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1 A bill to be entitled
2 An act relating to juvenile justice; amending s. 287.042,
3 F.S.; exempting certain authorized agents of the
4 Department of Juvenile Justice from competitive
5 solicitation requirements with respect to purchase of
6 commodities and services by state contract; amending s.
7 790.22, F.S.; eliminating a requirement of the department
8 to forward a specified form relating to securely detained
9 juveniles to the Office of Economic and Demographic
10 Research; amending s. 984.03, F.S.; clarifying the
11 definition of "child in need of services"; amending s.
12 984.06, F.S.; clarifying provisions with respect to the
13 confidentiality of court records required under ch. 984,
14 F.S., and the inspection of such records upon order of the
15 court; amending s. 985.201, F.S.; clarifying that the
16 court may continue to retain jurisdiction for juveniles
17 beyond a specified age under specified circumstances;
18 amending s. 985.2075, F.S.; expanding authority of a youth
19 custody officer to take youth into custody; requiring a
20 youth custody officer to file criminal violations and
21 gather evidence under specified circumstances; amending
22 ss. 985.213 and 985.215, F.S.; authorizing a child's
23 participation in specified court hearings by telephone or
24 video teleconference; amending s. 985.227, F.S.;
25 eliminating a requirement of state attorneys to develop
26 written policies and guidelines governing determinations
27 for filing an information on a juvenile and to annually
28 submit such policies and guidelines to specified entities;
29 amending s. 985.231, F.S.; authorizing the department or
30 the state attorney to bring a child before the court on an



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31 affidavit alleging violations of supervision; revising an
32 age limit for a term of commitment to the department at a
33 residential commitment level; revising the age limit for
34 retention of jurisdiction by the court for a child
35 committed to a program or facility for serious or habitual
36 juvenile offenders and for a sexual offender committed to
37 a program or facility for juvenile sexual offenders;
38 amending s. 985.01, F.S.; prohibiting the department from
39 adopting any rule renaming any juvenile justice program;
40 providing for retroactive application; providing an
41 effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Paragraph (a) of subsection (2) of section
46 287.042, Florida Statutes, is amended to read:

47 287.042 Powers, duties, and functions.--The department
48 shall have the following powers, duties, and functions:

49 (2)(a) To establish purchasing agreements and procure
50 state term contracts for commodities and contractual services,
51 pursuant to s. 287.057, under which state agencies shall, and
52 eligible users may, make purchases pursuant to s. 287.056. The
53 department may restrict purchases from some term contracts to
54 state agencies only for those term contracts where the inclusion
55 of other governmental entities will have an adverse effect on
56 competition or to those federal facilities located in this
57 state. In such planning or purchasing the Office of Supplier
58 Diversity may monitor to ensure that opportunities are afforded
59 for contracting with minority business enterprises. The
60 department, for state term contracts, and all agencies, for



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61 multiyear contractual services or term contracts, shall explore
62 reasonable and economical means to utilize certified minority
63 business enterprises. Purchases by any county, municipality,
64 private nonprofit community transportation coordinator
65 designated pursuant to chapter 427, while conducting business
66 related solely to the Commission for the Transportation
67 Disadvantaged, contracted provider organization acting as an
68 agent of the Department of Juvenile Justice while conducting
69 business related solely to the provision of services to youth
70 pursuant to chapters 984 and 985, or other local public agency
71 under the provisions in the state purchasing contracts, and
72 purchases, from the corporation operating the correctional work
73 programs, of products or services that are subject to paragraph
74 (1)(f), are exempt from the competitive solicitation
75 requirements otherwise applying to their purchases.

76 Section 2. Subsection (8) of section 790.22, Florida
77 Statutes, is amended to read:

78 790.22 Use of BB guns, air or gas-operated guns, or
79 electric weapons or devices by minor under 16; limitation;
80 possession of firearms by minor under 18 prohibited;
81 penalties.--

82 (8) Notwithstanding s. 985.213 or s. 985.215(1), if a
83 minor under 18 years of age is charged with an offense that
84 involves the use or possession of a firearm, as defined in s.
85 790.001, including a violation of subsection (3), or is charged
86 for any offense during the commission of which the minor
87 possessed a firearm, the minor shall be detained in secure
88 detention, unless the state attorney authorizes the release of
89 the minor, and shall be given a hearing within 24 hours after
90 being taken into custody. At the hearing, the court may order



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91 that the minor continue to be held in secure detention in
92 accordance with the applicable time periods specified in s.
93 985.215(5), if the court finds that the minor meets the criteria
94 specified in s. 985.215(2), or if the court finds by clear and
95 convincing evidence that the minor is a clear and present danger
96 to himself or herself or the community. The Department of
97 Juvenile Justice shall prepare a form for all minors charged
98 under this subsection that states the period of detention and
99 the relevant demographic information, including, but not limited
100 to, the sex, age, and race of the minor; whether or not the
101 minor was represented by private counsel or a public defender;
102 the current offense; and the minor's complete prior record,
103 including any pending cases. The form shall be provided to the
104 judge to be considered when determining whether the minor should
105 be continued in secure detention under this subsection. An order
106 placing a minor in secure detention because the minor is a clear
107 and present danger to himself or herself or the community must
108 be in writing, must specify the need for detention and the
109 benefits derived by the minor or the community by placing the
110 minor in secure detention, and must include a copy of the form
111 provided by the department. ~~The Department of Juvenile Justice~~
112 ~~must send the form, including a copy of any order, without~~
113 ~~client-identifying information, to the Office of Economic and~~
114 ~~Demographic Research.~~

115 Section 3. Subsection (9) of section 984.03, Florida
116 Statutes, is amended to read:

117 984.03 Definitions.--When used in this chapter, the term:

118 (9) "Child in need of services" means a child for whom
119 there is no pending investigation into an allegation or
120 suspicion of abuse, neglect, or abandonment; no pending referral



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121 alleging the child is delinquent; or no current supervision by
122 the Department of Juvenile Justice or the Department of Children
123 and Family Services for an adjudication of dependency or
124 delinquency at the time a petition for a child in need of
125 services is filed. The child must also, pursuant to this
126 chapter, be found by the court:

127 (a) To have persistently run away from the child's parents
128 or legal custodians despite reasonable efforts of the child, the
129 parents or legal custodians, and appropriate agencies to remedy
130 the conditions contributing to the behavior. Reasonable efforts
131 shall include voluntary participation by the child's parents or
132 legal custodians and the child in family mediation, services,
133 and treatment offered by the Department of Juvenile Justice or
134 the Department of Children and Family Services;

135 (b) To be habitually truant from school, while subject to
136 compulsory school attendance, despite reasonable efforts to
137 remedy the situation pursuant to ss. 1003.26 and 1003.27 and
138 through voluntary participation by the child's parents or legal
139 custodians and by the child in family mediation, services, and
140 treatment offered by the Department of Juvenile Justice or the
141 Department of Children and Family Services; or

142 (c) To have persistently disobeyed the reasonable and
143 lawful demands of the child's parents or legal custodians, and
144 to be beyond their control despite efforts by the child's
145 parents or legal custodians and appropriate agencies to remedy
146 the conditions contributing to the behavior. Reasonable efforts
147 may include such things as good faith participation in family or
148 individual counseling.

149 Section 4. Subsection (3) of section 984.06, Florida
150 Statutes, is amended to read:



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151 984.06 Oaths, records, and confidential information.--
 152 (3) The clerk shall keep all court records required by
 153 this chapter separate from other records of the circuit court.
 154 Court records required by this chapter shall ~~are~~ not be open to
 155 inspection by the public. All ~~such~~ records shall ~~may~~ be
 156 inspected only upon order of the court by persons ~~a person~~
 157 deemed by the court to have a proper interest therein, except
 158 that, subject to the provisions of s. 63.162, a child and the
 159 parents or legal custodians of the child and their attorneys, a
 160 child's guardian ad litem, law enforcement agencies, and the
 161 department and its designees shall have the right to ~~may~~ inspect
 162 and copy any official record pertaining to the child. The court
 163 may permit authorized representatives of recognized
 164 organizations compiling statistics for proper purposes to
 165 inspect and make abstracts from official records, under whatever
 166 conditions upon their use and disposition the court may deem
 167 ~~deems~~ proper, and may punish by contempt proceedings any
 168 violation of those conditions.

169 Section 5. Subsection (4) of section 985.201, Florida
 170 Statutes, is amended to read:

171 985.201 Jurisdiction.--

172 (4)(a) Notwithstanding ss. 743.07, 985.229, 985.23, and
 173 985.231, and except as provided in ss. 985.31 and 985.313, when
 174 the jurisdiction of any child who is alleged to have committed a
 175 delinquent act or violation of law is obtained, the court shall
 176 retain jurisdiction, unless relinquished by its order, until the
 177 child reaches 19 years of age, with the same power over the
 178 child that the court had prior to the child becoming an adult.
 179 The court may continue to retain jurisdiction of the child



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180 beyond the child's 19th birthday in accordance with the
181 following:

182 ~~(b)~~1. The court may retain jurisdiction over a child
183 committed to the department for placement in a juvenile prison
184 or in a high-risk or maximum-risk residential commitment program
185 to allow the child to participate in a juvenile conditional
186 release program pursuant to s. 985.316. In no case shall the
187 jurisdiction of the court be retained beyond the child's 22nd
188 birthday. However, if the child is not successful in the
189 conditional release program, the department may use the transfer
190 procedure under s. 985.404.

191 2. The court may retain jurisdiction over a child
192 committed to the department for placement in an intensive
193 residential treatment program for 10-year-old to 13-year-old
194 offenders, in the residential commitment program in a juvenile
195 prison, in a residential sex offender program, or in a program
196 for serious or habitual juvenile offenders as provided in s.
197 985.311 or s. 985.31 until the child reaches the age of 21. The
198 court may exercise jurisdiction retention solely for the purpose
199 of allowing the child to complete such program. ~~If the court~~
200 ~~exercises this jurisdiction retention, it shall do so solely for~~
201 ~~the purpose of the child completing the intensive residential~~
202 ~~treatment program for 10-year-old to 13-year-old offenders, in~~
203 ~~the residential commitment program in a juvenile prison, in a~~
204 ~~residential sex offender program, or the program for serious or~~
205 ~~habitual juvenile offenders.~~ Such jurisdiction retention does
206 not apply for other programs, other purposes, or new offenses.

207 3.(e) The court may retain jurisdiction over a child and
208 the child's parent or legal guardian whom the court has ordered
209 to pay restitution until the restitution order is satisfied or



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210 until the court orders otherwise. If the court retains such
 211 jurisdiction after the date upon which the court's jurisdiction
 212 would cease under this section, it shall do so solely for the
 213 purpose of enforcing the restitution order. The terms of the
 214 restitution order are subject to the provisions of s.
 215 775.089(5).

216 (b)~~(d)~~ This subsection does not prevent the exercise of
 217 jurisdiction by any court having jurisdiction of the child if
 218 the child, after becoming an adult, commits a violation of law.

219 Section 6. Section 985.2075, Florida Statutes, is amended
 220 to read:

221 985.2075 Youth custody officer.--

222 (1) There is created within the Department of Juvenile
 223 Justice the position of youth custody officer. The duties of
 224 each youth custody officer shall be to take youth into custody
 225 if the officer has probable cause to believe that the youth:

226 (a) Has violated the conditions of probation, home
 227 detention, conditional release, or postcommitment probation;

228 (b) Is a delinquent youth committed to the department who
 229 has escaped from a facility of the department;

230 (c) Is a youth who has absconded from supervision of the
 231 department; or

232 (d) Has failed to appear in court after being properly
 233 noticed. The authority of the youth custody officer to take
 234 youth into custody is specifically limited to this purpose.

235 (2) A youth custody officer who, while in the performance
 236 of his or her duties, takes a youth into custody for any of the
 237 above reasons and has probable cause to believe that new
 238 criminal law violations occurred during or after the lawful
 239 taking of such youth into custody shall file the appropriate



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240 criminal violations and gather any evidence for prosecution in a
241 court of law.

242 (3)(2) A youth custody officer must meet the minimum
243 qualifications for employment or appointment, be certified under
244 chapter 943, and comply with the requirements for continued
245 employment required by s. 943.135. The Department of Juvenile
246 Justice must comply with the responsibilities provided for an
247 employing agency under s. 943.133 for each youth custody
248 officer.

249 (4)(3) A youth custody officer shall inform appropriate
250 local law enforcement agencies of his or her activities under
251 this section.

252 Section 7. Paragraph (b) of subsection (2) of section
253 985.213, Florida Statutes, is amended to read:

254 985.213 Use of detention.--

255 (2)

256 (b)1. The risk assessment instrument for detention care
257 placement determinations and orders shall be developed by the
258 Department of Juvenile Justice in agreement with representatives
259 appointed by the following associations: the Conference of
260 Circuit Judges of Florida, the Prosecuting Attorneys
261 Association, the Public Defenders Association, the Florida
262 Sheriffs Association, and the Florida Association of Chiefs of
263 Police. Each association shall appoint two individuals, one
264 representing an urban area and one representing a rural area.
265 The parties involved shall evaluate and revise the risk
266 assessment instrument as is considered necessary using the
267 method for revision as agreed by the parties. The risk
268 assessment instrument shall take into consideration, but need
269 not be limited to, prior history of failure to appear, prior



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270 offenses, offenses committed pending adjudication, any unlawful
 271 possession of a firearm, theft of a motor vehicle or possession
 272 of a stolen motor vehicle, and probation status at the time the
 273 child is taken into custody. The risk assessment instrument
 274 shall also take into consideration appropriate aggravating and
 275 mitigating circumstances, and shall be designed to target a
 276 narrower population of children than s. 985.215(2). The risk
 277 assessment instrument shall also include any information
 278 concerning the child's history of abuse and neglect. The risk
 279 assessment shall indicate whether detention care is warranted,
 280 and, if detention care is warranted, whether the child should be
 281 placed into secure, nonsecure, or home detention care.

282 2. If, at the detention hearing, the court finds a
 283 material error in the scoring of the risk assessment instrument,
 284 the court may amend the score to reflect factual accuracy.

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

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

292
 293 The child may not be held in secure detention under this
 294 subparagraph for more than 48 hours unless ordered by the court.
 295 After 48 hours, the court shall hold a hearing if the state
 296 attorney or victim requests that secure detention be continued.
 297 The child may continue to be held in detention care if the court
 298 makes a specific, written finding that detention care is
 299 necessary to protect the victim from injury. However, the child



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300 may not be held in detention care beyond the time limits set
 301 forth in s. 985.215.

302 4. For a child who is under the supervision of the
 303 department through probation, home detention, nonsecure
 304 detention, conditional release, postcommitment probation, or
 305 commitment and who is charged with committing a new offense, the
 306 risk assessment instrument may be completed and scored based on
 307 the underlying charge for which the child was placed under the
 308 supervision of the department and the new offense.

309
 310 Other than the initial detention hearing, a child may appear at
 311 court hearings required by this paragraph by telephone or video
 312 teleconference.

313 Section 8. Subsection (2), paragraph (f) of subsection
 314 (5), and paragraph (a) of subsection (10) of section 985.215,
 315 Florida Statutes, are amended to read:

316 985.215 Detention.--

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

321 (a) The child is alleged to be an escapee or an absconder
 322 from a commitment program, a probation program, or conditional
 323 release supervision, or is alleged to have escaped while being
 324 lawfully transported to or from such program or supervision.

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

327 (c) The child is charged with a delinquent act or
 328 violation of law and requests in writing through legal counsel



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329 to be detained for protection from an imminent physical threat
330 to his or her personal safety.

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

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

336 (f) The child is charged with a capital felony, a life
337 felony, a felony of the first degree, a felony of the second
338 degree that does not involve a violation of chapter 893, or a
339 felony of the third degree that is also a crime of violence,
340 including any such offense involving the use or possession of a
341 firearm.

342 (g) The child is charged with any second degree or third
343 degree felony involving a violation of chapter 893 or any third
344 degree felony that is not also a crime of violence, and the
345 child:

- 346 1. Has a record of failure to appear at court hearings
347 after being properly notified in accordance with the Rules of
348 Juvenile Procedure;
- 349 2. Has a record of law violations prior to court hearings;
- 350 3. Has already been detained or has been released and is
351 awaiting final disposition of the case;
- 352 4. Has a record of violent conduct resulting in physical
353 injury to others; or
- 354 5. Is found to have been in possession of a firearm.

355 (h) The child is alleged to have violated the conditions
356 of the child's probation or conditional release supervision.
357 However, a child detained under this paragraph may be held only
358 in a consequence unit as provided in s. 985.231(1)(a)1.c. If a



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359 consequence unit is not available, the child shall be placed on
360 home detention with electronic monitoring.

361 (i) The child is detained on a judicial order for failure
362 to appear and has previously willfully failed to appear, after
363 proper notice, for an adjudicatory hearing on the same case
364 regardless of the results of the risk assessment instrument. A
365 child may be held in secure detention for up to 72 hours in
366 advance of the next scheduled court hearing pursuant to this
367 paragraph. The child's failure to keep the clerk of court and
368 defense counsel informed of a current and valid mailing address
369 where the child will receive notice to appear at court
370 proceedings does not provide an adequate ground for excusal of
371 the child's nonappearance at the hearings.

372 (j) The child is detained on a judicial order for failure
373 to appear and has previously willfully failed to appear, after
374 proper notice, at two or more court hearings of any nature on
375 the same case regardless of the results of the risk assessment
376 instrument. A child may be held in secure detention for up to 72
377 hours in advance of the next scheduled court hearing pursuant to
378 this paragraph. The child's failure to keep the clerk of court
379 and defense counsel informed of a current and valid mailing
380 address where the child will receive notice to appear at court
381 proceedings does not provide an adequate ground for excusal of
382 the child's nonappearance at the hearings.

383
384 A child who meets any of these criteria and who is ordered to be
385 detained pursuant to this subsection shall be given a hearing
386 within 24 hours after being taken into custody. The purpose of
387 the detention hearing is to determine the existence of probable
388 cause that the child has committed the delinquent act or



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389 violation of law with which he or she is charged and the need
390 for continued detention. Unless a child is detained under
391 paragraph (d) or paragraph (e), the court shall utilize the
392 results of the risk assessment performed by the juvenile
393 probation officer and, based on the criteria in this subsection,
394 shall determine the need for continued detention. A child placed
395 into secure, nonsecure, or home detention care may continue to
396 be so detained by the court pursuant to this subsection. If the
397 court orders a placement more restrictive than indicated by the
398 results of the risk assessment instrument, the court shall
399 state, in writing, clear and convincing reasons for such
400 placement. Except as provided in s. 790.22(8) or in subparagraph
401 (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph
402 (10)(d), when a child is placed into secure or nonsecure
403 detention care, or into a respite home or other placement
404 pursuant to a court order following a hearing, the court order
405 must include specific instructions that direct the release of
406 the child from such placement no later than 5 p.m. on the last
407 day of the detention period specified in paragraph (5)(b) or
408 paragraph (5)(c), or subparagraph (10)(a)1., whichever is
409 applicable, unless the requirements of such applicable provision
410 have been met or an order of continuance has been granted
411 pursuant to paragraph (5)(f). Other than the initial detention
412 hearing, a child may appear at court hearings required by this
413 subsection by telephone or video teleconference.

414 (5)

415 (f) The time limits in paragraphs (c) and (d) do not
416 include periods of delay resulting from a continuance granted by
417 the court for cause on motion of the child or his or her counsel
418 or of the state. Upon the issuance of an order granting a



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419 continuance for cause on a motion by either the child, the
420 child's counsel, or the state, the court shall conduct a hearing
421 at the end of each 72-hour period, excluding Saturdays, Sundays,
422 and legal holidays, to determine the need for continued
423 detention of the child and the need for further continuance of
424 proceedings for the child or the state. A child may appear at
425 court hearings required by this paragraph by telephone or video
426 teleconference.

427 (10)(a)1. When a child is committed to the Department of
428 Juvenile Justice awaiting dispositional placement, removal of
429 the child from detention care shall occur within 5 days,
430 excluding Saturdays, Sundays, and legal holidays. Any child held
431 in secure detention during the 5 days must meet detention
432 admission criteria pursuant to this section. If the child is
433 committed to a moderate-risk residential program, the department
434 may seek an order from the court authorizing continued detention
435 for a specific period of time necessary for the appropriate
436 residential placement of the child. However, such continued
437 detention in secure detention care may not exceed 15 days after
438 commitment, excluding Saturdays, Sundays, and legal holidays,
439 and except as otherwise provided in this subsection. A child may
440 appear at court hearings required by this subparagraph by
441 telephone or video teleconference.

442 2. The court must place all children who are adjudicated
443 and awaiting placement in a residential commitment program in
444 detention care. Children who are in home detention care or
445 nonsecure detention care may be placed on electronic monitoring.

446 Section 9. Subsections (4) and (5) of section 985.227,
447 Florida Statutes, are amended to read:



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448 985.227 Prosecution of juveniles as adults by the direct
449 filing of an information in the criminal division of the circuit
450 court; discretionary criteria; mandatory criteria.--

451 ~~(4) DIRECT FILE POLICIES AND GUIDELINES. Each state~~
452 ~~attorney shall develop written policies and guidelines to govern~~
453 ~~determinations for filing an information on a juvenile, to be~~
454 ~~submitted to the Executive Office of the Governor, the President~~
455 ~~of the Senate, and the Speaker of the House of Representatives~~
456 ~~not later than January 1 of each year.~~

457 (4)(5) An information filed pursuant to this section may
458 include all charges that are based on the same act, criminal
459 episode, or transaction as the primary offenses.

460 Section 10. Paragraph (a) of subsection (1) of section
461 985.231, Florida Statutes, is amended to read:

462 985.231 Powers of disposition in delinquency cases.--

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

467 1. Place the child in a probation program or a
468 postcommitment probation program under the supervision of an
469 authorized agent of the Department of Juvenile Justice or of any
470 other person or agency specifically authorized and appointed by
471 the court, whether in the child's own home, in the home of a
472 relative of the child, or in some other suitable place under
473 such reasonable conditions as the court may direct. A probation
474 program for an adjudicated delinquent child must include a
475 penalty component such as restitution in money or in kind,
476 community service, a curfew, revocation or suspension of the
477 driver's license of the child, or other nonresidential



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478 punishment appropriate to the offense and must also include a
479 rehabilitative program component such as a requirement of
480 participation in substance abuse treatment or in school or other
481 educational program. If the child is attending or is eligible to
482 attend public school and the court finds that the victim or a
483 sibling of the victim in the case is attending or may attend the
484 same school as the child, the court placement order shall
485 include a finding pursuant to the proceedings described in s.
486 985.23(1)(d). Upon the recommendation of the department at the
487 time of disposition, or subsequent to disposition pursuant to
488 the filing of a petition alleging a violation of the child's
489 conditions of postcommitment probation, the court may order the
490 child to submit to random testing for the purpose of detecting
491 and monitoring the use of alcohol or controlled substances.

492 a. A restrictiveness level classification scale for levels
493 of supervision shall be provided by the department, taking into
494 account the child's needs and risks relative to probation
495 supervision requirements to reasonably ensure the public safety.
496 Probation programs for children shall be supervised by the
497 department or by any other person or agency specifically
498 authorized by the court. These programs must include, but are
499 not limited to, structured or restricted activities as described
500 in this subparagraph, and shall be designed to encourage the
501 child toward acceptable and functional social behavior. If
502 supervision or a program of community service is ordered by the
503 court, the duration of such supervision or program must be
504 consistent with any treatment and rehabilitation needs
505 identified for the child and may not exceed the term for which
506 sentence could be imposed if the child were committed for the
507 offense, except that the duration of such supervision or program



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508 for an offense that is a misdemeanor of the second degree, or is
509 equivalent to a misdemeanor of the second degree, may be for a
510 period not to exceed 6 months. When restitution is ordered by
511 the court, the amount of restitution may not exceed an amount
512 the child and the parent or guardian could reasonably be
513 expected to pay or make. A child who participates in any work
514 program under this part is considered an employee of the state
515 for purposes of liability, unless otherwise provided by law.

516 b. The court may conduct judicial review hearings for a
517 child placed on probation for the purpose of fostering
518 accountability to the judge and compliance with other
519 requirements, such as restitution and community service. The
520 court may allow early termination of probation for a child who
521 has substantially complied with the terms and conditions of
522 probation.

523 c. If the conditions of the probation program or the
524 postcommitment probation program are violated, the department or
525 the state attorney may bring the child before the court on an
526 affidavit ~~a petition~~ alleging a violation of the program. The
527 state attorney shall represent the state in any hearing on the
528 violation. Any child who violates the conditions of probation or
529 postcommitment probation must be brought before the court if
530 sanctions are sought. A child taken into custody under s.
531 985.207 for violating the conditions of probation or
532 postcommitment probation shall be held in a consequence unit if
533 such a unit is available. The child shall be afforded a hearing
534 within 24 hours after being taken into custody to determine the
535 existence of probable cause that the child violated the
536 conditions of probation or postcommitment probation. A
537 consequence unit is a secure facility specifically designated by



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538 the department for children who are taken into custody under s.
539 985.207 for violating probation or postcommitment probation, or
540 who have been found by the court to have violated the conditions
541 of probation or postcommitment probation. If the violation
542 involves a new charge of delinquency, the child may be detained
543 under s. 985.215 in a facility other than a consequence unit. If
544 the child is not eligible for detention for the new charge of
545 delinquency, the child may be held in the consequence unit
546 pending a hearing and is subject to the time limitations
547 specified in s. 985.215. If the child denies violating the
548 conditions of probation or postcommitment probation, the court
549 shall appoint counsel to represent the child at the child's
550 request. Upon the child's admission, or if the court finds after
551 a hearing that the child has violated the conditions of
552 probation or postcommitment probation, the court shall enter an
553 order revoking, modifying, or continuing probation or
554 postcommitment probation. In each such case, the court shall
555 enter a new disposition order and, in addition to the sanctions
556 set forth in this paragraph, may impose any sanction the court
557 could have imposed at the original disposition hearing. If the
558 child is found to have violated the conditions of probation or
559 postcommitment probation, the court may:

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

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

566 (III) Modify or continue the child's probation program or
567 postcommitment probation program.



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568 (IV) Revoke probation or postcommitment probation and
569 commit the child to the department.

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

575 2. Commit the child to a licensed child-caring agency
576 willing to receive the child, but the court may not commit the
577 child to a jail or to a facility used primarily as a detention
578 center or facility or shelter.

579 3. Commit the child to the Department of Juvenile Justice
580 at a residential commitment level defined in s. 985.03. Such
581 commitment must be for the purpose of exercising active control
582 over the child, including, but not limited to, custody, care,
583 training, urine monitoring, and treatment of the child and
584 release of the child into the community in a postcommitment
585 nonresidential conditional release program. If the child is
586 eligible to attend public school following residential
587 commitment and the court finds that the victim or a sibling of
588 the victim in the case is or may be attending the same school as
589 the child, the commitment order shall include a finding pursuant
590 to the proceedings described in s. 985.23(1)(d). If the child is
591 not successful in the conditional release program, the
592 department may use the transfer procedure under s. 985.404.
593 Notwithstanding s. 743.07 and paragraph (d), and except as
594 provided in s. 985.31, the term of the commitment must be until
595 the child is discharged by the department or until he or she
596 reaches the age of 19, except as provided in s. 985.201(4)(b)
597 21.



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- 598 4. Revoke or suspend the driver's license of the child.
- 599 5. Require the child and, if the court finds it
- 600 appropriate, the child's parent or guardian together with the
- 601 child, to render community service in a public service program.
- 602 6. As part of the probation program to be implemented by
- 603 the Department of Juvenile Justice, or, in the case of a
- 604 committed child, as part of the community-based sanctions
- 605 ordered by the court at the disposition hearing or before the
- 606 child's release from commitment, order the child to make
- 607 restitution in money, through a promissory note cosigned by the
- 608 child's parent or guardian, or in kind for any damage or loss
- 609 caused by the child's offense in a reasonable amount or manner
- 610 to be determined by the court. The clerk of the circuit court
- 611 shall be the receiving and dispensing agent. In such case, the
- 612 court shall order the child or the child's parent or guardian to
- 613 pay to the office of the clerk of the circuit court an amount
- 614 not to exceed the actual cost incurred by the clerk as a result
- 615 of receiving and dispensing restitution payments. The clerk
- 616 shall notify the court if restitution is not made, and the court
- 617 shall take any further action that is necessary against the
- 618 child or the child's parent or guardian. A finding by the court,
- 619 after a hearing, that the parent or guardian has made diligent
- 620 and good faith efforts to prevent the child from engaging in
- 621 delinquent acts absolves the parent or guardian of liability for
- 622 restitution under this subparagraph.
- 623 7. Order the child and, if the court finds it appropriate,
- 624 the child's parent or guardian together with the child, to
- 625 participate in a community work project, either as an
- 626 alternative to monetary restitution or as part of the
- 627 rehabilitative or probation program.



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628 8. Commit the child to the Department of Juvenile Justice
629 for placement in a program or facility for serious or habitual
630 juvenile offenders in accordance with s. 985.31. Any commitment
631 of a child to a program or facility for serious or habitual
632 juvenile offenders must be for an indeterminate period of time,
633 but the time may not exceed the maximum term of imprisonment
634 that an adult may serve for the same offense. The court may
635 retain jurisdiction over such child until the child reaches the
636 age of 21⁷ specifically for the purpose of the child completing
637 the program, or until the child reaches the age of 22 for the
638 purpose of completing the program and conditional release.

639 9. In addition to the sanctions imposed on the child,
640 order the parent or guardian of the child to perform community
641 service if the court finds that the parent or guardian did not
642 make a diligent and good faith effort to prevent the child from
643 engaging in delinquent acts. The court may also order the parent
644 or guardian to make restitution in money or in kind for any
645 damage or loss caused by the child's offense. The court shall
646 determine a reasonable amount or manner of restitution, and
647 payment shall be made to the clerk of the circuit court as
648 provided in subparagraph 6.

649 10. Subject to specific appropriation, commit the juvenile
650 sexual offender to the Department of Juvenile Justice for
651 placement in a program or facility for juvenile sexual offenders
652 in accordance with s. 985.308. Any commitment of a juvenile
653 sexual offender to a program or facility for juvenile sexual
654 offenders must be for an indeterminate period of time, but the
655 time may not exceed the maximum term of imprisonment that an
656 adult may serve for the same offense. The court may retain
657 jurisdiction over a juvenile sexual offender until the juvenile



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658 sexual offender reaches the age of 21~~7~~, specifically for the
 659 purpose of completing the program, or until the juvenile sexual
 660 offender reaches the age of 22 for the purpose of completing the
 661 program and conditional release.

662 Section 11. Paragraph (d) is added to subsection (2) of
 663 section 985.01, Florida Statutes, to read:

664 985.01 Purposes and intent; personnel standards and
 665 screening.--

666 (2) The Department of Juvenile Justice or the Department
 667 of Children and Family Services, as appropriate, may contract
 668 with the Federal Government, other state departments and
 669 agencies, county and municipal governments and agencies, public
 670 and private agencies, and private individuals and corporations
 671 in carrying out the purposes of, and the responsibilities
 672 established in, this chapter.

673 (d) The Department of Juvenile Justice is not authorized
 674 to adopt any rule renaming any juvenile justice program. The
 675 provisions of this paragraph shall be applied retroactively.

676 Section 12. This act shall take effect July 1, 2003.