

By the Committee on Juvenile Justice and Representative
Barreiro

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 "addictions receiving facility," "child who
7 has been found to have committed a delinquent
8 act," "delinquency program," "diligent efforts
9 of social service agency," "next of kin,"
10 "serious or habitual juvenile offender
11 program," and "staff-secure shelter"; amending
12 s. 984.09, F.S.; allowing for shelter stay for
13 contempt of court by children in need of
14 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 and 984.10, F.S.; conforming cross
20 references; amending s. 984.12, F.S.; revising
21 provisions relating to case staffings and case
22 plans; repealing s. 984.14(8), F.S., relating
23 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; amending s. 985.216,

1 F.S.; revising provisions relating to placement
2 of a child in a secure facility; amending s.
3 985.229, F.S.; requiring the completion of a
4 comprehensive evaluation within a time certain;
5 requiring the department to develop protocols
6 for the comprehensive evaluation; amending s.
7 985.231, F.S.; clarifying the powers of the
8 court relating to disposition in delinquency
9 cases; creating s. 985.2311, F.S.; revising
10 conditions of probation previously contained in
11 ss. 985.228 and 985.231, F.S., and providing
12 additional conditions; revising circumstances
13 under which a child may be taken into custody
14 and detained in connection with a violation of
15 probation; amending s. 985.228, F.S., to
16 conform; creating s. 985.2312, F.S.; revising
17 conditions of commitment previously contained
18 in s. 985.231, F.S., and providing additional
19 conditions; limiting the circumstances under
20 which the court may commit certain juvenile
21 offenders for residential placement; creating
22 s. 985.2313, F.S.; providing for nonresidential
23 commitment; specifying circumstances under
24 which commitment of certain juvenile offenders
25 shall be to nonresidential commitment;
26 providing terms and conditions of
27 nonresidential commitment; providing for
28 consequences upon violation of terms of
29 nonresidential commitment; creating s. 985.24,
30 F.S.; revising provisions relating to the
31 recoupment of cost of care presently contained

1 in ss. 985.215 and 985.231, F.S.; amending s.
2 985.308, F.S.; adding provisions concerning
3 juvenile sex offender programs presently
4 contained in s. 985.231, F.S.; amending ss.
5 985.31, 985.313, 985.3141, and 985.316, F.S.,
6 to conform references; amending s. 985.404,
7 F.S., relating to detention and nonresidential
8 commitment programs, to conform; amending s.
9 985.4045, F.S.; defining "juvenile offender";
10 amending s. 985.4075, F.S.; clarifying
11 circumstances under which expenditures for
12 fixed capital outlay may be made; amending s.
13 316.635, F.S.; clarifying court jurisdiction to
14 sanction minors for contempt of court for
15 failure to appear; amending s. 318.143, F.S.;
16 clarifying court jurisdiction to sanction
17 minors for contempt of court for failure to
18 comply with court-imposed sanctions; amending
19 ss. 39.0015, 216.136, 419.001, 744.309,
20 784.075, 960.001, 985.21, and 985.311, F.S.;
21 conforming references; requiring the Department
22 of Juvenile Justice to develop protocols for a
23 comprehensive evaluation; providing an
24 effective date.

25
26 WHEREAS, the Legislature was twice called into special
27 session during 2001 to address budget shortfalls and to
28 otherwise deal with the fiscal needs of the state, and

29 WHEREAS, the Legislature, after expending considerable
30 time and effort to examine avenues within the Department of
31 Juvenile Justice that would maximize administrative

1 efficiencies and restructure delivery of services, has crafted
2 a plan to maximize the use of limited fiscal resources in
3 order to maintain an effective continuum of juvenile justice
4 services for the state, NOW, THEREFORE,

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Subsections (3), (11), (16), (21), (38),
9 (48), and (51) of section 984.03, Florida Statutes, are
10 repealed, subsections (4) through (56) are renumbered as
11 subsections (3) through (49), respectively, and present
12 subsections (18), (19), and (47) of said section are amended,
13 to read:

14 984.03 Definitions.--When used in this chapter, the
15 term:

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

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

24 ~~(a) "Secure detention" means temporary custody of the~~
25 ~~child while the child is under the physical restriction of a~~
26 ~~detention center or facility pending adjudication,~~
27 ~~disposition, or placement.~~

28 ~~(b) "Nonsecure detention" means temporary custody of~~
29 ~~the child while the child is in a residential home in the~~
30 ~~community in a physically nonrestrictive environment under the~~

31

1 ~~supervision of the Department of Juvenile Justice pending~~
2 ~~adjudication, disposition, or placement.~~

3 ~~(c) "Home detention" means temporary custody of the~~
4 ~~child while the child is released to the custody of the~~
5 ~~parent, guardian, or custodian in a physically nonrestrictive~~
6 ~~environment under the supervision of the Department of~~
7 ~~Juvenile Justice staff pending adjudication, disposition, or~~
8 ~~placement.~~

9 ~~(16)(19)~~ "Detention center or facility" means a
10 facility used, pending court adjudication or disposition or
11 execution of court order, for the temporary care of a child
12 alleged or found to have committed a violation of law. A
13 detention center or facility shall ~~may~~ provide secure ~~or~~
14 ~~nonsecure~~ custody. A facility used for the commitment of
15 adjudicated delinquents shall not be considered a detention
16 center or facility.

17 ~~(42)(47)~~ "Secure detention ~~center or facility~~" means
18 temporary custody of a child while the child is under the
19 physical restriction of a detention center or facility ~~a~~
20 ~~physically restricting facility for the temporary care of~~
21 ~~children, pending adjudication, disposition, or placement.~~

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

24 984.05 Rules relating to habitual truants; adoption by
25 Department of Education and Department of Juvenile
26 Justice.--The Department of Juvenile Justice and the
27 Department of Education shall work together on the development
28 of, and shall adopt, rules as necessary for the implementation
29 of ss. 232.19, 984.03~~(23)(27)~~, and 985.03(25).

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

1 984.09 Punishment for contempt of court; alternative
2 sanctions.--

3 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.--The court
4 may punish any child for contempt for interfering with the
5 court or with court administration, or for violating any
6 provision of this chapter or order of the court relative
7 thereto. It is the intent of the Legislature that the court
8 restrict and limit the use of contempt powers with respect to
9 commitment of a child to a secure facility. A child who
10 commits direct contempt of court or indirect contempt of a
11 valid court order may be taken into custody and ordered to
12 serve an alternative sanction or placed for a period in a
13 temporary shelter in a secure facility, as authorized in this
14 section and in s. 984.225, by order of the court.

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

21 ~~(a) A delinquent child who has been held in direct or~~
22 ~~indirect contempt may be placed in a secure detention facility~~
23 ~~for 5 days for a first offense or 15 days for a second or~~
24 ~~subsequent offense, or in a secure residential commitment~~
25 ~~facility.~~

26 ~~(b) A child in need of services who has been held in~~
27 ~~direct contempt or indirect contempt may be placed, for 5 days~~
28 ~~for a first offense or 15 days for a second or subsequent~~
29 ~~offense, in a staff-secure shelter or a staff-secure~~
30 ~~residential facility solely for children in need of services~~
31 ~~if such placement is available, or, if such placement is not~~

1 ~~available, the child may be placed in an appropriate mental~~
2 ~~health facility or substance abuse facility for assessment. In~~
3 ~~addition to disposition under this paragraph,~~A child in need
4 of services who is held in direct contempt or indirect
5 contempt may be placed in a physically secure setting as
6 provided under s. 984.226 if conditions of eligibility are
7 met.

8 (3) ALTERNATIVE SANCTIONS.--

9 (a) Each judicial circuit shall have an alternative
10 sanctions coordinator who shall serve under the chief
11 administrative judge of the juvenile division of the circuit
12 court, and who shall coordinate and maintain a spectrum of
13 contempt sanction alternatives in conjunction with the circuit
14 plan implemented in accordance with s. 790.22(4)(c). Upon
15 determining that a child has committed direct contempt of
16 court or indirect contempt of a valid court order, the court
17 may immediately request the alternative sanctions coordinator
18 to recommend the most appropriate available alternative
19 sanction and shall order the child to perform up to 50 hours
20 of community-service manual labor or a similar alternative
21 sanction, unless an alternative sanction is unavailable or
22 inappropriate, or unless the child has failed to comply with a
23 prior alternative sanction. Alternative contempt sanctions
24 may be provided by local industry or by any nonprofit
25 organization or any public or private business or service
26 entity that has entered into a contract with the Department of
27 Juvenile Justice to act as an agent of the state to provide
28 voluntary supervision of children on behalf of the state in
29 exchange for the manual labor of children and limited immunity
30 in accordance with s. 768.28(11).

31

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

15 (5) ALTERNATIVE SANCTIONS COORDINATOR.--There is
16 created the position of alternative sanctions coordinator
17 within each judicial circuit, pursuant to subsection (3). Each
18 alternative sanctions coordinator shall serve under the
19 direction of the chief administrative judge of the juvenile
20 division as directed by the chief judge of the circuit. The
21 alternative sanctions coordinator shall act as the liaison
22 between the judiciary, local department officials, district
23 school board employees, and local law enforcement agencies.
24 The alternative sanctions coordinator shall coordinate within
25 the circuit community-based alternative sanctions, ~~including~~
26 ~~nonsecure detention programs~~, community service projects, and
27 other juvenile sanctions, in conjunction with the circuit plan
28 implemented in accordance with s. 790.22(4)(c).

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

31 984.10 Intake.--

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

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

17 984.12 Case staffing; services and treatment to a
18 family in need of services.--

19 (1) The appropriate representative of the department
20 shall request a meeting of the family and child with a case
21 staffing committee to review the case of any family or child
22 who the department determines is in need of services or
23 treatment if:

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

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

28 (b)~~(c)~~ The representative of the department needs
29 assistance in developing an appropriate plan for services.
30 The time and place selected for the meeting shall be
31 convenient for the child and family.

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

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

7 (a) Statement of the problems.

8 (b) Needs of the child.

9 (c) Needs of the parents, guardian, or legal
10 custodian.

11 (d) Measurable objectives that address the identified
12 problems and needs.

13 (e) Services and treatment to be provided, to include:

14 1. Type of services or treatment.

15 2. Frequency of services or treatment.

16 3. Location.

17 4. Accountable service providers or staff.

18 (f) Timeframes for achieving objectives.

19 (6) A case manager may ~~shall~~ be designated by the case
20 staffing committee to be responsible for monitoring
21 ~~implementing~~ the case plan as implemented by the contracted
22 provider. The case manager shall periodically review the
23 progress towards achieving the objectives of the case plan in
24 order to:

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

27 (b) Terminate the case as indicated by successful or
28 substantial achievement of the objectives of the case plan or
29 as indicated by the stated intention of the parent or legal
30 custodian to withdraw from services.

31

1 Section 6. Subsection (8) of section 984.14, Florida
2 Statutes, is repealed.

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

6 984.15 Petition for a child in need of services.--

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

11 1. The family and child have in good faith used the
12 services prescribed in the case plan without meeting a
13 majority of the case plan objectives, ~~but unsuccessfully, used~~
14 ~~the services and process described in ss. 984.11 and 984.12;~~
15 or

16 2. The family or child have not participated in the
17 ~~refused all~~ services described in ss. 984.11 and 984.12 after
18 reasonable efforts by the department to involve the family and
19 child in services and treatment.

20 (c) The petition shall be in writing, shall state the
21 specific grounds under s. 984.03(8)~~(9)~~ by which the child is
22 designated a child in need of services, and shall certify that
23 the conditions prescribed in paragraph (a) have been met. The
24 petition shall be signed by the petitioner under oath stating
25 good faith in filing the petition and shall be signed by an
26 attorney for the department.

27 (3)

28 (c) The petition must be in writing and must set forth
29 specific facts alleging that the child is a child in need of
30 services as defined in s. 984.03(8)~~(9)~~. The petition must also
31 demonstrate that the parent, guardian, or legal custodian has

1 in good faith, but unsuccessfully, participated in the
2 services and processes described in ss. 984.11 and 984.12.

3 Section 8. Section 984.225, Florida Statutes, is
4 amended to read:

5 984.225 Powers of disposition; extended placement in a
6 ~~staff-secure~~ shelter beyond 35 days.--

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

12 (a) The child's parent, guardian, or legal custodian
13 refuses to provide food, clothing, shelter, and necessary
14 parental support for the child and the refusal is a direct
15 result of an established pattern of significant disruptive
16 behavior of the child that poses a threat to the safety of
17 family members in the child's household, but does not pose a
18 threat to children residing in the shelter or to the staff of
19 the temporary shelter in the home of the parent, guardian, or
20 ~~legal custodian;~~

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

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

30 (2) This section applies after other alternative,
31 less-restrictive remedies have been exhausted. The court may

1 order that a child be placed in a ~~staff-secure~~ shelter. The
2 department, or an authorized representative of the department,
3 must verify to the court that a bed is available for the
4 child. If the department or an authorized representative of
5 the department verifies that a bed is not available, the
6 department shall ~~will~~ place the child's name on a waiting
7 list. The child who has been on the waiting list the longest
8 shall ~~will~~ get the next available bed.

9 (3) The court shall order the parent, guardian, or
10 legal custodian to cooperate with efforts to reunite the child
11 with the family, participate in counseling, and pay all costs
12 associated with the care and counseling provided to the child
13 and family, in accordance with the family's ability to pay as
14 determined by the court. Commitment of a child under this
15 section is designed to provide residential care on a temporary
16 basis. Such commitment does not abrogate the legal
17 responsibilities of the parent, guardian, or legal custodian
18 with respect to the child, except to the extent that those
19 responsibilities are temporarily altered by court order.

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

23 (5) If a child has not been reunited with his or her
24 parent, guardian, or legal custodian at the expiration of the
25 90-day commitment period, the court may order that the child
26 remain in the ~~staff-secure~~ shelter for an additional 30 days
27 if the court finds that reunification could be achieved within
28 that period.

29 (6) The department is deemed to have exhausted the
30 reasonable remedies offered under this chapter if, at the end
31 of the commitment period, the parent, guardian, or legal

1 | custodian continues to refuse to allow the child to remain at
2 | home or creates unreasonable conditions for the child's
3 | return. If, at the end of the commitment period, the child is
4 | not reunited with his or her parent, guardian, or custodian
5 | due solely to the continued refusal of the parent, guardian,
6 | or custodian to provide food, clothing, shelter, and parental
7 | support, the child is considered to be threatened with harm as
8 | a result of such acts or omissions, and the court shall direct
9 | that the child be handled in every respect as a dependent
10 | child. Jurisdiction shall be transferred to the Department of
11 | Children and Family Services and the child's care shall be
12 | governed under parts II and III of chapter 39.

13 | (7) The court shall review the child's commitment once
14 | every 45 days as provided in s. 984.20. The court shall
15 | determine if the parent, guardian, or custodian has reasonably
16 | participated in and financially contributed to the child's
17 | counseling and treatment program. The court shall also
18 | determine whether the department's efforts to reunite the
19 | family have been reasonable. If the court finds an inadequate
20 | level of support or participation by the parent, guardian, or
21 | custodian prior to the end of the commitment period, the court
22 | shall direct that the child be handled in every respect as a
23 | dependent child. Jurisdiction shall be transferred to the
24 | Department of Children and Family Services and the child's
25 | care shall be governed under parts II and III of chapter 39.

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

30 | Section 9. Subsection (3) of section 984.226, Florida
31 | Statutes, is amended to read:

1 984.226 Physically secure setting.--

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

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

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

13

14 The department or an authorized representative of the
15 department must verify to the court that a bed is available
16 for the child. If a bed is not available, the court must stay
17 the placement until a bed is available, and the department
18 must place the child's name on a waiting list. The child who
19 has been on the waiting list the longest has first priority
20 for placement in the physically secure setting.

21 Section 10. Subsections (34), (51), and (52) of
22 section 985.03, Florida Statutes, are repealed, subsections
23 (35) through (59) are renumbered as subsections (34) through
24 (56), respectively, and present subsections (18), (19), (45),
25 (47), and (56) of said section are amended, to read:

26 985.03 Definitions.--When used in this chapter, the
27 term:

28 (18) "Detention care" means the temporary care or
29 supervision of a child ~~in secure, nonsecure, or home~~
30 ~~detention~~, pending a court adjudication or disposition or
31 execution of a court order, either in secure detention or on

1 detention status, which may include the use of electronic
2 monitoring, in conjunction with a court-ordered condition of
3 confinement to a designated residence during designated hours.

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

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

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

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

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

28 (44)~~(45)~~ "Residential commitment level" means the
29 level of security provided by programs that service the
30 supervision, custody, care, and treatment needs of committed
31 children. Sections 985.3141 and 985.404(4)~~(13)~~ apply to

1 children placed in programs at any residential commitment
2 level. The levels of residential commitment are as follows:
3 (a) Low-risk residential.--Programs or program models
4 at this commitment level are residential but may allow youth
5 to have unsupervised access to the community. Youth assessed
6 and classified for placement in programs at this commitment
7 level represent a low risk to themselves and public safety but
8 do require placement and services in residential settings.
9 Children who have been found to have committed delinquent acts
10 that involve firearms, delinquent acts that are sexual
11 offenses, or delinquent acts that would be life felonies or
12 first degree felonies if committed by an adult shall not be
13 committed to a program at this level.
14 (b) Moderate-risk residential.--Programs or program
15 models at this commitment level are residential but may allow
16 youth to have supervised access to the community. Facilities
17 are either environmentally secure, staff secure, or are
18 hardware-secure with walls, fencing, or locking doors.
19 Facilities shall provide 24-hour awake supervision, custody,
20 care, and treatment of residents. Youth assessed and
21 classified for placement in programs at this commitment level
22 represent a moderate risk to public safety and require close
23 supervision. The staff at a facility at this commitment level
24 may seclude a child who is a physical threat to himself or
25 herself or others. Mechanical restraint may also be used when
26 necessary.
27 (c) High-risk residential.--Programs or program models
28 at this commitment level are residential and shall not allow
29 youth to have access to the community. Facilities are
30 hardware-secure with perimeter fencing and locking doors.
31 Facilities shall provide 24-hour awake supervision, custody,

1 care, and treatment of residents. Youth assessed and
2 classified for this level of placement require close
3 supervision in a structured residential setting. Placement in
4 programs at this level is prompted by a concern for public
5 safety that outweighs placement in programs at lower
6 commitment levels. The staff at a facility at this commitment
7 level may seclude a child who is a physical threat to himself
8 or herself or others. Mechanical restraint may also be used
9 when necessary. The facility may provide for single cell
10 occupancy.

11 (d) Maximum-risk residential.--Programs or program
12 models at this commitment level include juvenile correctional
13 facilities and juvenile prisons. The programs are long-term
14 residential and shall not allow youth to have access to the
15 community. Facilities are maximum-custody hardware-secure
16 with perimeter security fencing and locking doors. Facilities
17 shall provide 24-hour awake supervision, custody, care, and
18 treatment of residents. The staff at a facility at this
19 commitment level may seclude a child who is a physical threat
20 to himself or herself or others. Mechanical restraint may
21 also be used when necessary. The facility shall provide for
22 single cell occupancy, except that youth may be housed
23 together during prerelease transition. Youth assessed and
24 classified for this level of placement require close
25 supervision in a maximum security residential setting.
26 Placement in a program at this level is prompted by a
27 demonstrated need to protect the public.

28 (46)(47) "Secure detention center or facility" means
29 temporary custody of a child while the child is under the
30 physical restriction of a detention center or facility a
31

1 ~~physically restricting facility for the temporary care of~~
2 ~~children, pending adjudication, disposition, or placement.~~
3 (53)~~(56)~~ "Temporary release" means the terms and
4 conditions under which a child is temporarily released from a
5 commitment facility or allowed home visits. No sooner than 30
6 days prior to the child's anticipated date of successful
7 completion of the residential placement component of the
8 commitment, a child committed to a low-risk, moderate-risk, or
9 high-risk residential program may be allowed temporary release
10 for purposes of facilitating successful transition out of
11 residential placement and into the home community. Such
12 periods of temporary release from a residential program may
13 not exceed 3 consecutive days. No later than 15 days prior to
14 the first anticipated date of temporary release, the
15 residential program shall provide the appropriate state
16 attorney, juvenile probation officer, and court with notice of
17 intent concerning the temporary release. The court may hold a
18 hearing to determine whether temporary release should be
19 permitted upon its own motion or upon motion by a party
20 objecting to such release. If no motion for hearing is made
21 prior to the first anticipated date of temporary release, the
22 temporary release shall be deemed approved.~~If the temporary~~
23 ~~release is from a moderate-risk residential facility, a~~
24 ~~high-risk residential facility, or a maximum-risk residential~~
25 ~~facility, the terms and conditions of the temporary release~~
26 ~~must be approved by the child, the court, and the facility.~~
27 The term "temporary release" includes periods during which the
28 child is supervised pursuant to a conditional release program
29 or a period during which the child is supervised by a juvenile
30 probation officer or other nonresidential staff of the
31

1 department or staff employed by an entity under contract with
2 the department.

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

5 985.201 Jurisdiction.--

6 (4)~~(a)~~ Notwithstanding s. ss. 743.07, 985.229, 985.23,
7 ~~and 985.231,~~ and except as provided in this section and s.
8 985.233 ss. 985.31 and 985.313, when the jurisdiction of any
9 child who is alleged to have committed a delinquent act or
10 violation of law is obtained, the court shall retain
11 jurisdiction, unless relinquished by its order, until the
12 child reaches 19 years of age, with the same power over the
13 child that the court had prior to the child becoming an adult.
14 The court may continue to retain jurisdiction of the child
15 beyond the child's 19th birthday in accordance with the
16 following:

17 (a)(b)1. The court may retain jurisdiction over a
18 child committed to the department for placement in a juvenile
19 prison or in a high-risk or maximum-risk residential
20 commitment program to allow the child to participate in a
21 juvenile conditional release program pursuant to s. 985.316.
22 In no case shall the jurisdiction of the court be retained
23 beyond the child's 22nd birthday. However, if the child is
24 not successful in the conditional release program, the
25 department may use the transfer procedure under s. 985.404.

26 (b)2. The court may retain jurisdiction over a child
27 committed to the department for placement in an intensive
28 residential treatment program for 10-year-old to 13-year-old
29 offenders, in the residential commitment program in a juvenile
30 prison, in a residential sex offender program, or in a program
31 for serious or habitual juvenile offenders ~~as provided in s.~~

1 ~~985.311 or s. 985.31~~ until the child reaches the age of 21.
2 The court may exercise jurisdiction retention solely for the
3 purpose of allowing the child to complete such program.~~If the~~
4 ~~court exercises this jurisdiction retention, it shall do so~~
5 ~~solely for the purpose of the child completing the intensive~~
6 ~~residential treatment program for 10-year-old to 13-year-old~~
7 ~~offenders, in the residential commitment program in a juvenile~~
8 ~~prison, in a residential sex offender program, or the program~~
9 ~~for serious or habitual juvenile offenders.~~Such jurisdiction
10 retention does not apply for other programs, other purposes,
11 or new offenses.

12 (c) The court may retain jurisdiction over a child and
13 the child's parent or legal guardian whom the court has
14 ordered to pay restitution until the restitution order is
15 satisfied or until the court orders otherwise. If the court
16 retains such jurisdiction after the date upon which the
17 court's jurisdiction would cease under this section, it shall
18 do so solely for the purpose of enforcing the restitution
19 order. The terms of the restitution order are subject to the
20 provisions of s. 775.089(5).

21 (d) This subsection does not prevent the exercise of
22 jurisdiction by any court having jurisdiction of the child if
23 the child, after becoming an adult, commits a violation of
24 law.

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

27 985.207 Taking a child into custody.--

28 (1) A child may be taken into custody under the
29 following circumstances:

30 (b) For a delinquent act or violation of law, pursuant
31 to Florida law pertaining to a lawful arrest. If such

1 delinquent act or violation of law would be a felony if
2 committed by an adult or involves a crime of violence or
3 terrorism, the arresting authority shall immediately notify
4 the district school superintendent, or the superintendent's
5 designee, of the school district with educational jurisdiction
6 of the child. Such notification shall include other education
7 providers such as the Florida School for the Deaf and the
8 Blind, university developmental research schools, and private
9 elementary and secondary schools. The information obtained by
10 the superintendent of schools pursuant to this section must be
11 released within 48 hours after receipt to appropriate school
12 personnel, including the principal of the child's school, or
13 as otherwise provided by law. The principal must immediately
14 notify the child's immediate classroom teachers. Information
15 provided by an arresting authority pursuant to this paragraph
16 may not be placed in the student's permanent record and shall
17 be removed from all school records no later than 9 months
18 after the date of the arrest.

19 (d) By a law enforcement officer who has probable
20 cause to believe that the child is in violation of the
21 conditions of the child's court-ordered detention supervision,
22 ~~probation, home detention, postcommitment probation, or~~
23 conditional release supervision or that the child has escaped
24 from commitment.

25
26 Nothing in this subsection shall be construed to allow the
27 detention of a child who does not meet the detention criteria
28 in s. 985.215.

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

31 985.2075 Youth custody officer.--

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

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

14 985.213 Use of detention.--

15 (1) All determinations and court orders regarding the
16 use of ~~secure, nonsecure, or home~~ detention care or detention
17 supervision, which may include the use of electronic
18 monitoring, in conjunction with a court-ordered condition of
19 confinement to a designated residence during designated hours
20 prior to disposition shall be based primarily upon findings
21 that the child:

22 (a) Presents a substantial risk of not appearing at a
23 subsequent hearing;

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

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

28 (d) Has committed contempt of court by:

29 1. Intentionally disrupting the administration of the
30 court;

31 2. Intentionally disobeying a court order; or

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

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

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

7 (2)(a) Except as provided in ss. 985.2311, 985.2312,
8 and 985.2313,all determinations and court orders regarding
9 placement of a child into detention care shall comply with all
10 requirements and criteria provided in this part and shall be
11 based on a risk assessment of the child, unless the child is
12 placed into detention care as provided in subparagraph (b)3.

13 (b)1. The risk assessment instrument for detention
14 care placement determinations and orders shall be developed by
15 the Department of Juvenile Justice in agreement with
16 representatives appointed by the following associations: the
17 Conference of Circuit Judges of Florida, the Prosecuting
18 Attorneys Association, the Public Defenders Association, the
19 Florida Sheriffs Association, and the Florida Association of
20 Chiefs of Police. Each association shall appoint two
21 individuals, one representing an urban area and one
22 representing a rural area. The parties involved shall
23 evaluate and revise the risk assessment instrument as is
24 considered necessary using the method for revision as agreed
25 by the parties. The risk assessment instrument shall take into
26 consideration, but need not be limited to, prior history of
27 failure to appear, prior offenses, offenses committed pending
28 adjudication, any unlawful possession of a firearm, any charge
29 involving an act of terrorism, theft of a motor vehicle or
30 possession of a stolen motor vehicle, and probation status at
31 the time the child is taken into custody. The risk assessment

1 instrument shall also take into consideration appropriate
2 aggravating and mitigating circumstances, and shall be
3 designed to target a narrower population of children than s.
4 985.215(2). The risk assessment instrument shall also include
5 any information concerning the child's history of abuse and
6 neglect. The risk assessment shall indicate whether detention
7 care is warranted, and, if detention care is warranted,
8 whether the child should be placed into secure, ~~nonsecure, or~~
9 ~~home~~ detention care or under detention supervision, which may
10 include the use of electronic monitoring, in conjunction with
11 a court-ordered condition of confinement to a designated
12 residence during designated hours.

13 2. If, at the detention hearing, the court finds a
14 material error in the scoring of the risk assessment
15 instrument, the court may amend the score to reflect factual
16 accuracy.

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

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

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

24
25 The child may not be held in secure detention under this
26 subparagraph for more than 48 hours unless ordered by the
27 court. After 48 hours, the court shall hold a hearing if the
28 state attorney or victim requests that secure detention be
29 continued. The child may continue to be held in detention care
30 if the court makes a specific, written finding that detention
31 care is necessary to protect the victim from injury. However,

1 the child may not be held in detention care beyond the time
2 limits set forth in s. 985.215.

3 4. For a child who is under the supervision of the
4 department or a designated agent of the department, which may
5 include the use of electronic monitoring, in conjunction with
6 a court-ordered condition of confinement to a designated
7 residence during designated hours,~~through probation, home~~
8 ~~detention, nonsecure detention, conditional release,~~
9 ~~postcommitment probation,~~ or commitment and who is charged
10 with committing a new offense, the risk assessment instrument
11 may be completed and scored based on the underlying charge for
12 which the child was placed under such ~~the~~ supervision ~~of the~~
13 ~~department~~ and the new offense.

14 (3)(a) While a child who is currently enrolled in
15 school is under detention supervision, which may include the
16 use of electronic monitoring, in conjunction with a condition
17 of confinement to a designated residence during designated
18 hours ~~in nonsecure or home detention care,~~ the child shall
19 continue to attend school unless otherwise ordered by the
20 court.

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

23 985.214 Prohibited uses of detention.--

24 (1) A child alleged to have committed a delinquent act
25 or violation of law may not be placed into secure, ~~nonsecure,~~
26 ~~or home~~ detention care or placed under the supervision of the
27 department, which supervision may include the use of
28 electronic monitoring, in conjunction with a court-ordered
29 condition of confinement to a designated residence during
30 designated hours, for any of the following reasons:

31

- 1 (a) To allow a parent to avoid his or her legal
2 responsibility.
- 3 (b) To permit more convenient administrative access to
4 the child.
- 5 (c) To facilitate further interrogation or
6 investigation.
- 7 (d) Due to a lack of more appropriate facilities.
- 8 Section 16. Subsections (1), (2), (6), (8), and (9),
9 paragraphs (a), (c), (d), and (g) of subsection (5),
10 paragraphs (a) and (b) of subsection (10), and paragraph (b)
11 of subsection (11) of section 985.215, Florida Statutes, are
12 amended to read:
- 13 985.215 Detention.--
- 14 (1) The juvenile probation officer shall receive
15 custody of a child who has been taken into custody from the
16 law enforcement agency and shall review the facts in the law
17 enforcement report or probable cause affidavit and make such
18 further inquiry as may be necessary to determine whether
19 detention care is required.
- 20 (a) During the period of time from the taking of the
21 child into custody to the date of the detention hearing, the
22 initial decision as to the child's placement into secure
23 detention care or under detention supervision, which may
24 include the use of electronic monitoring, in conjunction with
25 a condition of confinement to a designated residence during
26 designated hours, nonsecure detention care, or home detention
27 care shall be made by the juvenile probation officer pursuant
28 to ss. 985.213 and 985.214.
- 29 (b) The juvenile probation officer shall base the
30 decision whether or not to place the child into secure
31 detention care or under detention supervision, which may

1 include the use of electronic monitoring, in conjunction with
2 a condition of confinement to a designated residence during
3 designated hours, ~~home detention care, or nonsecure detention~~
4 ~~care~~ on an assessment of risk in accordance with the risk
5 assessment instrument and procedures developed by the
6 Department of Juvenile Justice under s. 985.213. However, a
7 child charged with possessing or discharging a firearm on
8 school property in violation of s. 790.115 or charged with an
9 act of terrorism as defined in s. 775.30 shall be placed in
10 secure detention care.

11 (c) If the juvenile probation officer determines that
12 a child who is eligible for detention based upon the results
13 of the risk assessment instrument should be released, the
14 juvenile probation officer shall contact the state attorney,
15 who may authorize release. If detention is not authorized, the
16 child may be released by the juvenile probation officer in
17 accordance with s. 985.211.

18
19 Under no circumstances shall the juvenile probation officer or
20 the state attorney or law enforcement officer authorize the
21 detention of any child in a jail or other facility intended or
22 used for the detention of adults, without an order of the
23 court.

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

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

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

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

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

15 (e) The child is charged with possession or
16 discharging a firearm on school property in violation of s.
17 790.115.

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

20 (g)~~(f)~~ The child is charged with a capital felony, a
21 life felony, a felony of the first degree, a felony of the
22 second degree that does not involve a violation of chapter
23 893, or a felony of the third degree that is also a crime of
24 violence, including any such offense involving the use or
25 possession of a firearm.

26 (h)~~(g)~~ The child is charged with any second degree or
27 third degree felony involving a violation of chapter 893 or
28 any third degree felony that is not also a crime of violence,
29 and the child:

30
31

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

4 2. Has a record of law violations prior to court
5 hearings;

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

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

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

11 ~~(i)(h)~~ The child is alleged to have violated the
12 conditions of the child's court-ordered detention, probation,
13 or conditional release supervision and qualifies to be held in
14 secure detention pursuant to the provisions of s.

15 985.213(2)(b)4. Otherwise, such ~~However, a child detained~~
16 ~~under this paragraph~~ may be held only under ~~in a consequence~~
17 ~~unit as provided in s. 985.231(1)(a)1.c. If a consequence unit~~
18 ~~is not available, the child shall be placed on home detention~~
19 supervision, which may include the use of ~~with~~ electronic
20 monitoring. Notwithstanding any other provision of law, a
21 child who is taken into custody and detained pursuant to the
22 provisions of this paragraph for a second or subsequent
23 violation of such supervision while awaiting disposition of
24 any pending offense against the child or while awaiting
25 residential placement by the department may be securely
26 detained until such disposition or placement.

27 ~~(j)(i)~~ The child is detained on a judicial order for
28 failure to appear and has previously willfully failed to
29 appear, after proper notice, for an adjudicatory hearing on
30 the same case regardless of the results of the risk assessment
31 instrument. A child may be held in secure detention for up to

1 72 hours in advance of the next scheduled court hearing
2 pursuant to this paragraph. The child's failure to keep the
3 clerk of court and defense counsel informed of a current and
4 valid mailing address where the child will receive notice to
5 appear at court proceedings does not provide an adequate
6 ground for excusal of the child's nonappearance at the
7 hearings.

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

20

21 A child who meets any of these criteria and who is ordered to
22 be detained pursuant to this subsection shall be given a
23 hearing within 24 hours after being taken into custody. The
24 purpose of the detention hearing is to determine the existence
25 of probable cause that the child has committed the delinquent
26 act or violation of law with which he or she is charged and
27 the need for continued detention. Unless a child is detained
28 under paragraph (d) or paragraph (e), the court shall utilize
29 the results of the risk assessment performed by the juvenile
30 probation officer and, based on the criteria in this
31 subsection, shall determine the need for continued detention.

1 A child placed into ~~secure, nonsecure, or home~~ detention care
2 or under detention supervision, which may include the use of
3 electronic monitoring, in conjunction with a condition of
4 confinement to a designated residence during designated hours
5 may continue to be so detained by the court pursuant to this
6 subsection. If the court orders a placement more restrictive
7 than indicated by the results of the risk assessment
8 instrument, the court shall state, in writing, clear and
9 convincing reasons for such placement. Except as provided in
10 s. 790.22(8) or as otherwise provided in subsection (10)
11 ~~subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c),~~
12 ~~or paragraph (10)(d),~~ when a child is placed into secure ~~or~~
13 ~~nonsecure~~ detention care, under detention supervision, which
14 may include the use of electronic monitoring, in conjunction
15 with a condition of confinement to a designated residence
16 during designated hours, or into a respite home or other
17 placement pursuant to a court order following a hearing, the
18 court order must include specific instructions that direct the
19 release of the child from such placement no later than 5 p.m.
20 on the last day of the detention period allowed by law or any
21 lesser period of detention specified in the order of the
22 court. The child shall be released from detention care as
23 directed by such order unless ~~paragraph (5)(b) or paragraph~~
24 ~~(5)(c), or subparagraph (10)(a)1., whichever is applicable,~~
25 ~~unless the requirements of such applicable provision have been~~
26 ~~met or~~ an order of continuance has been granted pursuant to
27 paragraph (5)(f) or continued detention is authorized by
28 operation of law.

29 (5)(a) A child may not be placed into or held in
30 ~~secure, nonsecure, or home~~ detention care or under detention
31 supervision, which may include the use of electronic

1 monitoring, in conjunction with a condition of confinement to
2 a designated residence during designated hours for longer than
3 24 hours unless the court orders such detention care or
4 supervision, and the order includes specific instructions that
5 direct the release of the child from such detention care, in
6 accordance with subsection (2). The order shall be a final
7 order, reviewable by appeal pursuant to s. 985.234 and the
8 Florida Rules of Appellate Procedure. Appeals of such orders
9 shall take precedence over other appeals and other pending
10 matters.

11 (c) Except as provided in paragraph (g), a child may
12 not be held in ~~secure, nonsecure, or home~~ detention care or
13 under detention supervision, which may include the use of
14 electronic monitoring, in conjunction with a condition of
15 confinement to a designated residence during designated hours
16 under a special detention order for more than 21 days unless
17 an adjudicatory hearing for the case has been commenced in
18 good faith by the court.

19 (d) Except as provided in paragraph (g), a child may
20 not be held in ~~secure, nonsecure, or home~~ detention care or
21 under detention supervision, which may include the use of
22 electronic monitoring, in conjunction with a condition of
23 confinement to a designated residence during designated hours
24 for more than 15 days following the entry of an order of
25 adjudication.

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

28 1. Upon good cause being shown that the nature of the
29 charge requires additional time for the prosecution or defense
30 of the case, the court may extend the time limits for
31 detention specified in paragraph (c) an additional 9 days if

1 the child is charged with an offense that would be, if
2 committed by an adult, a capital felony, a life felony, a
3 felony of the first degree, or a felony of the second degree
4 involving violence against any individual; or

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

11 ~~(6)(a) When any child is placed into secure,~~
12 ~~nonsecure, or home detention care, under detention~~
13 ~~supervision, which may include the use of electronic~~
14 ~~monitoring, in conjunction with a condition of confinement to~~
15 ~~a designated residence during designated hours, or into other~~
16 ~~placement pursuant to a court order following a detention~~
17 ~~hearing, the court shall proceed in accordance with s. 985.24~~
18 ~~order the parents or guardians of such child to pay to the~~
19 ~~Department of Juvenile Justice fees in the amount of \$5 per~~
20 ~~day that the child is under the care or supervision of the~~
21 ~~department in order to partially offset the cost of the care,~~
22 ~~support, maintenance, and other usual and ordinary obligations~~
23 ~~of parents to provide for the needs of their children, unless~~
24 ~~the court makes a finding on the record that the parent or~~
25 ~~guardian of the child is indigent.~~

26 ~~(b) At the time of the detention hearing, the~~
27 ~~department shall report to the court, verbally or in writing,~~
28 ~~any available information concerning the ability of the parent~~
29 ~~or guardian of the child to pay such fee. If the court makes a~~
30 ~~finding of indigency, the parent or guardian shall pay to the~~
31 ~~department a nominal subsistence fee of \$2 per day that the~~

1 ~~child is securely detained outside the home or \$1 per day if~~
2 ~~the child is otherwise detained in lieu of other fees related~~
3 ~~to the parent's obligation for the child's cost of care. The~~
4 ~~nominal subsistence fee may only be waived or reduced if the~~
5 ~~court makes a finding that such payment would constitute a~~
6 ~~significant financial hardship. Such finding shall be in~~
7 ~~writing and shall contain a detailed description of the facts~~
8 ~~that led the court to make both the finding of indigency and~~
9 ~~the finding of significant financial hardship.~~

10 ~~(c) In addition, the court may reduce the fees or~~
11 ~~waive the fees as to each parent or guardian if the court~~
12 ~~makes a finding on the record that the parent or guardian was~~
13 ~~the victim of the delinquent act or violation of law for which~~
14 ~~the child is detained and that the parent or guardian is~~
15 ~~cooperating in the investigation of the offense.~~

16 ~~(d) The court must include specific findings in the~~
17 ~~detention order as to what fees are ordered, reduced, or~~
18 ~~waived. If the court fails to enter an order as required by~~
19 ~~this subsection, it shall be presumed that the court intended~~
20 ~~the parent or guardian to pay to the department the fee of \$5~~
21 ~~per day that the child remains in detention care.~~

22 ~~(e) With respect to a child who has been found to have~~
23 ~~committed a delinquent act or violation of law, whether or not~~
24 ~~adjudication is withheld, and whose parent or guardian~~
25 ~~receives public assistance for any portion of that child's~~
26 ~~care, the department must seek a federal waiver to garnish or~~
27 ~~otherwise order the payments of the portion of the public~~
28 ~~assistance relating to that child to offset the costs of~~
29 ~~providing care, custody, maintenance, rehabilitation,~~
30 ~~intervention, or corrective services to the child. When the~~
31 ~~order affects the guardianship estate, a certified copy of the~~

1 ~~order shall be delivered to the judge having jurisdiction of~~
2 ~~the guardianship estate.~~

3 ~~(f) The clerk of the circuit court shall act as a~~
4 ~~depository for these fees. Upon each payment received, the~~
5 ~~clerk of the circuit court shall receive a fee from the total~~
6 ~~payment of 3 percent of any payment made except that no fee~~
7 ~~shall be less than \$1 nor more than \$5 per payment made. This~~
8 ~~fee shall serve as a service charge for the administration,~~
9 ~~management, and maintenance of each payment. At the end of~~
10 ~~each month, the clerk of the circuit court shall send all~~
11 ~~money collected under this section to the state Grants and~~
12 ~~Donations Trust Fund.~~

13 ~~(g) The parent or guardian shall provide to the~~
14 ~~department the parent's or guardian's name, address, social~~
15 ~~security number, date of birth, and driver's license number or~~
16 ~~identification card number and sufficient financial~~
17 ~~information for the department to be able to determine the~~
18 ~~parent's or guardian's ability to pay. If the parent or~~
19 ~~guardian refuses to provide the department with any~~
20 ~~identifying information or financial information, the court~~
21 ~~shall order the parent to comply and may pursue contempt of~~
22 ~~court sanctions for failure to comply.~~

23 ~~(h) The department may employ a collection agency for~~
24 ~~the purpose of receiving, collecting, and managing the payment~~
25 ~~of unpaid and delinquent fees. The collection agency must be~~
26 ~~registered and in good standing under chapter 559. The~~
27 ~~department may pay to the collection agency a fee from the~~
28 ~~amount collected under the claim or may authorize the agency~~
29 ~~to deduct the fee from the amount collected. The department~~
30 ~~may also pay for collection services from available authorized~~
31 ~~funds.~~

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

6 ~~(j) The Department of Juvenile Justice shall provide~~
7 ~~to the payor documentation of any amounts paid by the payor to~~
8 ~~the Department of Juvenile Justice on behalf of the child. All~~
9 ~~payments received by the department pursuant to this~~
10 ~~subsection shall be deposited in the state Grants and~~
11 ~~Donations Trust Fund. Neither the court nor the department~~
12 ~~may extend the child's length of stay in detention care solely~~
13 ~~for the purpose of collecting fees.~~

14 (8) If a child is detained pursuant to this section,
15 the Department of Juvenile Justice may transfer the child from
16 detention supervision, which may include the use of electronic
17 monitoring, in conjunction with a condition of confinement to
18 a designated residence during designated hours ~~nonsecure or~~
19 ~~home detention care~~ to secure detention care only if
20 significantly changed circumstances warrant such transfer.

21 (9) If a child is on release status and not detained
22 pursuant to this section, the child may be placed into secure,
23 ~~nonsecure, or home detention care~~ or under detention
24 supervision, which may include the use of electronic
25 monitoring, in conjunction with a condition of confinement to
26 a designated residence during designated hours only pursuant
27 to a court hearing in which the original risk assessment
28 instrument, rescored based on newly discovered evidence or
29 changed circumstances with the results recommending detention,
30 is introduced into evidence.

31

1 (10)(a)1. The court shall order all children who are
2 adjudicated delinquent and awaiting placement in a residential
3 commitment program to be placed, or to continue placement, in
4 detention care. However, a child may only be placed in secure
5 detention care upon meeting the detention admission criteria
6 in accordance with this section. Children who do not meet the
7 criteria for placement into secure detention care may be
8 placed under detention supervision, which may include the use
9 of electronic monitoring, in conjunction with a condition of
10 confinement to a designated residence during designated hours.
11 ~~When a child is committed to the Department of Juvenile~~
12 ~~Justice awaiting dispositional placement, removal of the child~~
13 ~~from detention care shall occur within 5 days, excluding~~
14 ~~Saturdays, Sundays, and legal holidays. Any child held in~~
15 ~~secure detention during the 5 days must meet detention~~
16 ~~admission criteria pursuant to this section.~~

17 2. If the child is committed to a moderate-risk
18 residential program, the department may seek an order from the
19 court authorizing continued detention for the ~~a~~ specific
20 period of time necessary for the appropriate residential
21 placement of the child. However, such continued detention in
22 secure detention care may not exceed 15 days after commitment,
23 excluding Saturdays, Sundays, and legal holidays, and except
24 as otherwise provided in this subsection.

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

30 (b) A child who is placed under detention supervision,
31 which may include the use of electronic monitoring, in

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

12 (11)

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

21 Section 17. Subsections (2) and (5) of section
22 985.216, Florida Statutes, are amended to read:

23 985.216 Punishment for contempt of court; alternative
24 sanctions.--

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 not to exceed 5 days for a first offense and not to exceed 15
4 days for a second or subsequent offense.

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

18 (5) ALTERNATIVE SANCTIONS COORDINATOR.--There is
19 created the position of alternative sanctions coordinator
20 within each judicial circuit, pursuant to subsection (3). Each
21 alternative sanctions coordinator shall serve under the
22 direction of the chief administrative judge of the juvenile
23 division as directed by the chief judge of the circuit. The
24 alternative sanctions coordinator shall act as the liaison
25 between the judiciary, local department officials, district
26 school board employees, and local law enforcement agencies.
27 The alternative sanctions coordinator shall coordinate within
28 the circuit community-based alternative sanctions, including
29 ~~nonsecure detention programs~~, community service projects, and
30 other juvenile sanctions, in conjunction with the circuit plan
31 implemented in accordance with s. 790.22(4)(c).

1 Section 18. Subsection (4) of section 985.228, Florida
2 Statutes, is amended to read:

3 985.228 Adjudicatory hearings; withheld adjudications;
4 orders of adjudication.--

5 (4) If the court finds that the child named in the
6 petition has committed a delinquent act or violation of law,
7 it may, in its discretion, enter an order stating the facts
8 upon which its finding is based but withholding adjudication
9 of delinquency and placing the child in a probation program
10 pursuant to the provisions of s. 985.2311 under the
11 ~~supervision of the department or under the supervision of any~~
12 ~~other person or agency specifically authorized and appointed~~
13 ~~by the court. The court may, as a condition of the program,~~
14 ~~impose as a penalty component restitution in money or in kind,~~
15 ~~community service, a curfew, urine monitoring, revocation or~~
16 ~~suspension of the driver's license of the child, or other~~
17 ~~nonresidential punishment appropriate to the offense, and may~~
18 ~~impose as a rehabilitative component a requirement of~~
19 ~~participation in substance abuse treatment, or school or other~~
20 ~~educational program attendance. If the child is attending~~
21 ~~public school and the court finds that the victim or a sibling~~
22 ~~of the victim in the case was assigned to attend or is~~
23 ~~eligible to attend the same school as the child, the court~~
24 ~~order shall include a finding pursuant to the proceedings~~
25 ~~described in s. 985.23(1)(d).~~ If the court later finds that
26 the child has not complied with the rules, restrictions, or
27 conditions of the community-based program, the court may,
28 after a hearing to establish the lack of compliance, but
29 without further evidence of the state of delinquency, enter an
30 adjudication of delinquency and shall thereafter have full
31

1 authority under this chapter to deal with the child as
2 adjudicated.

3 Section 19. Subsection (1) of section 985.229, Florida
4 Statutes, is amended to read:

5 985.229 Predisposition report; other evaluations.--

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

15 The predisposition report shall be the result of the
16 multidisciplinary assessment when such assessment is needed,
17 and of the classification and placement process, and it shall
18 indicate and report the child's priority needs,
19 recommendations as to a classification of risk for the child
20 in the context of his or her program and supervision needs,
21 and a plan for treatment that recommends the most appropriate
22 placement setting to meet the child's needs with the minimum
23 program security that reasonably ensures public safety. A
24 predisposition report shall be ordered for any child for whom
25 a residential commitment disposition is anticipated or
26 recommended by an officer of the court or by the department. A
27 comprehensive evaluation for physical health, mental health,
28 substance abuse, academic, educational, or vocational problems
29 shall be ordered for any child for whom a residential
30 commitment disposition is anticipated or recommended by an
31 officer of the court or by the department. If a comprehensive

1 evaluation is ordered, the comprehensive evaluation shall be
2 completed within 20 days after the date ordered.The
3 predisposition report shall include a summary of the
4 comprehensive evaluation. The predisposition report shall be
5 submitted to the court upon completion of the report but no
6 later than 48 hours prior to the disposition hearing. The
7 predisposition report shall not be reviewed by the court
8 without the consent of the child and his or her legal counsel
9 until the child has been found to have committed a delinquent
10 act.

11 Section 20. Section 985.231, Florida Statutes, is
12 amended to read:

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

15 985.231 Powers of disposition in delinquency
16 cases.--The court that has jurisdiction over an adjudicated
17 delinquent child may, by an order stating the facts upon which
18 a determination of a sanction and rehabilitative program was
19 made at the disposition hearing:

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

25 (2) Commit the child to the Department of Juvenile
26 Justice pursuant to the provisions of s. 985.2312.

27 Section 21. Section 985.2311, Florida Statutes, is
28 created to read:

29 985.2311 Probation.--Pursuant to the provisions of ss.
30 985.228 and 985.231, the court may place a child in a
31 probation program under the supervision of the Department of

1 Juvenile Justice, an authorized agent of the department, or
2 any other person or agency specifically authorized and
3 appointed by the court pursuant to this section whether in the
4 child's own home, in the home of a relative of the child, or
5 in some other suitable place under such reasonable conditions
6 as the court may direct, subject to the following:

7 (1) A probation program for a child for whom
8 adjudication has been withheld or for an adjudicated
9 delinquent child shall include:

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

14 (b) A rehabilitative component such as a requirement
15 of participation in residential or nonresidential substance
16 abuse or mental health treatment or school or other
17 educational program attendance.

18
19 Upon the recommendation of the department at the time of
20 disposition, or subsequent to disposition pursuant to the
21 filing of a petition alleging a violation of the child's
22 conditions of probation, the court may order the child to
23 submit to random testing for the purpose of detecting and
24 monitoring the use of alcohol or controlled substances.

25 (2) In carrying out the provisions of this part, the
26 court may order the natural parents, legal custodian, or
27 guardian of a child who is found to have committed a
28 delinquent act to participate in family counseling and other
29 professional counseling activities deemed necessary for the
30 rehabilitation of the child or to enhance the ability of the
31 parents, legal custodian, or guardian to provide the child

1 with adequate support, guidance, and supervision. The court
2 may also order that the parent, legal custodian, or guardian
3 support the child and participate with the child in fulfilling
4 a court-imposed sanction, including an order of restitution or
5 community service. The court may also order the parent, legal
6 custodian, or guardian to notify the court of any violation of
7 supervision conditions by the child. In addition, the court
8 may use its contempt powers as to the parent, legal custodian,
9 guardian, or child in order to enforce a court-imposed
10 sanction.

11 (3)(a) The department shall provide a restrictiveness
12 level classification scale for levels of supervision that
13 shall take into account the child's needs and the risks
14 relative to probation supervision requirements to reasonably
15 ensure public safety.

16 (b) Probation programs for children shall be
17 supervised by the department or by any other person or agency
18 specifically authorized by the court. These programs shall
19 include, but are not limited to, structured or restricted
20 activities as described in this section and shall be designed
21 to encourage the child toward acceptable and functional social
22 behavior. If supervision or a program of community service is
23 ordered by the court, the duration of such supervision or
24 program shall be consistent with any treatment and
25 rehabilitation needs identified for the child. The term of
26 any order placing a child in a probation program shall be for
27 an indefinite period of time, but may not exceed the term for
28 which a sentence could be imposed if the child were found
29 guilty of the charge in the adult system, except that the
30 duration of such supervision or program for an offense that is
31 a misdemeanor of the second degree, or is equivalent to a

1 misdemeanor of the second degree, may be for a period not to
2 exceed 6 months.

3 (c) When restitution is ordered by the court, the
4 amount of restitution may not exceed an amount the child and
5 the parent or guardian could reasonably be expected to pay or
6 make. If the court orders the child to make restitution in
7 money, the court may also require the execution of a
8 promissory note cosigned by the child's parent or guardian or
9 require restitution in kind for any damage or loss caused by
10 the child's offense in a reasonable amount or manner to be
11 determined by the court. The clerk of the circuit court shall
12 be the receiving and dispensing agent for restitution
13 payments. The court shall order the child or the child's
14 parent or guardian to pay to the office of the circuit court
15 an amount not to exceed the actual cost incurred by the clerk
16 as a result of receiving and dispensing restitution payments.
17 The clerk shall notify the court if restitution is not made
18 and the court shall take any further action that is necessary
19 against the child or the child's parent or guardian.

20 (d) Unless otherwise provided by law, whenever a child
21 is required by the court to participate in any work program
22 under this part or whenever a child volunteers to work in a
23 specified state, county, municipal, or community service
24 organization supervised work program or to work for the
25 victim, either as an alternative to monetary restitution or as
26 a part of the rehabilitative or probation program, the child
27 is an employee of the state for the purposes of liability. In
28 determining the child's average weekly wage, unless otherwise
29 determined by a specific funding program, all remuneration
30 received from the employer is a gratuity and the child is not
31 entitled to any benefits otherwise payable under s. 440.15,

1 regardless of whether the child may be receiving wages and
2 remuneration from other employment with another employer and
3 regardless of the child's future wage-earning capacity.

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

11 (b) If the conditions of the probation or conditional
12 release program are violated, the department or the state
13 attorney may bring the child before the court on an affidavit
14 alleging a violation of the program. The state attorney shall
15 represent the state in any hearing on the violation. Any child
16 who violates the conditions of probation must be brought
17 before the court if sanctions are sought.

18 (c) A child taken into custody under s. 985.207 for
19 violating the conditions of probation or conditional release
20 may be held in detention care in accordance with s. 985.215.
21 Notwithstanding s. 985.215, a child may be held in secure
22 detention until such time as the child is brought before the
23 court for a hearing to determine the existence of probable
24 cause that the child violated the conditions of probation or
25 conditional release if the child:

26 1. Has a record of failure to appear at court hearings
27 after being properly notified in accordance with the Florida
28 Rules of Juvenile Procedure;

29 2. Has a record of violations of law prior to court
30 hearings;

31

1 3. Has a record of violent conduct resulting in
2 physical injury to others; or

3 4. Is found to have been in possession of a firearm.

4
5 The child shall be afforded a hearing within 24 hours after
6 being taken into custody. Following the hearing to determine
7 the existence of probable cause that the child violated the
8 conditions of probation, or if the violation involves a new
9 charge of delinquency, the child may continue to be detained
10 in accordance with s. 985.215.

11 (d) If the child denies violating the conditions of
12 probation or conditional release, the child may contest the
13 allegation of violation through counsel as provided in s.
14 985.203. Upon the child's admission, or if the court finds
15 after a hearing that the child has violated the conditions of
16 probation or conditional release, the court shall enter an
17 order revoking, modifying, or continuing probation or
18 conditional release. In each such case, the court shall enter
19 a new disposition order and, in addition to the sanctions set
20 forth in this paragraph, may impose any sanction the court
21 could have imposed at the original disposition hearing. If
22 the child is found to have violated the conditions of
23 probation or conditional release, the court may:

24 1. Modify or continue the child's probation or
25 conditional release program.

26 2. Place the child in the secure detention facility
27 serving that judicial circuit for up to 5 days for a first
28 violation and up to 15 days for a second or subsequent
29 violation.

1 3. Subject to limitations specified in ss. 985.2312
2 and 985.2313, revoke probation or conditional release and
3 commit the child to the department.

4
5 Nothing in this section shall be construed to limit the
6 authority of the court to punish a violation of an order of
7 the court in accordance with s. 985.216.

8 (5) The court may retain jurisdiction over a child
9 placed in a probation program in accordance with the
10 provisions of s. 985.201 unless the child is released by the
11 court on the motion of an interested party or on its own
12 motion. The court may at any time enter an order ending its
13 jurisdiction over any child.

14
15 If a child who is placed in a probation program is attending
16 or is eligible to attend public school and the court finds
17 that the victim or a sibling of the victim in the case is
18 attending or may attend the same school as the child, the
19 court's placement order shall include a finding pursuant to
20 the proceedings described in s. 985.23(1)(d). Any order made
21 pursuant to this section shall be in writing as prepared by
22 the clerk of court and may thereafter be modified or set aside
23 by the court.

24 Section 22. Section 985.2312, Florida Statutes, is
25 created to read:

26 985.2312 Commitment to the Department of Juvenile
27 Justice.--Pursuant to the provisions of s. 985.231, the court
28 that has jurisdiction of an adjudicated delinquent child may,
29 by an order stating the facts upon which a determination of a
30 sanction and rehabilitative program was made at the
31 disposition hearing, commit the child to the care and custody

1 of the Department of Juvenile Justice under such reasonable
2 conditions as the court may direct, subject to the following:

3 (1) Commitment must be for the purpose of exercising
4 active control over the child, including, but not limited to,
5 custody, care, training, urine monitoring, and treatment of
6 the child.

7 (2)(a) Commitment to the department may be for the
8 purpose of providing the child with an alternative residential
9 environment, for the purpose of providing the child with
10 on-site school instruction in a structured-day, nonresidential
11 supervision program, or for the purpose of transitioning the
12 child out of the residential placement component of commitment
13 into the community through nonresidential supervision services
14 as part of a conditional release program. If the child is not
15 successful in the conditional release program, the department
16 may exercise its transfer authority in accordance with s.
17 985.404 or proceed pursuant to the provisions of s.
18 985.2311(5).

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

28 (3) Commitment of the child to the department shall
29 specify a residential commitment level as defined in s.
30 985.03, subject to the limitations provided in subsection (4).

31

1 (4) The court shall hold in abeyance the residential
2 placement of any child who is before the court for:

3 (a) An offense that would be a misdemeanor if
4 committed by an adult; or

5 (b) An offense that would be a felony if committed by
6 an adult but that does not involve an act of violence to
7 another person,

8
9 if such child has not previously been supervised by the
10 department, an authorized agent of the department, or any
11 other person or agency specifically authorized and appointed
12 by the court in a structured-day probation program offering an
13 alternative school setting or in a residential commitment
14 program under the supervision of any state juvenile justice
15 agency. Instead, the court shall proceed pursuant to the
16 provisions of s. 985.2313.

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

23 (a) The protection of the public requires that the
24 child be placed in a program for serious or habitual juvenile
25 offenders.

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

29
30 Such determination shall be made in accordance with s.
31 985.23(3).

1 (6) Subject to specific appropriation and
2 notwithstanding subsection (4), the court shall specify in its
3 commitment order that the child shall be placed in a program
4 or facility for juvenile sexual offenders in accordance with
5 the provisions of s. 985.308 if the court determines, on its
6 own or upon request by the state or the department, that:

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

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

12 (7) The court may order the child, as a condition of
13 commitment or as a condition of the nonresidential conditional
14 release program, to comply with any condition provided in s.
15 985.2311.

16 (8) The court may, upon motion of the child or upon
17 its own motion within 60 days after imposition of a
18 disposition of commitment, suspend the further execution of
19 the disposition to commitment and place the child in a
20 probation program upon such terms and conditions as the court
21 may require. The department shall forward to the court all
22 relevant material on the child's progress while in custody no
23 later than 3 working days prior to the hearing on the motion
24 to suspend the disposition.

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

28 (10) Any commitment of a delinquent child to the
29 department shall be for an indeterminate period of time, which
30 may include periods of temporary release, but the time may not
31 exceed the maximum term of imprisonment that an adult may

1 serve for the same offense. The duration of the child's
2 placement in a residential commitment program of any level
3 shall be based on objective performance-based treatment
4 planning. The child's treatment plan progress and
5 adjustment-related issues shall be reported to the court
6 quarterly unless the court requests a monthly report. Any
7 temporary release from such program shall be as provided in s.
8 985.03. The child's length of stay in a residential commitment
9 program may be extended if the child fails to comply with or
10 participate in treatment activities. The child's length of
11 stay in such program shall not be extended for purposes of
12 sanction or punishment. The nonconsent of the child to
13 commitment or treatment in a residential commitment program,
14 including a substance abuse treatment program, in no way
15 precludes the court from ordering such commitment or
16 treatment. Any child so committed may be discharged from
17 institutional confinement or a program upon the direction of
18 the department with the concurrence of the court. The child's
19 treatment plan progress and adjustment-related issues shall be
20 communicated to the court at the time the department requests
21 the court to consider releasing the child from the residential
22 commitment program.

23 (11) The department shall give the court that
24 committed the child to the department reasonable notice, in
25 writing, of its desire to discharge the child from a
26 commitment facility. The court that committed the child may
27 thereafter accept or reject the request. If the court does not
28 respond within 10 days after receipt of the notice, the
29 request of the department shall be deemed granted. This
30 section does not limit the department's authority to revoke a
31 child's temporary release status and return the child to a

1 commitment facility for any violation of the terms and
2 conditions of the temporary release.

3 (12) When a child is committed to the department or a
4 licensed child care agency for residential placement pursuant
5 to the provisions of this section, the court shall proceed in
6 accordance with s. 985.24.

7 (13) Notwithstanding s. 743.07, the jurisdiction of
8 the court over a juvenile offender committed to the department
9 pursuant to s. 985.231 and the provisions of this section
10 shall be as specified in s. 985.201.

11 Section 23. Section 985.2313, Florida Statutes, is
12 created to read:

13 985.2313 Nonresidential commitment.--

14 (1) With regard to a child who:

15 (a) Has not previously been supervised by the
16 Department of Juvenile Justice, an authorized agent of the
17 department, or any other person or agency specifically
18 authorized and appointed by the court in either:

19 1. A residential commitment program; or

20 2. A structured-day probation program offering on-site
21 school instruction; and

22 (b) Is before the court for:

23 1. An offense that would be a misdemeanor if committed
24 by an adult; or

25 2. An offense that would be a felony if committed by
26 an adult, but that does not involve an act of violence to
27 another person,

28
29 if the court proceeds pursuant to s. 985.231(2), the
30 provisions of s. 985.2312(4) are applicable and the court
31

1 shall hold in abeyance the residential placement of such child
2 and proceed in accordance with the provisions of this section.

3 (2) Pursuant to the provisions of ss. 985.231 and
4 985.2312, the court that has jurisdiction of an adjudicated
5 delinquent child may, by an order stating the facts upon which
6 a determination of a sanction and rehabilitative program was
7 made at the disposition hearing, commit the child to the care
8 and custody of the department, an authorized agent of the
9 department, or any other person or agency specifically
10 authorized and appointed by the court for placement in a
11 nonresidential, community-based supervision program offering
12 structured-day services and on-site school instruction. The
13 court may impose any additional conditions of such
14 nonresidential commitment supervision as provided in s.
15 985.2311.

16 (3) If the conditions of the nonresidential,
17 community-based supervision program are violated, the
18 department may proceed in accordance with s. 985.404(4).
19 However, unless the violation involves an allegation of a new
20 violation of law for an offense that would be a felony if
21 committed by an adult, the department may not exercise its
22 authority pursuant to s. 985.404(4) to place the child in a
23 high-risk or maximum-risk residential program. Instead, the
24 department may place the child:

25 (a) In a secure detention facility for up to 5 days as
26 a consequence for the violation; or

27 (b) In a low-risk or moderate-risk residential program
28 for up to 28 days as a consequence for a subsequent violation.

29
30 Such consequence placement shall be considered an additional
31 sanction as a condition of continued nonresidential,

1 community-based supervision program but shall not be
2 considered a residential commitment for purposes of s.
3 985.229. Nothing in this subsection shall be construed to
4 limit the authority of the court, in accordance with the
5 provisions of s. 985.228, s. 985.23, or s. 985.231, to dispose
6 of a subsequent violation of law by a child committed to a
7 nonresidential, community-based supervision program.

8 (4) If the child is alleged to have violated the
9 conditions of the nonresidential, community-based supervision
10 program subsequent to having received a consequence placement
11 in a low-risk or moderate-risk residential program pursuant to
12 subsection (3), the department has full authority to proceed
13 in accordance with s. 985.404(4).

14 Section 24. Section 985.24, Florida Statutes, is
15 created to read:

16 985.24 Cost of care and custody.--

17 (1) When any child is:

18 (a) Placed into secure detention care, under detention
19 supervision, which may include the use of electronic
20 monitoring, in conjunction with a condition of confinement to
21 a designated residence during designated hours, or into other
22 placement pursuant to a court order following a detention
23 hearing; or

24 (b) Adjudicated by the court to have committed a
25 delinquent act and temporary legal custody of the child has
26 been placed with a licensed child-caring agency or the
27 Department of Juvenile Justice,

28
29 the court shall order the parents or legal guardian of such
30 child to pay fees to the department in the amount of \$5 per
31 day that the child is under the care or supervision of the

1 department in order to partially offset the actual cost of the
2 care, support, maintenance, and other usual and ordinary
3 obligations of parents to provide for the needs of their
4 children while in the recommended residential commitment
5 level, unless the court makes a finding on the record that the
6 parent or guardian of the child is indigent pursuant to s.
7 27.52.

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

25 (3) In addition, the court may reduce the fees or
26 waive the fees as to each parent or guardian if the court
27 makes a finding on the record that the parent or guardian was
28 the victim of the delinquent act or violation of law for which
29 the child is subject to placement under this section and that
30 the parent or guardian has cooperated in the investigation and
31 prosecution of the offense.

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

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

28 (6) The parent or guardian shall provide to the
29 department the parent or guardian's name, address, social
30 security number, state of birth, and driver's license number
31 or identification card number and sufficient financial

1 information for the department to be able to determine the
2 parent's or guardian's ability to pay. If the parent or
3 guardian refuses to provide the department with any
4 identifying information or financial information, the court
5 shall order the parent or guardian to comply and may pursue
6 contempt of court sanctions for failure to comply.

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

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

21 (9) The department shall provide to the payor
22 documentation of any amounts paid by the payor to the
23 department on behalf of the child. All payments received by
24 the department pursuant to this subsection shall be deposited
25 in the Grants and Donations Trust Fund.

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

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

31

1 985.308 Juvenile sexual offender commitment programs;
2 sexual abuse intervention networks.--

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

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

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

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

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

18 3. A multidisciplinary assessment of the sexually
19 deviant behaviors, including an assessment by a certified
20 psychologist, therapist, or psychiatrist.

21 4. An assessment of the juvenile sexual offender's
22 family, social, educational, and employment situation. The
23 report shall set forth the sources of the evaluator's
24 information.

25 (c) The report shall assess the juvenile sexual
26 offender's amenability to treatment and relative risk to the
27 victim and the community.

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

30 1. The frequency and type of contact between the
31 offender and the therapist.

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

3 3. Monitoring plans, including any requirements
4 regarding living conditions, school attendance and
5 participation, lifestyle, and monitoring by family members,
6 legal guardians, or others.

7 4. Anticipated length of treatment.

8 5. Recommended crime-related prohibitions and curfew.

9 6. Reasonable restrictions on the contact between the
10 juvenile sexual offender and either the victim or the alleged
11 victim.

12 (e) After receipt of the report on the proposed plan
13 of treatment, the court shall consider whether the community
14 and the offender will benefit from use of juvenile sexual
15 offender community-based treatment alternative disposition and
16 consider the opinion of the victim or the victim's family as
17 to whether the offender should receive a community-based
18 treatment alternative disposition under this subsection.

19 (f) If the court determines that the juvenile sexual
20 offender community-based treatment alternative is appropriate,
21 the court may place the offender on community supervision for
22 up to 3 years. As a condition of community treatment and
23 supervision, the court may order the offender to:

24 1. Undergo available outpatient juvenile sexual
25 offender treatment for up to 3 years. A program or provider
26 may not be used for such treatment unless it has an
27 appropriate program designed for sexual offender treatment.
28 The department shall not change the treatment provider without
29 first notifying the state attorney's office.

30 2. Remain within described geographical boundaries and
31 notify the court or the department counselor prior to any

1 change in the offender's address, educational program, or
2 employment.

3 3. Comply with all requirements of the treatment plan.
4 (g) The juvenile sexual offender treatment provider
5 shall submit quarterly reports on the respondent's progress in
6 treatment to the court and the parties to the proceedings.
7 The juvenile sexual offender reports shall reference the
8 treatment plan and include, at a minimum, the following:

9 1. The dates of attendance.
10 2. The juvenile sexual offender's compliance with the
11 requirements of treatment.

12 3. A description of the treatment activities.
13 4. The juvenile sexual offender's relative progress in
14 treatment.

15 5. The juvenile sexual offender's family support of
16 the treatment objectives.

17 6. Any other material specified by the court at the
18 time of the disposition.

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

21 (i) If the juvenile sexual offender violates any
22 condition of the disposition or the court finds that the
23 juvenile sexual offender is failing to make satisfactory
24 progress in treatment, the court may revoke the
25 community-based treatment alternative and order commitment to
26 the department as otherwise provided in s. 985.2312.

27 (j) If the court determines that the juvenile sexual
28 offender is not amenable to community-based treatment, the
29 court shall proceed with a juvenile sexual offender
30 disposition hearing as provided in s. 985.2312.
31

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

4 985.31 Serious or habitual juvenile offender.--

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

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

13 (k) Any commitment of a child to the department for
14 placement in a serious or habitual juvenile offender program
15 or facility shall be for an indeterminate period of time, but
16 the time shall not exceed the maximum term of imprisonment
17 which an adult may serve for the same offense. The court may
18 retain jurisdiction over such child in accordance with s.
19 985.201. ~~Notwithstanding the provisions of ss. 743.07 and~~
20 ~~985.231(1)(d), a serious or habitual juvenile offender shall~~
21 ~~not be held under commitment from a court pursuant to this~~
22 ~~section, s. 985.231, or s. 985.233 after becoming 21 years of~~
23 ~~age. This provision shall apply only for the purpose of~~
24 ~~completing the serious or habitual juvenile offender program~~
25 ~~pursuant to this chapter and shall be used solely for the~~
26 ~~purpose of treatment.~~

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

28 (a) Pursuant to the provisions of this section, the
29 department shall implement the comprehensive assessment
30 instrument for the treatment needs of serious or habitual
31 juvenile offenders and for the assessment, which assessment

1 shall include the criteria under s. 985.03(47)~~(48)~~ and shall
2 also include, but not be limited to, evaluation of the
3 child's:

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

13 Section 27. Section 985.313, Florida Statutes, is
14 amended to read:

15 985.313 Juvenile correctional facilities or juvenile
16 prison.--A juvenile correctional facility or juvenile prison
17 is a physically secure residential commitment program with a
18 designated length of stay from 18 months to 36 months,
19 primarily serving children 13 years of age to 19 years of age,
20 or until the jurisdiction of the court expires. The court may
21 retain jurisdiction over the child in accordance with the
22 provisions of s. 985.201 ~~until the child reaches the age of~~
23 ~~21, specifically for the purpose of the child completing the~~
24 ~~program~~. Each child committed to this level must meet one of
25 the following criteria:

- 26 (1) The youth is at least 13 years of age at the time
27 of the disposition for the current offense and has been
28 adjudicated on the current offense for:
 - 29 (a) Arson;
 - 30 (b) Sexual battery;
 - 31 (c) Robbery;

- 1 (d) Kidnapping;
2 (e) Aggravated child abuse;
3 (f) Aggravated assault;
4 (g) Aggravated stalking;
5 (h) Murder;
6 (i) Manslaughter;
7 (j) Unlawful throwing, placing, or discharging of a
8 destructive device or bomb;
9 (k) Armed burglary;
10 (l) Aggravated battery;
11 (m) Carjacking;
12 (n) Home-invasion robbery;
13 (o) Burglary with an assault or battery;
14 (p) Any lewd or lascivious offense committed upon or
15 in the presence of a person less than 16 years of age; or
16 (q) Carrying, displaying, using, threatening to use,
17 or attempting to use a weapon or firearm during the commission
18 of a felony.
- 19 (2) The youth is at least 13 years of age at the time
20 of the disposition, the current offense is a felony, and the
21 child has previously been committed three or more times to a
22 delinquency commitment program.
- 23 (3) The youth is at least 13 years of age and is
24 currently committed for a felony offense and transferred from
25 a moderate-risk or high-risk residential commitment placement.
- 26 (4) The youth is at least 13 years of age at the time
27 of the disposition for the current offense, the youth is
28 eligible for prosecution as an adult for the current offense,
29 and the current offense is ranked at level 7 or higher on the
30 Criminal Punishment Code offense severity ranking chart
31 pursuant to s. 921.0022.

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

3 985.3141 Escapes from secure detention or residential
4 commitment facility.--An escape from:

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

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

11 985.316 Conditional release.--

12 (5) Participation in the educational program by
13 students of compulsory school attendance age pursuant to s.
14 232.01 is mandatory for juvenile justice youth on conditional
15 release or ~~postcommitment~~ probation status. A student of
16 noncompulsory school-attendance age who has not received a
17 high school diploma or its equivalent must participate in the
18 educational program. A youth who has received a high school
19 diploma or its equivalent and is not employed must participate
20 in workforce development or other vocational or technical
21 education or attend a community college or a university while
22 in the program, subject to available funding.

23 Section 30. Subsection (4) and paragraph (a) of
24 subsection (10) of section 985.404, Florida Statutes, are
25 amended to read:

26 985.404 Administering the juvenile justice
27 continuum.--

28 (4) The department may transfer a child, when
29 necessary to appropriately administer the child's commitment,
30 from one facility or program to another facility or program
31 operated, contracted, subcontracted, or designated by the

1 department, including a nonresidential community-based
2 supervision program offering structured-day services and
3 on-site school instruction or a ~~postcommitment~~ nonresidential
4 conditional release program. The department shall notify the
5 court that committed the child to the department and any
6 attorney of record, in writing, of its intent to transfer the
7 child from a commitment facility or program to another
8 facility or program of a higher or lower restrictiveness
9 level. The court that committed the child may agree to the
10 transfer or may set a hearing to review the transfer. If the
11 court does not respond within 10 days after receipt of the
12 notice, the transfer of the child shall be deemed granted.

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

25 Section 31. Paragraph (a) of subsection (1) of section
26 985.4045, Florida Statutes, is amended to read:

27 985.4045 Sexual misconduct prohibited; reporting
28 required; penalties.--

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

30 a. "Sexual misconduct" means fondling the genital
31 area, groin, inner thighs, buttocks, or breasts of a person;

1 the oral, anal, or vaginal penetration by or union with the
2 sexual organ of another; or the anal or vaginal penetration of
3 another by any other object. The term does not include an act
4 done for a bona fide medical purpose or an internal search
5 conducted in the lawful performance of duty by an employee of
6 the department or an employee of a provider under contract
7 with the department.

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

11 c. "Juvenile offender" means any person, regardless of
12 age, who is detained or supervised by, or committed to the
13 custody of, the department.

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

21 3. The consent of the juvenile offender to any act of
22 sexual misconduct is not a defense to prosecution under this
23 subsection.

24 4. This subsection does not apply to an employee of
25 the department, or an employee of a provider under contract
26 with the department, who:

27 a. Is legally married to a juvenile offender who is
28 detained or supervised by, or committed to the custody of, the
29 department.

30 b. Has no reason to believe that the person with whom
31 the employee engaged in sexual misconduct is a juvenile

1 offender detained or supervised by, or committed to the
2 custody of, the department.

3 Section 32. Section 985.4075, Florida Statutes, is
4 amended to read:

5 985.4075 One-time startup funding for juvenile justice
6 purposes.--Funds from juvenile justice appropriations may be
7 utilized as one-time startup funding for juvenile justice
8 purposes that include, but are not limited to, remodeling or
9 renovation of existing facilities, construction costs, leasing
10 costs, purchase of equipment and furniture, site development,
11 and other necessary and reasonable costs associated with the
12 startup of facilities or programs. However, any expenditures
13 for fixed capital outlay may only be made from a fixed capital
14 outlay appropriation category as defined in s. 216.011(1)(p)
15 and consistent with the intent of the appropriation.

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

18 39.0015 Child abuse prevention training in the
19 district school system.--

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

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

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

26 216.136 Consensus estimating conferences; duties and
27 principals.--

28 (8) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

29 (a) Duties.--The Juvenile Justice Estimating
30 Conference shall develop such official information relating to
31 the juvenile justice system of the state as is determined by

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

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

15 316.635 Courts having jurisdiction over traffic
16 violations; powers relating to custody and detention of
17 minors.--

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

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

30 ~~(b) For a second or subsequent offense, the court may~~
31 ~~order a minor to serve up to 15 days in a staff-secure shelter~~

1 ~~or, if space in a staff-secure shelter is unavailable, in a~~
2 ~~secure juvenile detention center.~~

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

5 318.143 Sanctions for infractions by minors.--

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

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

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

21 Section 37. Paragraph (d) of subsection (1) of section
22 419.001, Florida Statutes, is amended to read:

23 419.001 Siteselection of community residential
24 homes.--

25 (1) For the purposes of this section, the following
26 definitions shall apply:

27 (d) "Resident" means any of the following: a frail
28 elder as defined in s. 400.618; a physically disabled or
29 handicapped person as defined in s. 760.22(7)(a); a
30 developmentally disabled person as defined in s. 393.063(12);
31 a nondangerous mentally ill person as defined in s.

1 394.455(18); or a child as defined in s. 39.01(14), s.
2 984.03(8)~~(9)~~or~~(10)~~~~(12)~~, or s. 985.03(8).

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

5 744.309 Who may be appointed guardian of a resident
6 ward.--

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

1 not appoint a guardian in any other circumstance in which a
2 conflict of interest may occur.

3 Section 39. Section 784.075, Florida Statutes, is
4 amended to read:

5 784.075 Battery on detention or commitment facility
6 staff or a juvenile probation officer.--A person who commits a
7 battery on a juvenile probation officer, as defined in s.
8 984.03 or s. 985.03, on other staff of a detention center or
9 facility as defined in s. 984.03(16)~~(19)~~ or s. 985.03(19), or
10 on a staff member of a commitment facility as defined in s.
11 985.03(44)~~(45)~~, commits a felony of the third degree,
12 punishable as provided in s. 775.082, s. 775.083, or s.
13 775.084. For purposes of this section, a staff member of the
14 facilities listed includes persons employed by the Department
15 of Juvenile Justice, persons employed at facilities licensed
16 by the Department of Juvenile Justice, and persons employed at
17 facilities operated under a contract with the Department of
18 Juvenile Justice.

19 Section 40. Paragraph (j) of subsection (1) of section
20 960.001, Florida Statutes, is amended to read:

21 960.001 Guidelines for fair treatment of victims and
22 witnesses in the criminal justice and juvenile justice
23 systems.--

24 (1) The Department of Legal Affairs, the state
25 attorneys, the Department of Corrections, the Department of
26 Juvenile Justice, the Parole Commission, the State Courts
27 Administrator and circuit court administrators, the Department
28 of Law Enforcement, and every sheriff's department, police
29 department, or other law enforcement agency as defined in s.
30 943.10(4) shall develop and implement guidelines for the use
31 of their respective agencies, which guidelines are consistent

1 with the purposes of this act and s. 16(b), Art. I of the
2 State Constitution and are designed to implement the
3 provisions of s. 16(b), Art. I of the State Constitution and
4 to achieve the following objectives:

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

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

19 985.21 Intake and case management.--

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

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

9 Section 42. Paragraph (e) of subsection (3) of section
10 985.311, Florida Statutes, is amended to read:

11 985.311 Intensive residential treatment program for
12 offenders less than 13 years of age.--

13 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
14 TREATMENT.--

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

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

28 Section 44. This act shall take effect October 1,
29 2002.

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HOUSE SUMMARY

Repeals s. 984.03(3), (11), (16), (21), (38), (48), and (51), F.S., relating to the definitions of "addictions receiving facility," "child who has been found to have committed a delinquent act," "delinquency program," "diligent efforts of social service agency," "next of kin," "serious or habitual juvenile offender program," and "staff-secure shelter."

Allows for shelter stay for contempt of court by children in need of services. Authorizes referral to the Department of Children and Family Services under certain circumstances. Provides for assessment of a child for placement in specified programs or facilities. Revises provisions relating to case staffings and case plans.

Repeals s. 984.14(8), F.S., relating to time limitation on placement in a staff-secure facility. Adds the contracted provider of services to those who may request the Department of Juvenile Justice to file a petition for a child in need of services. Provides for extended shelter placement. Removes references to staff-secure shelters.

Eliminates certain categories relating to detention care. Revises provisions relating to the period of jurisdiction in juvenile cases and clarifies circumstances under which jurisdiction may be retained. Revises circumstances under which a child may be taken into custody. Adds an act of terrorism to the list of considerations relating to the use of detention. Provides exceptions relating to the use of detention. Allows a child charged with an act of terrorism to be placed in secure detention. Clarifies circumstances under which a child may be placed in detention care. Expands the circumstances under which a child may continue to be held in detention. Clarifies criteria relating to postcommitment detention. Requires the completion of a comprehensive evaluation within a time certain. Requires the department to develop protocols for the comprehensive evaluation. Clarifies the powers of the court relating to disposition in delinquency cases. Revises conditions of probation previously contained in ss. 985.228 and 985.231, F.S., and provides additional conditions. Revises circumstances under which a child may be taken into custody and detained in connection with a violation of probation.

Revises conditions of commitment previously contained in s. 985.231, F.S., and provides additional conditions. Limits the circumstances under which the court may commit certain juvenile offenders for residential placement. Provides for nonresidential commitment. Specifies circumstances under which commitment of certain juvenile offenders shall be to nonresidential commitment. Provides

1 terms and conditions of nonresidential commitment.
2 Provides for consequences upon violation of terms of
3 nonresidential commitment. Revises provisions relating to
4 the recoupment of cost of care presently contained in ss.
5 985.215 and 985.231, F.S. Adds provision concerning
6 juvenile sex offender programs presently contained in s.
7 985.231, F.S.

8 Clarifies circumstances under which expenditures for
9 fixed capital outlay may be made. Clarifies court
10 jurisdiction to sanction minors for contempt of court for
11 failure to appear. Clarifies court jurisdiction to
12 sanction minors for contempt of court for failure to
13 comply with court-imposed sanctions. Requires the
14 Department of Juvenile Justice to develop protocols for a
15 comprehensive evaluation.

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