

Bill No. HB 1917, 1st Eng.

Barcode 653706

CHAMBER ACTION

Senate

House

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2	05/06/2005 08:38 PM	.	05/06/2005 23:11:24
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10  
11 Senator Crist moved the following **Senate amendment to House**  
12 **amendment to Senate amendment** (105381):

13  
14 **Senate Amendment (with title amendment)**

15 On page 1, line 9, through page 32, line 823, delete  
16 those lines

17  
18 and insert: perimeter and locking doors. Facilities  
19 shall provide 24-hour awake supervision, custody, care, and  
20 treatment of residents. Youth assessed and classified for this  
21 level of placement require close supervision in a structured  
22 residential setting. Placement in programs at this level is  
23 prompted by a concern for public safety that outweighs  
24 placement in programs at lower commitment levels. The staff at  
25 a facility at this commitment level may seclude a child who is  
26 a physical threat to himself or herself or others. Mechanical  
27 restraint may also be used when necessary. The facility may  
28 provide for single cell occupancy.

29 (e)~~(d)~~ Maximum-risk residential.--Programs or program  
30 models at this commitment level include juvenile correctional  
31 facilities and juvenile prisons. The programs are long-term

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1 residential and do ~~shall~~ not allow youth to have access to the  
2 community. Facilities are maximum-custody hardware-secure with  
3 perimeter security fencing and locking doors. Facilities shall  
4 provide 24-hour awake supervision, custody, care, and  
5 treatment of residents. The staff at a facility at this  
6 commitment level may seclude a child who is a physical threat  
7 to himself or herself or others. Mechanical restraint may also  
8 be used when necessary. The facility shall provide for single  
9 cell occupancy, except that youth may be housed together  
10 during prerelease transition. Youth assessed and classified  
11 for this level of placement require close supervision in a  
12 maximum security residential setting. Placement in a program  
13 at this level is prompted by a demonstrated need to protect  
14 the public.

15       ~~(47)(46)~~ "Respite" means a placement that is available  
16 for the care, custody, and placement of a youth charged with  
17 domestic violence as an alternative to secure detention or for  
18 placement of a youth when a shelter bed for a child in need of  
19 services or a family in need of services is unavailable.

20       ~~(48)(47)~~ "Secure detention center or facility" means a  
21 physically restricting facility for the temporary care of  
22 children, pending adjudication, disposition, or placement.

23       ~~(49)(48)~~ "Serious or habitual juvenile offender," for  
24 purposes of commitment to a residential facility and for  
25 purposes of records retention, means a child who has been  
26 found to have committed a delinquent act or a violation of  
27 law, in the case currently before the court, and who meets at  
28 least one of the following criteria:

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

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- 1           1. Arson;
- 2           2. Sexual battery;
- 3           3. Robbery;
- 4           4. Kidnapping;
- 5           5. Aggravated child abuse;
- 6           6. Aggravated assault;
- 7           7. Aggravated stalking;
- 8           8. Murder;
- 9           9. Manslaughter;
- 10          10. Unlawful throwing, placing, or discharging of a
- 11 destructive device or bomb;
- 12          11. Armed burglary;
- 13          12. Aggravated battery;
- 14          13. Any lewd or lascivious offense committed upon or
- 15 in the presence of a person less than 16 years of age; or
- 16          14. Carrying, displaying, using, threatening, or
- 17 attempting to use a weapon or firearm during the commission of
- 18 a felony.

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

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

26           ~~(50)(49)~~ "Serious or habitual juvenile offender  
 27 program" means the program established in s. 985.31.

28           ~~(51)(50)~~ "Shelter" means a place for the temporary  
 29 care of a child who is alleged to be or who has been found to  
 30 be delinquent.

31           ~~(52)(51)~~ "Shelter hearing" means a hearing provided

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1 for under s. 984.14 in family-in-need-of-services cases or  
2 child-in-need-of-services cases.

3       ~~(53)(52)~~ "Staff-secure shelter" means a facility in  
4 which a child is supervised 24 hours a day by staff members  
5 who are awake while on duty. The facility is for the temporary  
6 care and assessment of a child who has been found to be  
7 dependent, who has violated a court order and been found in  
8 contempt of court, or whom the Department of Children and  
9 Family Services is unable to properly assess or place for  
10 assistance within the continuum of services provided for  
11 dependent children.

12       ~~(54)(53)~~ "Substance abuse" means using, without  
13 medical reason, any psychoactive or mood-altering drug,  
14 including alcohol, in such a manner as to induce impairment  
15 resulting in dysfunctional social behavior.

16       ~~(55)(54)~~ "Taken into custody" means the status of a  
17 child immediately when temporary physical control over the  
18 child is attained by a person authorized by law, pending the  
19 child's release, detention, placement, or other disposition as  
20 authorized by law.

21       ~~(56)(55)~~ "Temporary legal custody" means the  
22 relationship that a juvenile court creates between a child and  
23 an adult relative of the child, adult nonrelative approved by  
24 the court, or other person until a more permanent arrangement  
25 is ordered. Temporary legal custody confers upon the custodian  
26 the right to have temporary physical custody of the child and  
27 the right and duty to protect, train, and discipline the child  
28 and to provide the child with food, shelter, and education,  
29 and ordinary medical, dental, psychiatric, and psychological  
30 care, unless these rights and duties are otherwise enlarged or  
31 limited by the court order establishing the temporary legal

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1 custody relationship.

2       ~~(57)(56)~~ "Temporary release" means the terms and  
3 conditions under which a child is temporarily released from a  
4 residential commitment facility or allowed home visits. If the  
5 temporary release is from a moderate-risk residential  
6 facility, a high-risk residential facility, or a maximum-risk  
7 residential facility, the terms and conditions of the  
8 temporary release must be approved by the child, the court,  
9 and the facility. The term includes periods during which the  
10 child is supervised pursuant to a conditional release program  
11 or a period during which the child is supervised by a juvenile  
12 probation officer or other nonresidential staff of the  
13 department or staff employed by an entity under contract with  
14 the department.

15       ~~(58)(57)~~ "Training school" means one of the following  
16 facilities: the Arthur G. Dozier School or the Eckerd Youth  
17 Development Center.

18       ~~(59)(58)~~ "Violation of law" or "delinquent act" means  
19 a violation of any law of this state, the United States, or  
20 any other state which is a misdemeanor or a felony or a  
21 violation of a county or municipal ordinance which would be  
22 punishable by incarceration if the violation were committed by  
23 an adult.

24       ~~(60)(59)~~ "Waiver hearing" means a hearing provided for  
25 under s. 985.226(3).

26       Section 2. Paragraph (d) of subsection (1) of section  
27 985.207, Florida Statutes, is amended to read:

28       985.207 Taking a child into custody.--

29       (1) A child may be taken into custody under the  
30 following circumstances:

31       (d) By a law enforcement officer who has probable

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1 cause to believe that the child is in violation of the  
 2 conditions of the child's probation, home detention,  
 3 postcommitment probation, or conditional release supervision,  
 4 has absconded from nonresidential commitment, or has escaped  
 5 from residential commitment.

6  
 7 Nothing in this subsection shall be construed to allow the  
 8 detention of a child who does not meet the detention criteria  
 9 in s. 985.215.

10 Section 3. Section 985.208, Florida Statutes, is  
 11 amended to read:

12 985.208 Detention of escapee or absconder on authority  
 13 of the department.--

14 (1) If an authorized agent of the department has  
 15 reasonable grounds to believe that any delinquent child  
 16 committed to the department has escaped from a residential  
 17 commitment facility ~~of the department~~ or from being lawfully  
 18 transported thereto or therefrom, or has absconded from a  
 19 nonresidential commitment facility, the agent may take the  
 20 child into active custody and may deliver the child to the  
 21 facility or, if it is closer, to a detention center for return  
 22 to the facility. However, a child may not be held in detention  
 23 longer than 24 hours, excluding Saturdays, Sundays, and legal  
 24 holidays, unless a special order so directing is made by the  
 25 judge after a detention hearing resulting in a finding that  
 26 detention is required based on the criteria in s. 985.215(2).  
 27 The order shall state the reasons for such finding. The  
 28 reasons shall be reviewable by appeal or in habeas corpus  
 29 proceedings in the district court of appeal.

30 (2) Any sheriff or other law enforcement officer, upon  
 31 the request of the secretary of the department or duly

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1 authorized agent, shall take a child who has escaped ~~or~~  
 2 ~~absconded~~ from a residential commitment ~~department~~ facility  
 3 ~~for committed delinquent children,~~ or from being lawfully  
 4 transported thereto or therefrom, or has absconded from a  
 5 nonresidential commitment facility, into custody and deliver  
 6 the child to the appropriate juvenile probation officer ~~of the~~  
 7 ~~department.~~

8 Section 4. Subsections (2) and (10) of section  
 9 985.215, Florida Statutes, are amended to read:

10 985.215 Detention.--

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

15 (a) The child is alleged to be an escapee from a  
 16 residential commitment program, or an absconder from a  
 17 nonresidential commitment program, a probation program, or  
 18 conditional release supervision, or is alleged to have escaped  
 19 while being lawfully transported to or from a residential  
 20 commitment ~~such~~ program ~~or supervision.~~

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

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

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

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

1 790.115.

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

8 (g) The child is charged with any second degree or  
9 third degree felony involving a violation of chapter 893 or  
10 any third degree felony that is not also a crime of violence,  
11 and the child:

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

15 2. Has a record of law violations prior to court  
16 hearings;

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

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

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

22 (h) The child is alleged to have violated the  
23 conditions of the child's probation or conditional release  
24 supervision. However, a child detained under this paragraph  
25 may be held only in a consequence unit as provided in s.  
26 985.231(1)(a)1.c. If a consequence unit is not available, the  
27 child shall be placed on home detention with electronic  
28 monitoring.

29 (i) The child is detained on a judicial order for  
30 failure to appear and has previously willfully failed to  
31 appear, after proper notice, for an adjudicatory hearing on



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1 the same case regardless of the results of the risk assessment  
 2 instrument. A child may be held in secure detention for up to  
 3 72 hours in advance of the next scheduled court hearing  
 4 pursuant to this paragraph. The child's failure to keep the  
 5 clerk of court and defense counsel informed of a current and  
 6 valid mailing address where the child will receive notice to  
 7 appear at court proceedings does not provide an adequate  
 8 ground for excusal of the child's nonappearance at the  
 9 hearings.

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

22  
 23 A child who meets any of these criteria and who is ordered to  
 24 be detained pursuant to this subsection shall be given a  
 25 hearing within 24 hours after being taken into custody. The  
 26 purpose of the detention hearing is to determine the existence  
 27 of probable cause that the child has committed the delinquent  
 28 act or violation of law with which he or she is charged and  
 29 the need for continued detention, except where the child is  
 30 alleged to have absconded from a nonresidential commitment  
 31 program in which case the court, at the detention hearing,

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1 shall order that the child be released from detention and  
2 returned to his or her nonresidential commitment program.

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

25 (5)

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

30 (g) Upon good cause being shown that the nature of the  
31 charge requires additional time for the prosecution or defense

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1 of the case, the court may extend the time limits for  
 2 detention specified in paragraph (c) an additional 9 days if  
 3 the child is charged with an offense that would be, if  
 4 committed by an adult, a capital felony, a life felony, a  
 5 felony of the first degree, or a felony of the second degree  
 6 involving violence against any individual.

7 (10)(a)1. When a child is committed to the Department  
 8 of Juvenile Justice awaiting dispositional placement, removal  
 9 of the child from detention care shall occur within 5 days,  
 10 excluding Saturdays, Sundays, and legal holidays. Any child  
 11 held in secure detention during the 5 days must meet detention  
 12 admission criteria pursuant to this section. If the child is  
 13 committed to a moderate-risk residential program, the  
 14 department may seek an order from the court authorizing  
 15 continued detention for a specific period of time necessary  
 16 for the appropriate residential placement of the child.  
 17 However, such continued detention in secure detention care may  
 18 not exceed 15 days after commitment, excluding Saturdays,  
 19 Sundays, and legal holidays, and except as otherwise provided  
 20 in this subsection.

21 2. The court must place all children who are  
 22 adjudicated and awaiting placement in a ~~residential~~ commitment  
 23 program in detention care. Children who are in home detention  
 24 care or nonsecure detention care may be placed on electronic  
 25 monitoring.

26 (b) A child who is placed in home detention care,  
 27 nonsecure detention care, or home or nonsecure detention care  
 28 with electronic monitoring, while awaiting placement in a  
 29 minimum-risk, low-risk, or moderate-risk program, may be held  
 30 in secure detention care for 5 days, if the child violates the  
 31 conditions of the home detention care, the nonsecure detention

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1 care, or the electronic monitoring agreement. For any  
2 subsequent violation, the court may impose an additional 5  
3 days in secure detention care.

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

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

10 (e) Upon specific appropriation, the department may  
11 obtain comprehensive evaluations, including, but not limited  
12 to, medical, academic, psychological, behavioral,  
13 sociological, and vocational needs of a youth with multiple  
14 arrests for all level criminal acts or a youth committed to a  
15 minimum-risk or low-risk commitment program.

16 (f) Regardless of detention status, a child being  
17 transported by the department to a residential commitment  
18 facility of the department may be placed in secure detention  
19 overnight, not to exceed a 24-hour period, for the specific  
20 purpose of ensuring the safe delivery of the child to his or  
21 her residential commitment program, court, appointment,  
22 transfer, or release.

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

28 Section 6. Paragraphs (a) and (d) of subsection (1)  
29 and subsection (2) of section 985.231, Florida Statutes, are  
30 amended to read:

31 985.231 Powers of disposition in delinquency cases.--

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

5           1. Place the child in a probation program or a  
6 postcommitment probation program under the supervision of an  
7 authorized agent of the department ~~of Juvenile Justice~~ or of  
8 any other person or agency specifically authorized and  
9 appointed by the court, whether in the child's own home, in  
10 the home of a relative of the child, or in some other suitable  
11 place under such reasonable conditions as the court may  
12 direct. A probation program for an adjudicated delinquent  
13 child must include a penalty component such as restitution in  
14 money or in kind, community service, a curfew, revocation or  
15 suspension of the driver's license of the child, or other  
16 nonresidential punishment appropriate to the offense and must  
17 also include a rehabilitative program component such as a  
18 requirement of participation in substance abuse treatment or  
19 in school or other educational program. If the child is  
20 attending or is eligible to attend public school and the court  
21 finds that the victim or a sibling of the victim in the case  
22 is attending or may attend the same school as the child, the  
23 court placement order shall include a finding pursuant to the  
24 proceedings described in s. 985.23(1)(d). Upon the  
25 recommendation of the department at the time of disposition,  
26 or subsequent to disposition pursuant to the filing of a  
27 petition alleging a violation of the child's conditions of  
28 postcommitment probation, the court may order the child to  
29 submit to random testing for the purpose of detecting and  
30 monitoring the use of alcohol or controlled substances.

31           a. A ~~restrictiveness level~~ classification scale for

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1 levels of supervision shall be provided by the department,  
2 taking into account the child's needs and risks relative to  
3 probation supervision requirements to reasonably ensure the  
4 public safety. Probation programs for children shall be  
5 supervised by the department or by any other person or agency  
6 specifically authorized by the court. These programs must  
7 include, but are not limited to, structured or restricted  
8 activities as described in this subparagraph, and shall be  
9 designed to encourage the child toward acceptable and  
10 functional social behavior. If supervision or a program of  
11 community service is ordered by the court, the duration of  
12 such supervision or program must be consistent with any  
13 treatment and rehabilitation needs identified for the child  
14 and may not exceed the term for which sentence could be  
15 imposed if the child were committed for the offense, except  
16 that the duration of such supervision or program for an  
17 offense that is a misdemeanor of the second degree, or is  
18 equivalent to a misdemeanor of the second degree, may be for a  
19 period not to exceed 6 months. When restitution is ordered by  
20 the court, the amount of restitution may not exceed an amount  
21 the child and the parent or guardian could reasonably be  
22 expected to pay or make. A child who participates in any work  
23 program under this part is considered an employee of the state  
24 for purposes of liability, unless otherwise provided by law.

25       b. The court may conduct judicial review hearings for  
26 a child placed on probation for the purpose of fostering  
27 accountability to the judge and compliance with other  
28 requirements, such as restitution and community service. The  
29 court may allow early termination of probation for a child who  
30 has substantially complied with the terms and conditions of  
31 probation.

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1           c. If the conditions of the probation program or the  
2 postcommitment probation program are violated, the department  
3 or the state attorney may bring the child before the court on  
4 a petition alleging a violation of the program. Any child who  
5 violates the conditions of probation or postcommitment  
6 probation must be brought before the court if sanctions are  
7 sought. A child taken into custody under s. 985.207 for  
8 violating the conditions of probation or postcommitment  
9 probation shall be held in a consequence unit if such a unit  
10 is available. The child shall be afforded a hearing within 24  
11 hours after being taken into custody to determine the  
12 existence of probable cause that the child violated the  
13 conditions of probation or postcommitment probation. A  
14 consequence unit is a secure facility specifically designated  
15 by the department for children who are taken into custody  
16 under s. 985.207 for violating probation or postcommitment  
17 probation, or who have been found by the court to have  
18 violated the conditions of probation or postcommitment  
19 probation. If the violation involves a new charge of  
20 delinquency, the child may be detained under s. 985.215 in a  
21 facility other than a consequence unit. If the child is not  
22 eligible for detention for the new charge of delinquency, the  
23 child may be held in the consequence unit pending a hearing  
24 and is subject to the time limitations specified in s.  
25 985.215. If the child denies violating the conditions of  
26 probation or postcommitment probation, the court shall appoint  
27 counsel to represent the child at the child's request. Upon  
28 the child's admission, or if the court finds after a hearing  
29 that the child has violated the conditions of probation or  
30 postcommitment probation, the court shall enter an order  
31 revoking, modifying, or continuing probation or postcommitment

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1 probation. In each such case, the court shall enter a new  
 2 disposition order and, in addition to the sanctions set forth  
 3 in this paragraph, may impose any sanction the court could  
 4 have imposed at the original disposition hearing. If the child  
 5 is found to have violated the conditions of probation or  
 6 postcommitment probation, the court may:

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

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

14       (III) Modify or continue the child's probation program  
 15 or postcommitment probation program.

16       (IV) Revoke probation or postcommitment probation and  
 17 commit the child to the department.

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

23       2. Commit the child to a licensed child-caring agency  
 24 willing to receive the child, but the court may not commit the  
 25 child to a jail or to a facility used primarily as a detention  
 26 center or facility or shelter.

27       3. Commit the child to the department ~~of Juvenile~~  
 28 ~~Justice~~ at a restrictiveness ~~residential commitment~~ level  
 29 defined in s. 985.03. Such commitment must be for the purpose  
 30 of exercising active control over the child, including, but  
 31 not limited to, custody, care, training, urine monitoring, and



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1 treatment of the child and release of the child from  
2 residential commitment into the community in a postcommitment  
3 nonresidential conditional release program. If the child is  
4 eligible to attend public school following ~~residential~~  
5 commitment and the court finds that the victim or a sibling of  
6 the victim in the case is or may be attending the same school  
7 as the child, the commitment order shall include a finding  
8 pursuant to the proceedings described in s. 985.23(1)(d). If  
9 the child is not successful in the conditional release  
10 program, the department may use the transfer procedure under  
11 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and  
12 except as provided in s. 985.31, the term of the commitment  
13 must be until the child is discharged by the department or  
14 until he or she reaches the age of 21.

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

17           5. Require the child and, if the court finds it  
18 appropriate, the child's parent or guardian together with the  
19 child, to render community service in a public service  
20 program.

21           6. As part of the probation program to be implemented  
22 by the department ~~of Juvenile Justice~~, or, in the case of a  
23 committed child, as part of the community-based sanctions  
24 ordered by the court at the disposition hearing or before the  
25 child's release from commitment, order the child to make  
26 restitution in money, through a promissory note cosigned by  
27 the child's parent or guardian, or in kind for any damage or  
28 loss caused by the child's offense in a reasonable amount or  
29 manner to be determined by the court. The clerk of the circuit  
30 court shall be the receiving and dispensing agent. In such  
31 case, the court shall order the child or the child's parent or

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1 guardian to pay to the office of the clerk of the circuit  
2 court an amount not to exceed the actual cost incurred by the  
3 clerk as a result of receiving and dispensing restitution  
4 payments. The clerk shall notify the court if restitution is  
5 not made, and the court shall take any further action that is  
6 necessary against the child or the child's parent or guardian.  
7 A finding by the court, after a hearing, that the parent or  
8 guardian has made diligent and good faith efforts to prevent  
9 the child from engaging in delinquent acts absolves the parent  
10 or guardian of liability for restitution under this  
11 subparagraph.

12           7. Order the child and, if the court finds it  
13 appropriate, the child's parent or guardian together with the  
14 child, to participate in a community work project, either as  
15 an alternative to monetary restitution or as part of the  
16 rehabilitative or probation program.

17           8. Commit the child to the department ~~of Juvenile~~  
18 ~~Justice~~ for placement in a program or facility for serious or  
19 habitual juvenile offenders in accordance with s. 985.31. Any  
20 commitment of a child to a program or facility for serious or  
21 habitual juvenile offenders must be for an indeterminate  
22 period of time, but the time may not exceed the maximum term  
23 of imprisonment that an adult may serve for the same offense.  
24 The court may retain jurisdiction over such child until the  
25 child reaches the age of 21, specifically for the purpose of  
26 the child completing the program.

27           9. In addition to the sanctions imposed on the child,  
28 order the parent or guardian of the child to perform community  
29 service if the court finds that the parent or guardian did not  
30 make a diligent and good faith effort to prevent the child  
31 from engaging in delinquent acts. The court may also order the

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1 parent or guardian to make restitution in money or in kind for  
 2 any damage or loss caused by the child's offense. The court  
 3 shall determine a reasonable amount or manner of restitution,  
 4 and payment shall be made to the clerk of the circuit court as  
 5 provided in subparagraph 6.

6           10. Subject to specific appropriation, commit the  
 7 juvenile sexual offender to the department of ~~Juvenile Justice~~  
 8 for placement in a program or facility for juvenile sexual  
 9 offenders in accordance with s. 985.308. Any commitment of a  
 10 juvenile sexual offender to a program or facility for juvenile  
 11 sexual offenders must be for an indeterminate period of time,  
 12 but the time may not exceed the maximum term of imprisonment  
 13 that an adult may serve for the same offense. The court may  
 14 retain jurisdiction over a juvenile sexual offender until the  
 15 juvenile sexual offender reaches the age of 21, specifically  
 16 for the purpose of completing the program.

17           (d) Any commitment of a delinquent child to the  
 18 department of ~~Juvenile Justice~~ must be for an indeterminate  
 19 period of time, which may include periods of temporary  
 20 release; however, but the period of time may not exceed the  
 21 maximum term of imprisonment that an adult may serve for the  
 22 same offense, except that the duration of a minimum-risk  
 23 nonresidential commitment for an offense that is a misdemeanor  
 24 of the second degree, or is equivalent to a misdemeanor of the  
 25 second degree, may be for a period not to exceed 6 months. The  
 26 duration of the child's placement in a ~~residential~~ commitment  
 27 program of any restrictiveness level shall be based on  
 28 objective performance-based treatment planning. The child's  
 29 treatment plan progress and adjustment-related issues shall be  
 30 reported to the court quarterly, unless the court requests  
 31 monthly reports ~~each month~~. The child's length of stay in a

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1 ~~residential~~ commitment program may be extended if the child  
2 fails to comply with or participate in treatment activities.  
3 The child's length of stay in the ~~such~~ program shall not be  
4 extended for purposes of sanction or punishment. Any temporary  
5 release from such program must be approved by the court. Any  
6 child so committed may be discharged from institutional  
7 confinement or a program upon the direction of the department  
8 with the concurrence of the court. The child's treatment plan  
9 progress and adjustment-related issues must be communicated to  
10 the court at the time the department requests the court to  
11 consider releasing the child from the ~~residential~~ commitment  
12 program. Notwithstanding s. 743.07 and this subsection, and  
13 except as provided in ss. 985.201 and 985.31, a child may not  
14 be held under a commitment from a court ~~underpursuant to~~ this  
15 section after becoming 21 years of age. The department shall  
16 give the court that committed the child to the department  
17 reasonable notice, in writing, of its desire to discharge the  
18 child from a commitment facility. The court that committed the  
19 child may thereafter accept or reject the request. If the  
20 court does not respond within 10 days after receipt of the  
21 notice, the request of the department shall be deemed granted.  
22 This section does not limit the department's authority to  
23 revoke a child's temporary release status and return the child  
24 to a commitment facility for any violation of the terms and  
25 conditions of the temporary release.

26 (2) Following a delinquency adjudicatory hearing  
27 pursuant to s. 985.228 and a delinquency disposition hearing  
28 pursuant to s. 985.23 which results in a commitment  
29 determination, the court shall, on its own or upon request by  
30 the state or the department, determine whether the protection  
31 of the public requires that the child be placed in a program

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1 for serious or habitual juvenile offenders and whether the  
 2 particular needs of the child would be best served by a  
 3 program for serious or habitual juvenile offenders as provided  
 4 in s. 985.31. The determination shall be made pursuant to ss.  
 5 985.03(49)(48) and 985.23(3).

6 Section 7. Paragraph (a) of subsection (1) of section  
 7 985.2311, Florida Statutes, is amended to read:

8 985.2311 Cost of supervision; cost of care.--

9 (1) Except as provided in subsection (3) or subsection  
 10 (4):

11 (a) When any child is placed into home detention,  
 12 probation, or other supervision status with the department of  
 13 ~~Juvenile Justice~~, or is committed to the minimum-risk  
 14 nonresidential restrictiveness level, the court shall order  
 15 the parent of such child to pay to the department a fee for  
 16 the cost of the supervision of such child in the amount of \$1  
 17 per day for each day that the child is in such supervision  
 18 status.

19 Section 8. Subsection (3) of section 985.316, Florida  
 20 Statutes, is amended to read:

21 985.316 Conditional release.--

22 (3) For juveniles referred or committed to the  
 23 department, the function of the department may include, but  
 24 shall not be limited to, assessing each ~~committed~~ juvenile  
 25 placed in a residential commitment program to determine the  
 26 need for conditional release services upon release from the a  
 27 ~~commitment~~ program, supervising the juvenile when released  
 28 into the community from a residential commitment facility of  
 29 the department, providing such counseling and other services  
 30 as may be necessary for the families and assisting their  
 31 preparations for the return of the child. Subject to specific

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1 appropriation, the department shall provide for outpatient  
2 sexual offender counseling for any juvenile sexual offender  
3 released from a residential commitment program as a component  
4 of conditional release.

5 Section 9. Section 985.403, Florida Statutes, is  
6 repealed.

7 Section 10. Task Force on Juvenile Sexual Offenders  
8 and their Victims.--

9 (1) On or before August 1, 2005, there shall be  
10 created a task force to review and evaluate the state's laws  
11 that define and address juvenile sex offenders and the  
12 Department of Juvenile Justice's practices and procedures for  
13 servng these offenders and their victims. The task force  
14 shall make findings that include, but are not limited to:  
15 identification of statutes that address juvenile sexual  
16 offenders; a profile of the acts committed by each juvenile  
17 placed in juvenile sexual offender programming in this state  
18 between July 2000 and June 2005 and an assessment of the  
19 appropriateness of those placements based upon the acts  
20 committed; identification of community-based and residential  
21 commitment programming available for juvenile sexual offenders  
22 and an assessment of such programming's effectiveness; and  
23 identification of qualifications required for staff who serve  
24 juvenile sexual offenders. Based on its findings, the task  
25 force shall make recommendations for the improvement of the  
26 state's laws, policies, programs, and funding for juvenile  
27 sexual offenders, and such recommendations shall specifically  
28 include, but are not limited to, identification of criteria  
29 that should be satisfied prior to placement of a juvenile in  
30 juvenile sexual offender programming.

31 (2) The Governor shall appoint up to 12 members to the

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1 task force. The task force shall be composed of  
 2 representatives who shall include, but are not limited to: a  
 3 circuit court judge with at least 1 year's experience in the  
 4 juvenile division, a state attorney with at least 1 year's  
 5 experience in the juvenile division, a public defender with at  
 6 least 1 year's experience in the juvenile division, one  
 7 representative of the Department of Juvenile Justice, two  
 8 representatives of providers of juvenile sexual offender  
 9 services, one member of the Florida Juvenile Justice  
 10 Association, one member of the Florida Association for the  
 11 Treatment of Sexual Abusers, and one victim of a juvenile  
 12 sexual offense.

13 (3) The task force shall submit a written report of  
 14 its findings and recommendations to the Governor, the  
 15 President of the Senate, and the Speaker of the House of  
 16 Representatives by December 1, 2005.

17 (4) Administrative support for the task force shall be  
 18 provided by the Department of Juvenile Justice. Members of the  
 19 task force shall receive no salary from the state beyond the  
 20 salary already received from their sponsoring agency, if any,  
 21 and are not entitled to reimbursement for travel and per diem  
 22 expenses.

23 (5) The task force shall be dissolved upon submission  
 24 of its report.

25 Section 11. Task force to study certification for  
 26 juvenile justice provider staff.--

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

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1       (2) The Governor shall appoint up to 12 members to the  
2 task force. The task force shall be composed of  
3 representatives who shall include, but are not limited to, the  
4 following: two representatives of the Department of Juvenile  
5 Justice, two representatives of providers of juvenile justice  
6 services, two members of the Florida Juvenile Justice  
7 Association, two provider employees who provide direct care  
8 services, and two representatives of the Florida Certification  
9 Board.

10       (3) The task force shall consider the feasibility of  
11 implementing and operating a certification system for staff  
12 who work in juvenile justice facilities, services, or  
13 programs. At a minimum, the task force shall consider and make  
14 recommendations concerning: per diem levels, the occupational  
15 levels of staff subject to certification, the criteria that  
16 may be used to certify staff, the levels of certification, and  
17 a process for testing and validating the effectiveness of any  
18 recommended staff certification system. In making its  
19 recommendations, the task force shall make findings regarding  
20 the benefits of a staff certification system for the state's  
21 juvenile justice programming and the cost to implement such a  
22 system.

23       (4) The task force shall submit a written report of  
24 its findings and recommendations to the Governor, the  
25 President of the Senate, and the Speaker of the House of  
26 Representatives by January 1, 2006.

27       (5) Administrative support for the task force shall be  
28 provided by the Department of Juvenile Justice. Members of the  
29 task force shall receive no salary from the state beyond the  
30 salary already received from their sponsoring agency, if any,  
31 and are not entitled to reimbursement for travel and per diem



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1 expenses.

2 (6) The task force shall be dissolved upon submission  
3 of its report.

4 Section 12. Subsection (10) of section 985.4135,  
5 Florida Statutes, is amended to read:

6 985.4135 Juvenile justice circuit boards and juvenile  
7 justice county councils.--

8

9

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

11 And the title is amended as follows:

12 On page 42, line 1083, through page 44, line 1149,  
13 delete those lines

14

15 and insert:

16 risk residential restrictiveness level;  
17 amending s. 985.207, F.S.; providing that a  
18 child may be taken into custody for absconding  
19 from a nonresidential commitment facility;  
20 amending s. 985.208, F.S.; providing that a  
21 child may be taken into custody for absconding  
22 from a nonresidential commitment facility;  
23 amending s. 985.215, F.S.; providing for  
24 release from detention for a child who has  
25 absconded; providing for detention for  
26 committed children awaiting placement;  
27 providing secure detention for children  
28 awaiting minimum-risk placement who violate  
29 home or nonsecure detention or electronic  
30 monitoring; providing for limited secure  
31 detention for children being transported to

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1 residential commitment programs; requiring the  
2 state to pay certain detention care costs for  
3 juveniles in certain counties for fiscal year  
4 2005-2006; amending s. 985.231, F.S.; revising  
5 provisions relating to powers of disposition;  
6 providing the maximum length for a minimum-risk  
7 nonresidential commitment for a second degree  
8 misdemeanor; providing that the department or a  
9 provider report quarterly to the court the  
10 child's treatment plan progress; making  
11 conforming changes; amending s. 985.2311, F.S.;  
12 requiring parents to pay fees for costs of  
13 supervision related to minimum-risk  
14 nonresidential commitment; amending s. 985.316,  
15 F.S.; providing for assessment of residentially  
16 committed youth for conditional release  
17 services; repealing s. 985.403, F.S., relating  
18 to the Task Force on Juvenile Sexual Offenders  
19 and their Victims; creating a new task force on  
20 juvenile sexual offenders and their victims;  
21 providing powers and duties; providing  
22 membership; requiring a report; providing for  
23 administrative support; providing for  
24 dissolution of the task force; creating a task  
25 force to study the certification of  
26 professional staff working for a provider of  
27 juvenile justice services; providing  
28 membership; requiring the task force to  
29 consider the feasibility of implementing and  
30 operating a certification system for  
31 professional staff; requiring the task force to

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1           consider specified issues; directing the task  
2           force to recommend a process for testing and  
3           validating the effectiveness of the recommended  
4           staff development system; requiring the task  
5           force to prepare and submit a report of its  
6           deliberations and recommendations by a  
7           specified date; providing for administrative  
8           support; providing for dissolution of the task  
9           force; amending s. 985.4135, F.S.;

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