

1 A bill to be entitled

2 An act relating to juvenile justice; amending s. 943.0515,
3 F.S.; deleting the term "juvenile prison"; amending s.
4 985.03, F.S.; revising definitions relating to juvenile
5 justice; creating a definition for the term "day
6 treatment"; creating the minimum-risk nonresidential
7 restrictiveness level; providing that temporary release
8 may be granted under specified conditions to youth
9 committed to the high-risk residential restrictiveness
10 level; providing that high-risk residential facilities may
11 be environmentally secure; removing juvenile prisons from
12 the maximum-risk residential level; amending s. 985.201,
13 F.S.; conforming to definition changes; amending s.
14 985.207, F.S.; providing that a child may be taken into
15 custody for absconding from a nonresidential commitment
16 facility; providing for a child to be taken into custody
17 for specified court findings; amending s. 985.208, F.S.;
18 providing that a child may be taken into custody for
19 absconding from a nonresidential commitment facility;
20 amending s. 985.213, F.S.; providing that permissible
21 detention findings include specified criteria for taking a
22 child into custody; amending s. 985.215, F.S.; providing
23 for release from detention for a child who has absconded;
24 providing exceptions that permit a child to be placed in
25 detention postadjudication for more than 15 days;
26 providing procedures for exceptions; conforming a cross
27 reference; providing for detention for committed children
28 awaiting placement; providing secure detention for

29 | children awaiting minimum-risk placement who violate home
30 | or nonsecure detention or electronic monitoring; providing
31 | for limited secure detention for children being
32 | transported to residential commitment programs; amending
33 | s. 985.2155, F.S.; revising the definition of a fiscally
34 | constrained county; amending s. 985.228, F.S.; requiring
35 | the court to include specified conditions in an order of
36 | adjudication of delinquency that are applicable to a youth
37 | for the postadjudication and predisposition period;
38 | amending s. 985.231, F.S.; revising provisions relating to
39 | powers of disposition; permitting a court to specify the
40 | program or facility a youth shall be placed in when
41 | committed; providing procedures for a court's specific
42 | placement; providing for commitment of a child to a
43 | specific high-risk residential or maximum-risk residential
44 | program or facility; providing the maximum length for a
45 | minimum-risk nonresidential commitment for a second degree
46 | misdemeanor; providing that the department or a provider
47 | report quarterly to the court the child's treatment plan
48 | progress; making conforming changes; amending s. 985.2311,
49 | F.S.; providing that parents shall pay fees for costs of
50 | supervision related to minimum-risk nonresidential
51 | commitment; amending s. 985.313, F.S.; conforming to
52 | definitions changes; amending s. 985.316, F.S.; providing
53 | for assessment of residentially committed youth for
54 | conditional release services; repealing s. 985.403, F.S.,
55 | relating to the Task Force on Juvenile Sexual Offenders
56 | and their Victims; creating a new task force on juvenile

57 | sexual offenders and their victims; providing powers and
58 | duties; providing membership; requiring a report;
59 | providing for administrative support; providing for
60 | dissolution of the task force; creating a task force to
61 | study the certification of professional staff working for
62 | a provider of juvenile justice services; providing
63 | membership; requiring the task force to consider the
64 | feasibility of implementing and operating a certification
65 | system for professional staff; requiring the task force to
66 | consider specified issues; directing the task force to
67 | recommend a process for testing and validating the
68 | effectiveness of the recommended staff development system;
69 | requiring the task force to prepare and submit a report of
70 | its deliberations and recommendations by a specified date;
71 | providing for administrative support; providing for
72 | dissolution of the task force; amending s. 985.404, F.S.;
73 | requiring the court to issue written orders granting or
74 | denying specified department-requested transfers for
75 | committed youth; permitting the court to conduct a
76 | hearing; prohibiting specified department-requested
77 | transfers prior to department receipt of a written court
78 | order granting the transfer; amending s. 985.4135, F.S.;
79 | requiring juvenile justice county councils to develop
80 | criteria for law enforcement referrals to juvenile
81 | assessment centers; providing for permissible
82 | representation on juvenile justice county councils or
83 | circuit boards; amending ss. 784.075, 984.05, 985.31, and
84 | 985.3141, F.S.; conforming cross references; reenacting

85 ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k), and
86 985.311(3)(e), F.S., relating to jurisdiction, sentencing
87 alternatives, commitment of serious or habitual juvenile
88 offenders, and eligibility for an intensive residential
89 treatment program for offenders less than 13 years of age,
90 respectively, to incorporate the amendment to s. 985.231,
91 F.S., in reference thereto; amending s. 985.407, F.S.;
92 changing the level of background screening required for
93 certain department and provider employees from level 1 to
94 level 2; requiring federal criminal records checks every 5
95 years for certain department and provider employees;
96 providing for electronic submission of specified
97 fingerprint information; providing for retention of
98 specified fingerprint information; providing for searches;
99 requiring the adoption of rules; providing for an annual
100 fee; providing for notice of changes in the employment
101 status of persons whose fingerprint information is
102 retained; requiring the removal of fingerprint information
103 upon the occurrence of specified events; providing an
104 effective date.

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

106
107 Section 1. Subsection (1) of section 943.0515, Florida
108 Statutes, is amended to read:

109 943.0515 Retention of criminal history records of
110 minors.--

111 (1) (a) The Criminal Justice Information Program shall
112 retain the criminal history record of a minor who is classified

113 as a serious or habitual juvenile offender or committed to a
 114 juvenile correctional facility ~~or juvenile prison~~ under chapter
 115 985 for 5 years after the date the offender reaches 21 years of
 116 age, at which time the record shall be expunged unless it meets
 117 the criteria of paragraph (2)(a) or paragraph (2)(b).

118 (b) If the minor is not classified as a serious or
 119 habitual juvenile offender or committed to a juvenile
 120 correctional facility ~~or juvenile prison~~ under chapter 985, the
 121 program shall retain the minor's criminal history record for 5
 122 years after the date the minor reaches 19 years of age, at which
 123 time the record shall be expunged unless it meets the criteria
 124 of paragraph (2)(a) or paragraph (2)(b).

125 Section 2. Section 985.03, Florida Statutes, is amended to
 126 read:

127 985.03 Definitions. --As ~~When~~ used in this chapter, the
 128 term:

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

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

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

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

140 (5) "Authorized agent" or "designee" of the department
 141 means a person or agency assigned or designated by the
 142 department ~~of Juvenile Justice~~ or the Department of Children and
 143 Family Services, as appropriate, to perform duties or exercise
 144 powers under ~~pursuant to~~ this chapter and includes contract
 145 providers and their employees for purposes of providing services
 146 to and managing cases of children in need of services and
 147 families in need of services.

148 (6) "Child" or "juvenile" or "youth" means any unmarried
 149 person under the age of 18 who has not been emancipated by order
 150 of the court and who has been found or alleged to be dependent,
 151 in need of services, or from a family in need of services; or
 152 any married or unmarried person who is charged with a violation
 153 of law occurring prior to the time that person reached the age
 154 of 18 years.

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

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

- 163 1. Arson;
- 164 2. Sexual battery;
- 165 3. Robbery;
- 166 4. Kidnapping;
- 167 5. Aggravated child abuse;

- 168 | 6. Aggravated assault;
- 169 | 7. Aggravated stalking;
- 170 | 8. Murder;
- 171 | 9. Manslaughter;
- 172 | 10. Unlawful throwing, placing, or discharging of a
- 173 | destructive device or bomb;
- 174 | 11. Armed burglary;
- 175 | 12. Aggravated battery;
- 176 | 13. Any lewd or lascivious offense committed upon or in
- 177 | the presence of a person less than 16 years of age; or
- 178 | 14. Carrying, displaying, using, threatening, or
- 179 | attempting to use a weapon or firearm during the commission of a
- 180 | felony.

181 | (b) The child is less than 13 years of age at the time of
 182 | the disposition, the current offense is a felony, and the child
 183 | has previously been committed at least once to a delinquency
 184 | commitment program.

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

188 | (8) "Child in need of services" means a child for whom
 189 | there is no pending investigation into an allegation or
 190 | suspicion of abuse, neglect, or abandonment; no pending referral
 191 | alleging the child is delinquent; or no current supervision by
 192 | the department ~~of Juvenile Justice~~ or the Department of Children
 193 | and Family Services for an adjudication of dependency or
 194 | delinquency. The child must also, under ~~pursuant to~~ this
 195 | chapter, be found by the court:

196 (a) To have persistently run away from the child's parents
 197 or legal custodians despite reasonable efforts of the child, the
 198 parents or legal custodians, and appropriate agencies to remedy
 199 the conditions contributing to the behavior. Reasonable efforts
 200 shall include voluntary participation by the child's parents or
 201 legal custodians and the child in family mediation, services,
 202 and treatment offered by the department ~~of Juvenile Justice~~ or
 203 the Department of Children and Family Services;

204 (b) To be habitually truant from school, while subject to
 205 compulsory school attendance, despite reasonable efforts to
 206 remedy the situation under ~~pursuant to~~ ss. 1003.26 and 1003.27
 207 and through voluntary participation by the child's parents or
 208 legal custodians and by the child in family mediation, services,
 209 and treatment offered by the department ~~of Juvenile Justice~~ or
 210 the Department of Children and Family Services; or

211 (c) To have persistently disobeyed the reasonable and
 212 lawful demands of the child's parents or legal custodians, and
 213 to be beyond their control despite efforts by the child's
 214 parents or legal custodians and appropriate agencies to remedy
 215 the conditions contributing to the behavior. Reasonable efforts
 216 may include such things as good faith participation in family or
 217 individual counseling.

218 (9) "Child who has been found to have committed a
 219 delinquent act" means a child who, under ~~pursuant to the~~
 220 ~~provisions of~~ this chapter, is found by a court to have
 221 committed a violation of law or to be in direct or indirect
 222 contempt of court, except that this definition shall not include
 223 an act constituting contempt of court arising out of a

224 dependency proceeding or a proceeding under ~~pursuant to~~ part III
 225 ~~of this chapter.~~

226 (10) "Child support" means a court-ordered obligation,
 227 enforced under chapter 61 and ss. 409.2551-409.2597, for
 228 monetary support for the care, maintenance, training, and
 229 education of a child.

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

232 (12) "Comprehensive assessment" or "assessment" means the
 233 gathering of information for the evaluation of a juvenile
 234 offender's or a child's physical, psychological, educational,
 235 vocational, and social condition and family environment as they
 236 relate to the child's need for rehabilitative and treatment
 237 services, including substance abuse treatment services, mental
 238 health services, developmental services, literacy services,
 239 medical services, family services, and other specialized
 240 services, as appropriate.

241 (13) "Conditional release" means the care, treatment,
 242 help, and supervision provided to a juvenile released from a
 243 residential commitment program which is intended to promote
 244 rehabilitation and prevent recidivism. The purpose of
 245 conditional release is to protect the public, reduce recidivism,
 246 increase responsible productive behavior, and provide for a
 247 successful transition of the youth from the department to the
 248 family. Conditional release includes, but is not limited to,
 249 nonresidential community-based programs.

250 (14) "Court," unless otherwise expressly stated, means the
 251 circuit court assigned to exercise jurisdiction under this
 252 chapter.

253 (15) "Day treatment" means a nonresidential, community-
 254 based program designed to provide therapeutic intervention to
 255 youth who are placed on probation or conditional release or are
 256 committed to the minimum-risk nonresidential level. A day
 257 treatment program may provide educational and vocational
 258 services and shall provide case management services; individual,
 259 group, and family counseling; training designed to address
 260 delinquency risk factors; and monitoring of a youth's compliance
 261 with, and facilitation of a youth's completion of, sanctions if
 262 ordered by the court. Program types may include, but are not
 263 limited to, career programs, marine programs, juvenile justice
 264 alternative schools, training and rehabilitation programs, and
 265 gender-specific programs.

266 (16) ~~(15)~~ (a) "Delinquency program" means any intake,
 267 probation, or similar program; regional detention center or
 268 facility; or community-based program, whether owned and operated
 269 by or contracted by the department ~~of Juvenile Justice~~, or
 270 institution owned and operated by or contracted by the
 271 department ~~of Juvenile Justice~~, which provides intake,
 272 supervision, or custody and care of children who are alleged to
 273 be or who have been found to be delinquent under ~~pursuant to~~
 274 part II.

275 (b) "Delinquency program staff" means supervisory and
 276 direct care staff of a delinquency program as well as support

277 staff who have direct contact with children in a delinquency
278 program.

279 (c) "Delinquency prevention programs" means programs
280 designed for the purpose of reducing the occurrence of
281 delinquency, including youth and street gang activity, and
282 juvenile arrests. The term excludes arbitration, diversionary or
283 mediation programs, and community service work or other
284 treatment available subsequent to a child committing a
285 delinquent act.

286 (17)~~(16)~~ "Department" means the Department of Juvenile
287 Justice.

288 (18)~~(17)~~ "Designated facility" or "designated treatment
289 facility" means any facility designated by the department of
290 ~~Juvenile Justice~~ to provide treatment to juvenile offenders.

291 (19)~~(18)~~ "Detention care" means the temporary care of a
292 child in secure, nonsecure, or home detention, pending a court
293 adjudication or disposition or execution of a court order. There
294 are three types of detention care, as follows:

295 (a) "Secure detention" means temporary custody of the
296 child while the child is under the physical restriction of a
297 detention center or facility pending adjudication, disposition,
298 or placement.

299 (b) "Nonsecure detention" means temporary custody of the
300 child while the child is in a residential home in the community
301 in a physically nonrestrictive environment under the supervision
302 of the department of ~~Juvenile Justice~~ pending adjudication,
303 disposition, or placement.

304 (c) "Home detention" means temporary custody of the child
 305 while the child is released to the custody of the parent,
 306 guardian, or custodian in a physically nonrestrictive
 307 environment under the supervision of the department's ~~Department~~
 308 ~~of Juvenile Justice~~ staff pending adjudication, disposition, or
 309 placement.

310 (20) ~~(19)~~ "Detention center or facility" means a facility
 311 used pending court adjudication or disposition or execution of
 312 court order for the temporary care of a child alleged or found
 313 to have committed a violation of law. A detention center or
 314 facility may provide secure or nonsecure custody. A facility
 315 used for the commitment of adjudicated delinquents shall not be
 316 considered a detention center or facility.

317 (21) ~~(20)~~ "Detention hearing" means a hearing for the court
 318 to determine if a child should be placed in temporary custody,
 319 as provided for under ss. 985.213 and 985.215 in delinquency
 320 cases.

321 (22) ~~(21)~~ "Disposition hearing" means a hearing in which
 322 the court determines the most appropriate dispositional services
 323 in the least restrictive available setting provided for under s.
 324 985.231, in delinquency cases.

325 (23) ~~(22)~~ "Family" means a collective of persons,
 326 consisting of a child and a parent, guardian, adult custodian,
 327 or adult relative, in which:

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

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

333 (24)~~(23)~~ "Family in need of services" means a family that
 334 has a child for whom there is no pending investigation into an
 335 allegation of abuse, neglect, or abandonment or no current
 336 supervision by the department ~~of Juvenile Justice~~ or the
 337 Department of Children and Family Services for an adjudication
 338 of dependency or delinquency. The child must also have been
 339 referred to a law enforcement agency or the department ~~of~~
 340 ~~Juvenile Justice~~ for:

- 341 (a) Running away from parents or legal custodians;
- 342 (b) Persistently disobeying reasonable and lawful demands
 343 of parents or legal custodians, and being beyond their control;
 344 or
- 345 (c) Habitual truancy from school.

346 (25)~~(24)~~ "Foster care" means care provided a child in a
 347 foster family or boarding home, group home, agency boarding
 348 home, child care institution, or any combination thereof.

349 (26)~~(25)~~ "Habitually truant" means that:

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

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

359
360 If a child who is subject to compulsory school attendance is
361 responsive to the interventions described in ss. 1003.26 and
362 1003.27 and has completed the necessary requirements to pass the
363 current grade as indicated in the district pupil progression
364 plan, the child shall not be determined to be habitually truant
365 and shall be passed. If a child within the compulsory school
366 attendance age has 15 unexcused absences within 90 calendar days
367 or fails to enroll in school, the state attorney may file a
368 child-in-need-of-services petition. Before ~~Prior to~~ filing a
369 petition, the child must be referred to the appropriate agency
370 for evaluation. After consulting with the evaluating agency, the
371 state attorney may elect to file a child-in-need-of-services
372 petition.

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

384 services required to remedy the conditions that are contributing
385 to the truant behavior.

386 (d) The failure or refusal of the parent or legal guardian
387 or the child to participate, or make a good faith effort to
388 participate, in the activities prescribed to remedy the truant
389 behavior, or the failure or refusal of the child to return to
390 school after participation in activities required by this
391 subsection, or the failure of the child to stop the truant
392 behavior after the school administration and the department ~~of~~
393 ~~Juvenile Justice~~ have worked with the child as described in s.
394 1003.27(3) shall be handled as prescribed in s. 1003.27.

395 (27)~~(26)~~ "Halfway house" means a community-based
396 residential program for 10 or more committed delinquents at the
397 moderate-risk commitment level which is operated or contracted
398 by the department ~~of Juvenile Justice~~.

399 (28)~~(27)~~ "Intake" means the initial acceptance and
400 screening by the department ~~of Juvenile Justice~~ of a complaint
401 or a law enforcement report or probable cause affidavit of
402 delinquency, family in need of services, or child in need of
403 services to determine the recommendation to be taken in the best
404 interests of the child, the family, and the community. The
405 emphasis of intake is on diversion and the least restrictive
406 available services. Consequently, intake includes such
407 alternatives as:

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

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

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

415 (29)~~(28)~~ "Judge" means the circuit judge exercising
416 jurisdiction pursuant to this chapter.

417 (30)~~(29)~~ "Juvenile justice continuum" includes, but is not
418 limited to, delinquency prevention programs and services
419 designed for the purpose of preventing or reducing delinquent
420 acts, including criminal activity by youth gangs, and juvenile
421 arrests, as well as programs and services targeted at children
422 who have committed delinquent acts, and children who have
423 previously been committed to residential treatment programs for
424 delinquents. The term includes children-in-need-of-services and
425 families-in-need-of-services programs; conditional release;
426 substance abuse and mental health programs; educational and
427 career programs; recreational programs; community services
428 programs; community service work programs; and alternative
429 dispute resolution programs serving children at risk of
430 delinquency and their families, whether offered or delivered by
431 state or local governmental entities, public or private for-
432 profit or not-for-profit organizations, or religious or
433 charitable organizations.

434 (31)~~(30)~~ "Juvenile probation officer" means the authorized
435 agent of the department of ~~Juvenile Justice~~ who performs the
436 intake, case management, or supervision functions.

437 (32)~~(31)~~ "Juvenile sexual offender" means:

438 (a) A juvenile who has been found by the court under
439 ~~pursuant to~~ s. 985.228 to have committed a violation of chapter
440 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133;

441 (b) A juvenile found to have committed any felony
442 violation of law or delinquent act involving juvenile sexual
443 abuse. "Juvenile sexual abuse" means any sexual behavior which
444 occurs without consent, without equality, or as a result of
445 coercion. For purposes of this subsection, the following
446 definitions apply:

447 1. "Coercion" means the exploitation of authority, use of
448 bribes, threats of force, or intimidation to gain cooperation or
449 compliance.

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

453 3. "Consent" means an agreement including all of the
454 following:

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

457 b. Knowledge of societal standards for what is being
458 proposed.

459 c. Awareness of potential consequences and alternatives.

460 d. Assumption that agreement or disagreement will be
461 accepted equally.

462 e. Voluntary decision.

463 f. Mental competence.

464

465 Juvenile sexual offender behavior ranges from noncontact sexual
466 behavior such as making obscene phone calls, exhibitionism,
467 voyeurism, and the showing or taking of lewd photographs to
468 varying degrees of direct sexual contact, such as frottage,
469 fondling, digital penetration, rape, fellatio, sodomy, and
470 various other sexually aggressive acts.

471 (33)~~(32)~~ "Legal custody or guardian" means a legal status
472 created by court order or letter of guardianship which vests in
473 a custodian of the person or guardian, whether an agency or an
474 individual, the right to have physical custody of the child and
475 the right and duty to protect, train, and discipline the child
476 and to provide him or her with food, shelter, education, and
477 ordinary medical, dental, psychiatric, and psychological care.

478 (34)~~(33)~~ "Licensed child-caring agency" means a person,
479 society, association, or agency licensed by the Department of
480 Children and Family Services to care for, receive, and board
481 children.

482 (35)~~(34)~~ "Licensed health care professional" means a
483 physician licensed under chapter 458, an osteopathic physician
484 licensed under chapter 459, a nurse licensed under part I of
485 chapter 464, a physician assistant licensed under chapter 458 or
486 chapter 459, or a dentist licensed under chapter 466.

487 (36)~~(35)~~ "Likely to injure oneself" means that, as
488 evidenced by violent or other actively self-destructive
489 behavior, it is more likely than not that within a 24-hour
490 period the child will attempt to commit suicide or inflict
491 serious bodily harm on himself or herself.

492 ~~(37)~~(36) "Likely to injure others" means that it is more
493 likely than not that within a 24-hour period the child will
494 inflict serious and unjustified bodily harm on another person.

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

505 ~~(39)~~(38) "Necessary medical treatment" means care which is
506 necessary within a reasonable degree of medical certainty to
507 prevent the deterioration of a child's condition or to alleviate
508 immediate pain of a child.

509 ~~(40)~~(39) "Next of kin" means an adult relative of a child
510 who is the child's brother, sister, grandparent, aunt, uncle, or
511 first cousin.

512 ~~(41)~~(40) "Parent" means a woman who gives birth to a child
513 and a man whose consent to the adoption of the child would be
514 required under s. 63.062(1). If a child has been legally
515 adopted, the term "parent" means the adoptive mother or father
516 of the child. The term does not include an individual whose
517 parental relationship to the child has been legally terminated,
518 or an alleged or prospective parent, unless the parental status
519 falls within the terms of either s. 39.503(1) or s. 63.062(1).

520 (42)~~(41)~~ "Preliminary screening" means the gathering of
521 preliminary information to be used in determining a child's need
522 for further evaluation or assessment or for referral for other
523 substance abuse services through means such as psychosocial
524 interviews; urine and breathalyzer screenings; and reviews of
525 available educational, delinquency, and dependency records of
526 the child.

527 (43)~~(42)~~ "Preventive services" means social services and
528 other supportive and rehabilitative services provided to the
529 parent of the child, the legal guardian of the child, or the
530 custodian of the child and to the child for the purpose of
531 averting the removal of the child from the home or disruption of
532 a family that ~~which~~ will or could result in the placement of a
533 child in foster care. Social services and other supportive and
534 rehabilitative services shall promote the child's need for a
535 safe, continuous, stable living environment and shall promote
536 family autonomy and shall strengthen family life as the first
537 priority whenever possible.

538 (44)~~(43)~~ "Probation" means the legal status of probation
539 created by law and court order in cases involving a child who
540 has been found to have committed a delinquent act. Probation is
541 an individualized program in which the freedom of the child is
542 limited and the child is restricted to noninstitutional quarters
543 or restricted to the child's home in lieu of commitment to the
544 custody of the department ~~of Juvenile Justice~~. Youth on
545 probation may be assessed and classified for placement in day-
546 treatment probation programs designed for youth who represent a
547 minimum risk to themselves and public safety and do not require

548 placement and services in a residential setting. ~~Program types~~
549 ~~in this more intensive and structured day treatment probation~~
550 ~~option include career programs, marine programs, juvenile~~
551 ~~justice alternative schools, training and rehabilitation~~
552 ~~programs, and gender specific programs.~~

553 (45)~~(44)~~ "Relative" means a grandparent, great-
554 grandparent, sibling, first cousin, aunt, uncle, great-aunt,
555 great-uncle, niece, or nephew, whether related by the whole or
556 half blood, by affinity, or by adoption. The term does not
557 include a stepparent.

558 (46)~~(45)~~ "Restrictiveness Residential Commitment level"
559 means the level of programming and security provided by programs
560 that service the supervision, custody, care, and treatment needs
561 of committed children. Sections 985.3141 and 985.404(11) apply
562 to children placed in programs at any residential commitment
563 level. The restrictiveness levels of ~~residential~~ commitment are
564 as follows:

565 (a) Minimum-risk nonresidential.--Programs or program
566 models at this commitment level work with youth who remain in
567 the community and participate at least 5 days per week in a day
568 treatment program. Youth assessed and classified for programs at
569 this commitment level represent a minimum risk to themselves and
570 public safety and do not require placement and services in
571 residential settings. Youth in this level have full access to,
572 and reside in, the community. A youth who has been found to have
573 committed delinquent acts that involve firearms, delinquent acts
574 that are sexual offenses, or delinquent acts that would be life

575 felonies or first degree felonies if committed by an adult shall
 576 not be committed to a program at this level.

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

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

600 (d)~~(e)~~ High-risk residential.--Programs or program models
 601 at this commitment level are residential and do ~~shall~~ not allow
 602 youth to have access to the community, except that temporary

603 release providing community access for up to 72 continuous hours
604 for a youth who has made successful progress in his or her
605 program may be approved by a court in order to attend a family
606 emergency or, during the final 60 days of his or her placement,
607 to visit his or her home, enroll in school or a vocational
608 program, complete a job interview, or participate in a community
609 service project. High-risk residential facilities are hardware-
610 secure with perimeter fencing and locking doors or are
611 environmentally secure. Facilities shall provide 24-hour awake
612 supervision, custody, care, and treatment of residents. Youth
613 assessed and classified for this level of placement require
614 close supervision in a structured residential setting. Placement
615 in programs at this level is prompted by a concern for public
616 safety that outweighs placement in programs at lower commitment
617 levels. The staff at a facility at this commitment level may
618 seclude a child who is a physical threat to himself or herself
619 or others. Mechanical restraint may also be used when necessary.
620 The facility may provide for single cell occupancy.

621 (e)-(d) Maximum-risk residential.--Programs or program
622 models at this commitment level include juvenile correctional
623 facilities ~~and juvenile prisons~~. The programs are long-term
624 residential and shall not allow youth to have access to the
625 community. Facilities are maximum-custody hardware-secure with
626 perimeter security fencing and locking doors. Facilities shall
627 provide 24-hour awake supervision, custody, care, and treatment
628 of residents. The staff at a facility at this commitment level
629 may seclude a child who is a physical threat to himself or
630 herself or others. Mechanical restraint may also be used when

631 necessary. The facility shall provide for single cell occupancy,
632 except that youth may be housed together during prerelease
633 transition. Youth assessed and classified for this level of
634 placement require close supervision in a maximum security
635 residential setting. Placement in a program at this level is
636 prompted by a demonstrated need to protect the public.

637 (47)~~(46)~~ "Respite" means a placement that is available for
638 the care, custody, and placement of a youth charged with
639 domestic violence as an alternative to secure detention or for
640 placement of a youth when a shelter bed for a child in need of
641 services or a family in need of services is unavailable.

642 (48)~~(47)~~ "Secure detention center or facility" means a
643 physically restricting facility for the temporary care of
644 children, pending adjudication, disposition, or placement.

645 (49)~~(48)~~ "Serious or habitual juvenile offender," for
646 purposes of commitment to a residential facility and for
647 purposes of records retention, means a child who has been found
648 to have committed a delinquent act or a violation of law, in the
649 case currently before the court, and who meets at least one of
650 the following criteria:

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

- 654 1. Arson;
- 655 2. Sexual battery;
- 656 3. Robbery;
- 657 4. Kidnapping;
- 658 5. Aggravated child abuse;

- 659 | 6. Aggravated assault;
- 660 | 7. Aggravated stalking;
- 661 | 8. Murder;
- 662 | 9. Manslaughter;
- 663 | 10. Unlawful throwing, placing, or discharging of a
- 664 | destructive device or bomb;
- 665 | 11. Armed burglary;
- 666 | 12. Aggravated battery;
- 667 | 13. Any lewd or lascivious offense committed upon or in
- 668 | the presence of a person less than 16 years of age; or
- 669 | 14. Carrying, displaying, using, threatening, or
- 670 | attempting to use a weapon or firearm during the commission of a
- 671 | felony.

672 | (b) The youth is at least 13 years of age at the time of

673 | the disposition, the current offense is a felony, and the child

674 | has previously been committed at least two times to a

675 | delinquency commitment program.

676 | (c) The youth is at least 13 years of age and is currently

677 | committed for a felony offense and transferred from a moderate-

678 | risk or high-risk residential commitment placement.

679 | ~~(50)-(49)~~ "Serious or habitual juvenile offender program"

680 | means the program established in s. 985.31.

681 | ~~(51)-(50)~~ "Shelter" means a place for the temporary care of

682 | a child who is alleged to be or who has been found to be

683 | delinquent.

684 | ~~(52)-(51)~~ "Shelter hearing" means a hearing provided for

685 | under s. 984.14 in family-in-need-of-services cases or child-in-

686 | need-of-services cases.

687 (53)~~(52)~~ "Staff-secure shelter" means a facility in which
688 a child is supervised 24 hours a day by staff members who are
689 awake while on duty. The facility is for the temporary care and
690 assessment of a child who has been found to be dependent, who
691 has violated a court order and been found in contempt of court,
692 or whom the Department of Children and Family Services is unable
693 to properly assess or place for assistance within the continuum
694 of services provided for dependent children.

695 (54)~~(53)~~ "Substance abuse" means using, without medical
696 reason, any psychoactive or mood-altering drug, including
697 alcohol, in such a manner as to induce impairment resulting in
698 dysfunctional social behavior.

699 (55)~~(54)~~ "Taken into custody" means the status of a child
700 immediately when temporary physical control over the child is
701 attained by a person authorized by law, pending the child's
702 release, detention, placement, or other disposition as
703 authorized by law.

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

714 court order establishing the temporary legal custody
715 relationship.

716 ~~(57)~~~~(56)~~ "Temporary release" means the terms and
717 conditions under which a child is temporarily released from a
718 residential commitment facility or allowed home visits. If the
719 temporary release is from a moderate-risk residential facility,
720 a high-risk residential facility, or a maximum-risk residential
721 facility, the terms and conditions of the temporary release must
722 be approved by the child, the court, and the facility. The term
723 includes periods during which the child is supervised pursuant
724 to a conditional release program or a period during which the
725 child is supervised by a juvenile probation officer or other
726 nonresidential staff of the department or staff employed by an
727 entity under contract with the department.

728 ~~(58)~~~~(57)~~ "Training school" means one of the following
729 facilities: the Arthur G. Dozier School or the Eckerd Youth
730 Development Center.

731 ~~(59)~~~~(58)~~ "Violation of law" or "delinquent act" means a
732 violation of any law of this state, the United States, or any
733 other state which is a misdemeanor or a felony or a violation of
734 a county or municipal ordinance which would be punishable by
735 incarceration if the violation were committed by an adult.

736 ~~(60)~~~~(59)~~ "Waiver hearing" means a hearing provided for
737 under s. 985.226(3).

738 Section 3. Paragraph (b) of subsection (4) of section
739 985.201, Florida Statutes, is amended to read:

740 985.201 Jurisdiction.--

741 (4)

742 (b)1. The court may retain jurisdiction over a child
743 committed to the department for placement in a juvenile
744 correctional facility ~~prison~~ or in a high-risk or maximum-risk
745 residential commitment program to allow the child to participate
746 in a juvenile conditional release program pursuant to s.
747 985.316. In no case shall the jurisdiction of the court be
748 retained beyond the child's 22nd birthday. However, if the child
749 is not successful in the conditional release program, the
750 department may use the transfer procedure under s. 985.404.

751 2. The court may retain jurisdiction over a child
752 committed to the department for placement in an intensive
753 residential treatment program for 10-year-old to 13-year-old
754 offenders, in the residential commitment program in a juvenile
755 correctional facility ~~prison~~, in a residential sex offender
756 program, or in a program for serious or habitual juvenile
757 offenders as provided in s. 985.311 or s. 985.31 until the child
758 reaches the age of 21. If the court exercises this jurisdiction
759 retention, it shall do so solely for the purpose of the child
760 completing the intensive residential treatment program for 10-
761 year-old to 13-year-old offenders, in the residential commitment
762 program in a juvenile correctional facility ~~prison~~, in a
763 residential sex offender program, or the program for serious or
764 habitual juvenile offenders. Such jurisdiction retention does
765 not apply for other programs, other purposes, or new offenses.

766 Section 4. Paragraph (d) of subsection (1) of section
767 985.207, Florida Statutes, is amended, and paragraph (e) is
768 added to said subsection, to read:

769 985.207 Taking a child into custody.--

770 (1) A child may be taken into custody under the following
 771 circumstances:

772 (d) By a law enforcement officer who has probable cause to
 773 believe that the child is in violation of the conditions of the
 774 child's probation, home detention, postcommitment probation, or
 775 conditional release supervision, has absconded from
 776 nonresidential commitment, or has escaped from residential
 777 commitment.

778 (e) When a court finds that the child, who has been found
 779 to have committed a delinquent act or a violation of law and who
 780 is awaiting disposition for that delinquent act or violation of
 781 law:

782 1. Has a history of failing to appear for court
 783 proceedings;

784 2. Is presently ungovernable as evidenced by his or her
 785 recent behavior;

786 3. Presents a risk of failing to appear for future
 787 proceedings or of inflicting harm upon himself, herself, or
 788 others or the property of others because of his or her
 789 ungovernable behavior; or

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

792
 793 Nothing in this subsection shall be construed to allow the
 794 detention of a child who does not meet the detention criteria in
 795 s. 985.215.

796 Section 5. Section 985.208, Florida Statutes, is amended
 797 to read:

798 985.208 Detention of escapee or absconder on authority of
799 the department.--

800 (1) If an authorized agent of the department has
801 reasonable grounds to believe that any delinquent child
802 committed to the department has escaped from a residential
803 commitment facility ~~of the department~~ or from being lawfully
804 transported thereto or therefrom, or has absconded from a
805 nonresidential commitment facility, the agent may take the child
806 into active custody and may deliver the child to the facility
807 or, if it is closer, to a detention center for return to the
808 facility. However, a child may not be held in detention longer
809 than 24 hours, excluding Saturdays, Sundays, and legal holidays,
810 unless a special order so directing is made by the judge after a
811 detention hearing resulting in a finding that detention is
812 required based on the criteria in s. 985.215(2). The order shall
813 state the reasons for such finding. The reasons shall be
814 reviewable by appeal or in habeas corpus proceedings in the
815 district court of appeal.

816 (2) Any sheriff or other law enforcement officer, upon the
817 request of the secretary of the department or duly authorized
818 agent, shall take a child who has escaped ~~or absconded~~ from a
819 residential commitment ~~department~~ facility ~~for committed~~
820 ~~delinquent children~~, or from being lawfully transported thereto
821 or therefrom, or has absconded from a nonresidential commitment
822 facility, into custody and deliver the child to the appropriate
823 juvenile probation officer ~~of the department~~.

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

826 985.213 Use of detention.--

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

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

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

835 985.215 Detention.--

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

840 (a) The child is alleged to be an escapee from a
 841 residential commitment program, ~~or~~ an absconder from a
 842 nonresidential commitment program, a probation program, or
 843 conditional release supervision, or is alleged to have escaped
 844 while being lawfully transported to or from a residential
 845 commitment ~~such~~ program ~~or~~ ~~supervision~~.

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

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

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

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

857 (f) The child is charged with a capital felony, a life
858 felony, a felony of the first degree, a felony of the second
859 degree that does not involve a violation of chapter 893, or a
860 felony of the third degree that is also a crime of violence,
861 including any such offense involving the use or possession of a
862 firearm.

863 (g) The child is charged with any second degree or third
864 degree felony involving a violation of chapter 893 or any third
865 degree felony that is not also a crime of violence, and the
866 child:

- 867 1. Has a record of failure to appear at court hearings
868 after being properly notified in accordance with the Rules of
869 Juvenile Procedure;
- 870 2. Has a record of law violations prior to court hearings;
- 871 3. Has already been detained or has been released and is
872 awaiting final disposition of the case;
- 873 4. Has a record of violent conduct resulting in physical
874 injury to others; or
- 875 5. Is found to have been in possession of a firearm.

876 (h) The child is alleged to have violated the conditions
877 of the child's probation or conditional release supervision.
878 However, a child detained under this paragraph may be held only
879 in a consequence unit as provided in s. 985.231(1)(a)1.c. If a

880 consequence unit is not available, the child shall be placed on
881 home detention with electronic monitoring.

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

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

904

905 A child who meets any of these criteria and who is ordered to be
906 detained pursuant to this subsection shall be given a hearing
907 within 24 hours after being taken into custody. The purpose of

908 | the detention hearing is to determine the existence of probable
909 | cause that the child has committed the delinquent act or
910 | violation of law with which he or she is charged and the need
911 | for continued detention, except where the child is alleged to
912 | have absconded from a nonresidential commitment program, in
913 | which case the court, at the detention hearing, shall order that
914 | the child be released from detention and returned to his or her
915 | nonresidential commitment program. Unless a child is detained
916 | under paragraph (d) or paragraph (e), the court shall use
917 | ~~utilize~~ the results of the risk assessment performed by the
918 | juvenile probation officer and, based on the criteria in this
919 | subsection, shall determine the need for continued detention. A
920 | child placed into secure, nonsecure, or home detention care may
921 | continue to be so detained by the court pursuant to this
922 | subsection. If the court orders a placement more restrictive
923 | than indicated by the results of the risk assessment instrument,
924 | the court shall state, in writing, clear and convincing reasons
925 | for such placement. Except as provided in s. 790.22(8) or in
926 | subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or
927 | paragraph (10)(d), when a child is placed into secure or
928 | nonsecure detention care, or into a respite home or other
929 | placement pursuant to a court order following a hearing, the
930 | court order must include specific instructions that direct the
931 | release of the child from such placement no later than 5 p.m. on
932 | the last day of the detention period specified in paragraph
933 | (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever
934 | is applicable, unless the requirements of such applicable

935 provision have been met or an order of continuance has been
936 granted pursuant to paragraph (5) (f).

937 (5)

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

943 a. Has a history of failing to appear for court
944 proceedings;

945 b. Is presently ungovernable as evidenced by his or her
946 recent behavior;

947 c. Presents a risk of failing to appear for future
948 proceedings or of inflicting harm upon himself, herself, or
949 others or the property of others because of his or her
950 ungovernable behavior; or

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

953 2. If the court makes a finding under subparagraph 1., the
954 court shall order the placement of the child in secure detention
955 or, at the discretion of the court and if available, on home
956 detention with electronic monitoring until the disposition order
957 is entered in the child's case.

958 (g) Upon good cause being shown that the nature of the
959 charge requires additional time for the prosecution or defense
960 of the case, the court may extend the time limits for detention
961 specified in paragraph (c) or paragraph (d) an additional 9 days
962 if the child is charged with an offense that would be, if

963 committed by an adult, a capital felony, a life felony, a felony
 964 of the first degree, or a felony of the second degree involving
 965 violence against any individual.

966 (10)(a)1. When a child is committed to the department of
 967 ~~Juvenile Justice~~ awaiting dispositional placement, removal of
 968 the child from detention care shall occur within 5 days,
 969 excluding Saturdays, Sundays, and legal holidays. Any child held
 970 in secure detention during the 5 days must meet detention
 971 admission criteria pursuant to this section. If the child is
 972 committed to a moderate-risk residential program, the department
 973 may seek an order from the court authorizing continued detention
 974 for a specific period of time necessary for the appropriate
 975 residential placement of the child. However, such continued
 976 detention in secure detention care may not exceed 15 days after
 977 commitment, excluding Saturdays, Sundays, and legal holidays,
 978 and except as otherwise provided in this subsection.

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

983 (b) A child who is placed in home detention care,
 984 nonsecure detention care, or home or nonsecure detention care
 985 with electronic monitoring, while awaiting placement in a
 986 minimum-risk, low-risk, or moderate-risk program, may be held in
 987 secure detention care for 5 days, if the child violates the
 988 conditions of the home detention care, the nonsecure detention
 989 care, or the electronic monitoring agreement. For any subsequent

990 violation, the court may impose an additional 5 days in secure
 991 detention care.

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

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

998 (e) Upon specific appropriation, the department may obtain
 999 comprehensive evaluations, including, but not limited to,
 1000 medical, academic, psychological, behavioral, sociological, and
 1001 vocational needs of a youth with multiple arrests for all level
 1002 criminal acts or a youth committed to a minimum-risk or low-risk
 1003 commitment program.

1004 (f) Regardless of detention status, a child being
 1005 transported by the department to a residential commitment
 1006 facility of the department may be placed in secure detention
 1007 overnight, not to exceed a 24-hour period, for the specific
 1008 purpose of ensuring the safe delivery of the child to his or her
 1009 residential commitment program, court, appointment, transfer, or
 1010 release.

1011 Section 8. Paragraph (b) of subsection (2) of section
 1012 985.2155, Florida Statutes, is amended to read:

1013 985.2155 Shared county and state responsibility for
 1014 juvenile detention.--

1015 (2) As used in this section, the term:

1016 (b) "Fiscally constrained county" means a county
 1017 ~~designated as a rural area of critical economic concern under s.~~

1018 ~~288.0656~~ for which the value of a mill in the county is no more
 1019 than \$4 ~~\$3~~ million, based on the property valuations and tax
 1020 data annually published by the Department of Revenue under s.
 1021 195.052.

1022 Section 9. Subsection (5) of section 985.228, Florida
 1023 Statutes, is amended to read:

1024 985.228 Adjudicatory hearings; withheld adjudications;
 1025 orders of adjudication.--

1026 (5) If the court finds that the child named in a petition
 1027 has committed a delinquent act or violation of law, but elects
 1028 not to proceed under subsection (4), it shall incorporate that
 1029 finding in an order of adjudication of delinquency entered in
 1030 the case, briefly stating the facts upon which the finding is
 1031 made, and the court shall thereafter have full authority under
 1032 this chapter to deal with the child as adjudicated. The order of
 1033 adjudication of delinquency shall also include conditions that
 1034 must be followed by the child until a disposition order is
 1035 entered in his or her case. These conditions must include, but
 1036 are not limited to, requirements that the child, during any
 1037 period of time that he or she:

1038 (a) Is not in secure detention, comply with a curfew;
 1039 attend school or another educational program, if eligible; and
 1040 obey the reasonable and lawful demands of his or her parents or
 1041 legal guardians and, if applicable, all persons responsible for
 1042 supervising him or her while he or she is in school or another
 1043 educational program.

1044 (b) Is in secure detention, obey the reasonable and lawful
 1045 demands of all persons responsible for his or her supervision.

1046 Section 10. Paragraphs (a) and (d) of subsection (1) and
 1047 subsection (2) of section 985.231, Florida Statutes, are amended
 1048 to read:

1049 985.231 Powers of disposition in delinquency cases.--

1050 (1)(a) The court that has jurisdiction of an adjudicated
 1051 delinquent child may, by an order stating the facts upon which a
 1052 determination of a sanction and rehabilitative program was made
 1053 at the disposition hearing:

1054 1. Place the child in a probation program or a
 1055 postcommitment probation program under the supervision of an
 1056 authorized agent of the department ~~of Juvenile Justice~~ or of any
 1057 other person or agency specifically authorized and appointed by
 1058 the court, whether in the child's own home, in the home of a
 1059 relative of the child, or in some other suitable place under
 1060 such reasonable conditions as the court may direct. A probation
 1061 program for an adjudicated delinquent child must include a
 1062 penalty component such as restitution in money or in kind,
 1063 community service, a curfew, revocation or suspension of the
 1064 driver's license of the child, or other nonresidential
 1065 punishment appropriate to the offense and must also include a
 1066 rehabilitative program component such as a requirement of
 1067 participation in substance abuse treatment or in school or other
 1068 educational program. If the child is attending or is eligible to
 1069 attend public school and the court finds that the victim or a
 1070 sibling of the victim in the case is attending or may attend the
 1071 same school as the child, the court placement order shall
 1072 include a finding pursuant to the proceedings described in s.
 1073 985.23(1)(d). Upon the recommendation of the department at the

1074 time of disposition, or subsequent to disposition pursuant to
1075 the filing of a petition alleging a violation of the child's
1076 conditions of postcommitment probation, the court may order the
1077 child to submit to random testing for the purpose of detecting
1078 and monitoring the use of alcohol or controlled substances.

1079 a. A ~~restrictiveness level~~ classification scale for levels
1080 of supervision shall be provided by the department, taking into
1081 account the child's needs and risks relative to probation
1082 supervision requirements to reasonably ensure the public safety.
1083 Probation programs for children shall be supervised by the
1084 department or by any other person or agency specifically
1085 authorized by the court. These programs must include, but are
1086 not limited to, structured or restricted activities as described
1087 in this subparagraph, and shall be designed to encourage the
1088 child toward acceptable and functional social behavior. If
1089 supervision or a program of community service is ordered by the
1090 court, the duration of such supervision or program must be
1091 consistent with any treatment and rehabilitation needs
1092 identified for the child and may not exceed the term for which
1093 sentence could be imposed if the child were committed for the
1094 offense, except that the duration of such supervision or program
1095 for an offense that is a misdemeanor of the second degree, or is
1096 equivalent to a misdemeanor of the second degree, may be for a
1097 period not to exceed 6 months. When restitution is ordered by
1098 the court, the amount of restitution may not exceed an amount
1099 the child and the parent or guardian could reasonably be
1100 expected to pay or make. A child who participates in any work

1101 program under this part is considered an employee of the state
1102 for purposes of liability, unless otherwise provided by law.

1103 b. The court may conduct judicial review hearings for a
1104 child placed on probation for the purpose of fostering
1105 accountability to the judge and compliance with other
1106 requirements, such as restitution and community service. The
1107 court may allow early termination of probation for a child who
1108 has substantially complied with the terms and conditions of
1109 probation.

1110 c. If the conditions of the probation program or the
1111 postcommitment probation program are violated, the department or
1112 the state attorney may bring the child before the court on a
1113 petition alleging a violation of the program. Any child who
1114 violates the conditions of probation or postcommitment probation
1115 must be brought before the court if sanctions are sought. A
1116 child taken into custody under s. 985.207 for violating the
1117 conditions of probation or postcommitment probation shall be
1118 held in a consequence unit if such a unit is available. The
1119 child shall be afforded a hearing within 24 hours after being
1120 taken into custody to determine the existence of probable cause
1121 that the child violated the conditions of probation or
1122 postcommitment probation. A consequence unit is a secure
1123 facility specifically designated by the department for children
1124 who are taken into custody under s. 985.207 for violating
1125 probation or postcommitment probation, or who have been found by
1126 the court to have violated the conditions of probation or
1127 postcommitment probation. If the violation involves a new charge
1128 of delinquency, the child may be detained under s. 985.215 in a

1129 facility other than a consequence unit. If the child is not
1130 eligible for detention for the new charge of delinquency, the
1131 child may be held in the consequence unit pending a hearing and
1132 is subject to the time limitations specified in s. 985.215. If
1133 the child denies violating the conditions of probation or
1134 postcommitment probation, the court shall appoint counsel to
1135 represent the child at the child's request. Upon the child's
1136 admission, or if the court finds after a hearing that the child
1137 has violated the conditions of probation or postcommitment
1138 probation, the court shall enter an order revoking, modifying,
1139 or continuing probation or postcommitment probation. In each
1140 such case, the court shall enter a new disposition order and, in
1141 addition to the sanctions set forth in this paragraph, may
1142 impose any sanction the court could have imposed at the original
1143 disposition hearing. If the child is found to have violated the
1144 conditions of probation or postcommitment probation, the court
1145 may:

1146 (I) Place the child in a consequence unit in that judicial
1147 circuit, if available, for up to 5 days for a first violation,
1148 and up to 15 days for a second or subsequent violation.

1149 (II) Place the child on home detention with electronic
1150 monitoring. However, this sanction may be used only if a
1151 residential consequence unit is not available.

1152 (III) Modify or continue the child's probation program or
1153 postcommitment probation program.

1154 (IV) Revoke probation or postcommitment probation and
1155 commit the child to the department.

1156 d. Notwithstanding s. 743.07 and paragraph (d), and except
1157 as provided in s. 985.31, the term of any order placing a child
1158 in a probation program must be until the child's 19th birthday
1159 unless he or she is released by the court, on the motion of an
1160 interested party or on its own motion.

1161 2. Commit the child to a licensed child-caring agency
1162 willing to receive the child, but the court may not commit the
1163 child to a jail or to a facility used primarily as a detention
1164 center or facility or shelter.

1165 3. Commit the child to the department of ~~Juvenile Justice~~
1166 at a restrictiveness residential commitment level defined in s.
1167 985.03. The court may specify a program or facility within the
1168 restrictiveness level to which the child has been ordered. For a
1169 child ordered committed to a specific high-risk residential or
1170 maximum-risk residential program or facility, the department may
1171 notify the dispositional judge of alternative placements of the
1172 same risk level, as space becomes available, that could be
1173 accomplished prior to entry of the child into the court-ordered
1174 program or facility. With respect to any court-specified
1175 placement, the court may not select a program or facility that
1176 is not under contract with the department. If the court finds
1177 that the planned vacancies at the program or facility specified
1178 by the court are insufficient to allow for the placement of the
1179 child within 45 days after the commitment order, the court must
1180 select a program or facility of the same restrictiveness level
1181 from at least three alternative placements provided by the
1182 department. Such commitment must be for the purpose of
1183 exercising active control over the child, including, but not

1184 limited to, custody, care, training, urine monitoring, and
 1185 treatment of the child and release of the child from residential
 1186 commitment into the community in a postcommitment nonresidential
 1187 conditional release program. If the child is eligible to attend
 1188 public school following ~~residential~~ commitment and the court
 1189 finds that the victim or a sibling of the victim in the case is
 1190 or may be attending the same school as the child, the commitment
 1191 order shall include a finding pursuant to the proceedings
 1192 described in s. 985.23(1)(d). If the child is not successful in
 1193 the conditional release program, the department may use the
 1194 transfer procedure under s. 985.404. Notwithstanding s. 743.07
 1195 and paragraph (d), and except as provided in s. 985.31, the term
 1196 of the commitment must be until the child is discharged by the
 1197 department or until he or she reaches the age of 21.

1198 4. Revoke or suspend the driver's license of the child.

1199 5. Require the child and, if the court finds it
 1200 appropriate, the child's parent or guardian together with the
 1201 child, to render community service in a public service program.

1202 6. As part of the probation program to be implemented by
 1203 the department ~~of Juvenile Justice~~, or, in the case of a
 1204 committed child, as part of the community-based sanctions
 1205 ordered by the court at the disposition hearing or before the
 1206 child's release from commitment, order the child to make
 1207 restitution in money, through a promissory note cosigned by the
 1208 child's parent or guardian, or in kind for any damage or loss
 1209 caused by the child's offense in a reasonable amount or manner
 1210 to be determined by the court. The clerk of the circuit court
 1211 shall be the receiving and dispensing agent. In such case, the

1212 | court shall order the child or the child's parent or guardian to
 1213 | pay to the office of the clerk of the circuit court an amount
 1214 | not to exceed the actual cost incurred by the clerk as a result
 1215 | of receiving and dispensing restitution payments. The clerk
 1216 | shall notify the court if restitution is not made, and the court
 1217 | shall take any further action that is necessary against the
 1218 | child or the child's parent or guardian. A finding by the court,
 1219 | after a hearing, that the parent or guardian has made diligent
 1220 | and good faith efforts to prevent the child from engaging in
 1221 | delinquent acts absolves the parent or guardian of liability for
 1222 | restitution under this subparagraph.

1223 | 7. Order the child and, if the court finds it appropriate,
 1224 | the child's parent or guardian together with the child, to
 1225 | participate in a community work project, either as an
 1226 | alternative to monetary restitution or as part of the
 1227 | rehabilitative or probation program.

1228 | 8. Commit the child to the department ~~of Juvenile Justice~~
 1229 | for placement in a program or facility for serious or habitual
 1230 | juvenile offenders in accordance with s. 985.31. Any commitment
 1231 | of a child to a program or facility for serious or habitual
 1232 | juvenile offenders must be for an indeterminate period of time,
 1233 | but the time may not exceed the maximum term of imprisonment
 1234 | that an adult may serve for the same offense. The court may
 1235 | retain jurisdiction over such child until the child reaches the
 1236 | age of 21, specifically for the purpose of the child completing
 1237 | the program.

1238 | 9. In addition to the sanctions imposed on the child,
 1239 | order the parent or guardian of the child to perform community

1240 service if the court finds that the parent or guardian did not
1241 make a diligent and good faith effort to prevent the child from
1242 engaging in delinquent acts. The court may also order the parent
1243 or guardian to make restitution in money or in kind for any
1244 damage or loss caused by the child's offense. The court shall
1245 determine a reasonable amount or manner of restitution, and
1246 payment shall be made to the clerk of the circuit court as
1247 provided in subparagraph 6.

1248 10. Subject to specific appropriation, commit the juvenile
1249 sexual offender to the department ~~of Juvenile Justice~~ for
1250 placement in a program or facility for juvenile sexual offenders
1251 in accordance with s. 985.308. Any commitment of a juvenile
1252 sexual offender to a program or facility for juvenile sexual
1253 offenders must be for an indeterminate period of time, but the
1254 time may not exceed the maximum term of imprisonment that an
1255 adult may serve for the same offense. The court may retain
1256 jurisdiction over a juvenile sexual offender until the juvenile
1257 sexual offender reaches the age of 21, specifically for the
1258 purpose of completing the program.

1259 (d) Any commitment of a delinquent child to the department
1260 ~~of Juvenile Justice~~ must be for an indeterminate period of time,
1261 which may include periods of temporary release; however, but the
1262 period of time may not exceed the maximum term of imprisonment
1263 that an adult may serve for the same offense, except that the
1264 duration of a minimum-risk nonresidential commitment for an
1265 offense that is a misdemeanor of the second degree, or is
1266 equivalent to a misdemeanor of the second degree, may be for a
1267 period not to exceed 6 months. The duration of the child's

1268 placement in a ~~residential~~ commitment program of any
 1269 restrictiveness level shall be based on objective performance-
 1270 based treatment planning. The child's treatment plan progress
 1271 and adjustment-related issues shall be reported to the court
 1272 quarterly, unless the court requests monthly reports ~~each month~~.
 1273 The child's length of stay in a ~~residential~~ commitment program
 1274 may be extended if the child fails to comply with or participate
 1275 in treatment activities. The child's length of stay in the ~~such~~
 1276 program shall not be extended for purposes of sanction or
 1277 punishment. Any temporary release from such program must be
 1278 approved by the court. Any child so committed may be discharged
 1279 from institutional confinement or a program upon the direction
 1280 of the department with the concurrence of the court. The child's
 1281 treatment plan progress and adjustment-related issues must be
 1282 communicated to the court at the time the department requests
 1283 the court to consider releasing the child from the ~~residential~~
 1284 commitment program. Notwithstanding s. 743.07 and this
 1285 subsection, and except as provided in ss. 985.201 and 985.31, a
 1286 child may not be held under a commitment from a court under
 1287 ~~pursuant to~~ this section after becoming 21 years of age. The
 1288 department shall give the court that committed the child to the
 1289 department reasonable notice, in writing, of its desire to
 1290 discharge the child from a commitment facility. The court that
 1291 committed the child may thereafter accept or reject the request.
 1292 If the court does not respond within 10 days after receipt of
 1293 the notice, the request of the department shall be deemed
 1294 granted. This section does not limit the department's authority
 1295 to revoke a child's temporary release status and return the

1296 child to a commitment facility for any violation of the terms
 1297 and conditions of the temporary release.

1298 (2) Following a delinquency adjudicatory hearing pursuant
 1299 to s. 985.228 and a delinquency disposition hearing pursuant to
 1300 s. 985.23 which results in a commitment determination, the court
 1301 shall, on its own or upon request by the state or the
 1302 department, determine whether the protection of the public
 1303 requires that the child be placed in a program for serious or
 1304 habitual juvenile offenders and whether the particular needs of
 1305 the child would be best served by a program for serious or
 1306 habitual juvenile offenders as provided in s. 985.31. The
 1307 determination shall be made pursuant to ss. 985.03 (49) ~~(48)~~ and
 1308 985.23(3).

1309 Section 11. Paragraph (a) of subsection (1) of section
 1310 985.2311, Florida Statutes, is amended to read:

1311 985.2311 Cost of supervision; cost of care.--

1312 (1) Except as provided in subsection (3) or subsection
 1313 (4):

1314 (a) When any child is placed into home detention,
 1315 probation, or other supervision status with the department of
 1316 ~~Juvenile Justice~~, or is committed to the minimum-risk
 1317 nonresidential restrictiveness level, the court shall order the
 1318 parent of such child to pay to the department a fee for the cost
 1319 of the supervision of such child in the amount of \$1 per day for
 1320 each day that the child is in such ~~supervision~~ status.

1321 Section 12. Section 985.313, Florida Statutes, is amended
 1322 to read:

1323 985.313 Juvenile correctional facilities ~~or juvenile~~
 1324 ~~prison~~.--A juvenile correctional facility ~~or juvenile prison~~ is
 1325 a physically secure residential commitment program with a
 1326 designated length of stay from 18 months to 36 months, primarily
 1327 serving children 13 years of age to 19 years of age, or until
 1328 the jurisdiction of the court expires. The court may retain
 1329 jurisdiction over the child until the child reaches the age of
 1330 21, specifically for the purpose of the child completing the
 1331 program. Each child committed to this level must meet one of the
 1332 following criteria:

1333 (1) The youth is at least 13 years of age at the time of
 1334 the disposition for the current offense and has been adjudicated
 1335 on the current offense for:

- 1336 (a) Arson;
- 1337 (b) Sexual battery;
- 1338 (c) Robbery;
- 1339 (d) Kidnapping;
- 1340 (e) Aggravated child abuse;
- 1341 (f) Aggravated assault;
- 1342 (g) Aggravated stalking;
- 1343 (h) Murder;
- 1344 (i) Manslaughter;
- 1345 (j) Unlawful throwing, placing, or discharging of a
 1346 destructive device or bomb;
- 1347 (k) Armed burglary;
- 1348 (l) Aggravated battery;
- 1349 (m) Carjacking;
- 1350 (n) Home-invasion robbery;

- 1351 (o) Burglary with an assault or battery;
- 1352 (p) Any lewd or lascivious offense committed upon or in
 1353 the presence of a person less than 16 years of age; or
- 1354 (q) Carrying, displaying, using, threatening to use, or
 1355 attempting to use a weapon or firearm during the commission of a
 1356 felony.
- 1357 (2) The youth is at least 13 years of age at the time of
 1358 the disposition, the current offense is a felony, and the child
 1359 has previously been committed three or more times to a
 1360 delinquency commitment program.
- 1361 (3) The youth is at least 13 years of age and is currently
 1362 committed for a felony offense and transferred from a moderate-
 1363 risk or high-risk residential commitment placement.
- 1364 (4) The youth is at least 13 years of age at the time of
 1365 the disposition for the current offense, the youth is eligible
 1366 for prosecution as an adult for the current offense, and the
 1367 current offense is ranked at level 7 or higher on the Criminal
 1368 Punishment Code offense severity ranking chart pursuant to s.
 1369 921.0022.

1370 Section 13. Subsection (3) of section 985.316, Florida
 1371 Statutes, is amended to read:

1372 985.316 Conditional release.--

- 1373 (3) For juveniles referred or committed to the department,
 1374 the function of the department may include, but shall not be
 1375 limited to, assessing each ~~committed~~ juvenile placed in a
 1376 residential commitment program to determine the need for
 1377 conditional release services upon release from the ~~a commitment~~
 1378 program, supervising the juvenile when released into the

1379 community from a residential commitment facility of the
1380 department, providing such counseling and other services as may
1381 be necessary for the families and assisting their preparations
1382 for the return of the child. Subject to specific appropriation,
1383 the department shall provide for outpatient sexual offender
1384 counseling for any juvenile sexual offender released from a
1385 residential commitment program as a component of conditional
1386 release.

1387 Section 14. Section 985.403, Florida Statutes, is
1388 repealed.

1389 Section 15. Task Force on Juvenile Sexual Offenders and
1390 their Victims.--

1391 (1) On or before August 1, 2005, there shall be created a
1392 task force to review and evaluate the state's laws that define
1393 and address juvenile sex offenders and the Department of
1394 Juvenile Justice's practices and procedures for serving these
1395 offenders and their victims. The task force shall make findings
1396 that include, but are not limited to: identification of statutes
1397 that address juvenile sexual offenders; a profile of the acts
1398 committed by each juvenile placed in juvenile sexual offender
1399 programming in this state between July 2000 and June 2005 and an
1400 assessment of the appropriateness of those placements based upon
1401 the acts committed; identification of community-based and
1402 residential commitment programming available for juvenile sexual
1403 offenders and an assessment of such programming's effectiveness;
1404 and identification of qualifications required for staff who
1405 serve juvenile sexual offenders. Based on its findings, the task
1406 force shall make recommendations for the improvement of the

1407 state's laws, policies, programs, and funding for juvenile
1408 sexual offenders, and such recommendations shall specifically
1409 include, but are not limited to, identification of criteria that
1410 should be satisfied prior to placement of a juvenile in juvenile
1411 sexual offender programming.

1412 (2) The Governor shall appoint up to 12 members to the
1413 task force. The task force shall be composed of representatives
1414 who shall include, but are not limited to: a circuit court judge
1415 with at least 1 year's experience in the juvenile division, a
1416 state attorney with at least 1 year's experience in the juvenile
1417 division, a public defender with at least 1 year's experience in
1418 the juvenile division, one representative of the Department of
1419 Juvenile Justice, two representatives of providers of juvenile
1420 sexual offender services, one member of the Florida Juvenile
1421 Justice Association, one member of the Florida Association for
1422 the Treatment of Sexual Abusers, and one victim of a juvenile
1423 sexual offense.

1424 (3) The task force shall submit a written report of its
1425 findings and recommendations to the Governor, the President of
1426 the Senate, and the Speaker of the House of Representatives by
1427 December 1, 2005.

1428 (4) Administrative support for the task force shall be
1429 provided by the Department of Juvenile Justice. Members of the
1430 task force shall receive no salary and are not entitled to
1431 reimbursement for travel and per diem expenses.

1432 (5) The task force shall be dissolved upon submission of
1433 its report.

1434 Section 16. Task force to study certification for juvenile
1435 justice provider staff.--

1436 (1) On or before August 1, 2005, there shall be created a
1437 task force to study the feasibility of establishing a
1438 certification process for staff employed by a provider under
1439 contract with the Department of Juvenile Justice to provide
1440 juvenile justice services to youth.

1441 (2) The Governor shall appoint up to 12 members to the
1442 task force. The task force shall be composed of representatives
1443 who shall include, but are not limited to, the following: two
1444 representatives of the Department of Juvenile Justice, two
1445 representatives of providers of juvenile justice services, two
1446 members of the Florida Juvenile Justice Association, two
1447 provider employees who provide direct care services, and two
1448 representatives of the Florida Certification Board.

1449 (3) The task force shall consider the feasibility of
1450 implementing and operating a certification system for staff who
1451 work in juvenile justice facilities, services, or programs. At a
1452 minimum, the task force shall consider and make recommendations
1453 concerning: per diem levels, the occupational levels of staff
1454 subject to certification, the criteria that may be used to
1455 certify staff, the levels of certification, and a process for
1456 testing and validating the effectiveness of any recommended
1457 staff certification system. In making its recommendations, the
1458 task force shall make findings regarding the benefits of a staff
1459 certification system for the state's juvenile justice
1460 programming and the cost to implement such a system.

1461 (4) The task force shall submit a written report of its
 1462 findings and recommendations to the Governor, the President of
 1463 the Senate, and the Speaker of the House of Representatives by
 1464 January 1, 2006.

1465 (5) Administrative support for the task force shall be
 1466 provided by the Department of Juvenile Justice. Members of the
 1467 task force shall receive no salary and are not entitled to
 1468 reimbursement for travel and per diem expenses.

1469 (6) The task force shall be dissolved upon submission of
 1470 its report.

1471 Section 17. Subsection (4) of section 985.404, Florida
 1472 Statutes, is amended to read:

1473 985.404 Administering the juvenile justice continuum.--

1474 (4) The department may transfer a child, when necessary to
 1475 appropriately administer the child's commitment, from one
 1476 facility or program to another facility or program operated,
 1477 contracted, subcontracted, or designated by the department,
 1478 including a postcommitment nonresidential conditional release
 1479 program. The department shall notify the court that committed
 1480 the child to the department and any attorney of record, in
 1481 writing, of its intent to transfer the child from a commitment
 1482 facility or program to another facility or program of a higher
 1483 or lower restrictiveness level or to another facility or program
 1484 that is different from a facility or program specified by the
 1485 court under s. 985.231(1)(a)3. After receipt of the notice, the
 1486 court that committed the child may ~~agree to the transfer or~~ may
 1487 set a hearing to review the transfer, after which the court
 1488 shall issue a written order granting or denying the transfer or

1489 may, without setting a hearing, issue a written order granting
 1490 or denying the transfer. No child shall be transferred by the
 1491 department to a higher or lower restrictiveness level or to a
 1492 facility or program different from that specified by the court
 1493 under s. 985.231(1)(a)3. prior to the department receiving a
 1494 written court order granting the transfer. If the court does not
 1495 respond within 10 days after receipt of the notice, the transfer
 1496 of the child shall be deemed granted.

1497 Section 18. Subsections (2) and (10) of section 985.4135,
 1498 Florida Statutes, are amended to read:

1499 985.4135 Juvenile justice circuit boards and juvenile
 1500 justice county councils.--

1501 (2) Each juvenile justice county council shall:

1502 (a) Develop a juvenile justice prevention and early
 1503 intervention plan for the county and shall collaborate with the
 1504 circuit board and other county councils assigned to that circuit
 1505 in the development of a comprehensive plan for the circuit.

1506 (b) Develop, with the cooperation of county commissioners,
 1507 school board officials, representatives of governing bodies for
 1508 local municipalities, and representatives of local law
 1509 enforcement agencies, criteria to be considered by law
 1510 enforcement officers prior to referring youth to juvenile
 1511 assessment centers.

1512 (10) Membership of the juvenile justice county councils,
 1513 or juvenile justice circuit boards established under subsection
 1514 (9), may ~~must~~ include representatives from the following
 1515 entities:

1516 (a) Representatives from the school district, which may
 1517 include elected school board officials, the school
 1518 superintendent, school or district administrators, teachers, and
 1519 counselors.

1520 (b) Representatives of the board of county commissioners.

1521 (c) Representatives of the governing bodies of local
 1522 municipalities within the county.

1523 (d) A representative of the corresponding circuit or
 1524 regional entity of the Department of Children and Family
 1525 Services.

1526 (e) Representatives of local law enforcement agencies,
 1527 including the sheriff or the sheriff's designee.

1528 (f) Representatives of the judicial system.

1529 (g) Representatives of the business community.

1530 (h) Representatives of other interested officials, groups,
 1531 or entities, including, but not limited to, a children's
 1532 services council, public or private providers of juvenile
 1533 justice programs and services, students, parents, and advocates.
 1534 Private providers of juvenile justice programs may not exceed
 1535 one-third of the voting membership.

1536 (i) Representatives of the faith community.

1537 (j) Representatives of victim-service programs and victims
 1538 of crimes.

1539 (k) Representatives of the Department of Corrections.

1540 Section 19. Section 784.075, Florida Statutes, is amended
 1541 to read:

1542 784.075 Battery on detention or commitment facility staff
 1543 or a juvenile probation officer.--A person who commits a battery

1544 on a juvenile probation officer, as defined in s. 984.03 or s.
 1545 985.03, on other staff of a detention center or facility as
 1546 defined in s. 984.03(19) or s. 985.03 (20) ~~(19)~~, or on a staff
 1547 member of a commitment facility as defined in s. 985.03 (46) ~~(45)~~,
 1548 commits a felony of the third degree, punishable as provided in
 1549 s. 775.082, s. 775.083, or s. 775.084. For purposes of this
 1550 section, a staff member of the facilities listed includes
 1551 persons employed by the Department of Juvenile Justice, persons
 1552 employed at facilities licensed by the Department of Juvenile
 1553 Justice, and persons employed at facilities operated under a
 1554 contract with the Department of Juvenile Justice.

1555 Section 20. Section 984.05, Florida Statutes, is amended
 1556 to read:

1557 984.05 Rules relating to habitual truants; adoption by
 1558 State Board of Education and Department of Juvenile
 1559 Justice.--The Department of Juvenile Justice and the State Board
 1560 of Education shall work together on the development of, and
 1561 shall adopt, rules as necessary for the implementation of ss.
 1562 984.03(27), 985.03 (26) ~~(25)~~, and 1003.27.

1563 Section 21. Paragraph (e) of subsection (3) and paragraph
 1564 (a) of subsection (4) of section 985.31, Florida Statutes, are
 1565 amended, and for the purpose of incorporating the amendment to
 1566 section 985.231, Florida Statutes, in references thereto,
 1567 paragraph (k) of subsection (3) of said section is reenacted to
 1568 read:

1569 985.31 Serious or habitual juvenile offender.--

1570 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
 1571 TREATMENT.--

1572 (e) After a child has been adjudicated delinquent pursuant
 1573 to s. 985.228, the court shall determine whether the child meets
 1574 the criteria for a serious or habitual juvenile offender
 1575 pursuant to s. 985.03 (49) ~~(48)~~. If the court determines that the
 1576 child does not meet such criteria, the provisions of s.
 1577 985.231(1) shall apply.

1578 (k) Any commitment of a child to the department for
 1579 placement in a serious or habitual juvenile offender program or
 1580 facility shall be for an indeterminate period of time, but the
 1581 time shall not exceed the maximum term of imprisonment which an
 1582 adult may serve for the same offense. Notwithstanding the
 1583 provisions of ss. 743.07 and 985.231(1)(d), a serious or
 1584 habitual juvenile offender shall not be held under commitment
 1585 from a court pursuant to this section, s. 985.231, or s. 985.233
 1586 after becoming 21 years of age. This provision shall apply only
 1587 for the purpose of completing the serious or habitual juvenile
 1588 offender program pursuant to this chapter and shall be used
 1589 solely for the purpose of treatment.

1590 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

1591 (a) Pursuant to the provisions of this section, the
 1592 department shall implement the comprehensive assessment
 1593 instrument for the treatment needs of serious or habitual
 1594 juvenile offenders and for the assessment, which assessment
 1595 shall include the criteria under s. 985.03 (49) ~~(48)~~ and shall
 1596 also include, but not be limited to, evaluation of the child's:

- 1597 1. Amenability to treatment.
- 1598 2. Proclivity toward violence.
- 1599 3. Tendency toward gang involvement.

1600 4. Substance abuse or addiction and the level thereof.

1601 5. History of being a victim of child abuse or sexual
1602 abuse, or indication of sexual behavior dysfunction.

1603 6. Number and type of previous adjudications, findings of
1604 guilt, and convictions.

1605 7. Potential for rehabilitation.

1606 Section 22. Subsection (2) of section 985.3141, Florida
1607 Statutes, is amended to read:

1608 985.3141 Escapes from secure detention or residential
1609 commitment facility.--An escape from:

1610 (2) Any residential commitment facility described in s.
1611 985.03 (46) ~~(45)~~, maintained for the custody, treatment,
1612 punishment, or rehabilitation of children found to have
1613 committed delinquent acts or violations of law; or

1614
1615 constitutes escape within the intent and meaning of s. 944.40
1616 and is a felony of the third degree, punishable as provided in
1617 s. 775.082, s. 775.083, or s. 775.084.

1618 Section 23. For the purpose of incorporating the amendment
1619 to section 985.231, Florida Statutes, in a reference thereto,
1620 paragraph (a) of subsection (4) of section 985.201, Florida
1621 Statutes, is reenacted to read:

1622 985.201 Jurisdiction.--

1623 (4) (a) Notwithstanding ss. 743.07, 985.229, 985.23, and
1624 985.231, and except as provided in ss. 985.31 and 985.313, when
1625 the jurisdiction of any child who is alleged to have committed a
1626 delinquent act or violation of law is obtained, the court shall
1627 retain jurisdiction, unless relinquished by its order, until the

1628 child reaches 19 years of age, with the same power over the
 1629 child that the court had prior to the child becoming an adult.

1630 Section 24. For the purpose of incorporating the amendment
 1631 to section 985.231, Florida Statutes, in a reference thereto,
 1632 paragraph (b) of subsection (4) of section 985.233, Florida
 1633 Statutes, is reenacted to read:

1634 985.233 Sentencing powers; procedures; alternatives for
 1635 juveniles prosecuted as adults.--

1636 (4) SENTENCING ALTERNATIVES.--

1637 (b) Sentencing to juvenile sanctions.--For juveniles
 1638 transferred to adult court but who do not qualify for such
 1639 transfer pursuant to s. 985.226(2)(b) or s. 985.227(2)(a) or
 1640 (b), the court may impose juvenile sanctions under this
 1641 paragraph. If juvenile sentences are imposed, the court shall,
 1642 pursuant to this paragraph, adjudge the child to have committed
 1643 a delinquent act. Adjudication of delinquency shall not be
 1644 deemed a conviction, nor shall it operate to impose any of the
 1645 civil disabilities ordinarily resulting from a conviction. The
 1646 court shall impose an adult sanction or a juvenile sanction and
 1647 may not sentence the child to a combination of adult and
 1648 juvenile punishments. An adult sanction or a juvenile sanction
 1649 may include enforcement of an order of restitution or probation
 1650 previously ordered in any juvenile proceeding. However, if the
 1651 court imposes a juvenile sanction and the department determines
 1652 that the sanction is unsuitable for the child, the department
 1653 shall return custody of the child to the sentencing court for
 1654 further proceedings, including the imposition of adult

1655 | sanctions. Upon adjudicating a child delinquent under subsection
 1656 | (1), the court may:

1657 | 1. Place the child in a probation program under the
 1658 | supervision of the department for an indeterminate period of
 1659 | time until the child reaches the age of 19 years or sooner if
 1660 | discharged by order of the court.

1661 | 2. Commit the child to the department for treatment in an
 1662 | appropriate program for children for an indeterminate period of
 1663 | time until the child is 21 or sooner if discharged by the
 1664 | department. The department shall notify the court of its intent
 1665 | to discharge no later than 14 days prior to discharge. Failure
 1666 | of the court to timely respond to the department's notice shall
 1667 | be considered approval for discharge.

1668 | 3. Order disposition pursuant to s. 985.231 as an
 1669 | alternative to youthful offender or adult sentencing if the
 1670 | court determines not to impose youthful offender or adult
 1671 | sanctions.

1672 |
 1673 | It is the intent of the Legislature that the criteria and
 1674 | guidelines in this subsection are mandatory and that a
 1675 | determination of disposition under this subsection is subject to
 1676 | the right of the child to appellate review under s. 985.234.

1677 | Section 25. For the purpose of incorporating the amendment
 1678 | to section 985.231, Florida Statutes, in a reference thereto,
 1679 | paragraph (e) of subsection (3) of section 985.311, Florida
 1680 | Statutes, is reenacted to read:

1681 | 985.311 Intensive residential treatment program for
 1682 | offenders less than 13 years of age.--

1683 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
 1684 TREATMENT.--

1685 (e) After a child has been adjudicated delinquent pursuant
 1686 to s. 985.228(5), the court shall determine whether the child is
 1687 eligible for an intensive residential treatment program for
 1688 offenders less than 13 years of age pursuant to s. 985.03(7). If
 1689 the court determines that the child does not meet the criteria,
 1690 the provisions of s. 985.231(1) shall apply.

1691 Section 26. Subsection (4) of section 985.407, Florida
 1692 Statutes, is amended to read:

1693 985.407 Departmental contracting powers; personnel
 1694 standards and screening.--

1695 (4) (a) For any person employed by the department, or by a
 1696 provider under contract with the department, in delinquency
 1697 facilities, services, or programs, the department shall require:

1698 1. A level 2 employment screening pursuant to chapter 435
 1699 prior to employment, using the level 1 standards for screening
 1700 set forth in that chapter, for personnel in delinquency
 1701 facilities, services, and programs.

1702 2. A federal criminal records check by the Federal Bureau
 1703 of Investigation every 5 years following the date of the
 1704 person's employment.

1705 (b) Except for law enforcement, correctional, and
 1706 correctional probation officers, to whom s. 943.13(5) applies,
 1707 the department shall electronically submit to the Department of
 1708 Law Enforcement:

1709 1. Fingerprint information obtained during the employment
 1710 screening required by subparagraph (a)1.

1711 2. Beginning on December 15, 2005, fingerprint information
1712 for all persons employed by the department, or by a provider
1713 under contract with the department, in delinquency facilities,
1714 services, or programs if such fingerprint information has not
1715 previously been electronically submitted to the Department of
1716 Law Enforcement under this paragraph.

1717 (c) All fingerprint information electronically submitted
1718 to the Department of Law Enforcement under paragraph (b) shall
1719 be retained by the Department of Law Enforcement and entered
1720 into the statewide automated fingerprint identification system
1721 authorized by s. 943.05(2)(b). Thereafter, such fingerprint
1722 information shall be available for all purposes and uses
1723 authorized for arrest fingerprint information entered into the
1724 statewide automated fingerprint identification system pursuant
1725 to s. 943.051 until the fingerprint information is removed
1726 pursuant to paragraph (e). The Department of Law Enforcement
1727 shall search all arrest fingerprint information received
1728 pursuant to s. 943.051 against the fingerprint information
1729 entered into the statewide automated fingerprint system pursuant
1730 to this subsection. Any arrest records identified as a result of
1731 the search shall be reported to the department in the manner and
1732 timeframe established by the Department of Law Enforcement by
1733 rule.

1734 (d) The department shall pay an annual fee to the
1735 Department of Law Enforcement for its costs resulting from the
1736 fingerprint information retention services required by this
1737 subsection. The amount of the annual fee and procedures for the
1738 submission and retention of fingerprint information and for the

1739 dissemination of search results shall be established by the
1740 Department of Law Enforcement by a rule that is applicable to
1741 the department individually pursuant to this subsection or that
1742 is applicable to the department and other employing agencies
1743 pursuant to rulemaking authority otherwise provided by law.

1744 (e) The department shall notify the Department of Law
1745 Enforcement when a person whose fingerprint information is
1746 retained by the Department of Law Enforcement under this
1747 subsection is no longer employed by the department, or by a
1748 provider under contract with the department, in a delinquency
1749 facility, service, or program. This notice shall be provided by
1750 the department to the Department of Law Enforcement no later
1751 than 6 months after the date of the change in the person's
1752 employment status. Fingerprint information for persons
1753 identified by the department in the notice shall be removed from
1754 the statewide automated fingerprint system.

1755 Section 27. This act shall take effect July 1, 2005.