

CHAMBER ACTION

1 The Fiscal Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to juvenile justice; amending s. 943.0515,
7 F.S.; deleting the term "juvenile prison"; amending s.
8 985.03, F.S.; revising definitions relating to juvenile
9 justice; creating a definition for the term "day
10 treatment"; creating the minimum-risk nonresidential
11 restrictiveness level; providing that temporary release
12 may be granted under specified conditions to youth
13 committed to the high-risk residential restrictiveness
14 level; providing that high-risk residential facilities may
15 be environmentally secure; removing juvenile prisons from
16 the maximum-risk residential level; amending s. 985.201,
17 F.S.; conforming to definition changes; amending s.
18 985.207, F.S.; providing that a child may be taken into
19 custody for absconding from a nonresidential commitment
20 facility; providing for a child to be taken into custody
21 for specified court findings; amending s. 985.208, F.S.;
22 providing that a child may be taken into custody for
23 absconding from a nonresidential commitment facility;

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24 | amending s. 985.213, F.S.; providing that permissible
25 | detention findings include specified criteria for taking a
26 | child into custody; amending s. 985.215, F.S.; providing
27 | for release from detention for a child who has absconded;
28 | providing exceptions that permit a child to be placed in
29 | detention postadjudication for more than 15 days;
30 | providing procedures for exceptions; conforming a cross
31 | reference; providing for detention for committed children
32 | awaiting placement; providing secure detention for
33 | children awaiting minimum-risk placement who violate home
34 | or nonsecure detention or electronic monitoring; providing
35 | for limited secure detention for children being
36 | transported to residential commitment programs; amending
37 | s. 985.2155, F.S.; revising the definition of a fiscally
38 | constrained county; amending s. 985.228, F.S.; requiring
39 | the court to include specified conditions in an order of
40 | adjudication of delinquency that are applicable to a youth
41 | for the postadjudication and predisposition period;
42 | amending s. 985.231, F.S.; revising provisions relating to
43 | powers of disposition; permitting a court to specify the
44 | program or facility a youth shall be placed in when
45 | committed; providing procedures for a court's specific
46 | placement; providing for commitment of a child to a
47 | specific high-risk residential or maximum-risk residential
48 | program or facility; providing the maximum length for a
49 | minimum-risk nonresidential commitment for a second degree
50 | misdemeanor; providing that the department or a provider
51 | report quarterly to the court the child's treatment plan

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 | progress; making conforming changes; amending s. 985.2311,
 53 | F.S.; providing that parents shall pay fees for costs of
 54 | supervision related to minimum-risk nonresidential
 55 | commitment; amending s. 985.313, F.S.; conforming to
 56 | definitions changes; amending s. 985.316, F.S.; providing
 57 | for assessment of residentially committed youth for
 58 | conditional release services; repealing s. 985.403, F.S.,
 59 | relating to the Task Force on Juvenile Sexual Offenders
 60 | and their Victims; creating a new task force on juvenile
 61 | sexual offenders and their victims; providing powers and
 62 | duties; providing membership; requiring a report;
 63 | providing for administrative support; providing for
 64 | dissolution of the task force; creating a task force to
 65 | study the certification of professional staff working for
 66 | a provider of juvenile justice services; providing
 67 | membership; requiring the task force to consider the
 68 | feasibility of implementing and operating a certification
 69 | system for professional staff; requiring the task force to
 70 | consider specified issues; directing the task force to
 71 | recommend a process for testing and validating the
 72 | effectiveness of the recommended staff development system;
 73 | requiring the task force to prepare and submit a report of
 74 | its deliberations and recommendations by a specified date;
 75 | providing for administrative support; providing for
 76 | dissolution of the task force; amending s. 985.404, F.S.;
 77 | requiring the court to issue written orders granting or
 78 | denying specified department-requested transfers for
 79 | committed youth; permitting the court to conduct a

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80 hearing; prohibiting specified department-requested
 81 transfers prior to department receipt of a written court
 82 order granting the transfer; amending s. 985.4135, F.S.;
 83 requiring juvenile justice county councils to develop
 84 criteria for law enforcement referrals to juvenile
 85 assessment centers; providing for permissible
 86 representation on juvenile justice county councils or
 87 circuit boards; amending ss. 784.075, 984.05, 985.31, and
 88 985.3141, F.S.; conforming cross references; reenacting
 89 ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k), and
 90 985.311(3)(e), F.S., relating to jurisdiction, sentencing
 91 alternatives, commitment of serious or habitual juvenile
 92 offenders, and eligibility for an intensive residential
 93 treatment program for offenders less than 13 years of age,
 94 respectively, to incorporate the amendment to s. 985.231,
 95 F.S., in references thereto; providing an effective date.

96

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

98

99 Section 1. Subsection (1) of section 943.0515, Florida
 100 Statutes, is amended to read:

101 943.0515 Retention of criminal history records of
 102 minors.--

103 (1)(a) The Criminal Justice Information Program shall
 104 retain the criminal history record of a minor who is classified
 105 as a serious or habitual juvenile offender or committed to a
 106 juvenile correctional facility ~~or juvenile prison~~ under chapter
 107 985 for 5 years after the date the offender reaches 21 years of

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108 age, at which time the record shall be expunged unless it meets
109 the criteria of paragraph (2)(a) or paragraph (2)(b).

110 (b) If the minor is not classified as a serious or
111 habitual juvenile offender or committed to a juvenile
112 correctional facility ~~or juvenile prison~~ under chapter 985, the
113 program shall retain the minor's criminal history record for 5
114 years after the date the minor reaches 19 years of age, at which
115 time the record shall be expunged unless it meets the criteria
116 of paragraph (2)(a) or paragraph (2)(b).

117 Section 2. Section 985.03, Florida Statutes, is amended to
118 read:

119 985.03 Definitions. --As when used in this chapter, the
120 term:

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

123 (2) "Adjudicatory hearing" means a hearing for the court
124 to determine whether or not the facts support the allegations
125 stated in the petition, as is provided for under s. 985.228 in
126 delinquency cases.

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

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

132 (5) "Authorized agent" or "designee" of the department
133 means a person or agency assigned or designated by the
134 department ~~of Juvenile Justice~~ or the Department of Children and
135 Family Services, as appropriate, to perform duties or exercise

136 powers under ~~pursuant to~~ this chapter and includes contract
 137 providers and their employees for purposes of providing services
 138 to and managing cases of children in need of services and
 139 families in need of services.

140 (6) "Child" or "juvenile" or "youth" means any unmarried
 141 person under the age of 18 who has not been emancipated by order
 142 of the court and who has been found or alleged to be dependent,
 143 in need of services, or from a family in need of services; or
 144 any married or unmarried person who is charged with a violation
 145 of law occurring prior to the time that person reached the age
 146 of 18 years.

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

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

- 155 1. Arson;
- 156 2. Sexual battery;
- 157 3. Robbery;
- 158 4. Kidnapping;
- 159 5. Aggravated child abuse;
- 160 6. Aggravated assault;
- 161 7. Aggravated stalking;
- 162 8. Murder;
- 163 9. Manslaughter;

- 164 10. Unlawful throwing, placing, or discharging of a
- 165 destructive device or bomb;
- 166 11. Armed burglary;
- 167 12. Aggravated battery;
- 168 13. Any lewd or lascivious offense committed upon or in
- 169 the presence of a person less than 16 years of age; or
- 170 14. Carrying, displaying, using, threatening, or
- 171 attempting to use a weapon or firearm during the commission of a
- 172 felony.

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

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

180 (8) "Child in need of services" means a child for whom
 181 there is no pending investigation into an allegation or
 182 suspicion of abuse, neglect, or abandonment; no pending referral
 183 alleging the child is delinquent; or no current supervision by
 184 the department of ~~Juvenile Justice~~ or the Department of Children
 185 and Family Services for an adjudication of dependency or
 186 delinquency. The child must also, under ~~pursuant to~~ this
 187 chapter, be found by the court:

188 (a) To have persistently run away from the child's parents
 189 or legal custodians despite reasonable efforts of the child, the
 190 parents or legal custodians, and appropriate agencies to remedy
 191 the conditions contributing to the behavior. Reasonable efforts

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192 shall include voluntary participation by the child's parents or
 193 legal custodians and the child in family mediation, services,
 194 and treatment offered by the department ~~of Juvenile Justice~~ or
 195 the Department of Children and Family Services;

196 (b) To be habitually truant from school, while subject to
 197 compulsory school attendance, despite reasonable efforts to
 198 remedy the situation under ~~pursuant to~~ ss. 1003.26 and 1003.27
 199 and through voluntary participation by the child's parents or
 200 legal custodians and by the child in family mediation, services,
 201 and treatment offered by the department ~~of Juvenile Justice~~ or
 202 the Department of Children and Family Services; or

203 (c) To have persistently disobeyed the reasonable and
 204 lawful demands of the child's parents or legal custodians, and
 205 to be beyond their control despite efforts by the child's
 206 parents or legal custodians and appropriate agencies to remedy
 207 the conditions contributing to the behavior. Reasonable efforts
 208 may include such things as good faith participation in family or
 209 individual counseling.

210 (9) "Child who has been found to have committed a
 211 delinquent act" means a child who, under ~~pursuant to the~~
 212 ~~provisions of~~ this chapter, is found by a court to have
 213 committed a violation of law or to be in direct or indirect
 214 contempt of court, except that this definition shall not include
 215 an act constituting contempt of court arising out of a
 216 dependency proceeding or a proceeding under ~~pursuant to~~ part III
 217 ~~of this chapter~~.

218 (10) "Child support" means a court-ordered obligation,
 219 enforced under chapter 61 and ss. 409.2551-409.2597, for

220 monetary support for the care, maintenance, training, and
221 education of a child.

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

224 (12) "Comprehensive assessment" or "assessment" means the
225 gathering of information for the evaluation of a juvenile
226 offender's or a child's physical, psychological, educational,
227 vocational, and social condition and family environment as they
228 relate to the child's need for rehabilitative and treatment
229 services, including substance abuse treatment services, mental
230 health services, developmental services, literacy services,
231 medical services, family services, and other specialized
232 services, as appropriate.

233 (13) "Conditional release" means the care, treatment,
234 help, and supervision provided to a juvenile released from a
235 residential commitment program which is intended to promote
236 rehabilitation and prevent recidivism. The purpose of
237 conditional release is to protect the public, reduce recidivism,
238 increase responsible productive behavior, and provide for a
239 successful transition of the youth from the department to the
240 family. Conditional release includes, but is not limited to,
241 nonresidential community-based programs.

242 (14) "Court," unless otherwise expressly stated, means the
243 circuit court assigned to exercise jurisdiction under this
244 chapter.

245 (15) "Day treatment" means a nonresidential, community-
246 based program designed to provide therapeutic intervention to
247 youth who are placed on probation or conditional release or are

248 committed to the minimum-risk nonresidential level. A day
 249 treatment program may provide educational and vocational
 250 services and shall provide case management services; individual,
 251 group, and family counseling; training designed to address
 252 delinquency risk factors; and monitoring of a youth's compliance
 253 with, and facilitation of a youth's completion of, sanctions if
 254 ordered by the court. Program types may include, but are not
 255 limited to, career programs, marine programs, juvenile justice
 256 alternative schools, training and rehabilitation programs, and
 257 gender-specific programs.

258 (16)~~(15)~~(a) "Delinquency program" means any intake,
 259 probation, or similar program; regional detention center or
 260 facility; or community-based program, whether owned and operated
 261 by or contracted by the department ~~of Juvenile Justice~~, or
 262 institution owned and operated by or contracted by the
 263 department ~~of Juvenile Justice~~, which provides intake,
 264 supervision, or custody and care of children who are alleged to
 265 be or who have been found to be delinquent under ~~pursuant to~~
 266 part II.

267 (b) "Delinquency program staff" means supervisory and
 268 direct care staff of a delinquency program as well as support
 269 staff who have direct contact with children in a delinquency
 270 program.

271 (c) "Delinquency prevention programs" means programs
 272 designed for the purpose of reducing the occurrence of
 273 delinquency, including youth and street gang activity, and
 274 juvenile arrests. The term excludes arbitration, diversionary or
 275 mediation programs, and community service work or other

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276 treatment available subsequent to a child committing a
277 delinquent act.

278 (17)~~(16)~~ "Department" means the Department of Juvenile
279 Justice.

280 (18)~~(17)~~ "Designated facility" or "designated treatment
281 facility" means any facility designated by the department ~~of~~
282 ~~Juvenile Justice~~ to provide treatment to juvenile offenders.

283 (19)~~(18)~~ "Detention care" means the temporary care of a
284 child in secure, nonsecure, or home detention, pending a court
285 adjudication or disposition or execution of a court order. There
286 are three types of detention care, as follows:

287 (a) "Secure detention" means temporary custody of the
288 child while the child is under the physical restriction of a
289 detention center or facility pending adjudication, disposition,
290 or placement.

291 (b) "Nonsecure detention" means temporary custody of the
292 child while the child is in a residential home in the community
293 in a physically nonrestrictive environment under the supervision
294 of the department ~~of Juvenile Justice~~ pending adjudication,
295 disposition, or placement.

296 (c) "Home detention" means temporary custody of the child
297 while the child is released to the custody of the parent,
298 guardian, or custodian in a physically nonrestrictive
299 environment under the supervision of the department's ~~Department~~
300 ~~of Juvenile Justice~~ staff pending adjudication, disposition, or
301 placement.

302 (20)~~(19)~~ "Detention center or facility" means a facility
303 used pending court adjudication or disposition or execution of

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304 court order for the temporary care of a child alleged or found
 305 to have committed a violation of law. A detention center or
 306 facility may provide secure or nonsecure custody. A facility
 307 used for the commitment of adjudicated delinquents shall not be
 308 considered a detention center or facility.

309 (21)~~(20)~~ "Detention hearing" means a hearing for the court
 310 to determine if a child should be placed in temporary custody,
 311 as provided for under ss. 985.213 and 985.215 in delinquency
 312 cases.

313 (22)~~(21)~~ "Disposition hearing" means a hearing in which
 314 the court determines the most appropriate dispositional services
 315 in the least restrictive available setting provided for under s.
 316 985.231, in delinquency cases.

317 (23)~~(22)~~ "Family" means a collective of persons,
 318 consisting of a child and a parent, guardian, adult custodian,
 319 or adult relative, in which:

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

322 (b) The parent, guardian, adult custodian, or adult
 323 relative has a legal responsibility by blood, marriage, or court
 324 order to support or care for the child.

325 (24)~~(23)~~ "Family in need of services" means a family that
 326 has a child for whom there is no pending investigation into an
 327 allegation of abuse, neglect, or abandonment or no current
 328 supervision by the department ~~of Juvenile Justice~~ or the
 329 Department of Children and Family Services for an adjudication
 330 of dependency or delinquency. The child must also have been

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331 referred to a law enforcement agency or the department of
332 ~~Juvenile Justice~~ for:

333 (a) Running away from parents or legal custodians;

334 (b) Persistently disobeying reasonable and lawful demands
335 of parents or legal custodians, and being beyond their control;
336 or

337 (c) Habitual truancy from school.

338 (25)~~(24)~~ "Foster care" means care provided a child in a
339 foster family or boarding home, group home, agency boarding
340 home, child care institution, or any combination thereof.

341 (26)~~(25)~~ "Habitually truant" means that:

342 (a) The child has 15 unexcused absences within 90 calendar
343 days with or without the knowledge or justifiable consent of the
344 child's parent or legal guardian, is subject to compulsory
345 school attendance under s. 1003.21(1) and (2)(a), and is not
346 exempt under s. 1003.21(3), s. 1003.24, or any other exemptions
347 specified by law or the rules of the State Board of Education.

348 (b) Escalating activities to determine the cause, and to
349 attempt the remediation, of the child's truant behavior under
350 ss. 1003.26 and 1003.27 have been completed.

351
352 If a child who is subject to compulsory school attendance is
353 responsive to the interventions described in ss. 1003.26 and
354 1003.27 and has completed the necessary requirements to pass the
355 current grade as indicated in the district pupil progression
356 plan, the child shall not be determined to be habitually truant
357 and shall be passed. If a child within the compulsory school
358 attendance age has 15 unexcused absences within 90 calendar days

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359 or fails to enroll in school, the state attorney may file a
360 child-in-need-of-services petition. Before ~~Prior to~~ filing a
361 petition, the child must be referred to the appropriate agency
362 for evaluation. After consulting with the evaluating agency, the
363 state attorney may elect to file a child-in-need-of-services
364 petition.

365 (c) A school representative, designated according to
366 school board policy, and a juvenile probation officer of the
367 department ~~of Juvenile Justice~~ have jointly investigated the
368 truancy problem or, if that was not feasible, have performed
369 separate investigations to identify conditions that could be
370 contributing to the truant behavior; and if, after a joint
371 staffing of the case to determine the necessity for services,
372 such services were determined to be needed, the persons who
373 performed the investigations met jointly with the family and
374 child to discuss any referral to appropriate community agencies
375 for economic services, family or individual counseling, or other
376 services required to remedy the conditions that are contributing
377 to the truant behavior.

378 (d) The failure or refusal of the parent or legal guardian
379 or the child to participate, or make a good faith effort to
380 participate, in the activities prescribed to remedy the truant
381 behavior, or the failure or refusal of the child to return to
382 school after participation in activities required by this
383 subsection, or the failure of the child to stop the truant
384 behavior after the school administration and the department ~~of~~
385 ~~Juvenile Justice~~ have worked with the child as described in s.
386 1003.27(3) shall be handled as prescribed in s. 1003.27.

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387 (27)~~(26)~~ "Halfway house" means a community-based
 388 residential program for 10 or more committed delinquents at the
 389 moderate-risk commitment level which is operated or contracted
 390 by the department ~~of Juvenile Justice~~.

391 (28)~~(27)~~ "Intake" means the initial acceptance and
 392 screening by the department ~~of Juvenile Justice~~ of a complaint
 393 or a law enforcement report or probable cause affidavit of
 394 delinquency, family in need of services, or child in need of
 395 services to determine the recommendation to be taken in the best
 396 interests of the child, the family, and the community. The
 397 emphasis of intake is on diversion and the least restrictive
 398 available services. Consequently, intake includes such
 399 alternatives as:

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

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

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

407 (29)~~(28)~~ "Judge" means the circuit judge exercising
 408 jurisdiction pursuant to this chapter.

409 (30)~~(29)~~ "Juvenile justice continuum" includes, but is not
 410 limited to, delinquency prevention programs and services
 411 designed for the purpose of preventing or reducing delinquent
 412 acts, including criminal activity by youth gangs, and juvenile
 413 arrests, as well as programs and services targeted at children
 414 who have committed delinquent acts, and children who have

415 | previously been committed to residential treatment programs for
 416 | delinquents. The term includes children-in-need-of-services and
 417 | families-in-need-of-services programs; conditional release;
 418 | substance abuse and mental health programs; educational and
 419 | career programs; recreational programs; community services
 420 | programs; community service work programs; and alternative
 421 | dispute resolution programs serving children at risk of
 422 | delinquency and their families, whether offered or delivered by
 423 | state or local governmental entities, public or private for-
 424 | profit or not-for-profit organizations, or religious or
 425 | charitable organizations.

426 | ~~(31)~~(30) "Juvenile probation officer" means the authorized
 427 | agent of the department ~~of Juvenile Justice~~ who performs the
 428 | intake, case management, or supervision functions.

429 | ~~(32)~~(31) "Juvenile sexual offender" means:

430 | (a) A juvenile who has been found by the court under
 431 | ~~pursuant to~~ s. 985.228 to have committed a violation of chapter
 432 | 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133;

433 | (b) A juvenile found to have committed any felony
 434 | violation of law or delinquent act involving juvenile sexual
 435 | abuse. "Juvenile sexual abuse" means any sexual behavior which
 436 | occurs without consent, without equality, or as a result of
 437 | coercion. For purposes of this subsection, the following
 438 | definitions apply:

439 | 1. "Coercion" means the exploitation of authority, use of
 440 | bribes, threats of force, or intimidation to gain cooperation or
 441 | compliance.

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

445 3. "Consent" means an agreement including all of the
446 following:

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

449 b. Knowledge of societal standards for what is being
450 proposed.

451 c. Awareness of potential consequences and alternatives.

452 d. Assumption that agreement or disagreement will be
453 accepted equally.

454 e. Voluntary decision.

455 f. Mental competence.

456

457 Juvenile sexual offender behavior ranges from noncontact sexual
458 behavior such as making obscene phone calls, exhibitionism,
459 voyeurism, and the showing or taking of lewd photographs to
460 varying degrees of direct sexual contact, such as frottage,
461 fondling, digital penetration, rape, fellatio, sodomy, and
462 various other sexually aggressive acts.

463 ~~(33)~~(32) "Legal custody or guardian" means a legal status
464 created by court order or letter of guardianship which vests in
465 a custodian of the person or guardian, whether an agency or an
466 individual, the right to have physical custody of the child and
467 the right and duty to protect, train, and discipline the child
468 and to provide him or her with food, shelter, education, and
469 ordinary medical, dental, psychiatric, and psychological care.

470 (34)~~(33)~~ "Licensed child-caring agency" means a person,
471 society, association, or agency licensed by the Department of
472 Children and Family Services to care for, receive, and board
473 children.

474 (35)~~(34)~~ "Licensed health care professional" means a
475 physician licensed under chapter 458, an osteopathic physician
476 licensed under chapter 459, a nurse licensed under part I of
477 chapter 464, a physician assistant licensed under chapter 458 or
478 chapter 459, or a dentist licensed under chapter 466.

479 (36)~~(35)~~ "Likely to injure oneself" means that, as
480 evidenced by violent or other actively self-destructive
481 behavior, it is more likely than not that within a 24-hour
482 period the child will attempt to commit suicide or inflict
483 serious bodily harm on himself or herself.

484 (37)~~(36)~~ "Likely to injure others" means that it is more
485 likely than not that within a 24-hour period the child will
486 inflict serious and unjustified bodily harm on another person.

487 (38)~~(37)~~ "Mediation" means a process whereby a neutral
488 third person called a mediator acts to encourage and facilitate
489 the resolution of a dispute between two or more parties. It is
490 an informal and nonadversarial process with the objective of
491 helping the disputing parties reach a mutually acceptable and
492 voluntary agreement. In mediation, decisionmaking authority
493 rests with the parties. The role of the mediator includes, but
494 is not limited to, assisting the parties in identifying issues,
495 fostering joint problem solving, and exploring settlement
496 alternatives.

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497 (39)~~(38)~~ "Necessary medical treatment" means care which is
498 necessary within a reasonable degree of medical certainty to
499 prevent the deterioration of a child's condition or to alleviate
500 immediate pain of a child.

501 (40)~~(39)~~ "Next of kin" means an adult relative of a child
502 who is the child's brother, sister, grandparent, aunt, uncle, or
503 first cousin.

504 (41)~~(40)~~ "Parent" means a woman who gives birth to a child
505 and a man whose consent to the adoption of the child would be
506 required under s. 63.062(1). If a child has been legally
507 adopted, the term "parent" means the adoptive mother or father
508 of the child. The term does not include an individual whose
509 parental relationship to the child has been legally terminated,
510 or an alleged or prospective parent, unless the parental status
511 falls within the terms of either s. 39.503(1) or s. 63.062(1).

512 (42)~~(41)~~ "Preliminary screening" means the gathering of
513 preliminary information to be used in determining a child's need
514 for further evaluation or assessment or for referral for other
515 substance abuse services through means such as psychosocial
516 interviews; urine and breathalyzer screenings; and reviews of
517 available educational, delinquency, and dependency records of
518 the child.

519 (43)~~(42)~~ "Preventive services" means social services and
520 other supportive and rehabilitative services provided to the
521 parent of the child, the legal guardian of the child, or the
522 custodian of the child and to the child for the purpose of
523 averting the removal of the child from the home or disruption of
524 a family that ~~which~~ will or could result in the placement of a

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525 | child in foster care. Social services and other supportive and
 526 | rehabilitative services shall promote the child's need for a
 527 | safe, continuous, stable living environment and shall promote
 528 | family autonomy and shall strengthen family life as the first
 529 | priority whenever possible.

530 | (44)~~(43)~~ "Probation" means the legal status of probation
 531 | created by law and court order in cases involving a child who
 532 | has been found to have committed a delinquent act. Probation is
 533 | an individualized program in which the freedom of the child is
 534 | limited and the child is restricted to noninstitutional quarters
 535 | or restricted to the child's home in lieu of commitment to the
 536 | custody of the department ~~of Juvenile Justice~~. Youth on
 537 | probation may be assessed and classified for placement in day-
 538 | treatment probation programs designed for youth who represent a
 539 | minimum risk to themselves and public safety and do not require
 540 | placement and services in a residential setting. ~~Program types~~
 541 | ~~in this more intensive and structured day treatment probation~~
 542 | ~~option include career programs, marine programs, juvenile~~
 543 | ~~justice alternative schools, training and rehabilitation~~
 544 | ~~programs, and gender specific programs.~~

545 | (45)~~(44)~~ "Relative" means a grandparent, great-
 546 | grandparent, sibling, first cousin, aunt, uncle, great-aunt,
 547 | great-uncle, niece, or nephew, whether related by the whole or
 548 | half blood, by affinity, or by adoption. The term does not
 549 | include a stepparent.

550 | (46)~~(45)~~ "Restrictiveness Residential Commitment level"
 551 | means the level of programming and security provided by programs
 552 | that service the supervision, custody, care, and treatment needs

553 of committed children. Sections 985.3141 and 985.404(11) apply
 554 to children placed in programs at any residential commitment
 555 level. The restrictiveness levels of ~~residential~~ commitment are
 556 as follows:

557 (a) Minimum-risk nonresidential.--Programs or program
 558 models at this commitment level work with youth who remain in
 559 the community and participate at least 5 days per week in a day
 560 treatment program. Youth assessed and classified for programs at
 561 this commitment level represent a minimum risk to themselves and
 562 public safety and do not require placement and services in
 563 residential settings. Youth in this level have full access to,
 564 and reside in, the community. A youth who has been found to have
 565 committed delinquent acts that involve firearms, delinquent acts
 566 that are sexual offenses, or delinquent acts that would be life
 567 felonies or first degree felonies if committed by an adult shall
 568 not be committed to a program at this level.

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

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

592 (d)~~(e)~~ High-risk residential.--Programs or program models
 593 at this commitment level are residential and do ~~shall~~ not allow
 594 youth to have access to the community, except that temporary
 595 release providing community access for up to 72 continuous hours
 596 for a youth who has made successful progress in his or her
 597 program may be approved by a court in order to attend a family
 598 emergency or, during the final 60 days of his or her placement,
 599 to visit his or her home, enroll in school or a vocational
 600 program, complete a job interview, or participate in a community
 601 service project. High-risk residential facilities are hardware-
 602 secure with perimeter fencing and locking doors or are
 603 environmentally secure. Facilities shall provide 24-hour awake
 604 supervision, custody, care, and treatment of residents. Youth
 605 assessed and classified for this level of placement require
 606 close supervision in a structured residential setting. Placement
 607 in programs at this level is prompted by a concern for public

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608 safety that outweighs placement in programs at lower commitment
 609 levels. The staff at a facility at this commitment level may
 610 seclude a child who is a physical threat to himself or herself
 611 or others. Mechanical restraint may also be used when necessary.
 612 The facility may provide for single cell occupancy.

613 (e)~~(d)~~ Maximum-risk residential.--Programs or program
 614 models at this commitment level include juvenile correctional
 615 facilities ~~and juvenile prisons~~. The programs are long-term
 616 residential and shall not allow youth to have access to the
 617 community. Facilities are maximum-custody hardware-secure with
 618 perimeter security fencing and locking doors. Facilities shall
 619 provide 24-hour awake supervision, custody, care, and treatment
 620 of residents. The staff at a facility at this commitment level
 621 may seclude a child who is a physical threat to himself or
 622 herself or others. Mechanical restraint may also be used when
 623 necessary. The facility shall provide for single cell occupancy,
 624 except that youth may be housed together during prerelease
 625 transition. Youth assessed and classified for this level of
 626 placement require close supervision in a maximum security
 627 residential setting. Placement in a program at this level is
 628 prompted by a demonstrated need to protect the public.

629 (47)~~(46)~~ "Respite" means a placement that is available for
 630 the care, custody, and placement of a youth charged with
 631 domestic violence as an alternative to secure detention or for
 632 placement of a youth when a shelter bed for a child in need of
 633 services or a family in need of services is unavailable.

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634 (48)~~(47)~~ "Secure detention center or facility" means a
635 physically restricting facility for the temporary care of
636 children, pending adjudication, disposition, or placement.

637 (49)~~(48)~~ "Serious or habitual juvenile offender," for
638 purposes of commitment to a residential facility and for
639 purposes of records retention, means a child who has been found
640 to have committed a delinquent act or a violation of law, in the
641 case currently before the court, and who meets at least one of
642 the following criteria:

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

- 646 1. Arson;
- 647 2. Sexual battery;
- 648 3. Robbery;
- 649 4. Kidnapping;
- 650 5. Aggravated child abuse;
- 651 6. Aggravated assault;
- 652 7. Aggravated stalking;
- 653 8. Murder;
- 654 9. Manslaughter;
- 655 10. Unlawful throwing, placing, or discharging of a
656 destructive device or bomb;
- 657 11. Armed burglary;
- 658 12. Aggravated battery;
- 659 13. Any lewd or lascivious offense committed upon or in
660 the presence of a person less than 16 years of age; or

661 14. Carrying, displaying, using, threatening, or
662 attempting to use a weapon or firearm during the commission of a
663 felony.

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

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

671 (50)~~(49)~~ "Serious or habitual juvenile offender program"
672 means the program established in s. 985.31.

673 (51)~~(50)~~ "Shelter" means a place for the temporary care of
674 a child who is alleged to be or who has been found to be
675 delinquent.

676 (52)~~(51)~~ "Shelter hearing" means a hearing provided for
677 under s. 984.14 in family-in-need-of-services cases or child-in-
678 need-of-services cases.

679 (53)~~(52)~~ "Staff-secure shelter" means a facility in which
680 a child is supervised 24 hours a day by staff members who are
681 awake while on duty. The facility is for the temporary care and
682 assessment of a child who has been found to be dependent, who
683 has violated a court order and been found in contempt of court,
684 or whom the Department of Children and Family Services is unable
685 to properly assess or place for assistance within the continuum
686 of services provided for dependent children.

687 (54)~~(53)~~ "Substance abuse" means using, without medical
688 reason, any psychoactive or mood-altering drug, including

689 alcohol, in such a manner as to induce impairment resulting in
690 dysfunctional social behavior.

691 (55)~~(54)~~ "Taken into custody" means the status of a child
692 immediately when temporary physical control over the child is
693 attained by a person authorized by law, pending the child's
694 release, detention, placement, or other disposition as
695 authorized by law.

696 (56)~~(55)~~ "Temporary legal custody" means the relationship
697 that a juvenile court creates between a child and an adult
698 relative of the child, adult nonrelative approved by the court,
699 or other person until a more permanent arrangement is ordered.
700 Temporary legal custody confers upon the custodian the right to
701 have temporary physical custody of the child and the right and
702 duty to protect, train, and discipline the child and to provide
703 the child with food, shelter, and education, and ordinary
704 medical, dental, psychiatric, and psychological care, unless
705 these rights and duties are otherwise enlarged or limited by the
706 court order establishing the temporary legal custody
707 relationship.

708 (57)~~(56)~~ "Temporary release" means the terms and
709 conditions under which a child is temporarily released from a
710 residential commitment facility or allowed home visits. If the
711 temporary release is from a moderate-risk residential facility,
712 a high-risk residential facility, or a maximum-risk residential
713 facility, the terms and conditions of the temporary release must
714 be approved by the child, the court, and the facility. The term
715 includes periods during which the child is supervised pursuant
716 to a conditional release program or a period during which the

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717 child is supervised by a juvenile probation officer or other
718 nonresidential staff of the department or staff employed by an
719 entity under contract with the department.

720 (58)~~(57)~~ "Training school" means one of the following
721 facilities: the Arthur G. Dozier School or the Eckerd Youth
722 Development Center.

723 (59)~~(58)~~ "Violation of law" or "delinquent act" means a
724 violation of any law of this state, the United States, or any
725 other state which is a misdemeanor or a felony or a violation of
726 a county or municipal ordinance which would be punishable by
727 incarceration if the violation were committed by an adult.

728 (60)~~(59)~~ "Waiver hearing" means a hearing provided for
729 under s. 985.226(3).

730 Section 3. Paragraph (b) of subsection (4) of section
731 985.201, Florida Statutes, is amended to read:

732 985.201 Jurisdiction.--

733 (4)

734 (b)1. The court may retain jurisdiction over a child
735 committed to the department for placement in a juvenile
736 correctional facility ~~prison~~ or in a high-risk or maximum-risk
737 residential commitment program to allow the child to participate
738 in a juvenile conditional release program pursuant to s.
739 985.316. In no case shall the jurisdiction of the court be
740 retained beyond the child's 22nd birthday. However, if the child
741 is not successful in the conditional release program, the
742 department may use the transfer procedure under s. 985.404.

743 2. The court may retain jurisdiction over a child
744 committed to the department for placement in an intensive

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745 residential treatment program for 10-year-old to 13-year-old
 746 offenders, in the residential commitment program in a juvenile
 747 correctional facility ~~prison~~, in a residential sex offender
 748 program, or in a program for serious or habitual juvenile
 749 offenders as provided in s. 985.311 or s. 985.31 until the child
 750 reaches the age of 21. If the court exercises this jurisdiction
 751 retention, it shall do so solely for the purpose of the child
 752 completing the intensive residential treatment program for 10-
 753 year-old to 13-year-old offenders, in the residential commitment
 754 program in a juvenile correctional facility ~~prison~~, in a
 755 residential sex offender program, or the program for serious or
 756 habitual juvenile offenders. Such jurisdiction retention does
 757 not apply for other programs, other purposes, or new offenses.

758 Section 4. Paragraph (d) of subsection (1) of section
 759 985.207, Florida Statutes, is amended, and paragraph (e) is
 760 added to said subsection, to read:

761 985.207 Taking a child into custody.--

762 (1) A child may be taken into custody under the following
 763 circumstances:

764 (d) By a law enforcement officer who has probable cause to
 765 believe that the child is in violation of the conditions of the
 766 child's probation, home detention, postcommitment probation, or
 767 conditional release supervision, has absconded from
 768 nonresidential commitment, or has escaped from residential
 769 commitment.

770 (e) When a court finds that the child, who has been found
 771 to have committed a delinquent act or a violation of law and who

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772 is awaiting disposition for that delinquent act or violation of
773 law:

774 1. Has a history of failing to appear for court
775 proceedings;

776 2. Is presently ungovernable as evidenced by his or her
777 recent behavior;

778 3. Presents a risk of failing to appear for future
779 proceedings or of inflicting harm upon himself, herself, or
780 others or the property of others because of his or her
781 ungovernable behavior; or

782 4. Has violated conditions imposed by the court in his or
783 her order of adjudication of delinquency.

784
785 Nothing in this subsection shall be construed to allow the
786 detention of a child who does not meet the detention criteria in
787 s. 985.215.

788 Section 5. Section 985.208, Florida Statutes, is amended
789 to read:

790 985.208 Detention of escapee or absconder on authority of
791 the department.--

792 (1) If an authorized agent of the department has
793 reasonable grounds to believe that any delinquent child
794 committed to the department has escaped from a residential
795 commitment facility ~~of the department~~ or from being lawfully
796 transported thereto or therefrom, or has absconded from a
797 nonresidential commitment facility, the agent may take the child
798 into active custody and may deliver the child to the facility
799 or, if it is closer, to a detention center for return to the

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800 facility. However, a child may not be held in detention longer
 801 than 24 hours, excluding Saturdays, Sundays, and legal holidays,
 802 unless a special order so directing is made by the judge after a
 803 detention hearing resulting in a finding that detention is
 804 required based on the criteria in s. 985.215(2). The order shall
 805 state the reasons for such finding. The reasons shall be
 806 reviewable by appeal or in habeas corpus proceedings in the
 807 district court of appeal.

808 (2) Any sheriff or other law enforcement officer, upon the
 809 request of the secretary of the department or duly authorized
 810 agent, shall take a child who has escaped ~~or absconded~~ from a
 811 residential commitment department facility for committed
 812 ~~delinquent children,~~ or from being lawfully transported thereto
 813 or therefrom, or has absconded from a nonresidential commitment
 814 facility, into custody and deliver the child to the appropriate
 815 juvenile probation officer ~~of the department.~~

816 Section 6. Paragraph (f) is added to subsection (1) of
 817 section 985.213, Florida Statutes, to read:

818 985.213 Use of detention.--

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

822 (f) Meets the criteria for taking a child into custody
 823 under s. 985.207(1)(e).

824 Section 7. Subsections (2) and (10) and paragraphs (d) and
 825 (g) of subsection (5) of section 985.215, Florida Statutes, are
 826 amended to read:

827 985.215 Detention.--

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

832 (a) The child is alleged to be an escapee from a
833 residential commitment program, ~~or~~ an absconder from a
834 nonresidential commitment program, a probation program, or
835 conditional release supervision, or is alleged to have escaped
836 while being lawfully transported to or from a residential
837 commitment ~~such program or supervision~~.

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

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

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

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

849 (f) The child is charged with a capital felony, a life
850 felony, a felony of the first degree, a felony of the second
851 degree that does not involve a violation of chapter 893, or a
852 felony of the third degree that is also a crime of violence,
853 including any such offense involving the use or possession of a
854 firearm.

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855 (g) The child is charged with any second degree or third
856 degree felony involving a violation of chapter 893 or any third
857 degree felony that is not also a crime of violence, and the
858 child:

- 859 1. Has a record of failure to appear at court hearings
- 860 after being properly notified in accordance with the Rules of
- 861 Juvenile Procedure;
- 862 2. Has a record of law violations prior to court hearings;
- 863 3. Has already been detained or has been released and is
- 864 awaiting final disposition of the case;
- 865 4. Has a record of violent conduct resulting in physical
- 866 injury to others; or
- 867 5. Is found to have been in possession of a firearm.

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

874 (i) The child is detained on a judicial order for failure
875 to appear and has previously willfully failed to appear, after
876 proper notice, for an adjudicatory hearing on the same case
877 regardless of the results of the risk assessment instrument. A
878 child may be held in secure detention for up to 72 hours in
879 advance of the next scheduled court hearing pursuant to this
880 paragraph. The child's failure to keep the clerk of court and
881 defense counsel informed of a current and valid mailing address
882 where the child will receive notice to appear at court

883 | proceedings does not provide an adequate ground for excusal of
 884 | the child's nonappearance at the hearings.

885 | (j) The child is detained on a judicial order for failure
 886 | to appear and has previously willfully failed to appear, after
 887 | proper notice, at two or more court hearings of any nature on
 888 | the same case regardless of the results of the risk assessment
 889 | instrument. A child may be held in secure detention for up to 72
 890 | hours in advance of the next scheduled court hearing pursuant to
 891 | this paragraph. The child's failure to keep the clerk of court
 892 | and defense counsel informed of a current and valid mailing
 893 | address where the child will receive notice to appear at court
 894 | proceedings does not provide an adequate ground for excusal of
 895 | the child's nonappearance at the hearings.

896 |
 897 | A child who meets any of these criteria and who is ordered to be
 898 | detained pursuant to this subsection shall be given a hearing
 899 | within 24 hours after being taken into custody. The purpose of
 900 | the detention hearing is to determine the existence of probable
 901 | cause that the child has committed the delinquent act or
 902 | violation of law with which he or she is charged and the need
 903 | for continued detention, except where the child is alleged to
 904 | have absconded from a nonresidential commitment program, in
 905 | which case the court, at the detention hearing, shall order that
 906 | the child be released from detention and returned to his or her
 907 | nonresidential commitment program. Unless a child is detained
 908 | under paragraph (d) or paragraph (e), the court shall use
 909 | ~~utilize~~ the results of the risk assessment performed by the
 910 | juvenile probation officer and, based on the criteria in this

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911 subsection, shall determine the need for continued detention. A
 912 child placed into secure, nonsecure, or home detention care may
 913 continue to be so detained by the court pursuant to this
 914 subsection. If the court orders a placement more restrictive
 915 than indicated by the results of the risk assessment instrument,
 916 the court shall state, in writing, clear and convincing reasons
 917 for such placement. Except as provided in s. 790.22(8) or in
 918 subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or
 919 paragraph (10)(d), when a child is placed into secure or
 920 nonsecure detention care, or into a respite home or other
 921 placement pursuant to a court order following a hearing, the
 922 court order must include specific instructions that direct the
 923 release of the child from such placement no later than 5 p.m. on
 924 the last day of the detention period specified in paragraph
 925 (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever
 926 is applicable, unless the requirements of such applicable
 927 provision have been met or an order of continuance has been
 928 granted pursuant to paragraph (5)(f).

929 (5)

930 (d)1. ~~Except as provided in paragraph (g),~~ A child may not
 931 be held in secure, nonsecure, or home detention care for more
 932 than 15 days following the entry of an order of adjudication,
 933 except as provided in paragraph (g) or when the court finds that
 934 the child:-

935 a. Has a history of failing to appear for court
 936 proceedings;

937 b. Is presently ungovernable as evidenced by his or her
 938 recent behavior;

939 c. Presents a risk of failing to appear for future
 940 proceedings or of inflicting harm upon himself, herself, or
 941 others or the property of others because of his or her
 942 ungovernable behavior; or

943 d. Has violated conditions imposed by the court in his or
 944 her order of adjudication of delinquency.

945 2. If the court makes a finding under subparagraph 1., the
 946 court shall order the placement of the child in secure detention
 947 or, at the discretion of the court and if available, on home
 948 detention with electronic monitoring until the disposition order
 949 is entered in the child's case.

950 (g) Upon good cause being shown that the nature of the
 951 charge requires additional time for the prosecution or defense
 952 of the case, the court may extend the time limits for detention
 953 specified in paragraph (c) or paragraph (d) an additional 9 days
 954 if the child is charged with an offense that would be, if
 955 committed by an adult, a capital felony, a life felony, a felony
 956 of the first degree, or a felony of the second degree involving
 957 violence against any individual.

958 (10)(a)1. When a child is committed to the department ~~of~~
 959 ~~Juvenile Justice~~ awaiting dispositional placement, removal of
 960 the child from detention care shall occur within 5 days,
 961 excluding Saturdays, Sundays, and legal holidays. Any child held
 962 in secure detention during the 5 days must meet detention
 963 admission criteria pursuant to this section. If the child is
 964 committed to a moderate-risk residential program, the department
 965 may seek an order from the court authorizing continued detention
 966 for a specific period of time necessary for the appropriate

967 residential placement of the child. However, such continued
 968 detention in secure detention care may not exceed 15 days after
 969 commitment, excluding Saturdays, Sundays, and legal holidays,
 970 and except as otherwise provided in this subsection.

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

975 (b) A child who is placed in home detention care,
 976 nonsecure detention care, or home or nonsecure detention care
 977 with electronic monitoring, while awaiting placement in a
 978 minimum-risk, low-risk, or moderate-risk program, may be held in
 979 secure detention care for 5 days, if the child violates the
 980 conditions of the home detention care, the nonsecure detention
 981 care, or the electronic monitoring agreement. For any subsequent
 982 violation, the court may impose an additional 5 days in secure
 983 detention care.

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

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

990 (e) Upon specific appropriation, the department may obtain
 991 comprehensive evaluations, including, but not limited to,
 992 medical, academic, psychological, behavioral, sociological, and
 993 vocational needs of a youth with multiple arrests for all level

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994 criminal acts or a youth committed to a minimum-risk or low-risk
995 commitment program.

996 (f) Regardless of detention status, a child being
997 transported by the department to a residential commitment
998 facility of the department may be placed in secure detention
999 overnight, not to exceed a 24-hour period, for the specific
1000 purpose of ensuring the safe delivery of the child to his or her
1001 residential commitment program, court, appointment, transfer, or
1002 release.

1003 Section 8. Paragraph (b) of subsection (2) of section
1004 985.2155, Florida Statutes, is amended to read:

1005 985.2155 Shared county and state responsibility for
1006 juvenile detention.--

1007 (2) As used in this section, the term:

1008 (b) "Fiscally constrained county" means a county
1009 ~~designated as a rural area of critical economic concern under s.~~
1010 ~~288.0656~~ for which the value of a mill in the county is no more
1011 than \$4 ~~\$3~~ million, based on the property valuations and tax
1012 data annually published by the Department of Revenue under s.
1013 195.052.

1014 Section 9. Subsection (5) of section 985.228, Florida
1015 Statutes, is amended to read:

1016 985.228 Adjudicatory hearings; withheld adjudications;
1017 orders of adjudication.--

1018 (5) If the court finds that the child named in a petition
1019 has committed a delinquent act or violation of law, but elects
1020 not to proceed under subsection (4), it shall incorporate that
1021 finding in an order of adjudication of delinquency entered in

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1022 the case, briefly stating the facts upon which the finding is
 1023 made, and the court shall thereafter have full authority under
 1024 this chapter to deal with the child as adjudicated. The order of
 1025 adjudication of delinquency shall also include conditions that
 1026 must be followed by the child until a disposition order is
 1027 entered in his or her case. These conditions must include, but
 1028 are not limited to, requirements that the child, during any
 1029 period of time that he or she:

1030 (a) Is not in secure detention, comply with a curfew;
 1031 attend school or another educational program, if eligible; and
 1032 obey the reasonable and lawful demands of his or her parents or
 1033 legal guardians and, if applicable, all persons responsible for
 1034 supervising him or her while he or she is in school or another
 1035 educational program.

1036 (b) Is in secure detention, obey the reasonable and lawful
 1037 demands of all persons responsible for his or her supervision.

1038 Section 10. Paragraphs (a) and (d) of subsection (1) and
 1039 subsection (2) of section 985.231, Florida Statutes, are amended
 1040 to read:

1041 985.231 Powers of disposition in delinquency cases.--

1042 (1)(a) The court that has jurisdiction of an adjudicated
 1043 delinquent child may, by an order stating the facts upon which a
 1044 determination of a sanction and rehabilitative program was made
 1045 at the disposition hearing:

1046 1. Place the child in a probation program or a
 1047 postcommitment probation program under the supervision of an
 1048 authorized agent of the department of ~~Juvenile Justice~~ or of any
 1049 other person or agency specifically authorized and appointed by

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1050 the court, whether in the child's own home, in the home of a
 1051 relative of the child, or in some other suitable place under
 1052 such reasonable conditions as the court may direct. A probation
 1053 program for an adjudicated delinquent child must include a
 1054 penalty component such as restitution in money or in kind,
 1055 community service, a curfew, revocation or suspension of the
 1056 driver's license of the child, or other nonresidential
 1057 punishment appropriate to the offense and must also include a
 1058 rehabilitative program component such as a requirement of
 1059 participation in substance abuse treatment or in school or other
 1060 educational program. If the child is attending or is eligible to
 1061 attend public school and the court finds that the victim or a
 1062 sibling of the victim in the case is attending or may attend the
 1063 same school as the child, the court placement order shall
 1064 include a finding pursuant to the proceedings described in s.
 1065 985.23(1)(d). Upon the recommendation of the department at the
 1066 time of disposition, or subsequent to disposition pursuant to
 1067 the filing of a petition alleging a violation of the child's
 1068 conditions of postcommitment probation, the court may order the
 1069 child to submit to random testing for the purpose of detecting
 1070 and monitoring the use of alcohol or controlled substances.

1071 a. A ~~restrictiveness level~~ classification scale for levels
 1072 of supervision shall be provided by the department, taking into
 1073 account the child's needs and risks relative to probation
 1074 supervision requirements to reasonably ensure the public safety.
 1075 Probation programs for children shall be supervised by the
 1076 department or by any other person or agency specifically
 1077 authorized by the court. These programs must include, but are

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1078 | not limited to, structured or restricted activities as described
 1079 | in this subparagraph, and shall be designed to encourage the
 1080 | child toward acceptable and functional social behavior. If
 1081 | supervision or a program of community service is ordered by the
 1082 | court, the duration of such supervision or program must be
 1083 | consistent with any treatment and rehabilitation needs
 1084 | identified for the child and may not exceed the term for which
 1085 | sentence could be imposed if the child were committed for the
 1086 | offense, except that the duration of such supervision or program
 1087 | for an offense that is a misdemeanor of the second degree, or is
 1088 | equivalent to a misdemeanor of the second degree, may be for a
 1089 | period not to exceed 6 months. When restitution is ordered by
 1090 | the court, the amount of restitution may not exceed an amount
 1091 | the child and the parent or guardian could reasonably be
 1092 | expected to pay or make. A child who participates in any work
 1093 | program under this part is considered an employee of the state
 1094 | for purposes of liability, unless otherwise provided by law.

1095 | b. The court may conduct judicial review hearings for a
 1096 | child placed on probation for the purpose of fostering
 1097 | accountability to the judge and compliance with other
 1098 | requirements, such as restitution and community service. The
 1099 | court may allow early termination of probation for a child who
 1100 | has substantially complied with the terms and conditions of
 1101 | probation.

1102 | c. If the conditions of the probation program or the
 1103 | postcommitment probation program are violated, the department or
 1104 | the state attorney may bring the child before the court on a
 1105 | petition alleging a violation of the program. Any child who

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1106 | violates the conditions of probation or postcommitment probation
1107 | must be brought before the court if sanctions are sought. A
1108 | child taken into custody under s. 985.207 for violating the
1109 | conditions of probation or postcommitment probation shall be
1110 | held in a consequence unit if such a unit is available. The
1111 | child shall be afforded a hearing within 24 hours after being
1112 | taken into custody to determine the existence of probable cause
1113 | that the child violated the conditions of probation or
1114 | postcommitment probation. A consequence unit is a secure
1115 | facility specifically designated by the department for children
1116 | who are taken into custody under s. 985.207 for violating
1117 | probation or postcommitment probation, or who have been found by
1118 | the court to have violated the conditions of probation or
1119 | postcommitment probation. If the violation involves a new charge
1120 | of delinquency, the child may be detained under s. 985.215 in a
1121 | facility other than a consequence unit. If the child is not
1122 | eligible for detention for the new charge of delinquency, the
1123 | child may be held in the consequence unit pending a hearing and
1124 | is subject to the time limitations specified in s. 985.215. If
1125 | the child denies violating the conditions of probation or
1126 | postcommitment probation, the court shall appoint counsel to
1127 | represent the child at the child's request. Upon the child's
1128 | admission, or if the court finds after a hearing that the child
1129 | has violated the conditions of probation or postcommitment
1130 | probation, the court shall enter an order revoking, modifying,
1131 | or continuing probation or postcommitment probation. In each
1132 | such case, the court shall enter a new disposition order and, in
1133 | addition to the sanctions set forth in this paragraph, may

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1134 impose any sanction the court could have imposed at the original
 1135 disposition hearing. If the child is found to have violated the
 1136 conditions of probation or postcommitment probation, the court
 1137 may:

1138 (I) Place the child in a consequence unit in that judicial
 1139 circuit, if available, for up to 5 days for a first violation,
 1140 and up to 15 days for a second or subsequent violation.

1141 (II) Place the child on home detention with electronic
 1142 monitoring. However, this sanction may be used only if a
 1143 residential consequence unit is not available.

1144 (III) Modify or continue the child's probation program or
 1145 postcommitment probation program.

1146 (IV) Revoke probation or postcommitment probation and
 1147 commit the child to the department.

1148 d. Notwithstanding s. 743.07 and paragraph (d), and except
 1149 as provided in s. 985.31, the term of any order placing a child
 1150 in a probation program must be until the child's 19th birthday
 1151 unless he or she is released by the court, on the motion of an
 1152 interested party or on its own motion.

1153 2. Commit the child to a licensed child-caring agency
 1154 willing to receive the child, but the court may not commit the
 1155 child to a jail or to a facility used primarily as a detention
 1156 center or facility or shelter.

1157 3. Commit the child to the department ~~of Juvenile Justice~~
 1158 at a restrictiveness ~~residential commitment~~ level defined in s.
 1159 985.03. The court may specify a program or facility within the
 1160 restrictiveness level to which the child has been ordered. For a
 1161 child ordered committed to a specific high-risk residential or

1162 maximum-risk residential program or facility, the department may
 1163 notify the dispositional judge of alternative placements of the
 1164 same risk level, as space becomes available, that could be
 1165 accomplished prior to entry of the child into the court-ordered
 1166 program or facility. With respect to any court-specified
 1167 placement, the court may not select a program or facility that
 1168 is not under contract with the department. If the court finds
 1169 that the planned vacancies at the program or facility specified
 1170 by the court are insufficient to allow for the placement of the
 1171 child within 45 days after the commitment order, the court must
 1172 select a program or facility of the same restrictiveness level
 1173 from at least three alternative placements provided by the
 1174 department. Such commitment must be for the purpose of
 1175 exercising active control over the child, including, but not
 1176 limited to, custody, care, training, urine monitoring, and
 1177 treatment of the child and release of the child from residential
 1178 commitment into the community in a postcommitment nonresidential
 1179 conditional release program. If the child is eligible to attend
 1180 public school following ~~residential~~ commitment and the court
 1181 finds that the victim or a sibling of the victim in the case is
 1182 or may be attending the same school as the child, the commitment
 1183 order shall include a finding pursuant to the proceedings
 1184 described in s. 985.23(1)(d). If the child is not successful in
 1185 the conditional release program, the department may use the
 1186 transfer procedure under s. 985.404. Notwithstanding s. 743.07
 1187 and paragraph (d), and except as provided in s. 985.31, the term
 1188 of the commitment must be until the child is discharged by the
 1189 department or until he or she reaches the age of 21.

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1190 4. Revoke or suspend the driver's license of the child.
 1191 5. Require the child and, if the court finds it
 1192 appropriate, the child's parent or guardian together with the
 1193 child, to render community service in a public service program.
 1194 6. As part of the probation program to be implemented by
 1195 the department ~~of Juvenile Justice~~, or, in the case of a
 1196 committed child, as part of the community-based sanctions
 1197 ordered by the court at the disposition hearing or before the
 1198 child's release from commitment, order the child to make
 1199 restitution in money, through a promissory note cosigned by the
 1200 child's parent or guardian, or in kind for any damage or loss
 1201 caused by the child's offense in a reasonable amount or manner
 1202 to be determined by the court. The clerk of the circuit court
 1203 shall be the receiving and dispensing agent. In such case, the
 1204 court shall order the child or the child's parent or guardian to
 1205 pay to the office of the clerk of the circuit court an amount
 1206 not to exceed the actual cost incurred by the clerk as a result
 1207 of receiving and dispensing restitution payments. The clerk
 1208 shall notify the court if restitution is not made, and the court
 1209 shall take any further action that is necessary against the
 1210 child or the child's parent or guardian. A finding by the court,
 1211 after a hearing, that the parent or guardian has made diligent
 1212 and good faith efforts to prevent the child from engaging in
 1213 delinquent acts absolves the parent or guardian of liability for
 1214 restitution under this subparagraph.
 1215 7. Order the child and, if the court finds it appropriate,
 1216 the child's parent or guardian together with the child, to
 1217 participate in a community work project, either as an

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1218 alternative to monetary restitution or as part of the
1219 rehabilitative or probation program.

1220 8. Commit the child to the department ~~of Juvenile Justice~~
1221 for placement in a program or facility for serious or habitual
1222 juvenile offenders in accordance with s. 985.31. Any commitment
1223 of a child to a program or facility for serious or habitual
1224 juvenile offenders must be for an indeterminate period of time,
1225 but the time may not exceed the maximum term of imprisonment
1226 that an adult may serve for the same offense. The court may
1227 retain jurisdiction over such child until the child reaches the
1228 age of 21, specifically for the purpose of the child completing
1229 the program.

1230 9. In addition to the sanctions imposed on the child,
1231 order the parent or guardian of the child to perform community
1232 service if the court finds that the parent or guardian did not
1233 make a diligent and good faith effort to prevent the child from
1234 engaging in delinquent acts. The court may also order the parent
1235 or guardian to make restitution in money or in kind for any
1236 damage or loss caused by the child's offense. The court shall
1237 determine a reasonable amount or manner of restitution, and
1238 payment shall be made to the clerk of the circuit court as
1239 provided in subparagraph 6.

1240 10. Subject to specific appropriation, commit the juvenile
1241 sexual offender to the department ~~of Juvenile Justice~~ for
1242 placement in a program or facility for juvenile sexual offenders
1243 in accordance with s. 985.308. Any commitment of a juvenile
1244 sexual offender to a program or facility for juvenile sexual
1245 offenders must be for an indeterminate period of time, but the

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1246 | time may not exceed the maximum term of imprisonment that an
 1247 | adult may serve for the same offense. The court may retain
 1248 | jurisdiction over a juvenile sexual offender until the juvenile
 1249 | sexual offender reaches the age of 21, specifically for the
 1250 | purpose of completing the program.

1251 | (d) Any commitment of a delinquent child to the department
 1252 | ~~of Juvenile Justice~~ must be for an indeterminate period of time,
 1253 | which may include periods of temporary release; however, but the
 1254 | period of time may not exceed the maximum term of imprisonment
 1255 | that an adult may serve for the same offense, except that the
 1256 | duration of a minimum-risk nonresidential commitment for an
 1257 | offense that is a misdemeanor of the second degree, or is
 1258 | equivalent to a misdemeanor of the second degree, may be for a
 1259 | period not to exceed 6 months. The duration of the child's
 1260 | placement in a ~~residential~~ commitment program of any
 1261 | restrictiveness level shall be based on objective performance-
 1262 | based treatment planning. The child's treatment plan progress
 1263 | and adjustment-related issues shall be reported to the court
 1264 | quarterly, unless the court requests monthly reports each month.
 1265 | The child's length of stay in a ~~residential~~ commitment program
 1266 | may be extended if the child fails to comply with or participate
 1267 | in treatment activities. The child's length of stay in the such
 1268 | program shall not be extended for purposes of sanction or
 1269 | punishment. Any temporary release from such program must be
 1270 | approved by the court. Any child so committed may be discharged
 1271 | from institutional confinement or a program upon the direction
 1272 | of the department with the concurrence of the court. The child's
 1273 | treatment plan progress and adjustment-related issues must be

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1274 | communicated to the court at the time the department requests
 1275 | the court to consider releasing the child from the ~~residential~~
 1276 | commitment program. Notwithstanding s. 743.07 and this
 1277 | subsection, and except as provided in ss. 985.201 and 985.31, a
 1278 | child may not be held under a commitment from a court under
 1279 | ~~pursuant to~~ this section after becoming 21 years of age. The
 1280 | department shall give the court that committed the child to the
 1281 | department reasonable notice, in writing, of its desire to
 1282 | discharge the child from a commitment facility. The court that
 1283 | committed the child may thereafter accept or reject the request.
 1284 | If the court does not respond within 10 days after receipt of
 1285 | the notice, the request of the department shall be deemed
 1286 | granted. This section does not limit the department's authority
 1287 | to revoke a child's temporary release status and return the
 1288 | child to a commitment facility for any violation of the terms
 1289 | and conditions of the temporary release.

1290 | (2) Following a delinquency adjudicatory hearing pursuant
 1291 | to s. 985.228 and a delinquency disposition hearing pursuant to
 1292 | s. 985.23 which results in a commitment determination, the court
 1293 | shall, on its own or upon request by the state or the
 1294 | department, determine whether the protection of the public
 1295 | requires that the child be placed in a program for serious or
 1296 | habitual juvenile offenders and whether the particular needs of
 1297 | the child would be best served by a program for serious or
 1298 | habitual juvenile offenders as provided in s. 985.31. The
 1299 | determination shall be made pursuant to ss. 985.03 (49) ~~(48)~~ and
 1300 | 985.23(3).

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1301 Section 11. Paragraph (a) of subsection (1) of section
1302 985.2311, Florida Statutes, is amended to read:

1303 985.2311 Cost of supervision; cost of care.--

1304 (1) Except as provided in subsection (3) or subsection
1305 (4):

1306 (a) When any child is placed into home detention,
1307 probation, or other supervision status with the department of
1308 ~~Juvenile Justice~~, or is committed to the minimum-risk
1309 nonresidential restrictiveness level, the court shall order the
1310 parent of such child to pay to the department a fee for the cost
1311 of the supervision of such child in the amount of \$1 per day for
1312 each day that the child is in such ~~supervision~~ status.

1313 Section 12. Section 985.313, Florida Statutes, is amended
1314 to read:

1315 985.313 Juvenile correctional facilities ~~or juvenile~~
1316 ~~prison~~.--A juvenile correctional facility ~~or juvenile prison~~ is
1317 a physically secure residential commitment program with a
1318 designated length of stay from 18 months to 36 months, primarily
1319 serving children 13 years of age to 19 years of age, or until
1320 the jurisdiction of the court expires. The court may retain
1321 jurisdiction over the child until the child reaches the age of
1322 21, specifically for the purpose of the child completing the
1323 program. Each child committed to this level must meet one of the
1324 following criteria:

1325 (1) The youth is at least 13 years of age at the time of
1326 the disposition for the current offense and has been adjudicated
1327 on the current offense for:

1328 (a) Arson;

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- 1329 (b) Sexual battery;
- 1330 (c) Robbery;
- 1331 (d) Kidnapping;
- 1332 (e) Aggravated child abuse;
- 1333 (f) Aggravated assault;
- 1334 (g) Aggravated stalking;
- 1335 (h) Murder;
- 1336 (i) Manslaughter;
- 1337 (j) Unlawful throwing, placing, or discharging of a
- 1338 destructive device or bomb;
- 1339 (k) Armed burglary;
- 1340 (l) Aggravated battery;
- 1341 (m) Carjacking;
- 1342 (n) Home-invasion robbery;
- 1343 (o) Burglary with an assault or battery;
- 1344 (p) Any lewd or lascivious offense committed upon or in
- 1345 the presence of a person less than 16 years of age; or
- 1346 (q) Carrying, displaying, using, threatening to use, or
- 1347 attempting to use a weapon or firearm during the commission of a
- 1348 felony.
- 1349 (2) The youth is at least 13 years of age at the time of
- 1350 the disposition, the current offense is a felony, and the child
- 1351 has previously been committed three or more times to a
- 1352 delinquency commitment program.
- 1353 (3) The youth is at least 13 years of age and is currently
- 1354 committed for a felony offense and transferred from a moderate-
- 1355 risk or high-risk residential commitment placement.

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1356 (4) The youth is at least 13 years of age at the time of
 1357 the disposition for the current offense, the youth is eligible
 1358 for prosecution as an adult for the current offense, and the
 1359 current offense is ranked at level 7 or higher on the Criminal
 1360 Punishment Code offense severity ranking chart pursuant to s.
 1361 921.0022.

1362 Section 13. Subsection (3) of section 985.316, Florida
 1363 Statutes, is amended to read:

1364 985.316 Conditional release.--

1365 (3) For juveniles referred or committed to the department,
 1366 the function of the department may include, but shall not be
 1367 limited to, assessing each ~~committed~~ juvenile placed in a
 1368 residential commitment program to determine the need for
 1369 conditional release services upon release from the a~~commitment~~
 1370 program, supervising the juvenile when released into the
 1371 community from a residential commitment facility of the
 1372 department, providing such counseling and other services as may
 1373 be necessary for the families and assisting their preparations
 1374 for the return of the child. Subject to specific appropriation,
 1375 the department shall provide for outpatient sexual offender
 1376 counseling for any juvenile sexual offender released from a
 1377 residential commitment program as a component of conditional
 1378 release.

1379 Section 14. Section 985.403, Florida Statutes, is
 1380 repealed.

1381 Section 15. Task Force on Juvenile Sexual Offenders and
 1382 their Victims.--

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1383 (1) On or before August 1, 2005, there shall be created a
 1384 task force to review and evaluate the state's laws that define
 1385 and address juvenile sex offenders and the Department of
 1386 Juvenile Justice's practices and procedures for serving these
 1387 offenders and their victims. The task force shall make findings
 1388 that include, but are not limited to: identification of statutes
 1389 that address juvenile sexual offenders; a profile of the acts
 1390 committed by each juvenile placed in juvenile sexual offender
 1391 programming in this state between July 2000 and June 2005 and an
 1392 assessment of the appropriateness of those placements based upon
 1393 the acts committed; identification of community-based and
 1394 residential commitment programming available for juvenile sexual
 1395 offenders and an assessment of such programming's effectiveness;
 1396 and identification of qualifications required for staff who
 1397 serve juvenile sexual offenders. Based on its findings, the task
 1398 force shall make recommendations for the improvement of the
 1399 state's laws, policies, programs, and funding for juvenile
 1400 sexual offenders, and such recommendations shall specifically
 1401 include, but are not limited to, identification of criteria that
 1402 should be satisfied prior to placement of a juvenile in juvenile
 1403 sexual offender programming.

1404 (2) The Governor shall appoint up to 12 members to the
 1405 task force. The task force shall be composed of representatives
 1406 who shall include, but are not limited to: a circuit court judge
 1407 with at least 1 year's experience in the juvenile division, a
 1408 state attorney with at least 1 year's experience in the juvenile
 1409 division, a public defender with at least 1 year's experience in
 1410 the juvenile division, one representative of the Department of

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1411 Juvenile Justice, two representatives of providers of juvenile
 1412 sexual offender services, one member of the Florida Juvenile
 1413 Justice Association, one member of the Florida Association for
 1414 the Treatment of Sexual Abusers, and one victim of a juvenile
 1415 sexual offense.

1416 (3) The task force shall submit a written report of its
 1417 findings and recommendations to the Governor, the President of
 1418 the Senate, and the Speaker of the House of Representatives by
 1419 December 1, 2005.

1420 (4) Administrative support for the task force shall be
 1421 provided by the Department of Juvenile Justice. Members of the
 1422 task force shall receive no salary and are not entitled to
 1423 reimbursement for travel and per diem expenses.

1424 (5) The task force shall be dissolved upon submission of
 1425 its report.

1426 Section 16. Task force to study certification for juvenile
 1427 justice provider staff.--

1428 (1) On or before August 1, 2005, there shall be created a
 1429 task force to study the feasibility of establishing a
 1430 certification process for staff employed by a provider under
 1431 contract with the Department of Juvenile Justice to provide
 1432 juvenile justice services to youth.

1433 (2) The Governor shall appoint up to 12 members to the
 1434 task force. The task force shall be composed of representatives
 1435 who shall include, but are not limited to, the following: two
 1436 representatives of the Department of Juvenile Justice, two
 1437 representatives of providers of juvenile justice services, two
 1438 members of the Florida Juvenile Justice Association, two

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1439 provider employees who provide direct care services, and two
1440 representatives of the Florida Certification Board.

1441 (3) The task force shall consider the feasibility of
1442 implementing and operating a certification system for staff who
1443 work in juvenile justice facilities, services, or programs. At a
1444 minimum, the task force shall consider and make recommendations
1445 concerning: per diem levels, the occupational levels of staff
1446 subject to certification, the criteria that may be used to
1447 certify staff, the levels of certification, and a process for
1448 testing and validating the effectiveness of any recommended
1449 staff certification system. In making its recommendations, the
1450 task force shall make findings regarding the benefits of a staff
1451 certification system for the state's juvenile justice
1452 programming and the cost to implement such a system.

1453 (4) The task force shall submit a written report of its
1454 findings and recommendations to the Governor, the President of
1455 the Senate, and the Speaker of the House of Representatives by
1456 January 1, 2006.

1457 (5) Administrative support for the task force shall be
1458 provided by the Department of Juvenile Justice. Members of the
1459 task force shall receive no salary and are not entitled to
1460 reimbursement for travel and per diem expenses.

1461 (6) The task force shall be dissolved upon submission of
1462 its report.

1463 Section 17. Subsection (4) of section 985.404, Florida
1464 Statutes, is amended to read:

1465 985.404 Administering the juvenile justice continuum.--

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1466 (4) The department may transfer a child, when necessary to
 1467 appropriately administer the child's commitment, from one
 1468 facility or program to another facility or program operated,
 1469 contracted, subcontracted, or designated by the department,
 1470 including a postcommitment nonresidential conditional release
 1471 program. The department shall notify the court that committed
 1472 the child to the department and any attorney of record, in
 1473 writing, of its intent to transfer the child from a commitment
 1474 facility or program to another facility or program of a higher
 1475 or lower restrictiveness level or to another facility or program
 1476 that is different from a facility or program specified by the
 1477 court under s. 985.231(1)(a)3. After receipt of the notice, the
 1478 court that committed the child may agree to the transfer or may
 1479 set a hearing to review the transfer, after which the court
 1480 shall issue a written order granting or denying the transfer or
 1481 may, without setting a hearing, issue a written order granting
 1482 or denying the transfer. No child shall be transferred by the
 1483 department to a higher or lower restrictiveness level or to a
 1484 facility or program different from that specified by the court
 1485 under s. 985.231(1)(a)3. prior to the department receiving a
 1486 written court order granting the transfer. If the court does not
 1487 respond within 10 days after receipt of the notice, the transfer
 1488 of the child shall be deemed granted.

1489 Section 18. Subsections (2) and (10) of section 985.4135,
 1490 Florida Statutes, are amended to read:

1491 985.4135 Juvenile justice circuit boards and juvenile
 1492 justice county councils.--

1493 (2) Each juvenile justice county council shall:

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1494 (a) Develop a juvenile justice prevention and early
 1495 intervention plan for the county and shall collaborate with the
 1496 circuit board and other county councils assigned to that circuit
 1497 in the development of a comprehensive plan for the circuit.

1498 (b) Develop, with the cooperation of county commissioners,
 1499 school board officials, representatives of governing bodies for
 1500 local municipalities, and representatives of local law
 1501 enforcement agencies, criteria to be considered by law
 1502 enforcement officers prior to referring youth to juvenile
 1503 assessment centers.

1504 (10) Membership of the juvenile justice county councils,
 1505 or juvenile justice circuit boards established under subsection
 1506 (9), ~~may~~ must include representatives from the following
 1507 entities:

1508 (a) Representatives from the school district, which may
 1509 include elected school board officials, the school
 1510 superintendent, school or district administrators, teachers, and
 1511 counselors.

1512 (b) Representatives of the board of county commissioners.

1513 (c) Representatives of the governing bodies of local
 1514 municipalities within the county.

1515 (d) A representative of the corresponding circuit or
 1516 regional entity of the Department of Children and Family
 1517 Services.

1518 (e) Representatives of local law enforcement agencies,
 1519 including the sheriff or the sheriff's designee.

1520 (f) Representatives of the judicial system.

1521 (g) Representatives of the business community.

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1522 (h) Representatives of other interested officials, groups,
1523 or entities, including, but not limited to, a children's
1524 services council, public or private providers of juvenile
1525 justice programs and services, students, parents, and advocates.
1526 Private providers of juvenile justice programs may not exceed
1527 one-third of the voting membership.

1528 (i) Representatives of the faith community.

1529 (j) Representatives of victim-service programs and victims
1530 of crimes.

1531 (k) Representatives of the Department of Corrections.

1532 Section 19. Section 784.075, Florida Statutes, is amended
1533 to read:

1534 784.075 Battery on detention or commitment facility staff
1535 or a juvenile probation officer.--A person who commits a battery
1536 on a juvenile probation officer, as defined in s. 984.03 or s.
1537 985.03, on other staff of a detention center or facility as
1538 defined in s. 984.03(19) or s. 985.03(20)(~~19~~), or on a staff
1539 member of a commitment facility as defined in s. 985.03(46)(~~45~~),
1540 commits a felony of the third degree, punishable as provided in
1541 s. 775.082, s. 775.083, or s. 775.084. For purposes of this
1542 section, a staff member of the facilities listed includes
1543 persons employed by the Department of Juvenile Justice, persons
1544 employed at facilities licensed by the Department of Juvenile
1545 Justice, and persons employed at facilities operated under a
1546 contract with the Department of Juvenile Justice.

1547 Section 20. Section 984.05, Florida Statutes, is amended
1548 to read:

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1549 984.05 Rules relating to habitual truants; adoption by
1550 State Board of Education and Department of Juvenile
1551 Justice.--The Department of Juvenile Justice and the State Board
1552 of Education shall work together on the development of, and
1553 shall adopt, rules as necessary for the implementation of ss.
1554 984.03(27), 985.03(26)~~(25)~~, and 1003.27.

1555 Section 21. Paragraph (e) of subsection (3) and paragraph
1556 (a) of subsection (4) of section 985.31, Florida Statutes, are
1557 amended, and for the purpose of incorporating the amendment to
1558 section 985.231, Florida Statutes, in references thereto,
1559 paragraph (k) of subsection (3) of said section is reenacted to
1560 read:

1561 985.31 Serious or habitual juvenile offender.--

1562 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
1563 TREATMENT.--

1564 (e) After a child has been adjudicated delinquent pursuant
1565 to s. 985.228, the court shall determine whether the child meets
1566 the criteria for a serious or habitual juvenile offender
1567 pursuant to s. 985.03(49)~~(48)~~. If the court determines that the
1568 child does not meet such criteria, the provisions of s.
1569 985.231(1) shall apply.

1570 (k) Any commitment of a child to the department for
1571 placement in a serious or habitual juvenile offender program or
1572 facility shall be for an indeterminate period of time, but the
1573 time shall not exceed the maximum term of imprisonment which an
1574 adult may serve for the same offense. Notwithstanding the
1575 provisions of ss. 743.07 and 985.231(1)(d), a serious or
1576 habitual juvenile offender shall not be held under commitment

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1577 from a court pursuant to this section, s. 985.231, or s. 985.233
 1578 after becoming 21 years of age. This provision shall apply only
 1579 for the purpose of completing the serious or habitual juvenile
 1580 offender program pursuant to this chapter and shall be used
 1581 solely for the purpose of treatment.

1582 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

1583 (a) Pursuant to the provisions of this section, the
 1584 department shall implement the comprehensive assessment
 1585 instrument for the treatment needs of serious or habitual
 1586 juvenile offenders and for the assessment, which assessment
 1587 shall include the criteria under s. 985.03(49)(~~48~~) and shall
 1588 also include, but not be limited to, evaluation of the child's:

- 1589 1. Amenability to treatment.
- 1590 2. Proclivity toward violence.
- 1591 3. Tendency toward gang involvement.
- 1592 4. Substance abuse or addiction and the level thereof.
- 1593 5. History of being a victim of child abuse or sexual
 1594 abuse, or indication of sexual behavior dysfunction.
- 1595 6. Number and type of previous adjudications, findings of
 1596 guilt, and convictions.
- 1597 7. Potential for rehabilitation.

1598 Section 22. Subsection (2) of section 985.3141, Florida
 1599 Statutes, is amended to read:

1600 985.3141 Escapes from secure detention or residential
 1601 commitment facility.--An escape from:

1602 (2) Any residential commitment facility described in s.
 1603 985.03(46)(~~45~~), maintained for the custody, treatment,

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1604 | punishment, or rehabilitation of children found to have
 1605 | committed delinquent acts or violations of law; or
 1606 |
 1607 | constitutes escape within the intent and meaning of s. 944.40
 1608 | and is a felony of the third degree, punishable as provided in
 1609 | s. 775.082, s. 775.083, or s. 775.084.

1610 | Section 23. For the purpose of incorporating the amendment
 1611 | to section 985.231, Florida Statutes, in a reference thereto,
 1612 | paragraph (a) of subsection (4) of section 985.201, Florida
 1613 | Statutes, is reenacted to read:

1614 | 985.201 Jurisdiction.--

1615 | (4)(a) Notwithstanding ss. 743.07, 985.229, 985.23, and
 1616 | 985.231, and except as provided in ss. 985.31 and 985.313, when
 1617 | the jurisdiction of any child who is alleged to have committed a
 1618 | delinquent act or violation of law is obtained, the court shall
 1619 | retain jurisdiction, unless relinquished by its order, until the
 1620 | child reaches 19 years of age, with the same power over the
 1621 | child that the court had prior to the child becoming an adult.

1622 | Section 24. For the purpose of incorporating the amendment
 1623 | to section 985.231, Florida Statutes, in a reference thereto,
 1624 | paragraph (b) of subsection (4) of section 985.233, Florida
 1625 | Statutes, is reenacted to read:

1626 | 985.233 Sentencing powers; procedures; alternatives for
 1627 | juveniles prosecuted as adults.--

1628 | (4) SENTENCING ALTERNATIVES.--

1629 | (b) Sentencing to juvenile sanctions.--For juveniles
 1630 | transferred to adult court but who do not qualify for such
 1631 | transfer pursuant to s. 985.226(2)(b) or s. 985.227(2)(a) or

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1632 (b), the court may impose juvenile sanctions under this
 1633 paragraph. If juvenile sentences are imposed, the court shall,
 1634 pursuant to this paragraph, adjudge the child to have committed
 1635 a delinquent act. Adjudication of delinquency shall not be
 1636 deemed a conviction, nor shall it operate to impose any of the
 1637 civil disabilities ordinarily resulting from a conviction. The
 1638 court shall impose an adult sanction or a juvenile sanction and
 1639 may not sentence the child to a combination of adult and
 1640 juvenile punishments. An adult sanction or a juvenile sanction
 1641 may include enforcement of an order of restitution or probation
 1642 previously ordered in any juvenile proceeding. However, if the
 1643 court imposes a juvenile sanction and the department determines
 1644 that the sanction is unsuitable for the child, the department
 1645 shall return custody of the child to the sentencing court for
 1646 further proceedings, including the imposition of adult
 1647 sanctions. Upon adjudicating a child delinquent under subsection
 1648 (1), the court may:

1649 1. Place the child in a probation program under the
 1650 supervision of the department for an indeterminate period of
 1651 time until the child reaches the age of 19 years or sooner if
 1652 discharged by order of the court.

1653 2. Commit the child to the department for treatment in an
 1654 appropriate program for children for an indeterminate period of
 1655 time until the child is 21 or sooner if discharged by the
 1656 department. The department shall notify the court of its intent
 1657 to discharge no later than 14 days prior to discharge. Failure
 1658 of the court to timely respond to the department's notice shall
 1659 be considered approval for discharge.

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1660 3. Order disposition pursuant to s. 985.231 as an
1661 alternative to youthful offender or adult sentencing if the
1662 court determines not to impose youthful offender or adult
1663 sanctions.

1664
1665 It is the intent of the Legislature that the criteria and
1666 guidelines in this subsection are mandatory and that a
1667 determination of disposition under this subsection is subject to
1668 the right of the child to appellate review under s. 985.234.

1669 Section 25. For the purpose of incorporating the amendment
1670 to section 985.231, Florida Statutes, in a reference thereto,
1671 paragraph (e) of subsection (3) of section 985.311, Florida
1672 Statutes, is reenacted to read:

1673 985.311 Intensive residential treatment program for
1674 offenders less than 13 years of age.--

1675 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
1676 TREATMENT.--

1677 (e) After a child has been adjudicated delinquent pursuant
1678 to s. 985.228(5), the court shall determine whether the child is
1679 eligible for an intensive residential treatment program for
1680 offenders less than 13 years of age pursuant to s. 985.03(7). If
1681 the court determines that the child does not meet the criteria,
1682 the provisions of s. 985.231(1) shall apply.

1683 Section 26. This act shall take effect July 1, 2005.