

By the Committees on Governmental Oversight and Productivity;
Criminal Justice; and Senator Clary

302-2559-04

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 ss.
20 985.213 and 985.215, F.S.; authorizing the use,
21 at the court's discretion, of video
22 teleconference to facilitate the appearance of
23 a child at certain detention hearings; amending
24 s. 985.231, F.S.; authorizing the department or
25 the state attorney to file an affidavit
26 alleging violation of a probation of
27 postcommitment probation program; requiring the
28 state attorney to represent the state in any
29 hearing on such alleged violation; providing
30 for quarterly, rather than monthly, treatment
31 reports; authorizing, at the court's

1 discretion, the use of video teleconference to
2 facilitate the appearance of a child at certain
3 hearings; conforming provisions relating to
4 jurisdiction; providing an effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

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

10 287.012 Definitions.--As used in this part, the term:

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

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

20 790.22 Use of BB guns, air or gas-operated guns, or
21 electric weapons or devices by minor under 16; limitation;
22 possession of firearms by minor under 18 prohibited;
23 penalties.--

24 (8) Notwithstanding s. 985.213 or s. 985.215(1), if a
25 minor under 18 years of age is charged with an offense that
26 involves the use or possession of a firearm, as defined in s.
27 790.001, including a violation of subsection (3), or is
28 charged for any offense during the commission of which the
29 minor possessed a firearm, the minor shall be detained in
30 secure detention, unless the state attorney authorizes the
31 release of the minor, and shall be given a hearing within 24

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

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

29 984.06 Oaths, records, and confidential information.--

30 (3) The clerk shall keep all court records required by
31 this chapter separate from other records of the circuit court.

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

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

19 985.201 Jurisdiction.--

20 (4)(a) Notwithstanding ss. 743.07, 985.229, 985.23,
21 and 985.231, and except as provided in ss. 985.31 and 985.313,
22 when the jurisdiction of any child who is alleged to have
23 committed a delinquent act or violation of law is obtained,
24 the court shall retain jurisdiction, unless relinquished by
25 its order, until the child reaches 19 years of age, with the
26 same power over the child that the court had prior to the
27 child becoming an adult. The court may continue to retain
28 jurisdiction of the child beyond the child's 19th birthday in
29 accordance with the following:

30 ~~(b)~~1. The court may retain jurisdiction over a child
31 committed to the department for placement in a juvenile prison

1 or in a high-risk or maximum-risk residential commitment
2 program to allow the child to participate in a juvenile
3 conditional release program pursuant to s. 985.316. In no case
4 shall the jurisdiction of the court be retained beyond the
5 child's 22nd birthday. However, if the child is not successful
6 in the conditional release program, the department may use the
7 transfer procedure under s. 985.404.

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

26 (b)(c) The court may retain jurisdiction over a child
27 and the child's parent or legal guardian whom the court has
28 ordered to pay restitution until the restitution order is
29 satisfied or until the court orders otherwise. If the court
30 retains such jurisdiction after the date upon which the
31 court's jurisdiction would cease under this section, it shall

1 do so solely for the purpose of enforcing the restitution
2 order. The terms of the restitution order are subject to the
3 provisions of s. 775.089(5).

4 (c)~~(d)~~ This subsection does not prevent the exercise
5 of jurisdiction by any court having jurisdiction of the child
6 if the child, after becoming an adult, commits a violation of
7 law.

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

10 985.213 Use of detention.--

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

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

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

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

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

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

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

23
24 The child may not be held in secure detention under this
25 subparagraph for more than 48 hours unless ordered by the
26 court. After 48 hours, the court shall hold a hearing if the
27 state attorney or victim requests that secure detention be
28 continued. The child may continue to be held in detention care
29 if the court makes a specific, written finding that detention
30 care is necessary to protect the victim from injury. However,
31 the child may not be held in detention care beyond the time

1 | limits set forth in s. 985.215. At the discretion of the
2 | court, the child may appear by video teleconference at any
3 | court hearing required by this subparagraph.

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

11 | Section 6. Section 985.215, Florida Statutes, is
12 | amended to read:

13 | 985.215 Detention.--

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

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

26 | (b) The juvenile probation officer shall base the
27 | decision whether or not to place the child into secure
28 | detention care, home detention care, or nonsecure detention
29 | care on an assessment of risk in accordance with the risk
30 | assessment instrument and procedures developed by the
31 | Department of Juvenile Justice under s. 985.213. However, a

1 child charged with possessing or discharging a firearm on
2 school property in violation of s. 790.115 shall be placed in
3 secure detention care.

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

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

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

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

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

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

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

4 (e) The child is charged with possession or
5 discharging a firearm on school property in violation of s.
6 790.115.

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

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

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

20 2. Has a record of law violations prior to court
21 hearings;

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

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

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

27 (h) The child is alleged to have violated the
28 conditions of the child's probation or conditional release
29 supervision. However, a child detained under this paragraph
30 may be held only in a consequence unit as provided in s.
31 985.231(1)(a)1.c. If a consequence unit is not available, the

1 child shall be placed on home detention with electronic
2 monitoring.

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

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

27
28 A child who meets any of these criteria and who is ordered to
29 be detained pursuant to this subsection shall be given a
30 hearing within 24 hours after being taken into custody. The
31 purpose of the detention hearing is to determine the existence

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

28 (3) Except in emergency situations, a child may not be
29 placed into or transported in any police car or similar
30 vehicle that at the same time contains an adult under arrest,
31

1 unless the adult is alleged or believed to be involved in the
2 same offense or transaction as the child.

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

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

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

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

16

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

31

1 (5)(a) A child may not be placed into or held in
2 secure, nonsecure, or home detention care for longer than 24
3 hours unless the court orders such detention care, and the
4 order includes specific instructions that direct the release
5 of the child from such detention care, in accordance with
6 subsection (2). The order shall be a final order, reviewable
7 by appeal pursuant to s. 985.234 and the Florida Rules of
8 Appellate Procedure. Appeals of such orders shall take
9 precedence over other appeals and other pending matters.

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

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

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

30 (e) A child who was not in secure detention at the
31 time of the adjudicatory hearing, but for whom residential

1 commitment is anticipated or recommended, may be placed under
2 a special detention order for a period not to exceed 72 hours,
3 excluding weekends and legal holidays, for the purpose of
4 conducting a comprehensive evaluation as provided in s.
5 985.229(1). Motions for the issuance of such special detention
6 order may be made subsequent to a finding of delinquency. Upon
7 said motion, the court shall conduct a hearing to determine
8 the appropriateness of such special detention order and shall
9 order the least restrictive level of detention necessary to
10 complete the comprehensive evaluation process that is
11 consistent with public safety. Such special detention order
12 may be extended for an additional 72 hours upon further order
13 of the court.

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

27 (g) Upon good cause being shown that the nature of the
28 charge requires additional time for the prosecution or defense
29 of the case, the court may extend the time limits for
30 detention specified in paragraph (c) an additional 9 days if
31 the child is charged with an offense that would be, if

1 committed by an adult, a capital felony, a life felony, a
2 felony of the first degree, or a felony of the second degree
3 involving violence against any individual.

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

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

30 (c) In addition, the court may reduce the fees or
31 waive the fees as to each parent or guardian if the court

1 makes a finding on the record that the parent or guardian was
2 the victim of the delinquent act or violation of law for which
3 the child is detained and that the parent or guardian is
4 cooperating in the investigation of the offense.

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

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

23 (f) The clerk of the circuit court shall act as a
24 depository for these fees. Upon each payment received, the
25 clerk of the circuit court shall receive a fee from the total
26 payment of 3 percent of any payment made except that no fee
27 shall be less than \$1 nor more than \$5 per payment made. This
28 fee shall serve as a service charge for the administration,
29 management, and maintenance of each payment. At the end of
30 each month, the clerk of the circuit court shall send all
31

1 money collected under this section to the state Grants and
2 Donations Trust Fund.

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

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

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

27 (j) The Department of Juvenile Justice shall provide
28 to the payor documentation of any amounts paid by the payor to
29 the Department of Juvenile Justice on behalf of the child. All
30 payments received by the department pursuant to this
31 subsection shall be deposited in the state Grants and

1 Donations Trust Fund. Neither the court nor the department may
2 extend the child's length of stay in detention care solely for
3 the purpose of collecting fees.

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

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

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

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

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

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

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

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

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

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

29 (f) Regardless of detention status, a child being
30 transported by the department to a commitment facility of the
31 department may be placed in secure detention overnight, not to

1 exceed a 24-hour period, for the specific purpose of ensuring
2 the safe delivery of the child to his or her commitment
3 program, court, appointment, transfer, or release.

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

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

13 Section 7. Section 985.231, Florida Statutes, is
14 amended, to read:

15 985.231 Powers of disposition in delinquency cases.--

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

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

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

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

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

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

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

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

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

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

30 (III) Modify or continue the child's probation program
31 or postcommitment probation program.

1 (IV) Revoke probation or postcommitment probation and
2 commit the child to the department.

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

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

12 3. Commit the child to the Department of Juvenile
13 Justice at a residential commitment level defined in s.
14 985.03. Such commitment must be for the purpose of exercising
15 active control over the child, including, but not limited to,
16 custody, care, training, urine monitoring, and treatment of
17 the child and release of the child into the community in a
18 postcommitment nonresidential conditional release program. If
19 the child is eligible to attend public school following
20 residential commitment and the court finds that the victim or
21 a sibling of the victim in the case is or may be attending the
22 same school as the child, the commitment order shall include a
23 finding pursuant to the proceedings described in s.
24 985.23(1)(d). If the child is not successful in the
25 conditional release program, the department may use the
26 transfer procedure under s. 985.404. Notwithstanding s. 743.07
27 and paragraph (d), and except as provided in ss. 985.201 and
28 ~~s.~~985.31, the term of the commitment must be until the child
29 is discharged by the department or until he or she reaches the
30 age of 19 ~~21~~.

31

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

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

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

29 7. Order the child and, if the court finds it
30 appropriate, the child's parent or guardian together with the
31 child, to participate in a community work project, either as

1 an alternative to monetary restitution or as part of the
2 rehabilitative or probation program.

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

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

23 10. Subject to specific appropriation, commit the
24 juvenile sexual offender to the Department of Juvenile Justice
25 for placement in a program or facility for juvenile sexual
26 offenders in accordance with s. 985.308. Any commitment of a
27 juvenile sexual offender to a program or facility for juvenile
28 sexual offenders must be for an indeterminate period of time,
29 but the time may not exceed the maximum term of imprisonment
30 that an adult may serve for the same offense. The court may
31 retain jurisdiction over a juvenile sexual offender until the

1 juvenile sexual offender reaches the age of 21, specifically
2 for the purpose of completing the program.

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

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

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

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

25 5. The clerk of the circuit court shall act as a
26 depository for these fees. Upon each payment received, the
27 clerk of the circuit court shall receive a fee from the total
28 payment of 3 percent of any payment made except that no fee
29 shall be less than \$1 nor more than \$5 per payment made. This
30 fee shall serve as a service charge for the administration,
31 management, and maintenance of each payment. At the end of

1 each month, the clerk of the circuit court shall send all
2 money collected under this section to the state Grants and
3 Donations Trust Fund.

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

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

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

28 9. The Department of Juvenile Justice shall provide to
29 the payor documentation of any amounts paid by the payor to
30 the Department of Juvenile Justice on behalf of the child. All
31 payments received by the department pursuant to this

1 subsection shall be deposited in the state Grants and
2 Donations Trust Fund.

3 10. Neither the court nor the department may extend
4 the child's length of stay in placement care solely for the
5 purpose of collecting fees.

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

9 (d) Any commitment of a delinquent child to the
10 Department of Juvenile Justice must be for an indeterminate
11 period of time, which may include periods of temporary
12 release, but the time may not exceed the maximum term of
13 imprisonment that an adult may serve for the same offense. The
14 duration of the child's placement in a residential commitment
15 program of any level shall be based on objective
16 performance-based treatment planning. The child's treatment
17 plan progress and adjustment-related issues shall be reported
18 to the court quarterly, unless the court requests more
19 frequent reports ~~each month~~. The child's length of stay in a
20 residential commitment program may be extended if the child
21 fails to comply with or participate in treatment activities.
22 The child's length of stay in such program shall not be
23 extended for purposes of sanction or punishment. Any temporary
24 release from such program must be approved by the court. Any
25 child so committed may be discharged from institutional
26 confinement or a program upon the direction of the department
27 with the concurrence of the court. The child's treatment plan
28 progress and adjustment-related issues must be communicated to
29 the court at the time the department requests the court to
30 consider releasing the child from the residential commitment
31 program. Notwithstanding s. 743.07 and this subsection, and

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

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

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

28 (g) Whenever a child is required by the court to
29 participate in any work program under this part or whenever a
30 child volunteers to work in a specified state, county,
31 municipal, or community service organization supervised work

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

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

21 (i) The nonconsent of the child to commitment or
22 treatment in a substance abuse treatment program in no way
23 precludes the court from ordering such commitment or
24 treatment.

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

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

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

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

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

24 (3) Following a delinquency adjudicatory hearing
25 pursuant to s. 985.228, the court may on its own or upon
26 request by the state or the department and subject to specific
27 appropriation, determine whether a juvenile sexual offender
28 placement is required for the protection of the public and
29 what would be the best approach to address the treatment needs
30 of the juvenile sexual offender. When the court determines
31 that a juvenile has no history of a recent comprehensive

1 assessment focused on sexually deviant behavior, the court
2 may, subject to specific appropriation, order the department
3 to conduct or arrange for an examination to determine whether
4 the juvenile sexual offender is amenable to community-based
5 treatment.

6 (a) The report of the examination shall include, at a
7 minimum, the following:

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

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

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

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

18 (b) The report shall assess the juvenile sexual
19 offender's amenability to treatment and relative risk to the
20 victim and the community.

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

23 1. The frequency and type of contact between the
24 offender and therapist.

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

27 3. Monitoring plans, including any requirements
28 regarding living conditions, school attendance and
29 participation, lifestyle, and monitoring by family members,
30 legal guardians, or others.

31 4. Anticipated length of treatment.

1 5. Recommended crime-related prohibitions and curfew.

2 6. Reasonable restrictions on the contact between the
3 juvenile sexual offender and either the victim or alleged
4 victim.

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

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

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

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

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

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

- 3 1. Dates of attendance.
- 4 2. The juvenile sexual offender's compliance with the
5 requirements of treatment.
- 6 3. A description of the treatment activities.
- 7 4. The sexual offender's relative progress in
8 treatment.
- 9 5. The offender's family support of the treatment
10 objectives.
- 11 6. Any other material specified by the court at the
12 time of the disposition.

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

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

21 (i) If the court determines that the juvenile sexual
22 offender is not amenable to community-based treatment, the
23 court shall proceed with a juvenile sexual offender
24 disposition hearing pursuant to subsection (1).

25 (4) At the discretion of the court, the child may
26 appear by video teleconference at any court hearing related to
27 treatment progress in a commitment program, including
28 transfers under s. 985.404(4).

29 Section 8. This act shall take effect July 1, 2004.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for Senate Bill 1946

Removes bill's provision changing the authority of youth
custody officers. Removes a duplicative provision and makes a
grammatical change.