction of an adjudicated delinquent child may,  
4 by an order stating the facts upon which a determination of a  
5 sanction and rehabilitative program was made at the  
6 disposition hearing, commit the child to the care and custody  
7 of the Department of Juvenile Justice under such reasonable  
8 conditions as the court may direct, subject to the following:

9           (1) Commitment must be for the purpose of exercising  
10 active control over the child, including, but not limited to,  
11 custody, care, training, urine monitoring, and treatment of  
12 the child.

13           (2)(a) Commitment to the department may be for the  
14 purpose of providing the child with an alternative residential  
15 environment, for the purpose of providing the child with  
16 on-site school instruction in a structured-day, nonresidential  
17 supervision program, or for the purpose of transitioning the  
18 child out of the residential placement component of commitment  
19 into the community through nonresidential supervision services  
20 as part of a conditional release program. If the child is not  
21 successful in the conditional release program, the department  
22 may exercise its transfer authority in accordance with s.  
23 985.404.

24           (b) If a committed child is eligible to attend public  
25 school following completion of a residential commitment  
26 program, or if the child is attending or is eligible to attend  
27 public school, and the court finds that the victim or a  
28 sibling of the victim in the case is or may be attending the  
29 same school as the child, the commitment order shall include a  
30 finding pursuant to the proceedings described in s.  
31 985.23(1)(d).

1           (3) Commitment of the child to the department shall  
2 specify a residential commitment level as defined in s.  
3 985.03, subject to the limitations provided in subsection (4).

4           (4) Subject to specific appropriation, the court shall  
5 specify in its commitment order that the child shall be placed  
6 in a program or facility for serious or habitual juvenile  
7 offenders in accordance with the provisions of s. 985.31 if  
8 the court determines, upon its own motion or upon request by  
9 the state or the department, that:

10           (a) The protection of the public requires that the  
11 child be placed in a program for serious or habitual juvenile  
12 offenders.

13           (b) The particular needs of the child would be best  
14 served by a program for serious or habitual juvenile offenders  
15 as provided in s. 985.31.

16  
17 Such determination shall be made in accordance with s.  
18 985.23(3).

19           (5) Subject to specific appropriation, the court shall  
20 specify in its commitment order that the child shall be placed  
21 in a program or facility for juvenile sexual offenders in  
22 accordance with the provisions of s. 985.308 if the court  
23 determines, on its own or upon request by the state or the  
24 department, that:

25           (a) A juvenile sexual offender placement is required  
26 for the protection of the public.

27           (b) The treatment needs of the juvenile sexual  
28 offender would be best served by a juvenile sexual offender  
29 placement as provided in s. 985.308.

30           (6) The court may, upon motion of the child or upon  
31 its own motion within 60 days after imposition of a

1 disposition of commitment, suspend the further execution of  
2 the disposition to commitment and place the child in a  
3 probation program upon such terms and conditions as the court  
4 may require. The department shall forward to the court all  
5 relevant material on the child's progress while in custody no  
6 later than 3 working days prior to the hearing on the motion  
7 to suspend the disposition.

8 (7) Any order made pursuant to this section shall be  
9 in writing as prepared by the clerk of the court and may  
10 thereafter be modified or set aside by the court.

11 (8) Any commitment of a delinquent child to the  
12 department shall be for an indeterminate period of time, which  
13 may include periods of temporary release, but the time may not  
14 exceed the maximum term of imprisonment that an adult may  
15 serve for the same offense. The duration of the child's  
16 placement in a residential commitment program of any level  
17 shall be based on objective performance-based treatment  
18 planning. The child's treatment plan progress and  
19 adjustment-related issues shall be reported to the court  
20 quarterly unless the court requests a monthly report. Any  
21 temporary release from such program shall be as provided in s.  
22 985.03. The child's length of stay in a residential commitment  
23 program may be extended if the child fails to comply with or  
24 participate in treatment activities. The child's length of  
25 stay in such program shall not be extended for purposes of  
26 sanction or punishment. The nonconsent of the child to  
27 commitment or treatment in a residential commitment program,  
28 including a substance abuse treatment program, in no way  
29 precludes the court from ordering such commitment or  
30 treatment. Any child so committed may be discharged from  
31 institutional confinement or a program upon the direction of

1 the department with the concurrence of the court. The child's  
2 treatment plan progress and adjustment-related issues shall be  
3 communicated to the court at the time the department requests  
4 the court to consider releasing the child from the residential  
5 commitment program.

6 (9) The department shall give the court that committed  
7 the child to the department reasonable notice, in writing, of  
8 its desire to discharge the child from a commitment facility.  
9 The court that committed the child may thereafter accept or  
10 reject the request. If the court does not respond within 10  
11 days after receipt of the notice, the request of the  
12 department shall be deemed granted. This section does not  
13 limit the department's authority to revoke a child's temporary  
14 release status and return the child to a commitment facility  
15 for any violation of the terms and conditions of the temporary  
16 release.

17 (10) When a child is committed to the department or a  
18 licensed child care agency for residential placement pursuant  
19 to the provisions of this section, the court shall proceed in  
20 accordance with s. 985.24.

21 (11) Notwithstanding s. 743.07, the jurisdiction of  
22 the court over a juvenile offender committed to the department  
23 pursuant to s. 985.231 and the provisions of this section  
24 shall be as specified in s. 985.201.

25 Section 24. Section 985.24, Florida Statutes, is  
26 created to read:

27 985.24 Cost of care and custody.--

28 (1) When any child is:

29 (a) Placed into secure detention care, under detention  
30 supervision, which may include the use of electronic  
31 monitoring, in conjunction with a condition of confinement to

1 a designated residence during designated hours, or into other  
2 placement pursuant to a court order following a detention  
3 hearing; or

4 (b) Adjudicated by the court to have committed a  
5 delinquent act and temporary legal custody of the child has  
6 been placed with the Department of Juvenile Justice,

7  
8 the court shall order the parents or legal guardian of such  
9 child to pay fees to the department in the amount of \$5 per  
10 day that the child is under the care or supervision of the  
11 department in order to partially offset the actual cost of the  
12 care, support, maintenance, and other usual and ordinary  
13 obligations of parents to provide for the needs of their  
14 children while in the recommended residential commitment  
15 level, unless the court makes a finding on the record that the  
16 parent or guardian of the child is indigent pursuant to s.  
17 27.52.

18 (2) No later than the disposition hearing, the  
19 department shall provide the court with information concerning  
20 the actual cost of care, support, and maintenance of the child  
21 in the recommended residential commitment level and concerning  
22 the ability of the parent or guardian of the child to pay any  
23 fees. If the court makes a finding of indigency, the parent  
24 or guardian shall pay to the department a nominal subsistence  
25 fee of \$2 per day that the child is committed outside the home  
26 or \$1 per day if the child is otherwise supervised in lieu of  
27 other fees related to the parents' obligation for the cost of  
28 care of the child. The nominal subsistence fee may only be  
29 waived or reduced if the court makes a finding that such  
30 payment would constitute a significant financial hardship.  
31 Such finding shall be in writing and shall contain a detailed

1 description of the facts that led the court to make both the  
2 finding of indigency and the finding of significant financial  
3 hardship.

4 (3) In addition, the court may reduce the fees or  
5 waive the fees as to each parent or guardian if the court  
6 makes a finding on the record that the parent or guardian was  
7 the victim of the delinquent act or violation of law for which  
8 the child is subject to placement under this section and that  
9 the parent or guardian has cooperated in the investigation and  
10 prosecution of the offense.

11 (4) All orders committing a child to a residential  
12 commitment program shall include specific findings as to what  
13 fees are ordered, reduced, or waived. If the court fails to  
14 enter an order as required by this subsection, it shall be  
15 presumed that the court intended that the parent or guardian  
16 pay fees to the department in an amount of \$5 per day related  
17 to the care, support, and maintenance of the child. With  
18 regard to a child who reaches the age of 18 prior to the  
19 disposition hearing, the court may elect to direct an order  
20 required by this subsection to such child, rather than the  
21 parent or guardian. With regard to a child who reaches the  
22 age of 18 while in the custody of the department, the court  
23 may, upon proper motion of any party, hold a hearing as to  
24 whether any party should be further obligated with respect to  
25 the payment of fees. When the order affects the guardianship  
26 estate, a certified copy of the order shall be delivered to  
27 the judge having jurisdiction over the guardianship estate.

28 (5) The clerk of the circuit court shall act as a  
29 depository for these fees. Upon each payment received, the  
30 clerk of the circuit court shall receive a fee from the total  
31 payment of 3 percent of any payment made, except that no fee

1 shall be less than \$1 nor more than \$5 per payment made. This  
2 fee shall serve as a service charge for the administration,  
3 management, and maintenance of each payment. At the end of  
4 each month, the clerk of the circuit court shall deposit all  
5 money collected under this section in the Grants and Donations  
6 Trust Fund.

7 (6) The parent or guardian shall provide to the  
8 department the parent or guardian's name, address, social  
9 security number, state of birth, and driver's license number  
10 or identification card number and sufficient financial  
11 information for the department to be able to determine the  
12 parent's or guardian's ability to pay. If the parent or  
13 guardian refuses to provide the department with any  
14 identifying information or financial information, the court  
15 shall order the parent or guardian to comply and may pursue  
16 contempt of court sanctions for failure to comply.

17 (7) The department may employ a collection agency for  
18 the purpose of receiving, collecting, and managing the payment  
19 of unpaid and delinquent fees. The collection agency shall be  
20 registered and in good standing under chapter 559. The  
21 department may pay to the collection agency a fee from the  
22 amount collected under the claim or may authorize the agency  
23 to deduct the fee from the amount collected. The department  
24 may also pay for collection services from available authorized  
25 funds.

26 (8) The department may enter into agreements with  
27 parents or guardians to establish a schedule of periodic  
28 payments if payment of the obligation in full presents an  
29 undue hardship. Any such agreement may provide for payment of  
30 interest consistent with prevailing loan rates.

31



1           (9) The department shall provide to the payor  
2 documentation of any amounts paid by the payor to the  
3 department on behalf of the child. All payments received by  
4 the department pursuant to this subsection shall be deposited  
5 in the Grants and Donations Trust Fund.

6           (10) Neither the court nor the department may extend  
7 the child's length of stay in placement care solely for the  
8 purpose of collecting fees.

9           Section 25. Subsection (3) of section 985.308, Florida  
10 Statutes, is amended to read:

11           985.308 Juvenile sexual offender commitment programs;  
12 sexual abuse intervention networks.--

13           (3) Subject to specific appropriation, a child may be  
14 placed in a juvenile sexual offender program when committed to  
15 the department.

16           (a) If the court determines that a juvenile who is  
17 subject to commitment pursuant to s. 985.2312(6) has no  
18 history of a recent comprehensive assessment focused on  
19 sexually deviant behavior, the court may, subject to specific  
20 appropriation, order the department to conduct or arrange for  
21 an examination to determine whether the juvenile sexual  
22 offender is amenable to community-based treatment.

23           (b) The report of the examination shall include, at a  
24 minimum, the following:

25           1. The juvenile sexual offender's account of the  
26 incident and the official report of the investigation.

27           2. The juvenile sexual offender's offense history.

28           3. A multidisciplinary assessment of the sexually  
29 deviant behaviors, including an assessment by a certified  
30 psychologist, therapist, or psychiatrist.

31

1           4. An assessment of the juvenile sexual offender's  
2 family, social, educational, and employment situation. The  
3 report shall set forth the sources of the evaluator's  
4 information.

5           (c) The report shall assess the juvenile sexual  
6 offender's amenability to treatment and relative risk to the  
7 victim and the community.

8           (d) The department shall provide a proposed plan to  
9 the court that shall include, at a minimum:

10           1. The frequency and type of contact between the  
11 offender and the therapist.

12           2. The specific issues and behaviors to be addressed  
13 in the treatment and description of planned treatment methods.

14           3. Monitoring plans, including any requirements  
15 regarding living conditions, school attendance and  
16 participation, lifestyle, and monitoring by family members,  
17 legal guardians, or others.

18           4. Anticipated length of treatment.

19           5. Recommended crime-related prohibitions and curfew.

20           6. Reasonable restrictions on the contact between the  
21 juvenile sexual offender and either the victim or the alleged  
22 victim.

23           (e) After receipt of the report on the proposed plan  
24 of treatment, the court shall consider whether the community  
25 and the offender will benefit from use of juvenile sexual  
26 offender community-based treatment alternative disposition and  
27 consider the opinion of the victim or the victim's family as  
28 to whether the offender should receive a community-based  
29 treatment alternative disposition under this subsection.

30           (f) If the court determines that the juvenile sexual  
31 offender community-based treatment alternative is appropriate,

1 the court may place the offender on community supervision for  
2 up to 3 years. As a condition of community treatment and  
3 supervision, the court may order the offender to:

4 1. Undergo available outpatient juvenile sexual  
5 offender treatment for up to 3 years. A program or provider  
6 may not be used for such treatment unless it has an  
7 appropriate program designed for sexual offender treatment.  
8 The department shall not change the treatment provider without  
9 first notifying the state attorney's office.

10 2. Remain within described geographical boundaries and  
11 notify the court or the department counselor prior to any  
12 change in the offender's address, educational program, or  
13 employment.

14 3. Comply with all requirements of the treatment plan.

15 (g) The juvenile sexual offender treatment provider  
16 shall submit quarterly reports on the respondent's progress in  
17 treatment to the court and the parties to the proceedings.  
18 The juvenile sexual offender reports shall reference the  
19 treatment plan and include, at a minimum, the following:

20 1. The dates of attendance.

21 2. The juvenile sexual offender's compliance with the  
22 requirements of treatment.

23 3. A description of the treatment activities.

24 4. The juvenile sexual offender's relative progress in  
25 treatment.

26 5. The juvenile sexual offender's family support of  
27 the treatment objectives.

28 6. Any other material specified by the court at the  
29 time of the disposition.

30 (h) At the disposition hearing, the court may set case  
31 review hearings as the court considers appropriate.

1           (i) If the juvenile sexual offender violates any  
2 condition of the disposition or the court finds that the  
3 juvenile sexual offender is failing to make satisfactory  
4 progress in treatment, the court may revoke the  
5 community-based treatment alternative and order commitment to  
6 the department as otherwise provided in s. 985.2312.

7           (j) If the court determines that the juvenile sexual  
8 offender is not amenable to community-based treatment, the  
9 court shall proceed with a juvenile sexual offender  
10 disposition hearing as provided in s. 985.2312.

11           Section 26. Paragraphs (e) and (k) of subsection (3)  
12 and paragraph (a) of subsection (4) of section 985.31, Florida  
13 Statutes, are amended to read:

14           985.31 Serious or habitual juvenile offender.--

15           (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
16 TREATMENT.--

17           (e) After a child has been adjudicated delinquent  
18 pursuant to s. 985.228, the court shall determine whether the  
19 child meets the criteria for a serious or habitual juvenile  
20 offender pursuant to s. 985.03(47)~~s. 985.03(48)~~. If the court  
21 determines that the child does not meet such criteria, the  
22 provisions of s. 985.231~~(1)~~ shall apply.

23           (k) Any commitment of a child to the department for  
24 placement in a serious or habitual juvenile offender program  
25 or facility shall be for an indeterminate period of time, but  
26 the time shall not exceed the maximum term of imprisonment  
27 which an adult may serve for the same offense. The court may  
28 retain jurisdiction over such child in accordance with s.  
29 985.201.~~Notwithstanding the provisions of ss. 743.07 and~~  
30 ~~985.231(1)(d), a serious or habitual juvenile offender shall~~  
31 ~~not be held under commitment from a court pursuant to this~~

1 ~~section, s. 985.231, or s. 985.233 after becoming 21 years of~~  
2 ~~age. This provision shall apply only for the purpose of~~  
3 ~~completing the serious or habitual juvenile offender program~~  
4 ~~pursuant to this chapter and shall be used solely for the~~  
5 ~~purpose of treatment.~~

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

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

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

23 Section 27. Section 985.313, Florida Statutes, is  
24 amended to read:

25 985.313 Juvenile correctional facilities or juvenile  
26 prison.--A juvenile correctional facility or juvenile prison  
27 is a physically secure residential commitment program with a  
28 designated length of stay from 18 months to 36 months,  
29 primarily serving children 13 years of age to 19 years of age,  
30 or until the jurisdiction of the court expires. The court may  
31 retain jurisdiction over the child in accordance with the

1 provisions of s. 985.201 ~~until the child reaches the age of~~  
2 ~~21, specifically for the purpose of the child completing the~~  
3 ~~program.~~ Each child committed to this level must meet one of  
4 the following criteria:

5 (1) The youth is at least 13 years of age at the time  
6 of the disposition for the current offense and has been  
7 adjudicated on the current offense for:

8 (a) Arson;

9 (b) Sexual battery;

10 (c) Robbery;

11 (d) Kidnapping;

12 (e) Aggravated child abuse;

13 (f) Aggravated assault;

14 (g) Aggravated stalking;

15 (h) Murder;

16 (i) Manslaughter;

17 (j) Unlawful throwing, placing, or discharging of a  
18 destructive device or bomb;

19 (k) Armed burglary;

20 (l) Aggravated battery;

21 (m) Carjacking;

22 (n) Home-invasion robbery;

23 (o) Burglary with an assault or battery;

24 (p) Any lewd or lascivious offense committed upon or  
25 in the presence of a person less than 16 years of age; or

26 (q) Carrying, displaying, using, threatening to use,  
27 or attempting to use a weapon or firearm during the commission  
28 of a felony.

29 (2) The youth is at least 13 years of age at the time  
30 of the disposition, the current offense is a felony, and the  
31

1 child has previously been committed three or more times to a  
2 delinquency commitment program.

3 (3) The youth is at least 13 years of age and is  
4 currently committed for a felony offense and transferred from  
5 a moderate-risk or high-risk residential commitment placement.

6 (4) The youth is at least 13 years of age at the time  
7 of the disposition for the current offense, the youth is  
8 eligible for prosecution as an adult for the current offense,  
9 and the current offense is ranked at level 7 or higher on the  
10 Criminal Punishment Code offense severity ranking chart  
11 pursuant to s. 921.0022.

12 Section 28. Subsection (2) of section 985.3141,  
13 Florida Statutes, is amended to read:

14 985.3141 Escapes from secure detention or residential  
15 commitment facility.--An escape from:

16 (2) Any residential commitment facility described in  
17 s. 985.03(44)~~s. 985.03(45)~~, maintained for the custody,  
18 treatment, punishment, or rehabilitation of children found to  
19 have committed delinquent acts or violations of law; or

20 Section 29. Subsection (5) of section 985.316, Florida  
21 Statutes, is amended to read:

22 985.316 Conditional release.--

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

1 education or attend a community college or a university while  
2 in the program, subject to available funding.

3 Section 30. Paragraph (a) of subsection (10) of  
4 section 985.404, Florida Statutes, is amended to read:

5 985.404 Administering the juvenile justice  
6 continuum.--

7 (10)(a) The department shall operate a statewide,  
8 regionally administered system of detention services for  
9 children, in accordance with a comprehensive plan for the  
10 regional administration of all detention services in the  
11 state. The plan must provide for the maintenance of adequate  
12 availability of detention services for all counties. The plan  
13 must cover all the department's operating circuits, with each  
14 operating circuit having a secure facility and detention  
15 supervision services, which may include the use of electronic  
16 monitoring ~~nonsecure and home detention programs~~, and the plan  
17 may be altered or modified by the Department of Juvenile  
18 Justice as necessary.

19 Section 31. Paragraph (a) of subsection (1) of section  
20 985.4045, Florida Statutes, is amended to read:

21 985.4045 Sexual misconduct prohibited; reporting  
22 required; penalties.--

23 (1)(a)1. As used in this subsection, the term:

24 a. "Sexual misconduct" means fondling the genital  
25 area, groin, inner thighs, buttocks, or breasts of a person;  
26 the oral, anal, or vaginal penetration by or union with the  
27 sexual organ of another; or the anal or vaginal penetration of  
28 another by any other object. The term does not include an act  
29 done for a bona fide medical purpose or an internal search  
30 conducted in the lawful performance of duty by an employee of  
31



1 the department or an employee of a provider under contract  
2 with the department.

3 b. "Employee" includes paid staff members, volunteers,  
4 and interns who work in a department program or a program  
5 operated by a provider under a contract.

6 c. "Juvenile offender" means any person, regardless of  
7 age, who is detained or supervised by, or committed to the  
8 custody of, the department.

9 2. An employee who engages in sexual misconduct with a  
10 juvenile offender detained or supervised by, or committed to  
11 the custody of, the department commits a felony of the second  
12 degree, punishable as provided in s. 775.082, s. 775.083, or  
13 s. 775.084. An employee may be found guilty of violating this  
14 subsection without having committed the crime of sexual  
15 battery.

16 3. The consent of the juvenile offender to any act of  
17 sexual misconduct is not a defense to prosecution under this  
18 subsection.

19 4. This subsection does not apply to an employee of  
20 the department, or an employee of a provider under contract  
21 with the department, who:

22 a. Is legally married to a juvenile offender who is  
23 detained or supervised by, or committed to the custody of, the  
24 department.

25 b. Has no reason to believe that the person with whom  
26 the employee engaged in sexual misconduct is a juvenile  
27 offender detained or supervised by, or committed to the  
28 custody of, the department.

29 Section 32. Present subsections (2), (3), and (4) of  
30 section 985.407, Florida Statutes, are redesignated as

31

1 subsections (3), (4), and (5), respectively, and a new  
2 subsection (2) is added to that section to read:

3           985.407 Departmental contracting powers; personnel  
4 standards and screening.--

5           (2) The department shall adopt a rule pursuant to  
6 chapter 120 establishing a procedure to provide notice of  
7 policy changes impacting contracted delinquency services and  
8 programs. A policy is defined as an operational requirement  
9 that applies to only the specified contracted delinquency  
10 service or program. The procedure shall include:

11           (a) Public notice of policy development.

12           (b) Opportunity for public comment on the proposed  
13 policy.

14           (c) Assessment for fiscal impact upon the department  
15 and providers.

16           (d) Department response to comments received.

17           Section 33. Paragraph (b) of subsection (3) of section  
18 39.0015, Florida Statutes, is amended to read:

19           39.0015 Child abuse prevention training in the  
20 district school system.--

21           (3) DEFINITIONS.--As used in this section:

22           (b) "Child abuse" means those acts as defined in ss.  
23 39.01(1), (2), (30), (43), (45), (52), and (63), 827.04, and  
24 984.03(1), (2), and (33)~~(37)~~.

25           Section 34. Paragraph (a) of subsection (8) of section  
26 216.136, Florida Statutes, is amended to read:

27           216.136 Consensus estimating conferences; duties and  
28 principals.--

29           (8) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

30           (a) Duties.--The Juvenile Justice Estimating  
31 Conference shall develop such official information relating to

1 the juvenile justice system of the state as is determined by  
2 the conference principals to be needed for the state planning  
3 and budgeting system. This information shall include, but is  
4 not limited to: estimates of juvenile delinquency caseloads  
5 and workloads; estimates for secure, ~~nonsecure, and home~~  
6 juvenile detention placements and for the use of detention  
7 supervision, which may include the use of electronic  
8 monitoring; estimates of workloads in the juvenile sections in  
9 the offices of the state attorneys and public defenders;  
10 estimates of mental health and substance abuse treatment  
11 relating to juveniles; and such other information as is  
12 determined by the conference principals to be needed for the  
13 state planning and budgeting system.

14 Section 35. Subsection (4) of section 316.635, Florida  
15 Statutes, is amended to read:

16 316.635 Courts having jurisdiction over traffic  
17 violations; powers relating to custody and detention of  
18 minors.--

19 (4) A minor who willfully fails to appear before any  
20 court or judicial officer as required by written notice to  
21 appear is guilty of contempt of court. Upon a finding by a  
22 court, after notice and a hearing, that a minor is in contempt  
23 of court for willful failure to appear pursuant to a valid  
24 notice to appear, the court may, at its discretion, proceed in  
25 accordance with the provisions of s. 984.09(2) or s.  
26 985.216(2).÷

27 ~~(a) For a first offense, order the minor to serve up~~  
28 ~~to 5 days in a staff-secure shelter as defined in chapter 984~~  
29 ~~or chapter 985 or, if space in a staff-secure shelter is~~  
30 ~~unavailable, in a secure juvenile detention center.~~

31

1           ~~(b) For a second or subsequent offense, the court may~~  
2 ~~order a minor to serve up to 15 days in a staff-secure shelter~~  
3 ~~or, if space in a staff-secure shelter is unavailable, in a~~  
4 ~~secure juvenile detention center.~~

5           Section 36. Subsection (2) of section 318.143, Florida  
6 Statutes, is amended to read:

7           318.143 Sanctions for infractions by minors.--

8           (2) Failure to comply with one or more of the  
9 sanctions imposed by the court constitutes contempt of court.  
10 Upon a finding by the court, after notice and a hearing, that  
11 a minor is in contempt of court for failure to comply with  
12 court-ordered sanctions, the court may, at its discretion,  
13 proceed in accordance with the provisions of s. 984.09(2) or  
14 s. 985.216(2).÷

15           ~~(a) For a first offense, order the minor to serve up~~  
16 ~~to 5 days in a staff-secure shelter as defined in chapter 984~~  
17 ~~or chapter 985 or, if space in a staff-secure shelter is~~  
18 ~~unavailable, in a secure juvenile detention center.~~

19           ~~(b) For a second or subsequent offense, the court may~~  
20 ~~order a minor to serve up to 15 days in a staff-secure shelter~~  
21 ~~or, if space in a staff-secure shelter is unavailable, in a~~  
22 ~~secure juvenile detention center.~~

23           Section 37. Paragraph (d) of subsection (1) of section  
24 419.001, Florida Statutes, is amended to read:

25           419.001 Site selection of community residential  
26 homes.--

27           (1) For the purposes of this section, the following  
28 definitions shall apply:

29           (d) "Resident" means any of the following: a frail  
30 elder as defined in s. 400.618; a physically disabled or  
31 handicapped person as defined in s. 760.22(7)(a); a

1 | developmentally disabled person as defined in s. 393.063(12);  
2 | a nondangerous mentally ill person as defined in s.  
3 | 394.455(18); or a child as defined in s. 39.01(14), s.  
4 | 984.03(8)~~(9)~~or~~(10)~~~~(12)~~, or s. 985.03(8).

5 | Section 38. Subsection (3) of section 744.309, Florida  
6 | Statutes, is amended to read:

7 | 744.309 Who may be appointed guardian of a resident  
8 | ward.--

9 | (3) DISQUALIFIED PERSONS.--No person who has been  
10 | convicted of a felony or who, from any incapacity or illness,  
11 | is incapable of discharging the duties of a guardian, or who  
12 | is otherwise unsuitable to perform the duties of a guardian,  
13 | shall be appointed to act as guardian. Further, no person who  
14 | has been judicially determined to have committed abuse,  
15 | abandonment, or neglect against a child as defined in s. 39.01  
16 | or s. 984.03(1), (2), and~~(33)~~~~(37)~~, or who has been found  
17 | guilty of, regardless of adjudication, or entered a plea of  
18 | nolo contendere or guilty to, any offense prohibited under s.  
19 | 435.03 or under any similar statute of another jurisdiction,  
20 | shall be appointed to act as a guardian. Except as provided  
21 | in subsection (5) or subsection (6), a person who provides  
22 | substantial services to the proposed ward in a professional or  
23 | business capacity, or a creditor of the proposed ward, may not  
24 | be appointed guardian and retain that previous professional or  
25 | business relationship. A person may not be appointed a  
26 | guardian if he or she is in the employ of any person, agency,  
27 | government, or corporation that provides service to the  
28 | proposed ward in a professional or business capacity, except  
29 | that a person so employed may be appointed if he or she is the  
30 | spouse, adult child, parent, or sibling of the proposed ward  
31 | or the court determines that the potential conflict of

1 interest is insubstantial and that the appointment would  
2 clearly be in the proposed ward's best interest. The court may  
3 not appoint a guardian in any other circumstance in which a  
4 conflict of interest may occur.

5 Section 39. Section 784.075, Florida Statutes, is  
6 amended to read:

7 784.075 Battery on detention or commitment facility  
8 staff or a juvenile probation officer.--A person who commits a  
9 battery on a juvenile probation officer, as defined in s.  
10 984.03 or s. 985.03, on other staff of a detention center or  
11 facility as defined in s. 984.03(16)~~s. 984.03(19)~~ or s.  
12 985.03(19), or on a staff member of a commitment facility as  
13 defined in s. 985.03(44)~~s. 985.03(45)~~, commits a felony of  
14 the third degree, punishable as provided in s. 775.082, s.  
15 775.083, or s. 775.084. For purposes of this section, a staff  
16 member of the facilities listed includes persons employed by  
17 the Department of Juvenile Justice, persons employed at  
18 facilities licensed by the Department of Juvenile Justice, and  
19 persons employed at facilities operated under a contract with  
20 the Department of Juvenile Justice.

21 Section 40. Paragraph (j) of subsection (1) of section  
22 960.001, Florida Statutes, is amended to read:

23 960.001 Guidelines for fair treatment of victims and  
24 witnesses in the criminal justice and juvenile justice  
25 systems.--

26 (1) The Department of Legal Affairs, the state  
27 attorneys, the Department of Corrections, the Department of  
28 Juvenile Justice, the Parole Commission, the State Courts  
29 Administrator and circuit court administrators, the Department  
30 of Law Enforcement, and every sheriff's department, police  
31 department, or other law enforcement agency as defined in s.

1 943.10(4) shall develop and implement guidelines for the use  
2 of their respective agencies, which guidelines are consistent  
3 with the purposes of this act and s. 16(b), Art. I of the  
4 State Constitution and are designed to implement the  
5 provisions of s. 16(b), Art. I of the State Constitution and  
6 to achieve the following objectives:

7 (j) Notification of right to request restitution.--Law  
8 enforcement agencies and the state attorney shall inform the  
9 victim of the victim's right to request and receive  
10 restitution pursuant to s. 775.089, s. 985.2311, or s.  
11 985.2312 ~~or s. 985.231(1)(a)1.~~, and of the victim's rights of  
12 enforcement under ss. 775.089(6) and 985.201 in the event an  
13 offender does not comply with a restitution order. The state  
14 attorney shall seek the assistance of the victim in the  
15 documentation of the victim's losses for the purpose of  
16 requesting and receiving restitution. In addition, the state  
17 attorney shall inform the victim if and when restitution is  
18 ordered.

19 Section 41. Subsection (5) of section 985.21, Florida  
20 Statutes, is amended to read:

21 985.21 Intake and case management.--

22 (5) Prior to requesting that a delinquency petition be  
23 filed or prior to filing a dependency petition, the juvenile  
24 probation officer may request the parent or legal guardian of  
25 the child to attend a course of instruction in parenting  
26 skills, training in conflict resolution, and the practice of  
27 nonviolence; to accept counseling; or to receive other  
28 assistance from any agency in the community which notifies the  
29 clerk of the court of the availability of its services. Where  
30 appropriate, the juvenile probation officer shall request both  
31 parents or guardians to receive such parental assistance. The

1 juvenile probation officer may, in determining whether to  
2 request that a delinquency petition be filed, take into  
3 consideration the willingness of the parent or legal guardian  
4 to comply with such request. The parent or guardian must  
5 provide the juvenile probation officer with identifying  
6 information, including the parent's or guardian's name,  
7 address, date of birth, social security number, and driver's  
8 license number or identification card number in order to  
9 comply with ss. 985.215(6), ~~985.231(1)(b)~~, and 985.233(4)(d),  
10 and 985.24.

11 Section 42. Paragraph (e) of subsection (3) of section  
12 985.311, Florida Statutes, is amended to read:

13 985.311 Intensive residential treatment program for  
14 offenders less than 13 years of age.--

15 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
16 TREATMENT.--

17 (e) After a child has been adjudicated delinquent  
18 pursuant to s. 985.228(5), the court shall determine whether  
19 the child is eligible for an intensive residential treatment  
20 program for offenders less than 13 years of age pursuant to s.  
21 985.03(7). If the court determines that the child does not  
22 meet the criteria, the provisions of s. 985.231(~~1~~) shall  
23 apply.

24 Section 43. The Department of Juvenile Justice shall  
25 develop protocols for the comprehensive evaluation described  
26 in section 985.229, Florida Statutes, in order to produce a  
27 consistent statewide practice for conducting the comprehensive  
28 evaluation. The protocols shall specify qualifications of the  
29 professionals who will conduct the comprehensive evaluation.

30 Section 44. Subsection (8) of section 790.22, Florida  
31 Statutes, is amended to read:



1           790.22 Use of BB guns, air or gas-operated guns, or  
2 electric weapons or devices by minor under 16; limitation;  
3 possession of firearms by minor under 18 prohibited;  
4 penalties.--

5           (8) Notwithstanding s. 985.213 or s. 985.215(1), if a  
6 minor under 18 years of age is charged with an offense that  
7 involves the use or possession of a firearm, as defined in s.  
8 790.001, including a violation of subsection (3), or is  
9 charged for any offense during the commission of which the  
10 minor possessed a firearm, the minor shall be detained in  
11 secure detention, unless the state attorney authorizes the  
12 release of the minor, and shall be given a hearing within 24  
13 hours after being taken into custody. At the hearing, the  
14 court may order that the minor continue to be held in secure  
15 detention in accordance with the applicable time periods  
16 specified in s. 985.215(5), if the court finds that the minor  
17 meets the criteria specified in s. 985.215(2), or if the court  
18 finds by clear and convincing evidence that the minor is a  
19 clear and present danger to himself or herself or the  
20 community. The Department of Juvenile Justice shall prepare a  
21 form for all minors charged under this subsection that states  
22 the period of detention and the relevant demographic  
23 information, including, but not limited to, the sex, age, and  
24 race of the minor; whether or not the minor was represented by  
25 private counsel or a public defender; the current offense; and  
26 the minor's complete prior record, including any pending  
27 cases. The form shall be provided to the judge to be  
28 considered when determining whether the minor should be  
29 continued in secure detention under this subsection. An order  
30 placing a minor in secure detention because the minor is a  
31 clear and present danger to himself or herself or the

1 community must be in writing, must specify the need for  
2 detention and the benefits derived by the minor or the  
3 community by placing the minor in secure detention, and must  
4 include a copy of the form provided by the department. ~~The~~  
5 ~~Department of Juvenile Justice must send the form, including a~~  
6 ~~copy of any order, without client-identifying information, to~~  
7 ~~the Office of Economic and Demographic Research.~~

8 Section 45. This act shall take effect October 1,  
9 2002.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 1718

- 4 - Allows the court to order a juvenile to participate in a  
5 residential substance abuse or mental health treatment  
6 program as part of probation.  
7  
8 - Prescribes timelines for completing the comprehensive  
9 evaluation of juveniles for whom residential commitment  
10 is contemplated.  
11  
12 - Requires the court to order a predisposition report on  
13 all juveniles who have been found to have committed a  
14 delinquent act.  
15  
16 - Requires the DJJ to report to the Legislature on the  
17 recommendations for services and the placement of  
18 juveniles following the required comprehensive  
19 evaluations.  
20 - Establishes protocols for conducting assessments and  
21 evaluations.  
22  
23 - Clarifies that the general jurisdiction of the court  
24 over a juvenile is until a juvenile's 19th birthday,  
25 with certain exceptions.  
26  
27 - Authorizes secure detention for juveniles charged with  
28 committing an act of terrorism.  
29  
30 - Adds to the detention eligibility criteria a child found  
31 by the court to be a clear and present danger to himself  
or the community (this new provision relating to  
detention eligibility would expire on October 1, 2004).  
- Requires the Juvenile Justice Estimating Conference to  
report to the Legislature by October 1, 2003, about the  
effect of this provision on the number of juveniles who  
are being held in detention.  
- Changes the requirement to report a juvenile's progress  
to the court from every 30 days to quarterly, unless the  
court requests otherwise.  
- Requires the DJJ to adopt a rule pursuant to ch. 120,  
F.S., establishing a procedure to provide notice of  
policy changes that impact contracted delinquency  
services and programs.  
- Removes a requirement for forwarding certain secure  
detention forms to the EDR.  
- Removes references to "home detention" and "staff secure  
shelters" and replaces them with "condition of  
confinement to a designated residence during designated  
hours" and "shelters."  
- Deletes definitions that are not used elsewhere in ch.  
985, F.S.