

By the Committee on Criminal Justice; and Senator Lynn

307-2189-03

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; purchases 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 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 1470

15 Corrects a misspelling.
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