

By the Committee on Criminal Justice; and Senator Clary

307-2320-04

1                                   A bill to be entitled  
2           An act relating to juvenile justice; amending  
3           s. 287.012, F.S.; redefining the term "eligible  
4           user"; allowing contract providers of juvenile  
5           justice services to purchase off of state  
6           contracts; amending s. 790.22, F.S.;  
7           eliminating a requirement that the department  
8           provide nonidentifying information concerning  
9           certain juvenile offenders to the Office of  
10          Economic Development and Demographic Research;  
11          amending s. 984.06, F.S.; revising provisions  
12          limiting public inspection of court records  
13          pertaining to children and families in need of  
14          services; authorizing a guardian ad litem to  
15          inspect such records under certain  
16          circumstances; amending s. 985.201, F.S.;  
17          clarifying circumstances in which the court may  
18          retain jurisdiction beyond the 19th birthday of  
19          certain juvenile offenders; amending s.  
20          985.2075, F.S.; expanding the circumstances in  
21          which a youth custody officer is authorized to  
22          act; requiring youth custody officers to file  
23          petitions and gather evidence in certain  
24          circumstances; amending ss. 985.213 and  
25          985.215, F.S.; authorizing the use, at the  
26          court's discretion, of video teleconference to  
27          facilitate the appearance of a child at certain  
28          detention hearings; amending s. 985.231, F.S.;  
29          authorizing the department or the state  
30          attorney to file an affidavit alleging  
31          violation of a probation of postcommitment

1           probation program; requiring the state attorney  
2           to represent the state in any hearing on such  
3           alleged violation; providing for quarterly,  
4           rather than monthly, treatment reports;  
5           authorizing, at the court's discretion, the use  
6           of video teleconference to facilitate the  
7           appearance of a child at certain hearings;  
8           conforming provisions relating to jurisdiction;  
9           providing an effective date.

10

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

12

13           Section 1. Subsection (12) of section 287.012, Florida  
14 Statutes, is amended to read:

15           287.012 Definitions.--As used in this part, the term:

16           (12) "Eligible user" means any contracted provider  
17 organization acting as an agent for the Department of Juvenile  
18 Justice while conducting business related solely to the  
19 provision of services to juveniles under chapters 984 and 985  
20 or any person or entity authorized by the department pursuant  
21 to rule to purchase from state term contracts or to use the  
22 on-line procurement system.

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

25           790.22 Use of BB guns, air or gas-operated guns, or  
26 electric weapons or devices by minor under 16; limitation;  
27 possession of firearms by minor under 18 prohibited;  
28 penalties.--

29           (8) Notwithstanding s. 985.213 or s. 985.215(1), if a  
30 minor under 18 years of age is charged with an offense that  
31 involves the use or possession of a firearm, as defined in s.

1 790.001, including a violation of subsection (3), or is  
2 charged for any offense during the commission of which the  
3 minor possessed a firearm, the minor shall be detained in  
4 secure detention, unless the state attorney authorizes the  
5 release of the minor, and shall be given a hearing within 24  
6 hours after being taken into custody. At the hearing, the  
7 court may order that the minor continue to be held in secure  
8 detention in accordance with the applicable time periods  
9 specified in s. 985.215(5), if the court finds that the minor  
10 meets the criteria specified in s. 985.215(2), or if the court  
11 finds by clear and convincing evidence that the minor is a  
12 clear and present danger to himself or herself or the  
13 community. The Department of Juvenile Justice shall prepare a  
14 form for all minors charged under this subsection that states  
15 the period of detention and the relevant demographic  
16 information, including, but not limited to, the sex, age, and  
17 race of the minor; whether or not the minor was represented by  
18 private counsel or a public defender; the current offense; and  
19 the minor's complete prior record, including any pending  
20 cases. The form shall be provided to the judge to be  
21 considered when determining whether the minor should be  
22 continued in secure detention under this subsection. An order  
23 placing a minor in secure detention because the minor is a  
24 clear and present danger to himself or herself or the  
25 community must be in writing, must specify the need for  
26 detention and the benefits derived by the minor or the  
27 community by placing the minor in secure detention, and must  
28 include a copy of the form provided by the department. ~~The~~  
29 ~~Department of Juvenile Justice must send the form, including a~~  
30 ~~copy of any order, without client-identifying information, to~~  
31 ~~the Office of Economic and Demographic Research.~~

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

3           984.06 Oaths, records, and confidential information.--

4           (3) The clerk shall keep all court records required by  
5 this chapter separate from other records of the circuit court.  
6 All court records required by this chapter are not open to  
7 inspection by the public. All ~~such~~ records shall ~~may~~ be  
8 inspected only upon order of the court by persons ~~a person~~  
9 deemed by the court to have a proper interest therein, except  
10 that, subject to the provisions of s. 63.162, a child and the  
11 parents or legal custodians of the child and their attorneys,  
12 the guardian ad litem, if one has been appointed for the  
13 child, law enforcement agencies, and the department and its  
14 designees have the right to ~~may~~ inspect and copy any official  
15 record pertaining to the child. The court may permit  
16 authorized representatives of recognized organizations  
17 compiling statistics for proper purposes to inspect and make  
18 abstracts from official records, under whatever conditions  
19 upon their use and disposition the court may deem ~~deems~~  
20 proper, and may punish by contempt proceedings any violation  
21 of those conditions.

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

24           985.201 Jurisdiction.--

25           (4)(a) Notwithstanding ss. 743.07, 985.229, 985.23,  
26 and 985.231, and except as provided in ss. 985.31 and 985.313,  
27 when the jurisdiction of any child who is alleged to have  
28 committed a delinquent act or violation of law is obtained,  
29 the court shall retain jurisdiction, unless relinquished by  
30 its order, until the child reaches 19 years of age, with the  
31 same power over the child that the court had prior to the

1 child becoming an adult. The court may continue to retain  
2 jurisdiction of the child beyond the child's 19th birthday in  
3 accordance with the following:

4 ~~(b)~~1. The court may retain jurisdiction over a child  
5 committed to the department for placement in a juvenile prison  
6 or in a high-risk or maximum-risk residential commitment  
7 program to allow the child to participate in a juvenile  
8 conditional release program pursuant to s. 985.316. In no case  
9 shall the jurisdiction of the court be retained beyond the  
10 child's 22nd birthday. However, if the child is not successful  
11 in the conditional release program, the department may use the  
12 transfer procedure under s. 985.404.

13 2. The court may retain jurisdiction over a child  
14 committed to the department for placement in an intensive  
15 residential treatment program for offenders less than 13 years  
16 of age ~~10-year-old to 13-year-old offenders~~, in the  
17 residential commitment program in a juvenile prison, in a  
18 residential sex offender program, or in a program for serious  
19 or habitual juvenile offenders as provided in s. 985.311 or s.  
20 985.31 until the child reaches the age of 21. The court may  
21 retain such jurisdiction solely for the purpose of allowing  
22 the child to complete such program.~~If the court exercises~~  
23 ~~this jurisdiction retention, it shall do so solely for the~~  
24 ~~purpose of the child completing the intensive residential~~  
25 ~~treatment program for 10-year-old to 13-year-old offenders, in~~  
26 ~~the residential commitment program in a juvenile prison, in a~~  
27 ~~residential sex offender program, or the program for serious~~  
28 ~~or habitual juvenile offenders.~~Such jurisdiction retention  
29 does not apply for other programs, other purposes, or new  
30 offenses.

31

1           **(b)**~~(c)~~ The court may retain jurisdiction over a child  
2 and the child's parent or legal guardian whom the court has  
3 ordered to pay restitution until the restitution order is  
4 satisfied or until the court orders otherwise. If the court  
5 retains such jurisdiction after the date upon which the  
6 court's jurisdiction would cease under this section, it shall  
7 do so solely for the purpose of enforcing the restitution  
8 order. The terms of the restitution order are subject to the  
9 provisions of s. 775.089(5).

10           **(c)**~~(d)~~ This subsection does not prevent the exercise  
11 of jurisdiction by any court having jurisdiction of the child  
12 if the child, after becoming an adult, commits a violation of  
13 law.

14           Section 5. Subsection (1) of section 985.2075, Florida  
15 Statutes, is amended, and subsection (4) is added to that  
16 section, to read:

17           985.2075 Youth custody officer.--

18           (1) There is created within the Department of Juvenile  
19 Justice the position of youth custody officer. The duties of  
20 each youth custody officer shall be to take youth into custody  
21 if the officer has probable cause to believe that the youth  
22 has violated the conditions of probation, home detention,  
23 conditional release, or postcommitment probation, has  
24 absconded supervision of the department, has escaped from a  
25 department facility, or has failed to appear in court after  
26 being properly noticed. The authority of the youth custody  
27 officer to take youth into custody is specifically limited to  
28 this purpose.

29           **(4)** A youth custody officer who, while in the  
30 performance of his or her duties, takes a youth into custody  
31 for any reason specified in subsection (1) and has probable

1 cause to believe that the youth committed a crime during the  
2 course of, or subsequent to, being taken into custody must  
3 file the appropriate petitions and gather any evidence for  
4 prosecution in a court of law.

5 Section 6. Subsection (2) of section 985.213, Florida  
6 Statutes, is amended to read:

7 985.213 Use of detention.--

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

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

1 consideration appropriate aggravating and mitigating  
2 circumstances, and shall be designed to target a narrower  
3 population of children than s. 985.215(2). The risk assessment  
4 instrument shall also include any information concerning the  
5 child's history of abuse and neglect. The risk assessment  
6 shall indicate whether detention care is warranted, and, if  
7 detention care is warranted, whether the child should be  
8 placed into secure, nonsecure, or home detention care.

9           2. If, at the detention hearing, the court finds a  
10 material error in the scoring of the risk assessment  
11 instrument, the court may amend the score to reflect factual  
12 accuracy.

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

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

20  
21 The child may not be held in secure detention under this  
22 subparagraph for more than 48 hours unless ordered by the  
23 court. After 48 hours, the court shall hold a hearing if the  
24 state attorney or victim requests that secure detention be  
25 continued. The child may continue to be held in detention care  
26 if the court makes a specific, written finding that detention  
27 care is necessary to protect the victim from injury. However,  
28 the child may not be held in detention care beyond the time  
29 limits set forth in s. 985.215. At the discretion of the  
30 court, the child may appear by video teleconference at any  
31 court hearing required by this subparagraph.



1           4. For a child who is under the supervision of the  
2 department through probation, home detention, nonsecure  
3 detention, conditional release, postcommitment probation, or  
4 commitment and who is charged with committing a new offense,  
5 the risk assessment instrument may be completed and scored  
6 based on the underlying charge for which the child was placed  
7 under the supervision of the department and the new offense.

8           Section 7. Section 985.215, Florida Statutes, is  
9 amended to read:

10           985.215 Detention.--

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

17           (a) During the period of time from the taking of the  
18 child into custody to the date of the detention hearing, the  
19 initial decision as to the child's placement into secure  
20 detention care, nonsecure detention care, or home detention  
21 care shall be made by the juvenile probation officer pursuant  
22 to ss. 985.213 and 985.214.

23           (b) The juvenile probation officer shall base the  
24 decision whether or not to place the child into secure  
25 detention care, home detention care, or nonsecure detention  
26 care on an assessment of risk in accordance with the risk  
27 assessment instrument and procedures developed by the  
28 Department of Juvenile Justice under s. 985.213. However, a  
29 child charged with possessing or discharging a firearm on  
30 school property in violation of s. 790.115 shall be placed in  
31 secure detention care.

1           (c) If the juvenile probation officer determines that  
2 a child who is eligible for detention based upon the results  
3 of the risk assessment instrument should be released, the  
4 juvenile probation officer shall contact the state attorney,  
5 who may authorize release. If detention is not authorized, the  
6 child may be released by the juvenile probation officer in  
7 accordance with s. 985.211.

8  
9 Under no circumstances shall the juvenile probation officer or  
10 the state attorney or law enforcement officer authorize the  
11 detention of any child in a jail or other facility intended or  
12 used for the detention of adults, without an order of the  
13 court.

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

18           (a) The child is alleged to be an escapee or an  
19 absconder from a commitment program, a probation program, or  
20 conditional release supervision, or is alleged to have escaped  
21 while being lawfully transported to or from such program or  
22 supervision.

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

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

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

1 (e) The child is charged with possession or  
2 discharging a firearm on school property in violation of s.  
3 790.115.

4 (f) The child is charged with a capital felony, a life  
5 felony, a felony of the first degree, a felony of the second  
6 degree that does not involve a violation of chapter 893, or a  
7 felony of the third degree that is also a crime of violence,  
8 including any such offense involving the use or possession of  
9 a firearm.

10 (g) The child is charged with any second degree or  
11 third degree felony involving a violation of chapter 893 or  
12 any third degree felony that is not also a crime of violence,  
13 and the child:

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

17 2. Has a record of law violations prior to court  
18 hearings;

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

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

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

24 (h) The child is alleged to have violated the  
25 conditions of the child's probation or conditional release  
26 supervision. However, a child detained under this paragraph  
27 may be held only in a consequence unit as provided in s.  
28 985.231(1)(a)1.c. If a consequence unit is not available, the  
29 child shall be placed on home detention with electronic  
30 monitoring.

31

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

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

25  
26 A child who meets any of these criteria and who is ordered to  
27 be detained pursuant to this subsection shall be given a  
28 hearing within 24 hours after being taken into custody. The  
29 purpose of the detention hearing is to determine the existence  
30 of probable cause that the child has committed the delinquent  
31 act or violation of law with which he or she is charged and

1 | the need for continued detention. At the discretion of the  
2 | court, the child may appear by video teleconference at this  
3 | 24-hour review hearing.Unless a child is detained under  
4 | paragraph (d) or paragraph (e), the court shall utilize the  
5 | results of the risk assessment performed by the juvenile  
6 | probation officer and, based on the criteria in this  
7 | subsection, shall determine the need for continued detention.  
8 | A child placed into secure, nonsecure, or home detention care  
9 | may continue to be so detained by the court pursuant to this  
10 | subsection. If the court orders a placement more restrictive  
11 | than indicated by the results of the risk assessment  
12 | instrument, the court shall state, in writing, clear and  
13 | convincing reasons for such placement. Except as provided in  
14 | s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
15 | paragraph (10)(c), or paragraph (10)(d), when a child is  
16 | placed into secure or nonsecure detention care, or into a  
17 | respite home or other placement pursuant to a court order  
18 | following a hearing, the court order must include specific  
19 | instructions that direct the release of the child from such  
20 | placement no later than 5 p.m. on the last day of the  
21 | detention period specified in paragraph (5)(b) or paragraph  
22 | (5)(c), or subparagraph (10)(a)1., whichever is applicable,  
23 | unless the requirements of such applicable provision have been  
24 | met or an order of continuance has been granted pursuant to  
25 | paragraph (5)(f).

26 |         (3) Except in emergency situations, a child may not be  
27 | placed into or transported in any police car or similar  
28 | vehicle that at the same time contains an adult under arrest,  
29 | unless the adult is alleged or believed to be involved in the  
30 | same offense or transaction as the child.

31 |

1           (4) The court shall order the delivery of a child to a  
2 jail or other facility intended or used for the detention of  
3 adults:

4           (a) When the child has been transferred or indicted  
5 for criminal prosecution as an adult pursuant to this part,  
6 except that the court may not order or allow a child alleged  
7 to have committed a misdemeanor who is being transferred for  
8 criminal prosecution pursuant to either s. 985.226 or s.

9 985.227 to be detained or held in a jail or other facility  
10 intended or used for the detention of adults; however, such  
11 child may be held temporarily in a detention facility; or

12           (b) When a child taken into custody in this state is  
13 wanted by another jurisdiction for prosecution as an adult.

14  
15 The child shall be housed separately from adult inmates to  
16 prohibit a child from having regular contact with incarcerated  
17 adults, including trustees. "Regular contact" means sight and  
18 sound contact. Separation of children from adults shall permit  
19 no more than haphazard or accidental contact. The receiving  
20 jail or other facility shall contain a separate section for  
21 children and shall have an adequate staff to supervise and  
22 monitor the child's activities at all times. Supervision and  
23 monitoring of children includes physical observation and  
24 documented checks by jail or receiving facility supervisory  
25 personnel at intervals not to exceed 15 minutes. This  
26 paragraph does not prohibit placing two or more children in  
27 the same cell. Under no circumstances shall a child be placed  
28 in the same cell with an adult.

29           (5)(a) A child may not be placed into or held in  
30 secure, nonsecure, or home detention care for longer than 24  
31 hours unless the court orders such detention care, and the

1 order includes specific instructions that direct the release  
2 of the child from such detention care, in accordance with  
3 subsection (2). The order shall be a final order, reviewable  
4 by appeal pursuant to s. 985.234 and the Florida Rules of  
5 Appellate Procedure. Appeals of such orders shall take  
6 precedence over other appeals and other pending matters.

7 (b) The arresting law enforcement agency shall  
8 complete and present its investigation of an offense under  
9 this subsection to the appropriate state attorney's office  
10 within 8 days after placement of the child in secure  
11 detention. The investigation shall include, but is not limited  
12 to, police reports and supplemental police reports, witness  
13 statements, and evidence collection documents. The failure of  
14 a law enforcement agency to complete and present its  
15 investigation within 8 days shall not entitle a juvenile to be  
16 released from secure detention or to a dismissal of any  
17 charges.

18 (c) Except as provided in paragraph (g), a child may  
19 not be held in secure, nonsecure, or home detention care under  
20 a special detention order for more than 21 days unless an  
21 adjudicatory hearing for the case has been commenced in good  
22 faith by the court.

23 (d) Except as provided in paragraph (g), a child may  
24 not be held in secure, nonsecure, or home detention care for  
25 more than 15 days following the entry of an order of  
26 adjudication.

27 (e) A child who was not in secure detention at the  
28 time of the adjudicatory hearing, but for whom residential  
29 commitment is anticipated or recommended, may be placed under  
30 a special detention order for a period not to exceed 72 hours,  
31 excluding weekends and legal holidays, for the purpose of

1 conducting a comprehensive evaluation as provided in s.  
2 985.229(1). Motions for the issuance of such special detention  
3 order may be made subsequent to a finding of delinquency. Upon  
4 said motion, the court shall conduct a hearing to determine  
5 the appropriateness of such special detention order and shall  
6 order the least restrictive level of detention necessary to  
7 complete the comprehensive evaluation process that is  
8 consistent with public safety. Such special detention order  
9 may be extended for an additional 72 hours upon further order  
10 of the court.

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

24 (g) Upon good cause being shown that the nature of the  
25 charge requires additional time for the prosecution or defense  
26 of the case, the court may extend the time limits for  
27 detention specified in paragraph (c) an additional 9 days if  
28 the child is charged with an offense that would be, if  
29 committed by an adult, a capital felony, a life felony, a  
30 felony of the first degree, or a felony of the second degree  
31 involving violence against any individual.



1           (6)(a) When any child is placed into secure,  
2 nonsecure, or home detention care or into other placement  
3 pursuant to a court order following a detention hearing, the  
4 court shall order the parents or guardians of such child to  
5 pay to the Department of Juvenile Justice fees in the amount  
6 of \$5 per day that the child is under the care or supervision  
7 of the department in order to partially offset the cost of the  
8 care, support, maintenance, and other usual and ordinary  
9 obligations of parents to provide for the needs of their  
10 children, unless the court makes a finding on the record that  
11 the parent or guardian of the child is indigent.

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

27           (c) In addition, the court may reduce the fees or  
28 waive the fees as to each parent or guardian if the court  
29 makes a finding on the record that the parent or guardian was  
30 the victim of the delinquent act or violation of law for which  
31

1 the child is detained and that the parent or guardian is  
2 cooperating in the investigation of the offense.

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

9 (e) With respect to a child who has been found to have  
10 committed a delinquent act or violation of law, whether or not  
11 adjudication is withheld, and whose parent or guardian  
12 receives public assistance for any portion of that child's  
13 care, the department must seek a federal waiver to garnish or  
14 otherwise order the payments of the portion of the public  
15 assistance relating to that child to offset the costs of  
16 providing care, custody, maintenance, rehabilitation,  
17 intervention, or corrective services to the child. When the  
18 order affects the guardianship estate, a certified copy of the  
19 order shall be delivered to the judge having jurisdiction of  
20 the guardianship estate.

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

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1           (g) The parent or guardian shall provide to the  
2 department the parent's or guardian's name, address, social  
3 security number, date of birth, and driver's license number or  
4 identification card number and sufficient financial  
5 information for the department to be able to determine the  
6 parent's or guardian's ability to pay. If the parent or  
7 guardian refuses to provide the department with any  
8 identifying information or financial information, the court  
9 shall order the parent to comply and may pursue contempt of  
10 court sanctions for failure to comply.

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

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

25           (j) The Department of Juvenile Justice shall provide  
26 to the payor documentation of any amounts paid by the payor to  
27 the Department of Juvenile Justice on behalf of the child. All  
28 payments received by the department pursuant to this  
29 subsection shall be deposited in the state Grants and  
30 Donations Trust Fund. Neither the court nor the department may  
31

1 extend the child's length of stay in detention care solely for  
2 the purpose of collecting fees.

3 (7) If a child is detained and a petition for  
4 delinquency is filed, the child shall be arraigned in  
5 accordance with the Florida Rules of Juvenile Procedure within  
6 48 hours after the filing of the petition for delinquency.

7 (8) If a child is detained pursuant to this section,  
8 the Department of Juvenile Justice may transfer the child from  
9 nonsecure or home detention care to secure detention care only  
10 if significantly changed circumstances warrant such transfer.

11 (9) If a child is on release status and not detained  
12 pursuant to this section, the child may be placed into secure,  
13 nonsecure, or home detention care only pursuant to a court  
14 hearing in which the original risk assessment instrument,  
15 rescored based on newly discovered evidence or changed  
16 circumstances with the results recommending detention, is  
17 introduced into evidence.

18 (10)(a)1. When a child is committed to the Department  
19 of Juvenile Justice awaiting dispositional placement, removal  
20 of the child from detention care shall occur within 5 days,  
21 excluding Saturdays, Sundays, and legal holidays. Any child  
22 held in secure detention during the 5 days must meet detention  
23 admission criteria pursuant to this section. If the child is  
24 committed to a moderate-risk residential program, the  
25 department may seek an order from the court authorizing  
26 continued detention for a specific period of time necessary  
27 for the appropriate residential placement of the child.  
28 However, such continued detention in secure detention care may  
29 not exceed 15 days after commitment, excluding Saturdays,  
30 Sundays, and legal holidays, and except as otherwise provided  
31 in this subsection.

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

6           (b) A child who is placed in home detention care,  
7 nonsecure detention care, or home or nonsecure detention care  
8 with electronic monitoring, while awaiting placement in a  
9 low-risk or moderate-risk program, may be held in secure  
10 detention care for 5 days, if the child violates the  
11 conditions of the home detention care, the nonsecure detention  
12 care, or the electronic monitoring agreement. For any  
13 subsequent violation, the court may impose an additional 5  
14 days in secure detention care.

15           (c) If the child is committed to a high-risk  
16 residential program, the child must be held in detention care  
17 until placement or commitment is accomplished.

18           (d) If the child is committed to a maximum-risk  
19 residential program, the child must be held in detention care  
20 until placement or commitment is accomplished.

21           (e) Upon specific appropriation, the department may  
22 obtain comprehensive evaluations, including, but not limited  
23 to, medical, academic, psychological, behavioral,  
24 sociological, and vocational needs of a youth with multiple  
25 arrests for all level criminal acts or a youth committed to a  
26 minimum-risk or low-risk commitment program.

27           (f) Regardless of detention status, a child being  
28 transported by the department to a commitment facility of the  
29 department may be placed in secure detention overnight, not to  
30 exceed a 24-hour period, for the specific purpose of ensuring  
31

1 the safe delivery of the child to his or her commitment  
2 program, court, appointment, transfer, or release.

3 (11)(a) When a juvenile sexual offender is placed in  
4 detention, detention staff shall provide appropriate  
5 monitoring and supervision to ensure the safety of other  
6 children in the facility.

7 (b) When a juvenile sexual offender, pursuant to this  
8 subsection, is released from detention or transferred to home  
9 detention or nonsecure detention, detention staff shall  
10 immediately notify the appropriate law enforcement agency and  
11 school personnel.

12 (12) The child may appear by video teleconference at  
13 any court hearing required by this section.

14 Section 8. Section 985.231, Florida Statutes, is  
15 amended, to read:

16 985.231 Powers of disposition in delinquency cases.--

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

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

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

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

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

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

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



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

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

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

31

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 ~~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.

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

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

1 but the time may not exceed the maximum term of imprisonment  
2 that an adult may serve for the same offense. The court may  
3 retain jurisdiction over a juvenile sexual offender until the  
4 juvenile sexual offender reaches the age of 21, specifically  
5 for the purpose of completing the program.

6 (b)1. When any child is adjudicated by the court to  
7 have committed a delinquent act and temporary legal custody of  
8 the child has been placed with a licensed child-caring agency  
9 or the Department of Juvenile Justice, the court shall order  
10 the parents of such child to pay fees to the department in the  
11 amount of \$5 per day that the child is under the care or  
12 supervision of the department in order to partially offset the  
13 cost of the care, support, maintenance, and other usual and  
14 ordinary obligations of parents to provide for the needs of  
15 their children while in the recommended residential commitment  
16 level, unless the court makes a finding on the record that the  
17 parent or guardian of the child is indigent.

18 2. No later than the disposition hearing, the  
19 department shall provide the court with information concerning  
20 the actual cost of care, support, and maintenance of the child  
21 in the recommended residential commitment level and concerning  
22 the ability of the parent or guardian of the child to pay any  
23 fees. If the court makes a finding of indigency, the parent or  
24 guardianship shall pay to the department a nominal subsistence  
25 fee of \$2 per day that the child is committed outside the home  
26 or \$1 per day if the child is otherwise supervised in lieu of  
27 other fees related to the parents' obligation for the child's  
28 cost of care. The nominal subsistence fee may only be waived  
29 or reduced if the court makes a finding that such payment  
30 would constitute a significant financial hardship. Such  
31 finding shall be in writing and shall contain a detailed

1 description of the facts that led the court to make both the  
2 finding of indigency and the finding of significant financial  
3 hardship.

4           3. In addition, the court may reduce the fees or waive  
5 the fees as to each parent or guardian if the court makes a  
6 finding on the record that the parent or guardian was the  
7 victim of the delinquent act or violation of law for which the  
8 child is subject to placement under this section and that the  
9 parent or guardian has cooperated in the investigation and  
10 prosecution of the offense.

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

28           5. The clerk of the circuit court shall act as a  
29 depository for these fees. Upon each payment received, the  
30 clerk of the circuit court shall receive a fee from the total  
31 payment of 3 percent of any payment made except that no fee

1 shall be less than \$1 nor more than \$5 per payment made. This  
2 fee shall serve as a service charge for the administration,  
3 management, and maintenance of each payment. At the end of  
4 each month, the clerk of the circuit court shall send all  
5 money collected under this section to the state Grants and  
6 Donations Trust Fund.

7           6. The parent or guardian shall provide to the  
8 department the parent or guardian's name, address, social  
9 security number, state of birth, and driver's license number  
10 or identification card number and sufficient financial  
11 information for the department to be able to determine the  
12 parent or guardian's ability to pay. If the parent or guardian  
13 refuses to provide the department with any identifying  
14 information or financial information, the court shall order  
15 the parent to comply and may pursue contempt of court  
16 sanctions for failure to comply.

17           7. The department may employ a collection agency for  
18 the purpose of receiving, collecting, and managing the payment  
19 of unpaid and delinquent fees. The collection agency must be  
20 registered and in good standing under chapter 559. The  
21 department may pay to the collection agency a fee from the  
22 amount collected under the claim or may authorize the agency  
23 to deduct the fee from the amount collected. The department  
24 may also pay for collection services from available authorized  
25 funds.

26           8. The department may enter into agreements with  
27 parents or guardians to establish a schedule of periodic  
28 payments if payment of the obligation in full presents an  
29 undue hardship. Any such agreement may provide for payment of  
30 interests consistent with prevailing loan rates.

31

1           9. The Department of Juvenile Justice shall provide to  
2 the payor documentation of any amounts paid by the payor to  
3 the Department of Juvenile Justice on behalf of the child. All  
4 payments received by the department pursuant to this  
5 subsection shall be deposited in the state Grants and  
6 Donations Trust Fund.

7           10. Neither the court nor the department may extend  
8 the child's length of stay in placement care solely for the  
9 purpose of collecting fees.

10           (c) Any order made pursuant to paragraph (a) shall be  
11 in writing as prepared by the clerk of court and may  
12 thereafter be modified or set aside by the court.

13           (d) Any commitment of a delinquent child to the  
14 Department of Juvenile Justice must be for an indeterminate  
15 period of time, which may include periods of temporary  
16 release, but the time may not exceed the maximum term of  
17 imprisonment that an adult may serve for the same offense. The  
18 duration of the child's placement in a residential commitment  
19 program of any level shall be based on objective  
20 performance-based treatment planning. The child's treatment  
21 plan progress and adjustment-related issues shall be reported  
22 to the court quarterly, unless the court requests more  
23 frequent reports ~~each month~~. The child's length of stay in a  
24 residential commitment program may be extended if the child  
25 fails to comply with or participate in treatment activities.  
26 The child's length of stay in such program shall not be  
27 extended for purposes of sanction or punishment. Any temporary  
28 release from such program must be approved by the court. Any  
29 child so committed may be discharged from institutional  
30 confinement or a program upon the direction of the department  
31 with the concurrence of the court. The child's treatment plan



1 progress and adjustment-related issues must be communicated to  
2 the court at the time the department requests the court to  
3 consider releasing the child from the residential commitment  
4 program. Notwithstanding s. 743.07 and this subsection, and  
5 except as provided in ss. 985.201 and 985.31, a child may not  
6 be held under a commitment from a court pursuant to this  
7 section after becoming 21 years of age. The department shall  
8 give the court that committed the child to the department  
9 reasonable notice, in writing, of its desire to discharge the  
10 child from a commitment facility. The court that committed the  
11 child may thereafter accept or reject the request. If the  
12 court does not respond within 10 days after receipt of the  
13 notice, the request of the department shall be deemed granted.  
14 This section does not limit the department's authority to  
15 revoke a child's temporary release status and return the child  
16 to a commitment facility for any violation of the terms and  
17 conditions of the temporary release.

18 (e) In carrying out the provisions of this part, the  
19 court may order the natural parents or legal custodian or  
20 guardian of a child who is found to have committed a  
21 delinquent act to participate in family counseling and other  
22 professional counseling activities deemed necessary for the  
23 rehabilitation of the child or to enhance their ability to  
24 provide the child with adequate support, guidance, and  
25 supervision. The court may also order that the parent,  
26 custodian, or guardian support the child and participate with  
27 the child in fulfilling a court-imposed sanction. In addition,  
28 the court may use its contempt powers to enforce a  
29 court-imposed sanction.

30 (f) The court may at any time enter an order ending  
31 its jurisdiction over any child.

1           (g) Whenever a child is required by the court to  
2 participate in any work program under this part or whenever a  
3 child volunteers to work in a specified state, county,  
4 municipal, or community service organization supervised work  
5 program or to work for the victim, either as an alternative to  
6 monetary restitution or as a part of the rehabilitative or  
7 probation program, the child is an employee of the state for  
8 the purposes of liability. In determining the child's average  
9 weekly wage unless otherwise determined by a specific funding  
10 program, all remuneration received from the employer is a  
11 gratuity, and the child is not entitled to any benefits  
12 otherwise payable under s. 440.15, regardless of whether the  
13 child may be receiving wages and remuneration from other  
14 employment with another employer and regardless of the child's  
15 future wage-earning capacity.

16           (h) The court may, upon motion of the child or upon  
17 its own motion, within 60 days after imposition of a  
18 disposition of commitment, suspend the further execution of  
19 the disposition and place the child in a probation program  
20 upon such terms and conditions as the court may require. The  
21 department shall forward to the court all relevant material on  
22 the child's progress while in custody not later than 3 working  
23 days prior to the hearing on the motion to suspend the  
24 disposition.

25           (i) The nonconsent of the child to commitment or  
26 treatment in a substance abuse treatment program in no way  
27 precludes the court from ordering such commitment or  
28 treatment.

29           (j) If the offense committed by the child was grand  
30 theft of a motor vehicle, the court:

31

1           1. Upon a first adjudication for a grand theft of a  
2 motor vehicle, may place the youth in a boot camp, unless the  
3 child is ineligible pursuant to s. 985.309, and shall order  
4 the youth to complete a minimum of 50 hours of community  
5 service.

6           2. Upon a second adjudication for grand theft of a  
7 motor vehicle which is separate and unrelated to the previous  
8 adjudication, may place the youth in a boot camp, unless the  
9 child is ineligible pursuant to s. 985.309, and shall order  
10 the youth to complete a minimum of 100 hours of community  
11 service.

12           3. Upon a third adjudication for grand theft of a  
13 motor vehicle which is separate and unrelated to the previous  
14 adjudications, shall place the youth in a boot camp or other  
15 treatment program, unless the child is ineligible pursuant to  
16 s. 985.309, and shall order the youth to complete a minimum of  
17 250 hours of community service.

18           (2) Following a delinquency adjudicatory hearing  
19 pursuant to s. 985.228 and a delinquency disposition hearing  
20 pursuant to s. 985.23 which results in a commitment  
21 determination, the court shall, on its own or upon request by  
22 the state or the department, determine whether the protection  
23 of the public requires that the child be placed in a program  
24 for serious or habitual juvenile offenders and whether the  
25 particular needs of the child would be best served by a  
26 program for serious or habitual juvenile offenders as provided  
27 in s. 985.31. The determination shall be made pursuant to ss.  
28 985.03(48) and 985.23(3).

29           (3) Following a delinquency adjudicatory hearing  
30 pursuant to s. 985.228, the court may on its own or upon  
31 request by the state or the department and subject to specific

1 appropriation, determine whether a juvenile sexual offender  
2 placement is required for the protection of the public and  
3 what would be the best approach to address the treatment needs  
4 of the juvenile sexual offender. When the court determines  
5 that a juvenile has no history of a recent comprehensive  
6 assessment focused on sexually deviant behavior, the court  
7 may, subject to specific appropriation, order the department  
8 to conduct or arrange for an examination to determine whether  
9 the juvenile sexual offender is amenable to community-based  
10 treatment.

11 (a) The report of the examination shall include, at a  
12 minimum, the following:

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

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

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

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

23 (b) The report shall assess the juvenile sexual  
24 offender's amenability to treatment and relative risk to the  
25 victim and the community.

26 (c) The department shall provide a proposed plan to  
27 the court that shall include, at a minimum:

28 1. The frequency and type of contact between the  
29 offender and therapist.

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

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

5           4. Anticipated length of treatment.

6           5. Recommended crime-related prohibitions and curfew.

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

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

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

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

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

1           3. Comply with all requirements of the treatment plan.

2           (f) The juvenile sexual offender treatment provider  
3 shall submit quarterly reports on the respondent's progress in  
4 treatment to the court and the parties to the proceedings. The  
5 juvenile sexual offender reports shall reference the treatment  
6 plan and include, at a minimum, the following:

7           1. Dates of attendance.

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

10          3. A description of the treatment activities.

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

13          5. The offender's family support of the treatment  
14 objectives.

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

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

19          (h) If the juvenile sexual offender violates any  
20 condition of the disposition or the court finds that the  
21 juvenile sexual offender is failing to make satisfactory  
22 progress in treatment, the court may revoke the  
23 community-based treatment alternative and order commitment to  
24 the department pursuant to subsection (1).

25          (i) If the court determines that the juvenile sexual  
26 offender is not amenable to community-based treatment, the  
27 court shall proceed with a juvenile sexual offender  
28 disposition hearing pursuant to subsection (1).

29          (4) At the discretion of the court, the child may  
30 appear by video teleconference at any court hearing related to

31

1 treatment progress in a commitment program, including  
2 transfers under s. 985.404(4).

3 Section 9. This act shall take effect July 1, 2004.

4  
5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
6 COMMITTEE SUBSTITUTE FOR  
7 Senate Bill 1946

- 8 1. Authorizes juveniles, at the court's discretion, to  
9 appear at detention hearings and commitment treatment  
10 progress hearings by video teleconference, rather than in  
11 person.  
12 2. Amends s. 287.012(12), F.S., rather than s. 287.042,  
13 F.S., to include as "eligible users," contracted provider  
14 organizations acting as agents for the DJJ while they are  
15 conducting business related solely to the provision of  
16 services to juveniles under ch. 984, F.S., and ch. 985,  
17 F.S. (authorizes these providers to enter into the state  
18 contracting process for buying commodities.)  
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