

1 A bill to be entitled
2 An act relating to juvenile justice; reorganizing ch. 985,
3 F.S.; providing new section numbers and part titles;
4 amending s. 985.01, F.S., relating to purposes and intent
5 for the chapter; amending s. 985.02, F.S., relating to the
6 legislative intent for the juvenile justice system;
7 revising a reference and cross references to conform;
8 amending s. 985.03, F.S., relating to definitions for the
9 chapter; amending, renumbering, and revising references
10 and cross references to conform; creating s. 985.0301,
11 F.S., relating to the jurisdiction of the juvenile court;
12 amending and renumbering s. 985.201, F.S.; amending and
13 renumbering a provision of s. 985.219, F.S., that relates
14 to such jurisdiction; amending and redesignating a
15 provision of s. 985.231, F.S., that relates to such
16 jurisdiction; amending and redesignating a provision of s.
17 985.31, F.S., that relates to such jurisdiction; amending
18 and redesignating a provision of s. 985.313, F.S., that
19 relates to such jurisdiction; revising references and
20 cross references to conform; creating s. 985.032, F.S.,
21 relating to legal representation for delinquency cases;
22 renumbering s. 985.202, F.S.; creating s. 985.033, F.S.,
23 relating to the right to counsel; amending and renumbering
24 s. 985.203, F.S.; revising references to conform; creating
25 s. 985.035, F.S., relating to open hearings; renumbering
26 s. 985.205, F.S.; creating s. 985.036, F.S., relating to
27 the rights of victims in juvenile proceedings; amending
28 and renumbering s. 985.206, F.S.; providing for the

29 | release of certain information to victims; creating s.
30 | 985.037, F.S., relating to punishment for contempt of
31 | court and alternative sanctions; amending and renumbering
32 | s. 985.216, F.S.; revising provisions relating to contempt
33 | of court; creating s. 985.039, F.S., relating to cost of
34 | supervision and care; renumbering s. 985.2311, F.S.;
35 | amending and renumbering s. 985.04, F.S.; clarifying a
36 | provision relating to the release of certain information;
37 | revising references and cross references to conform;
38 | creating s. 985.045, F.S., relating to court records;
39 | amending and renumbering s. 985.05, F.S.; revising
40 | references and cross references to conform; creating s.
41 | 985.046, F.S., relating to the statewide information-
42 | sharing system and interagency workgroup; renumbering s.
43 | 985.06, F.S.; creating s. 985.047, F.S., relating to
44 | information systems; renumbering s. 985.08, F.S.; creating
45 | s. 985.101, F.S., relating to taking a child into custody;
46 | amending and renumbering s. 985.207, F.S.; creating s.
47 | 985.105, F.S., relating to intake and case management;
48 | renumbering s. 985.2075, F.S.; renumbering a provision of
49 | s. 985.215, F.S., relating to transporting a child who has
50 | been taken into custody; revising a reference and cross
51 | references to conform; creating s. 985.105, F.S., relating
52 | to youth custody officers; renumbering s. 985.2075, F.S.;
53 | creating s. 985.11, F.S., relating to fingerprinting and
54 | photographing; amending and renumbering s. 985.212, F.S.;
55 | revising a cross reference to conform; creating s.
56 | 985.115, F.S., relating to release or delivery from

57 custody; amending and renumbering provisions of s.
58 985.211, F.S., that relate to such release or delivery;
59 revising cross references to conform; creating s. 985.12,
60 F.S., relating to civil citations; amending and
61 renumbering s. 985.301, F.S.; revising a cross reference
62 to conform; creating s. 985.125, F.S., relating to
63 prearrest or postarrest diversion programs; renumbering s.
64 985.3065, F.S.; creating s. 985.13, F.S., relating to
65 probable cause affidavits; amending and renumbering
66 provisions of s. 985.211, F.S., that relate to probable
67 cause affidavits and certain requirements upon the taking
68 of a child into custody; revising cross references to
69 conform; creating s. 985.135, F.S., relating to juvenile
70 assessment centers; renumbering s. 985.209, F.S.; creating
71 s. 985.14, F.S., relating to the intake and case
72 management system; amending, renumbering, and
73 redesignating provisions of s. 985.21, F.S., that relate
74 to intake and case management; revising cross references
75 to conform; creating s. 985.145, F.S., relating to the
76 responsibilities of the juvenile probation officer during
77 intake and to screenings and assessments; amending and
78 redesignating provisions of s. 985.21, F.S., that relate
79 to such responsibilities, screenings, and assessments;
80 revising cross references to conform; creating s. 985.15,
81 F.S., relating to filing decisions in juvenile cases;
82 amending and redesignating provisions of s. 985.21, F.S.,
83 that relate to such decisions; revising cross references
84 to conform; creating s. 985.155, F.S., relating to

85 neighborhood restorative justice; renumbering s. 985.303,
 86 F.S.; creating s. 985.16, F.S., relating to community
 87 arbitration; amending and renumbering s. 985.304; F.S.;
 88 revising a reference to conform; creating s. 985.18, F.S.,
 89 relating to medical, psychiatric, psychological, substance
 90 abuse, and educational examination and treatment;
 91 renumbering s. 985.224, F.S.; redesignating a provision of
 92 s. 985.215, F.S., that relates to comprehensive
 93 evaluations of certain youth; creating s. 985.185, F.S.,
 94 relating to evaluations for dispositions; amending and
 95 renumbering provisions of s. 985.229, F.S., that relate to
 96 such evaluations; creating s. 985.19, F.S., relating to
 97 incompetency in juvenile delinquency cases; renumbering s.
 98 985.223, F.S.; creating s. 985.195, F.S., relating to
 99 transfer to other treatment services; renumbering s.
 100 985.418, F.S.; creating s. 985.24, F.S., relating to the
 101 use of detention and to prohibitions on the use of
 102 detention; renumbering provisions of s. 985.213, F.S.,
 103 that relate to the use of detention; renumbering s.
 104 985.214, F.S.; creating s. 985.245, F.S., relating to the
 105 risk assessment instrument; amending and renumbering a
 106 provision of s. 985.213, F.S., that relates to such
 107 instrument; revising cross references to conform; creating
 108 s. 985.25, F.S., relating to detention intake; amending,
 109 renumbering, and redesignating provisions of s. 985.215,
 110 F.S., that relate to detention intake; revising cross
 111 references to conform; creating s. 985.255, F.S., relating
 112 to detention criteria and detention hearings; amending and

113 renumbering a provision of s. 985.215, F.S., that relates
 114 to such criteria and hearings; revising cross references
 115 to conform; amending and redesignating a provision of s.
 116 985.213, F.S., that relates to such criteria and hearings
 117 in circumstances involving domestic violence; revising a
 118 cross reference to conform; creating s. 985.26, F.S.,
 119 relating to length of detention; amending, renumbering,
 120 and redesignating provisions of s. 985.215, F.S., that
 121 relate to length of detention; revising cross references
 122 to conform; creating s. 985.265, F.S., relating to
 123 detention transfer and release, education of juvenile
 124 offenders while in detention or on detention status, and
 125 holding of juvenile offenders in adult jails; amending and
 126 renumbering provisions of s. 985.215, F.S., that relate to
 127 transfer, release, and holding juvenile offenders in adult
 128 jails; renumbering a provision of s. 985.213, F.S., that
 129 relates to education of juvenile offenders while in
 130 detention or on detention status; revising references and
 131 cross references to conform; creating s. 985.27, F.S.,
 132 relating to postcommitment detention of juvenile offenders
 133 while such offenders are awaiting residential placement;
 134 amending and redesignating provisions of s. 985.215, F.S.,
 135 that relate to such detention; limiting the use of such
 136 detention; revising references to "detention" to clarify
 137 that such term means "secure detention" in certain
 138 circumstances; creating s. 985.275, F.S., relating to the
 139 detention of an escapee; amending and renumbering s.
 140 985.208, F.S.; revising a cross reference to conform;

141 creating s. 985.318, F.S., relating to petitions;
142 renumbering s. 985.218, F.S.; creating s. 985.319, F.S.,
143 relating to process and service; renumbering provisions of
144 s. 985.219, F.S., that relate to process and service;
145 creating s. 985.325, relating to prohibitions against
146 threatening or dismissing employees; amending and
147 renumbering s. 985.22, F.S.; revising cross references to
148 conform; creating s. 985.331, F.S., relating to court and
149 witness fees; renumbering s. 985.221, F.S.; creating s.
150 985.335, F.S., relating to answering a petition;
151 renumbering s. 985.222, F.S.; creating s. 985.345, F.S.,
152 relating to delinquency pretrial intervention programs;
153 renumbering s. 985.306, F.S.; creating s. 985.35, F.S.,
154 relating to adjudicatory hearings, withholding of
155 adjudication, and orders of adjudication; amending and
156 renumbering s. 985.228, F.S.; repealing a provision
157 prohibiting a person from possessing a firearm in certain
158 circumstances; revising a reference and cross references
159 to conform; creating s. 985.43, F.S., relating to
160 predisposition reports and other evaluations; amending and
161 renumbering provisions of s. 985.229, F.S., that relate to
162 such reports and evaluations; revising cross references to
163 conform; creating s. 985.433, F.S., relating to
164 disposition hearings in delinquency cases; amending and
165 renumbering s. 985.23, F.S.; clarifying who is considered
166 a party to a juvenile case; specifying who must be given
167 an opportunity to comment on the issue of disposition;
168 revising cross references to conform; amending a provision

169 of s. 985.231, F.S., relating to requirement of written
170 disposition orders; creating s. 985.435, F.S., relating to
171 probation, postcommitment probation, and community
172 service; amending and redesignating a provision of s.
173 985.231, F.S., relating to probation, postcommitment
174 probation, and community control; creating s. 985.437,
175 F.S., relating to restitution; amending and redesignating
176 provisions of s. 985.231, F.S., that relate to
177 restitution; revising a reference and cross reference to
178 conform; creating s. 985.439, F.S., relating to violations
179 of probation or postcommitment probation; amending and
180 redesignating provisions of s. 985.231, F.S., that relate
181 to such violations; revising cross references to conform;
182 creating s. 985.441, F.S., relating to commitment;
183 amending and redesignating provisions of s. 985.231, F.S.,
184 that relate to commitment; providing a requirement for
185 commitment of a child as a juvenile sexual offender;
186 revising cross references to conform; renumbering a
187 provision of s. 985.404, F.S., that relates to transfers
188 of the child to administer commitment; creating s.
189 985.442, F.S., relating to the form of commitment;
190 renumbering s. 985.232, F.S.; creating s. 985.445, F.S.,
191 relating to disposition of delinquency cases involving
192 grand theft of a motor vehicle; amending and redesignating
193 a provision of s. 985.231, F.S., that relates to
194 disposition in such cases; creating s. 985.45, F.S.,
195 relating to liability and remuneration for work; amending
196 and redesignating a provision of s. 985.231, F.S., that

197 | relates to liability and remuneration; creating s.
198 | 985.455, F.S., relating to other dispositional issues;
199 | amending and redesignating provisions of s. 985.231, F.S.,
200 | that relate to determination of sanctions, rehabilitation
201 | programs, and certain contact with the victim subsequent
202 | to disposition; redesignating provisions of s. 985.231,
203 | F.S., that specify the duration of commitment and
204 | suspension of disposition; revising a cross reference to
205 | conform; creating s. 985.46, F.S., relating to conditional
206 | release; amending and renumbering s. 985.316, F.S.;
207 | revising a cross reference to conform; creating s.
208 | 985.465, F.S., relating to juvenile correctional
209 | facilities and juvenile prisons; amending and renumbering
210 | s. 985.313, F.S.; creating s. 985.47, F.S., relating to
211 | serious and habitual juvenile offenders; amending and
212 | renumbering a provision of s. 985.03, F.S., that relates
213 | to such offenders; amending and renumbering s. 985.31,
214 | F.S.; revising a reference and cross references to
215 | conform; creating s. 985.475, F.S., relating to juvenile
216 | sexual offenders; amending and renumbering a provision of
217 | s. 985.03, F.S., that relates to such offenders; revising
218 | a cross reference to conform; amending and renumbering a
219 | provision of s. 985.231, F.S., that relates to such
220 | offenders; revising cross references to conform; creating
221 | s. 985.48, F.S., relating to juvenile sexual offender
222 | commitment programs and sexual abuse intervention
223 | networks; renumbering s. 985.308, F.S.; creating s.
224 | 985.483, F.S., relating to intensive residential treatment

225 programs for juvenile offenders less than 13 years of age;
226 amending and renumbering a provision of s. 985.03, F.S.,
227 that relates to such offenders; amending and renumbering
228 s. 985.311, F.S.; revising cross references to conform;
229 creating s. 985.486, F.S., relating to the prerequisites
230 for commitment of juvenile offenders less than 13 years of
231 age to intensive residential treatment programs; amending
232 and renumbering s. 985.312, F.S.; revising cross
233 references to conform; creating s. 985.489, F.S., relating
234 to boot camp for children; amending and renumbering s.
235 985.309, F.S.; revising cross references to conform;
236 creating s. 985.494, F.S., relating to commitment programs
237 for juvenile felony offenders; amending and renumbering s.
238 985.314, F.S.; revising cross references to conform;
239 creating s. 985.511, F.S., relating to the child's right
240 to counsel and the cost of representation; amending and
241 renumbering a provision of s. 985.41, F.S., that relates
242 to such rights and costs; amending and renumbering a
243 provision of s. 985.2155, F.S., as amended by ch. 2003-
244 402, Laws of Florida, that relates to such rights and
245 costs; creating s. 985.512, F.S., relating to the powers
246 of the court with respect to certain children; renumbering
247 s. 985.204, F.S.; creating s. 985.513, F.S., relating to
248 the powers of the court over parents or guardians at
249 disposition of the child's case; amending and
250 redesignating provisions of s. 985.231, F.S., that relate
251 to such powers; revising cross references to conform;
252 creating s. 985.514, F.S., relating to the

253 responsibilities of the parents or guardians of a child
254 for certain fees related to the cost of care; amending and
255 redesignating a provision of s. 985.215, F.S., that
256 relates to such responsibilities; revising a cross
257 reference to conform; amending and redesignating a
258 provision of s. 985.231, F.S., that relates to such
259 responsibilities; revising a cross reference to conform;
260 amending and redesignating a provision of s. 985.233,
261 F.S., that relates to such responsibilities; revising a
262 cross reference to conform; creating s. 985.534, F.S.,
263 relating to appeals in juvenile cases; renumbering s.
264 985.234, F.S.; creating s. 985.535, F.S., relating to time
265 for taking appeal by the state; renumbering s. 985.235,
266 F.S.; creating s. 985.536, F.S., relating to orders or
267 decisions when the state appeals; renumbering s. 985.236,
268 F.S.; creating s. 985.556, F.S., relating to voluntary and
269 involuntary waivers of juvenile court jurisdiction and
270 hearings for such waivers; amending and renumbering s.
271 985.226, F.S.; revising cross references to conform;
272 creating s. 985.557, F.S., relating to discretionary and
273 mandatory criteria for the direct filing of an information
274 against a juvenile offender in the criminal division of
275 the circuit court; amending and renumbering s. 985.227,
276 F.S.; revising cross references to conform; creating s.
277 985.56, F.S., relating to indictment of juvenile
278 offenders; amending and renumbering s. 985.225, F.S.;
279 revising a reference and cross references to conform;
280 creating s. 985.565, F.S., relating to powers, procedures,

281 and alternatives available to the court when sentencing
 282 juvenile offenders prosecuted as adults; amending,
 283 renumbering, and redesignating provisions of s. 985.233,
 284 F.S., that relate to such powers, procedures, and
 285 alternatives; revising cross references to conform;
 286 creating s. 985.57, F.S., relating to the transfer of
 287 children from the Department of Corrections to the
 288 Department of Juvenile Justice; renumbering s. 985.417;
 289 creating s. 985.601, F.S., relating to administering the
 290 juvenile justice continuum; renumbering provisions of s.
 291 985.404, F.S., that relate to such administration;
 292 creating s. 985.605, F.S., relating to requirements for
 293 prevention service programs; amending and renumbering s.
 294 985.3045, F.S.; revising cross references to conform;
 295 creating s. 985.606, F.S., relating to requirements for
 296 agencies and entities providing prevention services;
 297 amending and renumbering s. 985.3046, F.S.; revising a
 298 cross reference to conform; creating s. 985.61, F.S.,
 299 relating to criteria for early delinquency intervention
 300 programs; renumbering s. 985.305, F.S.; creating s.
 301 985.614, F.S., relating to interagency cooperation for
 302 children who are locked out of their homes; renumbering s.
 303 985.2066, F.S.; creating s. 985.618, F.S., relating to
 304 educational and career-related programs; amending and
 305 renumbering s. 985.315, F.S.; revising a cross reference
 306 to conform; creating s. 985.622, F.S., relating to a
 307 multiagency plan for vocational education; renumbering s.
 308 985.3155, F.S.; creating s. 985.625, F.S., relating to

309 literacy programs for juvenile offenders; amending and
310 renumbering s. 985.317, F.S.; revising a cross reference
311 to conform; creating s. 985.629, F.S., relating to
312 contracts for the transfer of Florida children in federal
313 custody; renumbering s. 985.419, F.S.; creating s.
314 985.632, F.S., relating to quality assurance and cost-
315 effectiveness; renumbering s. 985.412, F.S.; creating s.
316 985.636, F.S., relating to the Office of the Inspector
317 General within the Department of Juvenile Justice;
318 renumbering s. 985.42, F.S.; creating s. 985.64, F.S.,
319 relating to the authority of the Department of Juvenile
320 Justice to adopt rules; renumbering s. 985.405, F.S.;
321 creating s. 985.644, F.S., relating to the contracting
322 powers and the personnel standards and screening
323 requirements of the Department of Juvenile Justice;
324 renumbering a provision of s. 985.01, F.S., that relates
325 to such powers; renumbering s. 985.407, F.S.; creating s.
326 985.648, F.S., relating to consultants; renumbering s.
327 985.408, F.S.; creating s. 985.652, F.S., relating to
328 participation of certain juvenile programs in the State
329 Risk Management Trust Fund; renumbering s. 985.409, F.S.;
330 creating s. 985.66, F.S., relating to juvenile justice
331 training academies, the Juvenile Justice Standards and
332 Training Commission, and the Juvenile Justice Trust Fund;
333 amending and renumbering s. 985.406, F.S.; revising a
334 cross reference to conform; creating s. 985.664, F.S.,
335 relating to juvenile justice circuit boards and juvenile
336 justice county councils; amending and renumbering s.

337 985.4135, F.S.; revising a cross reference to conform;
338 creating s. 985.668, F.S., relating to innovation zones;
339 renumbering s. 985.416, F.S.; creating s. 985.672, F.S.,
340 relating to direct-support organizations; renumbering s.
341 985.4145, F.S.; creating s. 985.9475, F.S., relating to
342 community juvenile justice partnership grants; amending
343 and renumbering s. 985.415, F.S.; revising cross
344 references to conform; creating s. 985.68, F.S., relating
345 to the Task Force on Juvenile Sexual Offenders and their
346 Victims; renumbering s. 985.403, F.S.; creating s.
347 985.682, F.S., relating to studies and criteria for siting
348 juvenile facilities; amending and renumbering s. 985.41,
349 F.S.; creating s. 985.686, F.S., relating to shared county
350 and state responsibility for juvenile detention;
351 renumbering s. 985.2155, F.S.; creating s. 985.688, F.S.,
352 relating to administering county and municipal delinquency
353 programs and facilities; amending and renumbering s.
354 985.411, F.S.; revising a cross reference to conform;
355 creating s. 985.69, F.S., relating to one-time startup
356 funding for juvenile justice purposes; renumbering s.
357 985.4075, F.S.; creating s. 985.692, F.S., relating to the
358 Juvenile Welfare Trust Fund; renumbering s. 985.4041,
359 F.S.; creating s. 985.694, F.S., relating to the Juvenile
360 Care and Maintenance Trust Fund; renumbering s. 985.4042,
361 F.S.; creating s. 985.701, F.S., relating to prohibiting
362 sexual misconduct, reporting requirements, and penalties;
363 renumbering s. 985.4045, F.S.; creating s. 985.711, F.S.,
364 relating to penalties for the introduction, removal, or

365 possession of certain articles; renumbering s. 985.4046,
 366 F.S.; creating s. 985.721, F.S., relating to escapes from
 367 secure detention or residential commitment facilities;
 368 amending and renumbering s. 985.3141, F.S.; revising a
 369 cross reference to conform; creating s. 985.731, F.S.,
 370 relating to sheltering or aiding unmarried minors;
 371 renumbering s. 985.2065, F.S.; creating s. 985.801, F.S.,
 372 relating to legislative findings, policy, and
 373 implementation of the Interstate Compact on Juveniles;
 374 renumbering s. 985.501, F.S.; creating s. 985.802, F.S.,
 375 relating to execution of the interstate compact;
 376 renumbering s. 985.502, F.S.; creating s. 985.803, F.S.,
 377 relating to the administrator of the juvenile compact;
 378 renumbering s. 985.503, F.S.; creating s. 985.804, F.S.,
 379 relating to supplementary agreements to the compact;
 380 renumbering s. 985.504, F.S.; creating s. 985.805, F.S.,
 381 relating to financial arrangements related to the compact;
 382 renumbering s. 985.505, F.S.; creating s. 985.806, F.S.,
 383 relating to the responsibilities of state departments,
 384 agencies, and officers; renumbering s. 985.506, F.S.;
 385 creating s. 985.807, F.S., relating to procedures in
 386 addition to those provided under the compact; renumbering
 387 s. 985.507, F.S.; repealing ss. 985.215(6), 985.231(1)(b),
 388 (c), (f), and (i), and (2) and 985.233(4)(d), F.S.;
 389 amending ss. 29.004, 29.008, 253.025, 318.21, 397.334,
 390 400.953, 419.001, 435.04, 784.075, 790.115, 790.22,
 391 921.0022, 938.10, 943.053, 943.0582, 943.0585, 943.059,
 392 948.51, 958.046, 960.001, 984.03, 984.05, 984.09, 984.226,

393 | 1003.52, 1006.08, 1006.13, and 1012.797, F.S.; conforming
 394 | cross references; providing an effective date.

395 |
 396 | WHEREAS, the Legislature recognizes that chapter 985,
 397 | Florida Statutes, entitled "DELINQUENCY; INTERSTATE COMPACT ON
 398 | JUVENILES," which sets forth the policies and procedures
 399 | applicable to Florida's juvenile justice system, has become
 400 | disjointed and unorganized due to numerous amendments since its
 401 | original enactment and that, as a result, it is difficult for
 402 | judges, attorneys, affected parties, and the public to use the
 403 | chapter in practice, and

404 | WHEREAS, the Legislature recognizes that chapter 985,
 405 | Florida Statutes, would be better organized and easier to use if
 406 | it provided a chronological presentation of delinquency
 407 | proceedings from the introduction of the child into the juvenile
 408 | justice system to the child's case outcome and if each section
 409 | of the chapter was topically organized to contain all related
 410 | policies and procedures, and

411 | WHEREAS, the Legislature intends for the following
 412 | legislation to strictly effect a technical reorganization of
 413 | chapter 985, Florida Statutes, without any substantive change to
 414 | its contents, for the purpose of simplifying the chapter's
 415 | presentation and providing greater clarity for its users, NOW,
 416 | THEREFORE,

417 |
 418 | Be It Enacted by the Legislature of the State of Florida:

419 |
 420 | Section 1. The provisions of chapter 985, Florida

421 Statutes, are substantially reorganized and renumbered or
 422 redesignated as follows:

423 (1) Chapter 985, Florida Statutes, is retitled "JUVENILE
 424 JUSTICE; INTERSTATE COMPACT ON JUVENILES."

425 (2) Part I of chapter 985, Florida Statutes, consisting of
 426 ss. 985.01, 985.02, 985.03, 985.0301, 985.032, 985.033, 985.035,
 427 985.036, 985.037, and 985.039, Florida Statutes, is to be titled
 428 "GENERAL PROVISIONS."

429 (3) Part II of chapter 985, Florida Statutes, consisting
 430 of ss. 985.04, 985.045, 985.046, and 985.047, Florida Statutes,
 431 is retitled "RECORDS AND INFORMATION."

432 (4) Part III of chapter 985, Florida Statutes, consisting
 433 of ss. 985.101, 985.105, 985.11, 985.115, 985.12, 985.125,
 434 985.13, 985.135, 985.14, 985.145, 985.15, 985.155, and 985.16,
 435 Florida Statutes, is retitled "CUSTODY AND INTAKE; INTERVENTION
 436 AND DIVERSION."

437 (5) Part IV of chapter 985, Florida Statutes, consisting
 438 of ss. 985.18, 985.185, 985.19, and 985.195, Florida Statutes,
 439 is retitled "EXAMINATIONS AND EVALUATIONS."

440 (6) Part V of chapter 985, Florida Statutes, consisting of
 441 ss. 985.24, 985.245, 985.25, 985.255, 985.26, 985.265, 985.27,
 442 and 985.275, Florida Statutes, is retitled "DETENTION."

443 (7) Part VI of chapter 985, Florida Statutes, consisting
 444 of ss. 985.318, 985.319, 985.325, 985.331, 985.335, 985.345, and
 445 985.35, Florida Statutes, is created and entitled "PETITION,
 446 ARRAIGNMENT, AND ADJUDICATION."

447 (8) Part VII of chapter 985, Florida Statutes, consisting
 448 of ss. 985.43, 985.433, 985.435, 985.437, 985.439, 985.441,

449 985.442, 985.445, 985.45, 985.455, 985.46, 985.465, 985.47,
 450 985.475, 985.48, 985.483, 985.486, 985.489, and 985.494, Florida
 451 Statutes, is created and entitled "DISPOSITION;
 452 POSTDISPOSITION."

453 (9) Part VIII of chapter 985, Florida Statutes, consisting
 454 of ss. 985.511, 985.512, 985.513, and 985.514, Florida Statutes,
 455 is created and entitled "AUTHORITY OF THE COURT OVER PARENTS OR
 456 GUARDIANS."

457 (10) Part IX of chapter 985, Florida Statutes, consisting
 458 of ss. 985.534, 985.535, and 985.536, Florida Statutes, is
 459 created and entitled "APPEAL."

460 (11) Part X of chapter 985, Florida Statutes, consisting
 461 of ss. 985.556, 985.557, 985.56, 985.565, and 985.57, Florida
 462 Statutes, is created and entitled "TRANSFER TO ADULT COURT."

463 (12) Part XI of chapter 985, Florida Statutes, consisting
 464 of ss. 985.601, 985.605, 985.606, 985.61, 985.614, 985.618,
 465 985.622, 985.625, 985.629, 985.632, 985.636, 985.64, 985.644,
 466 985.648, 985.652, 985.66, 985.664, 985.668, 985.672, 985.9475,
 467 985.68, 985.682, 985.686, 985.688, 985.69, 985.692, and 985.694,
 468 Florida Statutes, is created and entitled "DEPARTMENT OF
 469 JUVENILE JUSTICE."

470 (13) Part XII of chapter 985, Florida Statutes, consisting
 471 of ss. 985.701, 985.711, 985.721, and 985.731, Florida Statutes,
 472 is created and entitled "MISCELLANEOUS OFFENSES."

473 (14) Part XIII of chapter 985, Florida Statutes,
 474 consisting of ss. 985.801, 985.802, 985.803, 985.804, 985.805,
 475 985.806, and 985.807, Florida Statutes, is created and entitled
 476 "INTERSTATE COMPACT ON JUVENILES."

477 Section 2. Paragraph (f) of subsection (1) and subsection
 478 (3) of section 985.01, Florida Statutes, are amended to read:

479 985.01 Purposes and intent; ~~personnel standards and~~
 480 ~~screening~~.--

481 (1) The purposes of this chapter are:

482 (f) To provide children committed to the department of
 483 ~~Juvenile Justice~~ with training in life skills, including career
 484 education.

485 (2)~~(3)~~ It is the intent of the Legislature that this
 486 chapter be liberally interpreted and construed in conformity
 487 with its declared purposes.

488 Section 3. Paragraph (a) of subsection (4) of section
 489 985.02, Florida Statutes, is amended to read:

490 985.02 Legislative intent for the juvenile justice
 491 system.--

492 (4) DETENTION.--

493 (a) The Legislature finds that there is a need for a
 494 secure placement for certain children alleged to have committed
 495 a delinquent act. The Legislature finds that detention ~~under~~
 496 ~~part II~~ should be used only when less restrictive interim
 497 placement alternatives prior to adjudication and disposition are
 498 not appropriate. The Legislature further finds that decisions to
 499 detain should be based in part on a prudent assessment of risk
 500 and be limited to situations where there is clear and convincing
 501 evidence that a child presents a risk of failing to appear or
 502 presents a substantial risk of inflicting bodily harm on others
 503 as evidenced by recent behavior; presents a history of
 504 committing a serious property offense prior to adjudication,

505 disposition, or placement; has acted in direct or indirect
 506 contempt of court; or requests protection from imminent bodily
 507 harm.

508 Section 4. Subsections (1) through (6), (8) through (30),
 509 (32) through (47), and (49) through (59) of section 985.03,
 510 Florida Statutes, are renumbered, respectively, as subsections
 511 (1) through (6), (7) through (29), (30) through (45), and (46)
 512 through (56) and subsections (2), (9), (15), (20), (21), (45),
 513 and (59) of said section are amended, to read:

514 985.03 Definitions.--When used in this chapter, the term:

515 (2) "Adjudicatory hearing" means a hearing for the court
 516 to determine whether or not the facts support the allegations
 517 stated in the petition, as is provided for under s. 985.35
 518 ~~985.228~~ in delinquency cases.

519 ~~(8)(9)~~ "Child who has been found to have committed a
 520 delinquent act" means a child who, under ~~pursuant to the~~
 521 ~~provisions of~~ this chapter, is found by a court to have
 522 committed a violation of law or to be in direct or indirect
 523 contempt of court, except that this definition shall not include
 524 an act constituting contempt of court arising out of a
 525 dependency proceeding or a proceeding concerning a child or
 526 family in need of services ~~pursuant to part III of this chapter.~~

527 ~~(14)(15)~~(a) "Delinquency program" means any intake,
 528 probation, or similar program; regional detention center or
 529 facility; or community-based program, whether owned and operated
 530 by or contracted by the department ~~of Juvenile Justice~~, or
 531 institution owned and operated by or contracted by the
 532 department ~~of Juvenile Justice~~, that ~~which~~ provides intake,

533 supervision, or custody and care of children who are alleged to
 534 be or who have been found to be delinquent under this chapter
 535 ~~pursuant to part II.~~

536 (b) "Delinquency program staff" means supervisory and
 537 direct care staff of a delinquency program as well as support
 538 staff who have direct contact with children in a delinquency
 539 program.

540 (c) "Delinquency prevention programs" means programs
 541 designed for the purpose of reducing the occurrence of
 542 delinquency, including youth and street gang activity, and
 543 juvenile arrests. The term excludes arbitration, diversionary or
 544 mediation programs, and community service work or other
 545 treatment available subsequent to a child committing a
 546 delinquent act.

547 ~~(19)(20)~~ "Detention hearing" means a hearing for the court
 548 to determine if a child should be placed in temporary custody,
 549 as provided for under part V ss. 985.213 and 985.215 in
 550 delinquency cases.

551 ~~(20)(21)~~ "Disposition hearing" means a hearing in which
 552 the court determines the most appropriate dispositional services
 553 in the least restrictive available setting provided for under
 554 part VII s. 985.231, in delinquency cases.

555 ~~(43)(45)~~ "Residential commitment level" means the level of
 556 security provided by programs that service the supervision,
 557 custody, care, and treatment needs of committed children.
 558 Sections 985.721 ~~985.3141~~ and 985.601(10) ~~985.404(11)~~ apply to
 559 children placed in programs at any residential commitment level.
 560 The levels of residential commitment are as follows:

561 (a) Low-risk residential.--Programs or program models at
562 this commitment level are residential but may allow youth to
563 have unsupervised access to the community. Youth assessed and
564 classified for placement in programs at this commitment level
565 represent a low risk to themselves and public safety but do
566 require placement and services in residential settings. Children
567 who have been found to have committed delinquent acts that
568 involve firearms, delinquent acts that are sexual offenses, or
569 delinquent acts that would be life felonies or first degree
570 felonies if committed by an adult shall not be committed to a
571 program at this level.

572 (b) Moderate-risk residential.--Programs or program models
573 at this commitment level are residential but may allow youth to
574 have supervised access to the community. Facilities are either
575 environmentally secure, staff secure, or are hardware-secure
576 with walls, fencing, or locking doors. Facilities shall provide
577 24-hour awake supervision, custody, care, and treatment of
578 residents. Youth assessed and classified for placement in
579 programs at this commitment level represent a moderate risk to
580 public safety and require close supervision. The staff at a
581 facility at this commitment level may seclude a child who is a
582 physical threat to himself or herself or others. Mechanical
583 restraint may also be used when necessary.

584 (c) High-risk residential.--Programs or program models at
585 this commitment level are residential and shall not allow youth
586 to have access to the community. Facilities are hardware-secure
587 with perimeter fencing and locking doors. Facilities shall
588 provide 24-hour awake supervision, custody, care, and treatment

589 of residents. Youth assessed and classified for this level of
590 placement require close supervision in a structured residential
591 setting. Placement in programs at this level is prompted by a
592 concern for public safety that outweighs placement in programs
593 at lower commitment levels. The staff at a facility at this
594 commitment level may seclude a child who is a physical threat to
595 himself or herself or others. Mechanical restraint may also be
596 used when necessary. The facility may provide for single cell
597 occupancy.

598 (d) Maximum-risk residential.--Programs or program models
599 at this commitment level include juvenile correctional
600 facilities and juvenile prisons. The programs are long-term
601 residential and shall not allow youth to have access to the
602 community. Facilities are maximum-custody hardware-secure with
603 perimeter security fencing and locking doors. Facilities shall
604 provide 24-hour awake supervision, custody, care, and treatment
605 of residents. The staff at a facility at this commitment level
606 may seclude a child who is a physical threat to himself or
607 herself or others. Mechanical restraint may also be used when
608 necessary. The facility shall provide for single cell occupancy,
609 except that youth may be housed together during prerelease
610 transition. Youth assessed and classified for this level of
611 placement require close supervision in a maximum security
612 residential setting. Placement in a program at this level is
613 prompted by a demonstrated need to protect the public.

614 (56)~~(59)~~ "Waiver hearing" means a hearing provided for
615 under s. 985.556(4) ~~985.226(3)~~.

616 Section 5. Section 985.201, Florida Statutes, is amended
 617 and renumbered as section 985.0301, Florida Statutes, and
 618 subsection (8) of section 985.219, Florida Statutes, is amended
 619 and renumbered as subsection (2) of section 985.0301, Florida
 620 Statutes, to read:

621 985.0301 ~~985.201~~ Jurisdiction.--

622 (1) The circuit court has exclusive original jurisdiction
 623 of proceedings in which a child is alleged to have committed a
 624 delinquent act or violation of law.

625 ~~(2)(8)~~ (2) The jurisdiction of the court shall attach to the
 626 child and the case when the summons is served upon the child and
 627 a parent or legal or actual custodian or guardian of the child,
 628 or when the child is taken into custody with or without service
 629 of summons and before or after the filing of a petition,
 630 whichever first occurs, and thereafter the court may control the
 631 child and the case in accordance with this chapter ~~part~~.

632 ~~(3)(2)~~ (3) During the prosecution of any violation of law
 633 against any person who has been presumed to be an adult, if it
 634 is shown that the person was a child at the time the offense was
 635 committed and that the person does not meet the criteria for
 636 prosecution and sentencing as an adult, the court shall
 637 immediately transfer the case, together with the physical
 638 custody of the person and all physical evidence, papers,
 639 documents, and testimony, original and duplicate, connected
 640 therewith, to the appropriate court for proceedings under this
 641 chapter. The circuit court is exclusively authorized to assume
 642 jurisdiction over any juvenile offender who is arrested and
 643 charged with violating a federal law or a law of the District of

644 Columbia, who is found or is living or domiciled in a county in
 645 which the circuit court is established, and who is surrendered
 646 to the circuit court as provided in 18 U.S.C. s. 5001.

647 (4)~~(3)~~(a) Petitions alleging delinquency ~~filed under this~~
 648 ~~part~~ shall be filed in the county where the delinquent act or
 649 violation of law occurred, but the circuit court for that county
 650 may transfer the case to the circuit court of the circuit in
 651 which the child resides or will reside at the time of detention
 652 or placement for dispositional purposes. A child who has been
 653 detained shall be transferred to the appropriate detention
 654 center or facility or other placement directed by the receiving
 655 court.

656 (b) The jurisdiction to be exercised by the court when a
 657 child is taken into custody before the filing of a petition
 658 under subsection (2) ~~s. 985.219(8)~~ shall be exercised by the
 659 circuit court for the county in which the child is taken into
 660 custody, which court shall have personal jurisdiction of the
 661 child and the child's parent or legal guardian. Upon the filing
 662 of a petition in the appropriate circuit court, the court that
 663 is exercising initial jurisdiction of the person of the child
 664 shall, if the child has been detained, immediately order the
 665 child to be transferred to the detention center or facility or
 666 other placement as ordered by the court having subject matter
 667 jurisdiction of the case.

668 (5)~~(4)~~(a) Notwithstanding ss. 743.07, 985.43 ~~985.229~~,
 669 985.433 ~~985.23~~, 985.435, 985.439, and 985.441 ~~985.231~~, and
 670 except as provided in ss. 985.465 and 985.47 ~~985.31~~ and
 671 paragraph (f) ~~985.313~~, when the jurisdiction of any child who is

672 alleged to have committed a delinquent act or violation of law
 673 is obtained, the court shall retain jurisdiction, unless
 674 relinquished by its order, until the child reaches 19 years of
 675 age, with the same power over the child that the court had prior
 676 to the child becoming an adult.

677 (b) Notwithstanding ss. 743.07 and 985.455(3), and except
 678 as provided in s. 985.47, the term of any order placing a child
 679 in a probation program must be until the child's 19th birthday
 680 unless he or she is released by the court on the motion of an
 681 interested party or on his or her own motion.

682 (c) Notwithstanding ss. 743.07 and 985.455(3), and except
 683 as provided in s. 985.47, the term of the commitment must be
 684 until the child is discharged by the department or until he or
 685 she reaches the age of 21 years. Notwithstanding ss. 743.07,
 686 985.435, 985.437, 985.439, 985.441, 985.445, 985.455, and
 687 985.513 and except as provided in this section and s. 985.47, a
 688 child may not be held under a commitment from a court under s.
 689 985.439, s. 985.441(1)(a) or (b), s. 985.445, or s. 985.455
 690 after becoming 21 years of age.

691 (d)(b)1. The court may retain jurisdiction over a child
 692 committed to the department for placement in a juvenile prison
 693 or in a high-risk or maximum-risk residential commitment program
 694 to allow the child to participate in a juvenile conditional
 695 release program pursuant to s. 985.46 ~~985.316~~. In no case shall
 696 the jurisdiction of the court be retained beyond the child's
 697 22nd birthday. However, if the child is not successful in the
 698 conditional release program, the department may use the transfer
 699 procedure under s. 985.441(3) ~~985.404~~.

700 (e)2. The court may retain jurisdiction over a child
 701 committed to the department for placement in an intensive
 702 residential treatment program for 10-year-old to 13-year-old
 703 offenders, in the residential commitment program in a juvenile
 704 prison, in a residential sex offender program, or in a program
 705 for serious or habitual juvenile offenders as provided in s.
 706 985.47 ~~985.311~~ or s. 985.483 ~~985.31~~ until the child reaches the
 707 age of 21. If the court exercises this jurisdiction retention,
 708 it shall do so solely for the purpose of the child completing
 709 the intensive residential treatment program for 10-year-old to
 710 13-year-old offenders, in the residential commitment program in
 711 a juvenile prison, in a residential sex offender program, or the
 712 program for serious or habitual juvenile offenders. Such
 713 jurisdiction retention does not apply for other programs, other
 714 purposes, or new offenses.

715 (f) The court may retain jurisdiction over a child
 716 committed to a juvenile correctional facility or a juvenile
 717 prison until the child reaches the age of 21 years, specifically
 718 for the purpose of allowing the child to complete such program.

719 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious
 720 or habitual juvenile offender shall not be held under commitment
 721 from a court under s. 985.47, s. 985.441(1)(c), or s. 985.565
 722 after becoming 21 years of age. This subparagraph shall apply
 723 only for the purpose of completing the serious or habitual
 724 juvenile offender program under this chapter and shall be used
 725 solely for the purpose of treatment.

726 2. The court may retain jurisdiction over a child who has
 727 been placed in a program or facility for serious or habitual

728 juvenile offenders until the child reaches the age of 21,
 729 specifically for the purpose of the child completing the
 730 program.

731 (h) The court may retain jurisdiction over a juvenile
 732 sexual offender who has been placed in a program or facility for
 733 juvenile sexual offenders until the juvenile sexual offender
 734 reaches the age of 21, specifically for the purpose of
 735 completing the program.

736 (i)~~(e)~~ The court may retain jurisdiction over a child and
 737 the child's parent or legal guardian whom the court has ordered
 738 to pay restitution until the restitution order is satisfied or
 739 until the court orders otherwise. If the court retains such
 740 jurisdiction after the date upon which the court's jurisdiction
 741 would cease under this section, it shall do so solely for the
 742 purpose of enforcing the restitution order. The terms of the
 743 restitution order are subject to ~~the provisions of~~ s.
 744 775.089(5).

745 (j)~~(d)~~ This subsection does not prevent the exercise of
 746 jurisdiction by any court having jurisdiction of the child if
 747 the child, after becoming an adult, commits a violation of law.

748 (6) The court may at any time enter an order ending its
 749 jurisdiction over any child.

750 Section 6. Section 985.202, Florida Statutes, is
 751 renumbered as section 985.032, Florida Statutes.

752 Section 7. Section 985.203, Florida Statutes, is
 753 renumbered as section 985.033, Florida Statutes, subsections (2)
 754 through (4) are redesignated subsections (3) through (5),

755 subsection (1) of said section is amended, and a new subsection
 756 (2) is added to read:

757 985.033 ~~985.203~~ Right to counsel.--

758 (1) A child is entitled to representation by legal counsel
 759 at all stages of any delinquency court proceedings under this
 760 chapter part. If the child and the parents or other legal
 761 guardian are indigent and unable to employ counsel for the
 762 child, the court shall appoint counsel under ~~pursuant to~~ s.
 763 27.52. Determination of indigence and costs of representation
 764 shall be as provided by ss. 27.52 and 938.29. Legal counsel
 765 representing a child who exercises the right to counsel shall be
 766 allowed to provide advice and counsel to the child at any time
 767 subsequent to the child's arrest, including prior to a detention
 768 hearing while in secure detention care. A child shall be
 769 represented by legal counsel at all stages of all court
 770 proceedings unless the right to counsel is freely, knowingly,
 771 and intelligently waived by the child. If the child appears
 772 without counsel, the court shall advise the child of his or her
 773 rights with respect to representation of court-appointed
 774 counsel.

775 (2) This section does not apply to transfer proceedings
 776 under s. 985.441(3), unless the court sets a hearing to review
 777 the transfer.

778 Section 8. Section 985.205, Florida Statutes, is
 779 renumbered as section 985.035, Florida Statutes.

780 Section 9. Section 985.206, Florida Statutes, is
 781 renumbered as section 985.036, Florida Statutes, and amended to
 782 read:

783 985.036 ~~985.206~~ Rights of victims; juvenile proceedings.--

784 (1) Nothing in this chapter prohibits:

785 (a)(1) The victim of the offense;

786 (b)(2) The victim's parent or guardian if the victim is a
787 minor;

788 (c)(3) The lawful representative of the victim or of the
789 victim's parent or guardian if the victim is a minor; or

790 (d)(4) The next of kin if the victim is a homicide victim,

791
792 from the right to be informed of, to be present during, and to
793 be heard when relevant at, all crucial stages of the proceedings
794 involving the juvenile offender, to the extent that such rights
795 do not interfere with the constitutional rights of the juvenile
796 offender. A person enumerated in this section may not reveal to
797 any outside party any confidential information obtained under
798 ~~pursuant to~~ this paragraph regarding a case involving a juvenile
799 offense, except as is reasonably necessary to pursue legal
800 remedies.

801 (2) A law enforcement agency may release a copy of the
802 juvenile offense report to the victim of the offense. However,
803 information gained by the victim under this chapter, including
804 the next of kin of a homicide victim, regarding any case handled
805 in juvenile court, must not be revealed to any outside party,
806 except as is reasonably necessary in pursuit of legal remedies.

807 Section 10. Section 985.216, Florida Statutes, is
808 renumbered as section 985.037, Florida Statutes, and subsection
809 (2) and paragraphs (b) and (d) of subsection (4) of said section
810 are amended to read:

811 985.037 ~~985.216~~ Punishment for contempt of court;
 812 alternative sanctions.--

813 (2) PLACEMENT IN A SECURE FACILITY.--A child may be placed
 814 in a secure facility for purposes of punishment for contempt of
 815 court if alternative sanctions are unavailable or inappropriate,
 816 or if the child has already been ordered to serve an alternative
 817 sanction but failed to comply with the sanction.

818 ~~(a)~~ A delinquent child who has been held in direct or
 819 indirect contempt may be placed in a secure detention facility
 820 not to exceed 5 days for a first offense and not to exceed 15
 821 days for a second or subsequent offense.

822 ~~(b) A child in need of services who has been held in~~
 823 ~~direct contempt or indirect contempt may be placed, not to~~
 824 ~~exceed 5 days for a first offense and not to exceed 15 days for~~
 825 ~~a second or subsequent offense, in a staff-secure shelter or a~~
 826 ~~staff-secure residential facility solely for children in need of~~
 827 ~~services if such placement is available, or, if such placement~~
 828 ~~is not available, the child may be placed in an appropriate~~
 829 ~~mental health facility or substance abuse facility for~~
 830 ~~assessment. In addition to disposition under this paragraph, a~~
 831 ~~child in need of services who is held in direct contempt or~~
 832 ~~indirect contempt may be placed in a physically secure facility~~
 833 ~~as provided under s. 984.226 if conditions of eligibility are~~
 834 ~~met.~~

835 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
 836 PROCESS.--

837 (b) If a child is charged with indirect contempt of court,
 838 the court must hold a hearing within 24 hours to determine

839 whether the child committed indirect contempt of a valid court
 840 order. At the hearing, the following due process rights must be
 841 provided to the child:

- 842 1. Right to a copy of the order to show cause alleging
- 843 facts supporting the contempt charge.
- 844 2. Right to an explanation of the nature and the
- 845 consequences of the proceedings.
- 846 3. Right to legal counsel and the right to have legal
- 847 counsel appointed by the court if the juvenile is indigent,
- 848 under ~~pursuant to~~ s. 985.033 ~~985.203~~.
- 849 4. Right to confront witnesses.
- 850 5. Right to present witnesses.
- 851 6. Right to have a transcript or record of the proceeding.
- 852 7. Right to appeal to an appropriate court.

853
 854 The child's parent or guardian may address the court regarding
 855 the due process rights of the child. The court shall review the
 856 placement of the child every 72 hours to determine whether it is
 857 appropriate for the child to remain in the facility.

858 (d) In addition to any other sanction imposed under this
 859 section, the court may direct the Department of Highway Safety
 860 and Motor Vehicles to withhold issuance of, or suspend, a
 861 child's driver's license or driving privilege. The court may
 862 order that a child's driver's license or driving privilege be
 863 withheld or suspended for up to 1 year for a first offense of
 864 contempt and up to 2 years for a second or subsequent offense.
 865 If the child's driver's license or driving privilege is
 866 suspended or revoked for any reason at the time the sanction for

867 contempt is imposed, the court shall extend the period of
 868 suspension or revocation by the additional period ordered under
 869 this paragraph. If the child's driver's license is being
 870 withheld at the time the sanction for contempt is imposed, the
 871 period of suspension or revocation ordered under this paragraph
 872 shall begin on the date on which the child is otherwise eligible
 873 to drive. ~~For a child in need of services whose driver's license~~
 874 ~~or driving privilege is suspended under this paragraph, the~~
 875 ~~court may direct the Department of Highway Safety and Motor~~
 876 ~~Vehicles to issue the child a license for driving privileges~~
 877 ~~restricted to business or employment purposes only, as defined~~
 878 ~~in s. 322.271, or for the purpose of completing court-ordered~~
 879 ~~community service, if the child is otherwise qualified for a~~
 880 ~~license. However, the department may not issue a restricted~~
 881 ~~license unless specifically ordered to do so by the court.~~

882 Section 11. Section 985.2311, Florida Statutes, is
 883 renumbered as section 985.039, Florida Statutes.

884 Section 12. Section 985.04, Florida Statutes, is amended
 885 to read:

886 985.04 Oaths; records; confidential information.--

887 (1)(3)(a) Except as provided in subsections (2), (3) ~~(4)~~,
 888 ~~(5)~~, and (6), and (7) and s. 943.053, all information obtained
 889 under this chapter part in the discharge of official duty by any
 890 judge, any employee of the court, any authorized agent of the
 891 department ~~of Juvenile Justice~~, the Parole Commission, the
 892 Department of Corrections, the juvenile justice circuit boards,
 893 any law enforcement agent, or any licensed professional or
 894 licensed community agency representative participating in the

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895 assessment or treatment of a juvenile is confidential and may be
896 disclosed only to the authorized personnel of the court, the
897 department of ~~Juvenile Justice~~ and its designees, the Department
898 of Corrections, the Parole Commission, law enforcement agents,
899 school superintendents and their designees, any licensed
900 professional or licensed community agency representative
901 participating in the assessment or treatment of a juvenile, and
902 others entitled under this chapter to receive that information,
903 or upon order of the court. Within each county, the sheriff, the
904 chiefs of police, the district school superintendent, and the
905 department shall enter into an interagency agreement for the
906 purpose of sharing information about juvenile offenders among
907 all parties. The agreement must specify the conditions under
908 which summary criminal history information is to be made
909 available to appropriate school personnel, and the conditions
910 under which school records are to be made available to
911 appropriate department personnel. Such agreement shall require
912 notification to any classroom teacher of assignment to the
913 teacher's classroom of a juvenile who has been placed in a
914 probation or commitment program for a felony offense. The
915 agencies entering into such agreement must comply with s.
916 943.0525, and must maintain the confidentiality of information
917 that is otherwise exempt from s. 119.07(1), as provided by law.

918 (2)~~(5)~~ Notwithstanding any other provisions of this
919 chapter ~~part~~, the name, photograph, address, and crime or arrest
920 report of a child:

921 (a) Taken into custody if the child has been taken into
 922 custody by a law enforcement officer for a violation of law
 923 which, if committed by an adult, would be a felony;

924 (b) Found by a court to have committed three or more
 925 violations of law which, if committed by an adult, would be
 926 misdemeanors;

927 (c) Transferred to the adult system under ~~pursuant to~~ s.
 928 985.557 ~~985.227~~, indicted under ~~pursuant to~~ s. 985.56 ~~985.225~~,
 929 or waived under ~~pursuant to~~ s. 985.556 ~~985.226~~;

930 (d) Taken into custody by a law enforcement officer for a
 931 violation of law subject to ~~the provisions of~~ s. 985.557
 932 ~~985.227~~(2)(b) or (d); or

933 (e) Transferred to the adult system but sentenced to the
 934 juvenile system under ~~pursuant to~~ s. 985.565 ~~985.233~~

935
 936 shall not be considered confidential and exempt from ~~the~~
 937 ~~provisions of~~ s. 119.07(1) solely because of the child's age.

938 ~~(3)(6)~~ A law enforcement agency may release a copy ~~This~~
 939 ~~part does not prohibit the release~~ of the juvenile offense
 940 report ~~by a law enforcement agency~~ to the victim of the offense.
 941 However, information gained by the victim under ~~pursuant to~~ this
 942 chapter, including the next of kin of a homicide victim,
 943 regarding any case handled in juvenile court, must not be
 944 revealed to any outside party, except as is reasonably necessary
 945 in pursuit of legal remedies.

946 ~~(4)(7)~~(a) Notwithstanding any other provision of this
 947 section, when a child of any age is taken into custody by a law
 948 enforcement officer for an offense that would have been a felony

949 if committed by an adult, or a crime of violence, the law
 950 enforcement agency must notify the superintendent of schools
 951 that the child is alleged to have committed the delinquent act.

952 (b) Notwithstanding paragraph (a) or any other provision
 953 of this section, when a child of any age is formally charged by
 954 a state attorney with a felony or a delinquent act that would be
 955 a felony if committed by an adult, the state attorney shall
 956 notify the superintendent of the child's school that the child
 957 has been charged with such felony or delinquent act. The
 958 information obtained by the superintendent of schools under
 959 ~~pursuant to~~ this section must be released within 48 hours after
 960 receipt to appropriate school personnel, including the principal
 961 of the school of the child. The principal must immediately
 962 notify the child's immediate classroom teachers. Upon
 963 notification, the principal is authorized to begin disciplinary
 964 actions under ~~pursuant to~~ s. 1006.09(1)-(4).

965 (c)~~(b)~~ The department shall disclose to the school
 966 superintendent the presence of any child in the care and custody
 967 or under the jurisdiction or supervision of the department who
 968 has a known history of criminal sexual behavior with other
 969 juveniles; is an alleged juvenile sexual ~~sex~~ offender, as
 970 defined in s. 39.01; or has pled guilty or nolo contendere to,
 971 or has been found to have committed, a violation of chapter 794,
 972 chapter 796, chapter 800, s. 827.071, or s. 847.0133, regardless
 973 of adjudication. Any employee of a district school board who
 974 knowingly and willfully discloses such information to an
 975 unauthorized person commits a misdemeanor of the second degree,
 976 punishable as provided in s. 775.082 or s. 775.083.

977 (5)~~(1)~~ Authorized agents of the Department of Juvenile
 978 Justice may administer oaths and affirmations.

979 (6)~~(2)~~ Records maintained by the department ~~of Juvenile~~
 980 ~~Justice~~, including copies of records maintained by the court,
 981 that ~~which~~ pertain to a child found to have committed a
 982 delinquent act which, if committed by an adult, would be a crime
 983 specified in ss. 435.03 and 435.04 may not be destroyed under
 984 ~~pursuant to~~ this section for a period of 25 years after the
 985 youth's final referral to the department, except in cases of the
 986 death of the child. Such records, however, shall be sealed by
 987 the court for use only in meeting the screening requirements for
 988 personnel in s. 402.3055 and the other sections cited above, or
 989 under ~~pursuant to~~ departmental rule; however, current criminal
 990 history information must be obtained from the Department of Law
 991 Enforcement in accordance with s. 943.053. The information shall
 992 be released to those persons specified in the above cited
 993 sections for the purposes of complying with those sections. The
 994 court may punish by contempt any person who releases or uses the
 995 records for any unauthorized purpose.

996 (7)~~(4)~~(a) Records in the custody of the department ~~of~~
 997 ~~Juvenile Justice~~ regarding children are not open to inspection
 998 by the public. Such records may be inspected only upon order of
 999 the Secretary of Juvenile Justice or his or her authorized agent
 1000 by persons who have sufficient reason and upon such conditions
 1001 for their use and disposition as the secretary or his or her
 1002 authorized agent deems proper. The information in such records
 1003 may be disclosed only to other employees of the department ~~of~~
 1004 ~~Juvenile Justice~~ who have a need therefor in order to perform

1005 their official duties ~~duty~~; to other persons as authorized by
 1006 rule of the department ~~of Juvenile Justice~~; and, upon request,
 1007 to the Department of Corrections. The secretary or his or her
 1008 authorized agent may permit properly qualified persons to
 1009 inspect and make abstracts from records for statistical purposes
 1010 under whatever conditions upon their use and disposition the
 1011 secretary or his or her authorized agent deems proper, provided
 1012 adequate assurances are given that children's names and other
 1013 identifying information will not be disclosed by the applicant.

1014 (b) The destruction of records pertaining to children
 1015 committed to or supervised by the department ~~of Juvenile Justice~~
 1016 pursuant to a court order, which records are retained until a
 1017 child reaches the age of 24 years or until a serious or habitual
 1018 delinquent child reaches the age of 26 years, shall be subject
 1019 to chapter 943.

1020 (8) Criminal history information made available to
 1021 governmental agencies by the Department of Law Enforcement or
 1022 other criminal justice agencies shall not be used for any
 1023 purpose other than that specified in the provision authorizing
 1024 the releases.

1025 Section 13. Section 985.05, Florida Statutes, is
 1026 renumbered as section 985.045, Florida Statutes, and amended to
 1027 read:

1028 985.045 ~~985.05~~ Court records.--

1029 (1) The clerk of the court shall make and keep records of
 1030 all cases brought before it under ~~pursuant to~~ this chapter ~~part~~.
 1031 The court shall preserve the records pertaining to a child
 1032 charged with committing a delinquent act or violation of law

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1033 until the child reaches 24 years of age or reaches 26 years of
1034 age if he or she is a serious or habitual delinquent child,
1035 until 5 years after the last entry was made, or until 3 years
1036 after the death of the child, whichever is earlier, and may then
1037 destroy them, except that records made of traffic offenses in
1038 which there is no allegation of delinquency may be destroyed as
1039 soon as this can be reasonably accomplished. The court shall
1040 make official records of all petitions and orders filed in a
1041 case arising under ~~pursuant to~~ this chapter part and of any
1042 other pleadings, certificates, proofs of publication, summonses,
1043 warrants, and writs that are filed pursuant to the case.

1044 (2) The clerk shall keep all official records required by
1045 this section separate from other records of the circuit court,
1046 except those records pertaining to motor vehicle violations,
1047 which shall be forwarded to the Department of Highway Safety and
1048 Motor Vehicles. Except as provided in ss. 943.053 and
1049 985.04(7)(4), official records required by this chapter part are
1050 not open to inspection by the public, but may be inspected only
1051 upon order of the court by persons deemed by the court to have a
1052 proper interest therein, except that a child and the parents,
1053 guardians, or legal custodians of the child and their attorneys,
1054 law enforcement agencies, the Department of Juvenile Justice and
1055 its designees, the Parole Commission, and the Department of
1056 Corrections shall always have the right to inspect and copy any
1057 official record pertaining to the child. The court may permit
1058 authorized representatives of recognized organizations compiling
1059 statistics for proper purposes to inspect, and make abstracts
1060 from, official records under whatever conditions upon the use

1061 and disposition of such records the court may deem proper and
 1062 may punish by contempt proceedings any violation of those
 1063 conditions.

1064 (3) All orders of the court entered under ~~pursuant to~~ this
 1065 chapter part must be in writing and signed by the judge, except
 1066 that the clerk or deputy clerk may sign a summons or notice to
 1067 appear.

1068 (4) A court record of proceedings under this chapter part
 1069 is not admissible in evidence in any other civil or criminal
 1070 proceeding, except that:

1071 (a) Orders transferring a child for trial as an adult are
 1072 admissible in evidence in the court in which he or she is tried,
 1073 but create no presumption as to the guilt of the child; nor may
 1074 such orders be read to, or commented upon in the presence of,
 1075 the jury in any trial.

1076 (b) Orders binding an adult over for trial on a criminal
 1077 charge, made by the committing trial court judge, are admissible
 1078 in evidence in the court to which the adult is bound over.

1079 (c) Records of proceedings under this chapter part forming
 1080 a part of the record on appeal must be used in the appellate
 1081 court in the manner provided in s. 985.534 ~~985.234~~.

1082 (d) Records are admissible in evidence in any case in
 1083 which a person is being tried upon a charge of having committed
 1084 perjury, to the extent such records are necessary to prove the
 1085 charge.

1086 (e) Records of proceedings under this chapter part may be
 1087 used to prove disqualification under ~~pursuant to~~ ss. 110.1127,

1088 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, 409.176,
 1089 and 985.644 ~~985.407~~.

1090 Section 14. Sections 985.06 and 985.08, Florida Statutes,
 1091 are renumbered as sections 985.046 and 985.047, Florida
 1092 Statutes, respectively.

1093 Section 15. Section 985.207, Florida Statutes, is amended
 1094 and renumbered as section 985.101, Florida Statutes, and
 1095 subsection (3) of section 985.215, Florida Statutes, is
 1096 renumbered as subsection (2) of section 985.101, Florida
 1097 Statutes, and amended to read:

1098 985.101 ~~985.207~~ Taking a child into custody.--

1099 (1) A child may be taken into custody under the following
 1100 circumstances:

1101 (a) Pursuant to an order of the circuit court issued under
 1102 this chapter ~~part~~, based upon sworn testimony, either before or
 1103 after a petition is filed.

1104 (b) For a delinquent act or violation of law, pursuant to
 1105 Florida law pertaining to a lawful arrest. If such delinquent
 1106 act or violation of law would be a felony if committed by an
 1107 adult or involves a crime of violence, the arresting authority
 1108 shall immediately notify the district school superintendent, or
 1109 the superintendent's designee, of the school district with
 1110 educational jurisdiction of the child. Such notification shall
 1111 include other education providers such as the Florida School for
 1112 the Deaf and the Blind, university developmental research
 1113 schools, and private elementary and secondary schools. The
 1114 information obtained by the superintendent of schools pursuant
 1115 to this section must be released within 48 hours after receipt

1116 to appropriate school personnel, including the principal of the
 1117 child's school, or as otherwise provided by law. The principal
 1118 must immediately notify the child's immediate classroom
 1119 teachers. Information provided by an arresting authority under
 1120 ~~pursuant to~~ this paragraph may not be placed in the student's
 1121 permanent record and shall be removed from all school records no
 1122 later than 9 months after the date of the arrest.

1123 (c) By a law enforcement officer for failing to appear at
 1124 a court hearing after being properly noticed.

1125 (d) By a law enforcement officer who has probable cause to
 1126 believe that the child is in violation of the conditions of the
 1127 child's probation, home detention, postcommitment probation, or
 1128 conditional release supervision or has escaped from commitment.

1129
 1130 Nothing in this subsection shall be construed to allow the
 1131 detention of a child who does not meet the detention criteria in
 1132 part V s. 985.215.

1133 (2)~~(3)~~ Except in emergency situations, a child may not be
 1134 placed into or transported in any police car or similar vehicle
 1135 that at the same time contains an adult under arrest, unless the
 1136 adult is alleged or believed to be involved in the same offense
 1137 or transaction as the child.

1138 (3)~~(2)~~ When a child is taken into custody as provided in
 1139 this section, the person taking the child into custody shall
 1140 attempt to notify the parent, guardian, or legal custodian of
 1141 the child. The person taking the child into custody shall
 1142 continue such attempt until the parent, guardian, or legal
 1143 custodian of the child is notified or the child is delivered to

1144 a juvenile probation officer under ss. 985.14 and 985.145
 1145 ~~pursuant to s. 985.21~~, whichever occurs first. If the child is
 1146 delivered to a juvenile probation officer before the parent,
 1147 guardian, or legal custodian is notified, the juvenile probation
 1148 officer shall continue the attempt to notify until the parent,
 1149 guardian, or legal custodian of the child is notified. Following
 1150 notification, the parent or guardian must provide identifying
 1151 information, including name, address, date of birth, social
 1152 security number, and driver's license number or identification
 1153 card number of the parent or guardian to the person taking the
 1154 child into custody or the juvenile probation officer.

1155 (4)~~(3)~~ Taking a child into custody is not an arrest except
 1156 for the purpose of determining whether the taking into custody
 1157 or the obtaining of any evidence in conjunction therewith is
 1158 lawful.

1159 Section 16. Section 985.2075, Florida Statutes, is
 1160 renumbered as section 985.105, Florida Statutes.

1161 Section 17. Section 985.212, Florida Statutes, is
 1162 renumbered as section 985.11, Florida Statutes, and paragraph
 1163 (b) of subsection (1) of said section is amended to read:

1164 985.11 ~~985.212~~ Fingerprinting and photographing.--

1165 (1)

1166 (b) A child who is charged with or found to have committed
 1167 one of the following offenses shall be fingerprinted, and the
 1168 fingerprints shall be submitted to the Department of Law
 1169 Enforcement as provided in s. 943.051(3)(b):

- 1170 1. Assault, as defined in s. 784.011.
- 1171 2. Battery, as defined in s. 784.03.

- 1172 3. Carrying a concealed weapon, as defined in s.
- 1173 790.01(1).
- 1174 4. Unlawful use of destructive devices or bombs, as
- 1175 defined in s. 790.1615(1).
- 1176 5. Negligent treatment of children, as defined in former
- 1177 s. 827.05.
- 1178 6. Assault on a law enforcement officer, a firefighter, or
- 1179 other specified officers, as defined in s. 784.07(2)(a).
- 1180 7. Open carrying of a weapon, as defined in s. 790.053.
- 1181 8. Exposure of sexual organs, as defined in s. 800.03.
- 1182 9. Unlawful possession of a firearm, as defined in s.
- 1183 790.22(5).
- 1184 10. Petit theft, as defined in s. 812.014.
- 1185 11. Cruelty to animals, as defined in s. 828.12(1).
- 1186 12. Arson, resulting in bodily harm to a firefighter, as
- 1187 defined in s. 806.031(1).
- 1188 13. Unlawful possession or discharge of a weapon or
- 1189 firearm at a school-sponsored event or on school property as
- 1190 defined in s. 790.115.

1191

1192 A law enforcement agency may fingerprint and photograph a child

1193 taken into custody upon probable cause that such child has

1194 committed any other violation of law, as the agency deems

1195 appropriate. Such fingerprint records and photographs shall be

1196 retained by the law enforcement agency in a separate file, and

1197 these records and all copies thereof must be marked "Juvenile

1198 Confidential." These records are not available for public

1199 disclosure and inspection under s. 119.07(1) except as provided

1200 in ss. 943.053 and 985.04(2) ~~985.04(5)~~, but shall be available
 1201 to other law enforcement agencies, criminal justice agencies,
 1202 state attorneys, the courts, the child, the parents or legal
 1203 custodians of the child, their attorneys, and any other person
 1204 authorized by the court to have access to such records. In
 1205 addition, such records may be submitted to the Department of Law
 1206 Enforcement for inclusion in the state criminal history records
 1207 and used by criminal justice agencies for criminal justice
 1208 purposes. These records may, in the discretion of the court, be
 1209 open to inspection by anyone upon a showing of cause. The
 1210 fingerprint and photograph records shall be produced in the
 1211 court whenever directed by the court. Any photograph taken
 1212 pursuant to this section may be shown by a law enforcement
 1213 officer to any victim or witness of a crime for the purpose of
 1214 identifying the person who committed such crime.

1215 Section 18. Subsections (2) and (5) of section 985.211,
 1216 Florida Statutes, are renumbered, respectively, as subsections
 1217 (2) and (3) of section 985.115, Florida Statutes, and
 1218 subsections (1) and (7) of section 985.211, Florida Statutes,
 1219 are renumbered, respectively, as subsections (1) and (4) of
 1220 section 985.115, Florida Statutes, and amended to read:

1221 985.115 ~~985.211~~ Release or delivery from custody.--

1222 (1) A child taken into custody shall be released from
 1223 custody as soon as is reasonably possible.

1224 (2) Unless otherwise ordered by the court under s. 985.255
 1225 or s. 985.26 ~~pursuant to s. 985.215~~, and unless there is a need
 1226 to hold the child, a person taking a child into custody shall
 1227 attempt to release the child as follows:

1228 (a) To the child's parent, guardian, or legal custodian
 1229 or, if the child's parent, guardian, or legal custodian is
 1230 unavailable, unwilling, or unable to provide supervision for the
 1231 child, to any responsible adult. Prior to releasing the child to
 1232 a responsible adult, other than the parent, guardian, or legal
 1233 custodian, the person taking the child into custody may conduct
 1234 a criminal history background check of the person to whom the
 1235 child is to be released. If the person has a prior felony
 1236 conviction, or a conviction for child abuse, drug trafficking,
 1237 or prostitution, that person is not a responsible adult for the
 1238 purposes of this section. The person to whom the child is
 1239 released shall agree to inform the department or the person
 1240 releasing the child of the child's subsequent change of address
 1241 and to produce the child in court at such time as the court may
 1242 direct, and the child shall join in the agreement.

1243 (b) Contingent upon specific appropriation, to a shelter
 1244 approved by the department or to an authorized agent under
 1245 ~~pursuant to~~ s. 39.401(2)(b).

1246 (c) If the child is believed to be suffering from a
 1247 serious physical condition which requires either prompt
 1248 diagnosis or prompt treatment, to a law enforcement officer who
 1249 shall deliver the child to a hospital for necessary evaluation
 1250 and treatment.

1251 (d) If the child is believed to be mentally ill as defined
 1252 in s. 394.463(1), to a law enforcement officer who shall take
 1253 the child to a designated public receiving facility as defined
 1254 in s. 394.455 for examination under ~~pursuant to the provisions~~
 1255 ~~of~~ s. 394.463.

1256 (e) If the child appears to be intoxicated and has
 1257 threatened, attempted, or inflicted physical harm on himself or
 1258 herself or another, or is incapacitated by substance abuse, to a
 1259 law enforcement officer who shall deliver the child to a
 1260 hospital, addictions receiving facility, or treatment resource.

1261 (f) If available, to a juvenile assessment center equipped
 1262 and staffed to assume custody of the child for the purpose of
 1263 assessing the needs of the child in custody. The center may then
 1264 release or deliver the child under ~~pursuant to~~ this section with
 1265 a copy of the assessment.

1266 ~~(3)(5)~~ Upon taking a child into custody, a law enforcement
 1267 officer may deliver the child, for temporary custody not to
 1268 exceed 6 hours, to a secure booking area of a jail or other
 1269 facility intended or used for the detention of adults, for the
 1270 purpose of fingerprinting or photographing the child or awaiting
 1271 appropriate transport to the department or as provided in s.
 1272 985.13(2) ~~subsection (4)~~, provided no regular sight and sound
 1273 contact between the child and adult inmates or trustees is
 1274 permitted and the receiving facility has adequate staff to
 1275 supervise and monitor the child's activities at all times.

1276 ~~(4)(7)~~ Nothing in this section or s. 985.13 shall prohibit
 1277 the proper use of law enforcement diversion programs. Law
 1278 enforcement agencies may initiate and conduct diversion programs
 1279 designed to divert a child from the need for department custody
 1280 or judicial handling. Such programs may be cooperative projects
 1281 with local community service agencies.

1282 Section 19. Section 985.301, Florida Statutes, is
 1283 renumbered as section 985.12, Florida Statutes, and subsection
 1284 (4) of said section is amended to read:

1285 985.12 ~~985.301~~ Civil citation.--

1286 (4) If the juvenile fails to report timely for a work
 1287 assignment, complete a work assignment, or comply with assigned
 1288 intervention services within the prescribed time, or if the
 1289 juvenile commits a third or subsequent misdemeanor, the law
 1290 enforcement officer shall issue a report alleging the child has
 1291 committed a delinquent act, at which point a juvenile probation
 1292 officer shall perform a preliminary determination as provided
 1293 under s. 985.145 ~~985.21(4)~~.

1294 Section 20. Section 985.3065, Florida Statutes, is
 1295 renumbered as section 985.125, Florida Statutes.

1296 Section 21. Subsections (3), (4), and (6) of section
 1297 985.211, Florida Statutes, are renumbered as section 985.13,
 1298 Florida Statutes, and amended to read:

1299 985.13 Probable cause affidavits.--

1300 (1)(3) If the child is released, the person taking the
 1301 child into custody shall make a written report or probable cause
 1302 affidavit to the appropriate juvenile probation officer within
 1303 24 hours after such release, stating the facts and the reason
 1304 for taking the child into custody. Such written report or
 1305 probable cause affidavit shall:

1306 (a) Identify the child, the parents, guardian, or legal
 1307 custodian, and the person to whom the child was released.

1308 (b) Contain sufficient information to establish the
 1309 jurisdiction of the court and to make a prima facie showing that
 1310 the child has committed a violation of law or a delinquent act.

1311 ~~(2)~~(4) A person taking a child into custody who
 1312 determines, under part V ~~pursuant to s. 985.215~~, that the child
 1313 should be detained or released to a shelter designated by the
 1314 department, shall make a reasonable effort to immediately notify
 1315 the parent, guardian, or legal custodian of the child and shall,
 1316 without unreasonable delay, deliver the child to the appropriate
 1317 juvenile probation officer or, if the court has so ordered under
 1318 ~~pursuant to s. 985.255 or s. 985.26~~ 985.215, to a detention
 1319 center or facility. Upon delivery of the child, the person
 1320 taking the child into custody shall make a written report or
 1321 probable cause affidavit to the appropriate juvenile probation
 1322 officer. Such written report or probable cause affidavit must:

1323 (a) Identify the child and, if known, the parents,
 1324 guardian, or legal custodian.

1325 (b) Establish that the child was legally taken into
 1326 custody, with sufficient information to establish the
 1327 jurisdiction of the court and to make a prima facie showing that
 1328 the child has committed a violation of law.

1329 ~~(3)~~(6)(a) A copy of the probable cause affidavit or
 1330 written report made by the person taking the child into custody
 1331 shall be filed, by the law enforcement agency which employs the
 1332 person making such affidavit or written report, with the clerk
 1333 of the circuit court for the county in which the child is taken
 1334 into custody or in which the affidavit or report is made within
 1335 24 hours after the affidavit or report is made, excluding

1336 Saturdays, Sundays, and legal holidays. Such affidavit or report
 1337 is a case for the purpose of assigning a uniform case number
 1338 under ~~pursuant to~~ this subsection.

1339 (b) Upon the filing of a copy of a probable cause
 1340 affidavit or written report by a law enforcement agency with the
 1341 clerk of the circuit court, the clerk shall immediately assign a
 1342 uniform case number to the affidavit or report, forward a copy
 1343 to the state attorney, and forward a copy to the intake office
 1344 of the department which serves the county in which the case
 1345 arose.

1346 (c) Each letter of recommendation, written notice, report,
 1347 or other paper required by law pertaining to the case shall bear
 1348 the uniform case number of the case, and a copy shall be filed
 1349 with the clerk of the circuit court by the issuing agency. The
 1350 issuing agency shall furnish copies to the juvenile probation
 1351 officer and the state attorney.

1352 (d) Upon the filing of a petition based on the allegations
 1353 of a previously filed probable cause affidavit or written
 1354 report, the agency filing the petition shall include the
 1355 appropriate uniform case number on the petition.

1356 Section 22. Section 985.209, Florida Statutes, is
 1357 renumbered as section 985.135, Florida Statutes.

1358 Section 23. Subsections (1) and (2) of section 985.21,
 1359 Florida Statutes, are renumbered as section 985.14, Florida
 1360 Statutes, and amended to read:

1361 985.14 ~~985.21~~ Intake and case management system.--

1362 ~~(1)(a) During the intake process, the juvenile probation~~
 1363 ~~officer shall screen each child or shall cause each child to be~~
 1364 ~~screened in order to determine:~~

1365 ~~1. Appropriateness for release, referral to a diversionary~~
 1366 ~~program including, but not limited to, a teen court program,~~
 1367 ~~referral for community arbitration, or referral to some other~~
 1368 ~~program or agency for the purpose of nonofficial or nonjudicial~~
 1369 ~~handling.~~

1370 ~~2. The presence of medical, psychiatric, psychological,~~
 1371 ~~substance abuse, educational, or vocational problems, or other~~
 1372 ~~conditions that may have caused the child to come to the~~
 1373 ~~attention of law enforcement or the Department of Juvenile~~
 1374 ~~Justice. The child shall also be screened to determine whether~~
 1375 ~~the child poses a danger to himself or herself or others in the~~
 1376 ~~community. The results of this screening shall be made available~~
 1377 ~~to the court and to court officers. In cases where such~~
 1378 ~~conditions are identified, and a nonjudicial handling of the~~
 1379 ~~case is chosen, the juvenile probation officer shall attempt to~~
 1380 ~~refer the child to a program or agency, together with all~~
 1381 ~~available and relevant assessment information concerning the~~
 1382 ~~child's precipitating condition.~~

1383 ~~3. The department of Juvenile Justice shall develop an~~
 1384 ~~intake and a case management system whereby a child brought into~~
 1385 ~~intake is assigned a juvenile probation officer if the child was~~
 1386 ~~not released, referred to a diversionary program, referred for~~
 1387 ~~community arbitration, or referred to some other program or~~
 1388 ~~agency for the purpose of nonofficial or nonjudicial handling,~~
 1389 ~~and shall make every reasonable effort to provide case~~

1390 management services for the child; provided, however, that case
 1391 management for children committed to residential programs may be
 1392 transferred as provided in s. 985.46 ~~985.316~~.

1393 (2) The intake process shall be performed by the
 1394 department through a case management system. The purpose of the
 1395 intake process is to assess the child's needs and risks and to
 1396 determine the most appropriate treatment plan and setting for
 1397 the child's programmatic needs and risks. The intake process
 1398 shall result in choosing the most appropriate services through a
 1399 balancing of the interests and needs of the child with those of
 1400 the family and the public. The juvenile probation officer is
 1401 responsible for making informed decisions and recommendations to
 1402 other agencies, the state attorney, and the courts so that the
 1403 child and family may receive the least intrusive service
 1404 alternative throughout the judicial process. The department
 1405 shall establish uniform procedures for the juvenile probation
 1406 officer to provide a preliminary screening of the child and
 1407 family for substance abuse and mental health services prior to
 1408 the filing of a petition or as soon as possible thereafter and
 1409 prior to a disposition hearing.

1410 ~~4. In addition to duties specified in other sections and~~
 1411 ~~through departmental rules, the assigned juvenile probation~~
 1412 ~~officer shall be responsible for the following:~~

1413 ~~a. Ensuring that a risk assessment instrument establishing~~
 1414 ~~the child's eligibility for detention has been accurately~~
 1415 ~~completed and that the appropriate recommendation was made to~~
 1416 ~~the court.~~

1417 ~~b. Inquiring as to whether the child understands his or~~
 1418 ~~her rights to counsel and against self-incrimination.~~

1419 ~~e. Performing the preliminary screening and making~~
 1420 ~~referrals for comprehensive assessment regarding the child's~~
 1421 ~~need for substance abuse treatment services, mental health~~
 1422 ~~services, retardation services, literacy services, or other~~
 1423 ~~educational or treatment services.~~

1424 ~~d. Coordinating the multidisciplinary assessment when~~
 1425 ~~required, which includes the classification and placement~~
 1426 ~~process that determines the child's priority needs, risk~~
 1427 ~~classification, and treatment plan. When sufficient evidence~~
 1428 ~~exists to warrant a comprehensive assessment and the child fails~~
 1429 ~~to voluntarily participate in the assessment efforts, it is the~~
 1430 ~~responsibility of the juvenile probation officer to inform the~~
 1431 ~~court of the need for the assessment and the refusal of the~~
 1432 ~~child to participate in such assessment. This assessment,~~
 1433 ~~classification, and placement process shall develop into the~~
 1434 ~~predisposition report.~~

1435 ~~e. Making recommendations for services and facilitating~~
 1436 ~~the delivery of those services to the child, including any~~
 1437 ~~mental health services, educational services, family counseling~~
 1438 ~~services, family assistance services, and substance abuse~~
 1439 ~~services. The juvenile probation officer shall serve as the~~
 1440 ~~primary case manager for the purpose of managing, coordinating,~~
 1441 ~~and monitoring the services provided to the child. Each program~~
 1442 ~~administrator within the Department of Children and Family~~
 1443 ~~Services shall cooperate with the primary case manager in~~

1444 ~~carrying out the duties and responsibilities described in this~~
1445 ~~section.~~

1446
1447 ~~The Department of Juvenile Justice shall annually advise the~~
1448 ~~Legislature and the Executive Office of the Governor of the~~
1449 ~~resources needed in order for the intake and case management~~
1450 ~~system to maintain a staff-to-client ratio that is consistent~~
1451 ~~with accepted standards and allows the necessary supervision and~~
1452 ~~services for each child. The intake process and case management~~
1453 ~~system shall provide a comprehensive approach to assessing the~~
1454 ~~child's needs, relative risks, and most appropriate handling,~~
1455 ~~and shall be based on an individualized treatment plan.~~

1456 (3)(b) The intake and case management system shall
1457 facilitate consistency in the recommended placement of each
1458 child, and in the assessment, classification, and placement
1459 process, with the following purposes:

1460 (a)1- An individualized, multidisciplinary assessment
1461 process that identifies the priority needs of each individual
1462 child for rehabilitation and treatment and identifies any needs
1463 of the child's parents or guardians for services that would
1464 enhance their ability to provide adequate support, guidance, and
1465 supervision for the child. This process shall begin with the
1466 detention risk assessment instrument and decision, shall include
1467 the intake preliminary screening and comprehensive assessment
1468 for substance abuse treatment services, mental health services,
1469 retardation services, literacy services, and other educational
1470 and treatment services as components, additional assessment of
1471 the child's treatment needs, and classification regarding the

1472 child's risks to the community and, for a serious or habitual
 1473 delinquent child, shall include the assessment for placement in
 1474 a serious or habitual delinquent children program under ~~pursuant~~
 1475 ~~to~~ s. 985.47 ~~985.31~~. The completed multidisciplinary assessment
 1476 process shall result in the predisposition report.

1477 (b)2. A classification system that assigns a relative risk
 1478 to the child and the community based upon assessments including
 1479 the detention risk assessment results when available to classify
 1480 the child's risk as it relates to placement and supervision
 1481 alternatives.

1482 (c)3. An admissions process that facilitates for each
 1483 child the utilization of the treatment plan and setting most
 1484 appropriate to meet the child's programmatic needs and provide
 1485 the minimum program security needed to ensure public safety.

1486 (4) The department shall annually advise the Legislature
 1487 and the Executive Office of the Governor of the resources needed
 1488 in order for the intake and case management system to maintain a
 1489 staff-to-client ratio that is consistent with accepted standards
 1490 and allows the necessary supervision and services for each
 1491 child. The intake process and case management system shall
 1492 provide a comprehensive approach to assessing the child's needs,
 1493 relative risks, and most appropriate handling, and shall be
 1494 based on an individualized treatment plan.

1495 ~~(2) The intake process shall be performed by the~~
 1496 ~~department through a case management system. The purpose of the~~
 1497 ~~intake process is to assess the child's needs and risks and to~~
 1498 ~~determine the most appropriate treatment plan and setting for~~
 1499 ~~the child's programmatic needs and risks. The intake process~~

1500 ~~shall result in choosing the most appropriate services through a~~
 1501 ~~balancing of the interests and needs of the child with those of~~
 1502 ~~the family and the public. The juvenile probation officer is~~
 1503 ~~responsible for making informed decisions and recommendations to~~
 1504 ~~other agencies, the state attorney, and the courts so that the~~
 1505 ~~child and family may receive the least intrusive service~~
 1506 ~~alternative throughout the judicial process. The department~~
 1507 ~~shall establish uniform procedures for the juvenile probation~~
 1508 ~~officer to provide, prior to the filing of a petition or as soon~~
 1509 ~~as possible thereafter and prior to a disposition hearing, a~~
 1510 ~~preliminary screening of the child and family for substance~~
 1511 ~~abuse and mental health services.~~

1512 Section 24. Subsections (3), (4), and (5) of section
 1513 985.21, Florida Statutes, are renumbered as section 985.145,
 1514 Florida Statutes, and amended to read:

1515 985.145 Responsibilities of juvenile probation officer
 1516 during intake; screenings and assessments.--

1517 (1) The juvenile probation officer shall serve as the
 1518 primary case manager for the purpose of managing, coordinating,
 1519 and monitoring the services provided to the child. Each program
 1520 administrator within the Department of Children and Family
 1521 Services shall cooperate with the primary case manager in
 1522 carrying out the duties and responsibilities described in this
 1523 section. In addition to duties specified in other sections and
 1524 through departmental rules, the assigned juvenile probation
 1525 officer shall be responsible for the following:

1526 (a)(3) Reviewing probable cause affidavit.--The juvenile
 1527 probation officer shall make a preliminary determination as to

1528 whether the report, affidavit, or complaint is complete,
 1529 consulting with the state attorney as may be necessary. A
 1530 report, affidavit, or complaint alleging that a child has
 1531 committed a delinquent act or violation of law shall be made to
 1532 the intake office operating in the county in which the child is
 1533 found or in which the delinquent act or violation of law
 1534 occurred. Any person or agency having knowledge of the facts may
 1535 make such a written report, affidavit, or complaint and shall
 1536 furnish to the intake office facts sufficient to establish the
 1537 jurisdiction of the court and to support a finding by the court
 1538 that the child has committed a delinquent act or violation of
 1539 law.

1540 (b)(4) Notification concerning apparent insufficiencies in
 1541 probable cause affidavit.~~--The juvenile probation officer shall~~
 1542 ~~make a preliminary determination as to whether the report,~~
 1543 ~~affidavit, or complaint is complete, consulting with the state~~
 1544 ~~attorney as may be necessary.~~ In any case where the juvenile
 1545 probation officer or the state attorney finds that the report,
 1546 affidavit, or complaint is insufficient by the standards for a
 1547 probable cause affidavit, the juvenile probation officer or
 1548 state attorney shall return the report, affidavit, or complaint,
 1549 without delay, to the person or agency originating the report,
 1550 affidavit, or complaint or having knowledge of the facts or to
 1551 the appropriate law enforcement agency having investigative
 1552 jurisdiction of the offense, and shall request, and the person
 1553 or agency shall promptly furnish, additional information in
 1554 order to comply with the standards for a probable cause
 1555 affidavit.

1556 (c) Screening.--During the intake process, the juvenile
1557 probation officer shall screen each child or shall cause each
1558 child to be screened in order to determine:

1559 1. Appropriateness for release, referral to a diversionary
1560 program, including, but not limited to, a teen court program,
1561 referral for community arbitration, or referral to some other
1562 program or agency for the purpose of nonofficial or nonjudicial
1563 handling.

1564 2. The presence of medical, psychiatric, psychological,
1565 substance abuse, educational, or vocational problems, or other
1566 conditions that may have caused the child to come to the
1567 attention of law enforcement or the department. The child shall
1568 also be screened to determine whether the child poses a danger
1569 to himself or herself or others in the community. The results of
1570 this screening shall be made available to the court and to court
1571 officers. In cases where such conditions are identified and a
1572 nonjudicial handling of the case is chosen, the juvenile
1573 probation officer shall attempt to refer the child to a program
1574 or agency, together with all available and relevant assessment
1575 information concerning the child's precipitating condition.

1576 (d) Completing the risk assessment instrument.--The
1577 juvenile probation officer shall ensure that a risk assessment
1578 instrument establishing the child's eligibility for detention
1579 has been accurately completed and that the appropriate
1580 recommendation was made to the court.

1581 (e) Rights.--The juvenile probation officer shall inquire
1582 as to whether the child understands his or her rights to counsel
1583 and against self-incrimination.

1584 (f) Multidisciplinary assessment.--The juvenile probation
1585 officer shall coordinate the multidisciplinary assessment when
1586 required, which includes the classification and placement
1587 process that determines the child's priority needs, risk
1588 classification, and treatment plan. When sufficient evidence
1589 exists to warrant a comprehensive assessment and the child fails
1590 to voluntarily participate in the assessment efforts, it is the
1591 responsibility of the juvenile probation officer to inform the
1592 court of the need for the assessment and the refusal of the
1593 child to participate in such assessment. This assessment,
1594 classification, and placement process shall develop into the
1595 predisposition report.

1596 (g) Comprehensive assessment.--The juvenile probation
1597 officer, pursuant to uniform procedures established by the
1598 department and upon determining that the report, affidavit, or
1599 complaint is complete, shall:

1600 1. Perform the preliminary screening and make referrals
1601 for a comprehensive assessment regarding the child's need for
1602 substance abuse treatment services, mental health services,
1603 retardation services, literacy services, or other educational or
1604 treatment services.

1605 2. When indicated by the preliminary screening, provide
1606 for a comprehensive assessment of the child and family for
1607 substance abuse problems, using community-based licensed
1608 programs with clinical expertise and experience in the
1609 assessment of substance abuse problems.

1610 3. When indicated by the preliminary screening, provide
1611 for a comprehensive assessment of the child and family for

1612 mental health problems, using community-based psychologists,
 1613 psychiatrists, or other licensed mental health professionals
 1614 with clinical expertise and experience in the assessment of
 1615 mental health problems.

1616 (h) Referrals for services.--The juvenile probation
 1617 officer shall make recommendations for services and facilitate
 1618 the delivery of those services to the child, including any
 1619 mental health services, educational services, family counseling
 1620 services, family assistance services, and substance abuse
 1621 services.

1622 (i) Recommendation concerning a petition.--Upon
 1623 determining that the report, affidavit, or complaint complies
 1624 with the standards of a probable cause affidavit and that the
 1625 interest of the child and the public will be best served, the
 1626 juvenile probation officer may recommend that a delinquency
 1627 petition not be filed. If such a recommendation is made, the
 1628 juvenile probation officer shall advise in writing the person or
 1629 agency making the report, affidavit, or complaint, the victim,
 1630 if any, and the law enforcement agency having investigative
 1631 jurisdiction over the offense of the recommendation; the reasons
 1632 therefore; and that the person or agency may submit, within 10
 1633 days after the receipt of such notice, the report, affidavit, or
 1634 complaint to the state attorney for special review. The state
 1635 attorney, upon receiving a request for special review, shall
 1636 consider the facts presented by the report, affidavit, or
 1637 complaint, and by the juvenile probation officer who made the
 1638 recommendation that no petition be filed, before making a final

1639 decision as to whether a petition or information should or
 1640 should not be filed.

1641 (j) Completing intake report.--Subject to the interagency
 1642 agreement authorized under this paragraph, the juvenile
 1643 probation officer for each case in which a child is alleged to
 1644 have committed a violation of law or delinquent act and is not
 1645 detained shall submit a written report to the state attorney,
 1646 including the original report, complaint, or affidavit, or a
 1647 copy thereof, including a copy of the child's prior juvenile
 1648 record, within 20 days after the date the child is taken into
 1649 custody. In cases in which the child is in detention, the intake
 1650 office report must be submitted within 24 hours after the child
 1651 is placed into detention. The intake office report may include a
 1652 recommendation that a petition or information be filed or that
 1653 no petition or information be filed and may set forth reasons
 1654 for the recommendation. The state attorney and the department
 1655 may, on a district-by-district basis, enter into interagency
 1656 agreements denoting the cases that will require a recommendation
 1657 and those for which a recommendation is unnecessary.

1658 ~~(a) The juvenile probation officer, upon determining that~~
 1659 ~~the report, affidavit, or complaint is complete, pursuant to~~
 1660 ~~uniform procedures established by the department, shall:~~

1661 ~~1. When indicated by the preliminary screening, provide~~
 1662 ~~for a comprehensive assessment of the child and family for~~
 1663 ~~substance abuse problems, using community-based licensed~~
 1664 ~~programs with clinical expertise and experience in the~~
 1665 ~~assessment of substance abuse problems.~~

1666 ~~2. When indicated by the preliminary screening, provide~~
 1667 ~~for a comprehensive assessment of the child and family for~~
 1668 ~~mental health problems, using community-based psychologists,~~
 1669 ~~psychiatrists, or other licensed mental health professionals~~
 1670 ~~with clinical expertise and experience in the assessment of~~
 1671 ~~mental health problems.~~

1672
 1673 ~~When indicated by the comprehensive assessment, the department~~
 1674 ~~is authorized to contract within appropriated funds for services~~
 1675 ~~with a local nonprofit community mental health or substance~~
 1676 ~~abuse agency licensed or authorized under chapter 394, or~~
 1677 ~~chapter 397, or other authorized nonprofit social service agency~~
 1678 ~~providing related services. The determination of mental health~~
 1679 ~~or substance abuse services shall be conducted in coordination~~
 1680 ~~with existing programs providing mental health or substance~~
 1681 ~~abuse services in conjunction with the intake office. Client~~
 1682 ~~information resulting from the screening and evaluation shall be~~
 1683 ~~documented pursuant to rules established by the department and~~
 1684 ~~shall serve to assist the juvenile probation officer in~~
 1685 ~~providing the most appropriate services and recommendations in~~
 1686 ~~the least intrusive manner. Such client information shall be~~
 1687 ~~used in the multidisciplinary assessment and classification of~~
 1688 ~~the child, but such information, and any information obtained~~
 1689 ~~directly or indirectly through the assessment process, is~~
 1690 ~~inadmissible in court prior to the disposition hearing, unless~~
 1691 ~~the child's written consent is obtained. At the disposition~~
 1692 ~~hearing, documented client information shall serve to assist the~~
 1693 ~~court in making the most appropriate custody, adjudicatory, and~~

1694 ~~dispositional decision. If the screening and assessment indicate~~
1695 ~~that the interest of the child and the public will be best~~
1696 ~~served thereby, the juvenile probation officer, with the~~
1697 ~~approval of the state attorney, may refer the child for care,~~
1698 ~~diagnostic and evaluation services, substance abuse treatment~~
1699 ~~services, mental health services, retardation services, a~~
1700 ~~diversionary or arbitration or mediation program, community~~
1701 ~~service work, or other programs or treatment services~~
1702 ~~voluntarily accepted by the child and the child's parents or~~
1703 ~~legal guardians. The victim, if any, and the law enforcement~~
1704 ~~agency which investigated the offense shall be notified~~
1705 ~~immediately by the state attorney of the action taken under this~~
1706 ~~paragraph. Whenever a child volunteers to participate in any~~
1707 ~~work program under this chapter or volunteers to work in a~~
1708 ~~specified state, county, municipal, or community service~~
1709 ~~organization supervised work program or to work for the victim,~~
1710 ~~the child shall be considered an employee of the state for the~~
1711 ~~purposes of liability. In determining the child's average weekly~~
1712 ~~wage, unless otherwise determined by a specific funding program,~~
1713 ~~all remuneration received from the employer is considered a~~
1714 ~~gratuity, and the child is not entitled to any benefits~~
1715 ~~otherwise payable under s. 440.15, regardless of whether the~~
1716 ~~child may be receiving wages and remuneration from other~~
1717 ~~employment with another employer and regardless of the child's~~
1718 ~~future wage-earning capacity.~~

1719 ~~(b) The juvenile probation officer, upon determining that~~
1720 ~~the report, affidavit, or complaint complies with the standards~~
1721 ~~of a probable cause affidavit and that the interest of the child~~

1722 ~~and the public will be best served, may recommend that a~~
1723 ~~delinquency petition not be filed. If such a recommendation is~~
1724 ~~made, the juvenile probation officer shall advise in writing the~~
1725 ~~person or agency making the report, affidavit, or complaint, the~~
1726 ~~victim, if any, and the law enforcement agency having~~
1727 ~~investigative jurisdiction of the offense of the recommendation~~
1728 ~~and the reasons therefor; and that the person or agency may~~
1729 ~~submit, within 10 days after the receipt of such notice, the~~
1730 ~~report, affidavit, or complaint to the state attorney for~~
1731 ~~special review. The state attorney, upon receiving a request for~~
1732 ~~special review, shall consider the facts presented by the~~
1733 ~~report, affidavit, or complaint, and by the juvenile probation~~
1734 ~~officer who made the recommendation that no petition be filed,~~
1735 ~~before making a final decision as to whether a petition or~~
1736 ~~information should or should not be filed.~~

1737 ~~(c) Subject to the interagency agreement authorized under~~
1738 ~~this paragraph, the juvenile probation officer for each case in~~
1739 ~~which a child is alleged to have committed a violation of law or~~
1740 ~~delinquent act and is not detained shall submit a written report~~
1741 ~~to the state attorney, including the original report, complaint,~~
1742 ~~or affidavit, or a copy thereof, including a copy of the child's~~
1743 ~~prior juvenile record, within 20 days after the date the child~~
1744 ~~is taken into custody. In cases in which the child is in~~
1745 ~~detention, the intake office report must be submitted within 24~~
1746 ~~hours after the child is placed into detention. The intake~~
1747 ~~office report may include a recommendation that a petition or~~
1748 ~~information be filed or that no petition or information be~~
1749 ~~filed, and may set forth reasons for the recommendation. The~~

1750 ~~State Attorney and the Department of Juvenile Justice may, on a~~
 1751 ~~district-by-district basis, enter into interagency agreements~~
 1752 ~~denoting the cases that will require a recommendation and those~~
 1753 ~~for which a recommendation is unnecessary.~~

1754 ~~(d) The state attorney may in all cases take action~~
 1755 ~~independent of the action or lack of action of the juvenile~~
 1756 ~~probation officer, and shall determine the action which is in~~
 1757 ~~the best interest of the public and the child. If the child~~
 1758 ~~meets the criteria requiring prosecution as an adult pursuant to~~
 1759 ~~s. 985.226, the state attorney shall request the court to~~
 1760 ~~transfer and certify the child for prosecution as an adult or~~
 1761 ~~shall provide written reasons to the court for not making such~~
 1762 ~~request. In all other cases, the state attorney may:~~

- 1763 ~~1. File a petition for dependency;~~
- 1764 ~~2. File a petition pursuant to chapter 984;~~
- 1765 ~~3. File a petition for delinquency;~~
- 1766 ~~4. File a petition for delinquency with a motion to~~
 1767 ~~transfer and certify the child for prosecution as an adult;~~
- 1768 ~~5. File an information pursuant to s. 985.227;~~
- 1769 ~~6. Refer the case to a grand jury;~~
- 1770 ~~7. Refer the child to a diversionary, pretrial~~
 1771 ~~intervention, arbitration, or mediation program, or to some~~
 1772 ~~other treatment or care program if such program commitment is~~
 1773 ~~voluntarily accepted by the child or the child's parents or~~
 1774 ~~legal guardians; or~~
- 1775 ~~8. Decline to file.~~

1776 ~~(e) In cases in which a delinquency report, affidavit, or~~
 1777 ~~complaint is filed by a law enforcement agency and the state~~

1778 ~~attorney determines not to file a petition, the state attorney~~
 1779 ~~shall advise the clerk of the circuit court in writing that no~~
 1780 ~~petition will be filed thereon.~~

1781 (2)~~(5)~~ Prior to requesting that a delinquency petition be
 1782 filed or prior to filing a dependency petition, the juvenile
 1783 probation officer may request the parent or legal guardian of
 1784 the child to attend a course of instruction in parenting skills,
 1785 training in conflict resolution, and the practice of
 1786 nonviolence; to accept counseling; or to receive other
 1787 assistance from any agency in the community which notifies the
 1788 clerk of the court of the availability of its services. Where
 1789 appropriate, the juvenile probation officer shall request both
 1790 parents or guardians to receive such parental assistance. The
 1791 juvenile probation officer may, in determining whether to
 1792 request that a delinquency petition be filed, take into
 1793 consideration the willingness of the parent or legal guardian to
 1794 comply with such request. The parent or guardian must provide
 1795 the juvenile probation officer with identifying information,
 1796 including the parent's or guardian's name, address, date of
 1797 birth, social security number, and driver's license number or
 1798 identification card number in order to comply with s. 985.039
 1799 ~~985.2311~~.

1800 (3) When indicated by the comprehensive assessment, the
 1801 department is authorized to contract within appropriated funds
 1802 for services with a local nonprofit community mental health or
 1803 substance abuse agency licensed or authorized under chapter 394
 1804 or chapter 397 or other authorized nonprofit social service
 1805 agency providing related services. The determination of mental

1806 health or substance abuse services shall be conducted in
 1807 coordination with existing programs providing mental health or
 1808 substance abuse services in conjunction with the intake office.

1809 (4) Client information resulting from the screening and
 1810 evaluation shall be documented under rules established by the
 1811 department and shall serve to assist the juvenile probation
 1812 officer in providing the most appropriate services and
 1813 recommendations in the least intrusive manner. Such client
 1814 information shall be used in the multidisciplinary assessment
 1815 and classification of the child, but such information, and any
 1816 information obtained directly or indirectly through the
 1817 assessment process, is inadmissible in court prior to the
 1818 disposition hearing, unless the child's written consent is
 1819 obtained. At the disposition hearing, documented client
 1820 information shall serve to assist the court in making the most
 1821 appropriate custody, adjudicatory, and dispositional decision.

1822 (5) If the screening and assessment indicate that the
 1823 interest of the child and the public will be best served
 1824 thereby, the juvenile probation officer, with the approval of
 1825 the state attorney, may refer the child for care, diagnostic,
 1826 and evaluation services; substance abuse treatment services;
 1827 mental health services; retardation services; a diversionary,
 1828 arbitration, or mediation program; community service work; or
 1829 other programs or treatment services voluntarily accepted by the
 1830 child and the child's parents or legal guardian. Whenever a
 1831 child volunteers to participate in any work program under this
 1832 chapter or volunteers to work in a specified state, county,
 1833 municipal, or community service organization supervised work

1834 program or to work for the victim, the child shall be considered
 1835 an employee of the state for the purposes of liability. In
 1836 determining the child's average weekly wage, unless otherwise
 1837 determined by a specific funding program, all remuneration
 1838 received from the employer is considered a gratuity, and the
 1839 child is not entitled to any benefits otherwise payable under s.
 1840 440.15, regardless of whether the child may be receiving wages
 1841 and remuneration from other employment with another employer and
 1842 regardless of the child's future wage-earning capacity.

1843 (6) The victim, if any, and the law enforcement agency
 1844 that investigated the offense shall be notified immediately by
 1845 the state attorney of the action taken under subsection (5).

1846 Section 25. Section 985.15, Florida Statutes, is created
 1847 to read:

1848 985.15 Filing decisions.--

1849 (1) The state attorney may in all cases take action
 1850 independent of the action or lack of action of the juvenile
 1851 probation officer and shall determine the action that is in the
 1852 best interest of the public and the child. If the child meets
 1853 the criteria requiring prosecution as an adult under s. 985.556,
 1854 the state attorney shall request the court to transfer and
 1855 certify the child for prosecution as an adult or shall provide
 1856 written reasons to the court for not making such a request. In
 1857 all other cases, the state attorney may:

- 1858 (a) File a petition for dependency;
- 1859 (b) File a petition under chapter 984;
- 1860 (c) File a petition for delinquency;

1861 (d) File a petition for delinquency with a motion to
 1862 transfer and certify the child for prosecution as an adult;

1863 (e) File an information under s. 985.557;

1864 (f) Refer the case to a grand jury;

1865 (g) Refer the child to a diversionary, pretrial
 1866 intervention, arbitration, or mediation program, or to some
 1867 other treatment or care program if such program commitment is
 1868 voluntarily accepted by the child or the child's parents or
 1869 legal guardian; or

1870 (h) Decline to file.

1871 (2) In cases in which a delinquency report, affidavit, or
 1872 complaint is filed by a law enforcement agency and the state
 1873 attorney determines not to file a petition, the state attorney
 1874 shall advise the clerk of the circuit court in writing that no
 1875 petition will be filed thereon.

1876 Section 26. Section 985.303, Florida Statutes, is
 1877 renumbered as section 985.155, Florida Statutes.

1878 Section 27. Section 985.304, Florida Statutes, is
 1879 renumbered as section 985.16, Florida Statutes, and subsection
 1880 (3) of said section is amended to read:

1881 985.16 ~~985.304~~ Community arbitration.--

1882 (3) COMMUNITY ARBITRATORS.--The chief judge of each
 1883 judicial circuit shall maintain a list of qualified persons who
 1884 have agreed to serve as community arbitrators for the purpose of
 1885 carrying out the provisions of this chapter part. Community
 1886 arbitrators shall meet the qualification and training
 1887 requirements adopted in rule by the Supreme Court. Whenever

1888 possible, qualified volunteers shall be used as community
 1889 arbitrators.

1890 (a) Each community arbitrator or member of a community
 1891 arbitration panel shall be selected by the chief judge of the
 1892 circuit, the senior circuit court judge assigned to juvenile
 1893 cases in the circuit, and the state attorney. A community
 1894 arbitrator or, in the case of a panel, the chief arbitrator
 1895 shall have such powers as are necessary to conduct the
 1896 proceedings in a fair and expeditious manner.

1897 (b) A community arbitrator or member of a community
 1898 arbitration panel shall be trained or experienced in juvenile
 1899 causes and shall be:

1900 1. Either a graduate of an accredited law school or of an
 1901 accredited school with a degree in behavioral social work or
 1902 trained in conflict resolution techniques; and

1903 2. A person of the temperament necessary to deal properly
 1904 with cases involving children and with the family crises likely
 1905 to be presented to him or her.

1906 Section 28. Subsections (1) through (4) and (5) through
 1907 (8) of section 985.224, Florida Statutes, are renumbered,
 1908 respectively, as subsections (1) through (4) and (6) through (9)
 1909 of section 985.18, Florida Statutes, and paragraph (e) of
 1910 subsection (10) of section 985.215, Florida Statutes, is
 1911 renumbered as subsection (5) of section 985.18, Florida
 1912 Statutes.

1913 Section 29. Subsections (1) and (2) of section 985.229,
 1914 Florida Statutes, are renumbered as section 985.185, Florida
 1915 Statutes, and amended to read:

1916 985.185 Evaluations for disposition.--
 1917 (1) ~~Upon a finding that the child has committed a~~
 1918 ~~delinquent act, the court may order a predisposition report~~
 1919 ~~regarding the eligibility of the child for disposition other~~
 1920 ~~than by adjudication and commitment to the department or for~~
 1921 ~~disposition of adjudication, commitment to the department, and,~~
 1922 ~~if appropriate, assignment of a residential commitment level.~~
 1923 ~~The predisposition report shall be the result of the~~
 1924 ~~multidisciplinary assessment when such assessment is needed, and~~
 1925 ~~of the classification and placement process, and it shall~~
 1926 ~~indicate and report the child's priority needs, recommendations~~
 1927 ~~as to a classification of risk for the child in the context of~~
 1928 ~~his or her program and supervision needs, and a plan for~~
 1929 ~~treatment that recommends the most appropriate placement setting~~
 1930 ~~to meet the child's needs with the minimum program security that~~
 1931 ~~reasonably ensures public safety. A predisposition report shall~~
 1932 ~~be ordered for any child for whom a residential commitment~~
 1933 ~~disposition is anticipated or recommended by an officer of the~~
 1934 ~~court or by the department. A comprehensive evaluation for~~
 1935 ~~physical health, mental health, substance abuse, academic,~~
 1936 ~~educational, or vocational problems shall be ordered for any~~
 1937 ~~child for whom a residential commitment disposition is~~
 1938 ~~anticipated or recommended by an officer of the court or by the~~
 1939 ~~department. If a comprehensive evaluation is ordered, the~~
 1940 ~~predisposition report shall include a summary of the~~
 1941 ~~comprehensive evaluation. The predisposition report shall be~~
 1942 ~~submitted to the court upon completion of the report but no~~
 1943 ~~later than 48 hours prior to the disposition hearing. The~~

1944 ~~predisposition report shall not be reviewed by the court without~~
 1945 ~~the consent of the child and his or her legal counsel until the~~
 1946 ~~child has been found to have committed a delinquent act.~~

1947 (2) ~~The court shall consider the child's entire assessment~~
 1948 ~~and predisposition report and shall review the records of~~
 1949 ~~earlier judicial proceedings~~ Prior to making a final disposition
 1950 of the case, ~~the~~ court may, by order, require additional
 1951 evaluations and studies to be performed by the department, by
 1952 the county school system, or by any social, psychological, or
 1953 psychiatric agencies of the state. The court shall order the
 1954 educational needs assessment completed under s. 985.18(2)
 1955 ~~pursuant to s. 985.224(2)~~ to be included in the assessment and
 1956 predisposition report.

1957 Section 30. Sections 985.223 and 985.418, Florida
 1958 Statutes, are renumbered, respectively, as sections 985.19 and
 1959 985.195, Florida Statutes.

1960 Section 31. Subsections (1) and (4) of section 985.213,
 1961 Florida Statutes, are renumbered as subsections (1) and (4) of
 1962 section 985.24, Florida Statutes, and subsections (1) and (2) of
 1963 section 985.214, Florida Statutes, are renumbered as subsections
 1964 (2) and (3) of section 985.24, Florida Statutes, and amended to
 1965 read:

1966 985.24 ~~985.213~~ Use of detention; prohibitions.--

1967 (1) All determinations and court orders regarding the use
 1968 of secure, nonsecure, or home detention shall be based primarily
 1969 upon findings that the child:

1970 (a) Presents a substantial risk of not appearing at a
 1971 subsequent hearing;

1972 (b) Presents a substantial risk of inflicting bodily harm
 1973 on others as evidenced by recent behavior;

1974 (c) Presents a history of committing a property offense
 1975 prior to adjudication, disposition, or placement;

1976 (d) Has committed contempt of court by:

1977 1. Intentionally disrupting the administration of the
 1978 court;

1979 2. Intentionally disobeying a court order; or

1980 3. Engaging in a punishable act or speech in the court's
 1981 presence which shows disrespect for the authority and dignity of
 1982 the court; or

1983 (e) Requests protection from imminent bodily harm.

1984 ~~985.214 Prohibited uses of detention.~~

1985 (2)~~(1)~~ A child alleged to have committed a delinquent act
 1986 or violation of law may not be placed into secure, nonsecure, or
 1987 home detention care for any of the following reasons:

1988 (a) To allow a parent to avoid his or her legal
 1989 responsibility.

1990 (b) To permit more convenient administrative access to the
 1991 child.

1992 (c) To facilitate further interrogation or investigation.

1993 (d) Due to a lack of more appropriate facilities.

1994 (3)~~(2)~~ A child alleged to be dependent under ~~part II of~~
 1995 chapter 39 may not, under any circumstances, be placed into
 1996 secure detention care.

1997 (4) The department ~~of Juvenile Justice~~ shall continue to
 1998 identify alternatives to secure detention care and shall develop

1999 such alternatives and annually submit them to the Legislature
 2000 for authorization and appropriation.

2001 Section 32. Subsection (2) of section 985.213, Florida
 2002 Statutes, is renumbered as section 985.245, Florida Statutes,
 2003 and amended to read:

2004 985.245 Risk assessment instrument.--

2005 (1)(2)(a) All determinations and court orders regarding
 2006 placement of a child into detention care shall comply with all
 2007 requirements and criteria provided in this part and shall be
 2008 based on a risk assessment of the child, unless the child is
 2009 placed into detention care as provided in s. 985.255(2)
 2010 ~~subparagraph (b)3.~~

2011 (2)(a)(b)1. The risk assessment instrument for detention
 2012 care placement determinations and orders shall be developed by
 2013 the department of ~~Juvenile Justice~~ in agreement with
 2014 representatives appointed by the following associations: the
 2015 Conference of Circuit Judges of Florida, the Prosecuting
 2016 Attorneys Association, the Public Defenders Association, the
 2017 Florida Sheriffs Association, and the Florida Association of
 2018 Chiefs of Police. Each association shall appoint two
 2019 individuals, one representing an urban area and one representing
 2020 a rural area. The parties involved shall evaluate and revise the
 2021 risk assessment instrument as is considered necessary using the
 2022 method for revision as agreed by the parties.

2023 (b) The risk assessment instrument shall take into
 2024 consideration, but need not be limited to, prior history of
 2025 failure to appear, prior offenses, offenses committed pending
 2026 adjudication, any unlawful possession of a firearm, theft of a

2027 motor vehicle or possession of a stolen motor vehicle, and
 2028 probation status at the time the child is taken into custody.
 2029 The risk assessment instrument shall also take into
 2030 consideration appropriate aggravating and mitigating
 2031 circumstances, and shall be designed to target a narrower
 2032 population of children than s. 985.255 ~~985.215(2)~~. The risk
 2033 assessment instrument shall also include any information
 2034 concerning the child's history of abuse and neglect. The risk
 2035 assessment shall indicate whether detention care is warranted,
 2036 and, if detention care is warranted, whether the child should be
 2037 placed into secure, nonsecure, or home detention care.

2038 ~~(3)2.~~ If, at the detention hearing, the court finds a
 2039 material error in the scoring of the risk assessment instrument,
 2040 the court may amend the score to reflect factual accuracy.

2041 ~~3. A child who is charged with committing an offense of~~
 2042 ~~domestic violence as defined in s. 741.28 and who does not meet~~
 2043 ~~detention criteria may be held in secure detention if the court~~
 2044 ~~makes specific written findings that:~~

- 2045 ~~a. Respite care for the child is not available; and~~
- 2046 ~~b. It is necessary to place the child in secure detention~~
 2047 ~~in order to protect the victim from injury.~~

2048
 2049 ~~The child may not be held in secure detention under this~~
 2050 ~~subparagraph for more than 48 hours unless ordered by the court.~~
 2051 ~~After 48 hours, the court shall hold a hearing if the state~~
 2052 ~~attorney or victim requests that secure detention be continued.~~
 2053 ~~The child may continue to be held in detention care if the court~~
 2054 ~~makes a specific, written finding that detention care is~~

2055 ~~necessary to protect the victim from injury. However, the child~~
 2056 ~~may not be held in detention care beyond the time limits set~~
 2057 ~~forth in s. 985.215.~~

2058 (4)~~4~~. For a child who is under the supervision of the
 2059 department through probation, home detention, nonsecure
 2060 detention, conditional release, postcommitment probation, or
 2061 commitment and who is charged with committing a new offense, the
 2062 risk assessment instrument may be completed and scored based on
 2063 the underlying charge for which the child was placed under the
 2064 supervision of the department and the new offense.

2065 Section 33. Subsection (1) and paragraph (b) of subsection
 2066 (5) of section 985.215, Florida Statutes, are renumbered as
 2067 section 985.25, Florida Statutes, and amended to read:

2068 985.25 ~~985.215~~ Detention intake.--

2069 (1) The juvenile probation officer shall receive custody
 2070 of a child who has been taken into custody from the law
 2071 enforcement agency and shall review the facts in the law
 2072 enforcement report or probable cause affidavit and make such
 2073 further inquiry as may be necessary to determine whether
 2074 detention care is required.

2075 (a) During the period of time from the taking of the child
 2076 into custody to the date of the detention hearing, the initial
 2077 decision as to the child's placement into secure detention care,
 2078 nonsecure detention care, or home detention care shall be made
 2079 by the juvenile probation officer under ss. 985.24 and
 2080 985.245(1) ~~pursuant to ss. 985.213 and 985.214.~~

2081 (b) The juvenile probation officer shall base the decision
 2082 whether or not to place the child into secure detention care,

2083 home detention care, or nonsecure detention care on an
 2084 assessment of risk in accordance with the risk assessment
 2085 instrument and procedures developed by the department of
 2086 ~~Juvenile Justice~~ under s. 985.245 ~~985.213~~. However, a child
 2087 charged with possessing or discharging a firearm on school
 2088 property in violation of s. 790.115 shall be placed in secure
 2089 detention care.

2090 (c) If the juvenile probation officer determines that a
 2091 child who is eligible for detention based upon the results of
 2092 the risk assessment instrument should be released, the juvenile
 2093 probation officer shall contact the state attorney, who may
 2094 authorize release. If detention is not authorized, the child may
 2095 be released by the juvenile probation officer in accordance with
 2096 ss. 985.115 and 985.13 ~~s. 985.211~~.

2097
 2098 Under no circumstances shall the juvenile probation officer or
 2099 the state attorney or law enforcement officer authorize the
 2100 detention of any child in a jail or other facility intended or
 2101 used for the detention of adults, without an order of the court.

2102 ~~(2)(5)~~

2103 ~~(b)~~ The arresting law enforcement agency shall complete
 2104 and present its investigation of an offense ~~under this~~
 2105 ~~subsection~~ to the appropriate state attorney's office within 8
 2106 days after placement of the child in secure detention. The
 2107 investigation shall include, but is not limited to, police
 2108 reports and supplemental police reports, witness statements, and
 2109 evidence collection documents. The failure of a law enforcement
 2110 agency to complete and present its investigation within 8 days

2111 shall not entitle a juvenile to be released from secure
 2112 detention or to a dismissal of any charges.

2113 Section 34. Subsection (2) of section 985.215, Florida
 2114 Statutes, is renumbered as section 985.255, Florida Statutes,
 2115 and amended to read:

2116 985.255 Detention criteria; detention hearing.--

2117 (1)(2) Subject to s. 985.25(1) ~~the provisions of~~
 2118 ~~subsection (1)~~, a child taken into custody and placed into
 2119 nonsecure or home detention care or detained in secure detention
 2120 care prior to a detention hearing may continue to be detained by
 2121 the court if:

2122 (a) The child is alleged to be an escapee or an absconder
 2123 from a commitment program, a probation program, or conditional
 2124 release supervision, or is alleged to have escaped while being
 2125 lawfully transported to or from such program or supervision.

2126 (b) The child is wanted in another jurisdiction for an
 2127 offense which, if committed by an adult, would be a felony.

2128 (c) The child is charged with a delinquent act or
 2129 violation of law and requests in writing through legal counsel
 2130 to be detained for protection from an imminent physical threat
 2131 to his or her personal safety.

2132 (d) The child is charged with committing an offense of
 2133 domestic violence as defined in s. 741.28 and is detained as
 2134 provided in subsection (2) ~~s. 985.213(2)(b)3~~.

2135 (e) The child is charged with possession or discharging a
 2136 firearm on school property in violation of s. 790.115.

2137 (f) The child is charged with a capital felony, a life
 2138 felony, a felony of the first degree, a felony of the second

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2139 degree that does not involve a violation of chapter 893, or a
 2140 felony of the third degree that is also a crime of violence,
 2141 including any such offense involving the use or possession of a
 2142 firearm.

2143 (g) The child is charged with any second degree or third
 2144 degree felony involving a violation of chapter 893 or any third
 2145 degree felony that is not also a crime of violence, and the
 2146 child:

- 2147 1. Has a record of failure to appear at court hearings
 2148 after being properly notified in accordance with the Rules of
 2149 Juvenile Procedure;
- 2150 2. Has a record of law violations prior to court hearings;
- 2151 3. Has already been detained or has been released and is
 2152 awaiting final disposition of the case;
- 2153 4. Has a record of violent conduct resulting in physical
 2154 injury to others; or
- 2155 5. Is found to have been in possession of a firearm.

2156 (h) The child is alleged to have violated the conditions
 2157 of the child's probation or conditional release supervision.
 2158 However, a child detained under this paragraph may be held only
 2159 in a consequence unit as provided in s. 985.439
 2160 ~~985.231(1)(a)1.e.~~ If a consequence unit is not available, the
 2161 child shall be placed on home detention with electronic
 2162 monitoring.

2163 (i) The child is detained on a judicial order for failure
 2164 to appear and has previously willfully failed to appear, after
 2165 proper notice, for an adjudicatory hearing on the same case
 2166 regardless of the results of the risk assessment instrument. A

2167 child may be held in secure detention for up to 72 hours in
 2168 advance of the next scheduled court hearing pursuant to this
 2169 paragraph. The child's failure to keep the clerk of court and
 2170 defense counsel informed of a current and valid mailing address
 2171 where the child will receive notice to appear at court
 2172 proceedings does not provide an adequate ground for excusal of
 2173 the child's nonappearance at the hearings.

2174 (j) The child is detained on a judicial order for failure
 2175 to appear and has previously willfully failed to appear, after
 2176 proper notice, at two or more court hearings of any nature on
 2177 the same case regardless of the results of the risk assessment
 2178 instrument. A child may be held in secure detention for up to 72
 2179 hours in advance of the next scheduled court hearing pursuant to
 2180 this paragraph. The child's failure to keep the clerk of court
 2181 and defense counsel informed of a current and valid mailing
 2182 address where the child will receive notice to appear at court
 2183 proceedings does not provide an adequate ground for excusal of
 2184 the child's nonappearance at the hearings.

2185 (2) A child who is charged with committing an offense of
 2186 domestic violence as defined in s. 741.28 and who does not meet
 2187 detention criteria may be held in secure detention if the court
 2188 makes specific written findings that:

2189 (a) Respite care for the child is not available.

2190 (b) It is necessary to place the child in secure detention
 2191 in order to protect the victim from injury.

2192
 2193 The child may not be held in secure detention under this
 2194 subsection for more than 48 hours unless ordered by the court.

2195 After 48 hours, the court shall hold a hearing if the state
 2196 attorney or victim requests that secure detention be continued.
 2197 The child may continue to be held in detention care if the court
 2198 makes a specific, written finding that detention care is
 2199 necessary to protect the victim from injury. However, the child
 2200 may not be held in detention care beyond the time limits set
 2201 forth in this section or s. 985.26.

2202 (3)(a) A child who meets any of the ~~these~~ criteria in
 2203 subsection (1) and who is ordered to be detained under that
 2204 ~~pursuant to this~~ subsection shall be given a hearing within 24
 2205 hours after being taken into custody. The purpose of the
 2206 detention hearing is to determine the existence of probable
 2207 cause that the child has committed the delinquent act or
 2208 violation of law that ~~with which~~ he or she is charged with and
 2209 the need for continued detention. Unless a child is detained
 2210 under paragraph (1)(d) or paragraph (1)(e), the court shall use
 2211 ~~utilize~~ the results of the risk assessment performed by the
 2212 juvenile probation officer and, based on the criteria in ~~this~~
 2213 subsection (1), shall determine the need for continued
 2214 detention. A child placed into secure, nonsecure, or home
 2215 detention care may continue to be so detained by the court
 2216 ~~pursuant to this subsection.~~

2217 (b) If the court orders a placement more restrictive than
 2218 indicated by the results of the risk assessment instrument, the
 2219 court shall state, in writing, clear and convincing reasons for
 2220 such placement.

2221 (c) Except as provided in s. 790.22(8) or in s. 985.27
 2222 ~~subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or~~

2223 ~~paragraph (10)(d)~~, when a child is placed into secure or
 2224 nonsecure detention care, or into a respite home or other
 2225 placement pursuant to a court order following a hearing, the
 2226 court order must include specific instructions that direct the
 2227 release of the child from such placement no later than 5 p.m. on
 2228 the last day of the detention period specified in s. 985.26 or
 2229 s. 985.27 ~~paragraph (5)(b) or paragraph (5)(c), or subparagraph~~
 2230 ~~(10)(a)1.~~, whichever is applicable, unless the requirements of
 2231 such applicable provision have been met or an order of
 2232 continuance has been granted under s. 985.26(4) ~~pursuant to~~
 2233 ~~paragraph (5)(f).~~

2234 Section 35. Paragraphs (c) and (g) of subsection (5) of
 2235 section 985.215, Florida Statutes, are renumbered as subsection
 2236 (2) of section 985.26, Florida Statutes, paragraphs (a), (d),
 2237 (e), and (f) of subsection (5) of section 985.215, Florida
 2238 Statutes, are renumbered, respectively, as subsections (1), (3),
 2239 (5), and (4) of section 985.26, Florida Statutes, and subsection
 2240 (7) of section 985.215, Florida Statutes, is renumbered as
 2241 subsection (6) of section 985.26, Florida Statutes, and amended
 2242 to read:

2243 985.26 Length of detention.--

2244 ~~(1)(5)(a)~~ A child may not be placed into or held in
 2245 secure, nonsecure, or home detention care for longer than 24
 2246 hours unless the court orders such detention care, and the order
 2247 includes specific instructions that direct the release of the
 2248 child from such detention care, in accordance with 985.255
 2249 ~~subsection (2)~~. The order shall be a final order, reviewable by
 2250 appeal under ~~pursuant to~~ s. 985.534 ~~985.234~~ and the Florida

2251 Rules of Appellate Procedure. Appeals of such orders shall take
 2252 precedence over other appeals and other pending matters.

2253 (2)(c) ~~Except as provided in paragraph (g),~~ A child may
 2254 not be held in secure, nonsecure, or home detention care under a
 2255 special detention order for more than 21 days unless an
 2256 adjudicatory hearing for the case has been commenced in good
 2257 faith by the court. However, upon good cause being shown that
 2258 the nature of the charge requires additional time for the
 2259 prosecution or defense of the case, the court may extend the
 2260 length of detention for an additional 9 days if the child is
 2261 charged with an offense that would be, if committed by an adult,
 2262 a capital felony, a life felony, a felony of the first degree,
 2263 or a felony of the second degree involving violence against any
 2264 individual.

2265 (3)(d) Except as provided in subsection (2) ~~paragraph (g),~~
 2266 a child may not be held in secure, nonsecure, or home detention
 2267 care for more than 15 days following the entry of an order of
 2268 adjudication.

2269 (4)(f) The time limits in subsections (2) and (3)
 2270 ~~paragraphs (c) and (d)~~ do not include periods of delay resulting
 2271 from a continuance granted by the court for cause on motion of
 2272 the child or his or her counsel or of the state. Upon the
 2273 issuance of an order granting a continuance for cause on a
 2274 motion by either the child, the child's counsel, or the state,
 2275 the court shall conduct a hearing at the end of each 72-hour
 2276 period, excluding Saturdays, Sundays, and legal holidays, to
 2277 determine the need for continued detention of the child and the

2278 need for further continuance of proceedings for the child or the
 2279 state.

2280 (5)~~(e)~~ A child who was not in secure detention at the time
 2281 of the adjudicatory hearing, but for whom residential commitment
 2282 is anticipated or recommended, may be placed under a special
 2283 detention order for a period not to exceed 72 hours, excluding
 2284 weekends and legal holidays, for the purpose of conducting a
 2285 comprehensive evaluation as provided in s. 985.185 ~~985.229(1)~~.
 2286 Motions for the issuance of such special detention order may be
 2287 made subsequent to a finding of delinquency. Upon said motion,
 2288 the court shall conduct a hearing to determine the
 2289 appropriateness of such special detention order and shall order
 2290 the least restrictive level of detention necessary to complete
 2291 the comprehensive evaluation process that is consistent with
 2292 public safety. Such special detention order may be extended for
 2293 an additional 72 hours upon further order of the court.

2294 ~~(g) Upon good cause being shown that the nature of the~~
 2295 ~~charge requires additional time for the prosecution or defense~~
 2296 ~~of the case, the court may extend the time limits for detention~~
 2297 ~~specified in paragraph (c) an additional 9 days if the child is~~
 2298 ~~charged with an offense that would be, if committed by an adult,~~
 2299 ~~a capital felony, a life felony, a felony of the first degree,~~
 2300 ~~or a felony of the second degree involving violence against any~~
 2301 ~~individual.~~

2302 (6)~~(7)~~ If a child is detained and a petition for
 2303 delinquency is filed, the child shall be arraigned in accordance
 2304 with the Florida Rules of Juvenile Procedure within 48 hours
 2305 after the filing of the petition for delinquency.

2306 Section 36. Subsections (4), (8), (9), and (11) of section
 2307 985.215, Florida Statutes, are renumbered, respectively, as
 2308 subsections (5), (1), (2), and (3) of section 985.265, Florida
 2309 Statutes, and subsection (3) of section 985.213, Florida
 2310 Statutes, is renumbered as subsection (4) of section 985.265,
 2311 Florida Statutes, and amended to read:

2312 985.265 Detention transfer and release; education; adult
 2313 jails.--

2314 (1)(8) If a child is detained under ~~pursuant to this part~~
 2315 ~~section~~, the department of ~~Juvenile Justice~~ may transfer the
 2316 child from nonsecure or home detention care to secure detention
 2317 care only if significantly changed circumstances warrant such
 2318 transfer.

2319 (2)(9) If a child is on release status and not detained
 2320 under ~~pursuant to this part section~~, the child may be placed
 2321 into secure, nonsecure, or home detention care only pursuant to
 2322 a court hearing in which the original risk assessment
 2323 instrument, rescored based on newly discovered evidence or
 2324 changed circumstances with the results recommending detention,
 2325 is introduced into evidence.

2326 (3)(11)(a) When a juvenile sexual offender is placed in
 2327 detention, detention staff shall provide appropriate monitoring
 2328 and supervision to ensure the safety of other children in the
 2329 facility.

2330 (b) When a juvenile sexual offender, under ~~pursuant to~~
 2331 this subsection, is released from detention or transferred to
 2332 home detention or nonsecure detention, detention staff shall

2333 immediately notify the appropriate law enforcement agency and
 2334 school personnel.

2335 (4)~~(3)~~(a) While a child who is currently enrolled in
 2336 school is in nonsecure or home detention care, the child shall
 2337 continue to attend school unless otherwise ordered by the court.

2338 (b) While a child is in secure detention care, the child
 2339 shall receive education commensurate with his or her grade level
 2340 and educational ability.

2341 (5)~~(4)~~ The court shall order the delivery of a child to a
 2342 jail or other facility intended or used for the detention of
 2343 adults:

2344 (a) When the child has been transferred or indicted for
 2345 criminal prosecution as an adult under ~~pursuant to this part X,~~
 2346 except that the court may not order or allow a child alleged to
 2347 have committed a misdemeanor who is being transferred for
 2348 criminal prosecution pursuant to either s. 985.556 ~~985.226~~ or s.
 2349 985.557 ~~985.227~~ to be detained or held in a jail or other
 2350 facility intended or used for the detention of adults; however,
 2351 such child may be held temporarily in a detention facility; or

2352 (b) When a child taken into custody in this state is
 2353 wanted by another jurisdiction for prosecution as an adult.

2354
 2355 The child shall be housed separately from adult inmates to
 2356 prohibit a child from having regular contact with incarcerated
 2357 adults, including trustees. "Regular contact" means sight and
 2358 sound contact. Separation of children from adults shall permit
 2359 no more than haphazard or accidental contact. The receiving jail
 2360 or other facility shall contain a separate section for children

2361 and shall have an adequate staff to supervise and monitor the
 2362 child's activities at all times. Supervision and monitoring of
 2363 children includes physical observation and documented checks by
 2364 jail or receiving facility supervisory personnel at intervals
 2365 not to exceed 15 minutes. This paragraph does not prohibit
 2366 placing two or more children in the same cell. Under no
 2367 circumstances shall a child be placed in the same cell with an
 2368 adult.

2369 Section 37. Paragraphs (a) through (d) and paragraph (f)
 2370 of subsection (10) of section 985.215, Florida Statutes, are
 2371 renumbered as section 985.27, Florida Statutes, and amended to
 2372 read:

2373 985.27 Postcommitment detention while awaiting
 2374 placement.--

2375 ~~(1)(10)(a)1. When a child is committed to the Department~~
 2376 ~~of Juvenile Justice awaiting dispositional placement, removal of~~
 2377 ~~the child from detention care shall occur within 5 days,~~
 2378 ~~excluding Saturdays, Sundays, and legal holidays. Any child held~~
 2379 ~~in secure detention during the 5 days must meet detention~~
 2380 ~~admission criteria pursuant to this section. If the child is~~
 2381 ~~committed to a moderate risk residential program, the department~~
 2382 ~~may seek an order from the court authorizing continued detention~~
 2383 ~~for a specific period of time necessary for the appropriate~~
 2384 ~~residential placement of the child. However, such continued~~
 2385 ~~detention in secure detention care may not exceed 15 days after~~
 2386 ~~commitment, excluding Saturdays, Sundays, and legal holidays,~~
 2387 ~~and except as otherwise provided in this subsection.~~

2388 ~~2.~~ The court must place all children who are adjudicated
 2389 and awaiting placement in a residential commitment program in
 2390 detention care. Children who are in home detention care or
 2391 nonsecure detention care may be placed on electronic monitoring.

2392 (a) A child who is awaiting placement in a low-risk
 2393 residential program must be removed from detention within 5
 2394 days, excluding Saturdays, Sundays, and legal holidays. Any
 2395 child held in secure detention during the 5 days must meet
 2396 detention admission criteria under this part.

2397 ~~(b)~~ A child who is placed in home detention care,
 2398 nonsecure detention care, or home or nonsecure detention care
 2399 with electronic monitoring, while awaiting placement in a low-
 2400 risk ~~or moderate-risk~~ program, may be held in secure detention
 2401 care for 5 days, if the child violates the conditions of the
 2402 home detention care, the nonsecure detention care, or the
 2403 electronic monitoring agreement. For any subsequent violation,
 2404 the court may impose an additional 5 days in secure detention
 2405 care.

2406 (b) A child who is awaiting placement in a moderate-risk
 2407 residential program must be removed from detention within 5
 2408 days, excluding Saturdays, Sundays, and legal holidays. Any
 2409 child held in secure detention during the 5 days must meet
 2410 detention admission criteria under this part. The department may
 2411 seek an order from the court authorizing continued detention for
 2412 a specific period of time necessary for the appropriate
 2413 residential placement of the child. However, such continued
 2414 detention in secure detention care may not exceed 15 days after
 2415 entry of the commitment order, excluding Saturdays, Sundays, and

2416 legal holidays, and except as otherwise provided in this
 2417 section. A child who is placed in home detention care, nonsecure
 2418 detention care, or home or nonsecure detention care with
 2419 electronic monitoring, while awaiting placement in a moderate-
 2420 risk program, may be held in secure detention care for 5 days,
 2421 if the child violates the conditions of the home detention care,
 2422 the nonsecure detention care, or the electronic monitoring
 2423 agreement. For any subsequent violation, the court may impose an
 2424 additional 5 days in secure detention care.

2425 (c) If the child is committed to a high-risk residential
 2426 program, the child must be held in detention care until
 2427 placement or commitment is accomplished.

2428 (d) If the child is committed to a maximum-risk
 2429 residential program, the child must be held in detention care
 2430 until placement or commitment is accomplished.

2431 (2)(f) Regardless of detention status, a child being
 2432 transported by the department to a commitment facility of the
 2433 department may be placed in secure detention overnight, not to
 2434 exceed a 24-hour period, for the specific purpose of ensuring
 2435 the safe delivery of the child to his or her commitment program,
 2436 court, appointment, transfer, or release.

2437 Section 38. Section 985.208, Florida Statutes, is
 2438 renumbered as section 985.275, Florida Statutes, and amended to
 2439 read:

2440 985.275 ~~985.208~~ Detention of escapee on authority of the
 2441 department.--

2442 (1) If an authorized agent of the department has
 2443 reasonable grounds to believe that any delinquent child

2444 committed to the department has escaped from a facility of the
 2445 department or from being lawfully transported thereto or
 2446 therefrom, the agent may take the child into active custody and
 2447 may deliver the child to the facility or, if it is closer, to a
 2448 detention center for return to the facility. However, a child
 2449 may not be held in detention longer than 24 hours, excluding
 2450 Saturdays, Sundays, and legal holidays, unless a special order
 2451 so directing is made by the judge after a detention hearing
 2452 resulting in a finding that detention is required based on the
 2453 criteria in s. 985.255 ~~985.215(2)~~. The order shall state the
 2454 reasons for such finding. The reasons shall be reviewable by
 2455 appeal or in habeas corpus proceedings in the district court of
 2456 appeal.

2457 (2) Any sheriff or other law enforcement officer, upon the
 2458 request of the secretary of the department or duly authorized
 2459 agent, shall take a child who has escaped or absconded from a
 2460 department facility for committed delinquent children, or from
 2461 being lawfully transported thereto or therefrom, into custody
 2462 and deliver the child to the appropriate juvenile probation
 2463 officer of the department.

2464 Section 39. Section 985.218, Florida Statutes, is
 2465 renumbered as section 985.318, Florida Statutes.

2466 Section 40. Subsections (1) through (7) and (9) through
 2467 (12) of section 985.219, Florida Statutes, are renumbered as
 2468 subsections (1) through (11) of section 985.319, Florida
 2469 Statutes, and subsection (6) of said section is amended to read:

2470 985.319 ~~985.219~~ Process and service.--

2471 (6) If the petition alleges that the child has committed a
 2472 delinquent act or violation of law and the judge deems it
 2473 advisable to do so, under ~~pursuant to~~ the criteria of s. 985.255
 2474 ~~s. 985.215~~, the judge may, by endorsement upon the summons and
 2475 after the entry of an order in which valid reasons are
 2476 specified, order the child to be taken into custody immediately,
 2477 and in such case the person serving the summons shall
 2478 immediately take the child into custody.

2479 Section 41. Section 985.22, Florida Statutes, is
 2480 renumbered as section 985.325, Florida Statutes, and amended to
 2481 read:

2482 985.325 ~~985.22~~ Threatening or dismissing an employee
 2483 prohibited.--

2484 (1) An employer, or the employer's agent, may not dismiss
 2485 from employment an employee who is summoned to appear before the
 2486 court under s. 985.319 ~~985.219~~ solely because of the nature of
 2487 the summons or because the employee complies with the summons.

2488 (2) If an employer, or the employer's agent, threatens an
 2489 employee with dismissal, or dismisses an employee, who is
 2490 summoned to appear under s. 985.319 ~~985.219~~, the court may hold
 2491 the employer in contempt.

2492 Section 42. Sections 985.221, 985.222, and 985.306,
 2493 Florida Statutes, are renumbered, respectively, as sections
 2494 985.331, 985.335, and 985.345, Florida Statutes.

2495 Section 43. Section 985.228, Florida Statutes, is
 2496 renumbered as section 985.35, Florida Statutes, and amended to
 2497 read:

2498 985.35 ~~985.228~~ Adjudicatory hearings; withheld
 2499 adjudications; orders of adjudication.--

2500 (1) The adjudicatory hearing must be held as soon as
 2501 practicable after the petition alleging that a child has
 2502 committed a delinquent act or violation of law is filed and in
 2503 accordance with the Florida Rules of Juvenile Procedure; but
 2504 reasonable delay for the purpose of investigation, discovery, or
 2505 procuring counsel or witnesses shall be granted. If the child is
 2506 being detained, the time limitations ~~provided for~~ in s.
 2507 985.26(2) and (3) ~~985.215(5)(c) and (d)~~ apply.

2508 (2) Adjudicatory hearings shall be conducted without a
 2509 jury by the court, applying in delinquency cases the rules of
 2510 evidence in use in criminal cases; adjourning the hearings from
 2511 time to time as necessary; and conducting a fundamentally fair
 2512 hearing in language understandable, to the fullest extent
 2513 practicable, to the child before the court.

2514 (a) In a hearing on a petition alleging that a child has
 2515 committed a delinquent act or violation of law, the evidence
 2516 must establish the findings beyond a reasonable doubt.

2517 (b) The child is entitled to the opportunity to introduce
 2518 evidence and otherwise be heard in the child's own behalf and to
 2519 cross-examine witnesses.

2520 (c) A child charged with a delinquent act or violation of
 2521 law must be afforded all rights against self-incrimination.
 2522 Evidence illegally seized or obtained may not be received to
 2523 establish the allegations against the child.

2524 (3) If the court finds that the child named in a petition
 2525 has not committed a delinquent act or violation of law, it shall
 2526 enter an order so finding and dismissing the case.

2527 (4) If the court finds that the child named in the
 2528 petition has committed a delinquent act or violation of law, it
 2529 may, in its discretion, enter an order stating the facts upon
 2530 which its finding is based but withholding adjudication of
 2531 delinquency.

2532 (a) Upon withholding adjudication of delinquency, the
 2533 court may place ~~and placing~~ the child in a probation program
 2534 under the supervision of the department or under the supervision
 2535 of any other person or agency specifically authorized and
 2536 appointed by the court. The court may, as a condition of the
 2537 program, impose as a penalty component restitution in money or
 2538 in kind, community service, a curfew, urine monitoring,
 2539 revocation or suspension of the driver's license of the child,
 2540 or other nonresidential punishment appropriate to the offense,
 2541 and may impose as a rehabilitative component a requirement of
 2542 participation in substance abuse treatment, or school or other
 2543 educational program attendance.

2544 (b) If the child is attending public school and the court
 2545 finds that the victim or a sibling of the victim in the case was
 2546 assigned to attend or is eligible to attend the same school as
 2547 the child, the court order shall include a finding pursuant to
 2548 the proceedings described in s. 985.455, regardless of whether
 2549 adjudication is withheld ~~985.23(1)(d)~~.

2550 (c) If the court later finds that the child has not
 2551 complied with the rules, restrictions, or conditions of the

2552 community-based program, the court may, after a hearing to
 2553 establish the lack of compliance, but without further evidence
 2554 of the state of delinquency, enter an adjudication of
 2555 delinquency and shall thereafter have full authority under this
 2556 chapter to deal with the child as adjudicated.

2557 (5) If the court finds that the child named in a petition
 2558 has committed a delinquent act or violation of law, but elects
 2559 not to proceed under subsection (4), it shall incorporate that
 2560 finding in an order of adjudication of delinquency entered in
 2561 the case, briefly stating the facts upon which the finding is
 2562 made, and the court shall thereafter have full authority under
 2563 this chapter to deal with the child as adjudicated.

2564 (6) Except as the term "conviction" is used in chapter
 2565 322, and except for use in a subsequent proceeding under this
 2566 chapter, an adjudication of delinquency by a court with respect
 2567 to any child who has committed a delinquent act or violation of
 2568 law shall not be deemed a conviction; nor shall the child be
 2569 deemed to have been found guilty or to be a criminal by reason
 2570 of that adjudication; nor shall that adjudication operate to
 2571 impose upon the child any of the civil disabilities ordinarily
 2572 imposed by or resulting from conviction or to disqualify or
 2573 prejudice the child in any civil service application or
 2574 appointment, with the exception of the use of records of
 2575 proceedings under this chapter part as provided in s. 985.045(4)
 2576 ~~s. 985.05(4)~~.

2577 (7) Notwithstanding any other provision of law, an
 2578 adjudication of delinquency for an offense classified as a

2579 felony shall disqualify a person from lawfully possessing a
 2580 firearm until such person reaches 24 years of age.

2581 Section 44. Subsection (3) of section 985.229, Florida
 2582 Statutes, is renumbered as subsection (3) of section 985.43,
 2583 Florida Statutes, and section 985.43, Florida Statutes, is
 2584 created to read:

2585 985.43 Predisposition reports; other evaluations.--

2586 (1) Upon a finding that the child has committed a
 2587 delinquent act:

2588 (a) The court may order the department to prepare a
 2589 predisposition report regarding the child's eligibility for
 2590 disposition other than by adjudication and commitment to the
 2591 department or for disposition of adjudication, commitment to the
 2592 department, and, if appropriate, assignment of a residential
 2593 commitment level. The predisposition report shall be the result
 2594 of the multidisciplinary assessment when such assessment is
 2595 needed, and of the classification and placement process, and it
 2596 shall indicate and report the child's priority needs,
 2597 recommendations as to a classification of risk for the child in
 2598 the context of his or her program and supervision needs, and a
 2599 plan for treatment that recommends the most appropriate
 2600 placement setting to meet the child's needs with the minimum
 2601 program security that reasonably ensures public safety. A
 2602 predisposition report shall be ordered for any child for whom a
 2603 residential commitment disposition is anticipated or recommended
 2604 by an officer of the court or by the department.

2605 (b) A comprehensive evaluation for physical health; mental
 2606 health; substance abuse; or academic, educational, or vocational

2607 problems shall be ordered for any child for whom a residential
 2608 commitment disposition is anticipated or recommended by an
 2609 officer of the court or by the department. If a comprehensive
 2610 evaluation is ordered, the predisposition report shall include a
 2611 summary of the comprehensive evaluation.

2612 (c) A child who was not in secure detention at the time of
 2613 the adjudicatory hearing, but for whom residential commitment is
 2614 anticipated or recommended, may be placed under a special
 2615 detention order, as provided in s. 985.26(5), for the purpose of
 2616 conducting a comprehensive evaluation.

2617 (2) The court shall consider the child's entire assessment
 2618 and predisposition report and shall review the records of
 2619 earlier judicial proceedings prior to making a final disposition
 2620 of the case. The court may, by order, require additional
 2621 evaluations and studies to be performed by the department, by
 2622 the county school system, or by any social, psychological, or
 2623 psychiatric agency of the state. The court shall order the
 2624 educational needs assessment completed under s. 985.18(2) to be
 2625 included in the assessment and predisposition report.

2626 (3) The predisposition report, together with all other
 2627 reports and evaluations used by the department in preparing the
 2628 predisposition report, shall be made available to the child, the
 2629 child's parents or legal guardian, the child's legal counsel,
 2630 and the state attorney upon completion of the report and at a
 2631 reasonable time prior to the disposition hearing. The
 2632 predisposition report shall be submitted to the court upon
 2633 completion of the report but no later than 48 hours prior to the
 2634 disposition hearing. The predisposition report shall not be

2635 reviewed by the court without the consent of the child and his
 2636 or her legal counsel until the child has been found to have
 2637 committed a delinquent act.

2638 Section 45. Section 985.23, Florida Statutes, is
 2639 renumbered as section 985.433, Florida Statutes, and amended to
 2640 read:

2641 985.433 ~~985.23~~ Disposition hearings in delinquency
 2642 cases.--When a child has been found to have committed a
 2643 delinquent act, the following procedures shall be applicable to
 2644 the disposition of the case:

2645 (1)~~(7)~~ The court shall notify any victim of the offense,
 2646 if such person is known and within the jurisdiction of the
 2647 court, of the hearing.

2648 (2) The court ~~and~~ shall notify and summon or subpoena, if
 2649 necessary, the parents, legal custodians, or guardians of the
 2650 child to attend the disposition hearing if they reside in the
 2651 state.

2652
 2653 ~~It is the intent of the Legislature that the criteria set forth~~
 2654 ~~in subsection (2) are general guidelines to be followed at the~~
 2655 ~~discretion of the court and not mandatory requirements of~~
 2656 ~~procedure. It is not the intent of the Legislature to provide~~
 2657 ~~for the appeal of the disposition made pursuant to this section.~~

2658 (3)~~(6)~~ The court may receive and consider any other
 2659 relevant and material evidence, including other written or oral
 2660 reports or statements, in its effort to determine the
 2661 appropriate disposition to be made with regard to the child. The
 2662 court may rely upon such evidence to the extent of its probative

2663 value, even though such evidence may not be technically
 2664 competent in an adjudicatory hearing.

2665 (4)~~(1)~~ Before the court determines and announces the
 2666 disposition to be imposed, it shall:

2667 (a) State clearly, using common terminology, the purpose
 2668 of the hearing and the right of persons present as parties to
 2669 comment at the appropriate time on the issues before the court. ~~;~~

2670 (b) Discuss with the child his or her compliance with any
 2671 home release plan or other plan imposed since the date of the
 2672 offense. ~~;~~

2673 (c) Discuss with the child his or her feelings about the
 2674 offense committed, the harm caused to the victim or others, and
 2675 what penalty he or she should be required to pay for such
 2676 transgression. ~~;~~ ~~and~~

2677 (d) Give all parties, as well as the victim, or a
 2678 representative of the victim, representatives of the school
 2679 system, and the law enforcement officers involved in the case
 2680 who are present at the hearing an opportunity to comment on the
 2681 issue of disposition and any proposed rehabilitative plan.
 2682 Parties to the case shall include the parents, legal custodians,
 2683 or guardians of the child; the child's counsel; the state
 2684 attorney; and representatives of the department; ~~the victim if~~
 2685 ~~any, or his or her representative; representatives of the school~~
 2686 ~~system; and the law enforcement officers involved in the case.~~
 2687 ~~If the child is attending or is eligible to attend public school~~
 2688 ~~and the court finds that the victim or a sibling of the victim~~
 2689 ~~in the case is attending or may attend the same school as the~~
 2690 ~~child, the court shall, on its own motion or upon the request of~~

2691 ~~any party or any parent or legal guardian of the victim,~~
 2692 ~~determine whether it is appropriate to enter a no contact order~~
 2693 ~~in favor of the victim or a sibling of the victim. If~~
 2694 ~~appropriate and acceptable to the victim and the victim's parent~~
 2695 ~~or parents or legal guardian, the court may reflect in the~~
 2696 ~~written disposition order that the victim or the victim's parent~~
 2697 ~~stated in writing or in open court that he or she did not object~~
 2698 ~~to the offender being permitted to attend the same school or~~
 2699 ~~ride on the same school bus as the victim or a sibling of the~~
 2700 ~~victim.~~

2701 (5) At the time of disposition, the court may make
 2702 recommendations to the department as to specific treatment
 2703 approaches to be employed.

2704 (6)~~(2)~~ The first determination to be made by the court is
 2705 a determination of the suitability or unsuitability for
 2706 adjudication and commitment of the child to the department. This
 2707 determination shall include consideration of the recommendations
 2708 of the department, which may include a predisposition report.
 2709 The predisposition report shall include, whether as part of the
 2710 child's multidisciplinary assessment, classification, and
 2711 placement process components or separately, evaluation of the
 2712 following criteria:

2713 (a) The seriousness of the offense to the community. If
 2714 the court determines under chapter 874 that the child was a
 2715 member of a criminal street gang at the time of the commission
 2716 of the offense, ~~which determination shall be made pursuant to~~
 2717 ~~chapter 874,~~ the seriousness of the offense to the community
 2718 shall be given great weight.

2719 (b) Whether the protection of the community requires
 2720 adjudication and commitment to the department.

2721 (c) Whether the offense was committed in an aggressive,
 2722 violent, premeditated, or willful manner.

2723 (d) Whether the offense was against persons or against
 2724 property, greater weight being given to offenses against
 2725 persons, especially if personal injury resulted.

2726 (e) The sophistication and maturity of the child.

2727 (f) The record and previous criminal history of the child,
 2728 including without limitations:

2729 1. Previous contacts with the department, the former
 2730 Department of Health and Rehabilitative Services, the Department
 2731 of Children and Family Services, the Department of Corrections,
 2732 other law enforcement agencies, and courts.;

2733 2. Prior periods of probation.;

2734 3. Prior adjudications of delinquency.; ~~and~~

2735 4. Prior commitments to institutions.

2736 (g) The prospects for adequate protection of the public
 2737 and the likelihood of reasonable rehabilitation of the child if
 2738 committed to a community services program or facility.

2739 (h) The child's educational status, including, but not
 2740 limited to, the child's strengths, abilities, and unmet and
 2741 special educational needs. The report shall identify appropriate
 2742 educational and vocational goals for the child. Examples of
 2743 appropriate goals include:

2744 1. Attainment of a high school diploma or its equivalent.

2745 2. Successful completion of literacy course(s).

2746 3. Successful completion of vocational course(s).

2747 4. Successful attendance and completion of the child's
 2748 current grade if enrolled in school.

2749 5. Enrollment in an apprenticeship or a similar program.
 2750

2751 It is the intent of the Legislature that the criteria set forth
 2752 in this subsection are general guidelines to be followed at the
 2753 discretion of the court and not mandatory requirements of
 2754 procedure. It is not the intent of the Legislature to provide
 2755 for the appeal of the disposition made under this section.

2756 ~~(7)(3)(a)~~ If the court determines that the child should be
 2757 adjudicated as having committed a delinquent act and should be
 2758 committed to the department, such determination shall be in
 2759 writing or on the record of the hearing. The determination shall
 2760 include a specific finding of the reasons for the decision to
 2761 adjudicate and to commit the child to the department, including
 2762 any determination that the child was a member of a criminal
 2763 street gang.

2764 ~~(a)(b)~~ ~~If the court determines that commitment to the~~
 2765 ~~department is appropriate,~~ The juvenile probation officer shall
 2766 recommend to the court the most appropriate placement and
 2767 treatment plan, specifically identifying the restrictiveness
 2768 level most appropriate for the child. If the court has
 2769 determined that the child was a member of a criminal street
 2770 gang, that determination shall be given great weight in
 2771 identifying the most appropriate restrictiveness level for the
 2772 child. The court shall consider the department's recommendation
 2773 in making its commitment decision.

2774 (b)~~(e)~~ The court shall commit the child to the department
 2775 at the restrictiveness level identified or may order placement
 2776 at a different restrictiveness level. The court shall state for
 2777 the record the reasons that ~~which~~ establish by a preponderance
 2778 of the evidence why the court is disregarding the assessment of
 2779 the child and the restrictiveness level recommended by the
 2780 department. Any party may appeal the court's findings resulting
 2781 in a modified level of restrictiveness under ~~pursuant to~~ this
 2782 paragraph.

2783 (c)~~(d)~~ The court may also require that the child be placed
 2784 in a probation program following the child's discharge from
 2785 commitment. Community-based sanctions under ~~pursuant to~~
 2786 subsection (8)~~(4)~~ may be imposed by the court at the disposition
 2787 hearing or at any time prior to the child's release from
 2788 commitment.

2789 ~~(e) The court shall be responsible for the fingerprinting
 2790 of any child at the disposition hearing if the child has been
 2791 adjudicated or had adjudication withheld for any felony in the
 2792 case currently before the court.~~

2793 (8)~~(4)~~ If the court determines not to adjudicate and
 2794 commit to the department, then the court shall determine what
 2795 community-based sanctions it will impose in a probation program
 2796 for the child. Community-based sanctions may include, but are
 2797 not limited to, participation in substance abuse treatment, a
 2798 day-treatment probation program, restitution in money or in
 2799 kind, a curfew, revocation or suspension of the driver's license
 2800 of the child, community service, and appropriate educational
 2801 programs as determined by the district school board.

2802 ~~(9)(5)~~ After appropriate sanctions for the offense are
 2803 determined, the court shall develop, approve, and order a plan
 2804 of probation ~~that which~~ will contain rules, requirements,
 2805 conditions, and rehabilitative programs, including the option of
 2806 a day-treatment probation program, ~~that which~~ are designed to
 2807 encourage responsible and acceptable behavior and to promote
 2808 both the rehabilitation of the child and the protection of the
 2809 community.

2810 (10) Any disposition order shall be in writing as prepared
 2811 by the clerk of court and may thereafter be modified or set
 2812 aside by the court.

2813 Section 46. Paragraph (a) of subsection (1) of section
 2814 985.231, Florida Statutes, is renumbered as section 985.435,
 2815 Florida Statutes, and amended to read:

2816 985.435 Probation and postcommitment probation; community
 2817 service.--

2818 ~~(1)(a)~~ The court that has jurisdiction of an adjudicated
 2819 delinquent child may, by an order stating the facts upon which a
 2820 determination of a sanction and rehabilitative program was made
 2821 at the disposition hearing, ~~+~~

2822 ~~+~~ place the child in a probation program or a
 2823 postcommitment probation program. Such placement must be under
 2824 the supervision of an authorized agent of the department ~~of~~
 2825 ~~Juvenile Justice~~ or of any other person or agency specifically
 2826 authorized and appointed by the court, whether in the child's
 2827 own home, in the home of a relative of the child, or in some
 2828 other suitable place under such reasonable conditions as the
 2829 court may direct.

2830 (1) A probation program for an adjudicated delinquent
 2831 child must include a penalty component such as:

2832 (a) Restitution in money or in kind;
 2833 (b) Community service;
 2834 (c) A curfew;
 2835 (d) Revocation or suspension of the driver's license of
 2836 the child; or
 2837 (e) Other nonresidential punishment appropriate to the
 2838 offense.

2839 (2) A probation program ~~and~~ must also include a
 2840 rehabilitative program component such as a requirement of
 2841 participation in substance abuse treatment or in school or other
 2842 educational program. The nonconsent of the child to treatment in
 2843 a substance abuse treatment program in no way precludes the
 2844 court from ordering such treatment ~~If the child is attending or~~
 2845 ~~is eligible to attend public school and the court finds that the~~
 2846 ~~victim or a sibling of the victim in the case is attending or~~
 2847 ~~may attend the same school as the child, the court placement~~
 2848 ~~order shall include a finding pursuant to the proceedings~~
 2849 ~~described in s. 985.23(1)(d).~~ Upon the recommendation of the
 2850 department at the time of disposition, or subsequent to
 2851 disposition pursuant to the filing of a petition alleging a
 2852 violation of the child's conditions of postcommitment probation,
 2853 the court may order the child to submit to random testing for
 2854 the purpose of detecting and monitoring the use of alcohol or
 2855 controlled substances.

2856 (3)~~a.~~ A restrictiveness level classification scale for
 2857 levels of supervision shall be provided by the department,

2858 taking into account the child's needs and risks relative to
 2859 probation supervision requirements to reasonably ensure the
 2860 public safety. Probation programs for children shall be
 2861 supervised by the department or by any other person or agency
 2862 specifically authorized by the court. These programs must
 2863 include, but are not limited to, structured or restricted
 2864 activities as described in this section and s. 985.439
 2865 ~~subparagraph~~, and shall be designed to encourage the child
 2866 toward acceptable and functional social behavior.

2867 (4) If supervision or a program of community service is
 2868 ordered by the court, the duration of such supervision or
 2869 program must be consistent with any treatment and rehabilitation
 2870 needs identified for the child and may not exceed the term for
 2871 which sentence could be imposed if the child were committed for
 2872 the offense, except that the duration of such supervision or
 2873 program for an offense that is a misdemeanor of the second
 2874 degree, or is equivalent to a misdemeanor of the second degree,
 2875 may be for a period not to exceed 6 months. ~~When restitution is~~
 2876 ~~ordered by the court, the amount of restitution may not exceed~~
 2877 ~~an amount the child and the parent or guardian could reasonably~~
 2878 ~~be expected to pay or make. A child who participates in any work~~
 2879 ~~program under this part is considered an employee of the state~~
 2880 ~~for purposes of liability, unless otherwise provided by law.~~

2881 (5)~~b.~~ The court may conduct judicial review hearings for a
 2882 child placed on probation for the purpose of fostering
 2883 accountability to the judge and compliance with other
 2884 requirements, such as restitution and community service. The
 2885 court may allow early termination of probation for a child who

2886 has substantially complied with the terms and conditions of
2887 probation.

2888 ~~e. If the conditions of the probation program or the~~
2889 ~~postcommitment probation program are violated, the department or~~
2890 ~~the state attorney may bring the child before the court on a~~
2891 ~~petition alleging a violation of the program. Any child who~~
2892 ~~violates the conditions of probation or postcommitment probation~~
2893 ~~must be brought before the court if sanctions are sought. A~~
2894 ~~child taken into custody under s. 985.207 for violating the~~
2895 ~~conditions of probation or postcommitment probation shall be~~
2896 ~~held in a consequence unit if such a unit is available. The~~
2897 ~~child shall be afforded a hearing within 24 hours after being~~
2898 ~~taken into custody to determine the existence of probable cause~~
2899 ~~that the child violated the conditions of probation or~~
2900 ~~postcommitment probation. A consequence unit is a secure~~
2901 ~~facility specifically designated by the department for children~~
2902 ~~who are taken into custody under s. 985.207 for violating~~
2903 ~~probation or postcommitment probation, or who have been found by~~
2904 ~~the court to have violated the conditions of probation or~~
2905 ~~postcommitment probation. If the violation involves a new charge~~
2906 ~~of delinquency, the child may be detained under s. 985.215 in a~~
2907 ~~facility other than a consequence unit. If the child is not~~
2908 ~~eligible for detention for the new charge of delinquency, the~~
2909 ~~child may be held in the consequence unit pending a hearing and~~
2910 ~~is subject to the time limitations specified in s. 985.215. If~~
2911 ~~the child denies violating the conditions of probation or~~
2912 ~~postcommitment probation, the court shall appoint counsel to~~
2913 ~~represent the child at the child's request. Upon the child's~~

2914 ~~admission, or if the court finds after a hearing that the child~~
 2915 ~~has violated the conditions of probation or postcommitment~~
 2916 ~~probation, the court shall enter an order revoking, modifying,~~
 2917 ~~or continuing probation or postcommitment probation. In each~~
 2918 ~~such case, the court shall enter a new disposition order and, in~~
 2919 ~~addition to the sanctions set forth in this paragraph, may~~
 2920 ~~impose any sanction the court could have imposed at the original~~
 2921 ~~disposition hearing. If the child is found to have violated the~~
 2922 ~~conditions of probation or postcommitment probation, the court~~
 2923 ~~may:~~

2924 ~~(I) Place the child in a consequence unit in that judicial~~
 2925 ~~circuit, if available, for up to 5 days for a first violation,~~
 2926 ~~and up to 15 days for a second or subsequent violation.~~

2927 ~~(II) Place the child on home detention with electronic~~
 2928 ~~monitoring. However, this sanction may be used only if a~~
 2929 ~~residential consequence unit is not available.~~

2930 ~~(III) Modify or continue the child's probation program or~~
 2931 ~~postcommitment probation program.~~

2932 ~~(IV) Revoke probation or postcommitment probation and~~
 2933 ~~commit the child to the department.~~

2934 ~~d. Notwithstanding s. 743.07 and paragraph (d), and except~~
 2935 ~~as provided in s. 985.31, the term of any order placing a child~~
 2936 ~~in a probation program must be until the child's 19th birthday~~
 2937 ~~unless he or she is released by the court, on the motion of an~~
 2938 ~~interested party or on its own motion.~~

2939 ~~2. Commit the child to a licensed child-caring agency~~
 2940 ~~willing to receive the child, but the court may not commit the~~

2941 ~~child to a jail or to a facility used primarily as a detention~~
 2942 ~~center or facility or shelter.~~

2943 ~~3. Commit the child to the Department of Juvenile Justice~~
 2944 ~~at a residential commitment level defined in s. 985.03. Such~~
 2945 ~~commitment must be for the purpose of exercising active control~~
 2946 ~~over the child, including, but not limited to, custody, care,~~
 2947 ~~training, urine monitoring, and treatment of the child and~~
 2948 ~~release of the child into the community in a postcommitment~~
 2949 ~~nonresidential conditional release program. If the child is~~
 2950 ~~eligible to attend public school following residential~~
 2951 ~~commitment and the court finds that the victim or a sibling of~~
 2952 ~~the victim in the case is or may be attending the same school as~~
 2953 ~~the child, the commitment order shall include a finding pursuant~~
 2954 ~~to the proceedings described in s. 985.23(1)(d). If the child is~~
 2955 ~~not successful in the conditional release program, the~~
 2956 ~~department may use the transfer procedure under s. 985.404.~~
 2957 ~~Notwithstanding s. 743.07 and paragraph (d), and except as~~
 2958 ~~provided in s. 985.31, the term of the commitment must be until~~
 2959 ~~the child is discharged by the department or until he or she~~
 2960 ~~reaches the age of 21.~~

2961 ~~4. Revoke or suspend the driver's license of the child.~~

2962 ~~5. Require the child and, if the court finds it~~
 2963 ~~appropriate, the child's parent or guardian together with the~~
 2964 ~~child, to render community service in a public service program.~~

2965 ~~6. As part of the probation program to be implemented by~~
 2966 ~~the Department of Juvenile Justice, or, in the case of a~~
 2967 ~~committed child, as part of the community-based sanctions~~
 2968 ~~ordered by the court at the disposition hearing or before the~~

2969 ~~child's release from commitment, order the child to make~~
 2970 ~~restitution in money, through a promissory note cosigned by the~~
 2971 ~~child's parent or guardian, or in kind for any damage or loss~~
 2972 ~~caused by the child's offense in a reasonable amount or manner~~
 2973 ~~to be determined by the court. The clerk of the circuit court~~
 2974 ~~shall be the receiving and dispensing agent. In such case, the~~
 2975 ~~court shall order the child or the child's parent or guardian to~~
 2976 ~~pay to the office of the clerk of the circuit court an amount~~
 2977 ~~not to exceed the actual cost incurred by the clerk as a result~~
 2978 ~~of receiving and dispensing restitution payments. The clerk~~
 2979 ~~shall notify the court if restitution is not made, and the court~~
 2980 ~~shall take any further action that is necessary against the~~
 2981 ~~child or the child's parent or guardian. A finding by the court,~~
 2982 ~~after a hearing, that the parent or guardian has made diligent~~
 2983 ~~and good faith efforts to prevent the child from engaging in~~
 2984 ~~delinquent acts absolves the parent or guardian of liability for~~
 2985 ~~restitution under this subparagraph.~~

2986 ~~7. Order the child and, if the court finds it appropriate,~~
 2987 ~~the child's parent or guardian together with the child, to~~
 2988 ~~participate in a community work project, either as an~~
 2989 ~~alternative to monetary restitution or as part of the~~
 2990 ~~rehabilitative or probation program.~~

2991 ~~8. Commit the child to the Department of Juvenile Justice~~
 2992 ~~for placement in a program or facility for serious or habitual~~
 2993 ~~juvenile offenders in accordance with s. 985.31. Any commitment~~
 2994 ~~of a child to a program or facility for serious or habitual~~
 2995 ~~juvenile offenders must be for an indeterminate period of time,~~
 2996 ~~but the time may not exceed the maximum term of imprisonment~~

2997 ~~that an adult may serve for the same offense. The court may~~
 2998 ~~retain jurisdiction over such child until the child reaches the~~
 2999 ~~age of 21, specifically for the purpose of the child completing~~
 3000 ~~the program.~~

3001 ~~9. In addition to the sanctions imposed on the child,~~
 3002 ~~order the parent or guardian of the child to perform community~~
 3003 ~~service if the court finds that the parent or guardian did not~~
 3004 ~~make a diligent and good faith effort to prevent the child from~~
 3005 ~~engaging in delinquent acts. The court may also order the parent~~
 3006 ~~or guardian to make restitution in money or in kind for any~~
 3007 ~~damage or loss caused by the child's offense. The court shall~~
 3008 ~~determine a reasonable amount or manner of restitution, and~~
 3009 ~~payment shall be made to the clerk of the circuit court as~~
 3010 ~~provided in subparagraph 6.~~

3011 ~~10. Subject to specific appropriation, commit the juvenile~~
 3012 ~~sexual offender to the Department of Juvenile Justice for~~
 3013 ~~placement in a program or facility for juvenile sexual offenders~~
 3014 ~~in accordance with s. 985.308. Any commitment of a juvenile~~
 3015 ~~sexual offender to a program or facility for juvenile sexual~~
 3016 ~~offenders must be for an indeterminate period of time, but the~~
 3017 ~~time may not exceed the maximum term of imprisonment that an~~
 3018 ~~adult may serve for the same offense. The court may retain~~
 3019 ~~jurisdiction over a juvenile sexual offender until the juvenile~~
 3020 ~~sexual offender reaches the age of 21, specifically for the~~
 3021 ~~purpose of completing the program.~~

3022 Section 47. Section 985.437, Florida Statutes, is created
 3023 to read:

3024 985.437 Restitution.--

3025 (1) The court that has jurisdiction of an adjudicated
 3026 delinquent child may, by an order stating the facts upon which a
 3027 determination of a sanction and rehabilitative program was made
 3028 at the disposition hearing, order the child to make restitution
 3029 in the manner provided in this section. This order shall be part
 3030 of the probation program to be implemented by the department or,
 3031 in the case of a committed child, as part of the community-based
 3032 sanctions ordered by the court at the disposition hearing or
 3033 before the child's release from commitment.

3034 (2) The court may order the child to make restitution in
 3035 money, through a promissory note cosigned by the child's parent
 3036 or guardian, or in kind for any damage or loss caused by the
 3037 child's offense in a reasonable amount or manner to be
 3038 determined by the court. When restitution is ordered by the
 3039 court, the amount of restitution may not exceed an amount the
 3040 child and the parent or guardian could reasonably be expected to
 3041 pay or make.

3042 (3) The clerk of the circuit court shall be the receiving
 3043 and dispensing agent. In such case, the court shall order the
 3044 child or the child's parent or guardian to pay to the office of
 3045 the clerk of the circuit court an amount not to exceed the
 3046 actual cost incurred by the clerk as a result of receiving and
 3047 dispensing restitution payments. The clerk shall notify the
 3048 court if restitution is not made, and the court shall take any
 3049 further action that is necessary against the child or the
 3050 child's parent or guardian.

3051 (4) A finding by the court, after a hearing, that the
 3052 parent or guardian has made diligent and good faith efforts to

3053 prevent the child from engaging in delinquent acts absolves the
 3054 parent or guardian of liability for restitution under this
 3055 section.

3056 (5) The court may retain jurisdiction over a child and the
 3057 child's parent or legal guardian whom the court has ordered to
 3058 pay restitution until the restitution order is satisfied or
 3059 until the court orders otherwise, as provided in s. 985.0301.

3060 Section 48. Section 985.439, Florida Statutes, is created
 3061 to read:

3062 985.439 Violation of probation or postcommitment
 3063 probation.--

3064 (1)(a) This section is applicable when the court has
 3065 jurisdiction over an adjudicated delinquent child.

3066 (b) If the conditions of the probation program or the
 3067 postcommitment probation program are violated, the department or
 3068 the state attorney may bring the child before the court on a
 3069 petition alleging a violation of the program. Any child who
 3070 violates the conditions of probation or postcommitment probation
 3071 must be brought before the court if sanctions are sought.

3072 (2) A child taken into custody under s. 985.101 for
 3073 violating the conditions of probation or postcommitment
 3074 probation shall be held in a consequence unit if such a unit is
 3075 available. The child shall be afforded a hearing within 24 hours
 3076 after being taken into custody to determine the existence of
 3077 probable cause that the child violated the conditions of
 3078 probation or postcommitment probation. A consequence unit is a
 3079 secure facility specifically designated by the department for
 3080 children who are taken into custody under s. 985.101 for

3081 violating probation or postcommitment probation, or who have
 3082 been found by the court to have violated the conditions of
 3083 probation or postcommitment probation. If the violation involves
 3084 a new charge of delinquency, the child may be detained under
 3085 part V in a facility other than a consequence unit. If the child
 3086 is not eligible for detention for the new charge of delinquency,
 3087 the child may be held in the consequence unit pending a hearing
 3088 and is subject to the time limitations specified in part V.

3089 (3) If the child denies violating the conditions of
 3090 probation or postcommitment probation, the court shall, upon the
 3091 child's request, appoint counsel to represent the child.

3092 (4) Upon the child's admission, or if the court finds
 3093 after a hearing that the child has violated the conditions of
 3094 probation or postcommitment probation, the court shall enter an
 3095 order revoking, modifying, or continuing probation or
 3096 postcommitment probation. In each such case, the court shall
 3097 enter a new disposition order and, in addition to the sanctions
 3098 set forth in this section, may impose any sanction the court
 3099 could have imposed at the original disposition hearing. If the
 3100 child is found to have violated the conditions of probation or
 3101 postcommitment probation, the court may:

3102 (a) Place the child in a consequence unit in that judicial
 3103 circuit, if available, for up to 5 days for a first violation
 3104 and up to 15 days for a second or subsequent violation.

3105 (b) Place the child on home detention with electronic
 3106 monitoring. However, this sanction may be used only if a
 3107 residential consequence unit is not available.

3108 (c) Modify or continue the child's probation program or
 3109 postcommitment probation program.

3110 (d) Revoke probation or postcommitment probation and
 3111 commit the child to the department.

3112 (5) Upon the recommendation of the department at the time
 3113 of disposition, or subsequent to disposition pursuant to the
 3114 filing of a petition alleging a violation of the child's
 3115 conditions of postcommitment probation, the court may order the
 3116 child to submit to random testing for the purpose of detecting
 3117 and monitoring the use of alcohol or controlled substances.

3118 Section 49. Section 985.441, Florida Statutes, is created
 3119 to read:

3120 985.441 Commitment.--

3121 (1) The court that has jurisdiction of an adjudicated
 3122 delinquent child may, by an order stating the facts upon which a
 3123 determination of a sanction and rehabilitative program was made
 3124 at the disposition hearing:

3125 (a) Commit the child to a licensed child-caring agency
 3126 willing to receive the child; however, the court may not commit
 3127 the child to a jail or to a facility used primarily as a
 3128 detention center or facility or shelter.

3129 (b) Commit the child to the department at a residential
 3130 commitment level defined in s. 985.03. Such commitment must be
 3131 for the purpose of exercising active control over the child,
 3132 including, but not limited to, custody, care, training, urine
 3133 monitoring, and treatment of the child and release of the child
 3134 into the community in a postcommitment nonresidential
 3135 conditional release program. If the child is not successful in

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3136 the conditional release program, the department may use the
3137 transfer procedure under subsection (3).

3138 (c) Commit the child to the Department of Juvenile Justice
3139 for placement in a program or facility for serious or habitual
3140 juvenile offenders in accordance with s. 985.47.

3141 1. Following a delinquency adjudicatory hearing under s.
3142 985.35 and a delinquency disposition hearing under s. 985.433
3143 that results in a commitment determination, the court shall, on
3144 its own or upon request by the state or the department,
3145 determine whether the protection of the public requires that the
3146 child be placed in a program for serious or habitual juvenile
3147 offenders and whether the particular needs of the child would be
3148 best served by a program for serious or habitual juvenile
3149 offenders as provided in s. 985.47. The determination shall be
3150 made under ss. 985.47(1) and 985.433(7).

3151 2. Any commitment of a child to a program or facility for
3152 serious or habitual juvenile offenders must be for an
3153 indeterminate period of time, but the time may not exceed the
3154 maximum term of imprisonment that an adult may serve for the
3155 same offense.

3156 (d) Commit the child to the department for placement in a
3157 program or facility for juvenile sexual offenders in accordance
3158 with s. 985.48, subject to specific appropriation for such a
3159 program or facility.

3160 1. The child may only be committed for such placement
3161 pursuant to determination that the child is a juvenile sexual
3162 offender under the criteria specified in s. 985.475.

3163 2. Any commitment of a juvenile sexual offender to a
 3164 program or facility for juvenile sexual offenders must be for an
 3165 indeterminate period of time, but the time may not exceed the
 3166 maximum term of imprisonment that an adult may serve for the
 3167 same offense.

3168 (2) The nonconsent of the child to commitment or treatment
 3169 in a substance abuse treatment program in no way precludes the
 3170 court from ordering such commitment or treatment.

3171 (3) The department may transfer a child, when necessary to
 3172 appropriately administer the child's commitment, from one
 3173 facility or program to another facility or program operated,
 3174 contracted, subcontracted, or designated by the department,
 3175 including a postcommitment nonresidential conditional release
 3176 program. The department shall notify the court that committed
 3177 the child to the department and any attorney of record for the
 3178 child, in writing, of its intent to transfer the child from a
 3179 commitment facility or program to another facility or program of
 3180 a higher or lower restrictiveness level. The court that
 3181 committed the child may agree to the transfer or may set a
 3182 hearing to review the transfer. If the court does not respond
 3183 within 10 days after receipt of the notice, the transfer of the
 3184 child shall be deemed granted.

3185 Section 50. Section 985.232, Florida Statutes, is
 3186 renumbered as section 985.442, Florida Statutes.

3187 Section 51. Paragraph (j) of subsection (1) of section
 3188 985.231, Florida Statutes, is renumbered as section 985.445,
 3189 Florida Statutes, and amended to read:

3190 985.445 985.231 Powers of disposition in delinquency Cases
 3191 involving grand theft of a motor vehicle.--

3192 ~~(1)~~

3193 ~~(j)~~ If the offense committed by the child was grand theft
 3194 of a motor vehicle, the court:

3195 ~~(1)1-~~ Upon a first adjudication for a grand theft of a
 3196 motor vehicle, may place the youth in a boot camp, unless the
 3197 child is ineligible under ~~pursuant to~~ s. 985.489 985.309, and
 3198 shall order the youth to complete a minimum of 50 hours of
 3199 community service.

3200 ~~(2)2-~~ Upon a second adjudication for grand theft of a
 3201 motor vehicle which is separate and unrelated to the previous
 3202 adjudication, may place the youth in a boot camp, unless the
 3203 child is ineligible under ~~pursuant to~~ s. 985.489 985.309, and
 3204 shall order the youth to complete a minimum of 100 hours of
 3205 community service.

3206 ~~(3)3-~~ Upon a third adjudication for grand theft of a motor
 3207 vehicle which is separate and unrelated to the previous
 3208 adjudications, shall place the youth in a boot camp or other
 3209 treatment program, unless the child is ineligible under ~~pursuant~~
 3210 ~~to~~ s. 985.489 985.309, and shall order the youth to complete a
 3211 minimum of 250 hours of community service.

3212 Section 52. Paragraph (g) of subsection (1) of section
 3213 985.231, Florida Statutes, is renumbered as section 985.45,
 3214 Florida Statutes, and amended to read:

3215 985.45 Liability and remuneration for work.--

3216 ~~(1)(g)~~ Whenever a child is required by the court to
 3217 participate in any work program under this part or whenever a

3218 child volunteers to work in a specified state, county,
 3219 municipal, or community service organization supervised work
 3220 program or to work for the victim, either as an alternative to
 3221 monetary restitution or as a part of the rehabilitative or
 3222 probation program, the child is an employee of the state for the
 3223 purposes of liability.

3224 (2) In determining the child's average weekly wage unless
 3225 otherwise determined by a specific funding program, all
 3226 remuneration received from the employer is a gratuity, and the
 3227 child is not entitled to any benefits otherwise payable under s.
 3228 440.15, regardless of whether the child may be receiving wages
 3229 and remuneration from other employment with another employer and
 3230 regardless of the child's future wage-earning capacity.

3231 Section 53. Paragraph (d) of subsection (1) of section
 3232 985.231, Florida Statutes, is amended and renumbered as
 3233 subsection (3) of section 985.455, Florida Statutes, and
 3234 paragraph (h) of subsection (1) of section 985.231, Florida
 3235 Statutes, is renumbered as subsection (4) of section 985.455,
 3236 Florida Statutes, which is created to read:

3237 985.455 Other dispositional issues.-

3238 (1) The court that has jurisdiction over an adjudicated
 3239 delinquent child may, by an order stating the facts upon which a
 3240 determination of a sanction and rehabilitative program was made
 3241 at the disposition hearing:

3242 (a) Require the child and, if the court finds it
 3243 appropriate, the child's parent or guardian together with the
 3244 child to render community service in a public service program.

3245 (b) Order the child and, if the court finds it
 3246 appropriate, the child's parent or guardian together with the
 3247 child to participate in a community work project, either as an
 3248 alternative to monetary restitution or as part of the
 3249 rehabilitative or probation program.

3250 (c) Revoke or suspend the driver's license of the child.

3251 (2) If the child is attending or is eligible to attend
 3252 public school and the court finds that the victim or a sibling
 3253 of the victim in the case is attending or may attend the same
 3254 school as the child, the court shall, on its own motion or upon
 3255 the request of any party or any parent or legal guardian of the
 3256 victim, determine whether it is appropriate to enter a no
 3257 contact order in favor of the victim or a sibling of the victim.
 3258 If appropriate and acceptable to the victim and the victim's
 3259 parent or parents or legal guardian, the court may reflect in
 3260 the written disposition order that the victim or the victim's
 3261 parent or parents or legal guardian stated in writing or in open
 3262 court that he or she did not object to the offender being
 3263 permitted to attend the same school or ride on the same school
 3264 bus as the victim or a sibling of the victim. If applicable, the
 3265 court placement or commitment order shall include a finding
 3266 under this subsection.

3267 ~~(1)~~

3268 ~~(3)(d)~~ Any commitment of a delinquent child to the
 3269 department of ~~Juvenile Justice~~ must be for an indeterminate
 3270 period of time, which may include periods of temporary release,
 3271 but the time may not exceed the maximum term of imprisonment
 3272 that an adult may serve for the same offense. The duration of

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3273 the child's placement in a residential commitment program of any
3274 level shall be based on objective performance-based treatment
3275 planning. The child's treatment plan progress and adjustment-
3276 related issues shall be reported to the court each month. The
3277 child's length of stay in a residential commitment program may
3278 be extended if the child fails to comply with or participate in
3279 treatment activities. The child's length of stay in such program
3280 shall not be extended for purposes of sanction or punishment.
3281 Any temporary release from such program must be approved by the
3282 court. Any child so committed may be discharged from
3283 institutional confinement or a program upon the direction of the
3284 department with the concurrence of the court. The child's
3285 treatment plan progress and adjustment-related issues must be
3286 communicated to the court at the time the department requests
3287 the court to consider releasing the child from the residential
3288 commitment program. ~~Notwithstanding s. 743.07 and this~~
3289 ~~subsection, and except as provided in ss. 985.201 and 985.31, a~~
3290 ~~child may not be held under a commitment from a court pursuant~~
3291 ~~to this section after becoming 21 years of age.~~ The department
3292 shall give the court that committed the child to the department
3293 reasonable notice, in writing, of its desire to discharge the
3294 child from a commitment facility. The court that committed the
3295 child may thereafter accept or reject the request. If the court
3296 does not respond within 10 days after receipt of the notice, the
3297 request of the department shall be deemed granted. This section
3298 does not limit the department's authority to revoke a child's
3299 temporary release status and return the child to a commitment

3300 facility for any violation of the terms and conditions of the
 3301 temporary release.

3302 (4)~~(h)~~ The court may, upon motion of the child or upon its
 3303 own motion, within 60 days after imposition of a disposition of
 3304 commitment, suspend the further execution of the disposition and
 3305 place the child in a probation program upon such terms and
 3306 conditions as the court may require. The department shall
 3307 forward to the court all relevant material on the child's
 3308 progress while in custody not later than 3 working days prior to
 3309 the hearing on the motion to suspend the disposition.

3310 Section 54. Section 985.316, Florida Statutes, is
 3311 renumbered as section 985.46, Florida Statutes, and subsection
 3312 (4) of said section is amended to read:

3313 985.46 ~~985.316~~ Conditional release.--

3314 (4) A juvenile under nonresidential commitment placement
 3315 will continue to be on commitment status and subject to the
 3316 transfer provision under s. 985.441(3) ~~985.404~~.

3317 Section 55. Section 985.313, Florida Statutes, is
 3318 renumbered as section 985.465, Florida Statutes, and amended to
 3319 read:

3320 985.465 ~~985.313~~ Juvenile correctional facilities or
 3321 juvenile prison.--A juvenile correctional facility or juvenile
 3322 prison is a physically secure residential commitment program
 3323 with a designated length of stay from 18 months to 36 months,
 3324 primarily serving children 13 years of age to 19 years of age,
 3325 or until the jurisdiction of the court expires. ~~The court may~~
 3326 ~~retain jurisdiction over the child until the child reaches the~~
 3327 ~~age of 21, specifically for the purpose of the child completing~~

3328 ~~the program.~~ Each child committed to this level must meet one of
 3329 the following criteria:

3330 (1) The child ~~youth~~ is at least 13 years of age at the
 3331 time of the disposition for the current offense and has been
 3332 adjudicated on the current offense for:

- 3333 (a) Arson;
- 3334 (b) Sexual battery;
- 3335 (c) Robbery;
- 3336 (d) Kidnapping;
- 3337 (e) Aggravated child abuse;
- 3338 (f) Aggravated assault;
- 3339 (g) Aggravated stalking;
- 3340 (h) Murder;
- 3341 (i) Manslaughter;
- 3342 (j) Unlawful throwing, placing, or discharging of a
 3343 destructive device or bomb;
- 3344 (k) Armed burglary;
- 3345 (l) Aggravated battery;
- 3346 (m) Carjacking;
- 3347 (n) Home-invasion robbery;
- 3348 (o) Burglary with an assault or battery;
- 3349 (p) Any lewd or lascivious offense committed upon or in
 3350 the presence of a person less than 16 years of age; or
- 3351 (q) Carrying, displaying, using, threatening to use, or
 3352 attempting to use a weapon or firearm during the commission of a
 3353 felony.

3354 (2) The child ~~youth~~ is at least 13 years of age at the
 3355 time of the disposition, the current offense is a felony, and

3356 the child has previously been committed three or more times to a
 3357 delinquency commitment program.

3358 (3) The child ~~youth~~ is at least 13 years of age and is
 3359 currently committed for a felony offense and transferred from a
 3360 moderate-risk or high-risk residential commitment placement.

3361 (4) The child ~~youth~~ is at least 13 years of age at the
 3362 time of the disposition for the current offense, the child ~~youth~~
 3363 is eligible for prosecution as an adult for the current offense,
 3364 and the current offense is ranked at level 7 or higher on the
 3365 Criminal Punishment Code offense severity ranking chart pursuant
 3366 to s. 921.0022.

3367 Section 56. Subsection (48) of section 985.03, Florida
 3368 Statutes, is amended and renumbered as subsection (1) of section
 3369 985.47, Florida Statutes, subsections (2), (4), and (5) of
 3370 section 985.31, Florida Statutes are amended and renumbered,
 3371 respectively, as subsections (9), (11), and (12) of section
 3372 985.47, Florida Statutes, paragraphs (e) through (i) and (k) of
 3373 subsection (3) of section 985.31, Florida Statutes, are amended
 3374 and renumbered, respectively, as subsections (2) through (6) and
 3375 (7) of section 985.47, Florida Statutes, subsection (1) of
 3376 section 985.31, Florida Statutes, is renumbered as subsection
 3377 (8) of section 985.47, Florida Statutes, and paragraphs (a)
 3378 through (d) and (j) of subsection (3) of section 985.31, Florida
 3379 Statutes, are renumbered, respectively, as paragraphs (a)
 3380 through (d) and (e) of subsection (10) of section 985.47,
 3381 Florida Statutes, and amended to read:

3382 985.47 ~~985.31~~ Serious or habitual juvenile offender.--

3383 ~~(1)(48)~~ CRITERIA.--A "serious or habitual juvenile
 3384 offender," for purposes of commitment to a residential facility
 3385 and for purposes of records retention, means a child who has
 3386 been found to have committed a delinquent act or a violation of
 3387 law, in the case currently before the court, and who meets at
 3388 least one of the following criteria:
 3389 (a) The child ~~youth~~ is at least 13 years of age at the
 3390 time of the disposition for the current offense and has been
 3391 adjudicated on the current offense for:
 3392 1. Arson;
 3393 2. Sexual battery;
 3394 3. Robbery;
 3395 4. Kidnapping;
 3396 5. Aggravated child abuse;
 3397 6. Aggravated assault;
 3398 7. Aggravated stalking;
 3399 8. Murder;
 3400 9. Manslaughter;
 3401 10. Unlawful throwing, placing, or discharging of a
 3402 destructive device or bomb;
 3403 11. Armed burglary;
 3404 12. Aggravated battery;
 3405 13. Any lewd or lascivious offense committed upon or in
 3406 the presence of a person less than 16 years of age; or
 3407 14. Carrying, displaying, using, threatening, or
 3408 attempting to use a weapon or firearm during the commission of a
 3409 felony.

3410 (b) The child ~~youth~~ is at least 13 years of age at the
 3411 time of the disposition, the current offense is a felony, and
 3412 the child has previously been committed at least two times to a
 3413 delinquency commitment program.

3414 (c) The child ~~youth~~ is at least 13 years of age and is
 3415 currently committed for a felony offense and transferred from a
 3416 moderate-risk or high-risk residential commitment placement.

3417 ~~(2)(3)(e)~~ DETERMINATION.--After a child has been
 3418 adjudicated delinquent under ~~pursuant to~~ s. 985.35 ~~985.228~~, the
 3419 court shall determine whether the child meets the criteria for a
 3420 serious or habitual juvenile offender under subsection (1)
 3421 ~~pursuant to s. 985.03(48)~~. If the court determines that the
 3422 child does not meet such criteria, ss. 985.435, 985.437,
 3423 985.439, 985.441, 985.445, 985.45, and 985.455 ~~the provisions of~~
 3424 ~~s. 985.231(1)~~ shall apply.

3425 ~~(3)(f)~~ PLACEMENT RECOMMENDATIONS.--After a child has been
 3426 transferred for criminal prosecution, a circuit court judge may
 3427 direct a juvenile probation officer to consult with designated
 3428 staff from an appropriate serious or habitual juvenile offender
 3429 program for the purpose of making recommendations to the court
 3430 regarding the child's placement in such program.

3431 ~~(4)(g)~~ TIME AND PLACE FOR
 3432 RECOMMENDATIONS.--Recommendations as to a child's placement in a
 3433 serious or habitual juvenile offender program shall be presented
 3434 to the court within 72 hours after the adjudication or
 3435 conviction, and may be based on a preliminary screening of the
 3436 child at appropriate sites, considering the child's location

3437 while court action is pending, which may include the nearest
 3438 regional detention center or facility or jail.

3439 (5)(h) REPORTING RECOMMENDATIONS TO COURT.--Based on the
 3440 recommendations of the multidisciplinary assessment, the
 3441 juvenile probation officer shall make the following
 3442 recommendations to the court:

3443 (a)1. For each child who has not been transferred for
 3444 criminal prosecution, the juvenile probation officer shall
 3445 recommend whether placement in such program is appropriate and
 3446 needed.

3447 (b)2. For each child who has been transferred for criminal
 3448 prosecution, the juvenile probation officer shall recommend
 3449 whether the most appropriate placement for the child is a
 3450 juvenile justice system program, including a serious or habitual
 3451 juvenile offender program or facility, or placement in the adult
 3452 correctional system.

3453
 3454 If treatment provided by a serious or habitual juvenile offender
 3455 program or facility is determined to be appropriate and needed
 3456 and placement is available, the juvenile probation officer and
 3457 the court shall identify the appropriate serious or habitual
 3458 juvenile offender program or facility best suited to the needs
 3459 of the child.

3460 (6)(i) ACTION ON RECOMMENDATIONS.--The treatment and
 3461 placement recommendations shall be submitted to the court for
 3462 further action under ~~pursuant to~~ this subsection ~~paragraph~~:

3463 (a)1. If it is recommended that placement in a serious or
 3464 habitual juvenile offender program or facility is inappropriate,

3465 the court shall make an alternative disposition under ~~pursuant~~
 3466 ~~to~~ s. 985.489 ~~985.309~~ or other alternative sentencing as
 3467 applicable, using ~~utilizing~~ the recommendation as a guide.

3468 (b)2- If it is recommended that placement in a serious or
 3469 habitual juvenile offender program or facility is appropriate,
 3470 the court may commit the child to the department for placement
 3471 in the restrictiveness level designated for serious or habitual
 3472 delinquent children programs.

3473 (7)(k) DURATION OF COMMITMENT.--Any commitment of a child
 3474 to the department for placement in a serious or habitual
 3475 juvenile offender program or facility shall be for an
 3476 indeterminate period of time, but the time shall not exceed the
 3477 maximum term of imprisonment that ~~which~~ an adult may serve for
 3478 the same offense. ~~Notwithstanding the provisions of ss. 743.07~~
 3479 ~~and 985.231(1)(d), a serious or habitual juvenile offender shall~~
 3480 ~~not be held under commitment from a court pursuant to this~~
 3481 ~~section, s. 985.231, or s. 985.233 after becoming 21 years of~~
 3482 ~~age. This provision shall apply only for the purpose of~~
 3483 ~~completing the serious or habitual juvenile offender program~~
 3484 ~~pursuant to this chapter and shall be used solely for the~~
 3485 ~~purpose of treatment.~~

3486 (8)(1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to ~~the~~
 3487 ~~provisions of~~ this chapter and the establishment of appropriate
 3488 program guidelines and standards, contractual instruments, which
 3489 shall include safeguards of all constitutional rights, shall be
 3490 developed as follows:

3491 (a) The department shall provide for:

3492 1. The oversight of implementation of assessment and
 3493 treatment approaches.

3494 2. The identification and prequalification of appropriate
 3495 individuals or not-for-profit organizations, including minority
 3496 individuals or organizations when possible, to provide
 3497 assessment and treatment services to serious or habitual
 3498 delinquent children.

3499 3. The monitoring and evaluation of assessment and
 3500 treatment services for compliance with ~~the provisions of this~~
 3501 chapter and all applicable rules and guidelines pursuant
 3502 thereto.

3503 4. The development of an annual report on the performance
 3504 of assessment and treatment to be presented to the Governor, the
 3505 Attorney General, the President of the Senate, the Speaker of
 3506 the House of Representatives, and the Auditor General no later
 3507 than January 1 of each year.

3508 (b) Assessment shall generally comprise the first 30 days
 3509 of treatment and be provided by the same provider as treatment,
 3510 but assessment and treatment services may be provided by
 3511 separate providers, where warranted. Providers shall be selected
 3512 who have the capacity to assess and treat the unique problems
 3513 presented by children with different racial and ethnic
 3514 backgrounds. The department shall retain contractual authority
 3515 to reject any assessment or treatment provider for lack of
 3516 qualification.

3517 (9)~~(2)~~ SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.--

3518 (a) There is created the serious or habitual juvenile
 3519 offender program. The program shall consist of at least 9 months

3520 of intensive secure residential treatment. Conditional release
 3521 assessment and services shall be provided in accordance with s.
 3522 985.46 ~~985.316~~. The components of the program shall include, but
 3523 not be limited to:

- 3524 1. Diagnostic evaluation services.
- 3525 2. Appropriate treatment modalities, including substance
 3526 abuse intervention, mental health services, and sexual behavior
 3527 dysfunction interventions and gang-related behavior
 3528 interventions.
- 3529 3. Prevocational and vocational services.
- 3530 4. Job training, job placement, and employability-skills
 3531 training.
- 3532 5. Case management services.
- 3533 6. Educational services, including special education and
 3534 pre-GED literacy.
- 3535 7. Self-sufficiency planning.
- 3536 8. Independent living skills.
- 3537 9. Parenting skills.
- 3538 10. Recreational and leisure time activities.
- 3539 11. Community involvement opportunities commencing, where
 3540 appropriate, with the direct and timely payment of restitution
 3541 to the victim.
- 3542 12. Intensive conditional release supervision.
- 3543 13. Graduated reentry into the community.
- 3544 14. A diversity of forms of individual and family
 3545 treatment appropriate to and consistent with the child's needs.
- 3546 15. Consistent and clear consequences for misconduct.

3547 (b) The department is authorized to contract with private
 3548 companies to provide some or all of the components indicated in
 3549 paragraph (a).

3550 (c) The department shall involve local law enforcement
 3551 agencies, the judiciary, school board personnel, the office of
 3552 the state attorney, the office of the public defender, and
 3553 community service agencies interested in or currently working
 3554 with juveniles, in planning and developing this program.

3555 (d) The department is authorized to accept funds or in-
 3556 kind contributions from public or private sources to be used for
 3557 the purposes of this section.

3558 (10)~~(3)~~ PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
 3559 TREATMENT.--

3560 (a) Assessment and treatment shall be conducted by
 3561 treatment professionals with expertise in specific treatment
 3562 procedures. These, ~~which~~ professionals shall exercise all
 3563 professional judgment independently of the department.

3564 (b) Treatment provided to children in designated
 3565 facilities shall be suited to the assessed needs of each
 3566 individual child and shall be administered safely and humanely,
 3567 with respect for human dignity.

3568 (c) The department may promulgate rules for the
 3569 implementation and operation of programs and facilities for
 3570 serious or habitual juvenile offenders.

3571 (d) Any provider who acts in good faith is immune from
 3572 civil or criminal liability for his or her actions in connection
 3573 with the assessment, treatment, or transportation of a serious
 3574 or habitual juvenile offender under ~~the provisions of this~~

3575 chapter. ~~(e)(j)~~ The following provisions shall apply to
 3576 children in serious or habitual juvenile offender programs and
 3577 facilities:

3578 1. A child shall begin participation in the conditional
 3579 release component of the program based upon a determination made
 3580 by the treatment provider and approved by the department.

3581 2. A child shall begin participation in the community
 3582 supervision component of conditional release based upon a
 3583 determination made by the treatment provider and approved by the
 3584 department. The treatment provider shall give written notice of
 3585 the determination to the circuit court having jurisdiction over
 3586 the child. If the court does not respond with a written
 3587 objection within 10 days, the child shall begin the conditional
 3588 release component.

3589 3. A child shall be discharged from the program based upon
 3590 a determination made by the treatment provider with the approval
 3591 of the department.

3592 4. In situations where the department does not agree with
 3593 the decision of the treatment provider, a reassessment shall be
 3594 performed, and the department shall use ~~utilize~~ the reassessment
 3595 determination to resolve the disagreement and make a final
 3596 decision.

3597 (11)~~(4)~~ ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

3598 (a) Pursuant to ~~the provisions of~~ this section, the
 3599 department shall implement the comprehensive assessment
 3600 instrument for the treatment needs of serious or habitual
 3601 juvenile offenders and for the assessment, which assessment
 3602 shall include the criteria under subsection (1) ~~s. 985.03(48)~~

3603 and shall also include, but not be limited to, evaluation of the
 3604 child's:

- 3605 1. Amenability to treatment.
- 3606 2. Proclivity toward violence.
- 3607 3. Tendency toward gang involvement.
- 3608 4. Substance abuse or addiction and the level thereof.
- 3609 5. History of being a victim of child abuse or sexual
 3610 abuse, or indication of sexual behavior dysfunction.
- 3611 6. Number and type of previous adjudications, findings of
 3612 guilt, and convictions.
- 3613 7. Potential for rehabilitation.

3614 (b) The department shall contract with multiple
 3615 individuals or not-for-profit organizations to perform the
 3616 assessments and treatment, and shall ensure that the staff of
 3617 each provider is ~~are~~ appropriately trained.

3618 (c) Assessment and treatment providers shall have a
 3619 written procedure developed, in consultation with licensed
 3620 treatment professionals, establishing conditions under which a
 3621 child's blood and urine samples will be tested for substance
 3622 abuse indications. ~~It is not unlawful for~~ The person receiving
 3623 the test results may ~~to~~ divulge the test results to the relevant
 3624 facility staff and department personnel; ~~however,~~ such
 3625 information is exempt from ~~the provisions of~~ ss. 119.01 and
 3626 119.07(1) and s. 24(a), Art. I of the State Constitution.

3627 (d) Serologic blood test and urinalysis results obtained
 3628 under ~~pursuant to~~ paragraph (c) are confidential, except that
 3629 they may be shared with employees or officers of the department,
 3630 the court, and any assessment or treatment provider and

3631 designated facility treating the child. No person to whom the
3632 results of a test have been disclosed under this section may
3633 disclose the test results to another person not authorized under
3634 this section.

3635 (e) The results of any serologic blood or urine test on a
3636 serious or habitual juvenile offender shall become a part of
3637 that child's medical file. Upon transfer of the child to any
3638 other designated treatment facility, such file shall be
3639 transferred in an envelope marked confidential. The results of
3640 any test designed to identify the human immunodeficiency virus,
3641 or its antigen or antibody, shall be accessible only to persons
3642 designated by rule of the department. The provisions of such
3643 rule shall be consistent with the guidelines established by the
3644 Centers for Disease Control and Prevention.

3645 (f) A record of the assessment and treatment of each
3646 serious or habitual juvenile offender shall be maintained by the
3647 provider, which shall include data pertaining to the child's
3648 treatment and such other information as may be required under
3649 rules of the department. Unless waived by express and informed
3650 consent by the child or the guardian or, if the child is
3651 deceased, by the child's personal representative or by the
3652 person who stands next in line of intestate succession, the
3653 privileged and confidential status of the clinical assessment
3654 and treatment record shall not be lost by either authorized or
3655 unauthorized disclosure to any person, organization, or agency.

3656 (g) The assessment and treatment record shall not be a
3657 public record, and no part of it shall be released, except that:

- 3658 1. The record shall be released to such persons and
 3659 agencies as are designated by the child or the guardian.
- 3660 2. The record shall be released to persons authorized by
 3661 order of court, excluding matters privileged by other provisions
 3662 of law.
- 3663 3. The record or any part thereof shall be disclosed to a
 3664 qualified researcher, as defined by rule; a staff member of the
 3665 designated treatment facility; or an employee of the department
 3666 when the administrator of the facility or the Secretary of
 3667 Juvenile Justice deems it necessary for treatment of the child,
 3668 maintenance of adequate records, compilation of treatment data,
 3669 or evaluation of programs.
- 3670 4. Information from the assessment and treatment record
 3671 may be used for statistical and research purposes if the
 3672 information is abstracted in such a way as to protect the
 3673 identity of individuals.
- 3674 (h) Notwithstanding other provisions of this section, the
 3675 department may request, receive, and provide assessment and
 3676 treatment information to facilitate treatment, rehabilitation,
 3677 and continuity of care of any serious or habitual juvenile
 3678 offender from any of the following:
- 3679 1. The Social Security Administration and the United
 3680 States Department of Veterans Affairs.
- 3681 2. Law enforcement agencies, state attorneys, defense
 3682 attorneys, and judges in regard to the child's status.
- 3683 3. Personnel in any facility in which the child may be
 3684 placed.

3685 4. Community agencies and others expected to provide
 3686 services to the child upon his or her return to the community.

3687 (i) Any law enforcement agency, designated treatment
 3688 facility, governmental or community agency, or other entity that
 3689 receives information under ~~pursuant to~~ this section shall
 3690 maintain such information as a nonpublic record as otherwise
 3691 provided herein.

3692 (j) Any agency, not-for-profit organization, or treatment
 3693 professional who acts in good faith in releasing information
 3694 under ~~pursuant to~~ this subsection shall not be subject to civil
 3695 or criminal liability for such release.

3696 (k) Assessment and treatment records are confidential as
 3697 described in this paragraph and exempt from ~~the provisions of~~ s.
 3698 119.07(1) and s. 24(a), Art. I of the State Constitution.

3699 1. The department shall have full access to the assessment
 3700 and treatment records to ensure coordination of services to the
 3701 child.

3702 2. The principles of confidentiality of records ~~as~~
 3703 provided in s. 985.04 ~~shall~~ apply to the assessment and
 3704 treatment records of serious or habitual juvenile offenders.

3705 (l) For purposes of effective administration, accurate
 3706 tracking and recordkeeping, and optimal treatment decisions,
 3707 each assessment and treatment provider shall maintain a central
 3708 identification file on the serious or habitual juvenile
 3709 offenders it treats.

3710 (m) The file of each serious or habitual juvenile offender
 3711 shall contain, but is not limited to, pertinent children-in-
 3712 need-of-services and delinquency record information maintained

3713 by the department; pertinent school records information on
 3714 behavior, attendance, and achievement; and pertinent information
 3715 on delinquency or children in need of services maintained by law
 3716 enforcement agencies and the state attorney.

3717 (n) All providers under this section shall, as part of
 3718 their contractual duties, collect, maintain, and report to the
 3719 department all information necessary to comply with mandatory
 3720 reporting pursuant to the promulgation of rules by the
 3721 department for the implementation of serious or habitual
 3722 juvenile offender programs and the monitoring and evaluation
 3723 thereof.

3724 (o) The department is responsible for the development and
 3725 maintenance of a statewide automated tracking system for serious
 3726 or habitual juvenile offenders.

3727 (12)~~(5)~~ DESIGNATED TREATMENT FACILITIES.--

3728 (a) Designated facilities shall be sited and constructed
 3729 by the department, directly or by contract, pursuant to
 3730 departmental rules, to ensure that facility design is compatible
 3731 with treatment. The department is authorized to contract for the
 3732 construction of the facilities and may also lease facilities.
 3733 The number of beds per facility shall not exceed 25. An
 3734 assessment of need for additional facilities shall be conducted
 3735 prior to the siting or construction of more than one facility in
 3736 any judicial circuit.

3737 (b) Designated facilities for serious or habitual juvenile
 3738 offenders shall be separate and secure facilities established
 3739 under the authority of the department for the treatment of such
 3740 children.

3741 (c) Security for designated facilities for serious or
 3742 habitual juvenile offenders shall be determined by the
 3743 department. The department is authorized to contract for the
 3744 provision of security.

3745 (d) With respect to the treatment of serious or habitual
 3746 juvenile offenders under this section, designated facilities
 3747 shall be immune from liability for civil damages except in
 3748 instances when the failure to act in good faith results in
 3749 serious injury or death, in which case liability shall be
 3750 governed by s. 768.28.

3751 (e) Minimum standards and requirements for designated
 3752 treatment facilities shall be contractually prescribed under
 3753 ~~pursuant to~~ subsection (8)~~(1)~~.

3754 Section 57. Subsection (31) of section 985.03, Florida
 3755 Statutes, is amended and renumbered as subsection (1) of section
 3756 985.475, Florida Statutes, and subsection (3) of section
 3757 985.231, Florida Statutes, is amended and renumbered as
 3758 subsection (2) of section 985.475, Florida Statutes, to read:

3759 985.475 Juvenile sexual offenders.--

3760 (1)~~(31)~~ CRITERIA.--A "juvenile sexual offender" means:

3761 (a) A juvenile who has been found by the court under
 3762 ~~pursuant to~~ s. 985.35 ~~985.228~~ to have committed a violation of
 3763 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
 3764 847.0133;

3765 (b) A juvenile found to have committed any felony
 3766 violation of law or delinquent act involving juvenile sexual
 3767 abuse. "Juvenile sexual abuse" means any sexual behavior which
 3768 occurs without consent, without equality, or as a result of

3769 coercion. For purposes of this subsection, the following
 3770 definitions apply:

3771 1. "Coercion" means the exploitation of authority, use of
 3772 bribes, threats of force, or intimidation to gain cooperation or
 3773 compliance.

3774 2. "Equality" means two participants operating with the
 3775 same level of power in a relationship, neither being controlled
 3776 nor coerced by the other.

3777 3. "Consent" means an agreement including all of the
 3778 following:

3779 a. Understanding what is proposed based on age, maturity,
 3780 developmental level, functioning, and experience.

3781 b. Knowledge of societal standards for what is being
 3782 proposed.

3783 c. Awareness of potential consequences and alternatives.

3784 d. Assumption that agreement or disagreement will be
 3785 accepted equally.

3786 e. Voluntary decision.

3787 f. Mental competence.

3788

3789 Juvenile sexual offender behavior ranges from noncontact sexual
 3790 behavior such as making obscene phone calls, exhibitionism,
 3791 voyeurism, and the showing or taking of lewd photographs to
 3792 varying degrees of direct sexual contact, such as frottage,
 3793 fondling, digital penetration, rape, fellatio, sodomy, and
 3794 various other sexually aggressive acts.

3795 (2)~~(3)~~ Following a delinquency adjudicatory hearing under
 3796 ~~pursuant to~~ s. 985.35 ~~985.228~~, the court may on its own or upon

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3797 request by the state or the department and subject to specific
3798 appropriation, determine whether a juvenile sexual offender
3799 placement is required for the protection of the public and what
3800 would be the best approach to address the treatment needs of the
3801 juvenile sexual offender. When the court determines that a
3802 juvenile has no history of a recent comprehensive assessment
3803 focused on sexually deviant behavior, the court may, subject to
3804 specific appropriation, order the department to conduct or
3805 arrange for an examination to determine whether the juvenile
3806 sexual offender is amenable to community-based treatment.

3807 (a) The report of the examination shall include, at a
3808 minimum, the following:

3809 1. The juvenile sexual offender's account of the incident
3810 and the official report of the investigation.

3811 2. The juvenile sexual offender's offense history.

3812 3. A multidisciplinary assessment of the sexually deviant
3813 behaviors, including an assessment by a certified psychologist,
3814 therapist, or psychiatrist.

3815 4. An assessment of the juvenile sexual offender's family,
3816 social, educational, and employment situation. The report shall
3817 set forth the sources of the evaluator's information.

3818 (b) The report shall assess the juvenile sexual offender's
3819 amenability to treatment and relative risk to the victim and the
3820 community.

3821 (c) The department shall provide a proposed plan to the
3822 court that shall include, at a minimum:

3823 1. The frequency and type of contact between the offender
3824 and therapist.

3825 2. The specific issues and behaviors to be addressed in
3826 the treatment and description of planned treatment methods.

3827 3. Monitoring plans, including any requirements regarding
3828 living conditions, school attendance and participation,
3829 lifestyle, and monitoring by family members, legal guardians, or
3830 others.

3831 4. Anticipated length of treatment.

3832 5. Recommended crime-related prohibitions and curfew.

3833 6. Reasonable restrictions on the contact between the
3834 juvenile sexual offender and either the victim or alleged
3835 victim.

3836 (d) After receipt of the report on the proposed plan of
3837 treatment, the court shall consider whether the community and
3838 the offender will benefit from use of juvenile sexual offender
3839 community-based treatment alternative disposition and consider
3840 the opinion of the victim or the victim's family as to whether
3841 the offender should receive a community-based treatment
3842 alternative disposition under this subsection.

3843 (e) If the court determines that this juvenile sexual
3844 offender community-based treatment alternative is appropriate,
3845 the court may place the offender on community supervision for up
3846 to 3 years. As a condition of community treatment and
3847 supervision, the court may order the offender to:

3848 1. Undergo available outpatient juvenile sexual offender
3849 treatment for up to 3 years. A program or provider may not be
3850 used for such treatment unless it has an appropriate program
3851 designed for sexual offender treatment. The department shall not

3852 change the treatment provider without first notifying the state
 3853 attorney's office.

3854 2. Remain within described geographical boundaries and
 3855 notify the court or the department counselor prior to any change
 3856 in the offender's address, educational program, or employment.

3857 3. Comply with all requirements of the treatment plan.

3858 (f) The juvenile sexual offender treatment provider shall
 3859 submit quarterly reports on the respondent's progress in
 3860 treatment to the court and the parties to the proceedings. The
 3861 juvenile sexual offender reports shall reference the treatment
 3862 plan and include, at a minimum, the following:

3863 1. Dates of attendance.

3864 2. The juvenile sexual offender's compliance with the
 3865 requirements of treatment.

3866 3. A description of the treatment activities.

3867 4. The sexual offender's relative progress in treatment.

3868 5. The offender's family support of the treatment
 3869 objectives.

3870 6. Any other material specified by the court at the time
 3871 of the disposition.

3872 (g) At the disposition hearing, the court may set case
 3873 review hearings as the court considers appropriate.

3874 (h) If the juvenile sexual offender violates any condition
 3875 of the disposition or the court finds that the juvenile sexual
 3876 offender is failing to make satisfactory progress in treatment,
 3877 the court may revoke the community-based treatment alternative
 3878 and order commitment to the department under s. 985.441 pursuant
 3879 ~~to subsection (1)~~.

3880 (i) If the court determines that the juvenile sexual
 3881 offender is not amenable to community-based treatment, the court
 3882 shall proceed with a juvenile sexual offender disposition
 3883 hearing under s. 985.441 ~~pursuant to subsection (1)~~.

3884 Section 58. Section 985.308, Florida Statutes, is
 3885 renumbered as section 985.48, Florida Statutes.

3886 Section 59. Subsection (7) of section 985.03, Florida
 3887 Statutes, is amended and renumbered as subsection (1) of section
 3888 985.483, Florida Statutes, subsections (2), (4), and (5) of
 3889 section 985.311, Florida Statutes, are amended and renumbered,
 3890 respectively, as subsections (9), (11), and (12) of section
 3891 985.483, Florida Statutes, paragraphs (e) through (i) and (k) of
 3892 subsection (3) of section 985.311, Florida Statutes, are amended
 3893 and renumbered, respectively, as subsections (2) through (6) and
 3894 (7) of section 985.483, Florida Statutes, subsection (1) of
 3895 section 985.311, Florida Statutes, is renumbered as subsection
 3896 (8) of section 985.483, Florida Statutes, and paragraphs (a)
 3897 through (d) and (j) of subsection (3) of section 985.311,
 3898 Florida Statutes, are renumbered as paragraphs (a) through (d)
 3899 and (e) of subsection (10) of section 985.483, Florida Statutes,
 3900 and amended to read:

3901 985.483 ~~985.311~~ Intensive residential treatment program
 3902 for offenders less than 13 years of age.--

3903 ~~(1)(7)~~ CRITERIA.--A "child eligible for an intensive
 3904 residential treatment program for offenders less than 13 years
 3905 of age" means a child who has been found to have committed a
 3906 delinquent act or a violation of law in the case currently

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3907 before the court and who meets at least one of the following
 3908 criteria:

3909 (a) The child is less than 13 years of age at the time of
 3910 the disposition for the current offense and has been adjudicated
 3911 on the current offense for:

- 3912 1. Arson;
- 3913 2. Sexual battery;
- 3914 3. Robbery;
- 3915 4. Kidnapping;
- 3916 5. Aggravated child abuse;
- 3917 6. Aggravated assault;
- 3918 7. Aggravated stalking;
- 3919 8. Murder;
- 3920 9. Manslaughter;
- 3921 10. Unlawful throwing, placing, or discharging of a
 3922 destructive device or bomb;
- 3923 11. Armed burglary;
- 3924 12. Aggravated battery;
- 3925 13. Any lewd or lascivious offense committed upon or in
 3926 the presence of a person less than 16 years of age; or
- 3927 14. Carrying, displaying, using, threatening, or
 3928 attempting to use a weapon or firearm during the commission of a
 3929 felony.

3930 (b) The child is less than 13 years of age at the time of
 3931 the disposition, the current offense is a felony, and the child
 3932 has previously been committed at least once to a delinquency
 3933 commitment program.

3934 (c) The child is less than 13 years of age and is
 3935 currently committed for a felony offense and transferred from a
 3936 moderate-risk or high-risk residential commitment placement.

3937 ~~(2)(3)(e)~~ DETERMINATION.--After a child has been
 3938 adjudicated delinquent under ~~pursuant to~~ s. ~~985.35~~985.228(5),
 3939 the court shall determine whether the child is eligible for an
 3940 intensive residential treatment program for offenders less than
 3941 13 years of age under subsection (1) ~~pursuant to s. 985.03(7)~~.
 3942 If the court determines that the child does not meet the
 3943 criteria, ss. 985.435, 985.437, 985.439, 985.441, 985.445,
 3944 985.45, and 985.455 ~~the provisions of s. 985.231(1)~~ shall apply.

3945 ~~(3)(f)~~ PLACEMENT RECOMMENDATIONS.--After a child has been
 3946 transferred for criminal prosecution, a circuit court judge may
 3947 direct a juvenile probation officer to consult with designated
 3948 staff from an appropriate intensive residential treatment
 3949 program for offenders less than 13 years of age for the purpose
 3950 of making recommendations to the court regarding the child's
 3951 placement in such program.

3952 ~~(4)(3)(g)~~ TIME AND PLACE FOR
 3953 RECOMMENDATIONS.--Recommendations as to a child's placement in
 3954 an intensive residential treatment program for offenders less
 3955 than 13 years of age may be based on a preliminary screening of
 3956 the child at appropriate sites, considering the child's location
 3957 while court action is pending, which may include the nearest
 3958 regional detention center or facility or jail.

3959 ~~(5)(3)(h)~~ REPORTING RECOMMENDATIONS.--Based on the
 3960 recommendations of the multidisciplinary assessment, the

3961 juvenile probation officer shall make the following
 3962 recommendations to the court:

3963 (a)1- For each child who has not been transferred for
 3964 criminal prosecution, the juvenile probation officer shall
 3965 recommend whether placement in such program is appropriate and
 3966 needed.

3967 (b)2- For each child who has been transferred for criminal
 3968 prosecution, the juvenile probation officer shall recommend
 3969 whether the most appropriate placement for the child is a
 3970 juvenile justice system program, including a child who is
 3971 eligible for an intensive residential treatment program for
 3972 offenders less than 13 years of age, or placement in the adult
 3973 correctional system.

3974
 3975 If treatment provided by an intensive residential treatment
 3976 program for offenders less than 13 years of age is determined to
 3977 be appropriate and needed and placement is available, the
 3978 juvenile probation officer and the court shall identify the
 3979 appropriate intensive residential treatment program for
 3980 offenders less than 13 years of age best suited to the needs of
 3981 the child.

3982 (6)(3)(i) ACTION ON RECOMMENDATIONS.--The treatment and
 3983 placement recommendations shall be submitted to the court for
 3984 further action under ~~pursuant to~~ this subsection ~~paragraph~~:

3985 (a)1- If it is recommended that placement in an intensive
 3986 residential treatment program for offenders less than 13 years
 3987 of age is inappropriate, the court shall make an alternative
 3988 disposition under ~~pursuant to~~ s. 985.489 ~~985.309~~ or other

3989 alternative sentencing as applicable, using ~~utilizing~~ the
 3990 recommendation as a guide.

3991 (b)2- If it is recommended that placement in an intensive
 3992 residential treatment program for offenders less than 13 years
 3993 of age is appropriate, the court may commit the child to the
 3994 department for placement in the restrictiveness level designated
 3995 for intensive residential treatment program for offenders less
 3996 than 13 years of age.

3997 (7)(3)(k) DURATION OF COMMITMENT.--Any commitment of a
 3998 child to the department for placement in an intensive
 3999 residential treatment program for offenders less than 13 years
 4000 of age shall be for an indeterminate period of time, but the
 4001 time shall not exceed the maximum term of imprisonment that
 4002 ~~which~~ an adult may serve for the same offense. Any child who has
 4003 not completed the residential portion of the intensive
 4004 residential treatment program for offenders less than 13 years
 4005 of age by his or her fourteenth birthday may be transferred to
 4006 another program for committed delinquent offenders.

4007 (8)(1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to ~~the~~
 4008 ~~provisions of~~ this chapter and the establishment of appropriate
 4009 program guidelines and standards, contractual instruments, which
 4010 shall include safeguards of all constitutional rights, shall be
 4011 developed for intensive residential treatment programs for
 4012 offenders less than 13 years of age as follows:

4013 (a) The department shall provide for:

4014 1. The oversight of implementation of assessment and
 4015 treatment approaches.

4016 2. The identification and prequalification of appropriate
 4017 individuals or not-for-profit organizations, including minority
 4018 individuals or organizations when possible, to provide
 4019 assessment and treatment services to intensive offenders less
 4020 than 13 years of age.

4021 3. The monitoring and evaluation of assessment and
 4022 treatment services for compliance with ~~the provisions of~~ this
 4023 chapter and all applicable rules and guidelines pursuant
 4024 thereto.

4025 4. The development of an annual report on the performance
 4026 of assessment and treatment to be presented to the Governor, the
 4027 Attorney General, the President of the Senate, the Speaker of
 4028 the House of Representatives, the Auditor General, and the
 4029 Office of Program Policy Analysis and Government Accountability
 4030 no later than January 1 of each year.

4031 (b) Assessment shall generally comprise the first 30 days
 4032 of treatment and be provided by the same provider as treatment,
 4033 but assessment and treatment services may be provided by
 4034 separate providers, where warranted. Providers shall be selected
 4035 who have the capacity to assess and treat the unique problems
 4036 presented by children with different racial and ethnic
 4037 backgrounds. The department shall retain contractual authority
 4038 to reject any assessment or treatment provider for lack of
 4039 qualification.

4040 (9)~~(2)~~ INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR
 4041 OFFENDERS UNDER AGE 13.--

4042 (a) There is created the intensive residential treatment
 4043 program for offenders less than 13 years of age. The program

4044 shall consist of at least 9 months of intensive secure
 4045 residential treatment. Conditional release assessment and
 4046 services shall be provided in accordance with s. 985.46 ~~985.316~~.
 4047 The components of the program shall include, but not be limited
 4048 to:

- 4049 1. Diagnostic evaluation services.
- 4050 2. Appropriate treatment modalities, including substance
 4051 abuse intervention, mental health services, and sexual behavior
 4052 dysfunction interventions and gang-related behavior
 4053 interventions.
- 4054 3. Life skills.
- 4055 4. Values clarification.
- 4056 5. Case management services.
- 4057 6. Educational services, including special and remedial
 4058 education.
- 4059 7. Recreational and leisure time activities.
- 4060 8. Community involvement opportunities commencing, where
 4061 appropriate, with the direct and timely payment of restitution
 4062 to the victim.
- 4063 9. Intensive conditional release supervision.
- 4064 10. Graduated reentry into the community.
- 4065 11. A diversity of forms of individual and family
 4066 treatment appropriate to and consistent with the child's needs.
- 4067 12. Consistent and clear consequences for misconduct.

4068 (b) The department is authorized to contract with private
 4069 companies to provide some or all of the components indicated in
 4070 paragraph (a).

4071 (c) The department shall involve local law enforcement
 4072 agencies, the judiciary, school board personnel, the office of
 4073 the state attorney, the office of the public defender, and
 4074 community service agencies interested in or currently working
 4075 with juveniles, in planning and developing this program.

4076 (d) The department is authorized to accept funds or in-
 4077 kind contributions from public or private sources to be used for
 4078 the purposes of this section.

4079 (e) The department shall establish quality assurance
 4080 standards to ensure the quality and substance of mental health
 4081 services provided to children with mental, nervous, or emotional
 4082 disorders who may be committed to intensive residential
 4083 treatment programs. The quality assurance standards shall
 4084 address the possession of credentials by the mental health
 4085 service providers.

4086 (10)~~(3)~~ PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
 4087 TREATMENT.--

4088 (a) Assessment and treatment shall be conducted by
 4089 treatment professionals with expertise in specific treatment
 4090 procedures. These, ~~which~~ professionals shall exercise all
 4091 professional judgment independently of the department.

4092 (b) Treatment provided to children in designated
 4093 facilities shall be suited to the assessed needs of each
 4094 individual child and shall be administered safely and humanely,
 4095 with respect for human dignity.

4096 (c) The department may promulgate rules for the
 4097 implementation and operation of programs and facilities for
 4098 children who are eligible for an intensive residential treatment

4099 program for offenders less than 13 years of age. The department
 4100 must involve the following groups in the promulgation of rules
 4101 for services for this population: local law enforcement
 4102 agencies, the judiciary, school board personnel, the office of
 4103 the state attorney, the office of the public defender, and
 4104 community service agencies interested in or currently working
 4105 with juveniles. When promulgating these rules, the department
 4106 must consider program principles, components, standards,
 4107 procedures for intake, diagnostic and assessment activities,
 4108 treatment modalities, and case management.

4109 (d) Any provider who acts in good faith is immune from
 4110 civil or criminal liability for his or her actions in connection
 4111 with the assessment, treatment, or transportation of an
 4112 intensive offender less than 13 years of age under ~~the~~
 4113 ~~provisions of~~ this chapter.

4114 (e)~~(j)~~ The following provisions shall apply to children in
 4115 an intensive residential treatment program for offenders less
 4116 than 13 years of age:

4117 1. A child shall begin participation in the conditional
 4118 release component of the program based upon a determination made
 4119 by the treatment provider and approved by the department.

4120 2. A child shall begin participation in the community
 4121 supervision component of conditional release based upon a
 4122 determination made by the treatment provider and approved by the
 4123 department. The treatment provider shall give written notice of
 4124 the determination to the circuit court having jurisdiction over
 4125 the child. If the court does not respond with a written

4126 objection within 10 days, the child shall begin the conditional
 4127 release component.

4128 3. A child shall be discharged from the program based upon
 4129 a determination made by the treatment provider with the approval
 4130 of the department.

4131 4. In situations where the department does not agree with
 4132 the decision of the treatment provider, a reassessment shall be
 4133 performed, and the department shall use ~~utilize~~ the reassessment
 4134 determination to resolve the disagreement and make a final
 4135 decision.

4136 ~~(11)(4)~~ ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

4137 (a) Under ~~Pursuant to the provisions of~~ this section, the
 4138 department shall implement the comprehensive assessment
 4139 instrument for the treatment needs of children who are eligible
 4140 for an intensive residential treatment program for offenders
 4141 less than 13 years of age and for the assessment, which
 4142 assessment shall include the criteria under subsection (1) s-
 4143 ~~985.03(7)~~ and shall also include, but not be limited to,
 4144 evaluation of the child's:

- 4145 1. Amenability to treatment.
- 4146 2. Proclivity toward violence.
- 4147 3. Tendency toward gang involvement.
- 4148 4. Substance abuse or addiction and the level thereof.
- 4149 5. History of being a victim of child abuse or sexual
 4150 abuse, or indication of sexual behavior dysfunction.
- 4151 6. Number and type of previous adjudications, findings of
 4152 guilt, and convictions.
- 4153 7. Potential for rehabilitation.

4154 (b) The department shall contract with multiple
 4155 individuals or not-for-profit organizations to perform the
 4156 assessments and treatment, and shall ensure that the staff of
 4157 each provider is ~~are~~ appropriately trained.

4158 (c) Assessment and treatment providers shall have a
 4159 written procedure developed, in consultation with licensed
 4160 treatment professionals, establishing conditions under which a
 4161 child's blood and urine samples will be tested for substance
 4162 abuse indications. ~~It is not unlawful for~~ The person receiving
 4163 the test results may ~~to~~ divulge the test results to the relevant
 4164 facility staff and department personnel; ~~however,~~ such
 4165 information is exempt from ~~the provisions of~~ ss. 119.01 and
 4166 119.07(1) and s. 24(a), Art. I of the State Constitution.

4167 (d) Serologic blood test and urinalysis results obtained
 4168 under ~~pursuant to~~ paragraph (c) are confidential, except that
 4169 they may be shared with employees or officers of the department,
 4170 the court, and any assessment or treatment provider and
 4171 designated facility treating the child. No person to whom the
 4172 results of a test have been disclosed under this section may
 4173 disclose the test results to another person not authorized under
 4174 this section.

4175 (e) The results of any serologic blood or urine test on a
 4176 child who is eligible for an intensive residential treatment
 4177 program for offenders less than 13 years of age shall become a
 4178 part of that child's permanent medical file. Upon transfer of
 4179 the child to any other designated treatment facility, such file
 4180 shall be transferred in an envelope marked confidential. The
 4181 results of any test designed to identify the human

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4182 immunodeficiency virus, or its antigen or antibody, shall be
4183 accessible only to persons designated by rule of the department.
4184 The provisions of such rule shall be consistent with the
4185 guidelines established by the Centers for Disease Control and
4186 Prevention.

4187 (f) A record of the assessment and treatment of each child
4188 who is eligible for an intensive residential treatment program
4189 for offenders less than 13 years of age shall be maintained by
4190 the provider, which shall include data pertaining to the child's
4191 treatment and such other information as may be required under
4192 rules of the department. Unless waived by express and informed
4193 consent by the child or the guardian or, if the child is
4194 deceased, by the child's personal representative or by the
4195 person who stands next in line of intestate succession, the
4196 privileged and confidential status of the clinical assessment
4197 and treatment record shall not be lost by either authorized or
4198 unauthorized disclosure to any person, organization, or agency.

4199 (g) The assessment and treatment record shall not be a
4200 public record, and no part of it shall be released, except that:

4201 1. The record shall be released to such persons and
4202 agencies as are designated by the child or the guardian.

4203 2. The record shall be released to persons authorized by
4204 order of court, excluding matters privileged by other provisions
4205 of law.

4206 3. The record or any part thereof shall be disclosed to a
4207 qualified researcher, as defined by rule; a staff member of the
4208 designated treatment facility; or an employee of the department
4209 when the administrator of the facility or the Secretary of

4210 Juvenile Justice deems it necessary for treatment of the child,
 4211 maintenance of adequate records, compilation of treatment data,
 4212 or evaluation of programs.

4213 4. Information from the assessment and treatment record
 4214 may be used for statistical and research purposes if the
 4215 information is abstracted in such a way as to protect the
 4216 identity of individuals.

4217 (h) Notwithstanding other provisions of this section, the
 4218 department may request, receive, and provide assessment and
 4219 treatment information to facilitate treatment, rehabilitation,
 4220 and continuity of care of any child who is eligible for an
 4221 intensive residential treatment program for offenders less than
 4222 13 years of age from any of the following:

4223 1. The Social Security Administration and the United
 4224 States Department of Veterans Affairs.

4225 2. Law enforcement agencies, state attorneys, defense
 4226 attorneys, and judges in regard to the child's status.

4227 3. Personnel in any facility in which the child may be
 4228 placed.

4229 4. Community agencies and others expected to provide
 4230 services to the child upon his or her return to the community.

4231 (i) Any law enforcement agency, designated treatment
 4232 facility, governmental or community agency, or other entity that
 4233 receives information under ~~pursuant to~~ this section shall
 4234 maintain such information as a nonpublic record as otherwise
 4235 provided herein.

4236 (j) Any agency, not-for-profit organization, or treatment
 4237 professional who acts in good faith in releasing information

4238 under ~~pursuant to~~ this subsection shall not be subject to civil
 4239 or criminal liability for such release.

4240 (k) Assessment and treatment records are confidential as
 4241 described in this paragraph and exempt from ~~the provisions of~~ s.
 4242 119.07(1) and s. 24(a), Art. I of the State Constitution.

4243 1. The department shall have full access to the assessment
 4244 and treatment records to ensure coordination of services to the
 4245 child.

4246 2. The principles of confidentiality of records as
 4247 provided in s. 985.045 ~~985.05~~ shall apply to the assessment and
 4248 treatment records of children who are eligible for an intensive
 4249 residential treatment program for offenders less than 13 years
 4250 of age.

4251 (l) For purposes of effective administration, accurate
 4252 tracking and recordkeeping, and optimal treatment decisions,
 4253 each assessment and treatment provider shall maintain a central
 4254 identification file on each child it treats in the intensive
 4255 residential treatment program for offenders less than 13 years
 4256 of age.

4257 (m) The file of each child treated in the intensive
 4258 residential treatment program for offenders less than 13 years
 4259 of age shall contain, but is not limited to, pertinent children-
 4260 in-need-of-services and delinquency record information
 4261 maintained by the department; pertinent school records
 4262 information on behavior, attendance, and achievement; and
 4263 pertinent information on delinquency or children in need of
 4264 services maintained by law enforcement agencies and the state
 4265 attorney.

4266 (n) All providers under this section shall, as part of
 4267 their contractual duties, collect, maintain, and report to the
 4268 department all information necessary to comply with mandatory
 4269 reporting pursuant to the promulgation of rules by the
 4270 department for the implementation of intensive residential
 4271 treatment programs for offenders less than 13 years of age and
 4272 the monitoring and evaluation thereof.

4273 (o) The department is responsible for the development and
 4274 maintenance of a statewide automated tracking system for
 4275 children who are treated in an intensive residential treatment
 4276 program for offenders less than 13 years of age.

4277 (12)~~(5)~~ DESIGNATED TREATMENT FACILITIES.--

4278 (a) Designated facilities shall be sited and constructed
 4279 by the department, directly or by contract, pursuant to
 4280 departmental rules, to ensure that facility design is compatible
 4281 with treatment. The department is authorized to contract for the
 4282 construction of the facilities and may also lease facilities.
 4283 The number of beds per facility shall not exceed 25. An
 4284 assessment of need for additional facilities shall be conducted
 4285 prior to the siting or construction of more than one facility in
 4286 any judicial circuit.

4287 (b) Designated facilities for an intensive residential
 4288 treatment program for offenders less than 13 years of age shall
 4289 be separate and secure facilities established under the
 4290 authority of the department for the treatment of such children.

4291 (c) Security for designated facilities for children who
 4292 are eligible for an intensive residential treatment program for
 4293 offenders less than 13 years of age shall be determined by the

4294 department. The department is authorized to contract for the
 4295 provision of security.

4296 (d) With respect to the treatment of children who are
 4297 eligible for an intensive residential treatment program for
 4298 offenders less than 13 years of age under this section,
 4299 designated facilities shall be immune from liability for civil
 4300 damages except in instances when the failure to act in good
 4301 faith results in serious injury or death, in which case
 4302 liability shall be governed by s. 768.28.

4303 (e) Minimum standards and requirements for designated
 4304 treatment facilities shall be contractually prescribed under
 4305 ~~pursuant to~~ subsection (8)(1).

4306 Section 60. Section 985.312, Florida Statutes, is
 4307 renumbered as section 985.486, Florida Statutes, and amended to
 4308 read:

4309 985.486 ~~985.312~~ Intensive residential treatment programs
 4310 for offenders less than 13 years of age; prerequisite for
 4311 commitment.--No child who is eligible for commitment to an
 4312 intensive residential treatment program for offenders less than
 4313 13 years of age as established in s. 985.483(1) ~~985.03(7)~~, may
 4314 be committed to any intensive residential treatment program for
 4315 offenders less than 13 years of age as established in s. 985.483
 4316 ~~985.311~~, unless such program has been established by the
 4317 department through existing resources or specific appropriation,
 4318 for such program.

4319 Section 61. Section 985.309, Florida Statutes, is
 4320 renumbered as section 985.489, Florida Statutes, and subsection
 4321 (6) of said section is amended to read:

4322 985.489 ~~985.309~~ Boot camp for children.--

4323 (6) A boot camp operated by the department, a county, or a
 4324 municipality must provide for the following minimum periods of
 4325 participation:

4326 (a) A participant in a low-risk residential program must
 4327 spend at least 2 months in the boot camp component of the
 4328 program. Conditional release assessment and services shall be
 4329 provided in accordance with s. 985.46 ~~985.316~~.

4330 (b) A participant in a moderate-risk residential program
 4331 must spend at least 4 months in the boot camp component of the
 4332 program. Conditional release assessment and services shall be
 4333 provided in accordance with s. 985.46 ~~985.316~~.

4334
 4335 This subsection does not preclude the operation of a program
 4336 that requires the participants to spend more than 4 months in
 4337 the boot camp component of the program or that requires the
 4338 participants to complete two sequential programs of 4 months
 4339 each in the boot camp component of the program.

4340 Section 62. Section 985.314, Florida Statutes, is
 4341 renumbered as section 985.494, Florida Statutes, and amended to
 4342 read:

4343 985.494 ~~985.314~~ Commitment programs for juvenile felony
 4344 offenders.--

4345 (1) Notwithstanding any other law and regardless of the
 4346 child's age, a child who is adjudicated delinquent, or for whom
 4347 adjudication is withheld, for an act that would be a felony if
 4348 committed by an adult, shall be committed to:

4349 (a) A boot camp program under s. 985.489 ~~985.309~~ if the
 4350 child has participated in an early delinquency intervention
 4351 program as provided in s. 985.61 ~~985.305~~.

4352 (b) A program for serious or habitual juvenile offenders
 4353 under s. 985.47 ~~985.31~~ or an intensive residential treatment
 4354 program for offenders less than 13 years of age under s. 985.483
 4355 ~~985.311~~, if the child has participated in an early delinquency
 4356 intervention program and has completed a boot camp program.

4357 (c) A maximum-risk residential program, if the child has
 4358 participated in an early delinquency intervention program, has
 4359 completed a boot camp program, and has completed a program for
 4360 serious or habitual juvenile offenders or an intensive
 4361 residential treatment program for offenders less than 13 years
 4362 of age. The commitment of a child to a maximum-risk residential
 4363 program must be for an indeterminate period, but may not exceed
 4364 the maximum term of imprisonment that an adult may serve for the
 4365 same offense.

4366 (2) In committing a child to the appropriate program, the
 4367 court may consider an equivalent program of similar intensity as
 4368 being comparable to a program required under subsection (1).

4369 Section 63. Section 985.511, Florida Statutes, is created
 4370 to read:

4371 985.511 Costs of representation.--The responsibilities of
 4372 the parents or legal guardian of the child to pay costs
 4373 associated with the representation of the child are prescribed
 4374 under s. 985.033.

4375 Section 64. Section 985.204, Florida Statutes, is
 4376 renumbered as section 985.512, Florida Statutes.

4377 Section 65. Paragraph (e) of subsection (1) of section
 4378 985.231, Florida Statutes, is amended and renumbered as
 4379 subsection (2) of section 985.513, Florida Statutes, which is
 4380 created to read:

4381 985.513 Powers of the court over parent or guardian at
 4382 disposition.-

4383 (1) The court that has jurisdiction of an adjudicated
 4384 delinquent child may, by an order stating the facts upon which a
 4385 determination of a sanction and rehabilitative program was made
 4386 at the disposition hearing:

4387 (a) Order the child's parent or guardian together with the
 4388 child to render community service in a public service program or
 4389 to participate in a community work project. In addition to the
 4390 sanctions imposed on the child, the court may order the parent
 4391 or guardian of the child to perform community service if the
 4392 court finds that the parent or guardian did not make a diligent
 4393 and good faith effort to prevent the child from engaging in
 4394 delinquent acts.

4395 (b) Order the parent or guardian to make restitution in
 4396 money or in kind for any damage or loss caused by the child's
 4397 offense. The court may also require the parent or legal guardian
 4398 of the child to be responsible for any restitution ordered
 4399 against the child, as provided under s. 985.437. The court shall
 4400 determine a reasonable amount or manner of restitution, and
 4401 payment shall be made to the clerk of the circuit court as
 4402 provided in s. 985.437. The court may retain jurisdiction, as
 4403 provided under s. 985.0301, over the child and the child's
 4404 parent or legal guardian whom the court has ordered to pay

4405 restitution until the restitution order is satisfied or the
 4406 court orders otherwise.

4407 ~~(1)~~

4408 ~~(2)(e)~~ Notwithstanding whether adjudication is imposed or
 4409 withheld ~~In carrying out the provisions of this part,~~ the court
 4410 may order the natural parents or legal custodian or guardian of
 4411 a child who is found to have committed a delinquent act to
 4412 participate in family counseling and other professional
 4413 counseling activities deemed necessary for the rehabilitation of
 4414 the child or to enhance their ability to provide the child with
 4415 adequate support, guidance, and supervision. The court may also
 4416 order that the parent, custodian, or guardian support the child
 4417 and participate with the child in fulfilling a court-imposed
 4418 sanction. In addition, the court may use its contempt powers to
 4419 enforce a court-imposed sanction.

4420 Section 66. Section 985.514, Florida Statutes, is created
 4421 to read:

4422 985.514 Responsibility for cost of care; fees.--

4423 (1) When any child is placed into secure or home detention
 4424 care or into other placement for the purpose of being supervised
 4425 by the department pursuant to a court order following a
 4426 detention hearing, the court shall order the parents or
 4427 guardians of such child to pay fees to the department as
 4428 provided in s. 985.039.

4429 (2) When any child is found by the court to have committed
 4430 a delinquent act and is placed on probation, regardless of
 4431 adjudication, under the supervision of or in the temporary legal

4432 custody of the department, the court shall order the child's
 4433 parents to pay fees to the department as provided in s. 985.039.

4434 (3) When the court under s. 985.565 orders any child
 4435 prosecuted as an adult to be supervised by or committed to the
 4436 department for treatment in any of the department's programs for
 4437 children, the court shall order the child's parents to pay fees
 4438 as provided in s. 985.039.

4439 Section 67. Section 985.234, Florida Statutes, is
 4440 renumbered as section 985.534, Florida Statutes, and subsection
 4441 (1) of said section is amended to read:

4442 985.534 ~~985.234~~ Appeal.--

4443 (1) An appeal from an order of the court affecting a party
 4444 to a case involving a child under ~~pursuant to~~ this chapter ~~part~~
 4445 may be taken to the appropriate district court of appeal within
 4446 the time and in the manner prescribed by s. 924.051 and the
 4447 Florida Rules of Appellate Procedure by:

4448 (a) Any child, and any parent or legal guardian or
 4449 custodian of any child.

4450 (b) The state, which may appeal from:

- 4451 1. An order dismissing a petition or any section thereof;
- 4452 2. An order granting a new adjudicatory hearing;
- 4453 3. An order arresting judgment;
- 4454 4. A ruling on a question of law when the child is
- 4455 adjudicated delinquent and appeals from the judgment;
- 4456 5. The disposition, on the ground that it is illegal;
- 4457 6. A judgment discharging a child on habeas corpus;
- 4458 7. An order adjudicating a child insane under the Florida
- 4459 Rules of Juvenile Procedure; and

4460 8. All other preadjudicatory hearings, except that the
 4461 state may not take more than one appeal under this subsection in
 4462 any case.

4463
 4464 In the case of an appeal by the state, the notice of appeal
 4465 shall be filed by the appropriate state attorney or his or her
 4466 authorized assistant under ~~pursuant to the provisions of s.~~
 4467 27.18. Such an appeal shall embody all assignments of error in
 4468 each preadjudicatory hearing order that the state seeks to have
 4469 reviewed. The state shall pay all costs of the appeal except for
 4470 the child's attorney's fee.

4471 Section 68. Sections 985.235 and 985.236, Florida
 4472 Statutes, are renumbered, respectively, as sections 985.535 and
 4473 985.536, Florida Statutes.

4474 Section 69. Section 985.226, Florida Statutes, is
 4475 renumbered as section 985.556, Florida Statutes, and amended to
 4476 read:

4477 985.556 ~~985.226~~ Waiver of juvenile court jurisdiction;
 4478 hearing ~~Criteria for waiver of juvenile court jurisdiction;~~
 4479 ~~hearing on motion to transfer for prosecution as an adult.--~~

4480 (1) VOLUNTARY WAIVER.--The court shall transfer and
 4481 certify a child's criminal case for trial as an adult if the
 4482 child is alleged to have committed a violation of law and, prior
 4483 to the commencement of an adjudicatory hearing, the child,
 4484 joined by a parent or, in the absence of a parent, by the
 4485 guardian or guardian ad litem, demands in writing to be tried as
 4486 an adult. Once a child has been transferred for criminal
 4487 prosecution pursuant to a voluntary waiver hearing and has been

4488 found to have committed the presenting offense or a lesser
 4489 included offense, the child shall be handled thereafter in every
 4490 respect as an adult for any subsequent violation of state law,
 4491 unless the court imposes juvenile sanctions under s. 985.565
 4492 ~~985.233~~(4)(b).

4493 (2) INVOLUNTARY DISCRETIONARY WAIVER.--

4494 ~~(a) Discretionary waiver.~~ Except as provided in
 4495 subsection (3) paragraph (b), the state attorney may file a
 4496 motion requesting the court to transfer the child for criminal
 4497 prosecution if the child was 14 years of age or older at the
 4498 time the alleged delinquent act or violation of law was
 4499 committed.

4500 (3) INVOLUNTARY MANDATORY WAIVER.--

4501 ~~(b) Mandatory waiver.~~

4502 (a)1. If the child was 14 years of age or older, and if
 4503 the child has been previously adjudicated delinquent for an act
 4504 classified as a felony, which adjudication was for the
 4505 commission of, attempt to commit, or conspiracy to commit
 4506 murder, sexual battery, armed or strong-armed robbery,
 4507 carjacking, home-invasion robbery, aggravated battery,
 4508 aggravated assault, or burglary with an assault or battery, and
 4509 the child is currently charged with a second or subsequent
 4510 violent crime against a person; or

4511 (b)2. If the child was 14 years of age or older at the
 4512 time of commission of a fourth or subsequent alleged felony
 4513 offense and the child was previously adjudicated delinquent or
 4514 had adjudication withheld for or was found to have committed, or
 4515 to have attempted or conspired to commit, three offenses that

4516 are felony offenses if committed by an adult, and one or more of
 4517 such felony offenses involved the use or possession of a firearm
 4518 or violence against a person;

4519
 4520 the state attorney shall request the court to transfer and
 4521 certify the child for prosecution as an adult or shall provide
 4522 written reasons to the court for not making such request, or
 4523 proceed under ~~pursuant to~~ s. 985.557 ~~985.227~~(1). Upon the state
 4524 attorney's request, the court shall either enter an order
 4525 transferring the case and certifying the case for trial as if
 4526 the child were an adult or provide written reasons for not
 4527 issuing such an order.

4528 (4)~~(3)~~ WAIVER HEARING.--

4529 (a) Within 7 days, excluding Saturdays, Sundays, and legal
 4530 holidays, after the date a petition alleging that a child has
 4531 committed a delinquent act or violation of law has been filed,
 4532 or later with the approval of the court, but before an
 4533 adjudicatory hearing and after considering the recommendation of
 4534 the juvenile probation officer, the state attorney may file a
 4535 motion requesting the court to transfer the child for criminal
 4536 prosecution.

4537 (b) After the filing of the motion of the state attorney,
 4538 summonses must be issued and served in conformity with s.
 4539 985.319 ~~985.219~~. A copy of the motion and a copy of the
 4540 delinquency petition, if not already served, must be attached to
 4541 each summons.

4542 (c) The court shall conduct a hearing on all transfer
 4543 request motions for the purpose of determining whether a child

4544 should be transferred. In making its determination, the court
4545 shall consider:

4546 1. The seriousness of the alleged offense to the community
4547 and whether the protection of the community is best served by
4548 transferring the child for adult sanctions.

4549 2. Whether the alleged offense was committed in an
4550 aggressive, violent, premeditated, or willful manner.

4551 3. Whether the alleged offense was against persons or
4552 against property, greater weight being given to offenses against
4553 persons, especially if personal injury resulted.

4554 4. The probable cause as found in the report, affidavit,
4555 or complaint.

4556 5. The desirability of trial and disposition of the entire
4557 offense in one court when the child's associates in the alleged
4558 crime are adults or children who are to be tried as adults.

4559 6. The sophistication and maturity of the child.

4560 7. The record and previous history of the child,
4561 including:

4562 a. Previous contacts with the department, the Department
4563 of Corrections, the former Department of Health and
4564 Rehabilitative Services, the Department of Children and Family
4565 Services, other law enforcement agencies, and courts;

4566 b. Prior periods of probation;

4567 c. Prior adjudications that the child committed a
4568 delinquent act or violation of law, greater weight being given
4569 if the child has previously been found by a court to have
4570 committed a delinquent act or violation of law involving an
4571 offense classified as a felony or has twice previously been

4572 found to have committed a delinquent act or violation of law
 4573 involving an offense classified as a misdemeanor; and

4574 d. Prior commitments to institutions.

4575 8. The prospects for adequate protection of the public and
 4576 the likelihood of reasonable rehabilitation of the child, if the
 4577 child is found to have committed the alleged offense, by the use
 4578 of procedures, services, and facilities currently available to
 4579 the court.

4580 (d) Prior to a hearing on the transfer request motion by
 4581 the state attorney, a study and report to the court relevant to
 4582 the factors in paragraph (c) must be made in writing by an
 4583 authorized agent of the department. The child and the child's
 4584 parents or legal guardians and counsel and the state attorney
 4585 shall have the right to examine these reports and to question
 4586 the parties responsible for them at the hearing.

4587 (e) Any decision to transfer a child for criminal
 4588 prosecution must be in writing and include consideration of, and
 4589 findings of fact with respect to, all criteria in paragraph (c).
 4590 The court shall render an order including a specific finding of
 4591 fact and the reasons for a decision to impose adult sanctions.
 4592 The order shall be reviewable on appeal under s. 985.534 ~~985.234~~
 4593 and the Florida Rules of Appellate Procedure.

4594 (5)~~(4)~~ EFFECT OF ORDER WAIVING JURISDICTION.--

4595 (a) Once a child has been transferred for criminal
 4596 prosecution pursuant to an involuntary waiver hearing and has
 4597 been found to have committed the presenting offense or a lesser
 4598 included offense, the child shall thereafter be handled in every
 4599 respect as an adult for any subsequent violation of state law,

4600 unless the court imposes juvenile sanctions under s. 985.565
 4601 ~~985.233~~.

4602 (b) When a child is transferred for criminal prosecution
 4603 as an adult, the court shall immediately transfer and certify to
 4604 the adult circuit court all felony cases pertaining to the
 4605 child, for prosecution of the child as an adult, which have not
 4606 yet resulted in a plea of guilty or nolo contendere or in which
 4607 a finding of guilt has not been made. If the child is acquitted
 4608 of all charged offenses or lesser included offenses contained in
 4609 the original case transferred to adult court, all felony cases
 4610 that were transferred to adult court under ~~pursuant to~~ this
 4611 paragraph shall be subject to the same penalties such cases were
 4612 subject to before being transferred to adult court.

4613 Section 70. Section 985.227, Florida Statutes, is
 4614 renumbered as section 985.557, Florida Statutes, and amended to
 4615 read:

4616 985.557 ~~985.227~~ ~~Prosecution of juveniles as adults by the~~
 4617 ~~Direct filing of an information in the criminal division of the~~
 4618 ~~circuit court; discretionary and criteria; mandatory criteria.--~~

4619 (1) DISCRETIONARY DIRECT FILE; ~~CRITERIA.--~~

4620 (a) With respect to any child who was 14 or 15 years of
 4621 age at the time the alleged offense was committed, the state
 4622 attorney may file an information when in the state attorney's
 4623 judgment and discretion the public interest requires that adult
 4624 sanctions be considered or imposed and when the offense charged
 4625 is for the commission of, attempt to commit, or conspiracy to
 4626 commit:

4627 1. Arson;

- 4628 | 2. Sexual battery;
- 4629 | 3. Robbery;
- 4630 | 4. Kidnapping;
- 4631 | 5. Aggravated child abuse;
- 4632 | 6. Aggravated assault;
- 4633 | 7. Aggravated stalking;
- 4634 | 8. Murder;
- 4635 | 9. Manslaughter;
- 4636 | 10. Unlawful throwing, placing, or discharging of a
- 4637 | destructive device or bomb;
- 4638 | 11. Armed burglary in violation of s. 810.02(2)(b) or
- 4639 | specified burglary of a dwelling or structure in violation of s.
- 4640 | 810.02(2)(c), or burglary with an assault or battery in
- 4641 | violation of s. 810.02(2)(a);
- 4642 | 12. Aggravated battery;
- 4643 | 13. Any lewd or lascivious offense committed upon or in
- 4644 | the presence of a person less than 16 years of age;
- 4645 | 14. Carrying, displaying, using, threatening, or
- 4646 | attempting to use a weapon or firearm during the commission of a
- 4647 | felony;
- 4648 | 15. Grand theft in violation of s. 812.014(2)(a);
- 4649 | 16. Possessing or discharging any weapon or firearm on
- 4650 | school property in violation of s. 790.115;
- 4651 | 17. Home invasion robbery;
- 4652 | 18. Carjacking; or
- 4653 | 19. Grand theft of a motor vehicle in violation of s.
- 4654 | 812.014(2)(c)6. or grand theft of a motor vehicle valued at
- 4655 | \$20,000 or more in violation of s. 812.014(2)(b) if the child

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4656 has a previous adjudication for grand theft of a motor vehicle
4657 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

4658 (b) With respect to any child who was 16 or 17 years of
4659 age at the time the alleged offense was committed, the state
4660 attorney may file an information when in the state attorney's
4661 judgment and discretion the public interest requires that adult
4662 sanctions be considered or imposed. However, the state attorney
4663 may not file an information on a child charged with a
4664 misdemeanor, unless the child has had at least two previous
4665 adjudications or adjudications withheld for delinquent acts, one
4666 of which involved an offense classified as a felony under state
4667 law.

4668 (2) MANDATORY DIRECT FILE.--

4669 (a) With respect to any child who was 16 or 17 years of
4670 age at the time the alleged offense was committed, the state
4671 attorney shall file an information if the child has been
4672 previously adjudicated delinquent for an act classified as a
4673 felony, which adjudication was for the commission of, attempt to
4674 commit, or conspiracy to commit murder, sexual battery, armed or
4675 strong-armed robbery, carjacking, home-invasion robbery,
4676 aggravated battery, or aggravated assault, and the child is
4677 currently charged with a second or subsequent violent crime
4678 against a person.

4679 (b) With respect to any child 16 or 17 years of age at the
4680 time an offense classified as a forcible felony, as defined in
4681 s. 776.08, was committed, the state attorney shall file an
4682 information if the child has previously been adjudicated
4683 delinquent or had adjudication withheld for three acts

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4684 classified as felonies each of which occurred at least 45 days
4685 apart from each other. This paragraph does not apply when the
4686 state attorney has good cause to believe that exceptional
4687 circumstances exist which preclude the just prosecution of the
4688 juvenile in adult court.

4689 (c) The state attorney must file an information if a
4690 child, regardless of the child's age at the time the alleged
4691 offense was committed, is alleged to have committed an act that
4692 would be a violation of law if the child were an adult, that
4693 involves stealing a motor vehicle, including, but not limited
4694 to, a violation of s. 812.133, relating to carjacking, or s.
4695 812.014(2)(c)6., relating to grand theft of a motor vehicle, and
4696 while the child was in possession of the stolen motor vehicle
4697 the child caused serious bodily injury to or the death of a
4698 person who was not involved in the underlying offense. For
4699 purposes of this section, the driver and all willing passengers
4700 in the stolen motor vehicle at the time such serious bodily
4701 injury or death is inflicted shall also be subject to mandatory
4702 transfer to adult court. "Stolen motor vehicle," for the
4703 purposes of this section, means a motor vehicle that has been
4704 the subject of any criminal wrongful taking. For purposes of
4705 this section, "willing passengers" means all willing passengers
4706 who have participated in the underlying offense.

4707 (d)1. With respect to any child who was 16 or 17 years of
4708 age at the time the alleged offense was committed, the state
4709 attorney shall file an information if the child has been charged
4710 with committing or attempting to commit an offense listed in s.

4711 775.087(2)(a)1.a.-q., and, during the commission of or attempt
 4712 to commit the offense, the child:

4713 a. Actually possessed a firearm or destructive device, as
 4714 those terms are defined in s. 790.001.

4715 b. Discharged a firearm or destructive device, as
 4716 described in s. 775.087(2)(a)2.

4717 c. Discharged a firearm or destructive device, as
 4718 described in s. 775.087(2)(a)3., and, as a result of the
 4719 discharge, death or great bodily harm was inflicted upon any
 4720 person.

4721 2. Upon transfer, any child who is:

4722 a. Charged under ~~pursuant to~~ sub-subparagraph 1.a. and who
 4723 has been previously adjudicated or had adjudication withheld for
 4724 a forcible felony offense or any offense involving a firearm, or
 4725 who has been previously placed in a residential commitment
 4726 program, shall be subject to sentencing under s. 775.087(2)(a),
 4727 notwithstanding s. 985.565 ~~985.233~~.

4728 b. Charged under ~~pursuant to~~ sub-subparagraph 1.b. or sub-
 4729 subparagraph 1.c., shall be subject to sentencing under s.
 4730 775.087(2)(a), notwithstanding s. 985.565 ~~985.233~~.

4731 3. Upon transfer, any child who is charged under ~~pursuant~~
 4732 ~~to~~ this paragraph, but who does not meet the requirements
 4733 specified in subparagraph 2., shall be sentenced under ~~pursuant~~
 4734 ~~to~~ s. 985.565 ~~985.233~~; however, if the court imposes a juvenile
 4735 sanction, the court must commit the child to a high-risk or
 4736 maximum-risk juvenile facility.

4737 4. This paragraph shall not apply if the state attorney
 4738 has good cause to believe that exceptional circumstances exist

4739 that ~~which~~ preclude the just prosecution of the child in adult
 4740 court.

4741 5. The Department of Corrections shall make every
 4742 reasonable effort to ensure that any child 16 or 17 years of age
 4743 who is convicted and sentenced under this paragraph be
 4744 completely separated such that there is no physical contact with
 4745 adult offenders in the facility, to the extent that it is
 4746 consistent with chapter 958.

4747 (3) EFFECT OF DIRECT FILE.--

4748 (a) Once a child has been transferred for criminal
 4749 prosecution pursuant to an information and has been found to
 4750 have committed the presenting offense or a lesser included
 4751 offense, the child shall be handled thereafter in every respect
 4752 as if an adult for any subsequent violation of state law, unless
 4753 the court imposes juvenile sanctions under s. 985.565 ~~985.233~~.

4754 (b) When a child is transferred for criminal prosecution
 4755 as an adult, the court shall immediately transfer and certify to
 4756 the adult circuit court all felony cases pertaining to the
 4757 child, for prosecution of the child as an adult, which have not
 4758 yet resulted in a plea of guilty or nolo contendere or in which
 4759 a finding of guilt has not been made. If a child is acquitted of
 4760 all charged offenses or lesser included offenses contained in
 4761 the original case transferred to adult court, all felony cases
 4762 that were transferred to adult court as a result of this
 4763 paragraph shall be subject to the same penalties to which such
 4764 cases would have been subject before being transferred to adult
 4765 court.

4766 (c) When a child has been transferred for criminal
 4767 prosecution as an adult and has been found to have committed a
 4768 violation of state law, the disposition of the case may be made
 4769 under s. 985.565 ~~985.233~~ and may include the enforcement of any
 4770 restitution ordered in any juvenile proceeding.

4771 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
 4772 attorney shall develop written policies and guidelines to govern
 4773 determinations for filing an information on a juvenile, to be
 4774 submitted to the Executive Office of the Governor, the President
 4775 of the Senate, and the Speaker of the House of Representatives
 4776 not later than January 1 of each year.

4777 (5) An information filed pursuant to this section may
 4778 include all charges that are based on the same act, criminal
 4779 episode, or transaction as the primary offenses.

4780 Section 71. Section 985.225, Florida Statutes, is
 4781 renumbered as section 985.56, Florida Statutes, and amended to
 4782 read:

4783 985.56 ~~985.225~~ Indictment of a juvenile.--

4784 (1) A child of any age who is charged with a violation of
 4785 state law punishable by death or by life imprisonment is subject
 4786 to the jurisdiction of the court as set forth in s. 985.0301(2)
 4787 ~~985.219(8)~~ unless and until an indictment on the charge is
 4788 returned by the grand jury. When such indictment is returned,
 4789 the petition for delinquency, if any, must be dismissed and the
 4790 child must be tried and handled in every respect as an adult:

4791 (a) On the offense punishable by death or by life
 4792 imprisonment; and

4793 (b) On all other felonies or misdemeanors charged in the
 4794 indictment which are based on the same act or transaction as the
 4795 offense punishable by death or by life imprisonment or on one or
 4796 more acts or transactions connected with the offense punishable
 4797 by death or by life imprisonment.

4798 (2) An adjudicatory hearing may not be held until 21 days
 4799 after the child is taken into custody and charged with having
 4800 committed an offense punishable by death or by life
 4801 imprisonment, unless the state attorney advises the court in
 4802 writing that he or she does not intend to present the case to
 4803 the grand jury, or has presented the case to the grand jury and
 4804 the grand jury has not returned an indictment. If the court
 4805 receives such a notice from the state attorney, or if the grand
 4806 jury fails to act within the 21-day period, the court may
 4807 proceed as otherwise authorized under this part.

4808 (3) If the child is found to have committed the offense
 4809 punishable by death or by life imprisonment, the child shall be
 4810 sentenced as an adult. If the juvenile is not found to have
 4811 committed the indictable offense but is found to have committed
 4812 a lesser included offense or any other offense for which he or
 4813 she was indicted as a part of the criminal episode, the court
 4814 may sentence under ~~pursuant to~~ s. 985.565 ~~985.233~~.

4815 (4)(a) Once a child has been indicted pursuant to this
 4816 section ~~subsection~~ and has been found to have committed any
 4817 offense for which he or she was indicted as a part of the
 4818 criminal episode, the child shall be handled thereafter in every
 4819 respect as if an adult for any subsequent violation of state

4820 law, unless the court imposes juvenile sanctions under s.
 4821 985.565 ~~985.233~~.

4822 (b) When a child has been indicted pursuant to this
 4823 section ~~subsection~~ the court shall immediately transfer and
 4824 certify to the adult circuit court all felony cases pertaining
 4825 to the child, for prosecution of the child as an adult, which
 4826 have not yet resulted in a plea of guilty or nolo contendere or
 4827 in which a finding of guilt has not been made. If the child is
 4828 acquitted of all charged offenses or lesser included offenses
 4829 contained in the indictment case, all felony cases that were
 4830 transferred to adult court pursuant to this paragraph shall be
 4831 subject to the same penalties such cases were subject to before
 4832 being transferred to adult court.

4833 Section 72. Subsections (1) through (4) of section
 4834 985.233, Florida Statutes, are renumbered, respectively, as
 4835 subsections (1) through (3) and paragraphs (c) and (d) of
 4836 subsection (4) of section 985.565, Florida Statutes, and
 4837 paragraphs (a), (b), (c), (e), and (f) of subsection (4) of
 4838 section 985.233, Florida Statutes, are amended and renumbered,
 4839 respectively, as paragraphs (a), (b), and (e) of subsection (4)
 4840 of section 985.565, Florida Statutes, to read:

4841 985.565 ~~985.233~~ Sentencing powers; procedures;
 4842 alternatives for juveniles prosecuted as adults.--

4843 (4) SENTENCING ALTERNATIVES.--

4844 (a) ~~Sentencing to~~ Adult sanctions.--

4845 1. Cases prosecuted on indictment.--If the child is found
 4846 to have committed the offense punishable by death or life
 4847 imprisonment, the child shall be sentenced as an adult. If the

4848 juvenile is not found to have committed the indictable offense
 4849 but is found to have committed a lesser included offense or any
 4850 other offense for which he or she was indicted as a part of the
 4851 criminal episode, the court may sentence as follows:

- 4852 a. As an adult;
- 4853 b. Under ~~Pursuant to~~ chapter 958; or
- 4854 c. As a juvenile under ~~pursuant to~~ this section.

4855 2. Other cases.--If a child who has been transferred for
 4856 criminal prosecution pursuant to information or waiver of
 4857 juvenile court jurisdiction is found to have committed a
 4858 violation of state law or a lesser included offense for which he
 4859 or she was charged as a part of the criminal episode, the court
 4860 may sentence as follows:

- 4861 a. As an adult;
- 4862 b. Under ~~Pursuant to~~ chapter 958; or
- 4863 c. As a juvenile under ~~pursuant to~~ this section.

4864 3. Notwithstanding any other provision to the contrary, if
 4865 the state attorney is required to file a motion to transfer and
 4866 certify the juvenile for prosecution as an adult under ~~pursuant~~
 4867 ~~to~~ s. 985.556(3) ~~985.226(2)(b)~~ and that motion is granted, or if
 4868 the state attorney is required to file an information under
 4869 ~~pursuant to~~ s. 985.557 ~~985.227(2)(a)~~ or (b), the court must
 4870 impose adult sanctions.

4871 4. Any sentence imposing adult sanctions is presumed
 4872 appropriate, and the court is not required to set forth specific
 4873 findings or enumerate the criteria in this subsection as any
 4874 basis for its decision to impose adult sanctions.

4875 5. When a child has been transferred for criminal
 4876 prosecution as an adult and has been found to have committed a
 4877 violation of state law, the disposition of the case may include
 4878 the enforcement of any restitution ordered in any juvenile
 4879 proceeding.

4880 (b) ~~Sentencing to~~ Juvenile sanctions.--For juveniles
 4881 transferred to adult court but who do not qualify for such
 4882 transfer under ~~pursuant to~~ s. 985.556(3) ~~985.226(2)(b)~~ or s.
 4883 985.557 ~~985.227(2)(a)~~ or (b), the court may impose juvenile
 4884 sanctions under this paragraph. If juvenile sentences are
 4885 imposed, the court shall, under ~~pursuant to~~ this paragraph,
 4886 adjudge the child to have committed a delinquent act.
 4887 Adjudication of delinquency shall not be deemed a conviction,
 4888 nor shall it operate to impose any of the civil disabilities
 4889 ordinarily resulting from a conviction. The court shall impose
 4890 an adult sanction or a juvenile sanction and may not sentence
 4891 the child to a combination of adult and juvenile punishments. An
 4892 adult sanction or a juvenile sanction may include enforcement of
 4893 an order of restitution or probation previously ordered in any
 4894 juvenile proceeding. However, if the court imposes a juvenile
 4895 sanction and the department determines that the sanction is
 4896 unsuitable for the child, the department shall return custody of
 4897 the child to the sentencing court for further proceedings,
 4898 including the imposition of adult sanctions. Upon adjudicating a
 4899 child delinquent under subsection (1), the court may:

4900 1. Place the child in a probation program under the
 4901 supervision of the department for an indeterminate period of

4902 time until the child reaches the age of 19 years or sooner if
 4903 discharged by order of the court.

4904 2. Commit the child to the department for treatment in an
 4905 appropriate program for children for an indeterminate period of
 4906 time until the child is 21 or sooner if discharged by the
 4907 department. The department shall notify the court of its intent
 4908 to discharge no later than 14 days prior to discharge. Failure
 4909 of the court to timely respond to the department's notice shall
 4910 be considered approval for discharge.

4911 3. Order disposition under ss. 985.435, 985.437, 985.439,
 4912 985.441, 985.445, 985.45, and 985.455 ~~pursuant to s. 985.231~~ as
 4913 an alternative to youthful offender or adult sentencing if the
 4914 court determines not to impose youthful offender or adult
 4915 sanctions.

4916 (c) Imposition of adult sanctions upon failure of juvenile
 4917 sanctions.--If a child proves not to be suitable to a commitment
 4918 program, in a juvenile probation program, or treatment program
 4919 under ~~the provisions of~~ paragraph (b), the department shall
 4920 provide the sentencing court with a written report outlining the
 4921 basis for its objections to the juvenile sanction and shall
 4922 simultaneously provide a copy of the report to the state
 4923 attorney and the defense counsel. The department shall schedule
 4924 a hearing within 30 days. Upon hearing, the court may revoke the
 4925 previous adjudication, impose an adjudication of guilt, and
 4926 impose any sentence which it may lawfully impose, giving credit
 4927 for all time spent by the child in the department. The court may
 4928 also classify the child as a youthful offender under ~~pursuant to~~
 4929 s. 958.04, if appropriate. For purposes of this paragraph, a

4930 child may be found not suitable to a commitment program,
 4931 community control program, or treatment program under ~~the~~
 4932 ~~provisions of~~ paragraph (b) if the child commits a new violation
 4933 of law while under juvenile sanctions, if the child commits any
 4934 other violation of the conditions of juvenile sanctions, or if
 4935 the child's actions are otherwise determined by the court to
 4936 demonstrate a failure of juvenile sanctions.

4937 (d)~~(e)~~ Further proceedings heard in adult court.--When a
 4938 child is sentenced to juvenile sanctions, further proceedings
 4939 involving those sanctions shall continue to be heard in the
 4940 adult court.

4941 (e)~~(f)~~ School attendance.--If the child is attending or is
 4942 eligible to attend public school and the court finds that the
 4943 victim or a sibling of the victim in the case is attending or
 4944 may attend the same school as the child, the court placement
 4945 order shall include a finding pursuant to the proceeding
 4946 described in s. 985.455(2), regardless of whether adjudication
 4947 is withheld ~~985.23(1)(d)~~.

4948
 4949 It is the intent of the Legislature that the criteria and
 4950 guidelines in this subsection are mandatory and that a
 4951 determination of disposition under this subsection is subject to
 4952 the right of the child to appellate review under s. 985.534
 4953 ~~985.234~~.

4954 Section 73. Section 985.417, Florida Statutes, is
 4955 renumbered as section 985.57, Florida Statutes.

4956 Section 74. Subsections (1) through (3) and (6) through
 4957 (12) of section 985.404, Florida Statutes, are renumbered as

4958 subsections (1) through (3) and (5) through (11) of section
 4959 985.601, Florida Statutes, and subsections (4), (5), and (9) of
 4960 said section are amended to read:

4961 985.601 ~~985.404~~ Administering the juvenile justice
 4962 continuum.--

4963 ~~(4) The department may transfer a child, when necessary to~~
 4964 ~~appropriately administer the child's commitment, from one~~
 4965 ~~facility or program to another facility or program operated,~~
 4966 ~~contracted, subcontracted, or designated by the department,~~
 4967 ~~including a postcommitment nonresidential conditional release~~
 4968 ~~program. The department shall notify the court that committed~~
 4969 ~~the child to the department and any attorney of record, in~~
 4970 ~~writing, of its intent to transfer the child from a commitment~~
 4971 ~~facility or program to another facility or program of a higher~~
 4972 ~~or lower restrictiveness level. The court that committed the~~
 4973 ~~child may agree to the transfer or may set a hearing to review~~
 4974 ~~the transfer. If the court does not respond within 10 days after~~
 4975 ~~receipt of the notice, the transfer of the child shall be deemed~~
 4976 ~~granted.~~

4977 ~~(4)(5)~~ The department shall maintain continuing
 4978 cooperation with the Department of Education, the Department of
 4979 Children and Family Services, the Agency for Workforce
 4980 Innovation ~~Department of Labor and Employment Security~~, and the
 4981 Department of Corrections for the purpose of participating in
 4982 agreements with respect to dropout prevention and the reduction
 4983 of suspensions, expulsions, and truancy; increased access to and
 4984 participation in GED, vocational, and alternative education
 4985 programs; and employment training and placement assistance. The

4986 cooperative agreements between the departments shall include an
 4987 interdepartmental plan to cooperate in accomplishing the
 4988 reduction of inappropriate transfers of children into the adult
 4989 criminal justice and correctional systems.

4990 (8)~~(9)~~ The department shall ensure that personnel
 4991 responsible for the care, supervision, and individualized
 4992 treatment of children are appropriately apprised of the
 4993 requirements of this chapter ~~part~~ and trained in the specialized
 4994 areas required to comply with standards established by rule.

4995 Section 75. Section 985.3045, Florida Statutes, is
 4996 renumbered as section 985.605, Florida Statutes.

4997 Section 76. Section 985.3046, Florida Statutes, is
 4998 renumbered as section 985.606, Florida Statutes, and amended to
 4999 read:

5000 985.606 ~~985.3046~~ ~~Agencies and entities providing~~
 5001 ~~Prevention services providers; collection of performance data~~
 5002 collection; reporting ~~requirements~~.--Each state agency or entity
 5003 that receives or uses state appropriations to fund programs,
 5004 grants, appropriations, or activities that are designed to
 5005 prevent juvenile crime, delinquency, gang membership, status
 5006 offense, or that are designed to prevent a child from becoming a
 5007 "child in need of services," as defined in chapter 984, shall
 5008 collect data relative to the performance of such activities and
 5009 shall provide said data to the Governor, the President of the
 5010 Senate, and the Speaker of the House no later than January 31st
 5011 of each year for the preceding fiscal year, ~~beginning in 2002.~~
 5012 Further, each state agency or entity that receives or uses state
 5013 appropriations to fund programs, grants, appropriations, or

5014 activities that are designed to prevent juvenile crime,
 5015 delinquency, gang membership, status offense, or that are
 5016 designed to prevent a child from becoming a "child in need of
 5017 services," as defined in chapter 984, shall cooperate with the
 5018 department of ~~Juvenile Justice~~ with regard to the report
 5019 described in s. 985.605(2) ~~985.3045(2)~~.

5020 Section 77. Sections 985.305 and 985.2066, Florida
 5021 Statutes, are renumbered, respectively, as sections 985.61 and
 5022 985.614, Florida Statutes.

5023 Section 78. Section 985.315, Florida Statutes, is
 5024 renumbered as section 985.618, Florida Statutes, and paragraph
 5025 (b) of subsection (4) of said section is amended to read:

5026 985.618 ~~985.315~~ Educational and career-related programs.--
 5027 (4)

5028 (b) Evaluations of juvenile educational and career-related
 5029 programs shall be conducted according to the following
 5030 guidelines:

5031 1. Systematic evaluations and quality assurance monitoring
 5032 shall be implemented, in accordance with s. 985.632 ~~985.412~~(1),
 5033 (2), and (5), to determine whether the programs are related to
 5034 successful postrelease adjustments.

5035 2. Operations and policies of the programs shall be
 5036 reevaluated to determine if they are consistent with their
 5037 primary objectives.

5038 Section 79. Section 985.3155, Florida Statutes, is
 5039 renumbered as section 985.622, Florida Statutes.

5040 Section 80. Section 985.317, Florida Statutes, is
 5041 renumbered as section 985.625, Florida Statutes, and subsection
 5042 (3) of said section is amended to read:

5043 985.625 ~~985.317~~ Literacy programs for juvenile
 5044 offenders.--

5045 (3) INITIAL ASSESSMENT.--When an offender is admitted to a
 5046 residential commitment facility, the department or a provider
 5047 under contract with the department shall immediately assess
 5048 whether the offender has achieved a sixth-grade or higher
 5049 reading and writing level. An assessment may be conducted at a
 5050 juvenile assessment center as provided in s. 985.135 ~~985.209~~ as
 5051 a part of the intake process. If the department or a provider
 5052 determines that an offender has not achieved a sixth-grade or
 5053 higher reading and writing level, the offender shall participate
 5054 in a program if the offender meets the criteria for
 5055 participation.

5056 Section 81. Section 985.419, Florida Statutes, is
 5057 renumbered as section 985.629, Florida Statutes.

5058 Section 82. Section 985.412, Florida Statutes, is
 5059 renumbered as section 985.632, Florida Statutes.

5060 Section 83. Sections 985.42 and 985.405, Florida Statutes,
 5061 are renumbered, respectively, as sections 985.636 and 985.64,
 5062 Florida Statutes.

5063 Section 84. Subsection (2) of section 985.01, Florida
 5064 Statutes, is renumbered as subsection (1) of section 985.644,
 5065 Florida Statutes, and subsections (1) through (5) of section
 5066 985.407, Florida Statutes, are renumbered as subsections (2)
 5067 through (6) of section 985.644, Florida Statutes.

5068 Section 85. Section 985.408, Florida Statutes, is
 5069 renumbered as section 985.648, Florida Statutes, and amended to
 5070 read:

5071 985.648 ~~985.408~~ Consultants.--The department may hire
 5072 consultants to advise and confer with the judges of the circuit
 5073 courts upon request of any such court and for the purpose of
 5074 advising the department on programs, facilities, institutions,
 5075 care, supervision, and all other services and treatment for
 5076 children committed to the department's care under ~~pursuant to~~
 5077 this chapter ~~part~~.

5078 Section 86. Section 985.409, Florida Statutes, is
 5079 renumbered as section 985.652, Florida Statutes.

5080 Section 87. Section 985.406, Florida Statutes, is
 5081 renumbered as section 985.66, Florida Statutes, and paragraph
 5082 (a) of subsection (3) of said section is amended to read:

5083 985.66 ~~985.406~~ Juvenile justice training academies
 5084 ~~established~~; Juvenile Justice Standards and Training Commission
 5085 ~~created~~; Juvenile Justice Training Trust Fund ~~created~~.--

5086 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission
 5087 shall establish a certifiable program for juvenile justice
 5088 training pursuant to this section, and all department ~~of~~
 5089 ~~Juvenile Justice~~ program staff and providers who deliver direct
 5090 care services pursuant to contract with the department shall be
 5091 required to participate in and successfully complete the
 5092 commission-approved program of training pertinent to their areas
 5093 of responsibility. Judges, state attorneys, and public
 5094 defenders, law enforcement officers, and school district
 5095 personnel may participate in such training program. For the

5096 juvenile justice program staff, the commission shall, based on a
 5097 job-task analysis:

5098 (a) Design, implement, maintain, evaluate, and revise a
 5099 basic training program, including a competency-based
 5100 examination, for the purpose of providing minimum employment
 5101 training qualifications for all juvenile justice personnel. All
 5102 program staff of the department ~~of Juvenile Justice~~ and
 5103 providers who deliver direct-care services who are hired after
 5104 October 1, 1999, must meet the following minimum requirements:

- 5105 1. Be at least 19 years of age.
- 5106 2. Be a high school graduate or its equivalent as
 5107 determined by the commission.
- 5108 3. Not have been convicted of any felony or a misdemeanor
 5109 involving perjury or a false statement, or have received a
 5110 dishonorable discharge from any of the Armed Forces of the
 5111 United States. Any person who, after September 30, 1999, pleads
 5112 guilty or nolo contendere to or is found guilty of any felony or
 5113 a misdemeanor involving perjury or false statement is not
 5114 eligible for employment, notwithstanding suspension of sentence
 5115 or withholding of adjudication. Notwithstanding this
 5116 subparagraph, any person who pleads nolo contendere to a
 5117 misdemeanor involving a false statement before October 1, 1999,
 5118 and who has had such record of that plea sealed or expunged is
 5119 not ineligible for employment for that reason.
- 5120 4. Abide by all the provisions of s. 985.644(1) ~~985.01(2)~~
 5121 regarding fingerprinting and background investigations and other
 5122 screening requirements for personnel.

5123 5. Execute and submit to the department an affidavit-of-
 5124 application form, adopted by the department, attesting to his or
 5125 her compliance with subparagraphs 1.-4. The affidavit must be
 5126 executed under oath and constitutes an official statement under
 5127 s. 837.06. The affidavit must include conspicuous language that
 5128 the intentional false execution of the affidavit constitutes a
 5129 misdemeanor of the second degree. The employing agency shall
 5130 retain the affidavit.

5131 Section 88. Section 985.4135, Florida Statutes, is
 5132 renumbered as section 985.664, Florida Statutes, and subsection
 5133 (5) of said section is amended to read:

5134 985.664 ~~985.4135~~ Juvenile justice circuit boards and
 5135 juvenile justice county councils.--

5136 (5) Juvenile justice circuit boards and county councils
 5137 shall advise and assist the department in the evaluation and
 5138 award of prevention and early intervention grant programs,
 5139 including the Community Juvenile Justice Partnership Grant
 5140 program established in s. 985.676 ~~985.415~~ and proceeds from the
 5141 Invest in Children license plate annual use fees.

5142 Section 89. Sections 985.416 and 985.4145, Florida
 5143 Statutes, are renumbered, respectively, as sections 985.668 and
 5144 985.672, Florida Statutes.

5145 Section 90. Section 985.415, Florida Statutes, is
 5146 renumbered as section 985.676, Florida Statutes, and paragraph
 5147 (a) of subsection (1) and paragraphs (a) and (e) of subsection
 5148 (2) of said section are amended to read:

5149 985.676 ~~985.415~~ Community juvenile justice partnership
 5150 grants.--

5151 (1) GRANTS; CRITERIA.--

5152 (a) In order to encourage the development of county and
 5153 circuit juvenile justice plans and the development and
 5154 implementation of county and circuit interagency agreements
 5155 under pursuant to s. 985.664 ~~985.4135~~, the community juvenile
 5156 justice partnership grant program is established, and shall be
 5157 administered by the department ~~of Juvenile Justice~~.

5158 (2) GRANT APPLICATION PROCEDURES.--

5159 (a) Each entity wishing to apply for an annual community
 5160 juvenile justice partnership grant, which may be renewed for a
 5161 maximum of 2 additional years for the same provision of
 5162 services, shall submit a grant proposal for funding or continued
 5163 funding to the department. The department shall establish the
 5164 grant application procedures. In order to be considered for
 5165 funding, the grant proposal shall include the following
 5166 assurances and information:

5167 1. A letter from the chair of the juvenile justice circuit
 5168 board confirming that the grant application has been reviewed
 5169 and found to support one or more purposes or goals of the
 5170 juvenile justice plan as developed by the board.

5171 2. A rationale and description of the program and the
 5172 services to be provided, including goals and objectives.

5173 3. A method for identification of the juveniles most
 5174 likely to be involved in the juvenile justice system who will be
 5175 the focus of the program.

5176 4. Provisions for the participation of parents and
 5177 guardians in the program.

5178 5. Coordination with other community-based and social
 5179 service prevention efforts, including, but not limited to, drug
 5180 and alcohol abuse prevention and dropout prevention programs,
 5181 that serve the target population or neighborhood.

5182 6. An evaluation component to measure the effectiveness of
 5183 the program in accordance with ~~the provisions of s. 985.632~~
 5184 ~~985.412~~.

5185 7. A program budget, including the amount and sources of
 5186 local cash and in-kind resources committed to the budget. The
 5187 proposal must establish to the satisfaction of the department
 5188 that the entity will make a cash or in-kind contribution to the
 5189 program of a value that is at least equal to 20 percent of the
 5190 amount of the grant.

5191 8. The necessary program staff.

5192 (e) Each entity that is awarded a grant as provided for in
 5193 this section shall submit an annual evaluation report to the
 5194 department, the circuit juvenile justice manager, the juvenile
 5195 justice circuit board, and the juvenile justice county council,
 5196 by a date subsequent to the end of the contract period
 5197 established by the department, documenting the extent to which
 5198 the program objectives have been met, the effect of the program
 5199 on the juvenile arrest rate, and any other information required
 5200 by the department. The department shall coordinate and
 5201 incorporate all such annual evaluation reports with ~~the~~
 5202 ~~provisions of s. 985.632~~ ~~985.412~~. Each entity is also subject to
 5203 a financial audit and a performance audit.

5204 Section 91. Section 985.403, Florida Statutes, is
 5205 renumbered as section 985.68, Florida Statutes.

5206 Section 92. Section 985.41, Florida Statutes, is
 5207 renumbered as section 985.682, Florida Statutes, and subsection
 5208 (1) of said section is amended to read:

5209 985.682 ~~985.41~~ Siting of facilities; study; criteria

5210 (1) The department is directed to conduct or contract for
 5211 a statewide comprehensive study to determine current and future
 5212 needs for all types of facilities for children committed to the
 5213 custody, care, or supervision of the department under ~~pursuant~~
 5214 ~~to~~ this chapter ~~part~~.

5215 Section 93. Section 985.2155, Florida Statutes, as amended
 5216 by chapter 2004-473, Laws of Florida, is renumbered as section
 5217 985.686, Florida Statutes.

5218 Section 94. Section 985.411, Florida Statutes, is
 5219 renumbered as section 985.688, Florida Statutes, and paragraph
 5220 (b) of subsection (10) of said section is amended to read:

5221 985.688 ~~985.411~~ Administering county and municipal
 5222 delinquency programs and facilities.--

5223 (10)

5224 (b) The department may institute proceedings against a
 5225 county or municipality to terminate the operation of a facility
 5226 when any of the following conditions exist:

5227 1. The facility fails to take preventive or corrective
 5228 measures in accordance with any order of the department.

5229 2. The facility fails to abide by any final order of the
 5230 department once it has become effective and binding.

5231 3. The facility commits any violation of this section
 5232 constituting an emergency requiring immediate action as provided
 5233 in this chapter.

5234 4. The facility has willfully and knowingly refused to
 5235 comply with the screening requirement for personnel under
 5236 ~~pursuant to s. 985.644(1) 985.01~~ or has refused to dismiss
 5237 personnel found to be in noncompliance with the requirements for
 5238 good moral character.

5239 Section 95. Sections 985.4075, 985.4041, and 985.4042,
 5240 Florida Statutes, are renumbered, respectively, as sections
 5241 985.69, 985.692, and 985.694, Florida Statutes.

5242 Section 96. Sections 985.4045 and 985.4046, Florida
 5243 Statutes, are renumbered, respectively, as sections 985.701 and
 5244 985.711, Florida Statutes.

5245 Section 97. Section 985.3141, Florida Statutes, is
 5246 renumbered as section 985.721, Florida Statutes, and subsection
 5247 (2) of said section is amended to read:

5248 985.721 ~~985.3141~~ Escapes from secure detention or
 5249 residential commitment facility.--An escape from:

5250 (2) Any residential commitment facility described in s.
 5251 985.03(~~43~~)(~~45~~), maintained for the custody, treatment,
 5252 punishment, or rehabilitation of children found to have
 5253 committed delinquent acts or violations of law; or constitutes
 5254 escape within the intent and meaning of s. 944.40 and is a
 5255 felony of the third degree, punishable as provided in s.
 5256 775.082, s. 775.083, or s. 775.084.

5257 Section 98. Sections 985.2065, 985.501, 985.502, 985.503,
 5258 985.504, 985.505, 985.506, and 985.507, Florida Statutes, are
 5259 renumbered, respectively, as sections 985.731, 985.801, 985.802,
 5260 985.803, 985.804, 985.805, 985.806, and 985.807, Florida
 5261 Statutes.

5262 Section 99. Subsection (6) of section 985.215, Florida
 5263 Statutes, paragraphs (b), (c), (f), and (i) of subsection (1)
 5264 and subsection (2) of section 985.231, Florida Statutes, and
 5265 paragraph (d) of subsection (4) of section 985.233, Florida
 5266 Statutes, are repealed.

5267 Section 100. Subsection (11) of section 29.004, Florida
 5268 Statutes, is amended to read:

5269 29.004 State courts system.--For purposes of implementing
 5270 s. 14, Art. V of the State Constitution, the elements of the
 5271 state courts system to be provided from state revenues
 5272 appropriated by general law are as follows:

5273 (11) Mediation and arbitration, limited to trial court
 5274 referral of a pending judicial case to a mediator or a court-
 5275 related mediation program, or to an arbitrator or a court-
 5276 related arbitration program, for the limited purpose of
 5277 encouraging and assisting the litigants in partially or
 5278 completely settling the case prior to adjudication on the merits
 5279 by the court. This does not include citizen dispute settlement
 5280 centers under s. 44.201 and community arbitration programs under
 5281 s. 985.16 ~~985.304~~.

5282 Section 101. Paragraph (b) of subsection (3) of section
 5283 29.008, Florida Statutes, is amended to read:

5284 29.008 County funding of court-related functions.--

5285 (3) The following shall be considered a local requirement
 5286 pursuant to subparagraph (2)(a)1.:

5287 (b) Alternative sanctions coordinators pursuant to ss.
 5288 984.09 and 985.037 ~~985.216~~.

5289 Section 102. Subsection (17) of section 253.025, Florida
 5290 Statutes, is amended to read:

5291 253.025 Acquisition of state lands for purposes other than
 5292 preservation, conservation, and recreation.--

5293 (17) Pursuant to s. 985.682 ~~985.41~~, the Department of
 5294 Juvenile Justice is responsible for obtaining appraisals and
 5295 entering into option agreements and agreements for the purchase
 5296 of state juvenile justice facility sites. An option agreement or
 5297 agreement for purchase is not binding upon the state until it is
 5298 approved by the Board of Trustees of the Internal Improvement
 5299 Trust Fund. The provisions of paragraphs (6)(b), (c), and (d)
 5300 and (7)(b), (c), and (d) apply to all appraisals, offers, and
 5301 counteroffers of the Department of Juvenile Justice for state
 5302 juvenile justice facility sites.

5303 Section 103. Subsection (1) of section 318.21, Florida
 5304 Statutes, is amended to read:

5305 318.21 Disposition of civil penalties by county
 5306 courts.--All civil penalties received by a county court pursuant
 5307 to the provisions of this chapter shall be distributed and paid
 5308 monthly as follows:

5309 (1) One dollar from every civil penalty shall be remitted
 5310 to the Department of Revenue for deposit into the Child Welfare
 5311 Training Trust Fund for child welfare training purposes pursuant
 5312 to s. 402.40. One dollar from every civil penalty shall be
 5313 remitted to the Department of Revenue for deposit into the
 5314 Juvenile Justice Training Trust Fund for juvenile justice
 5315 purposes pursuant to s. 985.66 ~~985.406~~.

5316 Section 104. Subsection (3) of section 397.334, Florida
 5317 Statutes, is amended to read:

5318 397.334 Treatment-based drug court programs.--

5319 (3) Treatment-based drug court programs may include
 5320 pretrial intervention programs as provided in ss. 948.08,
 5321 948.16, and 985.345 ~~985.306~~.

5322 Section 105. Subsection (3) of section 400.953, Florida
 5323 Statutes, is amended to read:

5324 400.953 Background screening of home medical equipment
 5325 provider personnel.--The agency shall require employment
 5326 screening as provided in chapter 435, using the level 1
 5327 standards for screening set forth in that chapter, for home
 5328 medical equipment provider personnel.

5329 (3) Proof of compliance with the screening requirements of
 5330 s. 110.1127, s. 393.0655, s. 394.4572, s. 397.451, s. 402.305,
 5331 s. 402.313, s. 409.175, s. 464.008, or s. 985.644 ~~985.407~~ or
 5332 this part must be accepted in lieu of the requirements of this
 5333 section if the person has been continuously employed in the same
 5334 type of occupation for which he or she is seeking employment
 5335 without a breach in service that exceeds 180 days, the proof of
 5336 compliance is not more than 2 years old, and the person has been
 5337 screened by the Department of Law Enforcement. An employer or
 5338 contractor shall directly provide proof of compliance to another
 5339 employer or contractor, and a potential employer or contractor
 5340 may not accept any proof of compliance directly from the person
 5341 requiring screening. Proof of compliance with the screening
 5342 requirements of this section shall be provided, upon request, to
 5343 the person screened by the home medical equipment provider.

5344 Section 106. Paragraph (d) of subsection (1) of section
 5345 419.001, Florida Statutes, is amended to read:

5346 419.001 Site selection of community residential homes.--

5347 (1) For the purposes of this section, the following
 5348 definitions shall apply:

5349 (d) "Resident" means any of the following: a frail elder
 5350 as defined in s. 400.618; a physically disabled or handicapped
 5351 person as defined in s. 760.22(7)(a); a developmentally disabled
 5352 person as defined in s. 393.063; a nondangerous mentally ill
 5353 person as defined in s. 394.455(18); or a child as defined in s.
 5354 39.01(14), s. 984.03(9) or (12), or s. 985.03~~(8)~~.

5355 Section 107. Paragraphs (tt) and (uu) of subsection (2) of
 5356 section 435.04, Florida Statutes, are amended to read:

5357 435.04 Level 2 screening standards.--

5358 (2) The security background investigations under this
 5359 section must ensure that no persons subject to the provisions of
 5360 this section have been found guilty of, regardless of
 5361 adjudication, or entered a plea of nolo contendere or guilty to,
 5362 any offense prohibited under any of the following provisions of
 5363 the Florida Statutes or under any similar statute of another
 5364 jurisdiction:

5365 (tt) Section 985.701 ~~985.4045~~, relating to sexual
 5366 misconduct in juvenile justice programs.

5367 (uu) Section 985.711 ~~985.4046~~, relating to contraband
 5368 introduced into detention facilities.

5369 Section 108. Section 784.075, Florida Statutes, is amended
 5370 to read:

5371 784.075 Battery on detention or commitment facility staff
 5372 or a juvenile probation officer.--A person who commits a battery
 5373 on a juvenile probation officer, as defined in s. 984.03 or s.
 5374 985.03, on other staff of a detention center or facility as
 5375 defined in s. 984.03(19) or s. 985.03~~(19)~~, or on a staff member
 5376 of a commitment facility as defined in s. 985.03~~(45)~~, commits a
 5377 felony of the third degree, punishable as provided in s.
 5378 775.082, s. 775.083, or s. 775.084. For purposes of this
 5379 section, a staff member of the facilities listed includes
 5380 persons employed by the Department of Juvenile Justice, persons
 5381 employed at facilities licensed by the Department of Juvenile
 5382 Justice, and persons employed at facilities operated under a
 5383 contract with the Department of Juvenile Justice.

5384 Section 109. Subsection (4) of section 790.115, Florida
 5385 Statutes, is amended to read:

5386 790.115 Possessing or discharging weapons or firearms at a
 5387 school-sponsored event or on school property prohibited;
 5388 penalties; exceptions.--

5389 (4) Notwithstanding s. 985.24 ~~985.213~~, s. 985.245 ~~985.214~~,
 5390 or s. 985.25(1) ~~985.215(1)~~, any minor under 18 years of age who
 5391 is charged under this section with possessing or discharging a
 5392 firearm on school property shall be detained in secure
 5393 detention, unless the state attorney authorizes the release of
 5394 the minor, and shall be given a probable cause hearing within 24
 5395 hours after being taken into custody. At the hearing, the court
 5396 may order that the minor continue to be held in secure detention
 5397 for a period of 21 days, during which time the minor shall
 5398 receive medical, psychiatric, psychological, or substance abuse

5399 examinations pursuant to s. 985.18 ~~985.224~~, and a written report
 5400 shall be completed.

5401 Section 110. Subsections (8) and (9) of section 790.22,
 5402 Florida Statutes, are amended to read:

5403 790.22 Use of BB guns, air or gas-operated guns, or
 5404 electric weapons or devices by minor under 16; limitation;
 5405 possession of firearms by minor under 18 prohibited;
 5406 penalties.--

5407 (8) Notwithstanding s. 985.24 ~~985.213~~ or s. 985.25(1)
 5408 ~~985.215(1)~~, if a minor under 18 years of age is charged with an
 5409 offense that involves the use or possession of a firearm, as
 5410 defined in s. 790.001, including a violation of subsection (3),
 5411 or is charged for any offense during the commission of which the
 5412 minor possessed a firearm, the minor shall be detained in secure
 5413 detention, unless the state attorney authorizes the release of
 5414 the minor, and shall be given a hearing within 24 hours after
 5415 being taken into custody. At the hearing, the court may order
 5416 that the minor continue to be held in secure detention in
 5417 accordance with the applicable time periods specified in s.
 5418 985.26(1)-(5) ~~985.215(5)~~, if the court finds that the minor
 5419 meets the criteria specified in s. 985.255 ~~985.215(2)~~, or if the
 5420 court finds by clear and convincing evidence that the minor is a
 5421 clear and present danger to himself or herself or the community.
 5422 The Department of Juvenile Justice shall prepare a form for all
 5423 minors charged under this subsection that states the period of
 5424 detention and the relevant demographic information, including,
 5425 but not limited to, the sex, age, and race of the minor; whether
 5426 or not the minor was represented by private counsel or a public

5427 defender; the current offense; and the minor's complete prior
 5428 record, including any pending cases. The form shall be provided
 5429 to the judge to be considered when determining whether the minor
 5430 should be continued in secure detention under this subsection.
 5431 An order placing a minor in secure detention because the minor
 5432 is a clear and present danger to himself or herself or the
 5433 community must be in writing, must specify the need for
 5434 detention and the benefits derived by the minor or the community
 5435 by placing the minor in secure detention, and must include a
 5436 copy of the form provided by the department. The Department of
 5437 Juvenile Justice must send the form, including a copy of any
 5438 order, without client-identifying information, to the Office of
 5439 Economic and Demographic Research.

5440 (9) Notwithstanding s. 985.245 ~~985.214~~, if the minor is
 5441 found to have committed an offense that involves the use or
 5442 possession of a firearm, as defined in s. 790.001, other than a
 5443 violation of subsection (3), or an offense during the commission
 5444 of which the minor possessed a firearm, and the minor is not
 5445 committed to a residential commitment program of the Department
 5446 of Juvenile Justice, in addition to any other punishment
 5447 provided by law, the court shall order:

5448 (a) For a first offense, that the minor shall serve a
 5449 minimum period of detention of 15 days in a secure detention
 5450 facility; and

- 5451 1. Perform 100 hours of community service; and may
- 5452 2. Be placed on community control or in a nonresidential
- 5453 commitment program.

5454 (b) For a second or subsequent offense, that the minor
 5455 shall serve a mandatory period of detention of at least 21 days
 5456 in a secure detention facility; and

5457 1. Perform not less than 100 nor more than 250 hours of
 5458 community service; and may

5459 2. Be placed on community control or in a nonresidential
 5460 commitment program.

5461
 5462 The minor shall not receive credit for time served before
 5463 adjudication. For the purposes of this subsection, community
 5464 service shall be performed, if possible, in a manner involving a
 5465 hospital emergency room or other medical environment that deals
 5466 on a regular basis with trauma patients and gunshot wounds.

5467 Section 111. Paragraph (c) of subsection (3) of section
 5468 921.0022, Florida Statutes, is amended to read:

5469 921.0022 Criminal Punishment Code; offense severity
 5470 ranking chart.--

5471 (3) OFFENSE SEVERITY RANKING CHART

5472

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
119.10(2)(b)	3rd	Unlawful use of confidential information from

5473

5474

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5475	316.066(3)(d)-(f)	3rd	<p>police reports.</p> <p>Unlawfully obtaining or using confidential crash reports.</p>
5476	316.193(2)(b)	3rd	<p>Felony DUI, 3rd conviction.</p>
5477	316.1935(2)	3rd	<p>Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.</p>
5478	319.30(4)	3rd	<p>Possession by junkyard of motor vehicle with identification number plate removed.</p>
5479	319.33(1)(a)	3rd	<p>Alter or forge any certificate of title</p>

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5480	319.33(1)(c)	3rd	to a motor vehicle or mobile home.
5481	319.33(4)	3rd	Procure or pass title on stolen vehicle.
5482	327.35(2)(b)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
5483	328.05(2)	3rd	Felony BUI.
5484	328.07(4)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
			Manufacture, exchange, or possess vessel with

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5485

370.12(1)(e)5. 3rd

counterfeit or wrong
ID number.

Taking, disturbing,
mutilating,
destroying, causing
to be destroyed,
transferring,
selling, offering to
sell, molesting, or
harassing marine
turtles, marine
turtle eggs, or
marine turtle nests
in violation of the
Marine Turtle
Protection Act.

5486

370.12(1)(e)6. 3rd

Soliciting to commit
or conspiring to
commit a violation
of the Marine Turtle
Protection Act.

5487

376.302(5) 3rd

Fraud related to
reimbursement for
cleanup expenses

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5488

400.903(3)

3rd

under the Inland
Protection Trust
Fund.

Operating a clinic
without a license or
filing false license
application or other
required
information.

5489

440.105(3)(b)

3rd

Receipt of fee or
consideration
without approval by
judge of
compensation claims.

5490

440.1051(3)

3rd

False report of
workers'
compensation fraud
or retaliation for
making such a
report.

5491

501.001(2)(b)

2nd

Tampers with a
consumer product or
the container using

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5492	624.401(4)(a)	3rd	materially false/misleading information.
5493	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority.
5494	626.902(1)(a) & (b)	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
5495	697.08	3rd	Representing an unauthorized insurer.
5496	790.15(3)	3rd	Equity skimming.
5497			Person directs another to discharge firearm from a vehicle.

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5498	796.05(1)	3rd	Live on earnings of a prostitute.
5499	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
5500	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
5501	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
5502	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
	812.0145(2)(c)	3rd	Theft from person 65 years of age or

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5503	815.04(4)(b)	2nd	older; \$300 or more but less than \$10,000.
5504	817.034(4)(a)3.	3rd	Computer offense devised to defraud or obtain property.
5505	817.233	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
5506	817.234(8)(b)-(c)	3rd	Burning to defraud insurer.
5507	817.234(11)(a)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
5508			Insurance fraud; property value less than \$20,000.

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5509	817.236	3rd	Filing a false motor vehicle insurance application.
5510	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
5511	817.413(2)	3rd	Sale of used goods as new.
5512	817.505(4)	3rd	Patient brokering.
5513	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a

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5514	831.29	2nd	counterfeit payment instrument.
5515	838.021(3)(b)	3rd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
5516	843.19	3rd	Threatens unlawful harm to public servant.
5517	860.15(3)	3rd	Injure, disable, or kill police dog or horse.
5518	870.01(2)	3rd	Overcharging for repairs and parts.
5519	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s.

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5520

893.13(1)(d)2. 2nd

893.03(1)(c),
 (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9.,
 (3), or (4) drugs).

Sell, manufacture,
 or deliver s.
 893.03(1)(c),
 (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9.,
 (3), or (4) drugs
 within 1,000 feet of
 university.

5521

893.13(1)(f)2. 2nd

Sell, manufacture,
 or deliver s.
 893.03(1)(c),
 (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9.,
 (3), or (4) drugs
 within 1,000 feet of

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5522	893.13(6)(a)	3rd	public housing facility.
5523	893.13(7)(a)8.	3rd	Possession of any controlled substance other than felony possession of cannabis.
5524	893.13(7)(a)9.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
5525	893.13(7)(a)10.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
			Affix false or forged label to package of

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5526

893.13(7)(a)11. 3rd

controlled
substance.

Furnish false or
fraudulent material
information on any
document or record
required by chapter
893.

5527

893.13(8)(a)1. 3rd

Knowingly assist a
patient, other
person, or owner of
an animal in
obtaining a
controlled substance
through deceptive,
untrue, or
fraudulent
representations in
or related to the
practitioner's
practice.

5528

893.13(8)(a)2. 3rd

Employ a trick or
scheme in the
practitioner's

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5529

893.13(8)(a)3. 3rd

practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

5530

893.13(8)(a)4. 3rd

Knowingly write a prescription for a controlled substance for a fictitious person.

5531

918.13(1)(a) 3rd

Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

Alter, destroy, or conceal

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5532	944.47(1)(a)1.-2.	3rd	investigation evidence.
5533	944.47(1)(c)	2nd	Introduce contraband to correctional facility.
5534	<u>985.721</u> 985.3141	3rd	Possess contraband while upon the grounds of a correctional institution.
5535			Escapes from a juvenile facility (secure detention or residential commitment facility).

5536 Section 112. Subsection (1) of section 938.10, Florida
 5537 Statutes, is amended to read:
 5538 938.10 Additional court cost imposed in cases of certain
 5539 crimes against minors.--
 5540 (1) If a person pleads guilty or nolo contendere to, or is
 5541 found guilty of, regardless of adjudication, any offense against
 5542 a minor in violation of s. 784.085, chapter 787, chapter 794, s.
 5543 796.03, s. 800.04, chapter 827, s. 847.0145, or s. 985.701

5544 ~~985.4045~~, the court shall impose a court cost of \$101 against
 5545 the offender in addition to any other cost or penalty required
 5546 by law.

5547 Section 113. Subsection (9) of section 943.053, Florida
 5548 Statutes, is amended to read:

5549 943.053 Dissemination of criminal justice information;
 5550 fees.--

5551 (9) Notwithstanding the provisions of s. 943.0525 and any
 5552 user agreements adopted pursuant thereto, and notwithstanding
 5553 the confidentiality of sealed records as provided for in s.
 5554 943.059, the Department of Juvenile Justice or any other state
 5555 or local criminal justice agency may provide copies of the
 5556 Florida criminal history records for juvenile offenders
 5557 currently or formerly detained or housed in a contracted
 5558 juvenile assessment center or detention facility or serviced in
 5559 a contracted treatment program and for employees or other
 5560 individuals who will have access to these facilities, only to
 5561 the entity under direct contract with the Department of Juvenile
 5562 Justice to operate these facilities or programs pursuant to the
 5563 provisions of s. 985.688 ~~985.411~~. The criminal justice agency
 5564 providing such data may assess a charge for the Florida criminal
 5565 history records pursuant to the provisions of chapter 119.
 5566 Sealed records received by the private entity under this section
 5567 remain confidential and exempt from the provisions of s.
 5568 119.07(1). Information provided under this section shall be used
 5569 only for the criminal justice purpose for which it was requested
 5570 and may not be further disseminated.

5571 Section 114. Subsection (1) of section 943.0582, Florida
 5572 Statutes, is amended to read:

5573 943.0582 Prearrest, postarrest, or teen court diversion
 5574 program expunction.--

5575 (1) Notwithstanding any law dealing generally with the
 5576 preservation and destruction of public records, the department
 5577 may provide, by rule adopted pursuant to chapter 120, for the
 5578 expunction of any nonjudicial record of the arrest of a minor
 5579 who has successfully completed a prearrest or postarrest
 5580 diversion program for minors as authorized by s. 985.125
 5581 ~~985.3065~~.

5582 Section 115. Paragraph (a) of subsection (4) of section
 5583 943.0585, Florida Statutes, is amended to read:

5584 943.0585 Court-ordered expunction of criminal history
 5585 records.--The courts of this state have jurisdiction over their
 5586 own procedures, including the maintenance, expunction, and
 5587 correction of judicial records containing criminal history
 5588 information to the extent such procedures are not inconsistent
 5589 with the conditions, responsibilities, and duties established by
 5590 this section. Any court of competent jurisdiction may order a
 5591 criminal justice agency to expunge the criminal history record
 5592 of a minor or an adult who complies with the requirements of
 5593 this section. The court shall not order a criminal justice
 5594 agency to expunge a criminal history record until the person
 5595 seeking to expunge a criminal history record has applied for and
 5596 received a certificate of eligibility for expunction pursuant to
 5597 subsection (2). A criminal history record that relates to a
 5598 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,

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5599 s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071,
5600 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
5601 s. 916.1075, or a violation enumerated in s. 907.041 may not be
5602 expunged, without regard to whether adjudication was withheld,
5603 if the defendant was found guilty of or pled guilty or nolo
5604 contendere to the offense, or if the defendant, as a minor, was
5605 found to have committed, or pled guilty or nolo contendere to
5606 committing, the offense as a delinquent act. The court may only
5607 order expunction of a criminal history record pertaining to one
5608 arrest or one incident of alleged criminal activity, except as
5609 provided in this section. The court may, at its sole discretion,
5610 order the expunction of a criminal history record pertaining to
5611 more than one arrest if the additional arrests directly relate
5612 to the original arrest. If the court intends to order the
5613 expunction of records pertaining to such additional arrests,
5614 such intent must be specified in the order. A criminal justice
5615 agency may not expunge any record pertaining to such additional
5616 arrests if the order to expunge does not articulate the
5617 intention of the court to expunge a record pertaining to more
5618 than one arrest. This section does not prevent the court from
5619 ordering the expunction of only a portion of a criminal history
5620 record pertaining to one arrest or one incident of alleged
5621 criminal activity. Notwithstanding any law to the contrary, a
5622 criminal justice agency may comply with laws, court orders, and
5623 official requests of other jurisdictions relating to expunction,
5624 correction, or confidential handling of criminal history records
5625 or information derived therefrom. This section does not confer
5626 any right to the expunction of any criminal history record, and

5627 any request for expunction of a criminal history record may be
 5628 denied at the sole discretion of the court.

5629 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
 5630 criminal history record of a minor or an adult which is ordered
 5631 expunged by a court of competent jurisdiction pursuant to this
 5632 section must be physically destroyed or obliterated by any
 5633 criminal justice agency having custody of such record; except
 5634 that any criminal history record in the custody of the
 5635 department must be retained in all cases. A criminal history
 5636 record ordered expunged that is retained by the department is
 5637 confidential and exempt from the provisions of s. 119.07(1) and
 5638 s. 24(a), Art. I of the State Constitution and not available to
 5639 any person or entity except upon order of a court of competent
 5640 jurisdiction. A criminal justice agency may retain a notation
 5641 indicating compliance with an order to expunge.

5642 (a) The person who is the subject of a criminal history
 5643 record that is expunged under this section or under other
 5644 provisions of law, including former s. 893.14, former s. 901.33,
 5645 and former s. 943.058, may lawfully deny or fail to acknowledge
 5646 the arrests covered by the expunged record, except when the
 5647 subject of the record:

- 5648 1. Is a candidate for employment with a criminal justice
 5649 agency;
- 5650 2. Is a defendant in a criminal prosecution;
- 5651 3. Concurrently or subsequently petitions for relief under
 5652 this section or s. 943.059;
- 5653 4. Is a candidate for admission to The Florida Bar;

5654 5. Is seeking to be employed or licensed by or to contract
 5655 with the Department of Children and Family Services or the
 5656 Department of Juvenile Justice or to be employed or used by such
 5657 contractor or licensee in a sensitive position having direct
 5658 contact with children, the developmentally disabled, the aged,
 5659 or the elderly as provided in s. 110.1127(3), s. 393.063, s.
 5660 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.
 5661 409.175(2)(i), s. 415.102(4), s. 916.106(10) and (13), s.
 5662 985.644 ~~985.407~~, or chapter 400; or

5663 6. Is seeking to be employed or licensed by the Department
 5664 of Education, any district school board, any university
 5665 laboratory school, any charter school, any private or parochial
 5666 school, or any local governmental entity that licenses child
 5667 care facilities.

5668 Section 116. Paragraph (a) of subsection (4) of section
 5669 943.059, Florida Statutes, is amended to read:

5670 943.059 Court-ordered sealing of criminal history
 5671 records.--The courts of this state shall continue to have
 5672 jurisdiction over their own procedures, including the
 5673 maintenance, sealing, and correction of judicial records
 5674 containing criminal history information to the extent such
 5675 procedures are not inconsistent with the conditions,
 5676 responsibilities, and duties established by this section. Any
 5677 court of competent jurisdiction may order a criminal justice
 5678 agency to seal the criminal history record of a minor or an
 5679 adult who complies with the requirements of this section. The
 5680 court shall not order a criminal justice agency to seal a
 5681 criminal history record until the person seeking to seal a

5682 criminal history record has applied for and received a
 5683 certificate of eligibility for sealing pursuant to subsection
 5684 (2). A criminal history record that relates to a violation of s.
 5685 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
 5686 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s.
 5687 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, or
 5688 a violation enumerated in s. 907.041 may not be sealed, without
 5689 regard to whether adjudication was withheld, if the defendant
 5690 was found guilty of or pled guilty or nolo contendere to the
 5691 offense, or if the defendant, as a minor, was found to have
 5692 committed or pled guilty or nolo contendere to committing the
 5693 offense as a delinquent act. The court may only order sealing of
 5694 a criminal history record pertaining to one arrest or one
 5695 incident of alleged criminal activity, except as provided in
 5696 this section. The court may, at its sole discretion, order the
 5697 sealing of a criminal history record pertaining to more than one
 5698 arrest if the additional arrests directly relate to the original
 5699 arrest. If the court intends to order the sealing of records
 5700 pertaining to such additional arrests, such intent must be
 5701 specified in the order. A criminal justice agency may not seal
 5702 any record pertaining to such additional arrests if the order to
 5703 seal does not articulate the intention of the court to seal
 5704 records pertaining to more than one arrest. This section does
 5705 not prevent the court from ordering the sealing of only a
 5706 portion of a criminal history record pertaining to one arrest or
 5707 one incident of alleged criminal activity. Notwithstanding any
 5708 law to the contrary, a criminal justice agency may comply with
 5709 laws, court orders, and official requests of other jurisdictions

5710 relating to sealing, correction, or confidential handling of
 5711 criminal history records or information derived therefrom. This
 5712 section does not confer any right to the sealing of any criminal
 5713 history record, and any request for sealing a criminal history
 5714 record may be denied at the sole discretion of the court.

5715 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A criminal
 5716 history record of a minor or an adult which is ordered sealed by
 5717 a court of competent jurisdiction pursuant to this section is
 5718 confidential and exempt from the provisions of s. 119.07(1) and
 5719 s. 24(a), Art. I of the State Constitution and is available only
 5720 to the person who is the subject of the record, to the subject's
 5721 attorney, to criminal justice agencies for their respective
 5722 criminal justice purposes, or to those entities set forth in
 5723 subparagraphs (a)1., 4., 5., and 6. for their respective
 5724 licensing and employment purposes.

5725 (a) The subject of a criminal history record sealed under
 5726 this section or under other provisions of law, including former
 5727 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 5728 deny or fail to acknowledge the arrests covered by the sealed
 5729 record, except when the subject of the record:

- 5730 1. Is a candidate for employment with a criminal justice
 5731 agency;
- 5732 2. Is a defendant in a criminal prosecution;
- 5733 3. Concurrently or subsequently petitions for relief under
 5734 this section or s. 943.0585;
- 5735 4. Is a candidate for admission to The Florida Bar;
- 5736 5. Is seeking to be employed or licensed by or to contract
 5737 with the Department of Children and Family Services or the

5738 Department of Juvenile Justice or to be employed or used by such
 5739 contractor or licensee in a sensitive position having direct
 5740 contact with children, the developmentally disabled, the aged,
 5741 or the elderly as provided in s. 110.1127(3), s. 393.063, s.
 5742 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.
 5743 409.175(2)(i), s. 415.102(4), s. 415.103, s. 916.106(10) and
 5744 (13), s. 985.644 ~~985.407~~, or chapter 400; or

5745 6. Is seeking to be employed or licensed by the Department
 5746 of Education, any district school board, any university
 5747 laboratory school, any charter school, any private or parochial
 5748 school, or any local governmental entity that licenses child
 5749 care facilities.

5750 Section 117. Subsection (2) of section 948.51, Florida
 5751 Statutes, is amended to read:

5752 948.51 Community corrections assistance to counties or
 5753 county consortiums.--

5754 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.--A
 5755 county, or a consortium of two or more counties, may contract
 5756 with the Department of Corrections for community corrections
 5757 funds as provided in this section. In order to enter into a
 5758 community corrections partnership contract, a county or county
 5759 consortium must have a public safety coordinating council
 5760 established under s. 951.26 and must designate a county officer
 5761 or agency to be responsible for administering community
 5762 corrections funds received from the state. The public safety
 5763 coordinating council shall prepare, develop, and implement a
 5764 comprehensive public safety plan for the county, or the
 5765 geographic area represented by the county consortium, and shall

5766 submit an annual report to the Department of Corrections
 5767 concerning the status of the program. In preparing the
 5768 comprehensive public safety plan, the public safety coordinating
 5769 council shall cooperate with the juvenile justice circuit board
 5770 and the juvenile justice county council, established under s.
 5771 985.664 ~~985.4135~~, in order to include programs and services for
 5772 juveniles in the plan. To be eligible for community corrections
 5773 funds under the contract, the initial public safety plan must be
 5774 approved by the governing board of the county, or the governing
 5775 board of each county within the consortium, and the Secretary of
 5776 Corrections based on the requirements of this section. If one or
 5777 more other counties develop a unified public safety plan, the
 5778 public safety coordinating council shall submit a single
 5779 application to the department for funding. Continued contract
 5780 funding shall be pursuant to subsection (5). The plan for a
 5781 county or county consortium must cover at least a 5-year period
 5782 and must include:

5783 (a) A description of programs offered for the job
 5784 placement and treatment of offenders in the community.

5785 (b) A specification of community-based intermediate
 5786 sentencing options to be offered and the types and number of
 5787 offenders to be included in each program.

5788 (c) Specific goals and objectives for reducing the
 5789 projected percentage of commitments to the state prison system
 5790 of persons with low total sentencing scores pursuant to the
 5791 Criminal Punishment Code.

5792 (d) Specific evidence of the population status of all
 5793 programs which are part of the plan, which evidence establishes

5794 that such programs do not include offenders who otherwise would
 5795 have been on a less intensive form of community supervision.

5796 (e) The assessment of population status by the public
 5797 safety coordinating council of all correctional facilities owned
 5798 or contracted for by the county or by each county within the
 5799 consortium.

5800 (f) The assessment of bed space that is available for
 5801 substance abuse intervention and treatment programs and the
 5802 assessment of offenders in need of treatment who are committed
 5803 to each correctional facility owned or contracted for by the
 5804 county or by each county within the consortium.

5805 (g) A description of program costs and sources of funds
 5806 for each community corrections program, including community
 5807 corrections funds, loans, state assistance, and other financial
 5808 assistance.

5809 Section 118. Section 958.046, Florida Statutes, is amended
 5810 to read:

5811 958.046 Placement in county-operated boot camp programs
 5812 for youthful offenders.--In counties where there are county-
 5813 operated youthful offender boot camp programs, other than boot
 5814 camps described in s. 958.04 or s. 985.489 ~~985.309~~, the court
 5815 may sentence a youthful offender to such a boot camp. In county-
 5816 operated youthful offender boot camp programs, juvenile
 5817 offenders shall not be commingled with youthful offenders.

5818 Section 119. Paragraphs (b) and (j) of subsection (1) of
 5819 section 960.001, Florida Statutes, are amended to read:

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5820 960.001 Guidelines for fair treatment of victims and
 5821 witnesses in the criminal justice and juvenile justice
 5822 systems.--

5823 (1) The Department of Legal Affairs, the state attorneys,
 5824 the Department of Corrections, the Department of Juvenile
 5825 Justice, the Parole Commission, the State Courts Administrator
 5826 and circuit court administrators, the Department of Law
 5827 Enforcement, and every sheriff's department, police department,
 5828 or other law enforcement agency as defined in s. 943.10(4) shall
 5829 develop and implement guidelines for the use of their respective
 5830 agencies, which guidelines are consistent with the purposes of
 5831 this act and s. 16(b), Art. I of the State Constitution and are
 5832 designed to implement the provisions of s. 16(b), Art. I of the
 5833 State Constitution and to achieve the following objectives:

5834 (b) Information for purposes of notifying victim or
 5835 appropriate next of kin of victim or other designated contact of
 5836 victim.--In the case of a homicide, pursuant to chapter 782; or
 5837 a sexual offense, pursuant to chapter 794; or an attempted
 5838 murder or sexual offense, pursuant to chapter 777; or stalking,
 5839 pursuant to s. 784.048; or domestic violence, pursuant to s.
 5840 25.385:

5841 1. The arresting law enforcement officer or personnel of
 5842 an organization that provides assistance to a victim or to the
 5843 appropriate next of kin of the victim or other designated
 5844 contact must request that the victim or appropriate next of kin
 5845 of the victim or other designated contact complete a victim
 5846 notification card. However, the victim or appropriate next of

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5847 kin of the victim or other designated contact may choose not to
5848 complete the victim notification card.

5849 2. Unless the victim or the appropriate next of kin of the
5850 victim or other designated contact waives the option to complete
5851 the victim notification card, a copy of the victim notification
5852 card must be filed with the incident report or warrant in the
5853 sheriff's office of the jurisdiction in which the incident
5854 report or warrant originated. The notification card shall, at a
5855 minimum, consist of:

5856 a. The name, address, and phone number of the victim; or

5857 b. The name, address, and phone number of the appropriate
5858 next of kin of the victim; or

5859 c. The name, address, and phone number of a designated
5860 contact other than the victim or appropriate next of kin of the
5861 victim; and

5862 d. Any relevant identification or case numbers assigned to
5863 the case.

5864 3. The chief administrator, or a person designated by the
5865 chief administrator, of a county jail, municipal jail, juvenile
5866 detention facility, or residential commitment facility shall
5867 make a reasonable attempt to notify the alleged victim or
5868 appropriate next of kin of the alleged victim or other
5869 designated contact within 4 hours following the release of the
5870 defendant on bail or, in the case of a juvenile offender, upon
5871 the release from residential detention or commitment. If the
5872 chief administrator, or designee, is unable to contact the
5873 alleged victim or appropriate next of kin of the alleged victim
5874 or other designated contact by telephone, the chief

5875 administrator, or designee, must send to the alleged victim or
5876 appropriate next of kin of the alleged victim or other
5877 designated contact a written notification of the defendant's
5878 release.

5879 4. Unless otherwise requested by the victim or the
5880 appropriate next of kin of the victim or other designated
5881 contact, the information contained on the victim notification
5882 card must be sent by the chief administrator, or designee, of
5883 the appropriate facility to the subsequent correctional or
5884 residential commitment facility following the sentencing and
5885 incarceration of the defendant, and unless otherwise requested
5886 by the victim or the appropriate next of kin of the victim or
5887 other designated contact, he or she must be notified of the
5888 release of the defendant from incarceration as provided by law.

5889 5. If the defendant was arrested pursuant to a warrant
5890 issued or taken into custody pursuant to s. 985.101 ~~985.207~~ in a
5891 jurisdiction other than the jurisdiction in which the defendant
5892 is being released, and the alleged victim or appropriate next of
5893 kin of the alleged victim or other designated contact does not
5894 waive the option for notification of release, the chief
5895 correctional officer or chief administrator of the facility
5896 releasing the defendant shall make a reasonable attempt to
5897 immediately notify the chief correctional officer of the
5898 jurisdiction in which the warrant was issued or the juvenile was
5899 taken into custody pursuant to s. 985.101 ~~985.207~~, and the chief
5900 correctional officer of that jurisdiction shall make a
5901 reasonable attempt to notify the alleged victim or appropriate
5902 next of kin of the alleged victim or other designated contact,

5903 as provided in this paragraph, that the defendant has been or
 5904 will be released.

5905 (j) Notification of right to request restitution.--Law
 5906 enforcement agencies and the state attorney shall inform the
 5907 victim of the victim's right to request and receive restitution
 5908 pursuant to s. 775.089 or s. 985.437 ~~985.231(1)(a)1.~~, and of the
 5909 victim's rights of enforcement under ss. 775.089(6) and 985.0301
 5910 ~~985.201~~ in the event an offender does not comply with a
 5911 restitution order. The state attorney shall seek the assistance
 5912 of the victim in the documentation of the victim's losses for
 5913 the purpose of requesting and receiving restitution. In
 5914 addition, the state attorney shall inform the victim if and when
 5915 restitution is ordered. If an order of restitution is converted
 5916 to a civil lien or civil judgment against the defendant, the
 5917 clerks shall make available at their office, as well as on their
 5918 website, information provided by the Secretary of State, the
 5919 court, or The Florida Bar on enforcing the civil lien or
 5920 judgment.

5921 Section 120. Subsection (48) of section 984.03, Florida
 5922 Statutes, is amended to read:

5923 984.03 Definitions.--When used in this chapter, the term:
 5924 (48) "Serious or habitual juvenile offender program" means
 5925 the program established in s. 985.47 ~~985.31~~.

5926 Section 121. Section 984.05, Florida Statutes, is amended
 5927 to read:

5928 984.05 Rules relating to habitual truants; adoption by
 5929 State Board of Education and Department of Juvenile
 5930 Justice.--The Department of Juvenile Justice and the State Board

5931 of Education shall work together on the development of, and
 5932 shall adopt, rules as necessary for the implementation of ss.
 5933 984.03(27), 985.03(24)(~~25~~), and 1003.27.

5934 Section 122. Paragraph (b) of subsection (4) of section
 5935 984.09, Florida Statutes, is amended to read:

5936 984.09 Punishment for contempt of court; alternative
 5937 sanctions.--

5938 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
 5939 PROCESS.--

5940 (b) If a child is charged with indirect contempt of court,
 5941 the court must hold a hearing within 24 hours to determine
 5942 whether the child committed indirect contempt of a valid court
 5943 order. At the hearing, the following due process rights must be
 5944 provided to the child:

5945 1. Right to a copy of the order to show cause alleging
 5946 facts supporting the contempt charge.

5947 2. Right to an explanation of the nature and the
 5948 consequences of the proceedings.

5949 3. Right to legal counsel and the right to have legal
 5950 counsel appointed by the court if the juvenile is indigent,
 5951 pursuant to s. 985.033 ~~985.203~~.

5952 4. Right to confront witnesses.

5953 5. Right to present witnesses.

5954 6. Right to have a transcript or record of the proceeding.

5955 7. Right to appeal to an appropriate court.

5956

5957 The child's parent or guardian may address the court regarding
 5958 the due process rights of the child. The court shall review the

5959 placement of the child every 72 hours to determine whether it is
 5960 appropriate for the child to remain in the facility.

5961 Section 123. Subsections (2) and (6) of section 984.226,
 5962 Florida Statutes, are amended to read:

5963 984.226 Physically secure setting.--

5964 (2) When a petition is filed alleging that a child is a
 5965 child in need of services, the child must be represented by
 5966 counsel at each court appearance unless the record in that
 5967 proceeding affirmatively demonstrates by clear and convincing
 5968 evidence that the child knowingly and intelligently waived the
 5969 right to counsel after being fully advised by the court of the
 5970 nature of the proceedings and the dispositional alternatives
 5971 available to the court under this section. If the court decides
 5972 to appoint counsel for the child and if the child is indigent,
 5973 the court shall appoint an attorney to represent the child as
 5974 provided under s. 985.033 ~~985.203~~. Nothing precludes the court
 5975 from requesting reimbursement of attorney's fees and costs from
 5976 the nonindigent parent or legal guardian.

5977 (6) Prior to being ordered to a physically secure setting,
 5978 the child must be afforded all rights of due process required
 5979 under s. 985.037 ~~985.216~~. While in the physically secure
 5980 setting, the child shall receive appropriate assessment,
 5981 treatment, and educational services that are designed to
 5982 eliminate or reduce the child's truant, ungovernable, or runaway
 5983 behavior. The child and family shall be provided with family
 5984 counseling and other support services necessary for
 5985 reunification.

5986 Section 124. Subsection (22) of section 1003.52, Florida
 5987 Statutes, is amended to read:

5988 1003.52 Educational services in Department of Juvenile
 5989 Justice programs.--

5990 (22) The Department of Juvenile Justice and the Department
 5991 of Education, in consultation with Workforce Florida, Inc., the
 5992 statewide Workforce Development Youth Council, district school
 5993 boards, community colleges, providers, and others, shall jointly
 5994 develop a multiagency plan for career education which describes
 5995 the funding, curriculum, transfer of credits, goals, and outcome
 5996 measures for career education programming in juvenile commitment
 5997 facilities, pursuant to s. 985.622 ~~985.3155~~. The plan must be
 5998 reviewed annually.

5999 Section 125. Subsection (2) of section 1006.08, Florida
 6000 Statutes, is amended to read:

6001 1006.08 District school superintendent duties relating to
 6002 student discipline and school safety.--

6003 (2) Notwithstanding the provisions of s. 985.04(7)(4) or
 6004 any other provision of law to the contrary, the court shall,
 6005 within 48 hours of the finding, notify the appropriate district
 6006 school superintendent of the name and address of any student
 6007 found to have committed a delinquent act, or who has had
 6008 adjudication of a delinquent act withheld which, if committed by
 6009 an adult, would be a felony, or the name and address of any
 6010 student found guilty of a felony. Notification shall include the
 6011 specific delinquent act found to have been committed or for
 6012 which adjudication was withheld, or the specific felony for
 6013 which the student was found guilty.

6014 Section 126. Paragraph (a) of subsection (5) of section
 6015 1006.13, Florida Statutes, is amended to read:

6016 1006.13 Policy of zero tolerance for crime and
 6017 victimization.--

6018 (5)(a) Notwithstanding any provision of law prohibiting
 6019 the disclosure of the identity of a minor, whenever any student
 6020 who is attending public school is adjudicated guilty of or
 6021 delinquent for, or is found to have committed, regardless of
 6022 whether adjudication is withheld, or pleads guilty or nolo
 6023 contendere to, a felony violation of:

- 6024 1. Chapter 782, relating to homicide;
- 6025 2. Chapter 784, relating to assault, battery, and culpable
 6026 negligence;
- 6027 3. Chapter 787, relating to kidnapping, false
 6028 imprisonment, luring or enticing a child, and custody offenses;
- 6029 4. Chapter 794, relating to sexual battery;
- 6030 5. Chapter 800, relating to lewdness and indecent
 6031 exposure;
- 6032 6. Chapter 827, relating to abuse of children;
- 6033 7. Section 812.13, relating to robbery;
- 6034 8. Section 812.131, relating to robbery by sudden
 6035 snatching;
- 6036 9. Section 812.133, relating to carjacking; or
- 6037 10. Section 812.135, relating to home-invasion robbery,

6038
 6039 and, before or at the time of such adjudication, withholding of
 6040 adjudication, or plea, the offender was attending a school
 6041 attended by the victim or a sibling of the victim of the

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6042 offense, the Department of Juvenile Justice shall notify the
 6043 appropriate district school board of the adjudication or plea,
 6044 the requirements of this paragraph, and whether the offender is
 6045 prohibited from attending that school or riding on a school bus
 6046 whenever the victim or a sibling of the victim is attending the
 6047 same school or riding on the same school bus, except as provided
 6048 pursuant to a written disposition order under s. 985.455(2)
 6049 ~~985.23(1)(d)~~. Upon receipt of such notice, the district school
 6050 board shall take appropriate action to effectuate the provisions
 6051 of paragraph (b).

6052 Section 127. Subsection (1) of section 1012.797, Florida
 6053 Statutes, is amended to read:

6054 1012.797 Notification of district school superintendent of
 6055 certain charges against or convictions of employees.--

6056 (1) Notwithstanding the provisions of s. 985.04(7)~~(4)~~ or
 6057 any other provision of law to the contrary, a law enforcement
 6058 agency shall, within 48 hours, notify the appropriate district
 6059 school superintendent of the name and address of any employee of
 6060 the school district who is charged with a felony or with a
 6061 misdemeanor involving the abuse of a minor child or the sale or
 6062 possession of a controlled substance. The notification shall
 6063 include the specific charge for which the employee of the school
 6064 district was arrested. Such notification shall include other
 6065 education providers such as the Florida School for the Deaf and
 6066 the Blind, university lab schools, and private elementary and
 6067 secondary schools.

6068 Section 128. This act shall take effect January 1, 2006.