

1 A bill to be entitled
2 An act relating to juvenile justice; amending s. 985.03,
3 F.S.; redefining terms relating to juvenile justice;
4 defining the term "day treatment"; creating the minimum-
5 risk nonresidential restrictiveness level; permitting
6 temporary release under specified conditions of youth
7 committed to the high-risk residential restrictiveness
8 level; amending ss. 985.207 and 985.208, F.S.; conforming
9 changes relating to escape from a residential commitment
10 facility; amending s. 985.231, F.S.; conforming provisions
11 to changes in definitions; providing the maximum length
12 for a minimum-risk nonresidential commitment for a second
13 degree misdemeanor; providing that the Department of
14 Juvenile Justice or a provider report quarterly to the
15 court the child's treatment plan progress; amending s.
16 985.2311, F.S.; providing that parents shall pay fees for
17 costs of supervision related to minimum-risk
18 nonresidential commitment; amending s. 985.316, F.S.;
19 providing for assessment of residentially committed youth
20 for conditional release services; repealing s. 985.403,
21 F.S., relating to the Task Force on Juvenile Sexual
22 Offenders and their Victims; requiring the Department of
23 Juvenile Justice to create a new task force on juvenile
24 sexual offenders and their victims; providing powers and
25 duties; providing membership; requiring a report;
26 providing for administrative support; providing for
27 dissolution of the task force; requiring the department to
28 establish a task force to study the certification of

29 professional staff working for a provider of juvenile
 30 justice services; providing for membership; requiring the
 31 task force to consider the feasibility of implementing and
 32 operating a certification system for professional staff;
 33 requiring the task force to consider certain specified
 34 issues; directing the task force to recommend a process
 35 for testing and validating the effectiveness of the
 36 recommended staff development system; requiring the task
 37 force to prepare a report of its deliberations and
 38 recommendations and to submit the report by a specified
 39 date; providing for administrative support; providing for
 40 dissolution of the task force; amending s. 985.4135, F.S.;
 41 providing for permissible representation on juvenile
 42 justice county councils or circuit boards; amending ss.
 43 784.075, 984.05, 985.31, and 985.3141, F.S.; conforming
 44 cross references; providing an effective date.

45

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

47

48 Section 1. Section 985.03, Florida Statutes, is amended to
 49 read:

50 985.03 Definitions.--As ~~When~~ used in this chapter, the
 51 term:

52 (1) "Addictions receiving facility" means a substance
 53 abuse service provider as defined in chapter 397.

54 (2) "Adjudicatory hearing" means a hearing for the court
 55 to determine whether or not the facts support the allegations
 56 stated in the petition, as is provided for under s. 985.228 in

57 delinquency cases.

58 (3) "Adult" means any natural person other than a child.

59 (4) "Arbitration" means a process whereby a neutral third
 60 person or panel, called an arbitrator or an arbitration panel,
 61 considers the facts and arguments presented by the parties and
 62 renders a decision which may be binding or nonbinding.

63 (5) "Authorized agent" or "designee" of the department
 64 means a person or agency assigned or designated by the
 65 department ~~of Juvenile Justice~~ or the Department of Children and
 66 Family Services, as appropriate, to perform duties or exercise
 67 powers under ~~pursuant to~~ this chapter and includes contract
 68 providers and their employees for purposes of providing services
 69 to and managing cases of children in need of services and
 70 families in need of services.

71 (6) "Child" or "juvenile" or "youth" means any unmarried
 72 person under the age of 18 who has not been emancipated by order
 73 of the court and who has been found or alleged to be dependent,
 74 in need of services, or from a family in need of services; or
 75 any married or unmarried person who is charged with a violation
 76 of law occurring prior to the time that person reached the age
 77 of 18 years.

78 (7) "Child eligible for an intensive residential treatment
 79 program for offenders less than 13 years of age" means a child
 80 who has been found to have committed a delinquent act or a
 81 violation of law in the case currently before the court and who
 82 meets at least one of the following criteria:

83 (a) The child is less than 13 years of age at the time of
 84 the disposition for the current offense and has been adjudicated

85 on the current offense for:

- 86 1. Arson;
- 87 2. Sexual battery;
- 88 3. Robbery;
- 89 4. Kidnapping;
- 90 5. Aggravated child abuse;
- 91 6. Aggravated assault;
- 92 7. Aggravated stalking;
- 93 8. Murder;
- 94 9. Manslaughter;
- 95 10. Unlawful throwing, placing, or discharging of a
- 96 destructive device or bomb;
- 97 11. Armed burglary;
- 98 12. Aggravated battery;
- 99 13. Any lewd or lascivious offense committed upon or in
- 100 the presence of a person less than 16 years of age; or
- 101 14. Carrying, displaying, using, threatening, or
- 102 attempting to use a weapon or firearm during the commission of a
- 103 felony.

104 (b) The child is less than 13 years of age at the time of
 105 the disposition, the current offense is a felony, and the child
 106 has previously been committed at least once to a delinquency
 107 commitment program.

108 (c) The child is less than 13 years of age and is
 109 currently committed for a felony offense and transferred from a
 110 moderate-risk or high-risk residential commitment placement.

111 (8) "Child in need of services" means a child for whom
 112 there is no pending investigation into an allegation or

113 suspicion of abuse, neglect, or abandonment; no pending referral
 114 alleging the child is delinquent; or no current supervision by
 115 the department ~~of Juvenile Justice~~ or the Department of Children
 116 and Family Services for an adjudication of dependency or
 117 delinquency. The child must also, under ~~pursuant to~~ this
 118 chapter, be found by the court:

119 (a) To have persistently run away from the child's parents
 120 or legal custodians despite reasonable efforts of the child, the
 121 parents or legal custodians, and appropriate agencies to remedy
 122 the conditions contributing to the behavior. Reasonable efforts
 123 shall include voluntary participation by the child's parents or
 124 legal custodians and the child in family mediation, services,
 125 and treatment offered by the department ~~of Juvenile Justice~~ or
 126 the Department of Children and Family Services;

127 (b) To be habitually truant from school, while subject to
 128 compulsory school attendance, despite reasonable efforts to
 129 remedy the situation under ~~pursuant to~~ ss. 1003.26 and 1003.27
 130 and through voluntary participation by the child's parents or
 131 legal custodians and by the child in family mediation, services,
 132 and treatment offered by the department ~~of Juvenile Justice~~ or
 133 the Department of Children and Family Services; or

134 (c) To have persistently disobeyed the reasonable and
 135 lawful demands of the child's parents or legal custodians, and
 136 to be beyond their control despite efforts by the child's
 137 parents or legal custodians and appropriate agencies to remedy
 138 the conditions contributing to the behavior. Reasonable efforts
 139 may include such things as good faith participation in family or
 140 individual counseling.

141 (9) "Child who has been found to have committed a
142 delinquent act" means a child who, under ~~pursuant to the~~
143 ~~provisions of~~ this chapter, is found by a court to have
144 committed a violation of law or to be in direct or indirect
145 contempt of court, except that this definition does ~~shall~~ not
146 include an act constituting contempt of court arising out of a
147 dependency proceeding or a proceeding under ~~pursuant to~~ part III
148 ~~of this chapter.~~

149 (10) "Child support" means a court-ordered obligation,
150 enforced under chapter 61 and ss. 409.2551-409.2597, for
151 monetary support for the care, maintenance, training, and
152 education of a child.

153 (11) "Circuit" means any of the 20 judicial circuits as
154 set forth in s. 26.021.

155 (12) "Comprehensive assessment" or "assessment" means the
156 gathering of information for the evaluation of a juvenile
157 offender's or a child's physical, psychological, educational,
158 vocational, and social condition and family environment as they
159 relate to the child's need for rehabilitative and treatment
160 services, including substance abuse treatment services, mental
161 health services, developmental services, literacy services,
162 medical services, family services, and other specialized
163 services, as appropriate.

164 (13) "Conditional release" means the care, treatment,
165 help, and supervision provided to a juvenile released from a
166 residential commitment program which is intended to promote
167 rehabilitation and prevent recidivism. The purpose of
168 conditional release is to protect the public, reduce recidivism,

169 increase responsible productive behavior, and provide for a
 170 successful transition of the youth from the department to the
 171 family. Conditional release includes, but is not limited to,
 172 nonresidential community-based programs.

173 (14) "Court," unless otherwise expressly stated, means the
 174 circuit court assigned to exercise jurisdiction under this
 175 chapter.

176 (15) "Day treatment" means a nonresidential, community-
 177 based program designed to provide therapeutic intervention to
 178 youth who are placed on probation or conditional release or are
 179 committed to the minimum-risk nonresidential level. A day
 180 treatment program may provide educational and vocational
 181 services, and shall provide case management services;
 182 individual, group, and family counseling; training designed to
 183 address delinquency risk factors; and monitoring of a youth's
 184 compliance with, and facilitation of a youth's completion of,
 185 sanctions if ordered by the court. Program types may include,
 186 but are not limited to, career programs, marine programs,
 187 juvenile justice alternative schools, training and
 188 rehabilitation programs, and gender-specific programs.

189 ~~(16)~~~~(15)~~(a) "Delinquency program" means any intake,
 190 probation, or similar program; regional detention center or
 191 facility; or community-based program, whether owned and operated
 192 by or contracted by the department of ~~Juvenile Justice~~, or
 193 institution owned and operated by or contracted by the
 194 department of ~~Juvenile Justice~~, that ~~which~~ provides intake,
 195 supervision, or custody and care of children who are alleged to
 196 be or who have been found to be delinquent under ~~pursuant to~~

197 part II.

198 (b) "Delinquency program staff" means supervisory and
 199 direct care staff of a delinquency program as well as support
 200 staff who have direct contact with children in a delinquency
 201 program.

202 (c) "Delinquency prevention programs" means programs
 203 designed for the purpose of reducing the occurrence of
 204 delinquency, including youth and street gang activity, and
 205 juvenile arrests. The term excludes arbitration, diversionary or
 206 mediation programs, and community service work or other
 207 treatment available subsequent to a child committing a
 208 delinquent act.

209 (17)~~(16)~~ "Department" means the Department of Juvenile
 210 Justice.

211 (18)~~(17)~~ "Designated facility" or "designated treatment
 212 facility" means any facility designated by the department of
 213 ~~Juvenile Justice~~ to provide treatment to juvenile offenders.

214 (19)~~(18)~~ "Detention care" means the temporary care of a
 215 child in secure, nonsecure, or home detention, pending a court
 216 adjudication or disposition or execution of a court order. There
 217 are three types of detention care, as follows:

218 (a) "Secure detention" means temporary custody of the
 219 child while the child is under the physical restriction of a
 220 detention center or facility pending adjudication, disposition,
 221 or placement.

222 (b) "Nonsecure detention" means temporary custody of the
 223 child while the child is in a residential home in the community
 224 in a physically nonrestrictive environment under the supervision

225 of the department ~~of Juvenile Justice~~ pending adjudication,
 226 disposition, or placement.

227 (c) "Home detention" means temporary custody of the child
 228 while the child is released to the custody of the parent,
 229 guardian, or custodian in a physically nonrestrictive
 230 environment under the supervision of the department ~~of Juvenile~~
 231 ~~Justice~~ staff pending adjudication, disposition, or placement.

232 (20)~~(19)~~ "Detention center or facility" means a facility
 233 used pending court adjudication or disposition or execution of
 234 court order for the temporary care of a child alleged or found
 235 to have committed a violation of law. A detention center or
 236 facility may provide secure or nonsecure custody. A facility
 237 used for the commitment of adjudicated delinquents shall not be
 238 considered a detention center or facility.

239 (21)~~(20)~~ "Detention hearing" means a hearing for the court
 240 to determine if a child should be placed in temporary custody,
 241 as provided for under ss. 985.213 and 985.215 in delinquency
 242 cases.

243 (22)~~(21)~~ "Disposition hearing" means a hearing in which
 244 the court determines the most appropriate dispositional services
 245 in the least restrictive available setting provided for under s.
 246 985.231, in delinquency cases.

247 (23)~~(22)~~ "Family" means a collective of persons,
 248 consisting of a child and a parent, guardian, adult custodian,
 249 or adult relative, in which:

250 (a) The persons reside in the same house or living unit;

251 or

252 (b) The parent, guardian, adult custodian, or adult

253 relative has a legal responsibility by blood, marriage, or court
254 order to support or care for the child.

255 (24)~~(23)~~ "Family in need of services" means a family that
256 has a child for whom there is no pending investigation into an
257 allegation of abuse, neglect, or abandonment or no current
258 supervision by the department ~~of Juvenile Justice~~ or the
259 Department of Children and Family Services for an adjudication
260 of dependency or delinquency. The child must also have been
261 referred to a law enforcement agency or the department ~~of~~
262 ~~Juvenile Justice~~ for:

- 263 (a) Running away from parents or legal custodians;
264 (b) Persistently disobeying reasonable and lawful demands
265 of parents or legal custodians, and being beyond their control;
266 or
267 (c) Habitual truancy from school.

268 (25)~~(24)~~ "Foster care" means care provided a child in a
269 foster family or boarding home, group home, agency boarding
270 home, child care institution, or any combination thereof.

271 (26)~~(25)~~ "Habitually truant" means that:

- 272 (a) The child has 15 unexcused absences within 90 calendar
273 days with or without the knowledge or justifiable consent of the
274 child's parent or legal guardian, is subject to compulsory
275 school attendance under s. 1003.21(1) and (2)(a), and is not
276 exempt under s. 1003.21(3), s. 1003.24, or any other exemptions
277 specified by law or the rules of the State Board of Education.
278 (b) Escalating activities to determine the cause, and to
279 attempt the remediation, of the child's truant behavior under
280 ss. 1003.26 and 1003.27 have been completed.

281
282 If a child who is subject to compulsory school attendance is
283 responsive to the interventions described in ss. 1003.26 and
284 1003.27 and has completed the necessary requirements to pass the
285 current grade as indicated in the district pupil progression
286 plan, the child shall not be determined to be habitually truant
287 and shall be passed. If a child within the compulsory school
288 attendance age has 15 unexcused absences within 90 calendar days
289 or fails to enroll in school, the state attorney may file a
290 child-in-need-of-services petition. Before ~~Prior to~~ filing a
291 petition, the child must be referred to the appropriate agency
292 for evaluation. After consulting with the evaluating agency, the
293 state attorney may elect to file a child-in-need-of-services
294 petition.

295 (c) A school representative, designated according to
296 school board policy, and a juvenile probation officer of the
297 department ~~of Juvenile Justice~~ have jointly investigated the
298 truancy problem or, if that was not feasible, have performed
299 separate investigations to identify conditions that could be
300 contributing to the truant behavior; and if, after a joint
301 staffing of the case to determine the necessity for services,
302 such services were determined to be needed, the persons who
303 performed the investigations met jointly with the family and
304 child to discuss any referral to appropriate community agencies
305 for economic services, family or individual counseling, or other
306 services required to remedy the conditions that are contributing
307 to the truant behavior.

308 (d) The failure or refusal of the parent or legal guardian

309 or the child to participate, or make a good faith effort to
 310 participate, in the activities prescribed to remedy the truant
 311 behavior, or the failure or refusal of the child to return to
 312 school after participation in activities required by this
 313 subsection, or the failure of the child to stop the truant
 314 behavior after the school administration and the department of
 315 ~~Juvenile Justice~~ have worked with the child as described in s.
 316 1003.27(3) shall be handled as prescribed in s. 1003.27.

317 (27)~~(26)~~ "Halfway house" means a community-based
 318 residential program for 10 or more committed delinquents at the
 319 moderate-risk commitment level which is operated or contracted
 320 by the department of ~~Juvenile Justice~~.

321 (28)~~(27)~~ "Intake" means the initial acceptance and
 322 screening by the department of ~~Juvenile Justice~~ of a complaint
 323 or a law enforcement report or probable cause affidavit of
 324 delinquency, family in need of services, or child in need of
 325 services to determine the recommendation to be taken in the best
 326 interests of the child, the family, and the community. The
 327 emphasis of intake is on diversion and the least restrictive
 328 available services. Consequently, intake includes such
 329 alternatives as:

330 (a) The disposition of the complaint, report, or probable
 331 cause affidavit without court or public agency action or
 332 judicial handling when appropriate.

333 (b) The referral of the child to another public or private
 334 agency when appropriate.

335 (c) The recommendation by the juvenile probation officer
 336 of judicial handling when appropriate and warranted.

337 (29)~~(28)~~ "Judge" means the circuit judge exercising
 338 jurisdiction pursuant to this chapter.

339 (30)~~(29)~~ "Juvenile justice continuum" includes, but is not
 340 limited to, delinquency prevention programs and services
 341 designed for the purpose of preventing or reducing delinquent
 342 acts, including criminal activity by youth gangs, and juvenile
 343 arrests, as well as programs and services targeted at children
 344 who have committed delinquent acts, and children who have
 345 previously been committed to residential treatment programs for
 346 delinquents. The term includes children-in-need-of-services and
 347 families-in-need-of-services programs; conditional release;
 348 substance abuse and mental health programs; educational and
 349 career programs; recreational programs; community services
 350 programs; community service work programs; and alternative
 351 dispute resolution programs serving children at risk of
 352 delinquency and their families, whether offered or delivered by
 353 state or local governmental entities, public or private for-
 354 profit or not-for-profit organizations, or religious or
 355 charitable organizations.

356 (31)~~(30)~~ "Juvenile probation officer" means the authorized
 357 agent of the department of ~~Juvenile Justice~~ who performs the
 358 intake, case management, or supervision functions.

359 (32)~~(31)~~ "Juvenile sexual offender" means:

360 (a) A juvenile who has been found by the court under
 361 ~~pursuant to~~ s. 985.228 to have committed a violation of chapter
 362 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133;

363 (b) A juvenile found to have committed any felony
 364 violation of law or delinquent act involving juvenile sexual

365 | abuse. "Juvenile sexual abuse" means any sexual behavior that
 366 | ~~which~~ occurs without consent, without equality, or as a result
 367 | of coercion. For purposes of this subsection, the following
 368 | definitions apply:

369 | 1. "Coercion" means the exploitation of authority, use of
 370 | bribes, threats of force, or intimidation to gain cooperation or
 371 | compliance.

372 | 2. "Equality" means two participants operating with the
 373 | same level of power in a relationship, neither being controlled
 374 | nor coerced by the other.

375 | 3. "Consent" means an agreement including all of the
 376 | following:

377 | a. Understanding what is proposed based on age, maturity,
 378 | developmental level, functioning, and experience.

379 | b. Knowledge of societal standards for what is being
 380 | proposed.

381 | c. Awareness of potential consequences and alternatives.

382 | d. Assumption that agreement or disagreement will be
 383 | accepted equally.

384 | e. Voluntary decision.

385 | f. Mental competence.

386 |
 387 | Juvenile sexual offender behavior ranges from noncontact sexual
 388 | behavior such as making obscene phone calls, exhibitionism,
 389 | voyeurism, and the showing or taking of lewd photographs to
 390 | varying degrees of direct sexual contact, such as frottage,
 391 | fondling, digital penetration, rape, fellatio, sodomy, and
 392 | various other sexually aggressive acts.

393 (33)~~(32)~~ "Legal custody or guardian" means a legal status
 394 created by court order or letter of guardianship which vests in
 395 a custodian of the person or guardian, whether an agency or an
 396 individual, the right to have physical custody of the child and
 397 the right and duty to protect, train, and discipline the child
 398 and to provide him or her with food, shelter, education, and
 399 ordinary medical, dental, psychiatric, and psychological care.

400 (34)~~(33)~~ "Licensed child-caring agency" means a person,
 401 society, association, or agency licensed by the Department of
 402 Children and Family Services to care for, receive, and board
 403 children.

404 (35)~~(34)~~ "Licensed health care professional" means a
 405 physician licensed under chapter 458, an osteopathic physician
 406 licensed under chapter 459, a nurse licensed under part I of
 407 chapter 464, a physician assistant licensed under chapter 458 or
 408 chapter 459, or a dentist licensed under chapter 466.

409 (36)~~(35)~~ "Likely to injure oneself" means that, as
 410 evidenced by violent or other actively self-destructive
 411 behavior, it is more likely than not that within a 24-hour
 412 period the child will attempt to commit suicide or inflict
 413 serious bodily harm on himself or herself.

414 (37)~~(36)~~ "Likely to injure others" means that it is more
 415 likely than not that within a 24-hour period the child will
 416 inflict serious and unjustified bodily harm on another person.

417 (38)~~(37)~~ "Mediation" means a process whereby a neutral
 418 third person called a mediator acts to encourage and facilitate
 419 the resolution of a dispute between two or more parties. It is
 420 an informal and nonadversarial process with the objective of

421 helping the disputing parties reach a mutually acceptable and
422 voluntary agreement. In mediation, decisionmaking authority
423 rests with the parties. The role of the mediator includes, but
424 is not limited to, assisting the parties in identifying issues,
425 fostering joint problem solving, and exploring settlement
426 alternatives.

427 (39)~~(38)~~ "Necessary medical treatment" means care which is
428 necessary within a reasonable degree of medical certainty to
429 prevent the deterioration of a child's condition or to alleviate
430 immediate pain of a child.

431 (40)~~(39)~~ "Next of kin" means an adult relative of a child
432 who is the child's brother, sister, grandparent, aunt, uncle, or
433 first cousin.

434 (41)~~(40)~~ "Parent" means a woman who gives birth to a child
435 and a man whose consent to the adoption of the child would be
436 required under s. 63.062(1). If a child has been legally
437 adopted, the term "parent" means the adoptive mother or father
438 of the child. The term does not include an individual whose
439 parental relationship to the child has been legally terminated,
440 or an alleged or prospective parent, unless the parental status
441 falls within the terms of either s. 39.503(1) or s. 63.062(1).

442 (42)~~(41)~~ "Preliminary screening" means the gathering of
443 preliminary information to be used in determining a child's need
444 for further evaluation or assessment or for referral for other
445 substance abuse services through means such as psychosocial
446 interviews; urine and breathalyzer screenings; and reviews of
447 available educational, delinquency, and dependency records of
448 the child.

449 (43)~~(42)~~ "Preventive services" means social services and
 450 other supportive and rehabilitative services provided to the
 451 parent of the child, the legal guardian of the child, or the
 452 custodian of the child and to the child for the purpose of
 453 averting the removal of the child from the home or disruption of
 454 a family that ~~which~~ will or could result in the placement of a
 455 child in foster care. Social services and other supportive and
 456 rehabilitative services shall promote the child's need for a
 457 safe, continuous, stable living environment and shall promote
 458 family autonomy and shall strengthen family life as the first
 459 priority whenever possible.

460 (44)~~(43)~~ "Probation" means the legal status of probation
 461 created by law and court order in cases involving a child who
 462 has been found to have committed a delinquent act. Probation is
 463 an individualized program in which the freedom of the child is
 464 limited and the child is restricted to noninstitutional quarters
 465 or restricted to the child's home in lieu of commitment to the
 466 custody of the department ~~of Juvenile Justice~~. Youth on
 467 probation may be assessed and classified for placement in day-
 468 treatment probation programs designed for youth who represent a
 469 minimum risk to themselves and public safety and do not require
 470 placement and services in a residential setting. ~~Program types~~
 471 ~~in this more intensive and structured day-treatment probation~~
 472 ~~option include career programs, marine programs, juvenile~~
 473 ~~justice alternative schools, training and rehabilitation~~
 474 ~~programs, and gender-specific programs.~~

475 (45)~~(44)~~ "Relative" means a grandparent, great-
 476 grandparent, sibling, first cousin, aunt, uncle, great-aunt,

477 great-uncle, niece, or nephew, whether related by the whole or
 478 half blood, by affinity, or by adoption. The term does not
 479 include a stepparent.

480 ~~(46)(45)~~ "Restrictiveness Residential Commitment level"
 481 means the level of programming and security provided by programs
 482 that service the supervision, custody, care, and treatment needs
 483 of committed children. Sections 985.3141 and 985.404(11) apply
 484 to children placed in programs at any residential commitment
 485 level. The restrictiveness levels of ~~residential~~ commitment are
 486 as follows:

487 (a) Minimum-risk nonresidential.--Programs or program
 488 models at this commitment level work with youth who remain in
 489 the community and participate at least 5 days per week in a day
 490 treatment program. Youth assessed and classified for programs at
 491 this commitment level represent a minimum risk to themselves and
 492 public safety and do not require placement and services in
 493 residential settings. Youth in this level have full access to,
 494 and reside in, the community. Youth who have been found to have
 495 committed delinquent acts that involve firearms, delinquent acts
 496 that are sexual offenses, or delinquent acts that would be life
 497 felonies or first degree felonies if committed by an adult shall
 498 not be committed to a program at this level.

499 (b)(a) Low-risk residential.--Programs or program models
 500 at this commitment level are residential but may allow youth to
 501 have unsupervised access to the community. Youth assessed and
 502 classified for placement in programs at this commitment level
 503 represent a low risk to themselves and public safety but do
 504 require placement and services in residential settings. Children

505 | who have been found to have committed delinquent acts that
 506 | involve firearms, delinquent acts that are sexual offenses, or
 507 | delinquent acts that would be life felonies or first degree
 508 | felonies if committed by an adult shall not be committed to a
 509 | program at this level.

510 | ~~(c)(b)~~ Moderate-risk residential.--Programs or program
 511 | models at this commitment level are residential but may allow
 512 | youth to have supervised access to the community. Facilities are
 513 | either environmentally secure, staff secure, or are hardware-
 514 | secure with walls, fencing, or locking doors. Facilities shall
 515 | provide 24-hour awake supervision, custody, care, and treatment
 516 | of residents. Youth assessed and classified for placement in
 517 | programs at this commitment level represent a moderate risk to
 518 | public safety and require close supervision. The staff at a
 519 | facility at this commitment level may seclude a child who is a
 520 | physical threat to himself or herself or others. Mechanical
 521 | restraint may also be used when necessary.

522 | ~~(d)(e)~~ High-risk residential.--Programs or program models
 523 | at this commitment level are residential and do ~~shall~~ not allow
 524 | youth to have access to the community except that temporary
 525 | release providing community access for up to 72 continuous hours
 526 | for a youth who has made successful progress in his or her
 527 | program may be approved by a court in order to attend a family
 528 | emergency or, during the final 120 days of his or her placement,
 529 | to visit his or her home, enroll in school or a vocational
 530 | program, complete a job interview, or participate in a community
 531 | service project. High-risk residential facilities are hardware-
 532 | secure with perimeter fencing and locking doors. Facilities

533 shall provide 24-hour awake supervision, custody, care, and
 534 treatment of residents. Youth assessed and classified for this
 535 level of placement require close supervision in a structured
 536 residential setting. Placement in programs at this level is
 537 prompted by a concern for public safety that outweighs placement
 538 in programs at lower commitment levels. The staff at a facility
 539 at this commitment level may seclude a child who is a physical
 540 threat to himself or herself or others. Mechanical restraint may
 541 also be used when necessary. The facility may provide for single
 542 cell occupancy.

543 (e)~~(d)~~ Maximum-risk residential.--Programs or program
 544 models at this commitment level include juvenile correctional
 545 facilities and juvenile prisons. The programs are long-term
 546 residential and do ~~shall~~ not allow youth to have access to the
 547 community. Facilities are maximum-custody hardware-secure with
 548 perimeter security fencing and locking doors. Facilities shall
 549 provide 24-hour awake supervision, custody, care, and treatment
 550 of residents. The staff at a facility at this commitment level
 551 may seclude a child who is a physical threat to himself or
 552 herself or others. Mechanical restraint may also be used when
 553 necessary. The facility shall provide for single cell occupancy,
 554 except that youth may be housed together during prerelease
 555 transition. Youth assessed and classified for this level of
 556 placement require close supervision in a maximum security
 557 residential setting. Placement in a program at this level is
 558 prompted by a demonstrated need to protect the public.

559 (47)~~(46)~~ "Respite" means a placement that is available for
 560 the care, custody, and placement of a youth charged with

561 domestic violence as an alternative to secure detention or for
 562 placement of a youth when a shelter bed for a child in need of
 563 services or a family in need of services is unavailable.

564 (48)~~(47)~~ "Secure detention center or facility" means a
 565 physically restricting facility for the temporary care of
 566 children, pending adjudication, disposition, or placement.

567 (49)~~(48)~~ "Serious or habitual juvenile offender," for
 568 purposes of commitment to a residential facility and for
 569 purposes of records retention, means a child who has been found
 570 to have committed a delinquent act or a violation of law, in the
 571 case currently before the court, and who meets at least one of
 572 the following criteria:

573 (a) The youth is at least 13 years of age at the time of
 574 the disposition for the current offense and has been adjudicated
 575 on the current offense for:

- 576 1. Arson;
- 577 2. Sexual battery;
- 578 3. Robbery;
- 579 4. Kidnapping;
- 580 5. Aggravated child abuse;
- 581 6. Aggravated assault;
- 582 7. Aggravated stalking;
- 583 8. Murder;
- 584 9. Manslaughter;
- 585 10. Unlawful throwing, placing, or discharging of a
 586 destructive device or bomb;
- 587 11. Armed burglary;
- 588 12. Aggravated battery;

589 13. Any lewd or lascivious offense committed upon or in
590 the presence of a person less than 16 years of age; or

591 14. Carrying, displaying, using, threatening, or
592 attempting to use a weapon or firearm during the commission of a
593 felony.

594 (b) The youth is at least 13 years of age at the time of
595 the disposition, the current offense is a felony, and the child
596 has previously been committed at least two times to a
597 delinquency commitment program.

598 (c) The youth is at least 13 years of age and is currently
599 committed for a felony offense and transferred from a moderate-
600 risk or high-risk residential commitment placement.

601 (50)~~(49)~~ "Serious or habitual juvenile offender program"
602 means the program established in s. 985.31.

603 (51)~~(50)~~ "Shelter" means a place for the temporary care of
604 a child who is alleged to be or who has been found to be
605 delinquent.

606 (52)~~(51)~~ "Shelter hearing" means a hearing provided for
607 under s. 984.14 in family-in-need-of-services cases or child-in-
608 need-of-services cases.

609 (53)~~(52)~~ "Staff-secure shelter" means a facility in which
610 a child is supervised 24 hours a day by staff members who are
611 awake while on duty. The facility is for the temporary care and
612 assessment of a child who has been found to be dependent, who
613 has violated a court order and been found in contempt of court,
614 or whom the Department of Children and Family Services is unable
615 to properly assess or place for assistance within the continuum
616 of services provided for dependent children.

617 ~~(54)(53)~~ "Substance abuse" means using, without medical
 618 reason, any psychoactive or mood-altering drug, including
 619 alcohol, in such a manner as to induce impairment resulting in
 620 dysfunctional social behavior.

621 ~~(55)(54)~~ "Taken into custody" means the status of a child
 622 immediately when temporary physical control over the child is
 623 attained by a person authorized by law, pending the child's
 624 release, detention, placement, or other disposition as
 625 authorized by law.

626 ~~(56)(55)~~ "Temporary legal custody" means the relationship
 627 that a juvenile court creates between a child and an adult
 628 relative of the child, adult nonrelative approved by the court,
 629 or other person until a more permanent arrangement is ordered.
 630 Temporary legal custody confers upon the custodian the right to
 631 have temporary physical custody of the child and the right and
 632 duty to protect, train, and discipline the child and to provide
 633 the child with food, shelter, and education, and ordinary
 634 medical, dental, psychiatric, and psychological care, unless
 635 these rights and duties are otherwise enlarged or limited by the
 636 court order establishing the temporary legal custody
 637 relationship.

638 ~~(57)(56)~~ "Temporary release" means the terms and
 639 conditions under which a child is temporarily released from a
 640 residential commitment facility or allowed home visits. If the
 641 temporary release is from a moderate-risk residential facility,
 642 a high-risk residential facility, or a maximum-risk residential
 643 facility, the terms and conditions of the temporary release must
 644 be approved by the child, the court, and the facility. The term

645 includes periods during which the child is supervised pursuant
 646 to a conditional release program or a period during which the
 647 child is supervised by a juvenile probation officer or other
 648 nonresidential staff of the department or staff employed by an
 649 entity under contract with the department.

650 (58)~~(57)~~ "Training school" means one of the following
 651 facilities: the Arthur G. Dozier School or the Eckerd Youth
 652 Development Center.

653 (59)~~(58)~~ "Violation of law" or "delinquent act" means a
 654 violation of any law of this state, the United States, or any
 655 other state which is a misdemeanor or a felony or a violation of
 656 a county or municipal ordinance which would be punishable by
 657 incarceration if the violation were committed by an adult.

658 (60)~~(59)~~ "Waiver hearing" means a hearing provided for
 659 under s. 985.226(3).

660 Section 2. Paragraph (d) of subsection (1) of section
 661 985.207, Florida Statutes, is amended to read:

662 985.207 Taking a child into custody.--

663 (1) A child may be taken into custody under the following
 664 circumstances:

665 (d) By a law enforcement officer who has probable cause to
 666 believe that the child is in violation of the conditions of the
 667 child's probation, home detention, postcommitment probation, or
 668 conditional release supervision or has escaped in violation of
 669 s. 985.3141 ~~from commitment~~.

670
 671 Nothing in this subsection shall be construed to allow the
 672 detention of a child who does not meet the detention criteria in

673 s. 985.215.

674 Section 3. Subsection (1) of section 985.208, Florida
675 Statutes, is amended to read:

676 985.208 Detention of escapee on authority of the
677 department.--

678 (1) If an authorized agent of the department has
679 reasonable grounds to believe that any delinquent child
680 committed to the department has escaped from a residential
681 commitment facility of the department or from being lawfully
682 transported thereto or therefrom, the agent may take the child
683 into active custody and may deliver the child to the facility
684 or, if it is closer, to a detention center for return to the
685 facility. However, a child may not be held in detention longer
686 than 24 hours, excluding Saturdays, Sundays, and legal holidays,
687 unless a special order so directing is made by the judge after a
688 detention hearing resulting in a finding that detention is
689 required based on the criteria in s. 985.215(2). The order shall
690 state the reasons for such finding. The reasons shall be
691 reviewable by appeal or in habeas corpus proceedings in the
692 district court of appeal.

693 Section 4. Paragraphs (a) and (d) of subsection (1) and
694 subsection (2) of section 985.231, Florida Statutes, are amended
695 to read:

696 985.231 Powers of disposition in delinquency cases.--

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

701 1. Place the child in a probation program or a
 702 postcommitment probation program under the supervision of an
 703 authorized agent of the department ~~of Juvenile Justice~~ or of any
 704 other person or agency specifically authorized and appointed by
 705 the court, whether in the child's own home, in the home of a
 706 relative of the child, or in some other suitable place under
 707 such reasonable conditions as the court may direct. A probation
 708 program for an adjudicated delinquent child must include a
 709 penalty component such as restitution in money or in kind,
 710 community service, a curfew, revocation or suspension of the
 711 driver's license of the child, or other nonresidential
 712 punishment appropriate to the offense and must also include a
 713 rehabilitative program component such as a requirement of
 714 participation in substance abuse treatment or in school or other
 715 educational program. If the child is attending or is eligible to
 716 attend public school and the court finds that the victim or a
 717 sibling of the victim in the case is attending or may attend the
 718 same school as the child, the court placement order shall
 719 include a finding pursuant to the proceedings described in s.
 720 985.23(1)(d). Upon the recommendation of the department at the
 721 time of disposition, or subsequent to disposition pursuant to
 722 the filing of a petition alleging a violation of the child's
 723 conditions of postcommitment probation, the court may order the
 724 child to submit to random testing for the purpose of detecting
 725 and monitoring the use of alcohol or controlled substances.

726 a. A ~~restrictiveness level~~ classification scale for levels
 727 of supervision shall be provided by the department, taking into
 728 account the child's needs and risks relative to probation

729 supervision requirements to reasonably ensure the public safety.
 730 Probation programs for children shall be supervised by the
 731 department or by any other person or agency specifically
 732 authorized by the court. These programs must include, but are
 733 not limited to, structured or restricted activities as described
 734 in this subparagraph, and shall be designed to encourage the
 735 child toward acceptable and functional social behavior. If
 736 supervision or a program of community service is ordered by the
 737 court, the duration of such supervision or program must be
 738 consistent with any treatment and rehabilitation needs
 739 identified for the child and may not exceed the term for which
 740 sentence could be imposed if the child were committed for the
 741 offense, except that the duration of such supervision or program
 742 for an offense that is a misdemeanor of the second degree, or is
 743 equivalent to a misdemeanor of the second degree, may be for a
 744 period not to exceed 6 months. When restitution is ordered by
 745 the court, the amount of restitution may not exceed an amount
 746 the child and the parent or guardian could reasonably be
 747 expected to pay or make. A child who participates in any work
 748 program under this part is considered an employee of the state
 749 for purposes of liability, unless otherwise provided by law.

750 b. The court may conduct judicial review hearings for a
 751 child placed on probation for the purpose of fostering
 752 accountability to the judge and compliance with other
 753 requirements, such as restitution and community service. The
 754 court may allow early termination of probation for a child who
 755 has substantially complied with the terms and conditions of
 756 probation.

757 c. If the conditions of the probation program or the
758 postcommitment probation program are violated, the department or
759 the state attorney may bring the child before the court on a
760 petition alleging a violation of the program. Any child who
761 violates the conditions of probation or postcommitment probation
762 must be brought before the court if sanctions are sought. A
763 child taken into custody under s. 985.207 for violating the
764 conditions of probation or postcommitment probation shall be
765 held in a consequence unit if such a unit is available. The
766 child shall be afforded a hearing within 24 hours after being
767 taken into custody to determine the existence of probable cause
768 that the child violated the conditions of probation or
769 postcommitment probation. A consequence unit is a secure
770 facility specifically designated by the department for children
771 who are taken into custody under s. 985.207 for violating
772 probation or postcommitment probation, or who have been found by
773 the court to have violated the conditions of probation or
774 postcommitment probation. If the violation involves a new charge
775 of delinquency, the child may be detained under s. 985.215 in a
776 facility other than a consequence unit. If the child is not
777 eligible for detention for the new charge of delinquency, the
778 child may be held in the consequence unit pending a hearing and
779 is subject to the time limitations specified in s. 985.215. If
780 the child denies violating the conditions of probation or
781 postcommitment probation, the court shall appoint counsel to
782 represent the child at the child's request. Upon the child's
783 admission, or if the court finds after a hearing that the child
784 has violated the conditions of probation or postcommitment

785 probation, the court shall enter an order revoking, modifying,
 786 or continuing probation or postcommitment probation. In each
 787 such case, the court shall enter a new disposition order and, in
 788 addition to the sanctions set forth in this paragraph, may
 789 impose any sanction the court could have imposed at the original
 790 disposition hearing. If the child is found to have violated the
 791 conditions of probation or postcommitment probation, the court
 792 may:

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

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

799 (III) Modify or continue the child's probation program or
 800 postcommitment probation program.

801 (IV) Revoke probation or postcommitment probation and
 802 commit the child to the department.

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

808 2. Commit the child to a licensed child-caring agency
 809 willing to receive the child, but the court may not commit the
 810 child to a jail or to a facility used primarily as a detention
 811 center or facility or shelter.

812 3. Commit the child to the department ~~of Juvenile Justice~~

813 at a restrictiveness ~~residential commitment~~ level defined in s.
 814 985.03. Such commitment must be for the purpose of exercising
 815 active control over the child, including, but not limited to,
 816 custody, care, training, urine monitoring, and treatment of the
 817 child and release of the child from residential commitment into
 818 the community in a postcommitment nonresidential conditional
 819 release program. If the child is eligible to attend public
 820 school following ~~residential~~ commitment and the court finds that
 821 the victim or a sibling of the victim in the case is or may be
 822 attending the same school as the child, the commitment order
 823 shall include a finding pursuant to the proceedings described in
 824 s. 985.23(1)(d). If the child is not successful in the
 825 conditional release program, the department may use the transfer
 826 procedure under s. 985.404. Notwithstanding s. 743.07 and
 827 paragraph (d), and except as provided in s. 985.31, the term of
 828 the commitment must be until the child is discharged by the
 829 department or until he or she reaches the age of 21.

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

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

834 6. As part of the probation program to be implemented by
 835 the department ~~of Juvenile Justice~~, or, in the case of a
 836 committed child, as part of the community-based sanctions
 837 ordered by the court at the disposition hearing or before the
 838 child's release from commitment, order the child to make
 839 restitution in money, through a promissory note cosigned by the
 840 child's parent or guardian, or in kind for any damage or loss

841 caused by the child's offense in a reasonable amount or manner
842 to be determined by the court. The clerk of the circuit court
843 shall be the receiving and dispensing agent. In such case, the
844 court shall order the child or the child's parent or guardian to
845 pay to the office of the clerk of the circuit court an amount
846 not to exceed the actual cost incurred by the clerk as a result
847 of receiving and dispensing restitution payments. The clerk
848 shall notify the court if restitution is not made, and the court
849 shall take any further action that is necessary against the
850 child or the child's parent or guardian. A finding by the court,
851 after a hearing, that the parent or guardian has made diligent
852 and good faith efforts to prevent the child from engaging in
853 delinquent acts absolves the parent or guardian of liability for
854 restitution under this subparagraph.

855 7. Order the child and, if the court finds it appropriate,
856 the child's parent or guardian together with the child, to
857 participate in a community work project, either as an
858 alternative to monetary restitution or as part of the
859 rehabilitative or probation program.

860 8. Commit the child to the department ~~of Juvenile Justice~~
861 for placement in a program or facility for serious or habitual
862 juvenile offenders in accordance with s. 985.31. Any commitment
863 of a child to a program or facility for serious or habitual
864 juvenile offenders must be for an indeterminate period of time,
865 but the time may not exceed the maximum term of imprisonment
866 that an adult may serve for the same offense. The court may
867 retain jurisdiction over such child until the child reaches the
868 age of 21, specifically for the purpose of the child completing

869 the program.

870 9. In addition to the sanctions imposed on the child,
871 order the parent or guardian of the child to perform community
872 service if the court finds that the parent or guardian did not
873 make a diligent and good faith effort to prevent the child from
874 engaging in delinquent acts. The court may also order the parent
875 or guardian to make restitution in money or in kind for any
876 damage or loss caused by the child's offense. The court shall
877 determine a reasonable amount or manner of restitution, and
878 payment shall be made to the clerk of the circuit court as
879 provided in subparagraph 6.

880 10. Subject to specific appropriation, commit the juvenile
881 sexual offender to the department ~~of Juvenile Justice~~ for
882 placement in a program or facility for juvenile sexual offenders
883 in accordance with s. 985.308. Any commitment of a juvenile
884 sexual offender to a program or facility for juvenile sexual
885 offenders must be for an indeterminate period of time, but the
886 time may not exceed the maximum term of imprisonment that an
887 adult may serve for the same offense. The court may retain
888 jurisdiction over a juvenile sexual offender until the juvenile
889 sexual offender reaches the age of 21, specifically for the
890 purpose of completing the program.

891 (d) Any commitment of a delinquent child to the department
892 ~~of Juvenile Justice~~ must be for an indeterminate period of time,
893 which may include periods of temporary release; however, ~~but~~ the
894 period of time may not exceed the maximum term of imprisonment
895 that an adult may serve for the same offense, except that the
896 duration of a minimum-risk nonresidential commitment for an

897 offense that is a misdemeanor of the second degree, or is
898 equivalent to a misdemeanor of the second degree, may be for a
899 period not to exceed 6 months. The duration of the child's
900 placement in a ~~residential~~ commitment program of any
901 restrictiveness level shall be based on objective performance-
902 based treatment planning. The child's treatment plan progress
903 and adjustment-related issues shall be reported to the court
904 quarterly, unless the court requests monthly reports ~~each month~~.
905 The child's length of stay in a ~~residential~~ commitment program
906 may be extended if the child fails to comply with or participate
907 in treatment activities. The child's length of stay in such
908 program shall not be extended for purposes of sanction or
909 punishment. Any temporary release from the ~~such~~ program must be
910 approved by the court. Any child so committed may be discharged
911 from institutional confinement or a program upon the direction
912 of the department with the concurrence of the court. The child's
913 treatment plan progress and adjustment-related issues must be
914 communicated to the court at the time the department requests
915 the court to consider releasing the child from the ~~residential~~
916 commitment program. Notwithstanding s. 743.07 and this
917 subsection, and except as provided in ss. 985.201 and 985.31, a
918 child may not be held under a commitment from a court under
919 ~~pursuant to~~ this section after becoming 21 years of age. The
920 department shall give the court that committed the child to the
921 department reasonable notice, in writing, of its desire to
922 discharge the child from a commitment facility. The court that
923 committed the child may thereafter accept or reject the request.
924 If the court does not respond within 10 days after receipt of

925 the notice, the request of the department shall be deemed
 926 granted. This section does not limit the department's authority
 927 to revoke a child's temporary release status and return the
 928 child to a commitment facility for any violation of the terms
 929 and conditions of the temporary release.

930 (2) Following a delinquency adjudicatory hearing pursuant
 931 to s. 985.228 and a delinquency disposition hearing pursuant to
 932 s. 985.23 which results in a commitment determination, the court
 933 shall, on its own or upon request by the state or the
 934 department, determine whether the protection of the public
 935 requires that the child be placed in a program for serious or
 936 habitual juvenile offenders and whether the particular needs of
 937 the child would be best served by a program for serious or
 938 habitual juvenile offenders as provided in s. 985.31. The
 939 determination shall be made pursuant to ss. 985.03~~(49)~~~~(48)~~ and
 940 985.23(3).

941 Section 5. Paragraph (a) of subsection (1) of section
 942 985.2311, Florida Statutes, is amended to read:

943 985.2311 Cost of supervision; cost of care.--

944 (1) Except as provided in subsection (3) or subsection
 945 (4):

946 (a) When any child is placed into home detention,
 947 probation, or other supervision status with the department, or
 948 is committed to the minimum-risk nonresidential restrictiveness
 949 level of Juvenile Justice, the court shall order the parent of
 950 such child to pay to the department a fee for the cost of the
 951 supervision of such child in the amount of \$1 per day for each
 952 day that the child is in such ~~supervision~~ status.

953 Section 6. Subsection (3) of section 985.316, Florida
 954 Statutes, is amended to read:

955 985.316 Conditional release.--

956 (3) For juveniles referred or committed to the department,
 957 the function of the department may include, but shall not be
 958 limited to, assessing each ~~committed~~ juvenile placed in a
 959 residential commitment program to determine the need for
 960 conditional release services upon release from the a~~commitment~~
 961 program, supervising the juvenile when released into the
 962 community from a residential commitment facility of the
 963 department, providing such counseling and other services as may
 964 be necessary for the families and assisting their preparations
 965 for the return of the child. Subject to specific appropriation,
 966 the department shall provide for outpatient sexual offender
 967 counseling for any juvenile sexual offender released from a
 968 residential commitment program as a component of conditional
 969 release.

970 Section 7. Section 985.403, Florida Statutes, is repealed.

971 Section 8. Task Force on Juvenile Sexual Offenders and
 972 their Victims.--

973 (1) On or before August 1, 2005, the Department of
 974 Juvenile Justice shall create a task force to review and
 975 evaluate the state's laws that address juvenile sex offenders
 976 and the department's practices and procedures for serving these
 977 offenders and their victims. The task force shall make findings
 978 that include, but are not limited to, a profile of this state's
 979 juvenile sex offenders and of dispositions received by those
 980 offenders, identification of statutes that address these

981 offenders, identification of community-based and commitment
 982 programming available for these offenders and of such
 983 programming's effectiveness, the appropriateness and
 984 rehabilitative efficacy of placing these offenders in
 985 residential commitment programs, and identification of
 986 qualifications required for staff who serve these offenders.
 987 Based on its findings, the task force shall make recommendations
 988 for how the state's laws, policies, programs, and funding for
 989 juvenile sexual offenders may be improved.

990 (2) The Secretary of Juvenile Justice, or his or her
 991 designee, shall appoint up to 12 members to the task force. The
 992 task force shall be composed of representatives who shall
 993 include, but are not limited to: a circuit court judge with at
 994 least 1 year's experience in the juvenile division, a state
 995 attorney with at least 1 year's experience in the juvenile
 996 division, a public defender with at least 1 year's experience in
 997 the juvenile division, one representative of the Department of
 998 Juvenile Justice, two representatives of providers of juvenile
 999 sexual offender services, one member of the Florida Juvenile
 1000 Justice Association, one licensed sex offender therapist, and
 1001 one victim of a juvenile sexual offense.

1002 (3) The task force shall submit a written report of its
 1003 findings and recommendations to the Governor, the President of
 1004 the Senate, and the Speaker of the House of Representatives by
 1005 December 1, 2005.

1006 (4) Administrative support for the task force shall be
 1007 provided by the Department of Juvenile Justice. Members of the

1008 task force shall receive no salary and are not entitled to
 1009 reimbursement for travel and per diem expenses.

1010 (5) The task force shall be dissolved upon submission of
 1011 its report.

1012 Section 9. Task force to study certification for juvenile
 1013 justice provider staff.--

1014 (1) On or before August 1, 2005, the Department of
 1015 Juvenile Justice shall create a task force to study the
 1016 feasibility of establishing a certification process for staff
 1017 employed by a provider under contract with the Department of
 1018 Juvenile Justice to provide juvenile justice services to youth.

1019 (2) The Secretary of Juvenile Justice, or his or her
 1020 designee, shall appoint up to twelve 12 members to the task
 1021 force. The task force shall be composed of representatives who
 1022 shall include, but are not limited to, the following: two
 1023 representatives of the Department of Juvenile Justice, two
 1024 representatives of providers of juvenile justice services, two
 1025 members of the Florida Juvenile Justice Association, and two
 1026 representatives of the Florida Certification Board.

1027 (3) The task force shall consider the feasibility of
 1028 implementing and operating a certification system for staff who
 1029 work in juvenile justice facilities, services, or programs. At a
 1030 minimum, the task force shall consider, and make recommendations
 1031 concerning, per diem levels, the occupational levels of staff
 1032 subject to certification, the criteria that may be used to
 1033 certify staff, the levels of certification, and a process for
 1034 testing and validating the effectiveness of any recommended
 1035 staff certification system. In making its recommendations, the

1036 task force shall make findings regarding the benefits of a staff
 1037 certification system for the state's juvenile justice
 1038 programming and the cost to implement such a system.

1039 (4) The task force shall submit a written report of its
 1040 findings and recommendations to the Governor, the President of
 1041 the Senate, and the Speaker of the House of Representatives by
 1042 January 1, 2006.

1043 (5) Administrative support for the task force shall be
 1044 provided by the Department of Juvenile Justice. Members of the
 1045 task force shall receive no salary and are not entitled to
 1046 reimbursement for travel and per diem expenses.

1047 (6) The task force shall be dissolved upon submission of
 1048 its report.

1049 Section 10. Subsection (10) of section 985.4135, Florida
 1050 Statutes, is amended to read:

1051 985.4135 Juvenile justice circuit boards and juvenile
 1052 justice county councils.--

1053 (10) Membership of the juvenile justice county councils,
 1054 or juvenile justice circuit boards established under subsection
 1055 (9), may ~~must~~ include representatives from the following
 1056 entities:

1057 (a) Representatives from the school district, which may
 1058 include elected school board officials, the school
 1059 superintendent, school or district administrators, teachers, and
 1060 counselors.

1061 (b) Representatives of the board of county commissioners.

1062 (c) Representatives of the governing bodies of local
 1063 municipalities within the county.

- 1064 (d) A representative of the corresponding circuit or
- 1065 regional entity of the Department of Children and Family
- 1066 Services.
- 1067 (e) Representatives of local law enforcement agencies,
- 1068 including the sheriff or the sheriff's designee.
- 1069 (f) Representatives of the judicial system.
- 1070 (g) Representatives of the business community.
- 1071 (h) Representatives of other interested officials, groups,
- 1072 or entities, including, but not limited to, a children's
- 1073 services council, public or private providers of juvenile
- 1074 justice programs and services, students, parents, and advocates.
- 1075 Private providers of juvenile justice programs may not exceed
- 1076 one-third of the voting membership.
- 1077 (i) Representatives of the faith community.
- 1078 (j) Representatives of victim-service programs and victims
- 1079 of crimes.
- 1080 (k) Representatives of the Department of Corrections.

1081 Section 11. Section 784.075, Florida Statutes, is amended
 1082 to read:

1083 784.075 Battery on detention or commitment facility staff
 1084 or a juvenile probation officer.--A person who commits a battery
 1085 on a juvenile probation officer, as defined in s. 984.03 or s.
 1086 985.03, on other staff of a detention center or facility as
 1087 defined in s. 984.03(19) or s. 985.03(20)(~~19~~), or on a staff
 1088 member of a commitment facility as defined in s. 985.03(46)(~~45~~),
 1089 commits a felony of the third degree, punishable as provided in
 1090 s. 775.082, s. 775.083, or s. 775.084. For purposes of this
 1091 section, a staff member of the facilities listed includes

1092 persons employed by the Department of Juvenile Justice, persons
 1093 employed at facilities licensed by the Department of Juvenile
 1094 Justice, and persons employed at facilities operated under a
 1095 contract with the Department of Juvenile Justice.

1096 Section 12. Section 984.05, Florida Statutes, is amended
 1097 to read:

1098 984.05 Rules relating to habitual truants; adoption by
 1099 State Board of Education and Department of Juvenile
 1100 Justice.--The Department of Juvenile Justice and the State Board
 1101 of Education shall work together on the development of, and
 1102 shall adopt, rules as necessary for the implementation of ss.
 1103 984.03(27), 985.03(26)(~~25~~), and 1003.27.

1104 Section 13. Paragraph (e) of subsection (3) and paragraph
 1105 (a) of subsection (4) of section 985.31, Florida Statutes, are
 1106 amended to read:

1107 985.31 Serious or habitual juvenile offender.--

1108 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
 1109 TREATMENT.--

1110 (e) After a child has been adjudicated delinquent pursuant
 1111 to s. 985.228, the court shall determine whether the child meets
 1112 the criteria for a serious or habitual juvenile offender
 1113 pursuant to s. 985.03(49)(~~48~~). If the court determines that the
 1114 child does not meet such criteria, the provisions of s.
 1115 985.231(1) shall apply.

1116 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

1117 (a) Pursuant to the provisions of this section, the
 1118 department shall implement the comprehensive assessment
 1119 instrument for the treatment needs of serious or habitual

1120 juvenile offenders and for the assessment, which assessment
 1121 shall include the criteria under s. 985.03 (49)~~(48)~~ and shall
 1122 also include, but not be limited to, evaluation of the child's:

- 1123 1. Amenability to treatment.
- 1124 2. Proclivity toward violence.
- 1125 3. Tendency toward gang involvement.
- 1126 4. Substance abuse or addiction and the level thereof.
- 1127 5. History of being a victim of child abuse or sexual
 1128 abuse, or indication of sexual behavior dysfunction.
- 1129 6. Number and type of previous adjudications, findings of
 1130 guilt, and convictions.
- 1131 7. Potential for rehabilitation.

1132 Section 14. Section 985.3141, Florida Statutes, is amended
 1133 to read:

1134 985.3141 Escapes from secure detention or residential
 1135 commitment facility.--An escape from:

1136 (1) Any secure detention facility maintained for the
 1137 temporary detention of children, pending adjudication,
 1138 disposition, or placement;

1139 (2) Any residential commitment facility described in s.
 1140 985.03 (46)~~(45)~~, maintained for the custody, treatment,
 1141 punishment, or rehabilitation of children found to have
 1142 committed delinquent acts or violations of law; or

1143 (3) Lawful transportation to or from any such secure
 1144 detention facility or residential commitment facility,
 1145

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1146 | constitutes escape within the intent and meaning of s. 944.40
1147 | and is a felony of the third degree, punishable as provided in
1148 | s. 775.082, s. 775.083, or s. 775.084.

1149 | Section 15. This act shall take effect July 1, 2005.