

By the Fiscal Responsibility Council and 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; providing for placement of a child
31 pursuant to a second or subsequent violation in

1 certain circumstances; clarifying criteria
2 relating to postcommitment detention; amending
3 s. 985.216, F.S.; revising provisions relating
4 to placement of a child in a secure facility;
5 amending s. 985.229, F.S.; requiring the
6 completion of a comprehensive evaluation within
7 a time certain; requiring the department to
8 develop protocols for the comprehensive
9 evaluation; amending s. 985.231, F.S.;
10 clarifying the powers of the court relating to
11 disposition in delinquency cases; creating s.
12 985.2311, F.S.; revising conditions of
13 probation previously contained in ss. 985.228
14 and 985.231, F.S., and providing additional
15 conditions; revising circumstances under which
16 a child may be taken into custody and detained
17 in connection with a violation of probation;
18 amending s. 985.228, F.S., to conform; creating
19 s. 985.2312, F.S.; revising conditions of
20 commitment previously contained in s. 985.231,
21 F.S., and providing additional conditions;
22 limiting the circumstances under which the
23 court may commit certain juvenile offenders for
24 residential placement; creating s. 985.2313,
25 F.S.; providing for nonresidential commitment;
26 specifying circumstances under which commitment
27 of certain juvenile offenders shall be to
28 nonresidential commitment; providing terms and
29 conditions of nonresidential commitment;
30 providing for consequences upon violation of
31 terms of nonresidential commitment; creating s.

1 985.24, F.S.; revising provisions relating to
2 the recoupment of cost of care presently
3 contained in ss. 985.215 and 985.231, F.S.;
4 amending s. 985.308, F.S.; adding provisions
5 concerning juvenile sex offender programs
6 presently contained in s. 985.231, F.S.;
7 amending ss. 985.31, 985.313, 985.3141, and
8 985.316, F.S., to conform references; amending
9 s. 985.404, F.S., relating to detention and
10 nonresidential commitment programs, to conform;
11 amending s. 985.4045, F.S.; defining "juvenile
12 offender"; amending s. 985.4075, F.S.;
13 clarifying circumstances under which
14 expenditures for fixed capital outlay may be
15 made; amending s. 316.635, F.S.; clarifying
16 court jurisdiction to sanction minors for
17 contempt of court for failure to appear;
18 amending s. 318.143, F.S.; clarifying court
19 jurisdiction to sanction minors for contempt of
20 court for failure to comply with court-imposed
21 sanctions; amending ss. 39.0015, 216.136,
22 419.001, 744.309, 784.075, 960.001, 985.21, and
23 985.311, F.S.; conforming references; requiring
24 the Department of Juvenile Justice to develop
25 protocols for a comprehensive evaluation;
26 requiring the Department of Juvenile Justice to
27 consult with specified legislative staff to
28 develop an implementation plan; providing an
29 effective date.
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31

1 WHEREAS, the Legislature was twice called into special
2 session during 2001 to address budget shortfalls and to
3 otherwise deal with the fiscal needs of the state, and

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

11
12 Be It Enacted by the Legislature of the State of Florida:

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

20 984.03 Definitions.--When used in this chapter, the
21 term:

22 (15)(18) "Detention care" means the temporary care or
23 supervision of a child ~~in secure, nonsecure, or home~~
24 ~~detention~~, pending a court adjudication or disposition or
25 execution of a court order, either in secure detention or on
26 detention status, which may include the use of electronic
27 monitoring, in conjunction with a court-ordered condition of
28 confinement to a designated residence during designated hours.
29 ~~There are three types of detention care, as follows:~~

30 ~~(a) "Secure detention" means temporary custody of the~~
31 ~~child while the child is under the physical restriction of a~~

1 ~~detention center or facility pending adjudication,~~
2 ~~disposition, or placement.~~

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

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

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

22 ~~(42)(47)~~ "Secure detention ~~center or facility~~" means
23 temporary custody of a child while the child is under the
24 physical restriction of a detention center or facility a
25 ~~physically restricting facility for the temporary care of~~
26 ~~children, pending adjudication, disposition, or placement.~~

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

29 984.05 Rules relating to habitual truants; adoption by
30 Department of Education and Department of Juvenile
31 Justice.--The Department of Juvenile Justice and the

1 Department of Education shall work together on the development
2 of, and shall adopt, rules as necessary for the implementation
3 of ss. 232.19, 984.03(23)~~(27)~~, and 985.03(25).

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

6 984.09 Punishment for contempt of court; alternative
7 sanctions.--

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

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

26 ~~(a) A delinquent child who has been held in direct or~~
27 ~~indirect contempt may be placed in a secure detention facility~~
28 ~~for 5 days for a first offense or 15 days for a second or~~
29 ~~subsequent offense, or in a secure residential commitment~~
30 ~~facility.~~

31

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

14 (3) ALTERNATIVE SANCTIONS.--

15 (a) Each judicial circuit shall have an alternative
16 sanctions coordinator who shall serve under the chief
17 administrative judge of the juvenile division of the circuit
18 court, and who shall coordinate and maintain a spectrum of
19 contempt sanction alternatives in conjunction with the circuit
20 plan implemented in accordance with s. 790.22(4)(c). Upon
21 determining that a child has committed direct contempt of
22 court or indirect contempt of a valid court order, the court
23 may immediately request the alternative sanctions coordinator
24 to recommend the most appropriate available alternative
25 sanction and shall order the child to perform up to 50 hours
26 of community-service manual labor or a similar alternative
27 sanction, unless an alternative sanction is unavailable or
28 inappropriate, or unless the child has failed to comply with a
29 prior alternative sanction. Alternative contempt sanctions
30 may be provided by local industry or by any nonprofit
31 organization or any public or private business or service

1 entity that has entered into a contract with the Department of
2 Juvenile Justice to act as an agent of the state to provide
3 voluntary supervision of children on behalf of the state in
4 exchange for the manual labor of children and limited immunity
5 in accordance with s. 768.28(11).

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

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

1 other juvenile sanctions, in conjunction with the circuit plan
2 implemented in accordance with s. 790.22(4)(c).

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

5 984.10 Intake.--

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

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

22 984.12 Case staffing; services and treatment to a
23 family in need of services.--

24 (1) The appropriate representative of the department
25 shall request a meeting of the family and child with a case
26 staffing committee to review the case of any family or child
27 who the department determines is in need of services or
28 treatment if:

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

31

1 ~~(a)(b)~~ The family or child will not participate in the
2 services or treatment selected; or
3 ~~(b)(c)~~ The representative of the department needs
4 assistance in developing an appropriate plan for services.
5 The time and place selected for the meeting shall be
6 convenient for the child and family.
7 (3) The case staffing committee, if convened, shall
8 reach a timely decision to provide the child or family with
9 needed services and treatment through the development of a
10 case plan for services.
11 (4) The case plan for services shall contain, but is
12 not limited to, the following:
13 (a) Statement of the problems.
14 (b) Needs of the child.
15 (c) Needs of the parents, guardian, or legal
16 custodian.
17 (d) Measurable objectives that address the identified
18 problems and needs.
19 (e) Services and treatment to be provided, to include:
20 1. Type of services or treatment.
21 2. Frequency of services or treatment.
22 3. Location.
23 4. Accountable service providers or staff.
24 (f) Timeframes for achieving objectives.
25 (6) A case manager may ~~shall~~ be designated by the case
26 staffing committee to be responsible for monitoring
27 ~~implementing~~ the case plan as implemented by the contracted
28 provider. The case manager shall periodically review the
29 progress towards achieving the objectives of the case plan in
30 order to:
31

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

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

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

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

12 984.15 Petition for a child in need of services.--

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

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

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

26 (c) The petition shall be in writing, shall state the
27 specific grounds under s. 984.03(8)~~(9)~~ by which the child is
28 designated a child in need of services, and shall certify that
29 the conditions prescribed in paragraph (a) have been met. The
30 petition shall be signed by the petitioner under oath stating
31

1 good faith in filing the petition and shall be signed by an
2 attorney for the department.

3 (3)

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

10 Section 8. Section 984.225, Florida Statutes, is
11 amended to read:

12 984.225 Powers of disposition; extended placement in a
13 ~~staff-secure~~ shelter beyond 35 days.--

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

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

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

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

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

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

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

30 (5) If a child has not been reunited with his or her
31 parent, guardian, or legal custodian at the expiration of the

1 90-day commitment period, the court may order that the child
2 remain in the ~~staff-secure~~ shelter for an additional 30 days
3 if the court finds that reunification could be achieved within
4 that period.

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

20 (7) The court shall review the child's commitment once
21 every 45 days as provided in s. 984.20. The court shall
22 determine if the parent, guardian, or custodian has reasonably
23 participated in and financially contributed to the child's
24 counseling and treatment program. The court shall also
25 determine whether the department's efforts to reunite the
26 family have been reasonable. If the court finds an inadequate
27 level of support or participation by the parent, guardian, or
28 custodian prior to the end of the commitment period, the court
29 shall direct that the child be handled in every respect as a
30 dependent child. Jurisdiction shall be transferred to the
31

1 Department of Children and Family Services and the child's
2 care shall be governed under parts II and III of chapter 39.

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

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

9 984.226 Physically secure setting.--

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

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

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

21
22 The department or an authorized representative of the
23 department must verify to the court that a bed is available
24 for the child. If a bed is not available, the court must stay
25 the placement until a bed is available, and the department
26 must place the child's name on a waiting list. The child who
27 has been on the waiting list the longest has first priority
28 for placement in the physically secure setting.

29 Section 10. Subsections (34), (51), and (52) of
30 section 985.03, Florida Statutes, are repealed, subsections
31 (35) through (59) are renumbered as subsections (34) through

1 (56), respectively, and present subsections (18), (19), (45),
2 (47), and (56) of said section are amended, to read:

3 985.03 Definitions.--When used in this chapter, the
4 term:

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

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

13 ~~(a) "Secure detention" means temporary custody of the~~
14 ~~child while the child is under the physical restriction of a~~
15 ~~detention center or facility pending adjudication,~~
16 ~~disposition, or placement.~~

17 ~~(b) "Nonsecure detention" means temporary custody of~~
18 ~~the child while the child is in a residential home in the~~
19 ~~community in a physically nonrestrictive environment under the~~
20 ~~supervision of the Department of Juvenile Justice pending~~
21 ~~adjudication, disposition, or placement.~~

22 ~~(c) "Home detention" means temporary custody of the~~
23 ~~child while the child is released to the custody of the~~
24 ~~parent, guardian, or custodian in a physically nonrestrictive~~
25 ~~environment under the supervision of the Department of~~
26 ~~Juvenile Justice staff pending adjudication, disposition, or~~
27 ~~placement.~~

28 (19) "Detention center or facility" means a facility
29 used, pending court adjudication or disposition or execution
30 of court order, for the temporary care of a child alleged or
31 found to have committed a violation of law. A detention

1 center or facility shall ~~may~~ provide secure ~~or nonsecure~~
2 custody. A facility used for the commitment of adjudicated
3 delinquents shall not be considered a detention center or
4 facility.

5 (44)~~(45)~~ "Residential commitment level" means the
6 level of security provided by programs that service the
7 supervision, custody, care, and treatment needs of committed
8 children. Sections 985.3141 and 985.404(4)~~(13)~~ apply to
9 children placed in programs at any residential commitment
10 level. The levels of residential commitment are as follows:

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

22 (b) Moderate-risk residential.--Programs or program
23 models at this commitment level are residential but may allow
24 youth to have supervised access to the community. Facilities
25 are either environmentally secure, staff secure, or are
26 hardware-secure with walls, fencing, or locking doors.
27 Facilities shall provide 24-hour awake supervision, custody,
28 care, and treatment of residents. Youth assessed and
29 classified for placement in programs at this commitment level
30 represent a moderate risk to public safety and require close
31 supervision. The staff at a facility at this commitment level

1 may seclude a child who is a physical threat to himself or
2 herself or others. Mechanical restraint may also be used when
3 necessary.

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

19 (d) Maximum-risk residential.--Programs or program
20 models at this commitment level include juvenile correctional
21 facilities and juvenile prisons. The programs are long-term
22 residential and shall not allow youth to have access to the
23 community. Facilities are maximum-custody hardware-secure
24 with perimeter security fencing and locking doors. Facilities
25 shall provide 24-hour awake supervision, custody, care, and
26 treatment of residents. The staff at a facility at this
27 commitment level may seclude a child who is a physical threat
28 to himself or herself or others. Mechanical restraint may
29 also be used when necessary. The facility shall provide for
30 single cell occupancy, except that youth may be housed
31 together during prerelease transition. Youth assessed and

1 classified for this level of placement require close
2 supervision in a maximum security residential setting.
3 Placement in a program at this level is prompted by a
4 demonstrated need to protect the public.

5 (46)~~(47)~~ "Secure detention ~~center or facility~~" means
6 temporary custody of a child while the child is under the
7 physical restriction of a detention center or facility ~~a~~
8 ~~physically restricting facility for the temporary care of~~
9 ~~children, pending adjudication, disposition, or placement.~~

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

1 ~~facility, the terms and conditions of the temporary release~~
2 ~~must be approved by the child, the court, and the facility.~~
3 The term "temporary release" includes periods during which the
4 child is supervised pursuant to a conditional release program
5 or a period during which the child is supervised by a juvenile
6 probation officer or other nonresidential staff of the
7 department or staff employed by an entity under contract with
8 the department.

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

11 985.201 Jurisdiction.--

12 (4)~~(a)~~ Notwithstanding ~~s. ss. 743.07, 985.229, 985.237,~~
13 ~~and 985.231,~~ and except as provided in this section and s.
14 985.233 ss. 985.31 and 985.313, when the jurisdiction of any
15 child who is alleged to have committed a delinquent act or
16 violation of law is obtained, the court shall retain
17 jurisdiction, unless relinquished by its order, until the
18 child reaches 19 years of age, with the same power over the
19 child that the court had prior to the child becoming an adult.
20 The court may continue to retain jurisdiction of the child
21 beyond the child's 19th birthday in accordance with the
22 following:

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

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

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

27 (d) This subsection does not prevent the exercise of
28 jurisdiction by any court having jurisdiction of the child if
29 the child, after becoming an adult, commits a violation of
30 law.

31

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

3 985.207 Taking a child into custody.--

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

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

26 (d) By a law enforcement officer who has probable
27 cause to believe that the child is in violation of the
28 conditions of the child's court-ordered detention supervision,
29 ~~probation, home detention, postcommitment probation, or~~
30 conditional release supervision or that the child has escaped
31 from commitment.

1
2 Nothing in this subsection shall be construed to allow the
3 detention of a child who does not meet the detention criteria
4 in s. 985.215.

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

7 985.2075 Youth custody officer.--

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

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

21 985.213 Use of detention.--

22 (1) All determinations and court orders regarding the
23 use of secure,~~nonsecure, or home~~ detention care or detention
24 supervision, which may include the use of electronic
25 monitoring, in conjunction with a court-ordered condition of
26 confinement to a designated residence during designated hours
27 prior to disposition shall be based primarily upon findings
28 that the child:

29 (a) Presents a substantial risk of not appearing at a
30 subsequent hearing;

31

1 (b) Presents a substantial risk of inflicting bodily
2 harm on others as evidenced by recent behavior;
3 (c) Presents a history of committing a property
4 offense prior to adjudication, disposition, or placement;
5 (d) Has committed contempt of court by:
6 1. Intentionally disrupting the administration of the
7 court;
8 2. Intentionally disobeying a court order; or
9 3. Engaging in a punishable act or speech in the
10 court's presence which shows disrespect for the authority and
11 dignity of the court; ~~or~~
12 (e) Requests protection from imminent bodily harm; or
13 (f) Is charged with an act of terrorism as defined in
14 s. 775.30.
15 (2)(a) Except as provided in ss. 985.2311, 985.2312,
16 and 985.2313,all determinations and court orders regarding
17 placement of a child into detention care shall comply with all
18 requirements and criteria provided in this part and shall be
19 based on a risk assessment of the child, unless the child is
20 placed into detention care as provided in subparagraph (b)3.
21 (b)1. The risk assessment instrument for detention
22 care placement determinations and orders shall be developed by
23 the Department of Juvenile Justice in agreement with
24 representatives appointed by the following associations: the
25 Conference of Circuit Judges of Florida, the Prosecuting
26 Attorneys Association, the Public Defenders Association, the
27 Florida Sheriffs Association, and the Florida Association of
28 Chiefs of Police. Each association shall appoint two
29 individuals, one representing an urban area and one
30 representing a rural area. The parties involved shall
31 evaluate and revise the risk assessment instrument as is

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

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

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

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

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

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

22 (3)(a) While a child who is currently enrolled in
23 school is under detention supervision, which may include the
24 use of electronic monitoring, in conjunction with a condition
25 of confinement to a designated residence during designated
26 hours ~~in nonsecure or home detention care,~~ the child shall
27 continue to attend school unless otherwise ordered by the
28 court.

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

31 985.214 Prohibited uses of detention.--

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

8 (a) To allow a parent to avoid his or her legal
9 responsibility.

10 (b) To permit more convenient administrative access to
11 the child.

12 (c) To facilitate further interrogation or
13 investigation.

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

15 Section 16. Subsections (1), (2), (6), (8), and (9),
16 paragraphs (a), (c), (d), and (g) of subsection (5),
17 paragraphs (a) and (b) of subsection (10), and paragraph (b)
18 of subsection (11) of section 985.215, Florida Statutes, are
19 amended to read:

20 985.215 Detention.--

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

27 (a) During the period of time from the taking of the
28 child into custody to the date of the detention hearing, the
29 initial decision as to the child's placement into secure
30 detention care or under detention supervision, which may
31 include the use of electronic monitoring, in conjunction with

1 a condition of confinement to a designated residence during
2 designated hours, nonsecure detention care, or home detention
3 ~~care~~ shall be made by the juvenile probation officer pursuant
4 to ss. 985.213 and 985.214.

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

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

25
26 Under no circumstances shall the juvenile probation officer or
27 the state attorney or law enforcement officer authorize the
28 detention of any child in a jail or other facility intended or
29 used for the detention of adults, without an order of the
30 court.

31

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

9 (a) The child is alleged to be an escapee or an
10 absconder from a commitment program, a probation program, or
11 conditional release supervision, or is alleged to have escaped
12 while being lawfully transported to or from such program or
13 supervision.

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

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

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

23 (e) The child is charged with possession or
24 discharging a firearm on school property in violation of s.
25 790.115.

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

28 (g)~~(f)~~ The child is charged with a capital felony, a
29 life felony, a felony of the first degree, a felony of the
30 second degree that does not involve a violation of chapter
31 893, or a felony of the third degree that is also a crime of

1 violence, including any such offense involving the use or
2 possession of a firearm.

3 ~~(h)(g)~~ The child is charged with any second degree or
4 third degree felony involving a violation of chapter 893 or
5 any third degree felony that is not also a crime of violence,
6 and the child:

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

10 2. Has a record of law violations prior to court
11 hearings;

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

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

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

17 ~~(i)(h)~~ The child is alleged to have violated the
18 conditions of the child's court-ordered detention, probation,
19 or conditional release supervision and qualifies to be held in
20 secure detention pursuant to the provisions of s.
21 985.213(2)(b)4. Otherwise, such ~~However, a child detained~~
22 ~~under this paragraph~~ may be held only under in a consequence
23 ~~unit as provided in s. 985.231(1)(a)1.c. If a consequence unit~~
24 ~~is not available, the child shall be placed on home detention~~
25 supervision, which may include the use of ~~with~~ electronic
26 monitoring. Notwithstanding any other provision of law, a
27 child who is taken into custody and detained pursuant to the
28 provisions of this paragraph for a second or subsequent
29 violation of such supervision while awaiting disposition of
30 any pending offense against the child or while awaiting
31 residential placement by the department may be placed pursuant

1 to s. 985.2313(3)(b) in a low-risk or moderate-risk
2 residential program serving that judicial circuit until such
3 disposition or placement.

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

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

28
29 A child who meets any of these criteria and who is ordered to
30 be detained pursuant to this subsection shall be given a
31 hearing within 24 hours after being taken into custody. The

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

1 ~~(5)(c), or subparagraph (10)(a)1., whichever is applicable,~~
2 ~~unless the requirements of such applicable provision have been~~
3 ~~met or an order of continuance has been granted pursuant to~~
4 ~~paragraph (5)(f) or continued detention is authorized by~~
5 ~~operation of law.~~

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

19 (c) 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 under a special detention order for more than 21 days unless
25 an adjudicatory hearing for the case has been commenced in
26 good faith by the court.

27 (d) Except as provided in paragraph (g), a child may
28 not be held in ~~secure, nonsecure, or home~~ detention care or
29 under detention supervision, which may include the use of
30 electronic monitoring, in conjunction with a condition of
31 confinement to a designated residence during designated hours

1 for more than 15 days following the entry of an order of
2 adjudication.

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

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

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

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

1 ~~the court makes a finding on the record that the parent or~~
2 ~~guardian of the child is indigent.~~

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

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

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

30 ~~(e) With respect to a child who has been found to have~~
31 ~~committed a delinquent act or violation of law, whether or not~~

1 ~~adjudication is withheld, and whose parent or guardian~~
2 ~~receives public assistance for any portion of that child's~~
3 ~~care, the department must seek a federal waiver to garnish or~~
4 ~~otherwise order the payments of the portion of the public~~
5 ~~assistance relating to that child to offset the costs of~~
6 ~~providing care, custody, maintenance, rehabilitation,~~
7 ~~intervention, or corrective services to the child. When the~~
8 ~~order affects the guardianship estate, a certified copy of the~~
9 ~~order shall be delivered to the judge having jurisdiction of~~
10 ~~the guardianship estate.~~

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

21 ~~(g) The parent or guardian shall provide to the~~
22 ~~department the parent's or guardian's name, address, social~~
23 ~~security number, date of birth, and driver's license number or~~
24 ~~identification card number and sufficient financial~~
25 ~~information for the department to be able to determine the~~
26 ~~parent's or guardian's ability to pay. If the parent or~~
27 ~~guardian refuses to provide the department with any~~
28 ~~identifying information or financial information, the court~~
29 ~~shall order the parent to comply and may pursue contempt of~~
30 ~~court sanctions for failure to comply.~~

31

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

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

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

23 (8) If a child is detained pursuant to this section,
24 the Department of Juvenile Justice may transfer the child from
25 detention supervision, which may include the use of electronic
26 monitoring, in conjunction with a condition of confinement to
27 a designated residence during designated hours ~~nonsecure or~~
28 ~~home detention care~~ to secure detention care only if
29 significantly changed circumstances warrant such transfer.

30 (9) If a child is on release status and not detained
31 pursuant to this section, the child may be placed into secure⁷

1 ~~nonsecure, or home~~ detention care or under detention
2 supervision, which may include the use of electronic
3 monitoring, in conjunction with a condition of confinement to
4 a designated residence during designated hours only pursuant
5 to a court hearing in which the original risk assessment
6 instrument, rescored based on newly discovered evidence or
7 changed circumstances with the results recommending detention,
8 is introduced into evidence.

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

25 2. If the child is committed to a moderate-risk
26 residential program, the department may seek an order from the
27 court authorizing continued detention for the ~~a~~ specific
28 period of time necessary for the appropriate residential
29 placement of the child. However, such continued detention in
30 secure detention care may not exceed 15 days after commitment,
31

1 excluding Saturdays, Sundays, and legal holidays, and except
2 as otherwise provided in this subsection.

3 ~~2. The court must place all children who are~~
4 ~~adjudicated and awaiting placement in a residential commitment~~
5 ~~program in detention care. Children who are in home detention~~
6 ~~care or nonsecure detention care may be placed on electronic~~
7 ~~monitoring.~~

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

21 (11)

22 (b) When a juvenile sexual offender, pursuant to this
23 subsection, is released from detention care or supervision, or
24 is transferred from secure detention to detention supervision,
25 which may include the use of electronic monitoring, in
26 conjunction with a condition of confinement to a designated
27 residence during designated hours ~~home detention or nonsecure~~
28 ~~detention,~~ detention staff shall immediately notify the
29 appropriate law enforcement agency and school personnel.

30 Section 17. Subsections (2) and (5) of section
31 985.216, Florida Statutes, are amended to read:

1 985.216 Punishment for contempt of court; alternative
2 sanctions.--

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

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

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

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

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

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

11 985.228 Adjudicatory hearings; withheld adjudications;
12 orders of adjudication.--

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

1 ~~order shall include a finding pursuant to the proceedings~~
2 ~~described in s. 985.23(1)(d).~~ If the court later finds that
3 the child has not complied with the rules, restrictions, or
4 conditions of the community-based program, the court may,
5 after a hearing to establish the lack of compliance, but
6 without further evidence of the state of delinquency, enter an
7 adjudication of delinquency and shall thereafter have full
8 authority under this chapter to deal with the child as
9 adjudicated.

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

12 985.229 Predisposition report; other evaluations.--

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

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

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

18 Section 20. Section 985.231, Florida Statutes, is
19 amended to read:

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

22 985.231 Powers of disposition in delinquency
23 cases.--The court that has jurisdiction over an adjudicated
24 delinquent child may, by an order stating the facts upon which
25 a determination of a sanction and rehabilitative program was
26 made at the disposition hearing:

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

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

3 Section 21. Section 985.2311, Florida Statutes, is
4 created to read:

5 985.2311 Probation.--Pursuant to the provisions of ss.
6 985.228 and 985.231, the court may place a child in a
7 probation program under the supervision of the Department of
8 Juvenile Justice, an authorized agent of the department, or
9 any other person or agency specifically authorized and
10 appointed by the court pursuant to this section whether in the
11 child's own home, in the home of a relative of the child, or
12 in some other suitable place under such reasonable conditions
13 as the court may direct, subject to the following:

14 (1) A probation program for a child for whom
15 adjudication has been withheld or for an adjudicated
16 delinquent child shall include:

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

21 (b) A rehabilitative component such as a requirement
22 of participation in residential or nonresidential substance
23 abuse or mental health treatment or school or other
24 educational program attendance.

25
26 Upon the recommendation of the department at the time of
27 disposition, or subsequent to disposition pursuant to the
28 filing of a petition alleging a violation of the child's
29 conditions of probation, the court may order the child to
30 submit to random testing for the purpose of detecting and
31 monitoring the use of alcohol or controlled substances.

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

18 (3)(a) The department shall provide a restrictiveness
19 level classification scale for levels of supervision that
20 shall take into account the child's needs and the risks
21 relative to probation supervision requirements to reasonably
22 ensure public safety.

23 (b) Probation programs for children shall be
24 supervised by the department or by any other person or agency
25 specifically authorized by the court. These programs shall
26 include, but are not limited to, structured or restricted
27 activities as described in this section and shall be designed
28 to encourage the child toward acceptable and functional social
29 behavior. If supervision or a program of community service is
30 ordered by the court, the duration of such supervision or
31 program shall be consistent with any treatment and

1 rehabilitation needs identified for the child. The term of
2 any order placing a child in a probation program shall be for
3 an indefinite period of time, but may not exceed the term for
4 which a sentence could be imposed if the child were found
5 guilty of the charge in the adult system, except that the
6 duration of such supervision or program for an offense that is
7 a misdemeanor of the second degree, or is equivalent to a
8 misdemeanor of the second degree, may be for a period not to
9 exceed 6 months.

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

27 (d) Unless otherwise provided by law, whenever a child
28 is required by the court to participate in any work program
29 under this part or whenever a child volunteers to work in a
30 specified state, county, municipal, or community service
31 organization supervised work program or to work for the

1 victim, either as an alternative to monetary restitution or as
2 a part of the rehabilitative or probation program, the child
3 is an employee of the state for the purposes of liability. In
4 determining the child's average weekly wage, unless otherwise
5 determined by a specific funding program, all remuneration
6 received from the employer is a gratuity and the child is not
7 entitled to any benefits otherwise payable under s. 440.15,
8 regardless of whether the child may be receiving wages and
9 remuneration from other employment with another employer and
10 regardless of the child's future wage-earning capacity.

11 (4)(a) The court may conduct judicial review hearings
12 for a child placed on probation for the purpose of fostering
13 accountability to the judge and compliance with other
14 requirements, such as restitution and community service. The
15 court may allow early termination of probation for a child who
16 has substantially complied with the terms and conditions of
17 probation.

18 (b) If the conditions of the probation or conditional
19 release program are violated, the department or the state
20 attorney may bring the child before the court on an affidavit
21 alleging a violation of the program. The state attorney shall
22 represent the state in any hearing on the violation. Any child
23 who violates the conditions of probation must be brought
24 before the court if sanctions are sought.

25 (c) A child taken into custody under s. 985.207 for
26 violating the conditions of probation or conditional release
27 may be held in detention care in accordance with s. 985.215.
28 Notwithstanding s. 985.215, a child may be held in secure
29 detention until such time as the child is brought before the
30 court for a hearing to determine the existence of probable
31

1 cause that the child violated the conditions of probation or
2 conditional release if the child:

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

6 2. Has a record of violations of law prior to court
7 hearings;

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

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

11
12 The child shall be afforded a hearing within 24 hours after
13 being taken into custody. Following the hearing to determine
14 the existence of probable cause that the child violated the
15 conditions of probation, or if the violation involves a new
16 charge of delinquency, the child may continue to be detained
17 in accordance with s. 985.215.

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

31

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

3 2. Place the child pursuant to s. 985.2313(3)(b) in a
4 low-risk or moderate-risk residential program serving that
5 judicial circuit for up to 5 days for a first violation and up
6 to 15 days for a second or subsequent violation.

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

10
11 Nothing in this section shall be construed to limit the
12 authority of the court to punish a violation of an order of
13 the court in accordance with s. 985.216.

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

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

30 Section 22. Section 985.2312, Florida Statutes, is
31 created to read:

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

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

13 (2)(a) Commitment to the department may be for the
14 purpose of providing the child with an alternative residential
15 environment, for the purpose of providing the child with
16 on-site school instruction in a structured-day, nonresidential
17 supervision program, or for the purpose of transitioning the
18 child out of the residential placement component of commitment
19 into the community through nonresidential supervision services
20 as part of a conditional release program. If the child is not
21 successful in the conditional release program, the department
22 may exercise its transfer authority in accordance with s.
23 985.404 or proceed pursuant to the provisions of s.
24 985.2311(5).

25 (b) If a committed child is eligible to attend public
26 school following completion of a residential commitment
27 program, or if the child is attending or is eligible to attend
28 public school while participating in a nonresidential
29 commitment program, and the court finds that the victim or a
30 sibling of the victim in the case is or may be attending the
31 same school as the child, the commitment order shall include a

1 finding pursuant to the proceedings described in s.
2 985.23(1)(d).
3 (3) Commitment of the child to the department shall
4 specify a residential commitment level as defined in s.
5 985.03, subject to the limitations provided in subsection (4).
6 (4) The court shall hold in abeyance the residential
7 placement of any child who:
8 (a) Is before the court for an offense that would be a
9 misdemeanor if committed by an adult;
10 (b) Has not previously been charged with a misdemeanor
11 offense involving violence or charged with any felony offense;
12 and
13 (c) Has not previously been placed by the court with
14 the department.
15
16 Instead, the court shall proceed pursuant to the provisions of
17 s. 985.2313.
18 (5) Subject to specific appropriation, the court shall
19 specify in its commitment order that the child shall be placed
20 in a program or facility for serious or habitual juvenile
21 offenders in accordance with the provisions of s. 985.31 if
22 the court determines, upon its own motion or upon request by
23 the state or the department, that:
24 (a) The protection of the public requires that the
25 child be placed in a program for serious or habitual juvenile
26 offenders.
27 (b) The particular needs of the child would be best
28 served by a program for serious or habitual juvenile offenders
29 as provided in s. 985.31.
30
31

1 Such determination shall be made in accordance with s.
2 985.23(3).

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

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

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

14 (7) The court may order the child, as a condition of
15 commitment or as a condition of the nonresidential conditional
16 release program, to comply with any condition provided in s.
17 985.2311.

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

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

30 (10) Any commitment of a delinquent child to the
31 department shall be for an indeterminate period of time, which

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

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

1 section does not limit the department's authority to revoke a
2 child's temporary release status and return the child to a
3 commitment facility for any violation of the terms and
4 conditions of the temporary release.

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

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

13 Section 23. Section 985.2313, Florida Statutes, is
14 created to read:

15 985.2313 Nonresidential commitment.--

16 (1) With regard to a child who:

17 (a) Is before the court for an offense that would be a
18 misdemeanor if committed by an adult;

19 (b) Has not previously been charged with a misdemeanor
20 offense involving violence or charged with any felony offense;
21 and

22 (c) Has not previously been placed by the court with
23 the department,

24
25 if the court proceeds pursuant to s. 985.231(2), the
26 provisions of s. 985.2312(4) are applicable and the court
27 shall hold in abeyance the residential placement of such child
28 and proceed in accordance with the provisions of this section.

29 (2) Pursuant to the provisions of ss. 985.231 and
30 985.2312, the court that has jurisdiction of an adjudicated
31 delinquent child may, by an order stating the facts upon which

1 a determination of a sanction and rehabilitative program was
2 made at the disposition hearing, commit the child to the care
3 and custody of the department, an authorized agent of the
4 department, or any other person or agency specifically
5 authorized and appointed by the court for placement in a
6 nonresidential, community-based supervision program offering
7 structured-day services and on-site school instruction. The
8 court may impose any additional conditions of such
9 nonresidential commitment supervision as provided in s.
10 985.2311.

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

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

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

24
25 Such consequence placement shall be considered an additional
26 sanction as a condition of continued nonresidential,
27 community-based supervision program but shall not be
28 considered a residential commitment for purposes of s.
29 985.229. Nothing in this subsection shall be construed to
30 limit the authority of the court, in accordance with the
31 provisions of s. 985.228, s. 985.23, or s. 985.231, to dispose

1 of a subsequent violation of law by a child committed to a
2 nonresidential, community-based supervision program.

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

9 Section 24. Section 985.24, Florida Statutes, is
10 created to read:

11 985.24 Cost of care and custody.--

12 (1) When any child is:

13 (a) Placed into secure detention care, under detention
14 supervision, which may include the use of electronic
15 monitoring, in conjunction with a condition of confinement to
16 a designated residence during designated hours, or into other
17 placement pursuant to a court order following a detention
18 hearing; or

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

23
24 the court shall order the parents or legal guardian of such
25 child to pay fees to the department in the amount of \$5 per
26 day that the child is under the care or supervision of the
27 department in order to partially offset the actual cost of the
28 care, support, maintenance, and other usual and ordinary
29 obligations of parents to provide for the needs of their
30 children while in the recommended residential commitment
31 level, unless the court makes a finding on the record that the

1 parent or guardian of the child is indigent pursuant to s.
2 27.52.
3 (2) No later than the disposition hearing, the
4 department shall provide the court with information concerning
5 the actual cost of care, support, and maintenance of the child
6 in the recommended residential commitment level and concerning
7 the ability of the parent or guardian of the child to pay any
8 fees. If the court makes a finding of indigency, the parent
9 or guardian shall pay to the department a nominal subsistence
10 fee of \$2 per day that the child is committed outside the home
11 or \$1 per day if the child is otherwise supervised in lieu of
12 other fees related to the parents' obligation for the cost of
13 care of the child. The nominal subsistence fee may only be
14 waived or reduced if the court makes a finding that such
15 payment would constitute a significant financial hardship.
16 Such finding shall be in writing and shall contain a detailed
17 description of the facts that led the court to make both the
18 finding of indigency and the finding of significant financial
19 hardship.
20 (3) In addition, the court may reduce the fees or
21 waive the fees as to each parent or guardian if the court
22 makes a finding on the record that the parent or guardian was
23 the victim of the delinquent act or violation of law for which
24 the child is subject to placement under this section and that
25 the parent or guardian has cooperated in the investigation and
26 prosecution of the offense.
27 (4) All orders committing a child to a residential
28 commitment program shall include specific findings as to what
29 fees are ordered, reduced, or waived. If the court fails to
30 enter an order as required by this subsection, it shall be
31 presumed that the court intended that the parent or guardian

1 pay fees to the department in an amount of \$5 per day related
2 to the care, support, and maintenance of the child. With
3 regard to a child who reaches the age of 18 prior to the
4 disposition hearing, the court may elect to direct an order
5 required by this subsection to such child, rather than the
6 parent or guardian. With regard to a child who reaches the
7 age of 18 while in the custody of the department, the court
8 may, upon proper motion of any party, hold a hearing as to
9 whether any party should be further obligated with respect to
10 the payment of fees. When the order affects the guardianship
11 estate, a certified copy of the order shall be delivered to
12 the judge having jurisdiction over the guardianship estate.

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

23 (6) The parent or guardian shall provide to the
24 department the parent or guardian's name, address, social
25 security number, state of birth, and driver's license number
26 or identification card number and sufficient financial
27 information for the department to be able to determine the
28 parent's or guardian's ability to pay. If the parent or
29 guardian refuses to provide the department with any
30 identifying information or financial information, the court
31

1 shall order the parent or guardian to comply and may pursue
2 contempt of court sanctions for failure to comply.

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

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

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

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

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

27 985.308 Juvenile sexual offender commitment programs;
28 sexual abuse intervention networks.--

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

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

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

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

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

13 3. A multidisciplinary assessment of the sexually
14 deviant behaviors, including an assessment by a certified
15 psychologist, therapist, or psychiatrist.

16 4. An assessment of the juvenile sexual offender's
17 family, social, educational, and employment situation. The
18 report shall set forth the sources of the evaluator's
19 information.

20 (c) The report shall assess the juvenile sexual
21 offender's amenability to treatment and relative risk to the
22 victim and the community.

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

25 1. The frequency and type of contact between the
26 offender and the therapist.

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

29 3. Monitoring plans, including any requirements
30 regarding living conditions, school attendance and
31

1 participation, lifestyle, and monitoring by family members,
2 legal guardians, or others.

3 4. Anticipated length of treatment.
4 5. Recommended crime-related prohibitions and curfew.
5 6. Reasonable restrictions on the contact between the
6 juvenile sexual offender and either the victim or the alleged
7 victim.

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

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

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

26 2. Remain within described geographical boundaries and
27 notify the court or the department counselor prior to any
28 change in the offender's address, educational program, or
29 employment.

30 3. Comply with all requirements of the treatment plan.
31

1 (g) The juvenile sexual offender treatment provider
2 shall submit quarterly reports on the respondent's progress in
3 treatment to the court and the parties to the proceedings.

4 The juvenile sexual offender reports shall reference the
5 treatment plan and include, at a minimum, the following:

6 1. The dates of attendance.

7 2. The juvenile sexual offender's compliance with the
8 requirements of treatment.

9 3. A description of the treatment activities.

10 4. The juvenile sexual offender's relative progress in
11 treatment.

12 5. The juvenile sexual offender's family support of
13 the treatment objectives.

14 6. Any other material specified by the court at the
15 time of the disposition.

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

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

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

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

31 985.31 Serious or habitual juvenile offender.--

1 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
2 TREATMENT.--

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

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

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

24 (a) Pursuant to the provisions of this section, the
25 department shall implement the comprehensive assessment
26 instrument for the treatment needs of serious or habitual
27 juvenile offenders and for the assessment, which assessment
28 shall include the criteria under s. 985.03(47)~~(48)~~ and shall
29 also include, but not be limited to, evaluation of the
30 child's:

31 1. Amenability to treatment.

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

9 Section 27. Section 985.313, Florida Statutes, is
10 amended to read:

11 985.313 Juvenile correctional facilities or juvenile
12 prison.--A juvenile correctional facility or juvenile prison
13 is a physically secure residential commitment program with a
14 designated length of stay from 18 months to 36 months,
15 primarily serving children 13 years of age to 19 years of age,
16 or until the jurisdiction of the court expires. The court may
17 retain jurisdiction over the child in accordance with the
18 provisions of s. 985.201 ~~until the child reaches the age of~~
19 ~~21, specifically for the purpose of the child completing the~~
20 ~~program.~~ Each child committed to this level must meet one of
21 the following criteria:

- 22 (1) The youth is at least 13 years of age at the time
- 23 of the disposition for the current offense and has been
- 24 adjudicated on the current offense for:
 - 25 (a) Arson;
 - 26 (b) Sexual battery;
 - 27 (c) Robbery;
 - 28 (d) Kidnapping;
 - 29 (e) Aggravated child abuse;
 - 30 (f) Aggravated assault;
 - 31 (g) Aggravated stalking;

1 (h) Murder;
2 (i) Manslaughter;
3 (j) Unlawful throwing, placing, or discharging of a
4 destructive device or bomb;
5 (k) Armed burglary;
6 (l) Aggravated battery;
7 (m) Carjacking;
8 (n) Home-invasion robbery;
9 (o) Burglary with an assault or battery;
10 (p) Any lewd or lascivious offense committed upon or
11 in the presence of a person less than 16 years of age; or
12 (q) Carrying, displaying, using, threatening to use,
13 or attempting to use a weapon or firearm during the commission
14 of a felony.
15 (2) The youth is at least 13 years of age at the time
16 of the disposition, the current offense is a felony, and the
17 child has previously been committed three or more times to a
18 delinquency commitment program.
19 (3) The youth is at least 13 years of age and is
20 currently committed for a felony offense and transferred from
21 a moderate-risk or high-risk residential commitment placement.
22 (4) The youth is at least 13 years of age at the time
23 of the disposition for the current offense, the youth is
24 eligible for prosecution as an adult for the current offense,
25 and the current offense is ranked at level 7 or higher on the
26 Criminal Punishment Code offense severity ranking chart
27 pursuant to s. 921.0022.
28 Section 28. Subsection (2) of section 985.3141,
29 Florida Statutes, is amended to read:
30 985.3141 Escapes from secure detention or residential
31 commitment facility.--An escape from:

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

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

7 985.316 Conditional release.--

8 (5) Participation in the educational program by
9 students of compulsory school attendance age pursuant to s.
10 232.01 is mandatory for juvenile justice youth on conditional
11 release or ~~postcommitment~~ probation status. A student of
12 noncompulsory school-attendance age who has not received a
13 high school diploma or its equivalent must participate in the
14 educational program. A youth who has received a high school
15 diploma or its equivalent and is not employed must participate
16 in workforce development or other vocational or technical
17 education or attend a community college or a university while
18 in the program, subject to available funding.

19 Section 30. Subsection (4) and paragraph (a) of
20 subsection (10) of section 985.404, Florida Statutes, are
21 amended to read:

22 985.404 Administering the juvenile justice
23 continuum.--

24 (4) The department may transfer a child, when
25 necessary to appropriately administer the child's commitment,
26 from one facility or program to another facility or program
27 operated, contracted, subcontracted, or designated by the
28 department, including a nonresidential community-based
29 supervision program offering structured-day services and
30 on-site school instruction or a ~~postcommitment~~ nonresidential
31 conditional release program. The department shall notify the

1 court that committed the child to the department and any
2 attorney of record, in writing, of its intent to transfer the
3 child from a commitment facility or program to another
4 facility or program of a higher or lower restrictiveness
5 level. The court that committed the child may agree to the
6 transfer or may set a hearing to review the transfer. If the
7 court does not respond within 10 days after receipt of the
8 notice, the transfer of the child shall be deemed granted.

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

21 Section 31. Paragraph (a) of subsection (1) of section
22 985.4045, Florida Statutes, is amended to read:

23 985.4045 Sexual misconduct prohibited; reporting
24 required; penalties.--

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

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

1 conducted in the lawful performance of duty by an employee of
2 the department or an employee of a provider under contract
3 with the department.

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

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

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

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

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

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

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

30 Section 32. Section 985.4075, Florida Statutes, is
31 amended to read:

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

12 Section 33. Paragraph (b) of subsection (3) of section
13 39.0015, Florida Statutes, is amended to read:

14 39.0015 Child abuse prevention training in the
15 district school system.--

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

17 (b) "Child abuse" means those acts as defined in ss.
18 39.01(1), (2), (30), (43), (45), (52), and (63), 827.04, and
19 984.03(1), (2), and (33)~~(37)~~.

20 Section 34. Paragraph (a) of subsection (8) of section
21 216.136, Florida Statutes, is amended to read:

22 216.136 Consensus estimating conferences; duties and
23 principals.--

24 (8) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

25 (a) Duties.--The Juvenile Justice Estimating
26 Conference shall develop such official information relating to
27 the juvenile justice system of the state as is determined by
28 the conference principals to be needed for the state planning
29 and budgeting system. This information shall include, but is
30 not limited to: estimates of juvenile delinquency caseloads
31 and workloads; estimates for secure, ~~nonsecure, and home~~

1 juvenile detention placements and for the use of detention
2 supervision, which may include the use of electronic
3 monitoring; estimates of workloads in the juvenile sections in
4 the offices of the state attorneys and public defenders;
5 estimates of mental health and substance abuse treatment
6 relating to juveniles; and such other information as is
7 determined by the conference principals to be needed for the
8 state planning and budgeting system.

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

11 316.635 Courts having jurisdiction over traffic
12 violations; powers relating to custody and detention of
13 minors.--

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

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

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

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

1 318.143 Sanctions for infractions by minors.--
2 (2) Failure to comply with one or more of the
3 sanctions imposed by the court constitutes contempt of court.
4 Upon a finding by the court, after notice and a hearing, that
5 a minor is in contempt of court for failure to comply with
6 court-ordered sanctions, the court may, at its discretion,
7 proceed in accordance with the provisions of s. 984.09(2) or
8 s. 985.216(2).+

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

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

17 Section 37. Paragraph (d) of subsection (1) of section
18 419.001, Florida Statutes, is amended to read:

19 419.001 Site selection of community residential
20 homes.--

21 (1) For the purposes of this section, the following
22 definitions shall apply:

23 (d) "Resident" means any of the following: a frail
24 elder as defined in s. 400.618; a physically disabled or
25 handicapped person as defined in s. 760.22(7)(a); a
26 developmentally disabled person as defined in s. 393.063(12);
27 a nondangerous mentally ill person as defined in s.
28 394.455(18); or a child as defined in s. 39.01(14), s.
29 984.03(8)~~(9)~~or(10)~~(12)~~, or s. 985.03(8).

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

1 744.309 Who may be appointed guardian of a resident
2 ward.--
3 (3) DISQUALIFIED PERSONS.--No person who has been
4 convicted of a felony or who, from any incapacity or illness,
5 is incapable of discharging the duties of a guardian, or who
6 is otherwise unsuitable to perform the duties of a guardian,
7 shall be appointed to act as guardian. Further, no person who
8 has been judicially determined to have committed abuse,
9 abandonment, or neglect against a child as defined in s. 39.01
10 or s. 984.03(1), (2), and (33)~~(37)~~, or who has been found
11 guilty of, regardless of adjudication, or entered a plea of
12 nolo contendere or guilty to, any offense prohibited under s.
13 435.03 or under any similar statute of another jurisdiction,
14 shall be appointed to act as a guardian. Except as provided
15 in subsection (5) or subsection (6), a person who provides
16 substantial services to the proposed ward in a professional or
17 business capacity, or a creditor of the proposed ward, may not
18 be appointed guardian and retain that previous professional or
19 business relationship. A person may not be appointed a
20 guardian if he or she is in the employ of any person, agency,
21 government, or corporation that provides service to the
22 proposed ward in a professional or business capacity, except
23 that a person so employed may be appointed if he or she is the
24 spouse, adult child, parent, or sibling of the proposed ward
25 or the court determines that the potential conflict of
26 interest is insubstantial and that the appointment would
27 clearly be in the proposed ward's best interest. The court may
28 not appoint a guardian in any other circumstance in which a
29 conflict of interest may occur.
30 Section 39. Section 784.075, Florida Statutes, is
31 amended to read:

1 784.075 Battery on detention or commitment facility
2 staff or a juvenile probation officer.--A person who commits a
3 battery on a juvenile probation officer, as defined in s.
4 984.03 or s. 985.03, on other staff of a detention center or
5 facility as defined in s. 984.03(16)~~(19)~~ or s. 985.03(19), or
6 on a staff member of a commitment facility as defined in s.
7 985.03(44)~~(45)~~, commits a felony of the third degree,
8 punishable as provided in s. 775.082, s. 775.083, or s.
9 775.084. For purposes of this section, a staff member of the
10 facilities listed includes persons employed by the Department
11 of Juvenile Justice, persons employed at facilities licensed
12 by the Department of Juvenile Justice, and persons employed at
13 facilities operated under a contract with the Department of
14 Juvenile Justice.

15 Section 40. Paragraph (j) of subsection (1) of section
16 960.001, Florida Statutes, is amended to read:

17 960.001 Guidelines for fair treatment of victims and
18 witnesses in the criminal justice and juvenile justice
19 systems.--

20 (1) The Department of Legal Affairs, the state
21 attorneys, the Department of Corrections, the Department of
22 Juvenile Justice, the Parole Commission, the State Courts
23 Administrator and circuit court administrators, the Department
24 of Law Enforcement, and every sheriff's department, police
25 department, or other law enforcement agency as defined in s.
26 943.10(4) shall develop and implement guidelines for the use
27 of their respective agencies, which guidelines are consistent
28 with the purposes of this act and s. 16(b), Art. I of the
29 State Constitution and are designed to implement the
30 provisions of s. 16(b), Art. I of the State Constitution and
31 to achieve the following objectives:

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

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

15 985.21 Intake and case management.--

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

1 address, date of birth, social security number, and driver's
2 license number or identification card number in order to
3 comply with ss. 985.215(6), ~~985.231(1)(b)~~, and 985.233(4)(d),
4 and 985.24.

5 Section 42. Paragraph (e) of subsection (3) of section
6 985.311, Florida Statutes, is amended to read:

7 985.311 Intensive residential treatment program for
8 offenders less than 13 years of age.--

9 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
10 TREATMENT.--

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

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

24 Section 44. The Department of Juvenile Justice shall,
25 in consultation with the substantive and fiscal committees of
26 jurisdiction of the House of Representatives and the Senate,
27 prepare an implementation plan in accordance with the
28 provisions of this act. No later than September 15, 2002, the
29 department shall submit to substantive and fiscal committees
30 of jurisdiction of the House of Representatives and the Senate
31 a preliminary report of the implementation plan. The

1 department's legislative budget request shall be developed in
2 accordance with, and shall describe redirection of resources
3 pursuant to, the implementation plan. The department's final
4 implementation plan shall be submitted to the Legislature no
5 later than January 1, 2003.

6 Section 45. This act shall take effect July 1, 2003.
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