

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Barreiro offered the following:

2

3 **Amendment to Senate Amendment (500116) (with title**
4 **amendment)**

5 On page 17, line 24, through page 44, line 3

6 remove: all of said lines

7

8 and insert:

9 perimeter fencing and locking doors or are environmentally
10 secure. Facilities shall provide 24-hour awake supervision,
11 custody, care, and treatment of residents. Youth assessed and
12 classified for this level of placement require close supervision
13 in a structured residential setting. Placement in programs at
14 this level is prompted by a concern for public safety that
15 outweighs placement in programs at lower commitment levels. The

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16 staff at a facility at this commitment level may seclude a child
17 who is a physical threat to himself or herself or others.

18 Mechanical restraint may also be used when necessary. The
19 facility may provide for single cell occupancy.

20 ~~(e)(d)~~ Maximum-risk residential.--Programs or program
21 models at this commitment level include juvenile correctional
22 facilities and juvenile prisons. The programs are long-term
23 residential and do ~~shall~~ not allow youth to have access to the
24 community. Facilities are maximum-custody hardware-secure with
25 perimeter security fencing and locking doors. Facilities shall
26 provide 24-hour awake supervision, custody, care, and treatment
27 of residents. The staff at a facility at this commitment level
28 may seclude a child who is a physical threat to himself or
29 herself or others. Mechanical restraint may also be used when
30 necessary. The facility shall provide for single cell occupancy,
31 except that youth may be housed together during prerelease
32 transition. Youth assessed and classified for this level of
33 placement require close supervision in a maximum security
34 residential setting. Placement in a program at this level is
35 prompted by a demonstrated need to protect the public.

36 ~~(47)(46)~~ "Respite" means a placement that is available for
37 the care, custody, and placement of a youth charged with
38 domestic violence as an alternative to secure detention or for
39 placement of a youth when a shelter bed for a child in need of
40 services or a family in need of services is unavailable.

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41 ~~(48)~~~~(47)~~ "Secure detention center or facility" means a
42 physically restricting facility for the temporary care of
43 children, pending adjudication, disposition, or placement.

44 ~~(49)~~~~(48)~~ "Serious or habitual juvenile offender," for
45 purposes of commitment to a residential facility and for
46 purposes of records retention, means a child who has been found
47 to have committed a delinquent act or a violation of law, in the
48 case currently before the court, and who meets at least one of
49 the following criteria:

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

- 53 1. Arson;
- 54 2. Sexual battery;
- 55 3. Robbery;
- 56 4. Kidnapping;
- 57 5. Aggravated child abuse;
- 58 6. Aggravated assault;
- 59 7. Aggravated stalking;
- 60 8. Murder;
- 61 9. Manslaughter;
- 62 10. Unlawful throwing, placing, or discharging of a
63 destructive device or bomb;
- 64 11. Armed burglary;
- 65 12. Aggravated battery;
- 66 13. Any lewd or lascivious offense committed upon or in
67 the presence of a person less than 16 years of age; or

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68 14. Carrying, displaying, using, threatening, or
69 attempting to use a weapon or firearm during the commission of a
70 felony.

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

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

78 ~~(50)~~~~(49)~~ "Serious or habitual juvenile offender program"
79 means the program established in s. 985.31.

80 ~~(51)~~~~(50)~~ "Shelter" means a place for the temporary care of
81 a child who is alleged to be or who has been found to be
82 delinquent.

83 ~~(52)~~~~(51)~~ "Shelter hearing" means a hearing provided for
84 under s. 984.14 in family-in-need-of-services cases or child-in-
85 need-of-services cases.

86 ~~(53)~~~~(52)~~ "Staff-secure shelter" means a facility in which
87 a child is supervised 24 hours a day by staff members who are
88 awake while on duty. The facility is for the temporary care and
89 assessment of a child who has been found to be dependent, who
90 has violated a court order and been found in contempt of court,
91 or whom the Department of Children and Family Services is unable
92 to properly assess or place for assistance within the continuum
93 of services provided for dependent children.

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HOUSE AMENDMENT

Bill No. HB 1917

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94 ~~(54)~~(53) "Substance abuse" means using, without medical
95 reason, any psychoactive or mood-altering drug, including
96 alcohol, in such a manner as to induce impairment resulting in
97 dysfunctional social behavior.

98 ~~(55)~~(54) "Taken into custody" means the status of a child
99 immediately when temporary physical control over the child is
100 attained by a person authorized by law, pending the child's
101 release, detention, placement, or other disposition as
102 authorized by law.

103 ~~(56)~~(55) "Temporary legal custody" means the relationship
104 that a juvenile court creates between a child and an adult
105 relative of the child, adult nonrelative approved by the court,
106 or other person until a more permanent arrangement is ordered.
107 Temporary legal custody confers upon the custodian the right to
108 have temporary physical custody of the child and the right and
109 duty to protect, train, and discipline the child and to provide
110 the child with food, shelter, and education, and ordinary
111 medical, dental, psychiatric, and psychological care, unless
112 these rights and duties are otherwise enlarged or limited by the
113 court order establishing the temporary legal custody
114 relationship.

115 ~~(57)~~(56) "Temporary release" means the terms and
116 conditions under which a child is temporarily released from a
117 residential commitment facility or allowed home visits. If the
118 temporary release is from a moderate-risk residential facility,
119 a high-risk residential facility, or a maximum-risk residential
120 facility, the terms and conditions of the temporary release must

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121 be approved by the child, the court, and the facility. The term
122 includes periods during which the child is supervised pursuant
123 to a conditional release program or a period during which the
124 child is supervised by a juvenile probation officer or other
125 nonresidential staff of the department or staff employed by an
126 entity under contract with the department.

127 ~~(58)(57)~~ "Training school" means one of the following
128 facilities: the Arthur G. Dozier School or the Eckerd Youth
129 Development Center.

130 ~~(59)(58)~~ "Violation of law" or "delinquent act" means a
131 violation of any law of this state, the United States, or any
132 other state which is a misdemeanor or a felony or a violation of
133 a county or municipal ordinance which would be punishable by
134 incarceration if the violation were committed by an adult.

135 ~~(60)(59)~~ "Waiver hearing" means a hearing provided for
136 under s. 985.226(3).

137 Section 2. Paragraph (d) of subsection (1) of section
138 985.207, Florida Statutes, is amended, and paragraph (e) is
139 added to said subsection, to read:

140 985.207 Taking a child into custody.--

141 (1) A child may be taken into custody under the following
142 circumstances:

143 (d) By a law enforcement officer who has probable cause to
144 believe that the child is in violation of the conditions of the
145 child's probation, home detention, postcommitment probation, or
146 conditional release supervision, has absconded from

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147 | nonresidential commitment, or has escaped from residential
148 | commitment.

149 | (e) When a law enforcement officer has probable cause to
150 | believe that a child, who is awaiting disposition, has violated
151 | conditions imposed by the court under s. 985.228(5) in his or
152 | her order of adjudication of delinquency.

153 |
154 | Nothing in this subsection shall be construed to allow the
155 | detention of a child who does not meet the detention criteria in
156 | s. 985.215.

157 | Section 3. Section 985.208, Florida Statutes, is amended
158 | to read:

159 | 985.208 Detention of escapee or absconder on authority of
160 | the department.--

161 | (1) If an authorized agent of the department has
162 | reasonable grounds to believe that any delinquent child
163 | committed to the department has escaped from a residential
164 | commitment facility ~~of the department~~ or from being lawfully
165 | transported thereto or therefrom, or has absconded from a
166 | nonresidential commitment facility, the agent may take the child
167 | into active custody and may deliver the child to the facility
168 | or, if it is closer, to a detention center for return to the
169 | facility. However, a child may not be held in detention longer
170 | than 24 hours, excluding Saturdays, Sundays, and legal holidays,
171 | unless a special order so directing is made by the judge after a
172 | detention hearing resulting in a finding that detention is
173 | required based on the criteria in s. 985.215(2). The order shall

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174 state the reasons for such finding. The reasons shall be
175 reviewable by appeal or in habeas corpus proceedings in the
176 district court of appeal.

177 (2) Any sheriff or other law enforcement officer, upon the
178 request of the secretary of the department or duly authorized
179 agent, shall take a child who has escaped ~~or absconded~~ from a
180 residential commitment department facility for committed
181 delinquent children, or from being lawfully transported thereto
182 or therefrom, or has absconded from a nonresidential commitment
183 facility, into custody and deliver the child to the appropriate
184 juvenile probation officer ~~of the department~~.

185 Section 4. Subsections (2) and (10) and paragraphs (d) and
186 (g) of subsection (5) of section 985.215, Florida Statutes, are
187 amended to read:

188 985.215 Detention.--

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

193 (a) The child is alleged to be an escapee from a
194 residential commitment program, or an absconder from a
195 nonresidential commitment program, a probation program, or
196 conditional release supervision, or is alleged to have escaped
197 while being lawfully transported to or from a residential
198 commitment ~~such program or supervision~~.

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

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

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

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

210 (f) The child is charged with a capital felony, a life
211 felony, a felony of the first degree, a felony of the second
212 degree that does not involve a violation of chapter 893, or a
213 felony of the third degree that is also a crime of violence,
214 including any such offense involving the use or possession of a
215 firearm.

216 (g) The child is charged with any second degree or third
217 degree felony involving a violation of chapter 893 or any third
218 degree felony that is not also a crime of violence, and the
219 child:

- 220 1. Has a record of failure to appear at court hearings
221 after being properly notified in accordance with the Rules of
222 Juvenile Procedure;
- 223 2. Has a record of law violations prior to court hearings;
- 224 3. Has already been detained or has been released and is
225 awaiting final disposition of the case;
- 226 4. Has a record of violent conduct resulting in physical
227 injury to others; or

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

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

235 (i) The child is detained on a judicial order for failure
236 to appear and has previously willfully failed to appear, after
237 proper notice, for an adjudicatory hearing on the same case
238 regardless of the results of the risk assessment instrument. A
239 child may be held in secure detention for up to 72 hours in
240 advance of the next scheduled court hearing pursuant to this
241 paragraph. The child's failure to keep the clerk of court and
242 defense counsel informed of a current and valid mailing address
243 where the child will receive notice to appear at court
244 proceedings does not provide an adequate ground for excusal of
245 the child's nonappearance at the hearings.

246 (j) The child is detained on a judicial order for failure
247 to appear and has previously willfully failed to appear, after
248 proper notice, at two or more court hearings of any nature on
249 the same case regardless of the results of the risk assessment
250 instrument. A child may be held in secure detention for up to 72
251 hours in advance of the next scheduled court hearing pursuant to
252 this paragraph. The child's failure to keep the clerk of court
253 and defense counsel informed of a current and valid mailing
254 address where the child will receive notice to appear at court

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255 proceedings does not provide an adequate ground for excusal of
256 the child's nonappearance at the hearings.

257 (k) The child at his or her adjudicatory hearing has been
258 found to have committed a delinquent act or violation of law and
259 has previously willfully failed to appear, after proper notice,
260 for other delinquency court proceedings of any nature regardless
261 of the results of the risk assessment instrument. A child may be
262 placed in secure detention, or at the discretion of the court
263 and if available, on home detention with electronic monitoring
264 until the child's disposition order is entered in his or her
265 case. The child's failure to keep the clerk of court and defense
266 counsel informed of a current and valid mailing address where
267 the child will receive notice to appear at court proceedings
268 does not provide an adequate ground for excusal of the child's
269 nonappearance at the hearings.

270
271 A child who meets any of these criteria and who is ordered to be
272 detained pursuant to this subsection shall be given a hearing
273 within 24 hours after being taken into custody. The purpose of
274 the detention hearing is to determine the existence of probable
275 cause that the child has committed the delinquent act or
276 violation of law with which he or she is charged and the need
277 for continued detention, except where the child is alleged to
278 have absconded from a nonresidential commitment program in which
279 case the court, at the detention hearing, shall order that the
280 child be released from detention and returned to his or her
281 nonresidential commitment program. Unless a child is detained

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282 | under paragraph (d), ~~or~~ paragraph (e), or paragraph (k) the
283 | court shall use ~~utilize~~ the results of the risk assessment
284 | performed by the juvenile probation officer and, based on the
285 | criteria in this subsection, shall determine the need for
286 | continued detention. A child placed into secure, nonsecure, or
287 | home detention care may continue to be so detained by the court
288 | pursuant to this subsection. If the court orders a placement
289 | more restrictive than indicated by the results of the risk
290 | assessment instrument, the court shall state, in writing, clear
291 | and convincing reasons for such placement. Except as provided in
292 | s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
293 | paragraph (10)(c), or paragraph (10)(d), when a child is placed
294 | into secure or nonsecure detention care, or into a respite home
295 | or other placement pursuant to a court order following a
296 | hearing, the court order must include specific instructions that
297 | direct the release of the child from such placement no later
298 | than 5 p.m. on the last day of the detention period specified in
299 | paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1.,
300 | whichever is applicable, unless the requirements of such
301 | applicable provision have been met or an order of continuance
302 | has been granted pursuant to paragraph (5)(f).

303 | (5)

304 | (d) Except as provided in paragraph (2)(k), paragraph (g),
305 | or s. 985.228(5), a child may not be held in secure, nonsecure,
306 | or home detention care for more than 15 days following the entry
307 | of an order of adjudication.

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308 (g) Upon good cause being shown that the nature of the
309 charge requires additional time for the prosecution or defense
310 of the case, the court may extend the time limits for detention
311 specified in paragraph (c) or (d) an additional 9 days if the
312 child is charged with an offense that would be, if committed by
313 an adult, a capital felony, a life felony, a felony of the first
314 degree, or a felony of the second degree involving violence
315 against any individual.

316 (10)(a)1. When a child is committed to the Department of
317 Juvenile Justice awaiting dispositional placement, removal of
318 the child from detention care shall occur within 5 days,
319 excluding Saturdays, Sundays, and legal holidays. Any child held
320 in secure detention during the 5 days must meet detention
321 admission criteria pursuant to this section. If the child is
322 committed to a moderate-risk residential program, the department
323 may seek an order from the court authorizing continued detention
324 for a specific period of time necessary for the appropriate
325 residential placement of the child. However, such continued
326 detention in secure detention care may not exceed 15 days after
327 commitment, excluding Saturdays, Sundays, and legal holidays,
328 and except as otherwise provided in this subsection.

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

333 (b) A child who is placed in home detention care,
334 nonsecure detention care, or home or nonsecure detention care

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335 with electronic monitoring, while awaiting placement in a
336 minimum-risk, low-risk, or moderate-risk program, may be held in
337 secure detention care for 5 days, if the child violates the
338 conditions of the home detention care, the nonsecure detention
339 care, or the electronic monitoring agreement. For any subsequent
340 violation, the court may impose an additional 5 days in secure
341 detention care.

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

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

348 (e) Upon specific appropriation, the department may obtain
349 comprehensive evaluations, including, but not limited to,
350 medical, academic, psychological, behavioral, sociological, and
351 vocational needs of a youth with multiple arrests for all level
352 criminal acts or a youth committed to a minimum-risk or low-risk
353 commitment program.

354 (f) Regardless of detention status, a child being
355 transported by the department to a residential commitment
356 facility of the department may be placed in secure detention
357 overnight, not to exceed a 24-hour period, for the specific
358 purpose of ensuring the safe delivery of the child to his or her
359 residential commitment program, court, appointment, transfer, or
360 release.

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361 Section 5. Notwithstanding s. 985.2155, Florida Statutes,
362 as amended by ch. 2004-473, Laws of Florida, the state, subject
363 to appropriation, shall pay all costs of detention care for
364 juveniles for Highlands County, Sumter County, and Wakulla
365 County for fiscal year 2005-2006.

366 Section 6. Subsection (5) of section 985.228, Florida
367 Statutes, is amended to read:

368 985.228 Adjudicatory hearings; withheld adjudications;
369 orders of adjudication.--

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

377 (b) The order of adjudication of delinquency under
378 paragraph (a) shall also include conditions that must be
379 followed by the child until a disposition order is entered in
380 his or her case. These conditions must include, but are not
381 limited to, specifying that the child, during any period of time
382 that he or she:

383 1. Is not in secure detention, must comply with a curfew;
384 must attend school or another educational program, if eligible;
385 and is prohibited from engaging in ungovernable behavior.

386 2. Is in secure detention, is prohibited from engaging in
387 ungovernable behavior.

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388 (c) For purposes of this subsection, the term
389 "ungovernable behavior" shall mean:

390 1. Failing to obey the reasonable and lawful demands of
391 the child's parent or legal guardian and, where applicable, of a
392 person responsible for supervising the child while he or she is
393 in school, another educational program, or secure detention.

394 2. Engaging in behavior that evidences a risk that the
395 child may fail to appear for future court proceedings or may
396 inflict harm upon others or the property of others.

397 3. Other behavior as specified in writing by the court in
398 the order of adjudication of delinquency.

399 (d) If a child willfully violates a condition contained in
400 his or her order of adjudication of delinquency, the court may
401 find the child in direct or indirect contempt of court under s.
402 985.216; however, notwithstanding s. 985.216 and the results of
403 the risk assessment instrument, the child's sanctions for such
404 contempt of court shall be placement in secure detention, or at
405 the discretion of the court and if available, on home detention
406 with electronic monitoring until the child's disposition order
407 is entered in his or her case, except the court may order a
408 different sanction if recommended by the department.

409 Section 7. Paragraphs (a) and (d) of subsection (1) and
410 subsection (2) of section 985.231, Florida Statutes, are amended
411 to read:

412 985.231 Powers of disposition in delinquency cases.--

413 (1)(a) The court that has jurisdiction of an adjudicated
414 delinquent child may, by an order stating the facts upon which a

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415 determination of a sanction and rehabilitative program was made
416 at the disposition hearing:

417 1. Place the child in a probation program or a
418 postcommitment probation program under the supervision of an
419 authorized agent of the department ~~of Juvenile Justice~~ or of any
420 other person or agency specifically authorized and appointed by
421 the court, whether in the child's own home, in the home of a
422 relative of the child, or in some other suitable place under
423 such reasonable conditions as the court may direct. A probation
424 program for an adjudicated delinquent child must include a
425 penalty component such as restitution in money or in kind,
426 community service, a curfew, revocation or suspension of the
427 driver's license of the child, or other nonresidential
428 punishment appropriate to the offense and must also include a
429 rehabilitative program component such as a requirement of
430 participation in substance abuse treatment or in school or other
431 educational program. If the child is attending or is eligible to
432 attend public school and the court finds that the victim or a
433 sibling of the victim in the case is attending or may attend the
434 same school as the child, the court placement order shall
435 include a finding pursuant to the proceedings described in s.
436 985.23(1)(d). Upon the recommendation of the department at the
437 time of disposition, or subsequent to disposition pursuant to
438 the filing of a petition alleging a violation of the child's
439 conditions of postcommitment probation, the court may order the
440 child to submit to random testing for the purpose of detecting
441 and monitoring the use of alcohol or controlled substances.

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442 a. A ~~restrictiveness level~~ classification scale for levels
443 of supervision shall be provided by the department, taking into
444 account the child's needs and risks relative to probation
445 supervision requirements to reasonably ensure the public safety.
446 Probation programs for children shall be supervised by the
447 department or by any other person or agency specifically
448 authorized by the court. These programs must include, but are
449 not limited to, structured or restricted activities as described
450 in this subparagraph, and shall be designed to encourage the
451 child toward acceptable and functional social behavior. If
452 supervision or a program of community service is ordered by the
453 court, the duration of such supervision or program must be
454 consistent with any treatment and rehabilitation needs
455 identified for the child and may not exceed the term for which
456 sentence could be imposed if the child were committed for the
457 offense, except that the duration of such supervision or program
458 for an offense that is a misdemeanor of the second degree, or is
459 equivalent to a misdemeanor of the second degree, may be for a
460 period not to exceed 6 months. When restitution is ordered by
461 the court, the amount of restitution may not exceed an amount
462 the child and the parent or guardian could reasonably be
463 expected to pay or make. A child who participates in any work
464 program under this part is considered an employee of the state
465 for purposes of liability, unless otherwise provided by law.

466 b. The court may conduct judicial review hearings for a
467 child placed on probation for the purpose of fostering
468 accountability to the judge and compliance with other

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469 requirements, such as restitution and community service. The
470 court may allow early termination of probation for a child who
471 has substantially complied with the terms and conditions of
472 probation.

473 c. If the conditions of the probation program or the
474 postcommitment probation program are violated, the department or
475 the state attorney may bring the child before the court on a
476 petition alleging a violation of the program. Any child who
477 violates the conditions of probation or postcommitment probation
478 must be brought before the court if sanctions are sought. A
479 child taken into custody under s. 985.207 for violating the
480 conditions of probation or postcommitment probation shall be
481 held in a consequence unit if such a unit is available. The
482 child shall be afforded a hearing within 24 hours after being
483 taken into custody to determine the existence of probable cause
484 that the child violated the conditions of probation or
485 postcommitment probation. A consequence unit is a secure
486 facility specifically designated by the department for children
487 who are taken into custody under s. 985.207 for violating
488 probation or postcommitment probation, or who have been found by
489 the court to have violated the conditions of probation or
490 postcommitment probation. If the violation involves a new charge
491 of delinquency, the child may be detained under s. 985.215 in a
492 facility other than a consequence unit. If the child is not
493 eligible for detention for the new charge of delinquency, the
494 child may be held in the consequence unit pending a hearing and
495 is subject to the time limitations specified in s. 985.215. If

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496 the child denies violating the conditions of probation or
497 postcommitment probation, the court shall appoint counsel to
498 represent the child at the child's request. Upon the child's
499 admission, or if the court finds after a hearing that the child
500 has violated the conditions of probation or postcommitment
501 probation, the court shall enter an order revoking, modifying,
502 or continuing probation or postcommitment probation. In each
503 such case, the court shall enter a new disposition order and, in
504 addition to the sanctions set forth in this paragraph, may
505 impose any sanction the court could have imposed at the original
506 disposition hearing. If the child is found to have violated the
507 conditions of probation or postcommitment probation, the court
508 may:

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

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

515 (III) Modify or continue the child's probation program or
516 postcommitment probation program.

517 (IV) Revoke probation or postcommitment probation and
518 commit the child to the department.

519 d. Notwithstanding s. 743.07 and paragraph (d), and except
520 as provided in s. 985.31, the term of any order placing a child
521 in a probation program must be until the child's 19th birthday

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522 unless he or she is released by the court, on the motion of an
523 interested party or on its own motion.

524 2. Commit the child to a licensed child-caring agency
525 willing to receive the child, but the court may not commit the
526 child to a jail or to a facility used primarily as a detention
527 center or facility or shelter.

528 3. Commit the child to the department of ~~Juvenile Justice~~
529 at a restrictiveness residential commitment level defined in s.
530 985.03. Such commitment must be for the purpose of exercising
531 active control over the child, including, but not limited to,
532 custody, care, training, urine monitoring, and treatment of the
533 child and release of the child from residential commitment into
534 the community in a postcommitment nonresidential conditional
535 release program. If the child is eligible to attend public
536 school following ~~residential~~ commitment and the court finds that
537 the victim or a sibling of the victim in the case is or may be
538 attending the same school as the child, the commitment order
539 shall include a finding pursuant to the proceedings described in
540 s. 985.23(1)(d). If the child is not successful in the
541 conditional release program, the department may use the transfer
542 procedure under s. 985.404. Notwithstanding s. 743.07 and
543 paragraph (d), and except as provided in s. 985.31, the term of
544 the commitment must be until the child is discharged by the
545 department or until he or she reaches the age of 21.

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

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

550 6. As part of the probation program to be implemented by
551 the department ~~of Juvenile Justice~~, or, in the case of a
552 committed child, as part of the community-based sanctions
553 ordered by the court at the disposition hearing or before the
554 child's release from commitment, order the child to make
555 restitution in money, through a promissory note cosigned by the
556 child's parent or guardian, or in kind for any damage or loss
557 caused by the child's offense in a reasonable amount or manner
558 to be determined by the court. The clerk of the circuit court
559 shall be the receiving and dispensing agent. In such case, the
560 court shall order the child or the child's parent or guardian to
561 pay to the office of the clerk of the circuit court an amount
562 not to exceed the actual cost incurred by the clerk as a result
563 of receiving and dispensing restitution payments. The clerk
564 shall notify the court if restitution is not made, and the court
565 shall take any further action that is necessary against the
566 child or the child's parent or guardian. A finding by the court,
567 after a hearing, that the parent or guardian has made diligent
568 and good faith efforts to prevent the child from engaging in
569 delinquent acts absolves the parent or guardian of liability for
570 restitution under this subparagraph.

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

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574 alternative to monetary restitution or as part of the
575 rehabilitative or probation program.

576 8. Commit the child to the department ~~of Juvenile Justice~~
577 for placement in a program or facility for serious or habitual
578 juvenile offenders in accordance with s. 985.31. Any commitment
579 of a child to a program or facility for serious or habitual
580 juvenile offenders must be for an indeterminate period of time,
581 but the time may not exceed the maximum term of imprisonment
582 that an adult may serve for the same offense. The court may
583 retain jurisdiction over such child until the child reaches the
584 age of 21, specifically for the purpose of the child completing
585 the program.

586 9. In addition to the sanctions imposed on the child,
587 order the parent or guardian of the child to perform community
588 service if the court finds that the parent or guardian did not
589 make a diligent and good faith effort to prevent the child from
590 engaging in delinquent acts. The court may also order the parent
591 or guardian to make restitution in money or in kind for any
592 damage or loss caused by the child's offense. The court shall
593 determine a reasonable amount or manner of restitution, and
594 payment shall be made to the clerk of the circuit court as
595 provided in subparagraph 6.

596 10. Subject to specific appropriation, commit the juvenile
597 sexual offender to the department ~~of Juvenile Justice~~ for
598 placement in a program or facility for juvenile sexual offenders
599 in accordance with s. 985.308. Any commitment of a juvenile
600 sexual offender to a program or facility for juvenile sexual

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601 offenders must be for an indeterminate period of time, but the
602 time may not exceed the maximum term of imprisonment that an
603 adult may serve for the same offense. The court may retain
604 jurisdiction over a juvenile sexual offender until the juvenile
605 sexual offender reaches the age of 21, specifically for the
606 purpose of completing the program.

607 (d) Any commitment of a delinquent child to the department
608 ~~of Juvenile Justice~~ must be for an indeterminate period of time,
609 which may include periods of temporary release; however, but the
610 period of time may not exceed the maximum term of imprisonment
611 that an adult may serve for the same offense, except that the
612 duration of a minimum-risk nonresidential commitment for an
613 offense that is a misdemeanor of the second degree, or is
614 equivalent to a misdemeanor of the second degree, may be for a
615 period not to exceed 6 months. The duration of the child's
616 placement in a ~~residential~~ commitment program of any
617 restrictiveness level shall be based on objective performance-
618 based treatment planning. The child's treatment plan progress
619 and adjustment-related issues shall be reported to the court
620 quarterly, unless the court requests monthly reports each month.
621 The child's length of stay in a ~~residential~~ commitment program
622 may be extended if the child fails to comply with or participate
623 in treatment activities. The child's length of stay in the such
624 program shall not be extended for purposes of sanction or
625 punishment. Any temporary release from such program must be
626 approved by the court. Any child so committed may be discharged
627 from institutional confinement or a program upon the direction

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628 of the department with the concurrence of the court. The child's
629 treatment plan progress and adjustment-related issues must be
630 communicated to the court at the time the department requests
631 the court to consider releasing the child from the ~~residential~~
632 commitment program. Notwithstanding s. 743.07 and this
633 subsection, and except as provided in ss. 985.201 and 985.31, a
634 child may not be held under a commitment from a court under
635 ~~pursuant to~~ this section after becoming 21 years of age. The
636 department shall give the court that committed the child to the
637 department reasonable notice, in writing, of its desire to
638 discharge the child from a commitment facility. The court that
639 committed the child may thereafter accept or reject the request.
640 If the court does not respond within 10 days after receipt of
641 the notice, the request of the department shall be deemed
642 granted. This section does not limit the department's authority
643 to revoke a child's temporary release status and return the
644 child to a commitment facility for any violation of the terms
645 and conditions of the temporary release.

646 (2) Following a delinquency adjudicatory hearing pursuant
647 to s. 985.228 and a delinquency disposition hearing pursuant to
648 s. 985.23 which results in a commitment determination, the court
649 shall, on its own or upon request by the state or the
650 department, determine whether the protection of the public
651 requires that the child be placed in a program for serious or
652 habitual juvenile offenders and whether the particular needs of
653 the child would be best served by a program for serious or
654 habitual juvenile offenders as provided in s. 985.31. The

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655 determination shall be made pursuant to ss. 985.03(49)(48) and
656 985.23(3).

657 Section 8. Paragraph (a) of subsection (1) of section
658 985.2311, Florida Statutes, is amended to read:

659 985.2311 Cost of supervision; cost of care.--

660 (1) Except as provided in subsection (3) or subsection
661 (4):

662 (a) When any child is placed into home detention,
663 probation, or other supervision status with the department of
664 Juvenile Justice, or is committed to the minimum-risk
665 nonresidential restrictiveness level, the court shall order the
666 parent of such child to pay to the department a fee for the cost
667 of the supervision of such child in the amount of \$1 per day for
668 each day that the child is in such supervision status.

669 Section 9. Subsection (3) of section 985.316, Florida
670 Statutes, is amended to read:

671 985.316 Conditional release.--

672 (3) For juveniles referred or committed to the department,
673 the function of the department may include, but shall not be
674 limited to, assessing each ~~committed~~ juvenile placed in a
675 residential commitment program to determine the need for
676 conditional release services upon release from the a commitment
677 program, supervising the juvenile when released into the
678 community from a residential commitment facility of the
679 department, providing such counseling and other services as may
680 be necessary for the families and assisting their preparations
681 for the return of the child. Subject to specific appropriation,

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682 the department shall provide for outpatient sexual offender
683 counseling for any juvenile sexual offender released from a
684 residential commitment program as a component of conditional
685 release.

686 Section 10. Section 985.403, Florida Statutes, is
687 repealed.

688 Section 11. Task Force on Juvenile Sexual Offenders and
689 their Victims.--

690 (1) On or before August 1, 2005, there shall be created a
691 task force to review and evaluate the state's laws that define
692 and address juvenile sex offenders and the Department of
693 Juvenile Justice's practices and procedures for serving these
694 offenders and their victims. The task force shall make findings
695 that include, but are not limited to: identification of statutes
696 that address juvenile sexual offenders; a profile of the acts
697 committed by each juvenile placed in juvenile sexual offender
698 programming in this state between July 2000 and June 2005 and an
699 assessment of the appropriateness of those placements based upon
700 the acts committed; identification of community-based and
701 residential commitment programming available for juvenile sexual
702 offenders and an assessment of such programming's effectiveness;
703 and identification of qualifications required for staff who
704 serve juvenile sexual offenders. Based on its findings, the task
705 force shall make recommendations for the improvement of the
706 state's laws, policies, programs, and funding for juvenile
707 sexual offenders, and such recommendations shall specifically
708 include, but are not limited to, identification of criteria that

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709 should be satisfied prior to placement of a juvenile in juvenile
710 sexual offender programming.

711 (2) The Governor shall appoint up to 12 members to the
712 task force. The task force shall be composed of representatives
713 who shall include, but are not limited to: a circuit court judge
714 with at least 1 year's experience in the juvenile division, a
715 state attorney with at least 1 year's experience in the juvenile
716 division, a public defender with at least 1 year's experience in
717 the juvenile division, one representative of the Department of
718 Juvenile Justice, two representatives of providers of juvenile
719 sexual offender services, one member of the Florida Juvenile
720 Justice Association, one member of the Florida Association for
721 the Treatment of Sexual Abusers, and one victim of a juvenile
722 sexual offense.

723 (3) The task force shall submit a written report of its
724 findings and recommendations to the Governor, the President of
725 the Senate, and the Speaker of the House of Representatives by
726 December 1, 2005.

727 (4) Administrative support for the task force shall be
728 provided by the Department of Juvenile Justice. Members of the
729 task force shall receive no salary from the state beyond the
730 salary already received from their sponsoring agency, if any,
731 and are not entitled to reimbursement for travel and per diem
732 expenses.

733 (5) The task force shall be dissolved upon submission of
734 its report.

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735 Section 12. Task force to study certification for juvenile
736 justice provider staff.--

737 (1) On or before August 1, 2005, there shall be created a
738 task force to study the feasibility of establishing a
739 certification process for staff employed by a provider under
740 contract with the Department of Juvenile Justice to provide
741 juvenile justice services to youth.

742 (2) The Governor shall appoint up to 12 members to the
743 task force. The task force shall be composed of representatives
744 who shall include, but are not limited to, the following: two
745 representatives of the Department of Juvenile Justice, two
746 representatives of providers of juvenile justice services, two
747 members of the Florida Juvenile Justice Association, two
748 provider employees who provide direct care services, and two
749 representatives of the Florida Certification Board.

750 (3) The task force shall consider the feasibility of
751 implementing and operating a certification system for staff who
752 work in juvenile justice facilities, services, or programs. At a
753 minimum, the task force shall consider and make recommendations
754 concerning: per diem levels, the occupational levels of staff
755 subject to certification, the criteria that may be used to
756 certify staff, the levels of certification, and a process for
757 testing and validating the effectiveness of any recommended
758 staff certification system. In making its recommendations, the
759 task force shall make findings regarding the benefits of a staff
760 certification system for the state's juvenile justice
761 programming and the cost to implement such a system.

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762 (4) The task force shall submit a written report of its
763 findings and recommendations to the Governor, the President of
764 the Senate, and the Speaker of the House of Representatives by
765 January 1, 2006.

766 (5) Administrative support for the task force shall be
767 provided by the Department of Juvenile Justice. Members of the
768 task force shall receive no salary from the state beyond the
769 salary already received from their sponsoring agency, if any,
770 and are not entitled to reimbursement for travel and per diem
771 expenses.

772 (6) The task force shall be dissolved upon submission of
773 its report.

774 Section 13. Subsection (4) of section 985.404, Florida
775 Statutes, is amended to read:

776 985.404 Administering the juvenile justice continuum.--

777 (4) The department may transfer a child, when necessary to
778 appropriately administer the child's commitment, from:

779 (a) A residential commitment ~~one~~ facility or program to
780 another facility or program operated, contracted, subcontracted,
781 or designated by the department, including a postcommitment
782 nonresidential conditional release program. The department shall
783 notify the court that committed the child to the residential
784 restrictiveness level ~~department~~ and any attorney of record, in
785 writing, of its intent to transfer the child from a residential
786 commitment facility or program to another facility or program of
787 a higher or lower restrictiveness level. The court that
788 committed the child may agree to the transfer or may set a

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789 hearing to review the transfer. If the court does not respond
790 within 10 days after receipt of the notice, the transfer of the
791 child shall be deemed granted.

792 (b) A nonresidential commitment facility or program to
793 another facility or program operated, contracted, subcontracted,
794 or designated by the department, including a postcommitment
795 nonresidential conditional release program. The department shall
796 notify the court that committed the child to the nonresidential
797 restrictiveness level and any attorney of record, in writing, of
798 its intent to transfer the child from a nonresidential
799 commitment facility or program to a residential commitment
800 facility or program. Upon receipt of the notice, the court that
801 committed the child may set a hearing to review the transfer,
802 after which the court shall issue a written order granting or
803 denying the transfer or may, without setting a hearing, issue a
804 written order granting or denying the transfer. No child shall
805 be transferred by the department from the nonresidential
806 restrictiveness level to a residential restrictiveness level
807 prior to the department receiving a written court order granting
808 the transfer.

809 Section 14. Subsections (2) and (10) of section 985.4135,
810 Florida Statutes, are amended to read:

811 985.4135 Juvenile justice circuit boards and juvenile
812 justice county councils.--

813 (2) Each juvenile justice county council shall:

814 (a) Develop a juvenile justice prevention and early
815 intervention plan for the county and shall collaborate with the

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816 circuit board and other county councils assigned to that circuit
817 in the development of a comprehensive plan for the circuit.

818 (b) Develop, with the cooperation of county commissioners,
819 school board officials, representatives of governing bodies for
820 local municipalities, and representatives of local law
821 enforcement agencies, criteria to be considered by a law
822 enforcement officer when determining whether to refer a youth to
823 a juvenile assessment center.

824 (10) Membership of the juvenile justice county councils,
825 or juvenile justice circuit boards established under subsection
826 (9), ~~may~~ must include representatives from the following
827 entities:

828 (a) Representatives from the school district, which may
829 include elected school board officials, the school
830 superintendent, school or district administrators, teachers, and
831 counselors.

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

833 (c) Representatives of the governing bodies of local
834 municipalities within the county.

835 (d) A representative of the corresponding circuit or
836 regional entity of the Department of Children and Family
837 Services.

838 (e) Representatives of local law enforcement agencies,
839 including the sheriff or the sheriff's designee.

840 (f) Representatives of the judicial system.

841 (g) Representatives of the business community.

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842 (h) Representatives of other interested officials, groups,
843 or entities, including, but not limited to, a children's
844 services council, public or private providers of juvenile
845 justice programs and services, students, parents, and advocates.
846 Private providers of juvenile justice programs may not exceed
847 one-third of the voting membership.

848 (i) Representatives of the faith community.

849 (j) Representatives of victim-service programs and victims
850 of crimes.

851 (k) Representatives of the Department of Corrections.

852 Section 15. Subsection (4) of section 985.407, Florida
853 Statutes, is amended to read:

854 985.407 Departmental contracting powers; personnel
855 standards and screening.--

856 (4)(a) For any person employed by the department, or by a
857 provider under contract with the department, in delinquency
858 facilities, services, or programs, the department shall require:

859 1. A level 2 employment screening pursuant to chapter 435
860 prior to employment, using the level 1 standards for screening
861 set forth in that chapter, for personnel in delinquency
862 facilities, services, and programs.

863 2. A federal criminal records check by the Federal Bureau
864 of Investigation every 5 years following the date of the
865 person's employment.

866 (b) Except for law enforcement, correctional, and
867 correctional probation officers, to whom s. 943.13(5) applies,

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868 the department shall electronically submit to the Department of
869 Law Enforcement:

870 1. Fingerprint information obtained during the employment
871 screening required by subparagraph (a)1.

872 2. Beginning on December 15, 2005, fingerprint information
873 for all persons employed by the department, or by a provider
874 under contract with the department, in delinquency facilities,
875 services, or programs if such fingerprint information has not
876 previously been electronically submitted to the Department of
877 Law Enforcement under this paragraph.

878 (c) All fingerprint information electronically submitted
879 to the Department of Law Enforcement under paragraph (b) shall
880 be retained by the Department of Law Enforcement and entered
881 into the statewide automated fingerprint identification system
882 authorized by s. 943.05(2)(b). Thereafter, such fingerprint
883 information shall be available for all purposes and uses
884 authorized for arrest fingerprint information entered into the
885 statewide automated fingerprint identification system pursuant
886 to s. 943.051 until the fingerprint information is removed
887 pursuant to paragraph (e). The Department of Law Enforcement
888 shall search all arrest fingerprint information received
889 pursuant to s. 943.051 against the fingerprint information
890 entered into the statewide automated fingerprint system pursuant
891 to this subsection. Any arrest records identified as a result of
892 the search shall be reported to the department in the manner and
893 timeframe established by the Department of Law Enforcement by
894 rule.

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895 (d) The department shall pay an annual fee to the
896 Department of Law Enforcement for its costs resulting from the
897 fingerprint information retention services required by this
898 subsection. The amount of the annual fee and procedures for the
899 submission and retention of fingerprint information and for the
900 dissemination of search results shall be established by the
901 Department of Law Enforcement by a rule that is applicable to
902 the department individually pursuant to this subsection or that
903 is applicable to the department and other employing agencies
904 pursuant to rulemaking authority otherwise provided by law.

905 (e) The department shall notify the Department of Law
906 Enforcement when a person whose fingerprint information is
907 retained by the Department of Law Enforcement under this
908 subsection is no longer employed by the department, or by a
909 provider under contract with the department, in a delinquency
910 facility, service, or program. This notice shall be provided by
911 the department to the Department of Law Enforcement no later
912 than 6 months after the date of the change in the person's
913 employment status. Fingerprint information for persons
914 identified by the department in the notice shall be removed from
915 the statewide automated fingerprint system.

916 Section 16. The sums of \$36,834 in recurring funds and
917 \$86,407 in nonrecurring funds are appropriated from the General
918 Revenue Fund to the Department of Juvenile Justice for expenses
919 for the 2005-2006 fiscal year. The sum of \$133,335 in recurring
920 funds is appropriated from the Administrative Trust Fund to the

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921 Department of Juvenile Justice for expenses for the 2005-2006
922 fiscal year.

923 Section 17. Section 784.075, Florida Statutes, is amended
924 to read:

925 784.075 Battery on detention or commitment facility staff
926 or a juvenile probation officer.--A person who commits a battery
927 on a juvenile probation officer, as defined in s. 984.03 or s.
928 985.03, on other staff of a detention center or facility as
929 defined in s. 984.03(19) or s. 985.03~~(19)~~, or on a staff member
930 of a commitment facility as defined in s. 985.03~~(45)~~, commits a
931 felony of the third degree, punishable as provided in s.
932 775.082, s. 775.083, or s. 775.084. For purposes of this
933 section, a staff member of the facilities listed includes
934 persons employed by the Department of Juvenile Justice, persons
935 employed at facilities licensed by the Department of Juvenile
936 Justice, and persons employed at facilities operated under a
937 contract with the Department of Juvenile Justice.

938 Section 18. Section 984.05, Florida Statutes, is amended
939 to read:

940 984.05 Rules relating to habitual truants; adoption by
941 State Board of Education and Department of Juvenile
942 Justice.--The Department of Juvenile Justice and the State Board
943 of Education shall work together on the development of, and
944 shall adopt, rules as necessary for the implementation of ss.
945 984.03(27), 985.03~~(26)~~(26)~~(25)~~, and 1003.27.

946 Section 19. Paragraph (e) of subsection (3) and paragraph
947 (a) of subsection (4) of section 985.31, Florida Statutes, are

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948 amended, and for the purpose of incorporating the amendment to
949 section 985.231, Florida Statutes, in references thereto,
950 paragraph (k) of subsection (3) of said section is reenacted to
951 read:

952 985.31 Serious or habitual juvenile offender.--

953 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
954 TREATMENT.--

955 (e) After a child has been adjudicated delinquent pursuant
956 to s. 985.228, the court shall determine whether the child meets
957 the criteria for a serious or habitual juvenile offender
958 pursuant to s. 985.03~~(48)~~(49). If the court determines that the
959 child does not meet such criteria, the provisions of s.
960 985.231(1) shall apply.

961 (k) Any commitment of a child to the department for
962 placement in a serious or habitual juvenile offender program or
963 facility shall be for an indeterminate period of time, but the
964 time shall not exceed the maximum term of imprisonment which an
965 adult may serve for the same offense. Notwithstanding the
966 provisions of ss. 743.07 and 985.231(1)(d), a serious or
967 habitual juvenile offender shall not be held under commitment
968 from a court pursuant to this section, s. 985.231, or s. 985.233
969 after becoming 21 years of age. This provision shall apply only
970 for the purpose of completing the serious or habitual juvenile
971 offender program pursuant to this chapter and shall be used
972 solely for the purpose of treatment.

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

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974 (a) Pursuant to the provisions of this section, the
975 department shall implement the comprehensive assessment
976 instrument for the treatment needs of serious or habitual
977 juvenile offenders and for the assessment, which assessment
978 shall include the criteria under s. 985.03(49)(48) and shall
979 also include, but not be limited to, evaluation of the child's:

- 980 1. Amenability to treatment.
- 981 2. Proclivity toward violence.
- 982 3. Tendency toward gang involvement.
- 983 4. Substance abuse or addiction and the level thereof.
- 984 5. History of being a victim of child abuse or sexual
985 abuse, or indication of sexual behavior dysfunction.
- 986 6. Number and type of previous adjudications, findings of
987 guilt, and convictions.
- 988 7. Potential for rehabilitation.

989 Section 20. Subsection (2) of section 985.3141, Florida
990 Statutes, is amended to read:

991 985.3141 Escapes from secure detention or residential
992 commitment facility.--An escape from:

993 (2) Any residential commitment facility described in s.
994 985.03(46)(45), maintained for the custody, treatment,
995 punishment, or rehabilitation of children found to have
996 committed delinquent acts or violations of law; or
997
998 constitutes escape within the intent and meaning of s. 944.40
999 and is a felony of the third degree, punishable as provided in
1000 s. 775.082, s. 775.083, or s. 775.084.

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1001 Section 21. For the purpose of incorporating the amendment
1002 to section 985.231, Florida Statutes, in a reference thereto,
1003 paragraph (a) of subsection (4) of section 985.201, Florida
1004 Statutes, is reenacted to read:

1005 985.201 Jurisdiction.--

1006 (4)(a) Notwithstanding ss. 743.07, 985.229, 985.23, and
1007 985.231, and except as provided in ss. 985.31 and 985.313, when
1008 the jurisdiction of any child who is alleged to have committed a
1009 delinquent act or violation of law is obtained, the court shall
1010 retain jurisdiction, unless relinquished by its order, until the
1011 child reaches 19 years of age, with the same power over the
1012 child that the court had prior to the child becoming an adult.

1013 Section 22. For the purpose of incorporating the amendment
1014 to section 985.231, Florida Statutes, in a reference thereto,
1015 paragraph (b) of subsection (4) of section 985.233, Florida
1016 Statutes, is reenacted to read:

1017 985.233 Sentencing powers; procedures; alternatives for
1018 juveniles prosecuted as adults.--

1019 (4) SENTENCING ALTERNATIVES.--

1020 (b) Sentencing to juvenile sanctions.--For juveniles
1021 transferred to adult court but who do not qualify for such
1022 transfer pursuant to s. 985.226(2)(b) or s. 985.227(2)(a) or
1023 (b), the court may impose juvenile sanctions under this
1024 paragraph. If juvenile sentences are imposed, the court shall,
1025 pursuant to this paragraph, adjudge the child to have committed
1026 a delinquent act. Adjudication of delinquency shall not be
1027 deemed a conviction, nor shall it operate to impose any of the

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1028 civil disabilities ordinarily resulting from a conviction. The
1029 court shall impose an adult sanction or a juvenile sanction and
1030 may not sentence the child to a combination of adult and
1031 juvenile punishments. An adult sanction or a juvenile sanction
1032 may include enforcement of an order of restitution or probation
1033 previously ordered in any juvenile proceeding. However, if the
1034 court imposes a juvenile sanction and the department determines
1035 that the sanction is unsuitable for the child, the department
1036 shall return custody of the child to the sentencing court for
1037 further proceedings, including the imposition of adult
1038 sanctions. Upon adjudicating a child delinquent under subsection
1039 (1), the court may:

1040 1. Place the child in a probation program under the
1041 supervision of the department for an indeterminate period of
1042 time until the child reaches the age of 19 years or sooner if
1043 discharged by order of the court.

1044 2. Commit the child to the department for treatment in an
1045 appropriate program for children for an indeterminate period of
1046 time until the child is 21 or sooner if discharged by the
1047 department. The department shall notify the court of its intent
1048 to discharge no later than 14 days prior to discharge. Failure
1049 of the court to timely respond to the department's notice shall
1050 be considered approval for discharge.

1051 3. Order disposition pursuant to s. 985.231 as an
1052 alternative to youthful offender or adult sentencing if the
1053 court determines not to impose youthful offender or adult
1054 sanctions.

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It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.234.

Section 23. For the purpose of incorporating the amendment to section 985.231, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 985.311, Florida Statutes, is reenacted to read:

985.311 Intensive residential treatment program for offenders less than 13 years of age.--

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

(e) After a child has been adjudicated delinquent pursuant to s. 985.228(5), the court shall determine whether the child is eligible for an intensive residential treatment program for offenders less than 13 years of age pursuant to s. 985.03(7). If the court determines that the child does not meet the criteria, the provisions of s. 985.231(1) shall apply.

===== T I T L E A M E N D M E N T =====

On page 44, line 17, through page 46, line 12,
remove: all of said lines

and insert:

creating the minimum-risk nonresidential restrictiveness level; providing that temporary release may be granted

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1082 under specified conditions to youth committed to the high-
1083 risk residential restrictiveness level; providing that
1084 high-risk residential facilities may be environmentally
1085 secure; amending s. 985.207, F.S.; providing that a child
1086 may be taken into custody for absconding from a
1087 nonresidential commitment facility; providing for a child
1088 to be taken into custody for a violation of adjudication
1089 order conditions; amending s. 985.208, F.S.; providing
1090 that a child may be taken into custody for absconding from
1091 a nonresidential commitment facility; amending s. 985.215,
1092 F.S.; permitting detention until disposition for
1093 adjudicated youth who have a history of failing to appear;
1094 providing for release from detention for a child who has
1095 absconded; providing exceptions that permit a child to be
1096 placed in detention postadjudication for more than 15
1097 days; conforming a cross reference; providing for
1098 detention for committed children awaiting placement;
1099 providing secure detention for children awaiting minimum-
1100 risk placement who violate home or nonsecure detention or
1101 electronic monitoring; providing for limited secure
1102 detention for children being transported to residential
1103 commitment programs; requiring the state to pay certain
1104 detention care costs for juveniles in certain counties for
1105 fiscal year 2005-2006; amending s. 985.228, F.S.;
1106 requiring the court to include specified conditions in an
1107 order of adjudication of delinquency that are applicable
1108 to a youth for the postadjudication and predisposition

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1109 period; defining a term; providing for contempt of court
1110 proceedings for a violation of adjudication order
1111 conditions; providing sanctions; amending s. 985.231,
1112 F.S.; revising provisions relating to powers of
1113 disposition; providing the maximum length for a minimum-
1114 risk nonresidential commitment for a second degree
1115 misdemeanor; providing that the department or a provider
1116 report quarterly to the court the child's treatment plan
1117 progress; making conforming changes; amending s. 985.2311,
1118 F.S.; requiring parents to pay fees for costs of
1119 supervision related to minimum-risk nonresidential
1120 commitment; amending s. 985.316, F.S.; providing for
1121 assessment of residentially committed youth for
1122 conditional release services; repealing s. 985.403, F.S.,
1123 relating to the Task Force on Juvenile Sexual Offenders
1124 and their Victims; creating a new task force on juvenile
1125 sexual offenders and their victims; providing powers and
1126 duties; providing membership; requiring a report;
1127 providing for administrative support; providing for
1128 dissolution of the task force; creating a task force to
1129 study the certification of professional staff working for
1130 a provider of juvenile justice services; providing
1131 membership; requiring the task force to consider the
1132 feasibility of implementing and operating a certification
1133 system for professional staff; requiring the task force to
1134 consider specified issues; directing the task force to
1135 recommend a process for testing and validating the

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1136 effectiveness of the recommended staff development system;
1137 requiring the task force to prepare and submit a report of
1138 its deliberations and recommendations by a specified date;
1139 providing for administrative support; providing for
1140 dissolution of the task force; amending s. 985.404, F.S.;
1141 requiring the court to issue written orders granting or
1142 denying specified department-requested transfers for youth
1143 committed to the minimum-risk restrictiveness level;
1144 permitting the court to conduct a hearing; prohibiting
1145 specified department-requested transfers prior to
1146 department receipt of a written court order granting the
1147 transfer; amending s. 985.4135, F.S.; requiring juvenile
1148 justice county councils to develop criteria for law
1149 enforcement referrals to juvenile assessment centers;
1150 providing for permissible representation on juvenile
1151 justice county councils or circuit boards; amending s.
1152 985.407, F.S.; changing the level of background screening
1153 required for certain department and provider employees
1154 from level 1 to level 2; requiring federal criminal
1155 records checks every 5 years for certain department and
1156 provider employees; providing for electronic submission of
1157 specified fingerprint information; providing for retention
1158 of specified fingerprint information; providing for
1159 searches; requiring the adoption of rules; providing for
1160 an annual fee; providing for notice of changes in the
1161 employment status of persons whose fingerprint information
1162 is retained; requiring the removal of fingerprint

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1163 information upon the occurrence of specified events;
1164 providing appropriations; amending ss. 784.075, 984.05,
1165 985.31, and 985.3141, F.S.; conforming cross references;
1166 reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k),
1167 and 985.311(3)(e), F.S., relating to jurisdiction,
1168 sentencing alternatives, commitment of serious or habitual
1169 juvenile offenders, and eligibility for an intensive
1170 residential treatment program for offenders less than 13
1171 years of age, respectively, to incorporate the amendment
1172 to s. 985.231, F.S., in reference thereto; providing an

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