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A bill to be entitled

An act relating to juvenile justice; amending s. 287.042, F.S.; providing an exemption from competitive solicitation requirements for contracted provider organizations acting as agents of the Department of Juvenile Justice; amending s. 790.22, F.S.; eliminating a requirement that the department provide nonidentifying information concerning certain juvenile offenders to the Office of Economic Development and Demographic Research; amending s. 984.06, F.S.; revising provisions limiting public inspection of court records pertaining to children and families in need of services; authorizing a guardian ad litem to inspect such records under certain circumstances; amending s. 985.201, F.S.; clarifying circumstances in which the court may retain jurisdiction beyond the 19th birthday of certain juvenile offenders; amending s. 985.2075, F.S.; expanding the circumstances in which a youth custody officer is authorized to act; requiring youth custody officers to file petitions and gather evidence in certain circumstances; amending ss. 985.213 and 985.215, F.S.; authorizing the use of telephone or video teleconference to facilitate the appearance of a child at detention hearings; amending s. 985.231, F.S.; authorizing the department or the state attorney to file an affidavit alleging violation of a probation or postcommitment probation program; requiring the state attorney to represent the state in any hearing on such alleged violation; providing for quarterly, rather than monthly, treatment reports; authorizing the use of telephone or

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30 video teleconference to facilitate the appearance of a
 31 child at certain hearings; conforming provisions relating
 32 to jurisdiction; providing an effective date.

33

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

35

36 Section 1. Paragraph (a) of subsection (2) of section
 37 287.042, Florida Statutes, is amended to read:

38 287.042 Powers, duties, and functions.--The department
 39 shall have the following powers, duties, and functions:

40 (2)(a) To establish purchasing agreements and procure
 41 state term contracts for commodities and contractual services,
 42 pursuant to s. 287.057, under which state agencies shall, and
 43 eligible users may, make purchases pursuant to s. 287.056. The
 44 department may restrict purchases from some term contracts to
 45 state agencies only for those term contracts where the inclusion
 46 of other governmental entities will have an adverse effect on
 47 competition or to those federal facilities located in this
 48 state. In such planning or purchasing the Office of Supplier
 49 Diversity may monitor to ensure that opportunities are afforded
 50 for contracting with minority business enterprises. The
 51 department, for state term contracts, and all agencies, for
 52 multiyear contractual services or term contracts, shall explore
 53 reasonable and economical means to utilize certified minority
 54 business enterprises. Purchases by any county, municipality,
 55 private nonprofit community transportation coordinator
 56 designated pursuant to chapter 427, while conducting business
 57 related solely to the Commission for the Transportation
 58 Disadvantaged, purchases by a contracted provider organization

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59 acting as an agent for the Department of Juvenile Justice while
 60 conducting business related solely to the provision of services
 61 to juveniles under chapters 984 and 985, purchases by any ~~or~~
 62 other local public agency under the provisions in the state
 63 purchasing contracts, and purchases, from the corporation
 64 operating the correctional work programs, of products or
 65 services that are subject to paragraph (1)(f), are exempt from
 66 the competitive solicitation requirements otherwise applying to
 67 their purchases.

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

70 790.22 Use of BB guns, air or gas-operated guns, or
 71 electric weapons or devices by minor under 16; limitation;
 72 possession of firearms by minor under 18 prohibited;
 73 penalties.--

74 (8) Notwithstanding s. 985.213 or s. 985.215(1), if a
 75 minor under 18 years of age is charged with an offense that
 76 involves the use or possession of a firearm, as defined in s.
 77 790.001, including a violation of subsection (3), or is charged
 78 for any offense during the commission of which the minor
 79 possessed a firearm, the minor shall be detained in secure
 80 detention, unless the state attorney authorizes the release of
 81 the minor, and shall be given a hearing within 24 hours after
 82 being taken into custody. At the hearing, the court may order
 83 that the minor continue to be held in secure detention in
 84 accordance with the applicable time periods specified in s.
 85 985.215(5), if the court finds that the minor meets the criteria
 86 specified in s. 985.215(2), or if the court finds by clear and
 87 convincing evidence that the minor is a clear and present danger

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88 to himself or herself or the community. The Department of
 89 Juvenile Justice shall prepare a form for all minors charged
 90 under this subsection that states the period of detention and
 91 the relevant demographic information, including, but not limited
 92 to, the sex, age, and race of the minor; whether or not the
 93 minor was represented by private counsel or a public defender;
 94 the current offense; and the minor's complete prior record,
 95 including any pending cases. The form shall be provided to the
 96 judge to be considered when determining whether the minor should
 97 be continued in secure detention under this subsection. An order
 98 placing a minor in secure detention because the minor is a clear
 99 and present danger to himself or herself or the community must
 100 be in writing, must specify the need for detention and the
 101 benefits derived by the minor or the community by placing the
 102 minor in secure detention, and must include a copy of the form
 103 provided by the department. ~~The Department of Juvenile Justice~~
 104 ~~must send the form, including a copy of any order, without~~
 105 ~~client-identifying information, to the Office of Economic and~~
 106 ~~Demographic Research.~~

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

109 984.06 Oaths, records, and confidential information.--

110 (3) The clerk shall keep all court records required by
 111 this chapter separate from other records of the circuit court.
 112 All court records required by this chapter are not open to
 113 inspection by the public. All ~~such~~ records shall ~~may~~ be
 114 inspected only upon order of the court by persons ~~a person~~
 115 deemed by the court to have a proper interest therein, except
 116 that, subject to the provisions of s. 63.162, a child and the

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117 parents or legal custodians of the child and their attorneys,
 118 the guardian ad litem, if one has been appointed for the child,
 119 law enforcement agencies, and the department and its designees
 120 have the right to ~~may~~ inspect and copy any official record
 121 pertaining to the child. The court may permit authorized
 122 representatives of recognized organizations compiling statistics
 123 for proper purposes to inspect and make abstracts from official
 124 records, under whatever conditions upon their use and
 125 disposition the court may deem ~~deems~~ proper, and may punish by
 126 contempt proceedings any violation of those conditions.

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

129 985.201 Jurisdiction.--

130 (4)(a) Notwithstanding ss. 743.07, 985.229, 985.23, and
 131 985.231, and except as provided in ss. 985.31 and 985.313, when
 132 the jurisdiction of any child who is alleged to have committed a
 133 delinquent act or violation of law is obtained, the court shall
 134 retain jurisdiction, unless relinquished by its order, until the
 135 child reaches 19 years of age, with the same power over the
 136 child that the court had prior to the child becoming an adult.
 137 The court may continue to retain jurisdiction of the child
 138 beyond the child's 19th birthday in accordance with the
 139 following:

140 ~~(b)~~1. The court may retain jurisdiction over a child
 141 committed to the department for placement in a juvenile prison
 142 or in a high-risk or maximum-risk residential commitment program
 143 to allow the child to participate in a juvenile conditional
 144 release program pursuant to s. 985.316. In no case shall the
 145 jurisdiction of the court be retained beyond the child's 22nd

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146 birthday. However, if the child is not successful in the
 147 conditional release program, the department may use the transfer
 148 procedure under s. 985.404.

149 2. The court may retain jurisdiction over a child
 150 committed to the department for placement in an intensive
 151 residential treatment program for offenders less than 13 years
 152 of age ~~10-year-old to 13-year-old offenders~~, in the residential
 153 commitment program in a juvenile prison, in a residential sex
 154 offender program, or in a program for serious or habitual
 155 juvenile offenders as provided in s. 985.311 or s. 985.31 until
 156 the child reaches the age of 21. The court may retain such
 157 jurisdiction solely for the purpose of allowing the child to
 158 complete such program. ~~If the court exercises this jurisdiction~~
 159 ~~retention, it shall do so solely for the purpose of the child~~
 160 ~~completing the intensive residential treatment program for 10-~~
 161 ~~year-old to 13-year-old offenders, in the residential commitment~~
 162 ~~program in a juvenile prison, in a residential sex offender~~
 163 ~~program, or the program for serious or habitual juvenile~~
 164 ~~offenders.~~ Such jurisdiction retention does not apply for other
 165 programs, other purposes, or new offenses.

166 (b)(e) The court may retain jurisdiction over a child and
 167 the child's parent or legal guardian whom the court has ordered
 168 to pay restitution until the restitution order is satisfied or
 169 until the court orders otherwise. If the court retains such
 170 jurisdiction after the date upon which the court's jurisdiction
 171 would cease under this section, it shall do so solely for the
 172 purpose of enforcing the restitution order. The terms of the
 173 restitution order are subject to the provisions of s.
 174 775.089(5).

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

178 Section 5. Subsection (1) of section 985.2075, Florida
 179 Statutes, is amended, and subsection (4) is added to said
 180 section, to read:

181 985.2075 Youth custody officer.--

182 (1) There is created within the Department of Juvenile
 183 Justice the position of youth custody officer. The duties of
 184 each youth custody officer shall be to take youth into custody
 185 if the officer has probable cause to believe that the youth has
 186 violated the conditions of probation, home detention,
 187 conditional release, or postcommitment probation, has absconded
 188 supervision of the department, has escaped from a department
 189 facility, or has failed to appear in court after being properly
 190 noticed. The authority of the youth custody officer to take
 191 youth into custody is specifically limited to this purpose.

192 (4) A youth custody officer who, while in the performance
 193 of his or her duties, takes a youth into custody for any reason
 194 specified in subsection (1) and has probable cause to believe
 195 that the youth committed a crime during the course of, or
 196 subsequent to, being taken into custody must file the
 197 appropriate petitions and gather any evidence for prosecution in
 198 a court of law.

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

201 985.213 Use of detention.--

202 (2)(a) All determinations and court orders regarding
 203 placement of a child into detention care shall comply with all

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204 requirements and criteria provided in this part and shall be
 205 based on a risk assessment of the child, unless the child is
 206 placed into detention care as provided in subparagraph (b)3.

207 (b)1. The risk assessment instrument for detention care
 208 placement determinations and orders shall be developed by the
 209 Department of Juvenile Justice in agreement with representatives
 210 appointed by the following associations: the Conference of
 211 Circuit Judges of Florida, the Prosecuting Attorneys
 212 Association, the Public Defenders Association, the Florida
 213 Sheriffs Association, and the Florida Association of Chiefs of
 214 Police. Each association shall appoint two individuals, one
 215 representing an urban area and one representing a rural area.
 216 The parties involved shall evaluate and revise the risk
 217 assessment instrument as is considered necessary using the
 218 method for revision as agreed by the parties. The risk
 219 assessment instrument shall take into consideration, but need
 220 not be limited to, prior history of failure to appear, prior
 221 offenses, offenses committed pending adjudication, any unlawful
 222 possession of a firearm, theft of a motor vehicle or possession
 223 of a stolen motor vehicle, and probation status at the time the
 224 child is taken into custody. The risk assessment instrument
 225 shall also take into consideration appropriate aggravating and
 226 mitigating circumstances, and shall be designed to target a
 227 narrower population of children than s. 985.215(2). The risk
 228 assessment instrument shall also include any information
 229 concerning the child's history of abuse and neglect. The risk
 230 assessment shall indicate whether detention care is warranted,
 231 and, if detention care is warranted, whether the child should be
 232 placed into secure, nonsecure, or home detention care.

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

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

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

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

243
 244 The child may not be held in secure detention under this
 245 subparagraph for more than 48 hours unless ordered by the court.
 246 After 48 hours, the court shall hold a hearing if the state
 247 attorney or victim requests that secure detention be continued.
 248 The child may continue to be held in detention care if the court
 249 makes a specific, written finding that detention care is
 250 necessary to protect the victim from injury. However, the child
 251 may not be held in detention care beyond the time limits set
 252 forth in s. 985.215.

253 4. For a child who is under the supervision of the
 254 department through probation, home detention, nonsecure
 255 detention, conditional release, postcommitment probation, or
 256 commitment and who is charged with committing a new offense, the
 257 risk assessment instrument may be completed and scored based on
 258 the underlying charge for which the child was placed under the
 259 supervision of the department and the new offense.

260 (c) The child may appear by telephone or video
 261 teleconference at any court hearing required by this paragraph.

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262 Section 7. Section 985.215, Florida Statutes, is amended
 263 to read:

264 985.215 Detention.--

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

271 (a) During the period of time from the taking of the child
 272 into custody to the date of the detention hearing, the initial
 273 decision as to the child's placement into secure detention care,
 274 nonsecure detention care, or home detention care shall be made
 275 by the juvenile probation officer pursuant to ss. 985.213 and
 276 985.214.

277 (b) The juvenile probation officer shall base the decision
 278 whether or not to place the child into secure detention care,
 279 home detention care, or nonsecure detention care on an
 280 assessment of risk in accordance with the risk assessment
 281 instrument and procedures developed by the Department of
 282 Juvenile Justice under s. 985.213. However, a child charged with
 283 possessing or discharging a firearm on school property in
 284 violation of s. 790.115 shall be placed in secure detention
 285 care.

286 (c) If the juvenile probation officer determines that a
 287 child who is eligible for detention based upon the results of
 288 the risk assessment instrument should be released, the juvenile
 289 probation officer shall contact the state attorney, who may
 290 authorize release. If detention is not authorized, the child may

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291 be released by the juvenile probation officer in accordance with
 292 s. 985.211.

293
 294 Under no circumstances shall the juvenile probation officer or
 295 the state attorney or law enforcement officer authorize the
 296 detention of any child in a jail or other facility intended or
 297 used for the detention of adults, without an order of the court.

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

302 (a) The child is alleged to be an escapee or an absconder
 303 from a commitment program, a probation program, or conditional
 304 release supervision, or is alleged to have escaped while being
 305 lawfully transported to or from such program or supervision.

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

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

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

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

317 (f) The child is charged with a capital felony, a life
 318 felony, a felony of the first degree, a felony of the second
 319 degree that does not involve a violation of chapter 893, or a

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320 felony of the third degree that is also a crime of violence,
 321 including any such offense involving the use or possession of a
 322 firearm.

323 (g) The child is charged with any second degree or third
 324 degree felony involving a violation of chapter 893 or any third
 325 degree felony that is not also a crime of violence, and the
 326 child:

- 327 1. Has a record of failure to appear at court hearings
 328 after being properly notified in accordance with the Rules of
 329 Juvenile Procedure;
- 330 2. Has a record of law violations prior to court hearings;
- 331 3. Has already been detained or has been released and is
 332 awaiting final disposition of the case;
- 333 4. Has a record of violent conduct resulting in physical
 334 injury to others; or
- 335 5. Is found to have been in possession of a firearm.

336 (h) The child is alleged to have violated the conditions
 337 of the child's probation or conditional release supervision.
 338 However, a child detained under this paragraph may be held only
 339 in a consequence unit as provided in s. 985.231(1)(a)1.c. If a
 340 consequence unit is not available, the child shall be placed on
 341 home detention with electronic monitoring.

342 (i) The child is detained on a judicial order for failure
 343 to appear and has previously willfully failed to appear, after
 344 proper notice, for an adjudicatory hearing on the same case
 345 regardless of the results of the risk assessment instrument. A
 346 child may be held in secure detention for up to 72 hours in
 347 advance of the next scheduled court hearing pursuant to this
 348 paragraph. The child's failure to keep the clerk of court and

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349 defense counsel informed of a current and valid mailing address
 350 where the child will receive notice to appear at court
 351 proceedings does not provide an adequate ground for excusal of
 352 the child's nonappearance at the hearings.

353 (j) The child is detained on a judicial order for failure
 354 to appear and has previously willfully failed to appear, after
 355 proper notice, at two or more court hearings of any nature on
 356 the same case regardless of the results of the risk assessment
 357 instrument. A child may be held in secure detention for up to 72
 358 hours in advance of the next scheduled court hearing pursuant to
 359 this paragraph. The child's failure to keep the clerk of court
 360 and defense counsel informed of a current and valid mailing
 361 address where the child will receive notice to appear at court
 362 proceedings does not provide an adequate ground for excusal of
 363 the child's nonappearance at the hearings.

364
 365 A child who meets any of these criteria and who is ordered to be
 366 detained pursuant to this subsection shall be given a hearing
 367 within 24 hours after being taken into custody. The purpose of
 368 the detention hearing is to determine the existence of probable
 369 cause that the child has committed the delinquent act or
 370 violation of law with which he or she is charged and the need
 371 for continued detention. Unless a child is detained under
 372 paragraph (d) or paragraph (e), the court shall utilize the
 373 results of the risk assessment performed by the juvenile
 374 probation officer and, based on the criteria in this subsection,
 375 shall determine the need for continued detention. A child placed
 376 into secure, nonsecure, or home detention care may continue to
 377 be so detained by the court pursuant to this subsection. If the

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378 court orders a placement more restrictive than indicated by the
 379 results of the risk assessment instrument, the court shall
 380 state, in writing, clear and convincing reasons for such
 381 placement. Except as provided in s. 790.22(8) or in subparagraph
 382 (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph
 383 (10)(d), when a child is placed into secure or nonsecure
 384 detention care, or into a respite home or other placement
 385 pursuant to a court order following a hearing, the court order
 386 must include specific instructions that direct the release of
 387 the child from such placement no later than 5 p.m. on the last
 388 day of the detention period specified in paragraph (5)(b) or
 389 paragraph (5)(c), or subparagraph (10)(a)1., whichever is
 390 applicable, unless the requirements of such applicable provision
 391 have been met or an order of continuance has been granted
 392 pursuant to paragraph (5)(f).

393 (3) Except in emergency situations, a child may not be
 394 placed into or transported in any police car or similar vehicle
 395 that at the same time contains an adult under arrest, unless the
 396 adult is alleged or believed to be involved in the same offense
 397 or transaction as the child.

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

401 (a) When the child has been transferred or indicted for
 402 criminal prosecution as an adult pursuant to this part, except
 403 that the court may not order or allow a child alleged to have
 404 committed a misdemeanor who is being transferred for criminal
 405 prosecution pursuant to either s. 985.226 or s. 985.227 to be
 406 detained or held in a jail or other facility intended or used

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407 for the detention of adults; however, such child may be held
408 temporarily in a detention facility; or

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

411
412 The child shall be housed separately from adult inmates to
413 prohibit a child from having regular contact with incarcerated
414 adults, including trustees. "Regular contact" means sight and
415 sound contact. Separation of children from adults shall permit
416 no more than haphazard or accidental contact. The receiving jail
417 or other facility shall contain a separate section for children
418 and shall have an adequate staff to supervise and monitor the
419 child's activities at all times. Supervision and monitoring of
420 children includes physical observation and documented checks by
421 jail or receiving facility supervisory personnel at intervals
422 not to exceed 15 minutes. This paragraph does not prohibit
423 placing two or more children in the same cell. Under no
424 circumstances shall a child be placed in the same cell with an
425 adult.

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

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435 (b) The arresting law enforcement agency shall complete
 436 and present its investigation of an offense under this
 437 subsection to the appropriate state attorney's office within 8
 438 days after placement of the child in secure detention. The
 439 investigation shall include, but is not limited to, police
 440 reports and supplemental police reports, witness statements, and
 441 evidence collection documents. The failure of a law enforcement
 442 agency to complete and present its investigation within 8 days
 443 shall not entitle a juvenile to be released from secure
 444 detention or to a dismissal of any charges.

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

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

453 (e) A child who was not in secure detention at the time of
 454 the adjudicatory hearing, but for whom residential commitment is
 455 anticipated or recommended, may be placed under a special
 456 detention order for a period not to exceed 72 hours, excluding
 457 weekends and legal holidays, for the purpose of conducting a
 458 comprehensive evaluation as provided in s. 985.229(1). Motions
 459 for the issuance of such special detention order may be made
 460 subsequent to a finding of delinquency. Upon said motion, the
 461 court shall conduct a hearing to determine the appropriateness
 462 of such special detention order and shall order the least
 463 restrictive level of detention necessary to complete the

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464 comprehensive evaluation process that is consistent with public
 465 safety. Such special detention order may be extended for an
 466 additional 72 hours upon further order of the court.

467 (f) The time limits in paragraphs (c) and (d) do not
 468 include periods of delay resulting from a continuance granted by
 469 the court for cause on motion of the child or his or her counsel
 470 or of the state. Upon the issuance of an order granting a
 471 continuance for cause on a motion by either the child, the
 472 child's counsel, or the state, the court shall conduct a hearing
 473 at the end of each 72-hour period, excluding Saturdays, Sundays,
 474 and legal holidays, to determine the need for continued
 475 detention of the child and the need for further continuance of
 476 proceedings for the child or the state.

477 (g) Upon good cause being shown that the nature of the
 478 charge requires additional time for the prosecution or defense
 479 of the case, the court may extend the time limits for detention
 480 specified in paragraph (c) an additional 9 days if the child is
 481 charged with an offense that would be, if committed by an adult,
 482 a capital felony, a life felony, a felony of the first degree,
 483 or a felony of the second degree involving violence against any
 484 individual.

485 (6)(a) When any child is placed into secure, nonsecure, or
 486 home detention care or into other placement pursuant to a court
 487 order following a detention hearing, the court shall order the
 488 parents or guardians of such child to pay to the Department of
 489 Juvenile Justice fees in the amount of \$5 per day that the child
 490 is under the care or supervision of the department in order to
 491 partially offset the cost of the care, support, maintenance, and
 492 other usual and ordinary obligations of parents to provide for

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493 the needs of their children, unless the court makes a finding on
494 the record that the parent or guardian of the child is indigent.

495 (b) At the time of the detention hearing, the department
496 shall report to the court, verbally or in writing, any available
497 information concerning the ability of the parent or guardian of
498 the child to pay such fee. If the court makes a finding of
499 indigency, the parent or guardian shall pay to the department a
500 nominal subsistence fee of \$2 per day that the child is securely
501 detained outside the home or \$1 per day if the child is
502 otherwise detained in lieu of other fees related to the parent's
503 obligation for the child's cost of care. The nominal subsistence
504 fee may only be waived or reduced if the court makes a finding
505 that such payment would constitute a significant financial
506 hardship. Such finding shall be in writing and shall contain a
507 detailed description of the facts that led the court to make
508 both the finding of indigency and the finding of significant
509 financial hardship.

510 (c) In addition, the court may reduce the fees or waive
511 the fees as to each parent or guardian if the court makes a
512 finding on the record that the parent or guardian was the victim
513 of the delinquent act or violation of law for which the child is
514 detained and that the parent or guardian is cooperating in the
515 investigation of the offense.

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

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522 (e) With respect to a child who has been found to have
523 committed a delinquent act or violation of law, whether or not
524 adjudication is withheld, and whose parent or guardian receives
525 public assistance for any portion of that child's care, the
526 department must seek a federal waiver to garnish or otherwise
527 order the payments of the portion of the public assistance
528 relating to that child to offset the costs of providing care,
529 custody, maintenance, rehabilitation, intervention, or
530 corrective services to the child. When the order affects the
531 guardianship estate, a certified copy of the order shall be
532 delivered to the judge having jurisdiction of the guardianship
533 estate.

534 (f) The clerk of the circuit court shall act as a
535 depository for these fees. Upon each payment received, the clerk
536 of the circuit court shall receive a fee from the total payment
537 of 3 percent of any payment made except that no fee shall be
538 less than \$1 nor more than \$5 per payment made. This fee shall
539 serve as a service charge for the administration, management,
540 and maintenance of each payment. At the end of each month, the
541 clerk of the circuit court shall send all money collected under
542 this section to the state Grants and Donations Trust Fund.

543 (g) The parent or guardian shall provide to the department
544 the parent's or guardian's name, address, social security
545 number, date of birth, and driver's license number or
546 identification card number and sufficient financial information
547 for the department to be able to determine the parent's or
548 guardian's ability to pay. If the parent or guardian refuses to
549 provide the department with any identifying information or
550 financial information, the court shall order the parent to

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551 | comply and may pursue contempt of court sanctions for failure to
 552 | comply.

553 | (h) The department may employ a collection agency for the
 554 | purpose of receiving, collecting, and managing the payment of
 555 | unpaid and delinquent fees. The collection agency must be
 556 | registered and in good standing under chapter 559. The
 557 | department may pay to the collection agency a fee from the
 558 | amount collected under the claim or may authorize the agency to
 559 | deduct the fee from the amount collected. The department may
 560 | also pay for collection services from available authorized
 561 | funds.

562 | (i) The department may enter into agreements with parents
 563 | or guardians to establish a schedule of periodic payments if
 564 | payment of the obligation in full presents an undue hardship.
 565 | Any such agreement may provide for payment of interest
 566 | consistent with prevailing loan rates.

567 | (j) The Department of Juvenile Justice shall provide to
 568 | the payor documentation of any amounts paid by the payor to the
 569 | Department of Juvenile Justice on behalf of the child. All
 570 | payments received by the department pursuant to this subsection
 571 | shall be deposited in the state Grants and Donations Trust Fund.
 572 | Neither the court nor the department may extend the child's
 573 | length of stay in detention care solely for the purpose of
 574 | collecting fees.

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

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

583 (9) If a child is on release status and not detained
584 pursuant to this section, the child may be placed into secure,
585 nonsecure, or home detention care only pursuant to a court
586 hearing in which the original risk assessment instrument,
587 rescored based on newly discovered evidence or changed
588 circumstances with the results recommending detention, is
589 introduced into evidence.

590 (10)(a)1. When a child is committed to the Department of
591 Juvenile Justice awaiting dispositional placement, removal of
592 the child from detention care shall occur within 5 days,
593 excluding Saturdays, Sundays, and legal holidays. Any child held
594 in secure detention during the 5 days must meet detention
595 admission criteria pursuant to this section. If the child is
596 committed to a moderate-risk residential program, the department
597 may seek an order from the court authorizing continued detention
598 for a specific period of time necessary for the appropriate
599 residential placement of the child. However, such continued
600 detention in secure detention care may not exceed 15 days after
601 commitment, excluding Saturdays, Sundays, and legal holidays,
602 and except as otherwise provided in this subsection.

603 2. The court must place all children who are adjudicated
604 and awaiting placement in a residential commitment program in
605 detention care. Children who are in home detention care or
606 nonsecure detention care may be placed on electronic monitoring.

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607 (b) A child who is placed in home detention care,
 608 nonsecure detention care, or home or nonsecure detention care
 609 with electronic monitoring, while awaiting placement in a low-
 610 risk or moderate-risk program, may be held in secure detention
 611 care for 5 days, if the child violates the conditions of the
 612 home detention care, the nonsecure detention care, or the
 613 electronic monitoring agreement. For any subsequent violation,
 614 the court may impose an additional 5 days in secure detention
 615 care.

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

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

622 (e) Upon specific appropriation, the department may obtain
 623 comprehensive evaluations, including, but not limited to,
 624 medical, academic, psychological, behavioral, sociological, and
 625 vocational needs of a youth with multiple arrests for all level
 626 criminal acts or a youth committed to a minimum-risk or low-risk
 627 commitment program.

628 (f) Regardless of detention status, a child being
 629 transported by the department to a commitment facility of the
 630 department may be placed in secure detention overnight, not to
 631 exceed a 24-hour period, for the specific purpose of ensuring
 632 the safe delivery of the child to his or her commitment program,
 633 court, appointment, transfer, or release.

634 (11)(a) When a juvenile sexual offender is placed in
 635 detention, detention staff shall provide appropriate monitoring

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636 and supervision to ensure the safety of other children in the
637 facility.

638 (b) When a juvenile sexual offender, pursuant to this
639 subsection, is released from detention or transferred to home
640 detention or nonsecure detention, detention staff shall
641 immediately notify the appropriate law enforcement agency and
642 school personnel.

643 (12) The child may appear by telephone or video
644 teleconference at any court hearing required by this section.

645 Section 8. Section 985.231, Florida Statutes, is amended,
646 to read:

647 985.231 Powers of disposition in delinquency cases.--

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

652 1. Place the child in a probation program or a
653 postcommitment probation program under the supervision of an
654 authorized agent of the Department of Juvenile Justice or of any
655 other person or agency specifically authorized and appointed by
656 the court, whether in the child's own home, in the home of a
657 relative of the child, or in some other suitable place under
658 such reasonable conditions as the court may direct. A probation
659 program for an adjudicated delinquent child must include a
660 penalty component such as restitution in money or in kind,
661 community service, a curfew, revocation or suspension of the
662 driver's license of the child, or other nonresidential
663 punishment appropriate to the offense and must also include a
664 rehabilitative program component such as a requirement of

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665 participation in substance abuse treatment or in school or other
 666 educational program. If the child is attending or is eligible to
 667 attend public school and the court finds that the victim or a
 668 sibling of the victim in the case is attending or may attend the
 669 same school as the child, the court placement order shall
 670 include a finding pursuant to the proceedings described in s.
 671 985.23(1)(d). Upon the recommendation of the department at the
 672 time of disposition, or subsequent to disposition pursuant to
 673 the filing of a petition alleging a violation of the child's
 674 conditions of postcommitment probation, the court may order the
 675 child to submit to random testing for the purpose of detecting
 676 and monitoring the use of alcohol or controlled substances.

677 a. A restrictiveness level classification scale for levels
 678 of supervision shall be provided by the department, taking into
 679 account the child's needs and risks relative to probation
 680 supervision requirements to reasonably ensure the public safety.
 681 Probation programs for children shall be supervised by the
 682 department or by any other person or agency specifically
 683 authorized by the court. These programs must include, but are
 684 not limited to, structured or restricted activities as described
 685 in this subparagraph, and shall be designed to encourage the
 686 child toward acceptable and functional social behavior. If
 687 supervision or a program of community service is ordered by the
 688 court, the duration of such supervision or program must be
 689 consistent with any treatment and rehabilitation needs
 690 identified for the child and may not exceed the term for which
 691 sentence could be imposed if the child were committed for the
 692 offense, except that the duration of such supervision or program
 693 for an offense that is a misdemeanor of the second degree, or is

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694 equivalent to a misdemeanor of the second degree, may be for a
 695 period not to exceed 6 months. When restitution is ordered by
 696 the court, the amount of restitution may not exceed an amount
 697 the child and the parent or guardian could reasonably be
 698 expected to pay or make. A child who participates in any work
 699 program under this part is considered an employee of the state
 700 for purposes of liability, unless otherwise provided by law.

701 b. The court may conduct judicial review hearings for a
 702 child placed on probation for the purpose of fostering
 703 accountability to the judge and compliance with other
 704 requirements, such as restitution and community service. The
 705 court may allow early termination of probation for a child who
 706 has substantially complied with the terms and conditions of
 707 probation.

708 c. If the conditions of the probation program or the
 709 postcommitment probation program are violated, the department or
 710 the state attorney may bring the child before the court on an
 711 affidavit ~~a petition~~ alleging a violation of the program. The
 712 state attorney shall represent the state in any hearing on the
 713 violation. Any child who violates the conditions of probation or
 714 postcommitment probation must be brought before the court if
 715 sanctions are sought. A child taken into custody under s.
 716 985.207 for violating the conditions of probation or
 717 postcommitment probation shall be held in a consequence unit if
 718 such a unit is available. The child shall be afforded a hearing
 719 within 24 hours after being taken into custody to determine the
 720 existence of probable cause that the child violated the
 721 conditions of probation or postcommitment probation. A
 722 consequence unit is a secure facility specifically designated by

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723 the department for children who are taken into custody under s.
 724 985.207 for violating probation or postcommitment probation, or
 725 who have been found by the court to have violated the conditions
 726 of probation or postcommitment probation. If the violation
 727 involves a new charge of delinquency, the child may be detained
 728 under s. 985.215 in a facility other than a consequence unit. If
 729 the child is not eligible for detention for the new charge of
 730 delinquency, the child may be held in the consequence unit
 731 pending a hearing and is subject to the time limitations
 732 specified in s. 985.215. If the child denies violating the
 733 conditions of probation or postcommitment probation, the court
 734 shall appoint counsel to represent the child at the child's
 735 request. Upon the child's admission, or if the court finds after
 736 a hearing that the child has violated the conditions of
 737 probation or postcommitment probation, the court shall enter an
 738 order revoking, modifying, or continuing probation or
 739 postcommitment probation. In each such case, the court shall
 740 enter a new disposition order and, in addition to the sanctions
 741 set forth in this paragraph, may impose any sanction the court
 742 could have imposed at the original disposition hearing. If the
 743 child is found to have violated the conditions of probation or
 744 postcommitment probation, the court may:

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

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

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751 (III) Modify or continue the child's probation program or
 752 postcommitment probation program.

753 (IV) Revoke probation or postcommitment probation and
 754 commit the child to the department.

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

760 2. Commit the child to a licensed child-caring agency
 761 willing to receive the child, but the court may not commit the
 762 child to a jail or to a facility used primarily as a detention
 763 center or facility or shelter.

764 3. Commit the child to the Department of Juvenile Justice
 765 at a residential commitment level defined in s. 985.03. Such
 766 commitment must be for the purpose of exercising active control
 767 over the child, including, but not limited to, custody, care,
 768 training, urine monitoring, and treatment of the child and
 769 release of the child into the community in a postcommitment
 770 nonresidential conditional release program. If the child is
 771 eligible to attend public school following residential
 772 commitment and the court finds that the victim or a sibling of
 773 the victim in the case is or may be attending the same school as
 774 the child, the commitment order shall include a finding pursuant
 775 to the proceedings described in s. 985.23(1)(d). If the child is
 776 not successful in the conditional release program, the
 777 department may use the transfer procedure under s. 985.404.
 778 Notwithstanding s. 743.07 and paragraph (d), and except as
 779 provided in s. 985.31, the term of the commitment must be until

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780 the child is discharged by the department or until he or she
 781 reaches the age of 19, except as provided in s. 985.201 ~~21~~.

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

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

786 6. As part of the probation program to be implemented by
 787 the Department of Juvenile Justice, or, in the case of a
 788 committed child, as part of the community-based sanctions
 789 ordered by the court at the disposition hearing or before the
 790 child's release from commitment, order the child to make
 791 restitution in money, through a promissory note cosigned by the
 792 child's parent or guardian, or in kind for any damage or loss
 793 caused by the child's offense in a reasonable amount or manner
 794 to be determined by the court. The clerk of the circuit court
 795 shall be the receiving and dispensing agent. In such case, the
 796 court shall order the child or the child's parent or guardian to
 797 pay to the office of the clerk of the circuit court an amount
 798 not to exceed the actual cost incurred by the clerk as a result
 799 of receiving and dispensing restitution payments. The clerk
 800 shall notify the court if restitution is not made, and the court
 801 shall take any further action that is necessary against the
 802 child or the child's parent or guardian. A finding by the court,
 803 after a hearing, that the parent or guardian has made diligent
 804 and good faith efforts to prevent the child from engaging in
 805 delinquent acts absolves the parent or guardian of liability for
 806 restitution under this subparagraph.

807 7. Order the child and, if the court finds it appropriate,
 808 the child's parent or guardian together with the child, to

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809 participate in a community work project, either as an
 810 alternative to monetary restitution or as part of the
 811 rehabilitative or probation program.

812 8. Commit the child to the Department of Juvenile Justice
 813 for placement in a program or facility for serious or habitual
 814 juvenile offenders in accordance with s. 985.31. Any commitment
 815 of a child to a program or facility for serious or habitual
 816 juvenile offenders must be for an indeterminate period of time,
 817 but the time may not exceed the maximum term of imprisonment
 818 that an adult may serve for the same offense. The court may
 819 retain jurisdiction over such child until the child reaches the
 820 age of 21, specifically for the purpose of the child completing
 821 the program.

822 9. In addition to the sanctions imposed on the child,
 823 order the parent or guardian of the child to perform community
 824 service if the court finds that the parent or guardian did not
 825 make a diligent and good faith effort to prevent the child from
 826 engaging in delinquent acts. The court may also order the parent
 827 or guardian to make restitution in money or in kind for any
 828 damage or loss caused by the child's offense. The court shall
 829 determine a reasonable amount or manner of restitution, and
 830 payment shall be made to the clerk of the circuit court as
 831 provided in subparagraph 6.

832 10. Subject to specific appropriation, commit the juvenile
 833 sexual offender to the Department of Juvenile Justice for
 834 placement in a program or facility for juvenile sexual offenders
 835 in accordance with s. 985.308. Any commitment of a juvenile
 836 sexual offender to a program or facility for juvenile sexual
 837 offenders must be for an indeterminate period of time, but the

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838 time may not exceed the maximum term of imprisonment that an
 839 adult may serve for the same offense. The court may retain
 840 jurisdiction over a juvenile sexual offender until the juvenile
 841 sexual offender reaches the age of 21, specifically for the
 842 purpose of completing the program.

843 (b)1. When any child is adjudicated by the court to have
 844 committed a delinquent act and temporary legal custody of the
 845 child has been placed with a licensed child-caring agency or the
 846 Department of Juvenile Justice, the court shall order the
 847 parents of such child to pay fees to the department in the
 848 amount of \$5 per day that the child is under the care or
 849 supervision of the department in order to partially offset the
 850 cost of the care, support, maintenance, and other usual and
 851 ordinary obligations of parents to provide for the needs of
 852 their children while in the recommended residential commitment
 853 level, unless the court makes a finding on the record that the
 854 parent or guardian of the child is indigent.

855 2. No later than the disposition hearing, the department
 856 shall provide the court with information concerning the actual
 857 cost of care, support, and maintenance of the child in the
 858 recommended residential commitment level and concerning the
 859 ability of the parent or guardian of the child to pay any fees.
 860 If the court makes a finding of indigency, the parent or
 861 guardianship shall pay to the department a nominal subsistence
 862 fee of \$2 per day that the child is committed outside the home
 863 or \$1 per day if the child is otherwise supervised in lieu of
 864 other fees related to the parents' obligation for the child's
 865 cost of care. The nominal subsistence fee may only be waived or
 866 reduced if the court makes a finding that such payment would

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867 constitute a significant financial hardship. Such finding shall
868 be in writing and shall contain a detailed description of the
869 facts that led the court to make both the finding of indigency
870 and the finding of significant financial hardship.

871 3. In addition, the court may reduce the fees or waive the
872 fees as to each parent or guardian if the court makes a finding
873 on the record that the parent or guardian was the victim of the
874 delinquent act or violation of law for which the child is
875 subject to placement under this section and that the parent or
876 guardian has cooperated in the investigation and prosecution of
877 the offense.

878 4. All orders committing a child to a residential
879 commitment program shall include specific findings as to what
880 fees are ordered, reduced, or waived. If the court fails to
881 enter an order as required by this paragraph, it shall be
882 presumed that the court intended the parent or guardian to pay
883 fees to the department in an amount of \$5 per day related to the
884 care, support, and maintenance of the child. With regard to a
885 child who reaches the age of 18 prior to the disposition
886 hearing, the court may elect to direct an order required by this
887 paragraph to such child, rather than the parent or guardian.
888 With regard to a child who reaches the age of 18 while in the
889 custody of the department, the court may, upon proper motion of
890 any party, hold a hearing as to whether any party should be
891 further obligated respecting the payment of fees. When the order
892 affects the guardianship estate, a certified copy of the order
893 shall be delivered to the judge having jurisdiction of the
894 guardianship estate.

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895 5. The clerk of the circuit court shall act as a
 896 depository for these fees. Upon each payment received, the clerk
 897 of the circuit court shall receive a fee from the total payment
 898 of 3 percent of any payment made except that no fee shall be
 899 less than \$1 nor more than \$5 per payment made. This fee shall
 900 serve as a service charge for the administration, management,
 901 and maintenance of each payment. At the end of each month, the
 902 clerk of the circuit court shall send all money collected under
 903 this section to the state Grants and Donations Trust Fund.

904 6. The parent or guardian shall provide to the department
 905 the parent or guardian's name, address, social security number,
 906 state of birth, and driver's license number or identification
 907 card number and sufficient financial information for the
 908 department to be able to determine the parent or guardian's
 909 ability to pay. If the parent or guardian refuses to provide the
 910 department with any identifying information or financial
 911 information, the court shall order the parent to comply and may
 912 pursue contempt of court sanctions for failure to comply.

913 7. The department may employ a collection agency for the
 914 purpose of receiving, collecting, and managing the payment of
 915 unpaid and delinquent fees. The collection agency must be
 916 registered and in good standing under chapter 559. The
 917 department may pay to the collection agency a fee from the
 918 amount collected under the claim or may authorize the agency to
 919 deduct the fee from the amount collected. The department may
 920 also pay for collection services from available authorized
 921 funds.

922 8. The department may enter into agreements with parents
 923 or guardians to establish a schedule of periodic payments if

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924 payment of the obligation in full presents an undue hardship.
 925 Any such agreement may provide for payment of interests
 926 consistent with prevailing loan rates.

927 9. The Department of Juvenile Justice shall provide to the
 928 payor documentation of any amounts paid by the payor to the
 929 Department of Juvenile Justice on behalf of the child. All
 930 payments received by the department pursuant to this subsection
 931 shall be deposited in the state Grants and Donations Trust Fund.

932 10. Neither the court nor the department may extend the
 933 child's length of stay in placement care solely for the purpose
 934 of collecting fees.

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

938 (d) Any commitment of a delinquent child to the Department
 939 of Juvenile Justice must be for an indeterminate period of time,
 940 which may include periods of temporary release, but the time may
 941 not exceed the maximum term of imprisonment that an adult may
 942 serve for the same offense. The duration of the child's
 943 placement in a residential commitment program of any level shall
 944 be based on objective performance-based treatment planning. The
 945 child's treatment plan progress and adjustment-related issues
 946 shall be reported to the court quarterly, unless the court
 947 requests more frequent reports ~~each month~~. The child's length of
 948 stay in a residential commitment program may be extended if the
 949 child fails to comply with or participate in treatment
 950 activities. The child's length of stay in such program shall not
 951 be extended for purposes of sanction or punishment. Any
 952 temporary release from such program must be approved by the

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953 court. Any child so committed may be discharged from
 954 institutional confinement or a program upon the direction of the
 955 department with the concurrence of the court. The child's
 956 treatment plan progress and adjustment-related issues must be
 957 communicated to the court at the time the department requests
 958 the court to consider releasing the child from the residential
 959 commitment program. Notwithstanding s. 743.07 and this
 960 subsection, and except as provided in ss. 985.201 and 985.31, a
 961 child may not be held under a commitment from a court pursuant
 962 to this section after becoming 21 years of age. The department
 963 shall give the court that committed the child to the department
 964 reasonable notice, in writing, of its desire to discharge the
 965 child from a commitment facility. The court that committed the
 966 child may thereafter accept or reject the request. If the court
 967 does not respond within 10 days after receipt of the notice, the
 968 request of the department shall be deemed granted. This section
 969 does not limit the department's authority to revoke a child's
 970 temporary release status and return the child to a commitment
 971 facility for any violation of the terms and conditions of the
 972 temporary release.

973 (e) In carrying out the provisions of this part, the court
 974 may order the natural parents or legal custodian or guardian of
 975 a child who is found to have committed a delinquent act to
 976 participate in family counseling and other professional
 977 counseling activities deemed necessary for the rehabilitation of
 978 the child or to enhance their ability to provide the child with
 979 adequate support, guidance, and supervision. The court may also
 980 order that the parent, custodian, or guardian support the child
 981 and participate with the child in fulfilling a court-imposed

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982 sanction. In addition, the court may use its contempt powers to
 983 enforce a court-imposed sanction.

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

986 (g) Whenever a child is required by the court to
 987 participate in any work program under this part or whenever a
 988 child volunteers to work in a specified state, county,
 989 municipal, or community service organization supervised work
 990 program or to work for the victim, either as an alternative to
 991 monetary restitution or as a part of the rehabilitative or
 992 probation program, the child is an employee of the state for the
 993 purposes of liability. In determining the child's average weekly
 994 wage unless otherwise determined by a specific funding program,
 995 all remuneration received from the employer is a gratuity, and
 996 the child is not entitled to any benefits otherwise payable
 997 under s. 440.15, regardless of whether the child may be
 998 receiving wages and remuneration from other employment with
 999 another employer and regardless of the child's future wage-
 1000 earning capacity.

1001 (h) The court may, upon motion of the child or upon its
 1002 own motion, within 60 days after imposition of a disposition of
 1003 commitment, suspend the further execution of the disposition and
 1004 place the child in a probation program upon such terms and
 1005 conditions as the court may require. The department shall
 1006 forward to the court all relevant material on the child's
 1007 progress while in custody not later than 3 working days prior to
 1008 the hearing on the motion to suspend the disposition.

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1009 (i) The nonconsent of the child to commitment or treatment
 1010 in a substance abuse treatment program in no way precludes the
 1011 court from ordering such commitment or treatment.

1012 (j) If the offense committed by the child was grand theft
 1013 of a motor vehicle, the court:

1014 1. Upon a first adjudication for a grand theft of a motor
 1015 vehicle, may place the youth in a boot camp, unless the child is
 1016 ineligible pursuant to s. 985.309, and shall order the youth to
 1017 complete a minimum of 50 hours of community service.

1018 2. Upon a second adjudication for grand theft of a motor
 1019 vehicle which is separate and unrelated to the previous
 1020 adjudication, may place the youth in a boot camp, unless the
 1021 child is ineligible pursuant to s. 985.309, and shall order the
 1022 youth to complete a minimum of 100 hours of community service.

1023 3. Upon a third adjudication for grand theft of a motor
 1024 vehicle which is separate and unrelated to the previous
 1025 adjudications, shall place the youth in a boot camp or other
 1026 treatment program, unless the child is ineligible pursuant to s.
 1027 985.309, and shall order the youth to complete a minimum of 250
 1028 hours of community service.

1029 (2) Following a delinquency adjudicatory hearing pursuant
 1030 to s. 985.228 and a delinquency disposition hearing pursuant to
 1031 s. 985.23 which results in a commitment determination, the court
 1032 shall, on its own or upon request by the state or the
 1033 department, determine whether the protection of the public
 1034 requires that the child be placed in a program for serious or
 1035 habitual juvenile offenders and whether the particular needs of
 1036 the child would be best served by a program for serious or
 1037 habitual juvenile offenders as provided in s. 985.31. The

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1038 determination shall be made pursuant to ss. 985.03(48) and
 1039 985.23(3).

1040 (3) Following a delinquency adjudicatory hearing pursuant
 1041 to s. 985.228, the court may on its own or upon request by the
 1042 state or the department and subject to specific appropriation,
 1043 determine whether a juvenile sexual offender placement is
 1044 required for the protection of the public and what would be the
 1045 best approach to address the treatment needs of the juvenile
 1046 sexual offender. When the court determines that a juvenile has
 1047 no history of a recent comprehensive assessment focused on
 1048 sexually deviant behavior, the court may, subject to specific
 1049 appropriation, order the department to conduct or arrange for an
 1050 examination to determine whether the juvenile sexual offender is
 1051 amenable to community-based treatment.

1052 (a) The report of the examination shall include, at a
 1053 minimum, the following:

1054 1. The juvenile sexual offender's account of the incident
 1055 and the official report of the investigation.

1056 2. The juvenile sexual offender's offense history.

1057 3. A multidisciplinary assessment of the sexually deviant
 1058 behaviors, including an assessment by a certified psychologist,
 1059 therapist, or psychiatrist.

1060 4. An assessment of the juvenile sexual offender's family,
 1061 social, educational, and employment situation. The report shall
 1062 set forth the sources of the evaluator's information.

1063 (b) The report shall assess the juvenile sexual offender's
 1064 amenability to treatment and relative risk to the victim and the
 1065 community.

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1066 (c) The department shall provide a proposed plan to the
 1067 court that shall include, at a minimum:

1068 1. The frequency and type of contact between the offender
 1069 and therapist.

1070 2. The specific issues and behaviors to be addressed in
 1071 the treatment and description of planned treatment methods.

1072 3. Monitoring plans, including any requirements regarding
 1073 living conditions, school attendance and participation,
 1074 lifestyle, and monitoring by family members, legal guardians, or
 1075 others.

1076 4. Anticipated length of treatment.

1077 5. Recommended crime-related prohibitions and curfew.

1078 6. Reasonable restrictions on the contact between the
 1079 juvenile sexual offender and either the victim or alleged
 1080 victim.

1081 (d) After receipt of the report on the proposed plan of
 1082 treatment, the court shall consider whether the community and
 1083 the offender will benefit from use of juvenile sexual offender
 1084 community-based treatment alternative disposition and consider
 1085 the opinion of the victim or the victim's family as to whether
 1086 the offender should receive a community-based treatment
 1087 alternative disposition under this subsection.

1088 (e) If the court determines that this juvenile sexual
 1089 offender community-based treatment alternative is appropriate,
 1090 the court may place the offender on community supervision for up
 1091 to 3 years. As a condition of community treatment and
 1092 supervision, the court may order the offender to:

1093 1. Undergo available outpatient juvenile sexual offender
 1094 treatment for up to 3 years. A program or provider may not be

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1095 used for such treatment unless it has an appropriate program
 1096 designed for sexual offender treatment. The department shall not
 1097 change the treatment provider without first notifying the state
 1098 attorney's office.

1099 2. Remain within described geographical boundaries and
 1100 notify the court or the department counselor prior to any change
 1101 in the offender's address, educational program, or employment.

1102 3. Comply with all requirements of the treatment plan.

1103 (f) The juvenile sexual offender treatment provider shall
 1104 submit quarterly reports on the respondent's progress in
 1105 treatment to the court and the parties to the proceedings. The
 1106 juvenile sexual offender reports shall reference the treatment
 1107 plan and include, at a minimum, the following:

1108 1. Dates of attendance.

1109 2. The juvenile sexual offender's compliance with the
 1110 requirements of treatment.

1111 3. A description of the treatment activities.

1112 4. The sexual offender's relative progress in treatment.

1113 5. The offender's family support of the treatment
 1114 objectives.

1115 6. Any other material specified by the court at the time
 1116 of the disposition.

1117 (g) At the disposition hearing, the court may set case
 1118 review hearings as the court considers appropriate.

1119 (h) If the juvenile sexual offender violates any condition
 1120 of the disposition or the court finds that the juvenile sexual
 1121 offender is failing to make satisfactory progress in treatment,
 1122 the court may revoke the community-based treatment alternative

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1123 and order commitment to the department pursuant to subsection
1124 (1).

1125 (i) If the court determines that the juvenile sexual
1126 offender is not amenable to community-based treatment, the court
1127 shall proceed with a juvenile sexual offender disposition
1128 hearing pursuant to subsection (1).

1129 (4) The child may appear by telephone or video
1130 teleconference at any court hearing required by this section or
1131 otherwise related to treatment progress in the commitment
1132 program.

1133 Section 9. This act shall take effect July 1, 2004.