

By Senator Lynn

7-1040-03

1                                   A bill to be entitled  
2           An act relating to juvenile justice; amending  
3           s. 790.22, F.S.; eliminating a requirement that  
4           the Department of Juvenile Justice forward  
5           information relating to detained juveniles to  
6           the Office of Economic and Demographic  
7           Research; amending s. 984.06, F.S.; clarifying  
8           provisions limiting the public availability of  
9           court records relating to children and families  
10          in need of services; amending s. 985.201, F.S.;  
11          extending the court's jurisdiction until a  
12          specified age with respect to juveniles who  
13          must complete certain commitment programs;  
14          amending s. 985.2075, F.S.; expanding authority  
15          of youth custody officers; amending ss. 985.213  
16          and 985.215, F.S.; authorizing a child's  
17          participation in specified court hearings by  
18          telephone or video teleconference; amending s.  
19          985.231, F.S.; authorizing the Department of  
20          Juvenile Justice to file an affidavit alleging  
21          violations of a juvenile's probation program;  
22          clarifying the age of juveniles for court  
23          jurisdiction regarding residential commitment;  
24          amending s. 985.404, F.S.; creating the  
25          Auxiliary Juvenile Justice Program within the  
26          department; providing program requirements;  
27          authorizing auxiliary officers to supervise  
28          certain juveniles; requiring training and  
29          certification; providing for reimbursement for  
30          travel and per diem expenses; amending s.  
31          287.042, F.S.; providing that contracted

1 provider organizations, when acting as agents  
2 of the department, are exempt from competitive  
3 solicitation requirements; providing an  
4 effective date.

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

7  
8 Section 1. Subsection (8) of section 790.22, Florida  
9 Statutes, is amended to read:

10 790.22 Use of BB guns, air or gas-operated guns, or  
11 electric weapons or devices by minor under 16; limitation;  
12 possession of firearms by minor under 18 prohibited;  
13 penalties.--

14 (8) Notwithstanding s. 985.213 or s. 985.215(1), if a  
15 minor under 18 years of age is charged with an offense that  
16 involves the use or possession of a firearm, as defined in s.  
17 790.001, including a violation of subsection (3), or is  
18 charged for any offense during the commission of which the  
19 minor possessed a firearm, the minor shall be detained in  
20 secure detention, unless the state attorney authorizes the  
21 release of the minor, and shall be given a hearing within 24  
22 hours after being taken into custody. At the hearing, the  
23 court may order that the minor continue to be held in secure  
24 detention in accordance with the applicable time periods  
25 specified in s. 985.215(5), if the court finds that the minor  
26 meets the criteria specified in s. 985.215(2), or if the court  
27 finds by clear and convincing evidence that the minor is a  
28 clear and present danger to himself or herself or the  
29 community. The Department of Juvenile Justice shall prepare a  
30 form for all minors charged under this subsection that states  
31 the period of detention and the relevant demographic

1 information, including, but not limited to, the sex, age, and  
2 race of the minor; whether or not the minor was represented by  
3 private counsel or a public defender; the current offense; and  
4 the minor's complete prior record, including any pending  
5 cases. The form shall be provided to the judge to be  
6 considered when determining whether the minor should be  
7 continued in secure detention under this subsection. An order  
8 placing a minor in secure detention because the minor is a  
9 clear and present danger to himself or herself or the  
10 community must be in writing, must specify the need for  
11 detention and the benefits derived by the minor or the  
12 community by placing the minor in secure detention, and must  
13 include a copy of the form provided by the department. ~~The~~  
14 ~~Department of Juvenile Justice must send the form, including a~~  
15 ~~copy of any order, without client-identifying information, to~~  
16 ~~the Office of Economic and Demographic Research.~~

17 Section 2. Subsection (3) of section 984.06, Florida  
18 Statutes, is amended to read:

19 984.06 Oaths, records, and confidential information.--

20 (3) The clerk shall keep all court records required by  
21 this chapter separate from other records of the circuit court.  
22 All Court records required by this chapter are not open to  
23 inspection by the public. All ~~such~~ records shall ~~may~~ be  
24 inspected only upon order of the court by persons ~~a person~~  
25 deemed by the court to have a proper interest therein, except  
26 that, subject to the provisions of s. 63.162, a child and the  
27 parents or legal custodians of the child and their attorneys,  
28 the guardian ad litem, law enforcement agencies, and the  
29 department and its designees have the right to ~~may~~ inspect and  
30 copy any official record pertaining to the child. The court  
31 may permit authorized representatives of recognized

1 organizations compiling statistics for proper purposes to  
2 inspect and make abstracts from official records, under  
3 whatever conditions upon their use and disposition the court  
4 may deem ~~deems~~ proper, and may punish by contempt proceedings  
5 any violation of those conditions.

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

8 985.201 Jurisdiction.--

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

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

28 2. The court may retain jurisdiction over a child  
29 committed to the department for placement in an intensive  
30 residential treatment program for 10-year-old to 13-year-old  
31 offenders, in the residential commitment program in a juvenile

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

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

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

27 |         Section 4. Section 985.2075, Florida Statutes, is  
28 | amended to read:

29 |         985.2075 Youth custody officer.--

30 |         (1) There is created within the Department of Juvenile  
31 | Justice the position of youth custody officer. The duties of

1 each youth custody officer shall be to take youth into custody  
2 if the officer has probable cause to believe that the youth  
3 has violated the conditions of probation, home detention,  
4 conditional release, or postcommitment probation, has escaped  
5 from a facility of the department, has absconded from  
6 supervision of the department, or has failed to appear in  
7 court after being properly noticed. The authority of the youth  
8 custody officer to take youth into custody is specifically  
9 limited to this purpose.

10 (2) A youth custody officer while in the performance  
11 of his or her duties who takes a youth into custody for any  
12 reason specified in subsection (1) and who has probable cause  
13 to believe that the youth committed a crime during the taking  
14 of the youth into custody or after the taking of the youth  
15 into custody must file the appropriate petitions and gather  
16 any evidence for prosecution in a court of law.

17 (3)~~(2)~~ A youth custody officer must meet the minimum  
18 qualifications for employment or appointment, be certified  
19 under chapter 943, and comply with the requirements for  
20 continued employment required by s. 943.135. The Department of  
21 Juvenile Justice must comply with the responsibilities  
22 provided for an employing agency under s. 943.133 for each  
23 youth custody officer.

24 (4)~~(3)~~ A youth custody officer shall inform  
25 appropriate local law enforcement agencies of his or her  
26 activities under this section.

27 Section 5. Paragraph (b) of subsection (2) of section  
28 985.213, Florida Statutes, is amended to read:

29 985.213 Use of detention.--

30 (2)

31

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

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

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

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

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

8  
9 The child may not be held in secure detention under this  
10 subparagraph for more than 48 hours unless ordered by the  
11 court. After 48 hours, the court shall hold a hearing if the  
12 state attorney or victim requests that secure detention be  
13 continued. The child may continue to be held in detention care  
14 if the court makes a specific, written finding that detention  
15 care is necessary to protect the victim from injury. However,  
16 the child may not be held in detention care beyond the time  
17 limits set forth in s. 985.215. Other than the initial  
18 detention hearing, the child may appear at court hearings  
19 required by this paragraph by telephone or video  
20 teleconference.

21           4. For a child who is under the supervision of the  
22 department through probation, home detention, nonsecure  
23 detention, conditional release, postcommitment probation, or  
24 commitment and who is charged with committing a new offense,  
25 the risk assessment instrument may be completed and scored  
26 based on the underlying charge for which the child was placed  
27 under the supervision of the department and the new offense.

28           Section 6. Subsection (2), paragraph (f) of subsection  
29 (5), and paragraph (a) of subsection (10) of section 985.215,  
30 Florida Statutes, are amended to read:

31           985.215 Detention.--



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

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

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

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

16           (d) The child is charged with committing an offense of  
17 domestic violence as defined in s. 741.28 and is detained as  
18 provided in s. 985.213(2)(b)3.

19           (e) The child is charged with possession or  
20 discharging a firearm on school property in violation of s.  
21 790.115.

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

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

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

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

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

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

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

11          (h) The child is alleged to have violated the  
12 conditions of the child's probation or conditional release  
13 supervision. However, a child detained under this paragraph  
14 may be held only in a consequence unit as provided in s.  
15 985.231(1)(a)1.c. If a consequence unit is not available, the  
16 child shall be placed on home detention with electronic  
17 monitoring.

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

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

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

11

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

23 A child placed into secure, nonsecure, or home detention care  
24 may continue to be so detained by the court pursuant to this  
25 subsection. If the court orders a placement more restrictive  
26 than indicated by the results of the risk assessment  
27 instrument, the court shall state, in writing, clear and  
28 convincing reasons for such placement. Except as provided in  
29 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
30 paragraph (10)(c), or paragraph (10)(d), when a child is  
31 placed into secure or nonsecure detention care, or into a

1 respite home or other placement pursuant to a court order  
2 following a hearing, the court order must include specific  
3 instructions that direct the release of the child from such  
4 placement no later than 5 p.m. on the last day of the  
5 detention period specified in paragraph (5)(b) or paragraph  
6 (5)(c), or subparagraph (10)(a)1., whichever is applicable,  
7 unless the requirements of such applicable provision have been  
8 met or an order of continuance has been granted pursuant to  
9 paragraph (5)(f). Other than the initial detention hearing,  
10 the child may appear at court hearings required by this  
11 section by telephone or video teleconference.

12 (5)

13 (f) The time limits in paragraphs (c) and (d) do not  
14 include periods of delay resulting from a continuance granted  
15 by the court for cause on motion of the child or his or her  
16 counsel or of the state. Upon the issuance of an order  
17 granting a continuance for cause on a motion by either the  
18 child, the child's counsel, or the state, the court shall  
19 conduct a hearing at the end of each 72-hour period, excluding  
20 Saturdays, Sundays, and legal holidays, to determine the need  
21 for continued detention of the child and the need for further  
22 continuance of proceedings for the child or the state. The  
23 child may appear at court hearings required by this paragraph  
24 by telephone or video teleconference.

25 (10)(a)1. When a child is committed to the Department  
26 of Juvenile Justice awaiting dispositional placement, removal  
27 of the child from detention care shall occur within 5 days,  
28 excluding Saturdays, Sundays, and legal holidays. Any child  
29 held in secure detention during the 5 days must meet detention  
30 admission criteria pursuant to this section. If the child is  
31 committed to a moderate-risk residential program, the

1 department may seek an order from the court authorizing  
2 continued detention for a specific period of time necessary  
3 for the appropriate residential placement of the child.  
4 However, such continued detention in secure detention care may  
5 not exceed 15 days after commitment, excluding Saturdays,  
6 Sundays, and legal holidays, and except as otherwise provided  
7 in this subsection. The child may appear at court hearings  
8 required by this paragraph by telephone or video  
9 teleconference.

10 2. The court must place all children who are  
11 adjudicated and awaiting placement in a residential commitment  
12 program in detention care. Children who are in home detention  
13 care or nonsecure detention care may be placed on electronic  
14 monitoring.

15 Section 7. Paragraph (a) of subsection (1) of section  
16 985.231, Florida Statutes, is amended to read:

17 985.231 Powers of disposition in delinquency cases.--

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

22 1. Place the child in a probation program or a  
23 postcommitment probation program under the supervision of an  
24 authorized agent of the Department of Juvenile Justice or of  
25 any other person or agency specifically authorized and  
26 appointed by the court, whether in the child's own home, in  
27 the home of a relative of the child, or in some other suitable  
28 place under such reasonable conditions as the court may  
29 direct. A probation program for an adjudicated delinquent  
30 child must include a penalty component such as restitution in  
31 money or in kind, community service, a curfew, revocation or

1 suspension of the driver's license of the child, or other  
2 nonresidential punishment appropriate to the offense and must  
3 also include a rehabilitative program component such as a  
4 requirement of participation in substance abuse treatment or  
5 in school or other educational program. If the child is  
6 attending or is eligible to attend public school and the court  
7 finds that the victim or a sibling of the victim in the case  
8 is attending or may attend the same school as the child, the  
9 court placement order shall include a finding pursuant to the  
10 proceedings described in s. 985.23(1)(d). Upon the  
11 recommendation of the department at the time of disposition,  
12 or subsequent to disposition pursuant to the filing of a  
13 petition alleging a violation of the child's conditions of  
14 postcommitment probation, the court may order the child to  
15 submit to random testing for the purpose of detecting and  
16 monitoring the use of alcohol or controlled substances.

17       a. A restrictiveness level classification scale for  
18 levels of supervision shall be provided by the department,  
19 taking into account the child's needs and risks relative to  
20 probation supervision requirements to reasonably ensure the  
21 public safety. Probation programs for children shall be  
22 supervised by the department or by any other person or agency  
23 specifically authorized by the court. These programs must  
24 include, but are not limited to, structured or restricted  
25 activities as described in this subparagraph, and shall be  
26 designed to encourage the child toward acceptable and  
27 functional social behavior. If supervision or a program of  
28 community service is ordered by the court, the duration of  
29 such supervision or program must be consistent with any  
30 treatment and rehabilitation needs identified for the child  
31 and may not exceed the term for which sentence could be

1 imposed if the child were committed for the offense, except  
2 that the duration of such supervision or program for an  
3 offense that is a misdemeanor of the second degree, or is  
4 equivalent to a misdemeanor of the second degree, may be for a  
5 period not to exceed 6 months. When restitution is ordered by  
6 the court, the amount of restitution may not exceed an amount  
7 the child and the parent or guardian could reasonably be  
8 expected to pay or make. A child who participates in any work  
9 program under this part is considered an employee of the state  
10 for purposes of liability, unless otherwise provided by law.

11       b. The court may conduct judicial review hearings for  
12 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       c. If the conditions of the probation program or the  
19 postcommitment probation program are violated, the department  
20 or the state attorney may bring the child before the court on  
21 an affidavit ~~a petition~~ alleging a violation of the program.  
22 The state attorney shall represent the state in any hearing on  
23 the violation. Any child who violates the conditions of  
24 probation or postcommitment probation must be brought before  
25 the court if sanctions are sought. A child taken into custody  
26 under s. 985.207 for violating the conditions of probation or  
27 postcommitment probation shall be held in a consequence unit  
28 if such a unit is available. The child shall be afforded a  
29 hearing within 24 hours after being taken into custody to  
30 determine the existence of probable cause that the child  
31 violated the conditions of probation or postcommitment

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

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

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



1 (III) Modify or continue the child's probation program  
2 or postcommitment probation program.

3 (IV) Revoke probation or postcommitment probation and  
4 commit the child to the department.

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

10 2. Commit the child to a licensed child-caring agency  
11 willing to receive the child, but the court may not commit the  
12 child to a jail or to a facility used primarily as a detention  
13 center or facility or shelter.

14 3. Commit the child to the Department of Juvenile  
15 Justice at a residential commitment level defined in s.  
16 985.03. Such commitment must be for the purpose of exercising  
17 active control over the child, including, but not limited to,  
18 custody, care, training, urine monitoring, and treatment of  
19 the child and release of the child into the community in a  
20 postcommitment nonresidential conditional release program. If  
21 the child is eligible to attend public school following  
22 residential commitment and the court finds that the victim or  
23 a sibling of the victim in the case is or may be attending the  
24 same school as the child, the commitment order shall include a  
25 finding pursuant to the proceedings described in s.  
26 985.23(1)(d). If the child is not successful in the  
27 conditional release program, the department may use the  
28 transfer procedure under s. 985.404. Notwithstanding s. 743.07  
29 and paragraph (d), and except as provided in s. 985.31, the  
30 term of the commitment must be until the child is discharged  
31

1 by the department or until he or she reaches the age of 19,  
2 except as provided in s. 985.201(4)21.

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

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

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

31

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

6           8. Commit the child to the Department of Juvenile  
7 Justice for placement in a program or facility for serious or  
8 habitual juvenile offenders in accordance with s. 985.31. Any  
9 commitment of a child to a program or facility for serious or  
10 habitual juvenile offenders must be for an indeterminate  
11 period of time, but the time may not exceed the maximum term  
12 of imprisonment that an adult may serve for the same offense.  
13 The court may retain jurisdiction over such child until the  
14 child reaches the age of 21, specifically for the purpose of  
15 the child completing the program or until the age of 22 for  
16 the purpose of completing the program and conditional release.

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

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

1 sexual offenders must be for an indeterminate period of time,  
2 but the time may not exceed the maximum term of imprisonment  
3 that an adult may serve for the same offense. The court may  
4 retain jurisdiction over a juvenile sexual offender until the  
5 juvenile sexual offender reaches the age of 21, specifically  
6 for the purpose of completing the program or until the age of  
7 22 for the purpose of completing the program and conditional  
8 release.

9 Section 8. Subsection (13) is added to section  
10 985.404, Florida Statutes, to read:

11 985.404 Administering the juvenile justice  
12 continuum.--

13 (13) The Auxiliary Juvenile Justice Officer Program  
14 may be established to assist the department in reducing  
15 juvenile crime. The Department of Juvenile Justice shall  
16 develop the Auxiliary Juvenile Justice Program guidelines.  
17 The program shall recruit, train, and supervise volunteer  
18 citizens as auxiliary juvenile justice officers for the  
19 purpose of providing direct supervision of juveniles who are  
20 in detention, juveniles who are on probation, juveniles who  
21 are youth participating in diversion services, and juveniles  
22 who are on postcommitment or conditional release supervision.  
23 The auxiliary juvenile justice officers shall supervise,  
24 transport, participate in public functions with, and mentor  
25 juvenile youth. Auxiliary juvenile justice officers may  
26 perform intake and screening functions. An auxiliary juvenile  
27 justice officer must be supervised at all times by a juvenile  
28 probation officer, a juvenile detention officer, or other  
29 certified juvenile justice officer and is not solely  
30 responsible for any juvenile. Each auxiliary juvenile justice  
31 officer must meet all eligibility criteria and successfully

1 complete the standard training and certification program at a  
2 designated academy or shall remain on trainee status until  
3 certification. Volunteers shall serve without compensation,  
4 but are eligible for reimbursement for travel and per diem  
5 expenses. Auxiliary juvenile justice officers may not carry  
6 weapons or firearms on their person or in their vehicle while  
7 performing their job responsibilities and shall be evaluated  
8 every 6 months.

9 Section 9. Paragraph (a) of subsection (2) of section  
10 287.042, Florida Statutes, is amended to read:

11 287.042 Powers, duties, and functions.--The department  
12 shall have the following powers, duties, and functions:

13 (2)(a) To establish purchasing agreements and procure  
14 state term contracts for commodities and contractual services,  
15 pursuant to s. 287.057, under which state agencies shall, and  
16 eligible users may, make purchases pursuant to s. 287.056. The  
17 department may restrict purchases from some term contracts to  
18 state agencies only for those term contracts where the  
19 inclusion of other governmental entities will have an adverse  
20 effect on competition or to those federal facilities located  
21 in this state. In such planning or purchasing the Office of  
22 Supplier Diversity may monitor to ensure that opportunities  
23 are afforded for contracting with minority business  
24 enterprises. The department, for state term contracts, and all  
25 agencies, for multiyear contractual services or term  
26 contracts, shall explore reasonable and economical means to  
27 utilize certified minority business enterprises. Purchases by  
28 any county, municipality, private nonprofit community  
29 transportation coordinator designated pursuant to chapter 427,  
30 while conducting business related solely to the Commission for  
31 the Transportation Disadvantaged; purchases by a contracted

1 provider organization acting as an agent for the Department of  
2 Juvenile Justice while conducting business related solely to  
3 the provision of services to juveniles under chapters 984 and  
4 985; purchased by any, ~~or~~ other local public agency under the  
5 provisions in the state purchasing contracts;~~and purchases,~~  
6 from the corporation operating the correctional work programs,  
7 of products or services that are subject to paragraph (1)(f),  
8 are exempt from the competitive solicitation requirements  
9 otherwise applying to their purchases.

10 Section 10. This act shall take effect July 1, 2003.

11 \*\*\*\*\*

12 \*\*\*\*\*  
13 SENATE SUMMARY

14 Eliminates the forwarding of information relating to  
15 detained juveniles to the Office of Economic and  
16 Demographic Research. Clarifies procedures for the  
17 availability of court records relating to children and  
18 families in need to certain members of the public.  
19 Extends the court's jurisdiction over 10-13 year old  
20 juveniles who must complete certain commitment programs.  
21 Expands authority of youth custody officers. Authorizes  
22 a child's participation in specified court hearings by  
23 telephone or video teleconference. Authorizes the  
24 Department of Juvenile Justice to file an affidavit  
25 alleging violations of a juvenile's probation program.  
26 Clarifies the age of juveniles for court jurisdiction  
27 regarding residential commitment. Creates the Auxiliary  
28 Juvenile Justice Program. Provides that agents of the  
29 department are exempt from competitive solicitation  
30 requirements.  
31